



OFFICIAL REPORT  
AITHISG OIFIGEIL

DRAFT

# Meeting of the Parliament

Tuesday 14 May 2024

Session 6



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Pàrlamaid na h-Alba

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# Scottish Parliament

Tuesday 14 May 2024

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

## Time for Reflection

**The Presiding Officer (Alison Johnstone):** The first item of business is time for reflection, and our time for reflection leader today is the Most Rev Leo Cushley, the Archbishop of St Andrews and Edinburgh.

**The Most Rev Leo Cushley (Archbishop of St Andrews and Edinburgh):** Almost 20 years ago to the day, I started working as a diplomat for the Vatican at the United Nations headquarters in New York. I already had diplomatic experience in other countries, mostly in bilateral relations. I had survived four years in the midst of a civil war, had helped to negotiate an international treaty and had even learned a new language or two, but coming to the UN was completely different.

I enjoyed it; I enjoyed going at 100 miles an hour from Monday to Friday and sometimes pulling an allnighter because some countries could not agree on language to go into a draft resolution until 3.40 on a Saturday morning when all the Coke and crisps had been emptied from the dispensers and we were all begging for mercy.

I also learned a lot about myself and about other people. I made good friends, and I have kept many of them since. One thing that has really stuck with me is that I learned not to fall out with people just because we did not agree on a given text, draft resolution or decision.

What I mean is this: in one day I could find myself discussing three entirely different topics, say the nuclear non-proliferation treaty in the morning, followed by the UN population fund at lunchtime, followed by a debate on refugees in the afternoon. We were all there—all 193 countries if we wanted to be—but each of us, in each meeting, would have a different approach to the question on the table.

I began to think of the relationships among the member states in each meeting as being like a mosaic. The mosaic—the relationships among us all—changed according to what was on the table. For example, I remember that a diplomat of a Nordic country and I were on completely opposite sides of an argument in one meeting. However, not long after, another diplomat of the same country and I were able to draw the representatives of the G77 and the European Union together, because the Nordic person and I

were friends; we trusted each other, and they trusted us. The mosaic shifted, the relationship was positive and a modest success was achieved that evening.

My point should be familiar to members here. We do not all agree on everything, and we never will, but let us notice that even if we cannot agree, or if we cannot win, we all still serve the common good.

Where we can agree, fine; where we cannot, let us remain friends and keep channels open—because the next time could be the time that you need each other.

A healthy democracy needs less cancelling and more honesty, and it needs positive and helpful relationships that ultimately serve not ourselves but the common good and the people who sent us here. Thank you for the invitation to address you, and please be assured of the prayers and the support of the people I represent.

## Parliamentary Bureau Motion

14:04

**The Presiding Officer (Alison Johnstone):**

The next item of business is consideration of business motion S6M-13215, in the name of Jamie Hepburn, on behalf of the Parliamentary Bureau, on changes to the business programme. Any member who wishes to speak on the motion should press their request-to-speak button now. I call Jamie Hepburn to move the motion.

*Motion moved,*

That the Parliament agrees to the following revisions to the programme of business for—

(a) Tuesday 14 May 2024—

delete

6.00 pm Decision Time

and insert

5.10 pm Decision Time

(b) Wednesday 15 May 2024—

after

*followed by* Scottish Labour Party Business

insert

*followed by* Post Office (Horizon System) Offences (Scotland) Bill: Emergency Bill Motion

delete

5.10 pm Decision Time

and insert

5.25 pm Decision Time

(c) Thursday 16 May 2024—

delete

2.30 pm Parliamentary Bureau Motions

2.30 pm Portfolio Questions:  
Education and Skills

and insert

2.00 pm Parliamentary Bureau Motions

2.00 pm Portfolio Questions:  
Education and Skills

*followed by* Ministerial Statement: Scotland's Prison Population

*followed by* Ministerial Statement: Horizon Information Technology Prosecutions—  
[Jamie Hepburn.]

*Motion agreed to.*

## Topical Question Time

14:04

**General Practitioner Sustainability Loan Scheme**

**1. Tess White (North East Scotland) (Con):**

To ask the Scottish Government what its response is to the recent British Medical Association Scotland survey, which found that 30 GP practices consider their position to be “precarious” following the pausing of the GP sustainability loan scheme. (S6T-01985)

**The Cabinet Secretary for Health and Social Care (Neil Gray):**

We greatly value the contribution that general practice makes to the nation's health, and we want to ensure that GP practices have the support that they need. That is why we intend to resume tranche 1 of the sustainability loan scheme in 2024-25, once we have completed the disbursement of funds for those loans already completed and confirmed a budget. That will likely not be until midway through the financial year.

Our preference remains to continue the loan scheme into tranche 2 and beyond. However, that will depend on whether the United Kingdom Government resumes the allocation of financial transaction capital to the Scottish Government.

**Tess White:** We have massive cuts to health board budgets, reduced funding for primary care, rising overheads and on-going recruitment and retention issues. GP surgeries are desperate for support to make them sustainable. It beggars belief that the Scottish National Party Government would press pause on the scheme. That is a hammer blow to GPs when primary care is in crisis. Clinicians have told me that patients will come to harm because of the SNP Government's spending decisions. Does the cabinet secretary accept that? Will he restart the loan scheme process immediately?

**Neil Gray:** Tess White makes a number of points, the first of which is to recognise the undoubted pressure and demand on general practice. I have visited a number of GP practices in recent weeks and have met Dr Buist on a number of occasions regarding the particular issue of sustainability loans and the general situation across primary care.

I have already set out our intention regarding moving forward on the sustainability loan scheme. Austerity has a consequence. We have seen a 62 per cent—nearly two-thirds—reduction in financial transactions. That has a direct consequence on the availability of funding that we are able to pass on. However, we are keen to be able to reopen the

scheme to ensure that we continue to support practices in a scheme that is unavailable certainly in England and, I believe, elsewhere in the UK.

**Tess White:** The reality is that rural and remote communities are being hit especially hard by the crisis in primary care, and the cabinet secretary cannot pass the buck. In the north of Scotland, Burghead and Hopeman surgeries in Moray have closed. Others—such as Braemar and Oldmeldrum surgeries—have handed back their contracts. Scotland has lost around 100 GP practices in the past 10 years. That is a crisis presided over by the central belt SNP Government. Can the cabinet secretary tell GPs and patients today whether he is committed to keeping GP surgeries open and ensuring that care is kept as close to home as possible, because we cannot afford to lose any more GP surgeries?

**Neil Gray:** In short, yes, I am. I do not accept Tess White's assertion about the Government. I am a cabinet secretary who is originally from Orkney. I could hardly be counted as being overly central belt orientated.

The point remains that the finances that are available to us are being reduced by the UK Government. The block grant allocation is down, and our financial transactions have been reduced by 62 per cent. That has a consequence for what we are able to pass on.

We have, of course, brought in more progressive taxation to raise additional funds. That is opposed by the Conservative Party. That approach means that we are able to pass on a real-terms increase to our health boards to provide support.

In spite of that, I recognise that there are still challenges. Of course, we will continue to do what we can to support GP practices and primary care because, as I said at the outset, they make an invaluable contribution to our health service and ensure that we avoid people needing to move on to other parts of the health service. However, that is made all the more difficult by the continued fiscal choices that are being made by Westminster Governments.

**The Presiding Officer (Alison Johnstone):** I am keen to bring in as many members as possible. Concise questions and responses will help.

**Bill Kidd (Glasgow Anniesland) (SNP):** Can the cabinet secretary provide any update on the Scottish Government's latest engagement with the United Kingdom Government regarding those significant reductions to the funding stream for the scheme? Can he provide assurances that the Scottish Government will press the UK Government for the funding to resume?

**Neil Gray:** Yes. As I have outlined, the Scottish Government's financial transactions allocation has been reduced by 62 per cent since 2022-23. In March, the Cabinet Secretary for Finance and Local Government called on the UK Government to provide clarity on the future of our FT allocation and to increase investment in capital projects. However, the UK Government's spring statement provided no clarity and no additional capital or FT funding for Scotland, coupled with a real-terms reduction in capital funding. We will have to continue making tough decisions to reprioritise our infrastructure pipeline, ensuring that we spend within the limited funding available. Unfortunately, we do not see much light coming from a future Labour Government either, as Labour is wedded to the Tory fiscal choices.

**Jackie Baillie (Dumbarton) (Lab):** Let me shine a light on the proceedings. Audit Scotland says that the SNP will fail to recruit the promised 800 GPs by 2027, and the BMA says that we actually need 1,000 GPs to meet the increased demand. The GP loan scheme is about sustainability and retention of GPs. Does the cabinet secretary think that the suspension of the scheme helps in any way? Can he guarantee that the Helensburgh general practice will get the loan that it was promised and that it needs?

**Neil Gray:** I will address two points from Jackie Baillie's question. First, we are making progress on the recruitment of new GPs, which is up. We have a record 1,200 GPs in training, which is good news that I am sure Jackie Baillie would welcome.

I absolutely understand the correlation between investment in practices and recruitment and retention, and I am not where I would want to be in relation to what is happening with the GP sustainability loans scheme. I am committed to extending it and to moving into tranche 2, but we need further commitment from the UK Government on financial transactions. I am sure that Jackie Baillie will join me in calling on the current UK Government and indeed a future UK Government to ensure that that materialises.

### **Scottish Men's Sheds Association (Funding)**

2. **Paul O'Kane (West Scotland) (Lab):** To ask the Scottish Government what its response is to reports that the Scottish Men's Sheds Association could collapse due to the withdrawal of Scottish Government funding. (S6T-01982)

**The Cabinet Secretary for Social Justice (Shirley-Anne Somerville):** The Scottish Government has provided £795,000 of funding to the Scottish Men's Sheds Association since 2016, supporting the movement to grow from five sheds to 200 across Scotland. We understand that this is a very challenging time for small organisations, and that the SMSA is working to secure funding

from charity donors and from the private sector. Given that, I can confirm today that we will work with the organisation to identify and to provide the funding for this financial year to ensure that we support the SMSA in the months ahead to develop broad, sustainable support for this important national organisation. We hope that that will help to avoid future uncertainty and will assist local sheds to flourish.

**Paul O’Kane:** I am sure that the Parliament will be pleased to hear that reassurance from the cabinet secretary that the Government has looked again at the funding decision. Indeed, I think we heard from the First Minister on Thursday that the decision would be looked at again.

I think that everyone in the chamber can agree that men’s sheds are a linchpin in tackling poor mental wellbeing, isolation and loneliness. They take a preventative approach, with thousands of men voluntarily engaging about their vulnerabilities for the first time.

It is clear that we have been here before: this is not an unusual situation with respect to the funding. The Men’s Sheds Association needs proper stability of funds to ensure that the sheds can continue to have a huge impact on men’s lives. Will the Government go a step further than the answer that was given just now and say what longer-term funding options are being considered by the Government?

**Shirley-Anne Somerville:** It is important to consider not just the national picture but local men’s sheds, which are two distinct areas that the Government is keen to support. The member will be well aware that the SMSA is a national membership body that supports the establishment of men’s sheds, and that is distinct from the activities of the nearly 200 local sheds.

Although the SMSA provides a very valuable service, we need to bear in mind that it is not possible to provide permanent core funding to every third sector organisation that would potentially benefit from it. We do not do that for every single third sector organisation. We must ensure that we are working with organisations such as the SMSA to look at their financial sustainability in the long term. That cannot just be from Scottish Government funding, important though that is. Obviously, that will include looking at other funding avenues. We are absolutely committed to working with them to ensure that that happens.

We recognise the preventative nature of the work that men’s sheds undertake, and that that is important. I must point out to the member that support remains available for local sheds, including through the communities mental health and wellbeing fund for adults, the just transition

participatory budgeting capital fund and the regeneration capital grant fund. All that is continuing, but I am happy to confirm, as I said in my original answer, that we will continue to support the national core funding as well as those funds, which remain available for the local men’s sheds.

**The Presiding Officer:** I repeat that we must have concise questions and responses.

**Paul O’Kane:** I think that the cabinet secretary would want to acknowledge that the national organisation is extremely important in supporting delivery on the ground. Without that umbrella organisation, many of the men’s sheds would not be able to do the work that they do. The situation is evidence of a larger challenge in the third sector in relation to sustainable funding, ensuring that processes are not complex and ensuring that there is clarity about where funding is coming from.

Does the cabinet secretary accept that changing decisions mid-year and not giving information on time is a chaotic way to deliver funding, and that it does not allow organisations such as the umbrella organisation for men’s sheds to function properly? What will the Government do more widely to reset its strained relationship with the third sector and finally deliver on long-promised improved funding models?

**Shirley-Anne Somerville:** Paul O’Kane rightly presents a challenge to which the Government needs to rise. I gently suggest to him that it is not just the Scottish Government that needs to rise to that challenge but the United Kingdom Government, too. For example, when the Scottish Government receives budgetary allocations from the UK Government exceptionally late in the day and we must provide the budget under tight timescales, that makes it more difficult for us to be able to provide certainty for people.

I look forward to working with Paul O’Kane and others if there is a change at UK Government level to ensure that we receive timely notification of Scottish Government budgets. That way, Mr O’Kane and I can work together to support the third sector, as I am sure he would like us to do.

**Alexander Stewart (Mid Scotland and Fife) (Con):** I note that the cabinet secretary said that the Men’s Sheds Association has received £795,000 directly from the Scottish Government. We know that that has been the case for a number of years. However, not all that money has been direct funding; it has been an accumulation of several different funds. We are talking about core funding in the here and now. What will the Scottish Government do to ensure that the life-saving movement is protected and properly funded in the long term? It is the long term that matters.



**Shirley-Anne Somerville:** I have just provided reassurance to the chamber that we will provide that funding for this financial year.

Across the chamber, there is universal support for men's sheds—and quite rightly so. I have visited men's sheds in my constituency of Dunfermline and recognise the fantastic work that they do. Other members will be in the same position.

I point out to the member that the Scottish Government does not provide core funding for every single third sector organisation. Yes, we need to provide funding where possible, but we must also work with third sector organisations on where other funding opportunities may lie.

**Colin Beattie (Midlothian North and Musselburgh) (SNP):** Will the cabinet secretary say more about the different funding streams that the Scottish Government provides to support third sector organisations that men's sheds may be able to benefit from?

**Shirley-Anne Somerville:** I have pointed to some of those funding streams already, but I once again confirm that men's sheds can apply for and already benefit from a range of competitive funds that are available through their third sector interfaces in every local authority area. I have already mentioned, for example, the communities mental health and wellbeing fund for adults and the just transition participatory budgeting capital fund. Local men's sheds have already secured funding from those monitored and assessed funding streams. In addition, the Scottish Government provides £11.6 million of funding to third sector intermediaries nationally and locally that provide development support to the full spectrum of third sector organisations, including men's sheds.

**Liam McArthur (Orkney Islands) (LD):** As Paul O'Kane said, we are not in a new situation here. As the cabinet secretary has acknowledged, there is cross-party support for the men's shed movement. Indeed, I co-ordinated a letter, supported by more than 40 MSPs, to the then Deputy First Minister and now First Minister seeking a reversal of the decision to cut funding last year. The Scottish Men's Sheds Association is already garnering funding support from other sources, but core funding is vital, and we cannot find ourselves in the same situation year after year. In mental health awareness week, will the cabinet secretary give a longer-term commitment to providing vital funding to a vital organisation?

**Shirley-Anne Somerville:** Support has been shown by members across the chamber, but I specifically acknowledge the work that Liam McArthur has undertaken on the issue over a number of years. He is quite right to point out the

importance of providing reassurance in mental health awareness week.

The Government has two responsibilities in the area. The first is to provide funding when possible, and every part of the Government faces budgetary restrictions. The second responsibility is to work with third sector organisations and others to ensure that they are financially sustainable in the long term through a wide range of funders—funding cannot be only from the Scottish Government. We will always look to provide support whenever possible, and we will see what can be done to ensure that the men's shed movement is financially sustainable and does not rely on only one source of funding, whether it is from the Scottish Government or elsewhere.

#### **Deposit Return Scheme (Legal Action)**

**3. Fergus Ewing (Inverness and Nairn) (SNP):** To ask the Scottish Government, in the event that the reported legal action raised against it by Biffa and any potential actions by other companies that incurred expenditure in expectation of the deposit return scheme being implemented are successful and lead to any financial losses, whether it will consider suing the United Kingdom Government in respect of any such losses, in light of its reported position that the UK Government is responsible for the scheme not proceeding in Scotland. (S6T-01989)

**The Minister for Climate Action (Gillian Martin):** Given that Fergus Ewing is a former Cabinet member, I am sure that he will appreciate that the Scottish Government cannot comment on on-going litigation, so I cannot comment on the substance of his question.

However, the Scottish Government remains committed to the delivery of a deposit return system in order to realise the environmental and economic benefits that it will bring. A four-nations policy statement has been published to ensure that the schemes across the UK are as simple as possible for consumers and businesses, while the devolved nature of such policies is respected. We will continue to engage with the industry and other UK nations to support the delivery of a DRS in 2027.

**Fergus Ewing:** As a former minister, I appreciate that, when it comes to litigation, one's cards have to be kept close to, if not glued to, one's chest, so I expected that answer.

The minister will be aware that the taxpayer has lost £9 million from the Scottish National Investment Bank's loan being totally written off, and that businesses might have incurred costs of up to £300 million. There was a profoundly concerning dispute between the Scottish and UK

Governments. Perhaps, with new leadership, a fresh start might now be appropriate.

Has the Scottish Government considered—and, if it has not, will it now consider—holding an independent inquiry into not just what went so very badly wrong, but how to avoid making such mistakes, should there be some future scheme at UK and Scotland levels?

**Gillian Martin:** I thank Fergus Ewing for bringing up the issue. The Scottish Government followed the agreed process to secure an exclusion from the United Kingdom Internal Market Act 2020 and it engaged for two years with the UK Government and other devolved Governments on the relevant common framework. UK ministers have publicly acknowledged that the Scottish Government followed the agreed process at all times.

On Fergus Ewing's substantive point, along with the other UK nations we will be looking at how we will take forward a workable DRS under the common framework so that the scheme can be simplified and rolled out across the UK, as I said in my initial answer.

**Fergus Ewing:** In my view, having had 41 meetings and having met hundreds of businesses, among which there are concerns, the defects in the previous scheme and any future scheme are so serious and obvious that it might not be possible to fix them. In the spirit of good will and with the possibility of a fresh start to try to sort out this almighty mess, will the minister meet me and a small group of key businesspeople who are most closely involved and, therefore, best able to explain their profound concerns, so that the minister and the Scottish Government can be better equipped and in a better position to avoid the disastrous mistakes that I believe were made with the previous scheme?

**Gillian Martin:** I am happy to meet Mr Ewing and any businesses that he recommends that can give an insight into the difficulties that they anticipate with any scheme. Indeed, I am happy to meet anyone who is involved in dealing with the waste that is associated with the drinks containers and the glass, plastic and cans that it was proposed be included in the original deposit return scheme. My answer is a simple yes.

**Maurice Golden (North East Scotland) (Con):** When I asked at committee last June, the then minister could not, or would not, say what the total business liability was. What is the total amount of losses, covering both capital and revenue, to business from preparing for Scotland's failed deposit return scheme?

**Gillian Martin:** I gently point out to Maurice Golden that the Parliament agreed to the scheme and that it was the UK Government's refusal to

agree a full exclusion from the United Kingdom Internal Market Act 2020—[*Interruption.*]

**The Presiding Officer:** Let us hear the minister.

**Gillian Martin:** —at the 11th hour that radically undermined the right of this Parliament to pass and deliver regulations in clearly devolved areas.

Mr Golden mentioned the cost to businesses, but I add to that this question: what is the cost to the environment of the fact that the scheme is not in place?

**Sarah Boyack (Lothian) (Lab):** The last gateway review to be published on the DRS, on readiness for service, which was published in July last year and on which Mr Ewing notably pursued the Government, concluded that the programme's status was amber/red. That means that

“Successful delivery of the programme is in doubt with major risks or issues apparent in a number of key areas. Urgent action is needed to ensure these are addressed, and establish whether resolution is feasible.”

Given the reported legal action, how confident is the Scottish Government that it would be successful, if it went down the route that Mr Ewing has suggested? Given that many businesses—including small and medium-sized enterprises that provide support services in my Lothian region—lost out and jobs were lost, why has the Government not engaged with businesses on compensation before now?

**Gillian Martin:** I reiterate what I said about talking about any kind of legal action. I cannot comment on litigation, and I will not do that. I will, however, say that the situation is a result of the UK Government's intervention and its conditions, such as removal from the DRS of glass, and alignment with a non-existent UK DRS. It did not exist and what it would involve had not even been mooted, so we could not say whether we would have been able to align with it. We have maybe got to a place where we can have a more sensible discussion among the four nations of the UK on how we can take forward a deposit return scheme.

Should Ms Boyack's party get in government, I look forward to working with its ministers in getting a solution for the whole UK.

**Mark Ruskell (Mid Scotland and Fife) (Green):** The Secretary of State for Scotland made the unilateral decision to block Scotland's deposit return scheme. He has refused to come to Parliament to explain that decision to MSPs and has failed to provide the evidence that was requested by the Scottish and Welsh Governments for why he excluded glass from the UK scheme, which is, as the minister rightly said, a “non-existent” scheme. The decision has made a mockery of the devolved settlement. [*Interruption.*]

What has been the wider impact on policy making here in this Parliament, when we have a UK Government that is prepared to act in a reckless way, cheered on by those who do not have the interests of Scotland's environment at heart?

**The Presiding Officer:** Minister, if you could answer the substantive question.

**Gillian Martin:** Not only do I agree with Mark Ruskell, but I would go further and say that processes were put in place—in particular, common frameworks—to avoid such an outcome. The then Scottish Government minister—Mark Ruskell's colleague, Lorna Slater—worked hard to engage with the common frameworks to get agreement. [*Interruption.*] The Deposit and Return Scheme for Scotland Regulations 2020 are wholly within devolved competence and were approved by the Scottish Parliament. However, the United Kingdom Internal Market Act 2020—which, by the way, was imposed without our consent—radically undermines the power of the Scottish Parliament. Mr Ruskell is right in his appraisal of it.

**The Presiding Officer:** Mr Carson, I would be grateful if you would resist the temptation to contribute from your seat.

**Christine Grahame (Midlothian South, Tweeddale and Lauderdale) (SNP):** I was interested to hear the minister's response to Fergus Ewing regarding businesses. In the interests of making progress, I invite the minister to visit Dryden Aqua in my constituency, which has never previously been visited. It is a profitable and eco-friendly glass recycling company that grinds down bottles into particles to replace sand filters in, for example, swimming pools, thereby significantly reducing chlorine oxidation. There are existing glass recycling facilities in Scotland; the minister could visit those first.

**Gillian Martin:** I am happy to go on any visit in Christine Grahame's constituency, and that sounds like an excellent scheme. I now have ministerial responsibility for the circular economy, so if anyone wants me to visit an organisation that is involved in such efforts, I am happy to oblige.

**The Presiding Officer:** That concludes topical question time.

## Business Motion

14:30

**The Presiding Officer (Alison Johnstone):** The next item of business is consideration of business motion S6M-13203, in the name of Jamie Hepburn, on behalf of the Parliamentary Bureau, setting out a timetable for the stage 3 consideration of the Housing (Cladding Remediation) (Scotland) Bill.

*Motion moved,*

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

Groups 1 to 3: 40 minutes

Groups 4 to 6: 1 hour 10 minutes

Groups 7 to 9: 1 hour 50 minutes.—[*Jamie Hepburn*]

*Motion agreed to.*

## Housing (Cladding Remediation) (Scotland) Bill: Stage 3

14:31

### The Presiding Officer (Alison Johnstone):

The next item of business is stage 3 of the Housing (Cladding Remediation) (Scotland) Bill.

In dealing with the amendments, members should have the bill as amended at stage 2—that is, Scottish Parliament bill 36A—the marshalled list and the groupings of amendments. Members should also note the updated procedural notes for group 3, which were circulated with the timed groupings.

The division bell will sound and proceedings will be suspended for around five minutes for the first division. The period of voting for the first division will be 45 seconds. Thereafter, I will allow a voting period of one minute for the first division after a debate. Members who wish to speak on any group of amendments should press their request-to-speak buttons or enter RTS in the chat function as soon as possible after I call the group. Members should now refer to the marshalled list of amendments.

### Section 1—The register

**The Presiding Officer:** Group 1 is on information to be provided in registers and reports. Amendment 9, in the name of Mark Griffin, is grouped with amendments 14, 43 and 44.

**Mark Griffin (Central Scotland) (Lab):** Despite the Scottish Government's reports, we still do not understand the true extent to which combustible materials have been used in buildings in Scotland. The single building assessment is an opportunity to help to address that. The Scottish Government's first high-rise inventory, which was published in 2020, did not request or detail the Euroclass ratings of materials that were used, which makes it impossible to know whether those materials are combustible. Despite the Government agreeing to consider recommendations to address that, no changes were made to the 2021 survey.

Further survey work following the last iteration of the high-rise inventory will form part of the register of safe buildings. A key part of determining whether a building is safe is—and must be—knowing what materials have been used and the make-up of the external wall system. Since the launch of the single building assessment, the Scottish Government has always maintained the position that it is engaging with residents in those buildings that are affected by combustible materials.

In 2022, the then Cabinet Secretary for Social Justice, Housing and Local Government, Shona Robison, stated:

“If cladding is assessed to be high risk, home owners will be invited to discuss the assessment and to agree to actions that will be required to make their building safe.”—*[Official Report, 7 September 2022; c 14.]*

The Scottish Government has since maintained that it would be open and transparent and engage with those residents who are affected. How can that be the case if it is not willing to detail to residents or owners the materials with which the building is constructed? The Government should also clarify what detail will be made available and what the reason is for not outlining which materials have been used in the construction of the external walls.

The argument that was set out by the minister at stage 2 was that releasing information might be

“to the detriment of homeowners if insurers or mortgage providers were to use that information to refuse on a blanket basis to insure or to lend on that building”—*[Official Report, Local Government, Housing and Planning Committee, 23 April 2024; c 37.]*

Surely, the Government must be working with those institutions, engaging with that sector ahead of the bill and working to define what the single building assessment process will be. That engagement should have mitigated any risk. If it does not, it begs the question of whether the Scottish Government has listened adequately to the concerns that have been raised. We have real concerns about whether the SBA process and the bill will have the desired effect if residents simply are not told what their building is made with.

On amendments 14 and 44, house builders in Scotland believe that the creation of a cladding assurance register, in principle, is appropriate as a record of what properties have been remediated. However, there is a lack of clarity about what information is to be provided in the register and who should be responsible for the remediation. Is it the developer or a home owner who might not have maintained a building?

With much of the process hanging on the key concept of the SBA, it is essential that all parties that will be impacted by it have full clarity at the outset of what a Scottish SBA is, its specification, what it looks like and the standards that it is assessing. However, none of that detail for such a key policy proposal is provided in the bill. We should give residents and developers much more clarity about the details that should be contained in an SBA and an idea of how the register would be used in practice. Amendment 9 would clarify who has responsibility for carrying out the actions that are set out in the SBA.

Not all risks that are identified will be because of the construction of the building. Given the fact that some buildings are decades old, the risk might have emerged through a lack of maintenance or adaptation. The minister's opinion was that the process in the bill would give people that information, and he offered to pick that up and discuss the SBA process when it is completed. He also reiterated that the SBA process currently includes developers and stakeholders.

We welcome that assurance, but it does not go far enough. If the key concept in the bill is the single building assessment, we feel that far more information should be included, and we seek to do that through my amendments.

I move amendment 9.

**The Minister for Housing (Paul McLennan):** Amendments 9 and 43 seek to add technical detail to the bill. Mark Griffin and I have had a number of discussions in and outwith the committee on that point and on many others. However, the purpose of the bill is to facilitate delivery of the cladding remediation programme. It is not appropriate for the bill to set out the technical detail of what the SBA report must contain. Those standards will be set by the SBA specification, which the Scottish ministers will issue. As I said at committee, we are in discussions with developers at the moment.

It is also not appropriate for the cladding assurance register to make information about the type and Euroclass rating of the cladding and insulation on the building publicly available, particularly before the building has been remediated, which is what amendment 9 would require. It is important that the type of cladding and its associated risk is seen within the wider context of the SBA and not in isolation. Adding that detail to the cladding assurance register and the meaning of the SBA in the bill would provide only a partial view. Therefore, I reject amendments 9 and 43 and urge members to do the same.

On amendments 14 and 44, determining responsibility for assessment and remediation is not part of the SBA, nor is it appropriate for the relevant technical expert who is undertaking the assessment. The purpose of the SBA is to comprehensively assess the risk to human life that is directly or indirectly created or exacerbated by a building's external wall cladding system. It is important to reiterate that point. The Scottish safer buildings developer remediation contract will set out what we expect of responsible developers and, in the case of buildings for which we have responsibility, that is what the Government will do. I do not accept that the amendments would enhance what is in the bill; they would only distract from the purpose of the SBA.

The issue that Mr Griffin's amendments are concerned with has already been dealt with as part of the opening contract discussions, which are continuing with the developers at the moment. Therefore, I reject amendments 14 and 44 and ask members to do the same.

**The Presiding Officer:** I call Mark Griffin to wind up and to press or withdraw amendment 9.

**Mark Griffin:** When it comes to the basics that people who live in such buildings are asking for, they want to know what their building is made of. There is an obligation on the Government, through the course of the assessment, to tell residents that basic information; it must be transparent and open with them about what their home is made of.

On the other amendments in the group, as I said, the committee's stage 1 report agreed that the single building assessment was the key concept in the bill. We do not feel that it should be left to regulations; there should be far more clarity and certainty for the developers who are, potentially, picking up the bill and for the residents who are currently in those buildings. It should not be left to scrutiny at regulation level, which is not at the level of full legislative scrutiny.

I will press amendment 9.

**The Presiding Officer:** The question is, that amendment 9 be agreed to. Are we agreed?

**Members:** No.

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

As this is the first division of this stage, I suspend for around five minutes to allow members to access the digital voting system.

14:41

*Meeting suspended.*

14:47

*On resuming—*

**The Presiding Officer:** We will proceed with the division on amendment 9. Members should cast their votes now.

**For**

Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Balfour, Jeremy (Lothian) (Con)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Briggs, Miles (Lothian) (Con)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Carlaw, Jackson (Eastwood) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Choudhury, Foysol (Lothian) (Lab)  
 Clark, Katy (West Scotland) (Lab)  
 Cole-Hamilton, Alex (Edinburgh Western) (LD)  
 Dowey, Sharon (South Scotland) (Con)

Duncan-Glancy, Pam (Glasgow) (Lab)  
 Eagle, Tim (Highlands and Islands) (Con)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Golden, Maurice (North East Scotland) (Con)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Greene, Jamie (West Scotland) (Con)  
 Griffin, Mark (Central Scotland) (Lab)  
 Gulhane, Sandesh (Glasgow) (Con)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
 Hoy, Craig (South Scotland) (Con)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Kerr, Liam (North East Scotland) (Con)  
 Kerr, Stephen (Central Scotland) (Con)  
 Lennon, Monica (Central Scotland) (Lab)  
 Leonard, Richard (Central Scotland) (Lab)  
 Lumsden, Douglas (North East Scotland) (Con)  
 Marra, Michael (North East Scotland) (Lab)  
 McArthur, Liam (Orkney Islands) (LD)  
 McCall, Roz (Mid Scotland and Fife) (Con)  
 McNeill, Pauline (Glasgow) (Lab)  
 Mochan, Carol (South Scotland) (Lab)  
 Mountain, Edward (Highlands and Islands) (Con)  
 Mundell, Oliver (Dumfriesshire) (Con)  
 O’Kane, Paul (West Scotland) (Lab)  
 Rennie, Willie (North East Fife) (LD)  
 Ross, Douglas (Highlands and Islands) (Con)  
 Rowley, Alex (Mid Scotland and Fife) (Lab)  
 Simpson, Graham (Central Scotland) (Con)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Smyth, Colin (South Scotland) (Lab)  
 Stewart, Alexander (Mid Scotland and Fife) (Con)  
 Sweeney, Paul (Glasgow) (Lab)  
 Villalba, Mercedes (North East Scotland) (Lab) [Proxy vote cast by Richard Leonard]  
 Webber, Sue (Lothian) (Con)  
 White, Tess (North East Scotland) (Con)  
 Whitfield, Martin (South Scotland) (Lab)  
 Whittle, Brian (South Scotland) (Con)  
 Wishart, Beatrice (Shetland Islands) (LD)

### Against

Adam, George (Paisley) (SNP)  
 Adam, Karen (Banffshire and Buchan Coast) (SNP)  
 Adamson, Clare (Motherwell and Wishaw) (SNP)  
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Brown, Siobhian (Ayr) (SNP)  
 Burgess, Ariane (Highlands and Islands) (Green)  
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)  
 Chapman, Maggie (North East Scotland) (Green)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Constance, Angela (Almond Valley) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Don, Natalie (Renfrewshire North and West) (SNP)  
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Dunbar, Jackie (Aberdeen Donside) (SNP)  
 Ewing, Annabelle (Cowdenbeath) (SNP)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Gougeon, Mairi (Angus North and Mearns) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Gray, Neil (Airdrie and Shotts) (SNP)  
 Greer, Ross (West Scotland) (Green)

Harper, Emma (South Scotland) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)  
 Maguire, Ruth (Cunninghame South) (SNP)  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McLennan, Paul (East Lothian) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNair, Marie (Clydebank and Milngavie) (SNP)  
 Minto, Jenni (Argyll and Bute) (SNP)  
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)  
 Regan, Ash (Edinburgh Eastern) (Alba)  
 Robertson, Angus (Edinburgh Central) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Roddick, Emma (Highlands and Islands) (SNP)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Slater, Lorna (Lothian) (Green)  
 Somerville, Shirley-Anne (Dunfermline) (SNP)  
 Stevenson, Collette (East Kilbride) (SNP)  
 Stewart, Kaukab (Glasgow Kelvin) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Swinney, John (Perthshire North) (SNP)  
 Thomson, Michelle (Falkirk East) (SNP)  
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)  
 Yousaf, Humza (Glasgow Pollok) (SNP)

**The Presiding Officer:** The result of the division is: For 52, Against 65, Abstentions 0.

*Amendment 9 disagreed to.*

**The Presiding Officer:** Group 2 is on levels of risk. Amendment 10, in the name of Mark Griffin, is grouped with amendments 11 to 13, 15, 16, 19 to 21, 27, 28, 34, 35, 41, 42, 45 and 46.

**Mark Griffin:** All the amendments in the group, except amendment 42, attempt to make it clear that issues that are raised through the single building assessment must link directly to a life-critical risk. The amendments seek to replace the bill’s current references to risks

“that are (directly or indirectly) created or exacerbated by the building’s external wall cladding system”

with broader references to “any” risks that are created or exacerbated by that system. The amendments seek to change the language in the bill so that it clarifies that issues that are raised through the single building assessment must link directly to a life-critical risk.

At stage 2, the minister indicated that he would not support that approach. He said that it

“could risk narrowing the focus of the single building assessment to risks that are directly attributed to the

cladding system alone, with the result that secondary or indirect risks that impact on the risk to life could potentially be overlooked.”

He added:

“Ultimately, such a narrowing of the assessment could have the effect of leaving remediated buildings at a higher risk level post remediation than the bill currently allows for.”—[*Official Report, Local Government, Housing and Planning Committee*, 23 April 2024; c 31.]

The minister did not engage any further on the amendments, so I assume that the Government still sees no merit in taking them further.

The Government’s approach to the content and scope of the single building assessment is far too vague. It seeks to take as much detail as possible on what is required out of the bill and leave it to be finalised in regulations while it waits for the conclusion of the SBA task and finish group. However, the policy memorandum states:

“engagement with partners suggests that there would be a clear benefit in providing further technical detail and guidance on the Single Building Assessments”.

It is essential that all parties that will be impacted have full clarity at the outset about what the single building assessment is, its specification, what it will look like and what standards it will assess. The minister’s assessment at stage 3 goes some way towards that, but residents and developers deserve more clarity about the details of the SBA.

The minister assures us that the outcomes of the task and finish group will be finalised and published by July 2024 but, in practice, that means that we are debating the merits of the assessment, which is the key focus of the bill, without being aware of those key details. My amendments in group 2 seek to add clarity on some aspects of the assessment and ensure that actions that are outlined by it must be focused on the most pressing issues, which may be a matter of life and death to residents.

Amendment 42 seeks to clarify the definitions in the bill. The Local Government, Housing and Planning Committee’s stage 1 report states:

“the Single Building Assessment is the foundation of the Cladding Assurance Register, however, with a binary process that does not recognise tolerable risk there is the potential to include buildings within the cladding remediation programme that are fundamentally safe, thereby exacerbating financial and practical issues for those living in those buildings. The Committee recommends that the concept of tolerable or medium risk is incorporated into assessments”.

Leaving a definition of tolerable risk out of the bill would mean that most developments over 11m would automatically default to being high risk, which would make matters worse for home owners, even if there were no life-critical issues that required remediation. Amendment 42 seeks to clarify the situation by providing detail and context

to the concept of tolerable risk in the cladding assurance register.

It is welcome that the Government has agreed that tolerable risk will form part of the single building assessment process, instead of the initial process to have binary designations of “safe” or “unsafe”. The minister disagreed with my amendment 83 at stage 2 and said that tolerable risk would not be assessed in that way in the SBA. He stated:

“After all the risks have been identified, the SBA will state which of those risks should be addressed and how, in order to bring the risk as a whole that is posed to human life down to a tolerable level.”—[*Official Report, Local Government, Housing and Planning Committee*, 23 April 2024; c 39.]

However, the bill does not do that. It does not require a ranking of the risk or the degrees of nuance. As such, there is no way to assess whether each risk is tolerable. The bill is silent regarding situations where, following a single building assessment, a building is ascribed a tolerable risk, or amber rating, and what that means for the building’s future management. Residents and developers who are looking at the bill have very little detail on its workings and are being expected to take assurance from the Government that unpublished findings will address their concerns before the bill passes at stage 3.

The Government has had seven years to consider how to make the bill work. It is not unreasonable for Parliament to expect more detail on how the assessment will affect developers and residents, which should be on the face of the bill.

I move amendment 10.

**Paul McLennan:** Before I touch on the amendments, I make the point that I have met Mark Griffin on a number of occasions—and, at the committee, too, I offered to meet him—to discuss them. That offer goes ahead once the bill is passed and as the cladding programme moves forward.

First, I will speak to Mark Griffin’s amendments in group 2 that relate to the language that is used in the bill. That covers the majority of the amendments in the group, with the exception of amendment 42, to which I will return.

Mark Griffin’s amendments in the group mirror those that he lodged at stage 2. They seek to amend the language of the bill specifically in relation to the risk to human life. In speaking to his stage 2 amendments, Mark Griffin clarified that their purpose was to ensure that

“issues that are raised through the single building assessment must link directly to life-critical risk.”—[*Official Report, Local Government, Housing and Planning Committee*, 23 April 2024; c 32.]

I stated at that time that I could not support the amendments, as the wording in the bill is crucial to its purpose, and that to change it could increase the risk to owners and occupiers in affected areas.

I remain of the view that the current language should be kept. That is because it is clear that the risks that are to be addressed may be either directly caused by the cladding system or indirectly influenced by it. If the bill did not make that clear, the focus of the single building assessment could be narrowed to the risks that are directly attributed to the cladding system alone, with the risk that secondary or indirect risks that impact on the risk to life could, potentially, be overlooked.

I stress the important point that the change from “risk” to “any risk” would be grammatically and legally unnecessary. Such changes could leave occupiers of remediated buildings at a higher risk post remediation than the bill currently allows.

I ask Mark Griffin not to press amendment 10 or move the other amendments in the group. If he presses them, I ask members to reject them.

Amendment 42, which is also in Mark Griffin's name, mirrors a stage 2 amendment that was, ultimately, not moved. Mark Griffin clarified that that amendment would counter a binary high-risk or low-risk assessment. However, as I have repeatedly put on record, remediation work will bring buildings to a tolerable risk standard. That is the approach on which the SBA standards are based, and that is the right place for discussion of tolerable risk. It is not appropriate for a bill to refer to “tolerable risk” without any further context or explanation.

In addition, at stage 2, I pointed to the unintended practical effects of such an amendment. It would require the single building assessment to set out whether each risk that was identified during the assessment process was “tolerable”, but that is not how tolerable risk will be assessed in the SBA process. The SBA will identify all risks and will state which of those risks should be addressed—and how—in order to bring the risk that is posed to human life as a whole down to a tolerable level. As such, there will not be a way of assessing whether each risk is “tolerable”. Tolerable risk must be assessed in the round, after taking into account the risks as a whole that are identified in relation to a building and how those risks may be mitigated. Therefore, the way in which amendment 42 is expressed would not allow an SBA to be conducted in the way that is required.

Furthermore, members will be aware that the SBA standards are in development. In my view, they will be the best place in which to deal with the

questions of how tolerable risk is defined, in discussion with developers.

I therefore invite Mark Griffin not to move amendment 42, and I ask members to reject it if it is moved.

**The Deputy Presiding Officer (Annabelle Ewing):** I call Mark Griffin to wind up and press or withdraw amendment 10.

**Mark Griffin:** In pressing amendment 10, I again make the point that the amendments in group 2 and in the previous group are on a continuous theme of providing more detail about the key concept in the legislation—which is, as the committee and the Government have set out, the single building assessment. We are leaving all that detail to further discussion and publication post stage 3 agreement of the legislation. Given that we are seven years down the line, the Government has missed the opportunity to give much more clarity to residents and developers about the process of assessment and remediation. We seek to rectify that through amendments in group 2 and in the previous group.

I press amendment 10.

15:00

**The Deputy Presiding Officer:** The question is, that amendment 10 be agreed to. Are we agreed?

**Members:** No.

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

**For**

Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Balfour, Jeremy (Lothian) (Con)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Briggs, Miles (Lothian) (Con)  
 Carlaw, Jackson (Eastwood) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Choudhury, Foyso (Lothian) (Lab)  
 Clark, Katy (West Scotland) (Lab)  
 Dowey, Sharon (South Scotland) (Con)  
 Duncan-Glancy, Pam (Glasgow) (Lab)  
 Eagle, Tim (Highlands and Islands) (Con)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Golden, Maurice (North East Scotland) (Con)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Greene, Jamie (West Scotland) (Con)  
 Griffin, Mark (Central Scotland) (Lab)  
 Gulhane, Sandesh (Glasgow) (Con)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
 Hoy, Craig (South Scotland) (Con)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Kerr, Liam (North East Scotland) (Con)  
 Kerr, Stephen (Central Scotland) (Con)  
 Lennon, Monica (Central Scotland) (Lab)  
 Leonard, Richard (Central Scotland) (Lab)  
 Lumsden, Douglas (North East Scotland) (Con)



Marra, Michael (North East Scotland) (Lab)  
 McCall, Roz (Mid Scotland and Fife) (Con)  
 McNeill, Pauline (Glasgow) (Lab)  
 Mochan, Carol (South Scotland) (Lab)  
 Mountain, Edward (Highlands and Islands) (Con)  
 Mundell, Oliver (Dumfriesshire) (Con)  
 O’Kane, Paul (West Scotland) (Lab)  
 Ross, Douglas (Highlands and Islands) (Con)  
 Rowley, Alex (Mid Scotland and Fife) (Lab)  
 Simpson, Graham (Central Scotland) (Con)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Smyth, Colin (South Scotland) (Lab)  
 Stewart, Alexander (Mid Scotland and Fife) (Con)  
 Sweeney, Paul (Glasgow) (Lab)  
 Villalba, Mercedes (North East Scotland) (Lab) [Proxy vote cast by Richard Leonard]  
 Webber, Sue (Lothian) (Con)  
 White, Tess (North East Scotland) (Con)  
 Whitfield, Martin (South Scotland) (Lab)  
 Whittle, Brian (South Scotland) (Con)

### Against

Adam, George (Paisley) (SNP)  
 Adam, Karen (Banffshire and Buchan Coast) (SNP)  
 Adamson, Clare (Motherwell and Wishaw) (SNP)  
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Brown, Siobhian (Ayr) (SNP)  
 Burgess, Ariane (Highlands and Islands) (Green)  
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)  
 Chapman, Maggie (North East Scotland) (Green)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Cole-Hamilton, Alex (Edinburgh Western) (LD)  
 Constance, Angela (Almond Valley) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Don, Natalie (Renfrewshire North and West) (SNP)  
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Dunbar, Jackie (Aberdeen Donside) (SNP)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Gougeon, Mairi (Angus North and Mearns) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Gray, Neil (Airdrie and Shotts) (SNP)  
 Greer, Ross (West Scotland) (Green)  
 Harper, Emma (South Scotland) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)  
 Maguire, Ruth (Cunninghame South) (SNP)  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 McArthur, Liam (Orkney Islands) (LD)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McLennan, Paul (East Lothian) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNair, Marie (Clydebank and Milngavie) (SNP)  
 Minto, Jenni (Argyll and Bute) (SNP)  
 Nicoll, Audrey (Aberdeen South and North Kincardine)

(SNP)  
 Regan, Ash (Edinburgh Eastern) (Alba)  
 Rennie, Willie (North East Fife) (LD)  
 Robertson, Angus (Edinburgh Central) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Roddick, Emma (Highlands and Islands) (SNP)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Slater, Lorna (Lothian) (Green)  
 Somerville, Shirley-Anne (Dunfermline) (SNP)  
 Stevenson, Collette (East Kilbride) (SNP)  
 Stewart, Kaukab (Glasgow Kelvin) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Swinney, John (Perthshire North) (SNP)  
 Thomson, Michelle (Falkirk East) (SNP)  
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)  
 Wishart, Beatrice (Shetland Islands) (LD)  
 Yousaf, Humza (Glasgow Pollok) (SNP)

**The Deputy Presiding Officer:** The result of the division is: For 47, Against 68, Abstentions 0.

*Amendment 10 disagreed to.*

*Amendments 11 to 13 not moved.*

### Section 3—Power to arrange single-building assessment

*Amendment 14 moved—[Mark Griffin].*

**The Deputy Presiding Officer:** The question is, that amendment 14 be agreed to. Are we agreed?

**Members:** No.

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

### For

Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Balfour, Jeremy (Lothian) (Con)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Briggs, Miles (Lothian) (Con)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Carlaw, Jackson (Eastwood) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Choudhury, Foyso (Lothian) (Lab)  
 Clark, Katy (West Scotland) (Lab)  
 Dowey, Sharon (South Scotland) (Con)  
 Duncan-Glancy, Pam (Glasgow) (Lab)  
 Eagle, Tim (Highlands and Islands) (Con)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Golden, Maurice (North East Scotland) (Con)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Greene, Jamie (West Scotland) (Con)  
 Griffin, Mark (Central Scotland) (Lab)  
 Gulhane, Sandesh (Glasgow) (Con)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
 Hoy, Craig (South Scotland) (Con)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Kerr, Liam (North East Scotland) (Con)  
 Kerr, Stephen (Central Scotland) (Con)  
 Lennon, Monica (Central Scotland) (Lab)  
 Leonard, Richard (Central Scotland) (Lab)  
 Lumsden, Douglas (North East Scotland) (Con)

Marra, Michael (North East Scotland) (Lab)  
 McCall, Roz (Mid Scotland and Fife) (Con)  
 McNeill, Pauline (Glasgow) (Lab)  
 Mochan, Carol (South Scotland) (Lab)  
 Mountain, Edward (Highlands and Islands) (Con)  
 Mundell, Oliver (Dumfriesshire) (Con)  
 O’Kane, Paul (West Scotland) (Lab)  
 Ross, Douglas (Highlands and Islands) (Con)  
 Rowley, Alex (Mid Scotland and Fife) (Lab)  
 Simpson, Graham (Central Scotland) (Con)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Smyth, Colin (South Scotland) (Lab)  
 Stewart, Alexander (Mid Scotland and Fife) (Con)  
 Sweeney, Paul (Glasgow) (Lab)  
 Villalba, Mercedes (North East Scotland) (Lab) [Proxy vote cast by Richard Leonard]  
 Webber, Sue (Lothian) (Con)  
 White, Tess (North East Scotland) (Con)  
 Whitfield, Martin (South Scotland) (Lab)  
 Whittle, Brian (South Scotland) (Con)

### Against

Adam, George (Paisley) (SNP)  
 Adam, Karen (Banffshire and Buchan Coast) (SNP)  
 Adamson, Clare (Motherwell and Wishaw) (SNP)  
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Brown, Siobhian (Ayr) (SNP)  
 Burgess, Ariane (Highlands and Islands) (Green)  
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)  
 Chapman, Maggie (North East Scotland) (Green)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Cole-Hamilton, Alex (Edinburgh Western) (LD)  
 Constance, Angela (Almond Valley) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Don, Natalie (Renfrewshire North and West) (SNP)  
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Dunbar, Jackie (Aberdeen Donside) (SNP)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Gougeon, Mairi (Angus North and Mearns) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Gray, Neil (Airdrie and Shotts) (SNP)  
 Greer, Ross (West Scotland) (Green)  
 Harper, Emma (South Scotland) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)  
 Maguire, Ruth (Cunninghame South) (SNP)  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 McArthur, Liam (Orkney Islands) (LD)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McLennan, Paul (East Lothian) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNair, Marie (Clydebank and Milngavie) (SNP)  
 Minto, Jenni (Argyll and Bute) (SNP)  
 Nicoll, Audrey (Aberdeen South and North Kincardine)

(SNP)  
 Regan, Ash (Edinburgh Eastern) (Alba)  
 Rennie, Willie (North East Fife) (LD)  
 Robertson, Angus (Edinburgh Central) (SNP)  
 Roddick, Emma (Highlands and Islands) (SNP)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Slater, Lorna (Lothian) (Green)  
 Somerville, Shirley-Anne (Dunfermline) (SNP)  
 Stevenson, Collette (East Kilbride) (SNP)  
 Stewart, Kaukab (Glasgow Kelvin) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Swinney, John (Perthshire North) (SNP)  
 Thomson, Michelle (Falkirk East) (SNP)  
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)  
 Wishart, Beatrice (Shetland Islands) (LD)  
 Yousaf, Humza (Glasgow Pollok) (SNP)

**The Deputy Presiding Officer:** The result of the division is: For 48, Against 67, Abstentions 0.

*Amendment 14 disagreed to.*

### Section 6—Power to arrange remediation work

*Amendments 15 and 16 not moved.*

**The Deputy Presiding Officer:** Group 3 is on definitions, powers to determine or modify meanings, and minor and technical amendments. Amendment 1, in the name of the minister, is grouped with amendments 4 to 7, 47 and 8. I point out that if amendment 4 is not agreed to, I cannot call amendments 5 and 6, and if amendment 5 is not agreed to, I cannot call amendment 6, due to pre-emption. I call on the minister to move amendment 1 and speak to all amendments in the group.

**Paul McLennan:** The group mainly consists of a number of minor and technical amendments. I will speak to the amendments in my name first.

Amendment 1 will make a minor change for consistency of language with other sections of the bill—namely, references will be to “a” building rather than “the” building.

Amendments 4 to 6 will have the effect of moving the definition of “additional work assessment” into a section of its own. The substance of the definition will not be changed.

Amendments 7 and 8 are technical but important amendments that will allow the legislation to adapt to learning from the cladding remediation programme about the types and configurations of buildings that are affected by unsafe cladding. That is important because there is a wide variety of configurations of buildings that the programme will affect, and the amendments will introduce additional functionality to respond to operational circumstances.

I turn to the detail of the amendments. There is already a power by regulation to change the type of buildings on which a single building assessment can be carried out. Amendment 7 will simply allow the Scottish ministers, by regulation, to clarify the type of building that an SBA applies to, should the need arise.

Amendment 8 will allow the Scottish ministers to determine any question that arises as to whether any particular configuration of structures joined together constitutes one building. For example, if a wholly commercial building of 11m or more in height is attached to a smaller wholly residential building, and both have cladding, there might be a need to determine that the whole structure constitutes one building. However, there might be other examples where it would be safer and more informative for the cladding assurance register to treat two conjoined structures as separate buildings. Amendment 8 will allow ministers to deal sensibly with such situations.

I do not support amendment 47, in the name of Mark Griffin, because it would take away flexibility in the future to assess, remediate and place on the cladding assurance register buildings under 11m that might be affected by unsafe cladding. Our risk-based approach has consistently outlined the current scope of the programme as being buildings that are 11m or more in height. That is based on a risk assessment of capability to fight a fire, reflecting the reach of ground-mounted water jets and the use of specialist height appliances. The SBA is for buildings of 11m and over, and the bill is reflective of that scope. However, should future ministers want to change the scope, it would be possible, subject to due consideration and through appropriate regulations. We do not want to limit flexibility by stating the height in the bill, so I reject amendment 47 and invite members to do the same.

I move amendment 1.

**The Deputy Presiding Officer:** I call Mark Griffin to speak to amendment 47 and other amendments in the group.

**Mark Griffin:** Section 26 of the bill confers power on the Scottish ministers to

“modify section 25 so as to change the types of building in relation to which a single-building assessment may be carried out.”

That includes power to amend the last three of the criteria. For example, in relation to the height criterion, regulations could specify a height lower than 11m. Use of that regulation-making power could therefore expand or restrict the scope of the buildings that could be entered into the cladding assurance register in future.

The bill provides a specific definition of buildings that fall within scope, which includes a

requirement on their height. However, section 26 allows that to be amended by regulations at a future date, including by adding buildings of heights lower than 11m.

Amendment 47 seeks to prevent the Government from being able to alter the height specifications of the buildings that will fall under the legislation. House builders believe that, for consistency, the height specification definition should align with the Building (Scotland) Amendment Regulations 2022, which state that a relevant building should be

“at a height of 11 metres or more above the ground”,

not including

“roof-top plant areas or any ... plant rooms”.

The minister has argued that the SBA is for buildings of 11m or more, and the bill is reflective of that scope. If ministers want to change the scope in future, that would be subject to due consideration through appropriate regulations. The minister has said that he did not want to limit the flexibility by stating the height in the bill.

I do not think that the Parliament should grant ministers the ability to make those changes, which could bring a countless number of homes and properties into the programme. The current position has resulted in a bill whose provisions will be subject to regulation and uncertainty after it has been passed. Developers and residents will find it difficult to act on the obligations under the bill if it is not consistent with existing legislation and if height requirements can change in the future.

**Paul McLennan:** As I have set out, my amendments in the group are minor and technical in nature but are nonetheless important in ensuring that we deliver as effective a bill as possible. I therefore ask all members to support my amendments.

I have set out my position on Mark Griffin's amendment 47, but I reiterate that our risk-based approach determined that the bill and the associated cladding remediation programme should focus on buildings that are 11m or over in height. However, it is prudent to allow for that scope to be changed in the future through regulations, which would, of course, be subject to due consideration and scrutiny. Amendment 47 would remove such flexibility entirely. As such, I ask all members to reject it.

*Amendment 1 agreed to.*

**The Deputy Presiding Officer:** Group 4 is on personal emergency evacuation plans. Amendment 17, in the name of Pam Duncan-Glancy, is grouped with amendments 18 and 22.

**Pam Duncan-Glancy (Glasgow) (Lab):** In the Grenfell tower tragedy, 41 per cent of the disabled

people who were in the tower died. My amendments in this group aim to ensure that that does not happen again. I know from bitter experience, as do many members across the chamber, that, too often, disabled people are forgotten and that they tend to pay the highest price—none higher than the price that was paid by disabled people in the Grenfell tower disaster.

In almost all walks of life, disabled people can be left out by default, and we have to fix that by design, which is what my amendments attempt to do. The disproportionate number of disabled people who died in Grenfell tower is a tragic example of how disabled people are forgotten and the impact that that can have. During my time in the Parliament, I am committed to ensuring, in every way that I can, that disabled people are never forgotten.

Amendment 18 states that disabled occupiers of a building in which remediation works are required are entitled to request that a personal emergency evacuation plan be carried out. It sets out that the Scottish ministers would be responsible for ensuring that PEEPs were conducted and that they would run only from the point at which remediation works were identified as being required until the point at which the cladding assurance register was updated to show that the remediation works had been completed. Amendment 17 provides that remediation works should commence only once those plans are in place.

In recognition of the fact that some detailed work will need to be done in that regard, including with residents and the Scottish Fire and Rescue Service, I lodged amendment 22, which offers the Government and other members in the chamber an alternative approach to achieving a similar aim. The amendment gives the Scottish ministers the power to introduce regulations to create personal emergency evacuation plans to ensure that disabled people have a plan, if they require one, to safely evacuate a dangerous building.

As is the case with my amendments 17 and 18, my intention is that the personal emergency evacuation plans will remain in place only until cladding remediation works have been registered as being completed. That is why, in addition to the general regulations relating to the provision of PEEPs, amendment 22 will ensure that any PEEP that is arranged will expire upon the cladding assurance register being updated to indicate that the remediation works have been completed. That was necessary in order to bring the amendments within the bill's scope.

There is a wider question about the evacuation of disabled people from buildings during emergencies, and I hope that we can address that general issue at some point in this parliamentary

session. However, in order that my amendments could be brought within the bill's scope, the provisions will cease to apply after a building has been fixed.

In short, if members cannot agree to amendments 17 and 18, which require ministers to take specific action, I would like them to support amendment 22, which would ensure that disabled people's safety is a key consideration in the bill, as the Grenfell tragedy proved it must be.

Amendment 22 would keep the door open to create, working with the Government, the Scottish Fire and Rescue Service, disabled people's organisations and residents in buildings, a strong system of evacuation plans with the safety of disabled people at its core. Crucially, each of the amendments, should they pass, would also require that the Government make it known that disabled people have that right. That particular point was made because the issue of data sharing was brought up at stage 2. The amendments would require disabled people to self-select and ask to be given support to identify the evacuation process for them.

I hope that I have addressed all the concerns that the Government and others have raised and that members will be minded to support these crucial amendments.

I move amendment 17.

15:15

**Ariane Burgess (Highlands and Islands) (Green):** I will speak briefly in support of Pam Duncan-Glancy's amendment 22, which, as we have heard, provides for personal emergency evacuation plans.

As we heard from Pam Duncan-Glancy, 41 per cent of the people who died in the Grenfell tragedy had a disability and needed support to evacuate, but the fire service did not know that. I am speaking in support of the amendment and will not rehearse its detail, but I think that it is well designed and thoughtful, and I seek assurances that the Scottish Government will accept it for an essential part of the remediation programme.

**Graham Simpson (Central Scotland) (Con):** I am fully supportive of the amendments. Pam Duncan-Glancy made a powerful case for them at stage 2, although she did not press them at that point because the minister said that he would work with her. I think that he has done so, and we have arrived at this point.

If a person can imagine that they are disabled—most of us cannot imagine that—and they are in a block in which there is a fire, how would they get out unless they are on the ground floor? First of all, somebody has to know that there are disabled

people in the block. That needs to be addressed. Perhaps it is up to the disabled person themselves to alert somebody, but some sort of scheme needs to be in place.

I am very sympathetic to what Pam Duncan-Glancy said about not limiting the approach to blocks with cladding. We should look beyond blocks with cladding and have personal evacuation plans in place for disabled people full stop.

I am fully supportive of the ambition behind the amendments, and I hope that Parliament will support them.

**Paul McLennan:** I am grateful to Pam Duncan-Glancy for raising an important issue and for other comments that have been made on the area this afternoon. I appreciate the time that Pam Duncan-Glancy has devoted to working collaboratively with me and the Minister for Victims and Community Safety on fire safety issues for her constituents and, obviously, disabled people.

I know that Ms Duncan-Glancy's questions were prompted in part by the Grenfell experience and the disproportionate impact on disabled people there. I whole-heartedly share her concern, and I can assure her that work is taking place across the Government and in partnership with the Scottish Fire and Rescue Service and other stakeholders to ensure the safest built environment for all residents.

Following stage 2, I corresponded with Ms Duncan-Glancy and met her to discuss the topic on a number of occasions. I have been very open with her about my view that PEEPs, as proposed in her amendments, may not deliver the comfort or assurances that she is seeking.

PEEPs were a significant feature of the Grenfell inquiry as a result of the high proportion of residents with disabilities who lost their lives in that fire. Following phase 1 of the inquiry, the Scottish Government's Grenfell inquiry fire safety working group concluded that PEEPs could not feasibly be implemented in all residential buildings in Scotland. Despite the failings at Grenfell, evidence shows that the likelihood of a fire spreading beyond a flat or a compartment on fire is minimal. As such, the stay-put policy is likely to be employed in the buildings that are of interest to the bill.

Should the Scottish Fire and Rescue Service decide that evacuation of a building is required, it would be responsible for that, and it would evacuate those at greatest risk initially. Existing robust fire safety measures will apply, and there is comprehensive fire safety guidance from the Scottish Government for fire assessment in high-rise buildings and special residential circumstances.

I firmly believe that the best way to safeguard all residents of buildings affected by unsafe cladding is to ensure that remediation works proceed at pace following a single building assessment. We must focus on bringing buildings to a tolerable risk level for all as quickly as possible.

Although I know that this is not Pam Duncan-Glancy's intention, if anyone in a building requested a PEEP, amendments 17 and 18 could prevent remediation works from proceeding at all until that document was prepared. The impact and effect of that could be risk to human life remaining for longer than necessary. I am also conscious that there is no qualification of the meaning of "premises" in amendments 17 and 18, which could leave the provisions open to interpretation and create further delays and confusion. The provisions would therefore hinder the speedy remediation of buildings that would benefit every occupant, including disabled people, whereas a PEEP might have little real benefit in the context of cladding remediation.

I draw members' attention to the amendments that we will consider later on engagement with owners and occupiers, which were prompted by discussion at stage 2 with Pam Duncan-Glancy and Miles Briggs. Of particular relevance is amendment 46, which relates to post-assessment engagement specifically on remediation work and will provide an opportunity for wider engagement and discussion ahead of and during remediation works. I can commit here today that, for the buildings for which the Scottish ministers are responsible for arranging remediation, we will use that engagement to specifically consider, with residents with disabilities, the information and guidance that they need to feel safe and secure in their homes throughout the remediation process. Where a building is being remediated by a party other than the Scottish ministers, I will use my best endeavours to ensure that members of the responsible developers scheme engage with owners and occupiers in a similar fashion.

Although I support the intention behind amendments 17 and 18, I remain concerned that the practical application of PEEPs may not be feasible in the operational situations that we are discussing. However, I would greatly welcome the opportunity to work with Ms Duncan-Glancy to ensure that our operational cladding remediation programme best meets the needs of disabled people, including the potential role of PEEPs. We have mentioned that on a number of occasions. For that reason, I am supportive of her amendment 22, which says that ministers may make regulations regarding the development and provision of PEEPs for disabled occupiers of buildings to which an SBA applies.

We are looking at policy development and also engaging with the Scottish Fire and Rescue Service and working closely with Pam Duncan-Glancy and the groups that she works with. The issue is an important one that would benefit from fuller consideration, including operational scoping of the potential use of PEEPs. I am happy to commit here today to work not only with Pam Duncan-Glancy—

**Martin Whitfield (South Scotland) (Lab):** Can the minister give an indication of the timescale that he is considering with regard to the reach-out discussion and consultation, and then coming back with proposals?

**Paul McLennan:** Ms Duncan-Glancy and I met this morning and talked about that. We would be looking to arrange that as soon as possible. It is an incredibly important part of the work that we need to do, so I will be reaching out to Ms Duncan-Glancy in the next few days on that point.

I am happy to commit today to work not only with Ms Duncan-Glancy but with disabled people and other relevant stakeholders to seek to collectively deliver an effective solution that does not limit our ability to take forward remediation without delaying all cases where risks to human life that are related to the external wall cladding system are identified.

In that context, it would be helpful to have the option of regulations, if required. I therefore ask Ms Duncan-Glancy to withdraw amendment 17 and not move amendment 18 and to instead work with me to take forward the approach that is set out in amendment 22.

**Pam Duncan-Glancy:** I thank the minister for his engagement between stages 2 and 3. I also thank colleagues from across the chamber for their support for the amendments. I have had discussions with the minister and said that I would be content with the approach that is set out in amendment 22, given that a lot of the measures would be in regulations, although I have to say that I am a little concerned about some of the statements that have just been made about the limitations of what might be involved. I was not fully aware that those limitations would be part of the regulations.

I am a bit concerned that the minister mentioned that there could be limitations in terms of a PEEP being in place and the timescales for that. I am also a bit concerned about the worries that the minister has mentioned about the practicability of putting in place evacuation plans. When we had our discussions, my understanding was that the detail needed to be worked out in regulation, not that some of those things would be off the table. I would welcome an intervention from the minister now, if he would care to make one, to reassure

me. Otherwise, it would be in my interest to press amendment 17 and to move amendments 18 and 22.

If the minister wants to make an intervention, I would be keen to take that.

**Paul McLennan:** The member will know that I wrote to her on the issue recently, and nothing has changed from that. In the discussions, nothing is off the table. The main thing that we are looking at is the much broader discussions with the member and with the Scottish Fire and Rescue Service, for example. We are not going in with any limitations. We wrote to the member on that particular point, so she has my reassurance in the area.

**Pam Duncan-Glancy:** I thank the minister for that reassurance. Members may not have seen that correspondence, but, suffice to say, it is a bit more detailed and reassuring than what we have heard on the record in the previous few minutes.

On that basis, I will move amendment 22, but I will not press amendment 17 or move amendment 18.

*Amendment 17, by agreement, withdrawn.*

#### After section 6

**The Deputy Presiding Officer:** Amendment 18, in the name of Pam Duncan-Glancy, has already been debated with amendment 17. I call the member to move or not move the amendment.

**Pam Duncan-Glancy:** On the basis of the commitments that I have had today and, previously, in writing, I will not move the amendment.

*Amendment 18 not moved.*

#### Section 7—Power to arrange urgent remediation work

*Amendments 19 and 20 not moved.*

#### Section 8—Power to evacuate

*Amendment 21 not moved.*

#### After section 9

*Amendment 22 moved—[Pam Duncan-Glancy]—and agreed to.*

#### Section 10—Appeal against arranged remediation work

**The Deputy Presiding Officer:** Group 5 is on appeals against the arrangement of remediation works. Amendment 2, in the name of the minister, is group with amendment 3.

**Paul McLennan:** Amendments 2 and 3 will have the effect of removing section 10(5) and

introducing a new subsection, thereby making alternative provision. As originally drafted, the aim of subsection (5) was to ensure that appeals, which could hold up life-critical remediation work, were dealt with quickly. However, stakeholders representing the courts raised concerns that it might not be practical to determine an appeal within 21 days, so the provision could lead to unintended consequences.

Amendment 2 responds to concerns by changing the requirement to determine the appeal within 21 days to a requirement that the court must hold a hearing within 21 days. The court would have the option either to determine the appeal immediately or to continue the appeal to a later date. In deciding whether to continue the appeal and when, the sheriff must have regard to all the circumstances of the case, including the effect of continuation of the appeal on the carrying out of potentially life-critical work.

Amendment 2 therefore strikes the right balance in ensuring that appeals that might hold up potentially life-critical work are determined quickly, while giving the courts sufficient flexibility to deal with the appeal appropriately, depending on the circumstances. I ask members to support the amendments.

I move amendment 2.

**The Deputy Presiding Officer:** I note that no other member has pressed their request-to-speak button. Do you have anything to add in winding up, minister?

**Paul McLennan:** I have nothing to add.

*Amendment 2 agreed.*

*Amendment 3 moved—[Paul McLennan]—and agreed to.*

### After section 19

**The Deputy Presiding Officer:** Group 6 is on independent oversight. Amendment 23, in the name of Pam Duncan-Glancy, is grouped with amendment 29.

**Pam Duncan-Glancy:** Amendment 23 seeks to introduce an independent reviewer for the single building assessment. The independent reviewer would be responsible for approving the arrangement of the SBA and the SBA report, and the arrangement of any work that is to be carried out, as identified in the report.

Amendment 23 would also allow Scottish ministers to make regulation concerning the expertise and reimbursement of the reviewer, and any such regulation would be subject to the affirmative procedure.

Amendment 29, which is also in my name, seeks to amend section 20 of the bill to ensure that the responsible developers scheme includes detail on

“independent oversight of the development and delivery of single-building assessments.”

Again, that is to ensure that any developer who is responsible for conducting an SBA has sufficient independent oversight to ensure that the SBA covers all bases. In discussions with residents, particularly in developments in Glasgow, which is the region that I represent, it was made clear to me that they are seriously concerned about the potential for a conflict of interests, especially in circumstances in which the people who are responsible for fixing the building might have built it in the first place and could identify the remediation that is needed.

15:30

Residents have made it clear that they would like independent scrutiny of the SBA process in the bill and it is important that we avoid any conflict of interests. Past experiences of residents have soured relations between the parties involved, so it is no wonder that there is deep distrust. I am hopeful that the bill and amendments can remedy that.

In any event, I believe that there have to be sufficient protections in the bill to ensure that those who are responsible for identifying and fixing issues are held to account and that there is an added layer of protection against any conflict of interests.

I hope that the minister will support amendments 23 and 29. If he cannot, I invite him to put on the record today why he believes that the bill is already equipped to mitigate any conflict of interests.

I move amendment 23.

**Paul McLennan:** I thank Ms Duncan-Glancy for amendments 23 and 29 and for the engagement that I have had with her on them. Amendment 23 seeks to introduce the role of independent reviewer to bring a degree of independent assurance to the assessment and remediation process, whereby those activities are instructed by the Scottish ministers. Amendment 29 would require that similar provision about independent oversight of delivery and development of SBAs is made in the regulations that create the responsible developers scheme.

As I have discussed with Ms Duncan-Glancy, I do not agree with the principle of ensuring that appropriate checks and balances are in place to protect owners and residents and to limit any potential conflict of interests arising by remediating

parties. I believe that there are sufficient measures in the bill and I will put them on the record today.

The single building assessment standard is being developed by independent specialist fire safety engineers, with the document going through an industry-wide review process. It is due to be finalised this month.

Whether a single building assessment is instructed by Scottish ministers or a developer, it must be carried out in accordance with the standards and by a person who is authorised by the Scottish ministers. That will ensure not only that there is a consistent approach to assessment, but that it is always completed by a suitably qualified and competent individual, such as a fire engineer with professional registration. In all cases, the outcome of that assessment will be a single building assessment report, which will also be peer reviewed.

Additionally, work can be considered to be complete only when the cladding assurance register is updated and works have been completed to the satisfaction of the Scottish ministers. Work is now under way to develop robust compliance and assurance processes to support that within the cladding remediation programme.

I should also clarify that remediation works will have the normal protections of building certification. If the works require a building warrant, that will need to be applied for and to meet current building regulations. Once the works have been completed, they will be subject to verification of their completion certificate by a verifier in accordance with the Building (Scotland) Act 2003.

Finally, I remind members that we must avoid the unnecessary delays in progressing with both assessment and remediation that I believe amendment 23 would introduce. An independent review before arranging an SBA, producing the SBA report and work commencing would draw out the timetable for works being done and could hold up conducting urgent remediation work on immediate risks to human life, as set out in section 7 of the bill.

I do not believe that an independent reviewer is necessary in the light of the measures that I have just outlined. However, I thank Ms Duncan-Glancy for raising an important point. We have agreed again to continue to discuss discussions beyond the bill as we move towards the remediation programme, and to build on that. Based on the assurances that have been offered here today, I ask her not to press amendment 23 but to keep on discussing the matter with me, and I ask members to reject it if it is pressed.

**Pam Duncan-Glancy:** I thank the minister for that response. He will know, as I do, that people who live in the buildings are keen that a process is in place to ensure that there is no conflict of interests between the people who built the building, the people who decide what should be fixed in it and the people who fix it.

I am reassured by some of the comments that the minister has made on the record and am therefore content not to press amendment 23. I remind the minister of the commitments that he made to residents, when he met them a week ago, to ensure that their voice will never again be forgotten in the process, that they can be assured of a conflict of interests being mitigated and that, when determining the responsible developers scheme, the minister will make sure that addressing any conflict of interests is a key part of it.

On the basis of the reassurance that I have sought and that I think I have heard today, I will not press amendment 23.

*Amendment 23, by agreement, withdrawn.*

**The Deputy Presiding Officer:** Group 7 is on engagement with owners and occupiers. Amendment 24, in the name of Pam Duncan-Glancy, is grouped with amendments 25, 26 and 32.

**Pam Duncan-Glancy:** Our debate on this group will be in a very similar vein to the points that were raised in the previous one. Given some of the assurances that we have heard, and in relation to amendment 24 specifically, I hope that we can bring owner and occupier voices much more to the fore in the process.

Amendment 24 will ensure that there is engagement with owners and occupiers of dangerous buildings prior to the commencement of the single building assessment. It will provide that ministers with responsibility

“must ... use their best endeavours to ensure”

that engagement is undertaken, so that owners and occupiers can be informed that the assessment will be conducted and will have the opportunity to ask questions about it. I think that that will help with their concerns around conflict.

Amendment 24 will ensure that owners and occupiers of the buildings concerned can remain informed—something that residents have told me has not been the case in the past. From having waking watches imposed on them without any further information to being told that they had to decant their cars from their car park without any information on where they should decant them to, owners and occupiers, particularly in the Glasgow region but across Scotland, have had no opportunity to have their voices heard adequately.



My amendment 24 is intended to address that. Owners and occupiers of buildings have the most important voices, and it is crucial that they are heard.

I am pleased to see amendments 25 and 26, in the name of Miles Briggs, which will ensure that owners and occupiers are kept informed about the results of any single building assessment that is carried out and that they have the opportunity to ask questions and find out more about what is happening in and at their homes. Those amendments will also ensure that owners and occupiers are consulted regarding any remediation that is required to be undertaken.

Owner and occupier voices must be added to the bill. If lessons to this date have taught us little, they must have taught us that. For too long, their point of view has not been taken into consideration at the forefront, and they have been pushed from pillar to post. Amendment 24 and the other amendments in the group offer a strong opportunity to put that right, to give owners and occupiers a voice and to make the cladding remediation process as transparent and engaging with those people as it possibly can be. I urge members to support the amendments in this group.

I move amendment 24.

**Miles Briggs (Lothian) (Con):** Members who represent constituents who live in the 105 buildings and developments that are affected will have heard from home owners and residents that communications to date have not been adequate on the Government's cladding remediation programme. People whose properties are affected by unsafe cladding must be given access to the outcome of the single building assessment, and there must be clear and meaningful engagement with them ahead of any remediation works taking place on their homes. The minister has acknowledged that communications must improve, and I welcome that, together with his commitment to ensure that the matter is urgently addressed beyond the passage of the bill. I thank the minister for his co-operation on my amendments 25 and 26, which build on amendment 2, which I lodged at stage 2.

Amendment 25 seeks to ensure that ministers inform occupiers and owners of the outcome of the single building assessment, and amendment 26 will require ministers to do so further ahead of any remediation works taking place, except in urgent circumstances, where the duty to engage is limited to what is practicable.

Taking my amendments 25 and 26 together with Pam Duncan-Glancy's amendment 24, ministers will be required to ensure clear and consistent communications on the cladding remediation

programme throughout a building's journey from assessment to remediation. I hope that the amendments will be welcomed by members across the chamber. I know that the people affected have been desperate for communications to be specified in the bill, so I very much hope that that will improve the experience of many of my constituents. I intend to move amendments 25 and 26, and I support all the other amendments in the group.

**Paul McLennan:** I begin by thanking Pam Duncan-Glancy and Miles Briggs for their co-operation on the amendments that they have lodged in this group. Those amendments reflect the stage 1 process and the evidence that the Local Government, Housing and Planning Committee heard on the importance of engagement with owners and occupiers, as well as the positive nature of the stage 2 process and the commitment to work together to develop such amendments. With that in mind, I can say that the Government will be able to support the amendments in this group, but I will comment briefly on the matters that they raise.

I turn to amendment 24, in the name of Pam Duncan-Glancy, on pre-SBA engagement. I previously updated the Local Government, Housing and Planning Committee that the Government was working on an improved communications protocol. I acknowledge the point that Miles Briggs made on that, and we need to do better in that regard. Ensuring that we engage fully with owners and residents ahead of ministers arranging for a single building assessment to be carried out will form part of that. I am comfortable, therefore, to commit the Scottish ministers to meeting the duty to communicate in those terms, and I ask members to support amendment 24.

I turn to amendments 25 and 26, in the name of Miles Briggs, on post-SBA engagement with owners and residents, I note that our improved communications protocol aims to improve engagement with owners and residents where we are remediating their buildings, as I touched on earlier. Again, I am comfortable to commit the Scottish ministers to meeting the duties that those amendments contain.

Amendment 32, in my name, provides that the regulations creating the responsible developer scheme can place a duty on ministers

"to use their best endeavours"

to ensure that members of the RDS engage with owners and occupiers before an SBA is carried out and during remediation work. I will also seek to secure that outcome through contracts connected to the RDS. That approach allows us to demonstrate our commitment to ensuring that developers communicate and engage with

residents in buildings that they are remediating. I ask members to support amendment 32.

**Graham Simpson:** I support all the amendments in this group. At stage 2, I made the point that communications are vital. Communication needs to take place not only with the people who own flats but with the people who actually live in a block.

As members will know, I lived in a block from which I was evacuated during a fire. After I first moved in, I became aware that, after a fire in the underground car park, some men were wandering around at night in orange jackets. They formed part of a waking watch. I discovered that only when I asked one of them what they were doing. After I moved in as a tenant, nobody told me that there was a waking watch. I think that anyone who lives in a block—not just owners but residents—should be informed of such things.

The amendments in this group are really good and potentially go some of the way towards tackling the communications issue. However, I caution Miles Briggs on one point. I am always uneasy about language such as “use their best endeavours” and “so far as practicable”, as that can allow the Government to wriggle off the hook a bit, but we will see where that goes.

Nonetheless, I think that the minister is serious about the issue. If he is serious about it and if he is kept in post—as he has been so far—we will perhaps be able to deliver on those aims together.

**The Deputy Presiding Officer:** I call Pam Duncan-Glancy to wind up and say whether she wishes to press or withdraw amendment 24.

**Pam Duncan-Glancy:** Members have spoken clearly about the importance of engaging with both owners and occupiers, which my colleague Graham Simpson has just highlighted. One reason why that is incredibly important reflects the exact point that he just made about the men who appeared in his building. Some owners and occupiers have contacted me about that, including women who were surprised to see some men in their building as part of a waking watch on a particular day without any prior notice.

With regard to safety, not only for the building, and for security and peace of mind, I think that the amendments in this group are essential, and I urge members to support them. I press amendment 24 in my name.

*Amendment 24 agreed to.*

*Amendments 25 and 26 moved—[Miles Briggs]—and agreed to.*

15:45

## **Section 20—Power to establish scheme**

*Amendments 27 to 29 not moved.*

**The Deputy Presiding Officer:** Group 8 is on the responsible developers scheme. Amendment 30, in the name of Miles Briggs, is grouped with amendments 31, 33, 36, 37 and 38.

**Miles Briggs:** I am pleased to open the debate on the group, which is focused on adding clarity to the provisions in the bill relating to future regulations on the responsible developers scheme. The lack of detail on the scheme in the bill has caused some concern among stakeholders. Although I welcome the minister's commitment to consult ahead of any regulations being introduced, there is an opportunity to strengthen the bill with these amendments.

Amendment 30 would add provisions allowing processes for decision making on membership of the responsible developers scheme to be added to any regulations that establish the scheme. Given the potential consequences of developers being refused membership or having it withdrawn, the transparency of decision making is crucial, and that underpins the intentions of my amendments.

Amendments 36, 37 and 38 offer assurances to those who may become members of the responsible developers scheme that there will be a right of appeal against any decisions that may impact on them, such as membership of the scheme being refused or withdrawn, or a member being added to the prohibited developers list. Those decisions could have a significant impact on businesses and developers, and it is right that there should be a right of appeal.

My amendments 31 and 33 are similar to the probing amendments that I lodged at stage 2, and they would require ministers to set eligibility according to developers' varying sizes and situations. In England and Wales, care has been taken to consider the exposure of builders that are small and medium-sized enterprises. As things stand, Scotland's SME developers lack protection in the bill and lack certainty about the future direction of travel that the bill might bring. Should they be subject to the building safety levy, there are suggestions that small developers could be at risk of two new forms of additional taxation and charges.

I took on board the minister's remarks at stage 2 and have adapted the amendments to take into account the sentiments in the minister's letter to the committee. For example, the amendments require ministers to set regulations in relation to the size and circumstances of developers, as it was suggested that specifying the turnover of those businesses in the bill would reduce the

flexibility of the regulations prior to work being done to consult on what those regulations should contain.

We know that we are not meeting building targets across Scotland and that our SME sector, which is so important to delivering the homes that we need in rural and island communities, is already under significant pressure. I therefore believe that the amendments provide the right balance.

I move amendment 30.

**Paul McLennan:** Amendment 30 states that the RDS regulations may specifically set out the decision-making process in respect of membership, including for loss of membership. It is our view that the amendment is acceptable and that it wholly and usefully sets out further detail of what we would expect to be contained in the RDS regulations.

Amendments 36, 37 and 38 set out that the RDS regulations “must” provide for a right of appeal in relation to decisions to refuse to allow a person to become a member of the RDS scheme, to cease that membership or to add a developer to the prohibited developers scheme. We are happy to accept the amendment, which ensures that developers will be able to appeal decisions that may affect their ability to conduct business. I am therefore pleased to be able to support Mr Briggs’s amendments 30, 36, 37 and 38.

Amendments 31 and 33 relate to the responsible developers scheme. Amendment 31 seeks to amend section 20 to enable the scheme to make allowances for different developers, particularly regarding their size. Amendment 33 has a similar aim in seeking to limit the scope of the responsible developers scheme to developers with a turnover above a yet-to-be-specified amount.

I want to make it clear that sections 23 and 24 already allow ministers to make provisions by the regulations that are specified in Miles Briggs’s amendments. The responsible developers scheme will also be able to make provisions for different sizes—or other characteristics—of developer. As Miles Briggs knows, I have had discussions with a number of SMEs, and I will continue to do so.

I understand what Miles Briggs is trying to achieve, as this has been an important issue for him all along—as it has for other committee members, as well as stakeholders, throughout the bill process. Given that there is a clear consensus on the need to consider specifically the size of developers—which I see as a key component of the consultation that I have committed to ahead of any regulations being brought in on the RDS—I am content to support amendment 31.

Miles Briggs also feels very strongly about amendment 33, which touches on what has been an important issue during the bill process. Amendment 33 seeks to limit the scope of the responsible developers scheme to developers whose annual turnover is above an amount that is to be specified in regulations. I acknowledge the importance of getting that issue right, as the Government is cognisant of the potential impact on developers, including SMEs. Throughout the bill process, the Government has been clear that it is engaged in discussions with a wide range of developers—including, as I mentioned, SMEs—on the detail of the Scottish safer buildings remediation contract. The intention is to closely align the contract and the responsible developers scheme.

A key theme in those discussions is a developer’s ability to pay. A task-and-finish group was established on that issue and is working closely with developers and Homes for Scotland on a number of issues, such as financial thresholds, the contribution of smaller developers and arrangements for firms that might find themselves in financial distress.

There also remains the issue of whether turnover is the most appropriate measure to use—in England, the measure is operating profit—and the question of how group companies are treated. Those are important questions that connect directly to the wording of amendment 33.

Overall, I stress that we are still developing the policy approach on those issues, and we would like to consult stakeholders on that approach, including on the responsible developers scheme. I am pleased that developers are engaging with us on the topic and I am keen to conclude those discussions ahead of a formal consultation on the responsible developers scheme, aligning the two as closely as possible. Of course, I am happy to continue working with Miles Briggs—I have worked with him during the bill process and will continue to work with him after it. However, I am concerned that his amendment would restrict that possibility. I therefore ask him not to move his amendment 33, and I ask members to reject it if it is moved.

**The Deputy Presiding Officer:** I call Miles Briggs to wind up and to press or withdraw amendment 30.

**Miles Briggs:** I welcome the fact that the minister has moved on amendment 31. That is important. There are still many questions about the impact on SMEs, especially those that operate in England and Scotland, of profit being taken into account. I am content with what the minister has said.

I know that different working groups are taking forward work to develop the guidance, and it is important that that detail is provided earlier. The Local Government, Housing and Planning Committee having a scrutiny role in that process is also important, so that we can make sure that we get it right and limit any potential for small businesses in Scotland to go under. That is one of the major concerns that have been expressed to us.

I press amendment 30.

*Amendment 30 agreed to.*

*Amendment 31 moved—[Miles Briggs]—and agreed to.*

*Amendment 32 moved—[Paul McLennan]—and agreed to.*

### **Section 21—Eligibility for membership**

*Amendments 33 to 35 not moved.*

### **Section 22—Conditions of membership**

*Amendment 36 moved—[Miles Briggs]—and agreed to.*

### **Section 23—Loss of membership**

*Amendment 37 moved—[Miles Briggs]—and agreed to.*

### **Section 24—Consequences of not being a member**

*Amendment 38 moved—[Miles Briggs]—and agreed to.*

### **After section 24**

**The Deputy Presiding Officer:** Group 9 is on progress reports. Amendment 39, in the name of Graham Simpson, is grouped with amendments 40, 48 and 49.

**Graham Simpson:** Members will be delighted to know that this is the final group: we have made swift progress today. Perhaps that is down to the way that the minister has worked collaboratively across the different parties—a lesson for the First Minister, perhaps.

**The First Minister (John Swinney):** I am here to learn. [*Laughter.*]

**The Deputy Presiding Officer:** I am very pleased about that sedentary contribution from the First Minister. Mr Simpson, please continue.

**Graham Simpson:** In case members did not hear it, the First Minister said that he is “here to learn.” He can learn from the housing minister, who is now suitably embarrassed.

Amendments 39, 40, 48 and 49 relate to duties on the Scottish ministers to report on progress in the cladding remediation programme. They build on amendments that I and Miles Briggs lodged at stage 2, which were ultimately not moved.

Amendment 39 would require the Scottish ministers to report on progress with arranging and carrying out single building assessments and on progress with remediation work. The reports may also include such other information as the Scottish ministers consider appropriate.

Amendment 40 provides further detail on what information the reports must contain. That includes “the number of buildings in relation to which a single building assessment is in progress and the number in relation to which remediation work ... is in progress”,

whether that has been arranged by Scottish ministers or by developers that are members of a responsible developers scheme.

There is also a requirement to provide quantitative information about changes to the cladding assurance register, including the number of times entries have been amended to show the completion of work. That will provide a very useful indication of the overall activity on cladding remediation.

The first reporting period will be the 18 months after the proposed new section comes into force, and subsequent reports must be prepared each year after that. Amendment 39 would require that there be 10 reporting periods in total, but there is an option to increase the number by regulations.

Amendment 49 will allow proposed new subsection (4) in amendment 39 to be amended by regulations so that the actual commencement date is referred to.

Amendment 48 provides that regulations under the proposed new section will be subject to the negative procedure.

The amendments in the group would ensure that there is open and transparent information on progress with remediation, which is crucial to the owners and occupiers of buildings that are affected by unsafe cladding.

I move amendment 39.

**Paul McLennan:** I thank Mr Simpson for lodging amendments 39 and 40, which would place reporting duties on the Scottish ministers, and amendments 40 and 49, which set out technical matters.

I am, of course, in favour of open and transparent government, which the amendments support. The proposed duties focus on progress with the cladding remediation programme, including by developers that are members of the

responsible developers scheme. The positive impact of the programme on owners and occupiers whose buildings are affected by unsafe cladding is at the heart of the reporting duties. I fully support the amendments in the group.

**The Deputy Presiding Officer (Liam McArthur):** I invite Graham Simpson to wind up and to press or seek to withdraw amendment 39.

**Graham Simpson:** I have nothing to add.

*Amendment 39 agreed to.*

*Amendment 40 moved—[Graham Simpson]—and agreed to.*

### **Section 25—Meaning of single-building assessment**

*Amendment 41 not moved.*

*Amendment 42 moved—[Mark Griffin].*

**The Deputy Presiding Officer:** The question is, that amendment 42 be agreed to. Are we agreed?

**Members:** No.

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

The vote is closed.

16:00

**Christine Grahame (Midlothian South, Tweeddale and Lauderdale) (SNP):** On a point of order, Presiding Officer. I could not connect to the app, but I would have voted no.

**The Deputy Presiding Officer:** Thank you, Ms Grahame. I will ensure that that is recorded.

**Douglas Lumsden (North East Scotland) (Con):** On a point of order, Presiding Officer. I, too, could not connect to the app, but I would have voted yes.

**The Deputy Presiding Officer:** Thank you, Mr Lumsden. I will ensure that that is recorded.

**Jeremy Balfour (Lothian) (Con):** On a point of order, Presiding Officer. I, too, could not connect to the app, but I would have voted yes.

**The Deputy Presiding Officer:** Thank you, Mr Balfour. I will ensure that that is recorded, too.

### **For**

Baillie, Jackie (Dumarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Balfour, Jeremy (Lothian) (Con)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Briggs, Miles (Lothian) (Con)  
 Carlaw, Jackson (Eastwood) (Con)  
 Clark, Katy (West Scotland) (Lab)  
 Dowey, Sharon (South Scotland) (Con)  
 Duncan-Glancy, Pam (Glasgow) (Lab)  
 Eagle, Tim (Highlands and Islands) (Con)

Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallacher, Meghan (Central Scotland) (Con)  
 Golden, Maurice (North East Scotland) (Con)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Greene, Jamie (West Scotland) (Con)  
 Griffin, Mark (Central Scotland) (Lab)  
 Gulhane, Sandesh (Glasgow) (Con)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
 Hoy, Craig (South Scotland) (Con)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Kerr, Liam (North East Scotland) (Con)  
 Kerr, Stephen (Central Scotland) (Con)  
 Lennon, Monica (Central Scotland) (Lab)  
 Leonard, Richard (Central Scotland) (Lab)  
 Lumsden, Douglas (North East Scotland) (Con)  
 Marra, Michael (North East Scotland) (Lab)  
 McCall, Roz (Mid Scotland and Fife) (Con)  
 McNeill, Pauline (Glasgow) (Lab)  
 Mochan, Carol (South Scotland) (Lab)  
 Mountain, Edward (Highlands and Islands) (Con)  
 O’Kane, Paul (West Scotland) (Lab)  
 Ross, Douglas (Highlands and Islands) (Con)  
 Rowley, Alex (Mid Scotland and Fife) (Lab)  
 Simpson, Graham (Central Scotland) (Con)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Smyth, Colin (South Scotland) (Lab)  
 Stewart, Alexander (Mid Scotland and Fife) (Con)  
 Sweeney, Paul (Glasgow) (Lab)  
 Villalba, Mercedes (North East Scotland) (Lab) [Proxy vote cast by Richard Leonard]  
 Webber, Sue (Lothian) (Con)  
 White, Tess (North East Scotland) (Con)  
 Whitfield, Martin (South Scotland) (Lab)  
 Whittle, Brian (South Scotland) (Con)

### **Against**

Adam, George (Paisley) (SNP)  
 Adam, Karen (Banffshire and Buchan Coast) (SNP)  
 Adamson, Clare (Motherwell and Wishaw) (SNP)  
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Brown, Siobhian (Ayr) (SNP)  
 Burgess, Ariane (Highlands and Islands) (Green)  
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)  
 Chapman, Maggie (North East Scotland) (Green)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Constance, Angela (Almond Valley) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Don, Natalie (Renfrewshire North and West) (SNP)  
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Dunbar, Jackie (Aberdeen Donside) (SNP)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Gray, Neil (Airdrie and Shotts) (SNP)  
 Greer, Ross (West Scotland) (Green)  
 Harper, Emma (South Scotland) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)

MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Gillian (Central Scotland) (Green)  
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)  
 Maguire, Ruth (Cunninghame South) (SNP)  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McLennan, Paul (East Lothian) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNair, Marie (Clydebank and Milngavie) (SNP)  
 Minto, Jenni (Argyll and Bute) (SNP)  
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)  
 Regan, Ash (Edinburgh Eastern) (Alba)  
 Rennie, Willie (North East Fife) (LD)  
 Robertson, Angus (Edinburgh Central) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Roddick, Emma (Highlands and Islands) (SNP)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Slater, Lorna (Lothian) (Green)  
 Somerville, Shirley-Anne (Dunfermline) (SNP)  
 Stevenson, Collette (East Kilbride) (SNP)  
 Stewart, Kaukab (Glasgow Kelvin) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Swinney, John (Perthshire North) (SNP)  
 Thomson, Michelle (Falkirk East) (SNP)  
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)  
 Wishart, Beatrice (Shetland Islands) (LD)  
 Yousaf, Humza (Glasgow Pollok) (SNP)

**The Deputy Presiding Officer:** The result of the division is: For 45, Against 66, Abstentions 0.

*Amendment 42 disagreed to.*

*Amendments 43 and 44 not moved.*

**The Deputy Presiding Officer:** I point out that if amendment 4 is not agreed to I cannot call amendments 5 and 6.

*Amendment 4 moved—[Paul McLennan]—and agreed to.*

*Amendments 45 and 46 not moved.*

**The Deputy Presiding Officer:** I point out that if amendment 5 is not agreed to I cannot call amendment 6.

*Amendment 5 moved—[Paul McLennan]—and agreed to.*

*Amendment 6 moved—[Paul McLennan]—and agreed to.*

### **Section 26—Power to modify meaning of single-building assessment**

*Amendment 7 moved—[Paul McLennan]—and agreed to.*

*Amendment 47 moved—[Mark Griffin].*

**The Deputy Presiding Officer:** The question is, that amendment 47 be agreed to. Are we agreed?

**Members: No.**

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

**For**

Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Balfour, Jeremy (Lothian) (Con)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Briggs, Miles (Lothian) (Con)  
 Carlaw, Jackson (Eastwood) (Con)  
 Choudhury, Foysol (Lothian) (Lab)  
 Clark, Katy (West Scotland) (Lab)  
 Dowey, Sharon (South Scotland) (Con)  
 Duncan-Glancy, Pam (Glasgow) (Lab)  
 Eagle, Tim (Highlands and Islands) (Con)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallacher, Meghan (Central Scotland) (Con)  
 Golden, Maurice (North East Scotland) (Con)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Greene, Jamie (West Scotland) (Con)  
 Griffin, Mark (Central Scotland) (Lab)  
 Gulhane, Sandesh (Glasgow) (Con)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
 Hoy, Craig (South Scotland) (Con)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Kerr, Liam (North East Scotland) (Con)  
 Kerr, Stephen (Central Scotland) (Con)  
 Lennon, Monica (Central Scotland) (Lab)  
 Leonard, Richard (Central Scotland) (Lab)  
 Lumsden, Douglas (North East Scotland) (Con)  
 Marra, Michael (North East Scotland) (Lab)  
 McCall, Roz (Mid Scotland and Fife) (Con)  
 McNeill, Pauline (Glasgow) (Lab)  
 Mochan, Carol (South Scotland) (Lab)  
 Mountain, Edward (Highlands and Islands) (Con)  
 Mundell, Oliver (Dumfriesshire) (Con)  
 O’Kane, Paul (West Scotland) (Lab)  
 Regan, Ash (Edinburgh Eastern) (Alba)  
 Ross, Douglas (Highlands and Islands) (Con)  
 Rowley, Alex (Mid Scotland and Fife) (Lab)  
 Simpson, Graham (Central Scotland) (Con)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Smyth, Colin (South Scotland) (Lab)  
 Stewart, Alexander (Mid Scotland and Fife) (Con)  
 Villalba, Mercedes (North East Scotland) (Lab) [Proxy vote cast by Richard Leonard]  
 Webber, Sue (Lothian) (Con)  
 White, Tess (North East Scotland) (Con)  
 Whitfield, Martin (South Scotland) (Lab)  
 Whittle, Brian (South Scotland) (Con)

**Against**

Adam, George (Paisley) (SNP)  
 Adam, Karen (Banffshire and Buchan Coast) (SNP)  
 Adamson, Clare (Motherwell and Wishaw) (SNP)  
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Brown, Siobhian (Ayr) (SNP)  
 Burgess, Ariane (Highlands and Islands) (Green)  
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)  
 Chapman, Maggie (North East Scotland) (Green)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Constance, Angela (Almond Valley) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Don, Natalie (Renfrewshire North and West) (SNP)  
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)

Dornan, James (Glasgow Cathcart) (SNP)  
 Dunbar, Jackie (Aberdeen Donside) (SNP)  
 Ewing, Annabelle (Cowdenbeath) (SNP)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Gougeon, Mairi (Angus North and Mearns) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Gray, Neil (Airdrie and Shotts) (SNP)  
 Greer, Ross (West Scotland) (Green)  
 Harper, Emma (South Scotland) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Gillian (Central Scotland) (Green)  
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)  
 Maguire, Ruth (Cunninghame South) (SNP)  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McLennan, Paul (East Lothian) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNair, Marie (Clydebank and Milngavie) (SNP)  
 Minto, Jenni (Argyll and Bute) (SNP)  
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)  
 Rennie, Willie (North East Fife) (LD)  
 Robertson, Angus (Edinburgh Central) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Roddick, Emma (Highlands and Islands) (SNP)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Slater, Lorna (Lothian) (Green)  
 Somerville, Shirley-Anne (Dunfermline) (SNP)  
 Stevenson, Collette (East Kilbride) (SNP)  
 Stewart, Kaukab (Glasgow Kelvin) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Swinney, John (Perthshire North) (SNP)  
 Thomson, Michelle (Falkirk East) (SNP)  
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)  
 Wishart, Beatrice (Shetland Islands) (LD)  
 Yousaf, Humza (Glasgow Pollok) (SNP)

**The Deputy Presiding Officer:** The result of the division is: For 47, Against 66, Abstentions 0.

*Amendment 47 disagreed to.*

### **Section 28—Interpretation of other words and expressions**

*Amendment 8 moved—[Paul McLennan]—and agreed to.*

### **Section 30—Regulation-making powers**

*Amendment 48 moved—[Graham Simpson]—and agreed to.*

### **Section 31—Commencement**

*Amendment 49 moved—[Graham Simpson]—and agreed to.*

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

As members will be aware, at this point in proceedings the Presiding Officer is required, under standing orders, to decide whether, in her view, any provision of the bill relates to a protected subject matter—that is, whether it modifies the electoral system and franchise for Scottish parliamentary elections.

In the Presiding Officer's view, no provision of the Housing (Cladding Remediation) (Scotland) Bill relates to a protected subject matter. Therefore, the bill does not require a supermajority for it to be passed at stage 3.

## Housing (Cladding Remediation) (Scotland) Bill

**The Deputy Presiding Officer (Liam McArthur):** The next item of business is a debate on motion S6M-13190, in the name of Paul McLennan, on the Housing (Cladding Remediation) (Scotland) Bill. I invite members who wish to participate in the debate to press their request-to-speak buttons now or as soon as possible.

16:06

**The Minister for Housing (Paul McLennan):** I am delighted to open the stage 3 debate on the Housing (Cladding Remediation) (Scotland) Bill. I am sure that we all recall the events of 14 June 2017. The Grenfell tower tragedy provided absolute clarity as to why building safety is so important, and we must not forget that. Our responsibility now, and the primary driver of the bill and the wider cladding remediation programme, is to safeguard home owners in and residents of buildings with potentially unsafe cladding and to ensure that a similar event is never allowed to happen again.

Colleagues from across the chamber have worked hard on the bill for that very purpose—to make buildings with potentially unsafe cladding safer and to ensure that our approach to cladding remediation is informed by those who will be affected by the cladding remediation process. I thank Ariane Burgess, who is the convener of the Local Government, Housing and Planning Committee, and all the members of that committee for their thorough consideration of the complex issues involved. I have engaged with the committee, and, even though we are discussing the bill today, I will continue to engage with members as we move through the programme.

The bill has benefited greatly from the positive engagement of Opposition spokespeople and other members. The engagement that I have had with members from across the chamber has been open and constructive, and I very much welcome that. It is my strong belief that the bill and other key elements of the programme, including the finalisation of the single building assessment specification and the development of the Scottish safer buildings developer remediation contract, lay the foundations that are needed to drive forward our remediation programme at pace.

I want to remind members about the key points of the bill. Centrally, the bill creates powers for ministers to arrange for single building assessments to be undertaken to assess risks in buildings that are within the scope of the cladding remediation programme. The bill also defines the

legal meaning of a single building assessment, or SBA, and allows ministers to specify the standards to which such an assessment should be undertaken.

A number of weeks ago, Pam Duncan-Glancy, Kaukab Stewart and I met residents of Lancefield Quay, and it was important to hear about what they have gone through. Those people are having to live with the issue every single day.

Focusing on the crucial aspect of the SBA process, I have already confirmed to the Parliament that the fire risk appraisal of external walls, which is a central element of each SBA, will be based on PAS 9980, tailored to a Scottish context. That is a critical enabler in setting the standard and propelling the pace of the programme, and it is in line with recommendations from the committee's consideration of the bill.

On remediation, the bill creates powers for ministers to arrange for necessary remediation work, identified through an SBA, that is to be undertaken, including urgent cases where the risk is immediate, as well as the power to require occupants to evacuate buildings should the level of risk necessitate that.

Both the power to carry out a single building assessment and the powers of remediation in the bill can be utilised without the consent of owners when appropriate notice has been given, or, if the work is urgent, when notice has been given and as permitted by the circumstances. That is not a step to be taken lightly, but real-life experience from the pilot phase of our remediation programme leaves no doubt that it is an essential provision if progress is to be made.

On the cladding assurance register, as I have mentioned, the safeguarding of owners and residents must remain our primary driver. I am, however, alert to the consequential negative impacts that can arise in relation to the buying, selling, remortgaging and insuring of properties with potentially unsafe cladding. The bill requires ministers to establish a cladding assurance register that contains information on buildings that might have been through a single building assessment and any required remediation. The register will be key to ensuring that an accurate record of remediation works that has been undertaken is maintained, so that those with an interest, such as lenders and insurers, can understand and take assurance from the scope of works that have been undertaken in each building.

Finally, the bill will give ministers the powers to establish a responsible developers scheme through secondary legislation. That will enable developers to participate fully in the remediation of any of their buildings. I have been pleased to work closely with Homes for Scotland and developers



and I look forward to continuing to do so, as well as taking forward a consultation ahead of any regulations being introduced to establish the scheme.

I reiterate my thanks to all those who have contributed to the development of the housing cladding remediation scheme and have engaged so constructively in consideration of it in Parliament. I pay special tribute to my colleague Kaukab Stewart for the work that she and other members have carried out. The scheme does not impact on every MSP's constituency or region, but when it does impact, it does so on a large-scale basis. I thank the members who I have worked with over a number of months on the bill.

The bill is one part of the process and we know that we have lots to do with the remediation programme. I have talked about the bill enabling faster delivery of the cladding remediation programme, addressing the barriers that have been experienced to date and allowing us to deliver the step change in pace that is required to best serve those home owners and residents who are affected by potentially unsafe cladding.

I move,

That the Parliament agrees that the Housing (Cladding Remediation) (Scotland) Bill be passed.

16:12

**Miles Briggs (Lothian) (Con):** I thank the Parliament's clerks for their assistance with amendments to stage 3. I also pay tribute to and thank the Minister for Housing for the constructive way in which he has approached cross-party work on the bill. It has been very important for us to take that forward.

Last Monday, I met a group of residents who live in an orphan development in the capital to discuss the cladding bill and what they hope is the start of the end of what they have called a living hell. The stress that residents have faced and the information vacuum that they have had to live with has been unacceptable, especially when we consider that they are our constituents and are living in properties that have been labelled as potentially containing cladding that poses a threat to life. They were absolutely clear that they want a solution as soon as possible, because too many people's lives have been put on hold as they wait to find out whether the cladding on their buildings is safe and what works need to be undertaken to allow them to move on with their lives. One resident said, "This whole situation has been really upsetting for many of us—this total lack of actual work—and we remain stuck in our properties, deemed fire risks, and unable to sell."

I sincerely hope that the passing of the bill today will be the start of a solutions-based approach by

the Government to deliver the outcomes that are needed to let people move on with their lives. This cannot just be a process; it must be about delivering the outcomes. The Scottish Government must implement the bill at speed and commission the surveying of buildings and the managed delivery of solutions at pace.

I would also like to make an appeal for the orphan buildings that were part of the initial pilot to be given an early focus. We know that they were in the pilot schemes, but I hope that ministers will acknowledge that those people have been let down and that the potential solution that has already been outlined to many residents must focus on the Government's commissioning of surveys and works for those buildings. I have said to my constituents that I would write to the minister to see whether he would meet them to discuss how that can be done, not just for their development but for the other pilot projects.

As I stated at stages 1 and 2, I am determined to improve the rights of residents, including their right to be kept informed of not only the surveying work that is taking place, but any remediation work that will take place and how that will impact on their homes.

I hope that the amendments in my name that are now included in the bill will give residents the reporting mechanisms that will inform them of what is happening and when remediation work will take place. Good lines of communication are critically important, and I hope that the poor experiences that residents have had will now change.

As the minister stated in his letter to MSPs, the collaborative approach regarding the bill will extend beyond its parliamentary passage. I really welcome that. It is hugely important that the minister returns to Parliament with further updates on the programme and the progress that is being made. I hope that Parliament and the Local Government, Housing and Planning Committee will take an active role in ensuring that that work is progressed.

The bill has created a framework for progress, but it is critically important that we now see that all the outcomes are delivered. As the Local Government, Housing and Planning Committee stated, progress by the Scottish Government some seven years on has been "concerningly slow". That is in sharp contrast with England, where more than two fifths of buildings have had work either started or completed, with 1,608 buildings in the scope of that programme in comparison with 105 in Scotland. That is why it is understandable that industry witnesses who gave evidence to committee expressed significant frustration at the slow progress in Scotland and

the lack of leadership to date. I hope that the minister is about to change that.

Although the bill is often technical in nature, as with all framework bills, the devil is in the detail. I hope that both the guidance and ministerial direction will be properly scrutinised, especially to look at the impacts not only on our constituents but on small and medium-sized enterprises.

During the stage 1 debate, it was clear from the evidence, and from the discussions that the committee had, that many buildings will need on-going management and, often, bespoke factoring solutions. A number of points on that were outlined during the debate earlier. I hope that we will now see details of how that aspect will be taken forward. Although many of those issues are outside the scope of the bill, they are important, and I hope that ministers will look to update Parliament on how they will be taken forward.

Members, including my colleague Graham Simpson, have mentioned electric cars. That issue was raised with the committee on many occasions, and we need to take seriously concerns over the management of electric cars and bikes.

In a letter that the minister sent to me, dated 7 May, he stated that the Government's approach to purpose-built accommodation for students in the HMO sector, as well as to care homes, hotels and hospitals, was not in the scope of the bill, but he was content with the safeguards in place for those buildings. I hope that the housing minister will agree to update Parliament in the future on those buildings, including the potential for publishing data around any remediation work that is already taking place and how the guidance might be developed to include those sectors.

The amendments that have been accepted today—for example, the amendment in Pam Duncan-Glancy's name—can provide an opportunity for better safeguarding for disabled people in those developments and others. That has presented Parliament with an opportunity to look at how we evacuate all buildings in Scotland, especially when it comes to vulnerable people in hospitals and care homes and disabled people in all properties. I am sure that colleagues, and the committee, will want to revisit that.

Scottish Conservatives will support the bill at decision time tonight, but we do so with reservations about the Government's limited progress to date. That has to change, but the reporting duties in the bill and the role that Parliament now has to challenge ministers on the delivery of outcomes have improved.

Above all, I hope that the Scottish Government will now give leadership and priority to the expanded team in the Scottish Government who

will take forward this work. It is critically important that we deliver. We have two years left of the current session of Parliament; I certainly hope that, by the end of that time, all our constituents who are living in those 105 homes will have had the surveys take place and will know that work will be paid for and taken forward to make their homes safe, and that, above all, we can ensure that Scotland never sees a Grenfell-type tragedy.

16:19

**Mark Griffin (Central Scotland) (Lab):** I thank the members of the bill team and the minister for making themselves available to my Labour colleagues and me during the passage of the bill. I also thank the committee clerks and fellow members for their work in drafting the stage 1 report on the bill. I appreciate the time and effort from everyone who has contributed to the bill as it has made its way through the committee stages and, subsequently, to the chamber.

As elected members, we must be satisfied that the bill, like all bills that are put before us, is necessary, that it will improve outcomes for those affected and that it will make people's lives safer and better. In this case, we also have to ask ourselves whether the bill, if passed, will help to prevent a Grenfell tragedy from happening again. It is horrifying that the Grenfell tragedy was not a one-off freak occurrence. The losses in Milan in 2021 and Valencia earlier this year show that, until we remove dangerous cladding from our buildings, we will continue to run the risk of more fires and more bereaved families mourning their loved ones.

For the bill to pass the tests that I have set out, it must get dangerous cladding off buildings more quickly than has been the case in Scotland up to now. My amendments were drafted in that context. They sought to streamline the process of entering buildings on to the register, to provide assurances to people about the types of action that had been carried out on buildings to remove cladding and to clarify some of the terms that are employed in the bill to help developers to know when action should be taken.

I commend the work of my colleague Pam Duncan-Glancy and her efforts to ensure that the voices of residents are part of the process and that disabled people's requirements are not ignored.

I recognise the minister's efforts to engage with members through the legislation process, and I appreciate his assurance that he will use every tool that is available to him to handle the crisis in cladding in Scotland. That is welcome, but people have been waiting in properties that they could not insure, remortgage or sell—never mind the worry and stress of another Grenfell tragedy. They have been waiting in that situation for seven years now.

We know that removing dangerous cladding from buildings is complex. It has been the subject of working groups, regulations, standards and primary and secondary legislation in the United Kingdom and Scotland. However, underneath the noise, the politics, the meetings and the endless promises, we must not forget that seven years is far too long to wait for action for the vast majority of affected buildings.

I do not think that the bill will slow down the process of removing cladding, and I recognise the efforts that colleagues have made to ensure that the Government provides clarity and transparency on the way in which it claims that the bill will speed up the process. The bill, as amended, serves its purpose, but I believe that my amendments and those of my colleagues would have improved it.

I am still concerned that so much of the detail is left to secondary legislation. That seems to be symptomatic of the Government's approach across many bills that we have seen, particularly in this session of Parliament. The approach seems to be to give Parliament the bare bones of a law to agree on in principle and then to promise to deliver the detail at some later point. That stifles proper consideration of policy, and it cannot replace debate on the detail of proposals.

We will support the passage of the bill at decision time. We believe that the bill is a welcome and overdue step to remove unsafe cladding from buildings. It will start to clarify the role of Government and developers and key aspects of regulations, which will be essential for remediation and removal of cladding in the future. However, much still needs to be done at pace to ensure that Scotland catches up with the rest of the UK in removing the threat of combustible cladding from people's homes.

16:23

**Ariane Burgess (Highlands and Islands) (Green):** The Scottish Government's stated ambition for the bill is to accelerate the progress of the cladding remediation programme. It is good to see that the committee's work served to unearth a number of issues and helped to bottom them out. I want to highlight a few of those.

During committee evidence sessions, concerns were raised about the lack of specification of what a single building assessment would consist of. PAS 9980, which is a code of practice published by the British Standards Institution for the specific appraisal of the fire risk of external wall construction and cladding on existing blocks of flats, was brought to our attention. The committee heard from witnesses about its greater nuance and effectiveness in assessing properties and the importance of harmonising the SBA with it.

Witnesses also highlighted the clarity that it provides. It was good to see the Scottish Government take that on board and, at stage 2, indicate that it intended to use PAS 9980. I trust that, with the legislation in place, that will provide the clarity that the Scottish Government and developers need to move at pace to resolve the cladding issue.

On the lack of qualified people, one area that remains of concern—it is not clear to me that legislation can fix this—is the lack of people who are qualified to carry out the SBAs and the remedial work. The committee was consistently presented with a picture of skills shortages in the key sectors that are essential to delivering the ambitions for the legislation. In the absence of a course in Scotland to train fire engineers to fill that void, it is not immediately clear how that obstacle to the acceleration of the remediation programme will be overcome. The slow progress in the number of qualified surveyors emerging from the Royal Institution of Chartered Surveyors training course is also concerning, as are the challenges for existing fire engineers in obtaining professional indemnity insurance.

The idea of having a register setting out what buildings are made of, and not one that is necessarily restricted to the issues that the bill addresses, not only came up during work on the bill but came up again and again during the committee's discussions on reinforced autoclaved aerated concrete, damp and mould, and building safety and quality in general. It would be good to see the Scottish Government taking on board that issue and exploring it more deeply.

The challenge that we face in Scotland with regard to having sufficient people who are qualified to carry out the single building assessment and the remedial work will not be resolved by the bill. However, having the legislation will provide certainty for professionals of on-going work and signal the priority that Parliament is placing on the safety of buildings.

The bill is an urgently needed first step to finally get the remediation programme properly under way, and the Scottish Greens will support the bill at decision time. The introduction of a standardised single building assessment and a public cladding assurance register are critical measures that will provide clarity and reassurance. However, now there can be no more excuses and no more delays. It is time for that decisive action.

16:27

**Willie Rennie (North East Fife) (LD):** I thank members for their efforts in successfully piloting the bill through Parliament. I also thank the staff,

the clerks and the bill team. I am grateful to the minister for his constructive approach.

Whatever the precise mechanism, what people in homes who are affected by safety issues associated with cladding want to know is when something practical and tangible—when physical works—will be done.

There has been a huge amount of talk since Grenfell, but it is worth reminding ourselves us that that is seven years' worth of talk. It was also four years after Grenfell before the Scottish Government launched the single building assessment, which the minister at the time described as being "consistent and robust" and "fulfilling our commitment". That was three years ago. Another year later, the Scottish Government said that the SBA was "the next big step", and we have heard about this being the first step. There have been lots of steps but very few practical and tangible works that have made a difference. Later that year, we heard that tackling the issue was a "priority action"; the following year, it was an "absolute priority".

Here we are today, with similar rhetoric about how important the bill is. However, if the process over the past few years was as "consistent and robust" and such a big step, further legislation in the form of the bill perhaps should not have been required.

The reality is that around 1 per cent of the identified buildings in Scotland have had work completed, whereas the figure is 20 per cent in England, and 42 per cent of the buildings there have had work started on them. Therefore, the minister will forgive people who are affected by potentially dangerous cladding for being a tad sceptical of the hyperbole that has peppered the whole process.

This is not some idle anxiety, either. The delays have real-world consequences to people's lives. Sales have been put on hold, house values have dropped and insurance premiums have gone up. These people's lives have been left in limbo. I know some of them personally, and I know directly how much it has affected them—the stress that it has caused and the anxiety that has been felt day in, day out during quieter periods by them and by friends and relatives.

There are still many unanswered questions, and we have heard some of them this afternoon. I have still not heard a satisfactory answer as to why the Government did not identify much earlier that the tenure process and conditions in Scotland would be a factor. Why did it think that encouragement would be enough to get everybody in line in Scotland? Why was that felt to be the appropriate way, rather than using the degree of compulsion that comes with the bill?

We support the ability to identify and remediate risks through the responsible developers scheme, and we support the bill as a whole. However, there are other questions about whether councils, which will play a critical role in the process, will have sufficient funds to carry out the work. Will there be enough money at a time of great financial stress?

Ariane Burgess quite rightly talked about the shortage of qualified professionals to handle the significant demand for the work that will be required. I would be grateful if the minister would give an update on that in his summing up.

Will there be enough homes for people to decant to, if that is what is required? What update can the minister provide on that?

Finally, the most important aspect is timescales. When will the powers be commenced? When will the work be done? When does the minister envisage all homes being judged safe? I know that the minister is very good at co-operation and taking a constructive approach, but I do not want him to tell me that he has had lots of meetings, because meetings do not solve problems. What solves problems is the practical, tangible work that requires to be done. I hope that the minister will give us some deadlines that we can hold the Government and councils to account on, because that is what people want to hear. They have had enough of talk—they just want action.

16:31

**Willie Coffey (Kilmarnock and Irvine Valley) (SNP):** I pay tribute to all my colleagues—committee members and other colleagues—who helped to steer and shape the Housing (Cladding Remediation) (Scotland) Bill through its evidence stages to get to where we are now. I hope that it is a bill that will make our buildings safer from the risk and rapid spread of fire.

I acknowledge the role that Kaukab Stewart played as a back bencher, with her tireless pursuit of cladding issues on behalf of her constituents in Glasgow Kelvin. Her contribution is greatly appreciated.

Grenfell is our marker for the emergence of the bill. The tragedy there in 2017, which killed 72 people, was the awful event that has led us to review and update our legislation. In 1999, 25 years ago in June, we had a tower block fire at Garnock Court in Irvine that killed one person. The important decision taken then was that all cladding used in high-rise dwellings in Scotland had to be non-combustible. It must have been one of the earliest important decisions that was taken in the Scottish Parliament when it reconvened 25 years ago. It led to the Building (Scotland) Act 2003 and meant that no local authority or housing

association high rises in Scotland had the same cladding material as Grenfell.

The Housing (Cladding Remediation) (Scotland) Bill will allow us to assess and act to remediate unsafe cladding. It has three key purposes, which have been considered in great depth by the committee, and that consideration has been shared with other members. First, the single building assessment will align with industry standard PAS 9980 to ensure consistency across Scotland. Ministers will be able to instruct works that are identified as necessary by those building assessments, giving much sought-after assurance to any affected residents.

Secondly, it will create the cladding assurance register, which will contain a list of the buildings that have been through the single building assessment process, and it will show all required remediation that has been completed. Early entry on the register has been agreed to by the minister at the request of the industry. That important concern was shared by many people who were concerned about mortgage lending and insurance issues.

Thirdly, it will introduce the responsible developers scheme, the purpose of which is to encourage developers to contribute to the remediation of buildings with which they are associated. Developers who do not join the scheme might face certain consequences relating to their ability to carry out future developments.

I am pleased that many of the amendments that colleagues pursued throughout the progress of the bill were accepted by the minister. Miles Briggs's amendments on better engagement and communication with owners, the outcomes of the SBA process and a number of other issues relating to the responsible developers scheme were agreed, as were my colleague Graham Simpson's amendments on the important matter of progress reports on the SBAs and the remediation programme and the contents and timescales of those reports. Pam Duncan-Glancy's amendments 22 and 24 on the important issue of emergency evacuation planning were also accepted. The amendments were considered in an extremely constructive way, and colleagues worked hard to have those amendments included. They have strengthened the bill as a result, in my opinion.

A closing point is that a lot of the evidence that we heard focused on wider fire safety issues, most of which have been around for a while but are not really within the scope of the bill. However, I understand that they will be taken forward by the Government as part of a wider consideration of fire issues in Scotland.

Passing the bill in 2024 will further strengthen Scotland's approach to fire safety in our high-rise

buildings that may have dangerous cladding. Protecting the lives of residents and providing assurance to people whose livelihoods are invested in those buildings will be enhanced if we pass the bill at decision time.

I again thank colleagues for their contributions to this important matter, and I look forward to the bill passing.

16:36

**Jeremy Balfour (Lothian) (Con):** I, too, add my congratulations to the committee, the minister and the Government for getting the bill to where it is today. The bill is better today than it was at the start of the process, and that is an achievement by all members of the committee and the minister. However, this is very much the start of the journey rather than the end.

I was interested in Mr Coffey's remarks. If we go back to the previous session of Parliament, Andy Wightman, who did a lot of work on this issue behind the scenes, brought together the Scottish Government, the lawyers, the surveyors and the insurance companies. The issues that Mr Coffey addressed in his speech were highlighted around five years ago; those were the key issues that had to be addressed.

There is a bit of frustration among the professionals and, more importantly, the home owners who live in these properties that it has taken us, as a Parliament, so long to get to where we are today. From the conversations that I had at the meetings that Mr Wightman organised, it became pretty clear that there would have to be something separate in Scotland due to the legal system and that progress had to be made quickly. It was also clear that Government and politicians would have to be involved in the process, because if we simply left it to mortgage lenders, surveyors and owners, it was not going to happen. I am pleased that we have got to where we are today, but there is frustration that it has taken us so long to get here.

Having a single assessment is important, and it is good news for people who are facing a difficult situation. I am interested to know how much work the Government has done in private to find out whether there are enough surveyors with the experience that is required to do the work that needs to be done. It was highlighted a number of years ago that it will require specific experience that not all surveyors have. It is clear that most of the properties that we are talking about are in Edinburgh and Glasgow, so it will put pressure on the surveyors in those areas to carry out the work. I hope that that issue is being addressed.

One of the slight difficulties with a framework bill is that a lot of the detail will come in secondary

legislation. In his summing up, will the minister let us know how quickly the secondary legislation will come forward? We do not want another delay while regulations are consulted on, drafted and laid before Parliament. I hope—I am confident—that the minister will already have been working on those instruments with his officials behind the scenes. If he could give us some indication as to when they will be laid before the Parliament, that would be very helpful.

I will finish by echoing the remarks made by Willie Rennie. The ultimate success of the bill will lie not in how well we have done here, in the Parliament, but in how quickly people are able to get insurance, sell their houses and, most importantly, feel safe living in the flats and houses that we are talking about. I know that the minister is an optimist by nature, so I wonder whether he could give us an indication, in his closing speech, of when he thinks the properties that we are talking about will have had the assessment and when the work will have been done. Will it be in two years or three years, for instance? Could he give us some indication?

16:40

**Richard Leonard (Central Scotland) (Lab):** One month from today, 14 June, will mark seven years since the Grenfell tower fire, which claimed the lives of 72 people. That it has taken so long for the Parliament to pass a cladding remediation bill into law is something that we all need to reflect on. That it has taken so long—three years—since the Scottish Government received the means, through Barnett consequentials, to start tackling this crisis in public safety is something that the Government and the new First Minister must reflect on and act upon, because there has been a failure of political leadership here. The more time we take to carry out remediation, the more we are knowingly exposing the people who send us to this Parliament to extreme risk of harm. It cannot be right that the UK Government has completed work on almost 800 buildings in England and the Government of Wales has done so on 37 buildings whereas, in Scotland, only one tower block, on one site—Glasgow Harbour—has had dangerous cladding removed and only one block on one site has had any mitigation work carried out at all when more than 100 buildings in Scotland are affected.

Let us consider a historical comparison. On 16 May 1968, four people died when one corner of a 23-storey block of flats collapsed after a gas explosion in east London. Ronan Point caught the attention of an entire nation. By August 1968, all large-panel, system-built blocks over six storeys had been appraised and an inquiry had been set up. Remedial action was taken straight away. Gas supplies were cut off until all affected buildings

were fixed, remedied and remediated. In under two years, new building regulations were passed, which became enforceable from 1971.

Over half a century later, and a quarter of a century since this Parliament was established, why have we been so slow? The values that should have guided us are straightforward enough. Public safety needs to come before profit. The common good needs to come before private gain. I would add that we need a bit more common ownership and a bit less corporate ownership of housing.

It is a basic human right that people feel safe in their homes, yet the cold facts tell us something different. Forty per cent of the disabled people who lived in Grenfell tower died that night in 2017. A quarter of all the children who lived there died in Grenfell tower that night. The lives of all those who died were equal, were precious and are still mourned. Justice for them and their families has still not been served.

I finish by saying to the minister that the bill is not simply about the fabric of buildings; it is about the fabric of our society; it is about disability rights; it is about children's rights; it is about human rights. I put the minister on a warning that, if the Government does not provide political leadership and provide it with a renewed sense of urgency, it will be denying the rights of many, including those living day in and day out under the extremes of acute stress; it will be ignoring the unequal burden of those very real risks; and it will be wilfully disregarding some fundamental inequalities that still lie at the core of our society.

We cannot allow such social irresponsibility, such moral evasion and such political weakness to deflect us from the urgent and decisive action that we need to take. So, Parliament will pass this bill today, but the Government—the Executive—needs to act, and it needs to do so with principle, with purpose and with potency.

16:45

**Ariane Burgess:** The Scottish Government's stated ambition for the bill is to accelerate the progress of the cladding remediation programme. In closing the debate, I reiterate the support of the Scottish Greens for the bill as a milestone towards finally resolving Scotland's cladding crisis after years of immense hardship for too many home owners.

Let us remember how we got here, although we have heard about this to an extent already. The Grenfell tower tragedy in June 2017 claimed the lives of 72 people when a fire broke out in a flat in the 24-storey residential building in west London. The building had recently had a cladding system installed that comprised combustible foam

insulation boards attached to the outside of the concrete structure. Those were protected from the weather by aluminium composite material—ACM—panels, the core of which was highly combustible.

In the seven years that have passed since, little meaningful progress has been made to remediate affected buildings in Scotland. The high-rise inventory has identified 780 high-rise buildings in Scotland, which contain 46,616 flats. Thirty-six buildings are clad in ACM, 23 of which are clad in the highest-risk category 3 panels. Despite that, it is worth noting that the scale of fire risk in Scottish homes is low. Jim McGonigal of the Institution of Fire Engineers set that out, stating that

“Fewer than 1 per cent of fires spread beyond the flat of fire origin; since Scotland took responsibility for the fire stats, there have been no fatalities beyond the flat of fire origin; and, in the past 10 years, there has been a 57 per cent reduction in the number of fires in flats above six storeys.”—[*Official Report, Local Government, Housing and Planning Committee*, 30 January 2024; c 11.]

Although the risk of fire might be relatively low, the issue of cladding has consumed people’s lives, causing long-term worry and stress about the safety of their homes, and it is having a financial impact on owners, who are unable to sell or remortgage their properties. The skills shortage of qualified fire safety professionals, which I mentioned earlier, looms as a potential bottleneck, and creative solutions such as establishing a fire engineering degree programme in Scotland should be seriously explored. We cannot allow this crucial endeavour to be hamstrung by the lack of trained personnel.

Perhaps most critically, as colleagues have mentioned, open and transparent communication with impacted residents and owners must become a top priority as we implement the legislation. The years of limited engagement and information blackouts are simply unacceptable for people whose lives and financial futures have been put on indefinite hold. The bill represents progress but not the final solution. Successful execution of the remediation programme will require on-going vigilance, creative problem solving, adequate funding and resources, and a true collaborative partnership with those whose lives have been upended by the crisis.

If we can finally get this right after such a delay, we will not only make Scotland’s homes safer but restore peace of mind to thousands of our constituents who have suffered sleepless nights wondering whether their largest investment was safe. They deserve nothing less than our full and undivided commitment to delivering on the promise of the bill. I will continue to support the legislation and monitor its roll-out.

When the First Minister took office recently, he indicated that he wanted people in Scotland to live with a sense of safety. Good communication, especially with people who are living with uncertainty in the homes that are part of the cladding remediation programme, is key to providing that sense of safety. Too many lives have been disrupted for far too long already, and it is time to make this right now.

16:49

**Pam Duncan-Glancy (Glasgow) (Lab):** It is a pleasure to close the debate for Scottish Labour. As we have heard, since the Grenfell tower tragedy, the Scottish Government has fallen behind the rest of the UK in making buildings safe. In England, the UK Government has completed work on 797 buildings, and the Welsh Government has completed work on 37, but the Scottish National Party Government has managed to complete work on just two. In the meantime, residents of 103 buildings in Scotland have faced unacceptable delays, have been unable to move, have been unable to get insurance and, most important of all, have been scared in their own homes. That is why we welcome action now, delayed though it is, and will support the bill at decision time.

I pay tribute to the residents and owners whose patience has been admirable and whose determination that the Government takes action has been unwavering. They have put up with so much but have kept going and kept pushing for more to be done. If the bill passes today, it will be because of their resolve.

The bill will pass in an improved state since stage 2 because of a more collaborative approach, as colleagues including Miles Briggs, Ariane Burgess and Willie Rennie have noted. Proposed changes to the bill from colleagues across the chamber have been accepted. However, it was disappointing that the Government did not accept some amendments that could have improved the bill further, including those from my colleague Mark Griffin that sought to clarify key concepts such as whether the bill should include details on what buildings are made of and a definition of tolerable risk, as set out in the committee’s stage 1 report. The amendments were quite basic, and I am disappointed that they did not garner the Government’s support.

I turn briefly to my amendments. Having listened to the experiences of owners and occupiers and having learned from the rights violations related to the Grenfell tower fire that Richard Leonard spoke about so passionately, I worked cross party, and I thank members for their support for provisions that will ensure that owners and occupiers of such buildings have a voice. I am pleased that the

Government supported those amendments and others in the same vein from Miles Briggs and other members. In relation to the threat of a conflict of interest in the development of the single building assessment being mitigated by the bill's operation, I welcome the minister's commitments on the record.

My amendments to ensure that disabled people have access to a personal emergency evacuation plan in the event that remediation works are identified as being required for their building are particularly crucial, given the fact that 41 per cent of disabled people who were in the Grenfell tower when the disaster happened died. Often, people assume that disabled people will be fine, but they are often left out by default. My amendments will ensure that disabled people will be considered by design, which is why they matter. It is, indeed, a matter of rights.

In the letter that the minister sent me last week, he said that he does

"accept that there are specific considerations that must be explored within the context of the Cladding Remediation Programme".

He also said that he is

"committed to ensuring that the needs of all homeowners and residents, including disabled people, are fully considered and addressed"

and that

"this must go beyond evacuation and recognise the need for accessible communications and the provision of person-centred advice and guidance as identified on a building-by-building basis."

I am pleased that my amendment on that issue was agreed to, and I welcome the minister's offer to work together to take things forward. I hope that his commitment will come good that, through regulations, personal emergency evacuation plans for disabled people who request one will be developed. He can be assured that I will be here to make sure that that happens.

I am hopeful that the work that we have all done together across the chamber on the bill, on behalf of the owners and occupiers of such buildings, will mean that they will finally get action and the peace of mind that they deserve.

We must never forget why we are here. In Grenfell tower, in 2017, 72 people tragically lost their lives, with others losing their livelihoods and loved ones. Willie Coffey reminded us that there have also been tragedies closer to home that have driven our need to act. We owe it to all those people and to the firefighters who work daily to save our lives to ensure that nothing like the Grenfell tower disaster ever happens again.

In the stage 1 debate, I said:

"time is of the essence."—[*Official Report*, 12 March 2024; c 51.]

Upon the passage of the bill today, as my colleague Mark Griffin has implored, time will be of the essence once again. That is why the comments by Jeremy Balfour and other colleagues that we need to move apace must be heeded. It is imperative that the Government moves without delay. No stone should be left unturned, and no dangerous part of a building should go unfixed. The Government must now act quickly, transparently and engagingly in the interests of safety and of residents, because this is, indeed, about human rights. The owners and occupiers of such buildings have gone this long without their rights being prioritised or protected. I hope that that will now change and that buildings across the Glasgow region and the rest of Scotland can at last be made safe, with rights protected.

16:54

**Graham Simpson (Central Scotland) (Con):** I will start my speech as I started my speech at stage 1, by remembering what started this all off. Others have said it, but I will repeat it. When Grenfell tower in London turned into an inferno in June 2017, killing 72 people, we all became aware of the serious issue of cladding, which, seven years on, the bill seeks to address. That it has taken seven years to get to this point in Scotland is a disgrace.

**Ben Macpherson (Edinburgh Northern and Leith) (SNP):** Like Mr Simpson, I want to see action as quickly as possible for my constituents. Does he agree that one of the many learning points on the issue, over the past few years, is that we need to get to a better place in terms of intergovernmental relations, given that, in this example, we have building standards and certain other measures in the control of the Scottish Government but the finance industry—whether that be insurance or mortgages—in the control of the UK Government? There was not enough dialogue from the UK Government at the beginning of the process. All Governments need to do more, but I think that that is an important learning point.

**Graham Simpson:** I am disappointed in Ben Macpherson for that contribution. I normally agree with a lot of what he says, but to try to seek division between Governments on this matter is really not good enough. [*Interruption.*] Muttering is no good, either, because these are serious issues.

In the previous session—[*Interruption.*] Who is muttering? If they would like to stand up, they can do so.



**Alasdair Allan (Na h-Eileanan an Iar) (SNP):** Will the member take an intervention?

**Graham Simpson:** I will. Can I have extra time, Presiding Officer?

**Alasdair Allan:** I was merely muttering to myself, but I think that Ben Macpherson said the opposite of what Graham Simpson has characterised him as having said.

**Graham Simpson:** I will continue.

In the previous session, I and others pressed the then housing minister, Kevin Stewart, for action. Jeremy Balfour mentioned that. However, Kevin Stewart seemed more interested in trying to find differences between the ways that the issue was being tackled here and south of the border. We could not get him to ban combustible cladding in Scotland. Members should think about that. We have been slower to act here.

When I spoke in the stage 1 debate, I quoted the committee report, which said that, although the Scottish Government had

“committed to ensuring that all 105 buildings”

in its remediation programme—we do not know what those 105 buildings are, by the way—were

“on a pathway to a single building assessment by summer 2024 ... in England ... 42%”

of buildings had

“either started or completed remediation works.”

What has happened here? Two buildings.

**Ben Macpherson:** Will Mr Simpson take another intervention?

**Graham Simpson:** I really am going to need extra time if I take another intervention.

**The Presiding Officer (Alison Johnstone):** I can allow a little extra time.

**Ben Macpherson:** I thank Mr Simpson for taking the intervention. I know from our work on tenements that he understands this point very well, but the fact that we have a different property law arrangement in Scotland compared with the freehold system in England has presented challenges. That is an important point to acknowledge, and it is why the bill will make a meaningful difference. However, does Graham Simpson agree that we need a greater understanding of what a pathway to remediation means in order for constituents to understand the timescales that are involved?

**Graham Simpson:** I thank Ben Macpherson for that intervention, but I say to him that it should not have taken seven years for us to get to this point. I think that he would agree with me on that. He and I have worked together very well on the issue of

tenement maintenance. Members will have received an email from me earlier, asking them to back a members’ business debate on proposals around that, and a number of members from different parties have already backed that. We need to move forward together on this very serious issue, and we can do that.

The bill’s introduction was rushed and it was not good enough, so some of us attempted to improve it at stage 2. We failed but, as I said earlier, the minister committed to working with some of us ahead of stage 3. I said at the time, kind of jokingly, that I would just have to trust him on that, but my trust has been repaid. The minister and his team have helped to craft amendments from me, Pam Duncan-Glancy and Miles Briggs. I thank him and his team for that.

As you are giving me extra time, Presiding Officer, I will quickly mention a few other members. Miles Briggs spelled out the impact of all this on residents. Mark Griffin mentioned the fires in Milan and Valencia and the general dangers of cladding. I was struck by a comment from Ariane Burgess, who said that we should have no more excuses and that it is time for action. She is absolutely right.

The bill is not perfect, but it is better than it was. At its heart, it gives ministers the

“Power to arrange remediation work”

that has been identified in a single building assessment report as

“being needed to eliminate or mitigate risks to human life that are ... created or exacerbated by the building’s external wall cladding system”.

Whether that involves the original developers or whether they have gone bust or disappeared does not matter, because the work needs to be done. We have to get rid of all dangerous cladding.

At their worst, the effects of fire can be tragic—as we saw at Grenfell—but they can also be life changing. Time will tell whether the bill will help to get dangerous cladding removed, but I will back it in order to give it the chance to do so.

**The Presiding Officer:** I call Paul McLennan to wind up—until 10 past 5, minister.

**Paul McLennan:** For how long, Presiding Officer?

**The Presiding Officer:** Until 5.10.

17:01

**Paul McLennan:** First, I thank the bill team for its help and guidance, and I thank the wider cladding team. They have been a fantastic help to me, so I express my personal thanks to them. I am

also grateful to members for their contributions to the debate, which I will touch on in a second.

Today's discussion has been highly constructive, as has been the case throughout the bill process. I know that members on all sides of the chamber are committed to safeguarding homeowners and residents from the dangers that unsafe cladding poses. That has been evident in the co-operation and collaboration that have helped to shape the bill. I want that to continue—I genuinely mean that—and I give my commitment that I will work together with members on the points that have been raised in the discussion and those that are outstanding as we move forward with the remediation programme. The debate has explored a number of issues and, as I said before, my door is open for discussing them.

I will thank some people specifically. I have mentioned Kaukab Stewart and Pam Duncan-Glancy, but there are others. I thank Miles Briggs and Graham Simpson for their work and collaboration. I thank Ariane Burgess, the convener of the committee, for the work that she carried out. I thank Pam Duncan-Glancy, as I said, and Ben Macpherson, whom I have met with his constituents on a couple of occasions. My special thanks go to him and to Deirdre Brock, who was involved in that, too. Finally, I again offer special thanks to Kaukab Stewart for the work that she has carried out.

I will touch on some of the points that were raised during the debate. I come first to Miles Briggs. I am happy to take up the issue of orphaned buildings—I think that we gave a commitment that those would not be on a lower rung, but I am happy to discuss that with him.

Issues of building safety have been raised by a number of members, and I am happy to engage with them individually or through the committee on that point. I am happy to liaise on that issue, which is important.

Mark Griffin touched on a number of things, including the legislation. The progress has to quicken—I have acknowledged that—and the bill is the first stage of that. On secondary legislation, one of the key things that I said at the start was that we are trying to be held to account so that we are reporting back. Again, I am happy to meet him, either through our regular meetings or through the committee. He has my commitment that I will meet him to discuss how we can develop secondary legislation and timescales. I am happy to continue discussing those issues with him.

Ariane Burgess made an important point about skills issues. We have had meetings with building safety and fire safety colleagues. At the moment, they think that they have the capacity to deal with

the issues, but we need to keep an eye on that. Ariane Burgess's point is very valid.

Willie Rennie mentioned the communication process, which is very important. During the debate, we touched on how important it is that residents know about the process at its start, including what the likely timescales are.

One of the key things that I worked on with Graham Simpson was the reporting process, and I need to be held to account on that. That is important, and I am happy to work with him on that by looking at deadlines. Jeremy Balfour also touched on that.

Willie Coffey talked about the case in Irvine, and I will come on to the points that Richard Leonard made about a historic case from a number of years ago. We have to learn from that and take into account the wider consideration of building safety.

Jeremy Balfour talked about the start of the process. I would not say that we are quite at the start of the process, but the bill allows us to quicken the pace, which is really important. He also made an important point about surveyors and fire engineers, and he raised the issue of secondary legislation, which I am happy to discuss with him or at committee.

Richard Leonard touched on some of the historic cases going back a number of years, and he hit the nail on the head, for me, when he said that, although we can talk about this subject in the chamber, it is a basic right to have a safe home. That has to guide us all. It certainly will guide me, and it is something from today's debate that will stick with me.

Pam Duncan-Glancy talked about the number of buildings on which work has been completed, and I will continue to work closely with her on that issue.

Ben Macpherson made a point about collaboration, particularly with regard to mortgages and insurance. I will continue to work collaboratively with the UK Government on that matter. We have raised it before and we will raise it again.

I am grateful to all members who contributed to the progress of the bill in the weeks and months leading up to today and for the broad support for it from across the chamber. I know that Parliament and the most important people in all this—the residents, owners and stakeholders—want to see an increase in the pace of cladding remediation in Scotland, and I desperately want to see that, too.

I believe that the bill provides a strong foundation on which to accelerate the operational delivery of our cladding remediation programme and aims to deliver for those who are affected by

unsafe cladding in our communities and constituencies. I commend the motion in my name, and I very much hope that members will vote for it tonight.

**The Presiding Officer:** That concludes the debate on the Housing (Cladding Remediation) (Scotland) Bill.

## Parliamentary Bureau Motion

17:07

**The Presiding Officer (Alison Johnstone):** The next item of business is consideration of Parliamentary Bureau motion S6M-13216, on committee membership. I ask Jamie Hepburn, on behalf of the Parliamentary Bureau, to move the motion.

*Motion moved,*

That the Parliament agrees that Emma Roddick be appointed to replace Kate Forbes as a member of the Rural Affairs and Islands Committee.—[*Jamie Hepburn*]

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

## Motion without Notice

17:07

**The Presiding Officer (Alison Johnstone):** I am minded to accept a motion without notice under rule 11.2.4 of standing orders that decision time be brought forward to now. I invite the Minister for Parliamentary Business to move such a motion.

*Motion moved,*

That, under Rule 11.2.4, Decision Time be brought forward to 5.07 pm.—[*Jamie Hepburn*]

*Motion agreed to.*

## Decision Time

17:07

**The Presiding Officer (Alison Johnstone):** There are two questions to be put as a result of today's business.

The first question is, that motion S6M-13190, in the name of Paul McLennan, on the Housing (Cladding Remediation) (Scotland) Bill, be agreed to. As this is a motion to pass the bill at stage 3, the question must be decided by division. There will be a short suspension to allow members to access the digital voting system.

17:07

*Meeting suspended.*

17:10

*On resuming—*

**The Presiding Officer:** Members should cast their votes now.

The vote is closed.

**The Cabinet Secretary for Health and Social Care (Neil Gray):** On a point of order, Presiding Officer. My app would not connect. I would have voted yes.

**The Presiding Officer:** Thank you, Mr Gray. We will ensure that your vote is recorded.

**Neil Bibby (West Scotland) (Lab):** On a point of order, Presiding Officer. My app also would not connect. I would have voted yes.

**The Presiding Officer:** Thank you, Mr Bibby. We will ensure that that is recorded.

### For

Adam, George (Paisley) (SNP)  
 Adam, Karen (Banffshire and Buchan Coast) (SNP)  
 Adamson, Clare (Motherwell and Wishaw) (SNP)  
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Balfour, Jeremy (Lothian) (Con)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Briggs, Miles (Lothian) (Con)  
 Brown, Siobhian (Ayr) (SNP)  
 Burgess, Ariane (Highlands and Islands) (Green)  
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)  
 Carlaw, Jackson (Eastwood) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Chapman, Maggie (North East Scotland) (Green)  
 Choudhury, Foyso (Lothian) (Lab)  
 Clark, Katy (West Scotland) (Lab)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Constance, Angela (Almond Valley) (SNP)  
 Dey, Graeme (Angus South) (SNP)

Don, Natalie (Renfrewshire North and West) (SNP)  
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Dowey, Sharon (South Scotland) (Con)  
 Dunbar, Jackie (Aberdeen Donside) (SNP)  
 Duncan-Glancy, Pam (Glasgow) (Lab)  
 Eagle, Tim (Highlands and Islands) (Con)  
 Ewing, Annabelle (Cowdenbeath) (SNP)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallacher, Meghan (Central Scotland) (Con)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Golden, Maurice (North East Scotland) (Con)  
 Gougeon, Mairi (Angus North and Mearns) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Neil (Airdrie and Shotts) (SNP)  
 Greene, Jamie (West Scotland) (Con)  
 Greer, Ross (West Scotland) (Green)  
 Griffin, Mark (Central Scotland) (Lab)  
 Gulhane, Sandesh (Glasgow) (Con)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
 Harper, Emma (South Scotland) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hoy, Craig (South Scotland) (Con)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Kerr, Liam (North East Scotland) (Con)  
 Kerr, Stephen (Central Scotland) (Con)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lennon, Monica (Central Scotland) (Lab)  
 Leonard, Richard (Central Scotland) (Lab)  
 Lumsden, Douglas (North East Scotland) (Con)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Gillian (Central Scotland) (Green)  
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)  
 Maguire, Ruth (Cunninghame South) (SNP)  
 Marra, Michael (North East Scotland) (Lab)  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 McArthur, Liam (Orkney Islands) (LD)  
 McCall, Roz (Mid Scotland and Fife) (Con)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McLennan, Paul (East Lothian) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNair, Marie (Clydebank and Milngavie) (SNP)  
 McNeill, Pauline (Glasgow) (Lab)  
 Minto, Jenni (Argyll and Bute) (SNP)  
 Mochan, Carol (South Scotland) (Lab)  
 Mountain, Edward (Highlands and Islands) (Con)  
 Mundell, Oliver (Dumfriesshire) (Con)  
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)  
 O'Kane, Paul (West Scotland) (Lab)  
 Regan, Ash (Edinburgh Eastern) (Alba)  
 Rennie, Willie (North East Fife) (LD)  
 Robertson, Angus (Edinburgh Central) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Roddick, Emma (Highlands and Islands) (SNP)  
 Ross, Douglas (Highlands and Islands) (Con)  
 Rowley, Alex (Mid Scotland and Fife) (Lab)

Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Simpson, Graham (Central Scotland) (Con)  
 Slater, Lorna (Lothian) (Green)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Smyth, Colin (South Scotland) (Lab)  
 Somerville, Shirley-Anne (Dunfermline) (SNP)  
 Stevenson, Collette (East Kilbride) (SNP)  
 Stewart, Alexander (Mid Scotland and Fife) (Con)  
 Stewart, Kaukab (Glasgow Kelvin) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Sweeney, Paul (Glasgow) (Lab)  
 Swinney, John (Perthshire North) (SNP)  
 Thomson, Michelle (Falkirk East) (SNP)  
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Villalba, Mercedes (North East Scotland) (Lab) [Proxy vote cast by Richard Leonard]  
 Webber, Sue (Lothian) (Con)  
 White, Tess (North East Scotland) (Con)  
 Whitfield, Martin (South Scotland) (Lab)  
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)  
 Whittle, Brian (South Scotland) (Con)  
 Wishart, Beatrice (Shetland Islands) (LD)  
 Yousaf, Humza (Glasgow Pollok) (SNP)

**The Presiding Officer:** The result of the division on motion S6M-13190, in the name of Paul McLennan, on the Housing (Cladding Remediation) (Scotland) Bill, is: For 116, Against 0, Abstentions 0.

*Motion agreed to,*

That the Parliament agrees that the Housing (Cladding Remediation) (Scotland) Bill be passed.

**The Presiding Officer:** The next question is, that motion S6M-13216, in the name of Jamie Hepburn, on behalf of the Parliamentary Bureau, on committee membership, be agreed to.

*Motion agreed to,*

That the Parliament agrees that Emma Roddick be appointed to replace Kate Forbes as a member of the Rural Affairs and Islands Committee.

## Action to Tackle Climate Change

**The Deputy Presiding Officer (Annabelle Ewing):** The final item of business is a members' business debate on motion S6M-13008, in the name of Maurice Golden, on urgent action to tackle climate change. The debate will be concluded without any question being put.

I ask members who wish to speak in the debate to press their request-to-speak buttons, and I call Maurice Golden to open the debate.

### *Motion debated,*

That the Parliament considers that tackling climate change is one of the greatest challenges that the world faces and that Scotland set world-leading targets; is disappointed at reports that the Scottish Government has no credible pathway to meet the interim 2030 target, described as too stretching with just six years left to reach it; understands that the Scottish Government has failed to meet eight of its last 12 emissions targets; notes the belief that a draft climate change plan must be introduced with the utmost urgency; further notes the view that transformational policies must be introduced to tackle, mitigate and adapt to climate change, in line with just transition principles, and considers that this process, as part of the journey to a more circular economy, will have benefits for Scotland, including communities in the North East Scotland region, as well as contribute to the global effort in tackling climate change.

17:14

**Maurice Golden (North East Scotland) (Con):** I thank all those members who signed my motion, although I was a little bit shocked to see that not every party had signed it. Part of the reason for that, I believe, concerns my first point, which is that culture wars have broken the cross-party consensus on climate change, and indeed on other matters.

Words such as "traitors" and "betrayal" are regularly used, combined with malicious accusations and personal attacks. It seems that some are not content to disagree and debate with opponents, but have to debase and demonise them instead. All parties, perhaps excluding the Liberal Democrats, must take their share of the blame in dragging climate change into a culture war.

**Mark Ruskell (Mid Scotland and Fife) (Green):** Would the member reflect on the fact that his colleagues often use the phrase "extremist Greens"? Does he believe that that is acceptable, or that it is in fact fuelling a lack of consensus in the chamber?

**Maurice Golden:** I do not think that it will help if we get into a series of exchanges around whataboutery. My point is to explain how we need to move beyond that.

When the United Kingdom Government announced delays to major policies, I disagreed and voted accordingly, breaking the party whip for the first—the chief whip has just added "and only"; I am not necessarily convinced—time in Parliament. Those delays were disappointing, but ultimately—this is a key point—they would not have derailed the UK Government's efforts to reach net zero. However, the Scottish Government said, in a parliamentary motion, that the move was an

"unforgivable betrayal of current and future generations."

Seriously—is that the level that we are at? That was said by the Scottish Government in the full knowledge that it was about to abandon its own interim net zero target.

There is also the issue of banning things that were never going to happen anyway. The Greens managed that when they banned new incinerators that were never actually going to be built. That is why incineration capacity went up under the Greens when they were in Government—a new incinerator opened in Aberdeenshire last month, and another one is under construction in Perth and Kinross.

**Jackie Dunbar (Aberdeen Donside) (SNP):** I just want to clarify something. The new incinerator was opened in Aberdeen city, not in Aberdeenshire. That is the second time that you have said that today, so I wanted to clarify that point.

**The Deputy Presiding Officer:** Through the chair, please.

**Maurice Golden:** I am far stronger on climate change than I am on geography, Presiding Officer.

Climate change is one of the greatest challenges that we face. Scotland started off well by setting world-leading targets, but their subsequent delivery has been woeful. The UK Climate Change Committee has said that,

"Most ... indicators of delivery progress are off track",

and the Scottish Government's response has been to abandon its 2030 net zero target. The Scottish Government's approach of doing the same thing and expecting a different result has been proven to be the wrong one, as it has failed to meet eight of its 12 emissions targets.

However, that is just the tip of the iceberg. The Scottish Government's environmental efforts have become a rolling disaster. The 2013 recycling target has, more than a decade later, still not been met. The landfill ban was delayed; the food waste target looks like it is heading for failure; and the renewable heat target has failed to be met, as were more than half of the international biodiversity targets. Meanwhile, peatland

restoration is wildly off track, and commuting by active travel and public transport has declined.

However, there is no sign of humility, much less responsibility, from the Scottish Government. Instead, it blames others and carries on no matter what, dooming itself, and Scotland, to repeat the cycle of failure again and again.

We all agree that the interim 2030 target was stretching, but missing that target, officially six years ahead of time—and in reality, seven or eight years ahead of time—just a few years after committing to it, is utterly embarrassing. The Scottish Government has walked its players off the pitch before half time.

For more than a decade, the Scottish Government has been found asleep at the wheel. The Cabinet Secretary for Net Zero and Energy suggested in a response to a question from me that the Circular Economy (Scotland) Bill was an example of transformative action on sustainable consumption and behaviour change. That could not be further from the truth; the bill is more concerned with waste and litter.

During consideration of amendments at stage 2, the Scottish National Party and the Greens rejected a series of progressive policies, which included a preference for managing waste more locally. Only in Scotland could the approach to a circular economy somehow be divided on the basis of indyref 2.

**The Minister for Climate Action (Gillian Martin):** In the spirit of working together, as Maurice Golden has described, perhaps he will remember that, this morning in committee, I said that I was happy to work with him ahead of stage 3 on the wording of his amendment to the Circular Economy (Scotland) Bill on managing waste locally to see whether we could give meaning to it.

**Maurice Golden:** Yes—I appreciate that, minister, but you also voted against meeting the targets that you set on behalf of the Scottish Government. The Scottish Government's position was that it did not want to enforce the targets that it had set on recycling. That was with me generously allowing the Government an extra 12 years to meet those targets; it is quite shocking.

What do we need to do now? In 2017, I produced a climate change paper that contained transformational policies to tackle climate change, which were linked to major infrastructure projects such as an electric arc furnace and a plastic recycling facility. I believe that, if the Scottish Government had pursued those policies seven years ago, we would still have a viable pathway to reach the 2030 interim target.

Public procurement and enterprise agency spend should be integrated with tackling climate

change. That is a big easy win that would pump-prime the market, and would not require extra funding.

We need to prioritise insulation measures for our homes. That would immediately help to tackle fuel poverty and the climate crisis and, in addition, it is a prerequisite for heat pumps. A financial model should also be developed so that investments in low-carbon heating can, similar to a mortgage, be linked to homes rather than home owners.

We must tackle consumption with system design in order to move from short-term to long-term consumption. That can be achieved via rental models in which consumers pay per use for a better product. That is cheaper for the consumer, so it can help to tackle poverty, and it can be applied across a range of goods from textiles to household appliances and electricals.

Let us make Scotland a world leader in sustainable consumption. Let us create a circular economy, and let us work together to do it.

17:23

**Bob Doris (Glasgow Maryhill and Springburn) (SNP):** It is self-evident that there have been serious challenges for Scotland in meeting our 2030 interim target on the path to being a net zero nation by 2045. Indeed, following a pretty blunt report from the UK Climate Change Committee, the 2030 interim target will be withdrawn and the pathway to net zero by 2045 must be redrawn. That is clear.

Those challenges were highlighted during the Net Zero, Energy and Transport Committee's meeting last month, at which we heard from the UK Climate Change Committee chair, Chris Stark. His account was certainly unvarnished, to say the least—he did not miss. However, he went on to say:

“the Scottish Government is due credit for acknowledging that the 2030 target cannot be met and for taking the—no doubt difficult—step of announcing that to the Parliament. Indeed, the Government is also due credit for retaining, as I understand it, the 2045 net zero target, but leaving open the idea that a new path to that target can be found on the advice of the Climate Change Committee next year.”—[*Official Report, Net Zero, Energy and Transport Committee*, 23 April 2024; c 3.]

Climate change is too important for us to allow people to politicise it—I suspect that I agree with Maurice Golden on that. That was also a clear message from the climate change people's panel, which was established by our Net Zero, Energy and Transport Committee and made up of 23 citizens—I nearly said “ordinary citizens”, but they were far from ordinary.

When members of the panel gave evidence to our committee, they noted that the media attention on climate change was often surrounded by “doom and gloom”. However, during the panel’s work, its members became aware of a lot of positive work that was under way, which they may never have heard about if it was not for their deliberations.

Positive actions are, of course, being taken, such the Scottish Government’s provision of free bus travel for all under-22s, the Scottish Government’s work to deliver more woodland in Scotland in a year than all the other UK nations combined and the considerable progress that is being made in energy. Scotland has become a renewables powerhouse, with 87.9 per cent of electricity generation coming from zero-carbon or low-carbon sources in 2022. There is also the Scottish Government’s work on decarbonising heat in buildings, which could become a template for the rest of the UK—something that Mr Harvie, when he was in Government, said would be a real success, and I think that he was right in relation to that.

As a Parliament, we need to offer constructive scrutiny. In doing so, we must ensure that we stay positive.

My apologies, Presiding Officer. When you miss out a page of your speech it does become a bit skew-whiff—I apologise for that.

Let me be clear, however, about the list of successes. I see Stephen Kerr looking at me intently. Of course, we have not gone anywhere near far enough, but I mention those achievements because, as the people’s panel made clear, we need to celebrate the successes and publicise them in a positive manner. The climate change people’s panel was also clear, however, that the Scottish Government had not communicated effectively with the public on climate change, and said that it

“could be more ambitious, delivering a positive narrative and enabling Scotland to set a standard of excellence.”

The important point was that the public want us to be positive. As a Parliament, we need to offer constructive scrutiny, but we also need to be a key partner of the Scottish Government.

The capital costs of the level of change that is required to secure net zero are eye watering. I had a section in my speaking notes about UK Government capital cuts to Scotland, which are clearly detrimental, but I will not expand on that further, as the Parliament has to come together.

**Monica Lennon (Central Scotland) (Lab):** To fill in the blank space on that missing page, would Bob Doris agree that the people’s panel on climate change made a really important recommendation about the importance of climate hubs and the

need to make such investment locally? That would help with wider engagement, which Bob Doris referred to.

**Bob Doris:** I thank Monica Lennon for that intervention. I can assure Ms Lennon that I have found my place again, but that was a really important point regarding the panel, which our committee heard.

I could rhyme off a variety of initiatives such as deposit return, recycling, low-emission zones, parking charges and workplace parking levies—or I could indeed mention the UK Labour green budget U-turn, which resulted in £28 billion a year evaporating into thin air—but I will stop myself, as I can feel myself starting to get party political, and that is not the sort of point that I want to make. The reality is that, no matter the UK Government in charge at Westminster or indeed the political composition of our Scottish Parliament, we need to find a way to come together and meet our net zero goals. I hope that we can do so, and that we can do so by generating as much consensus as possible.

17:28

**Douglas Lumsden (North East Scotland) (Con):** Once again, it is down to the Scottish Conservatives to secure debates on the important issues that the people of Scotland are talking about while, once again, the focus of the SNP devolved Government is on independence. I thank Maurice Golden for securing this vital debate on climate change.

The present devolved Government has failed in its ambition and duty for the past 17 years when it comes to climate change measures. In fact, the Cabinet Secretary for Net Zero and Energy herself acknowledged in an interview a couple of weeks ago that she was “proud” of the work that the Scottish Government had done, even though it had failed on eight out of 12 of the emission targets that it had set itself.

The cabinet secretary recently wrote to the Net Zero, Energy and Transport Committee about climate change targets. In her three-page letter, there are a total of nine obfuscations, and here they are for ease of reference: two mentions of “in due course”; “putting in place”; “are being developed”; “moving to an approach”; “as soon as possible”; “on-going”; “remains committed”; and “consideration is ongoing”. There were no commitments, no timeframes and no demonstration of a Government that is committed to dealing with the issue in a timely way.

The letter actually has a line from the cabinet secretary that states that the Scottish Government has



“twenty years to finish the job.”

That is a disgrace. The Government has had 17 years and it is yet to start the job.

As the new First Minister has made clear, his first priority is independence. Apparently, the SNP can achieve that in five years. If only that same focus could be given to this issue, or to education or policing.

The motion calls for a plan to be introduced “with the utmost urgency”, but this Government has no sense of urgency at all. Targets are missed, deadlines shift and complacency is rife—yet, apparently, it is proud of that record. That is shameful.

Now we have a new strategy from the Government to deal with targets that they miss: delete them all together. Emissions targets are gone, and recycling targets are soon to be gone, as we heard today. Maybe that was what was on Bob Doris’s missing page: his Government’s targets.

Although the communities that I represent are crying out for clarity, this Government dithers and delays. The north-east is eager to work with all Governments to bring economic growth to the region, and is making huge strides through working with the Government in Westminster, which is committed to investing in the area, working with industry on a just transition and ensuring jobs and economic growth.

**Mark Ruskell:** Will the member acknowledge that we are all wrestling with policy choices when it comes to climate change? Does he recognise that dualling every last inch of the A96 will make it harder for us to meet climate change targets, not easier?

**Douglas Lumsden:** Dualling the A96 is a safety concern that we should all get behind.

This Government does not understand the north-east region or the industries that are built there. It talks about a just transition, but it is a just transition that has been imposed from the central belt.

**Fergus Ewing (Inverness and Nairn) (SNP):** The A96 was mentioned and I have an interest in that. Does Mr Lumsden agree that even electric buses must be driven on things called roads, as do cars? There is an idea that, somehow, we cannot have roads and that not having them will help climate change. Does he agree with me that that idea is for the birds?

**Douglas Lumsden:** I completely agree with Mr Ewing. I remember him saying once in the chamber that we should not be anti-roads and anti-cars but anti-emissions. Surely, on safety

grounds, the A96 and the A9 should all be dualled. That would save many lives in our constituencies.

It is time to stop the obfuscation; it is time to stop the dither and delay; it is time to stop not reaching targets; and it is time to stop being proud of failing. We need a clear plan of how we will reach net zero, with a date on when the climate change plan will be introduced. The country wants certainty. Our people want to do their bit to reach net zero, they want a just transition and they want to move towards net zero. It is the Scottish Government that is holding up that process. I am pleased to support the motion today.

17:33

**Sarah Boyack (Lothian) (Lab):** I thank Maurice Golden for bringing this key issue to the chamber. I hope that everyone in the chamber will agree on the necessity of urgent action. We are experiencing the impacts of climate change now—it is not a future issue. We are seeing increased extreme weather, flooding, storms and forest fires damaging our infrastructure and affecting people’s homes and communities in Scotland. That is happening across the world, too, most recently with the devastating floods in Brazil and a drought in Ethiopia.

Just last week, a *Guardian* survey of members of the Intergovernmental Panel on Climate Change revealed that 80 per cent of leading climate scientists predict a 2.5°C increase in global temperatures. The problems will get only worse if we do not act now.

We need a Government that will match the ambitious targets that this Parliament set on a cross-party basis with ambitious action. The Climate Change Committee, as Maurice Golden mentioned, highlighted a number of key areas in which the Scottish Government has either no plan or an insufficient plan. It said in its report that we need more robust action on transport, waste, land usage, green jobs, industry and buildings.

Continuity will not cut it. We need to hear from the minister today, which is nearly a month after her Government announced that it would be scrapping the 2030 target, what the Scottish Government will do to severely ramp up action on delivering on climate change. We have been given no details on the proposals that it will introduce, what targets it will scrap and keep, what the status of the climate change plan will be, and how carbon budgets will work and relate to those issues. We are no further forward in getting clarity on those matters.

Labour has a strong history of being ambitious. I remember, in my time as a minister, setting up a ministerial group on sustainable development—with the first renewables targets—and providing

free bus travel for older people and people with disabilities. However, I was prompted by the centre for energy ethics at St Andrews to reflect on the passing of the Climate Change (Scotland) Act 2009 and the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019, when Scottish Labour pushed for more action. We got cross-party agreement for action, but we need to make sure that we deliver on those targets. All of us across the chamber must think that through.

When we were in power, we introduced the UK Sustainable Development Commission, which the Tory-led coalition subsequently closed. We must think about what we can do to ramp up our action. We have plans for GB energy, a nationally owned energy company based in Scotland, to accelerate the just transition that is already under way and to urgently add thousands of new jobs, and, critically, to accelerate community renewables so that all our communities across the country will benefit. We will also nationalise rail to drive sustainable transport and set up a national wealth fund so that we get infrastructure investment.

That joined-up thinking is why I am pursuing my member's bill on wellbeing and sustainable development. We must ensure that all policy development and implementation will deliver on sustainable development, wellbeing and our climate targets, and, crucially, we must learn from the Welsh experience by having a future generations commissioner.

I am grateful to Labour, Scottish Liberal Democrat and Conservative MSPs who have signed up to support my member's bill. That has given me the right to introduce the bill, and I am now working on bringing it—

**Fergus Ewing:** Will the member take an intervention?

**Sarah Boyack:** I think that I am about to be told to wind up by the Deputy Presiding Officer.

**The Deputy Presiding Officer:** There is a bit of time; it is up to the member whether to take an intervention.

**Sarah Boyack:** Brilliant. I shall take an intervention from the member.

**The Deputy Presiding Officer:** Briefly, Mr Ewing.

**Fergus Ewing:** On beefing up community entitlement, does the member agree that community ownership should be the objective—not simply receiving a cheque but having a stake in, for example, renewable developments? Will Labour enable that to happen?

**Sarah Boyack:** Absolutely. That is why we have a co-operative-owned renewables project in Edinburgh that works with the council. That is why

we set up Midlothian Energy Ltd, which is building a heat network with Vattenfall in Midlothian, in my region. We have had the Aberdeen Heat & Power experience for the best part of 20 years, and we could do that across the country. Pumped hydro is an opportunity in which I know the member is interested. We could have more such community projects—every council in Scotland could have community-owned or co-operative-owned renewables projects.

We need action. I hope that the minister will say today whether the Scottish Government will support my bill. We need concrete actions across Scotland so that we can play our part in the leadership and delivery of tackling climate change. We are full of potential to be a world leader, and we cannot roll back on the actions that we urgently need. I hope that we, as a Parliament, can work together to make that potential a reality, because it is more important than ever.

17:38

**Mark Ruskell (Mid Scotland and Fife) (Green):** I will try to strike a note of consensus with Maurice Golden. I am a trier, so I will at least try. I share the disappointment and sense of loss that the 2030 climate target is now out of reach, although I am heartened that net zero by 2045 remains achievable and on track.

The 2030 target was agreed on a cross-party basis, and there were two factors that drove the target upwards and, admittedly, beyond the advice of the Climate Change Committee. The first was the science of what is needed in this decade to globally reduce emissions and the recognition in 2019 that to achieve that in a fair way means that Scotland needs to do far more than countries in the global south. The second reason the target was set so high in the 2019 act was the deep frustration at a lack of Government action, especially in the areas of agriculture, transport and housing. Sectors that had seen next to no progress for decades were able to hide behind the big emissions reductions that were achieved from renewable electricity generation, but it was obvious that, going forward, there would be no place to hide.

The belief in 2019 was that a high target with the most robust legal framework in the world behind it would drive the action that was missing from the previous Scottish climate change plans. That belief was pushed very hard by people in the climate movement, and they found cross-party support for it in the chamber, but the hope that the 2030 target would drive climate action demonstrably failed. The climate plan that was published in 2020 did not show a credible path to the 2030 target, and the UK CCC warned that the

Government needed to double down on action if it was to have any hope of meeting it.

**Maurice Golden:** I am keen to understand why, based on what Mark Ruskell has articulated, no Green MSP signed the motion that we are debating.

**Mark Ruskell:** I am trying to strike a consensus with Mr Golden. His initial speech did not strike a consensus and confirmed my decision not to sign the motion.

I turn back to the substance of the debate. Mr Golden will remember that the Parliament's committees were scathing in their analysis of the climate change plan. Cross-party committees suggested more than 80 recommendations to improve the plan. That was the point at which the 2030 target was lost because, without the commitment to early transformative action, an already stretching target very quickly became completely unachievable.

Covid certainly did not help with the Government's focus, and Westminster austerity has decimated the availability of the capital investment that is needed for programmes. However, fundamentally, a climate plan that failed to put the action that was needed up front was always going to lead to an unachievable target.

For Greens, entering the Bute house agreement and the Scottish Government for the first time, in 2021, was always going to be a risk, but I am proud of the achievements of our group over the past two and a half years as a result of working constructively with SNP ministers on climate issues. I ask those ministers to build on that momentum rather than to dismantle it.

For example, the heat in buildings programme, which was spearheaded by Patrick Harvie, has been singled out by the CCC as a template for the rest of the UK. It is a clear example of the action that was needed back in 2020 to build up supply chains, get costs down, drive through regulations and start planning for major investments. I urge ministers to build on that work in order to reach a critical mass of action, with the number of retrofits of homes accelerating year on year.

There are many other areas in which ambition and action have been accelerated by having Greens in the Government, from the doubling of onshore wind capacity that is under way to the unprecedented scale of active travel infrastructure that is appearing in our towns and cities.

Critically, those who argue for strong targets need to commit to the action that is needed to meet them. I say to Mr Golden that the contradictions play out in the chamber all the time. Just the other week, Tory MSPs—many of whom are here today—championed another members'

business debate, on stopping new electricity pylon lines. If they are successful in their campaign, there will be no way for Scotland or the UK to come anywhere near to meeting our climate obligations. That is a fact.

The 2030 target might be lost—I grieve for it—but the need for action has never been greater. All members of this Parliament must commit to such action or be prepared to tell future generations why they sold them out.

17:43

**Stephen Kerr (Central Scotland) (Con):** Mark Ruskell has done himself a great disservice by misrepresenting the nature of the debate that was led by Tess White. None of us was arguing against upgrading the national grid. We were talking about how that should be done, not whether it should be done. Increasingly, from listening to Green members speaking in the chamber and elsewhere, it seems that it will take them a very long time to get over the demise of the Bute house agreement. They really have to give up the sulk.

I thank the whip-defying Maurice Golden for bringing the debate to the chamber. It is not for nothing that he is regarded as the Parliament's foremost champion on green issues. If I may say so, the reason for that is that he knows what he is talking about. He has even won awards for his green credentials—repeatedly, actually—so I am proud to speak in a debate that has been led by the award-winning Maurice Golden.

I think that I am the only person in the chamber this evening who voted to put the 2050 net zero mandate into UK law, which was a world first. We talk a lot about being world leading, but that was world leading. I took the opportunity to speak in just about every debate during the passage of that legislation through the House of Commons, because I could not believe that any rational person would not be in favour of clean energy, clean manufacturing, zero waste, clean air and clean water. I still believe that, and I still want those things. However, we need to take people with us. We cannot just preach at people and impose unrealistic and costly change on them. That is exactly what I spoke about in the debates during the passage of the net zero law.

**Bob Doris:** Mr Kerr talks about taking people with us. The Net Zero, Energy and Transport Committee's climate change people's panel—23 hardy souls—said that what turns them off and demotivates them in relation to climate change is debates of this nature, in which the tone is aggressive, hostile and not constructive. Should we not all reflect on how we conduct ourselves in this place in order to motivate wider society to take

part in and buy into the step change that is needed to deliver on our climate change aspirations? Is that something to reflect on?

**Stephen Kerr:** I mentioned the word “preach”, and it was a cue for Bob Doris to do a bit of preaching at us on this side, for calling for pragmatism in the delivery of the vital target of net zero by 2045 or 2050. I am calling for realistic targets, not necessarily world-leading targets—I am really not interested in those. What I am interested in is realistic targets and a credible plan to go along with them.

The whole reason why the Scottish Government was forced to drop its own world-leading targets was, I believe, a lack of realism. We did not just land at that moment in an instant. If we keep missing our interim targets, we will not hit the ultimate or end target. Chris Stark, the former chair of the Climate Change Committee, said that there would have to be a ninefold increase in decarbonisation in Scotland for the Scottish Government to meet its legal target, and that that was “beyond credible”.

We need credible and realistic plans. We do not need attention-seeking, headline-grabbing plans.

**Gillian Martin:** This is an opportunity for me to say what we have said in other debates about Grangemouth. In decarbonising Grangemouth, there is an opportunity to keep it as a biorefinery. Grangemouth emits about 33 per cent of industrial emissions in Scotland. Does the member stand with me in calling for the regulations to be put in place to allow that to happen?

**Stephen Kerr:** I express an interest in looking at those regulations, because there is a food security issue that goes alongside the energy security issue, and a balance is required. That is an important consideration.

I will be helpful and positive in this debate by making a pitch to really focus on one area in delivering a reduction in emissions, and that is housing. It will please the Greens to hear me say that. We need to tackle the shortage of good housing in this country, and we need to tackle the state of the nation’s housing stock, because that way, we will tackle household emissions. We need to mobilise the innovative power of the private construction sector and set a skills agenda to build the upskilled workforce that we need to get the job done. I say to the Government, do not cut housing budgets, do not cut education and skills budgets and, in particular, do not defund Scotland’s colleges. If we tackle the crucial issues in housing across the board, we will see a dramatic improvement in the nation’s health and wellbeing. That is a statistical fact. That one investment will get us payback in so many areas.

I will close by quoting the late Roger Scruton. He said:

“top-down solutions have a tendency to confiscate problems from those whose problems they are.”

On another occasion, he said:

“there is a tendency among environmentalists to single out the big players in the market as the principal culprits: to pin the environmental crime on those ... that make their profits by exporting their costs to others (including those who are not yet born).”

However, he said that that

“is to mistake the effect for the cause. In a free economy such ways of making money emerge by an invisible hand from choices made by all of us.”

Ultimately, individual choices are what it all comes down to, so both of Scotland’s Governments must work in co-operation and reward good choices.

**The Deputy Presiding Officer:** Mr Kerr, please bring your remarks to a close. I must be fair to all the speakers.

**Stephen Kerr:** I will finish the sentence. We will see more progress by dint of the impulse of human nature to choose positively when incentivised to do so than through just about anything else that can be done by Government.

17:49

**Monica Lennon (Central Scotland) (Lab):** I am grateful to Maurice Golden for securing the important and timely debate and I congratulate Gillian Martin on her reappointment to the Government in the important role of Minister for Climate Action. I hope that, when we leave the chamber after the debate, we will all have a sense that we can work together; that the minister has said that her door is open and that good ideas from across the chamber can make their way to the Cabinet table.

Five years ago today, the Scottish Government was absolutely right to come to the chamber and declare a climate emergency. Scotland’s climate targets were achievable and they were ambitious, and we should not apologise for ambition. However, somehow—I do not have all the answers—the Government has struggled to focus on delivery and implementation and to get the right action in place at the right time. That is a real shame and a missed opportunity, because if we had got it right or it had been done a lot better, millions of Scots could have had the benefit of warmer homes, cheaper bills, better public transport, well-paid green jobs and a healthier, cleaner environment. That is what my constituents across Central Scotland want, and I think that that is what everyone in Scotland wants. That is why it is really important that the Net Zero, Energy and

Climate Change Committee established the climate change people's panel.

We often hear in the Parliament that we have to take people with us and on a journey. People already know the science. The good people of Scotland know what needs to be done, and they want us to find a way to get on and do it, so if we can knock heads together and have a group hug, let us do that. It is not about the demise of the Bute house agreement, as sad as that may be for those who were involved: we are talking about the demise of the planet and of people's jobs and their health. Let us make just transition for workers and communities a reality and get on with it.

We have received some helpful briefings for the debate. I thank Oxfam, Friends of the Earth Scotland and the Existing Homes Alliance. The Climate Change Committee has sent an important letter to the Cabinet Secretary for Net Zero and Energy, which I expect has reinforced what has been said in the debate. I will quote Professor Piers Forster, the interim chair of the CCC, who said:

"It is deeply disappointing that the Scottish Government has decided to withdraw its 2030 and 2040 interim targets. When set, these represented an ambitious commitment to the pace of decarbonisation in Scotland; however, the Scottish Government's development and implementation of plans were too slow, and action has not kept pace with this ambition."

However, it is not too late to get it right. We have had passionate contributions in the debate and I can draw examples of that from across the chamber. I think that Mr Ewing has left his seat, but there are other examples of colleagues working across party divides. I have worked with Mr Ewing on solar energy; Maurice Golden on the circular economy; colleagues on the Green benches on my ecocide proposals; the Lib Dems on measures to protect our oceans and rivers from pollution; and Ash Regan in the Alba Party on its ambitions for a just transition for the workers and communities in Grangemouth—an issue that I know Stephen Kerr also cares about.

We can work together when we take the personal attacks out of it. There is no Government in the world that is doing enough. Collectively, members of the Parliament have good intentions, but we have to create the space and time in how we do our politics so that we focus on action. I thank Lorna Slater for her time and effort and the respect that she showed me during her time in the Government when we worked together on my proposals for ecocide law, and I hope that I can work with Gillian Martin and others on that.

I will end by saying that my constituents in Central Scotland do not want me to come into the chamber and critique colleagues, making it personal. It is not about the character of the

individuals who are sitting on the seats, but it is very much about what we do and the action that we take. Let us focus on that as we go forward.

**The Deputy Presiding Officer:** Given the number of members who still wish to speak in the debate, I am minded to accept a motion without notice, under rule 8.14.3 of standing orders, to extend the debate by up to 30 minutes. I invite Maurice Golden to move the motion.

*Motion moved,*

That, under Rule 8.14.3, the debate be extended by up to 30 minutes.—[*Maurice Golden*]

*Motion agreed to.*

17:54

**Lorna Slater (Lothian) (Green):** I am grateful to Maurice Golden for securing the debate, and I welcome the opportunity to speak on this vitally important topic. The events of the past few weeks have made two things clear to me. First, our planet is currently en route to a climate catastrophe. Secondly, there is no majority in the Parliament that supports action to prevent that.

That is a devastating diagnosis for our future, and it is especially terrifying for our children and generations to come. Last week, *The Guardian* published an article that showed that 77 per cent of climate scientists believe that we will get a global temperature rise of more than 2.5°C by the year 2100. That is only 75 years away. A child who is born today will experience that future. Many other children will be killed by that future.

A rise of 2.5°C or 3°C does not seem like very much, does it? Under the Paris agreement, Governments around the world said that they would do what it takes to keep global heating below 1.5°C. They have not done so, but that is not because 1.5°C is safe—no. As we rapidly approach 1.5°C, we can already see what it means. We can ask the farmers who were flooded out last year, and the people globally who are affected by wildfires and droughts. Coastal communities and islanders are watching their land disappear before their eyes.

As we get towards, and past, 1.5°C of heating, the harms accelerate. Bad gets worse; devastating becomes deadly. If all that seems a bit distant and arbitrary, as if it might happen to someone else, we should think again. There is an excellent tool online, which anyone can use, at [coastal.climatecentral.org](https://coastal.climatecentral.org); it shows where sea levels are expected to be by 2050—only 25 years away. In my region, the water comes all the way up to Leith Links and covers Musselburgh town centre. What will the cost be of all those homes and businesses that are lost, and of the people and economic activity displaced?

**Sarah Boyack:** Lorna Slater is absolutely right that bad gets worse, but it is more than that. We already have train lines undermined by flooding, roads getting closed and people not being able to afford to heat their houses in a way that will bring carbon emissions down. Is it not those day-to-day things that we really need to get the Scottish Government to ramp up activity on so that we can tackle our climate emergency and improve people's lives?

**Lorna Slater:** Of course I agree with the member entirely, but anything that the Scottish Government brings forward has to be voted through by the Parliament, which means that all of you—all of us—need to support the action, because we are now fighting for every fraction of a degree. Every bit of global heating that is prevented will save lives, but we need to change things—big things.

The UK Climate Change Committee—

**Finlay Carson (Galloway and West Dumfries) (Con):** Will the member take an intervention?

**Lorna Slater:** Sorry—let me carry on here.

The Climate Change Committee has made clear what Scotland needs to do. We need to stop burning fossil fuels to heat our homes. We need to insulate our homes and heat them with clean electricity. We need to get out of our diesel and petrol cars and get on our bikes and our buses. We need to stop flying when there are alternatives available, and we need to make sure that taking the train is cheaper and more convenient.

**Finlay Carson:** Will the member take an intervention?

**Lorna Slater:** One more moment—just let me finish this bit.

We need to change how we use our land so that we create long-term resilience around nature and food production.

I will take Finlay Carson's intervention.

**Finlay Carson:** Could the member name one of the Green-SNP policies that the Parliament has voted down?

**Lorna Slater:** I will get to that section, if the member will bear with me.

With Scottish Greens in the Government, the Scottish Government proposed some fairly modest measures to take us in a better direction, such as starting to tax aviation; moving money from expanding roads to expanding rail, bus and active travel; giving councils powers to reduce car use; and protecting 30 per cent of our land for nature.

Historically, every single similar measure has been robustly opposed by the chamber, including

low-emission zones, the workplace parking levy and the protection of 10 per cent of our seas. Those are very modest climate measures. If even those simple things are opposed, how can we ever make the big changes? I wish it was not just the Scottish Greens saying that we need to have the courage to make real changes. I wish, more than anything, that there was a solid consensus in the chamber for action on climate. Until that time, however, the Scottish Greens will always be the voice for a fairer, greener and better future.

18:00

**Brian Whittle (South Scotland) (Con):** I will try to bring the chamber back to reality. I thank my friend and colleague Maurice Golden for securing the debate. In my view, climate change has been sliding down the agenda for some time, not just globally but specifically in Scotland. Maurice Golden has highlighted the trend, in that the Scottish Government trumpets world-leading targets to great fanfare to gain media headlines but never backs up those targets with a credible road map for hitting them.

I note, for the benefit of Lorna Slater, that the Parliament is universally agreed on what targets must be delivered to keep 1.5°C alive. It should not be an option to miss those targets. In fact, it cannot be an option to miss those targets, and we must find a way to meet them, as my friend Bob Doris said. However, the Scottish Government continues to miss the targets.

I am fed up with the diatribe from the Government and the Greens that, when we question the methodology of achieving the targets, we are somehow climate change deniers. I am sorry, but that is lazy politics and does nothing to further the cause. It is extremely frustrating because, as I have already said, we all agree that climate change must be tackled, and we in Scotland should be leading the way. My colleagues and I have tried many times to tease out Scottish Government plans to deliver on the targets and, time and again, it is obvious that there is nothing behind the headlines.

**Douglas Lumsden:** Earlier this morning, our colleague Maurice Golden tried to lodge amendments to the Circular Economy (Scotland) Bill. One of them sought to bring back the 2013 recycling targets. That amendment was blocked by a Green member. Would Brian Whittle agree that that is absolute hypocrisy, given what we have just heard from the Green member who spoke previously?

**Brian Whittle:** I have often thought that the Greens should be the conscience of the Parliament, but I have to say that, of late, this Green Party has been the least green party that

has ever been seen. Under the original home heating policy that was introduced by the then Minister for Zero Carbon Buildings, Active Travel and Tenants' Rights, Patrick Harvie, the target was for 1 million homes to be retrofitted with heat pumps by 2030. I kept asking who was going to install those heat pumps, who was going to service them and who was going to pay for them. There was never an answer from Mr Harvie, despite the fact that our questions were always prompted by the industry itself. Eventually, Mr Harvie abandoned those plans because, as we had suggested, there are not a million homes in Scotland that are suitable for heat pumps.

What is more, the Scottish Government and the Greens could not join up the dots by applying the need to train a workforce. They were some 23,500 tradespeople and engineers short to meet those targets. We now we have a Scottish Government that is cutting apprenticeships for engineering and tradespeople—the very trades that are crucial to delivering on the climate change targets.

**Bob Doris:** I will not respond to what I think was a misleading comment in relation to the budget in this place but, on the subject of budgets, would Mr Whittle agree that the biggest leverage of cash is not from the public sector—from the Scottish or UK Governments—but from the commercial and private sectors? Without them, we ain't going to meet any of the targets.

**Brian Whittle:** I thank Mr Doris for that question: he must have been looking at his crystal ball, because that is the issue that I was coming on to. We should be developing a strategy to develop an industry that business will be confident to work with. We need to look at reducing energy demand by insulating as many buildings as possible. Then, we need to look at tackling the most polluting heating systems, such as off-grid oil-fired heating systems. They are expensive to upgrade but, if reducing emissions is the goal, that must be the place to start. Then, we can work our way in, developing district heat pumps and off-grid energy options, such as green hydrogen generation, to tackle the needs of heavy industry and heavy goods vehicles.

What about looking at taking communities off the grid by developing local energy options, such as utilising old mining pits, from which energy can be drawn by flooding them or where it can even be stored? That was supposed to happen as part of the Ayrshire growth deal national energy research demonstrator project, which would have taken Cumnock off the grid. That has been dumped, and the world-leading outcome that it could have led to is a shadow of itself.

Business has never been listened to, and we could use the shambles of the deposit return scheme as an example of an approach in which

the Government, despite support for the scheme from all parties in the chamber and across business, managed to alienate the Opposition and some of its back benchers, as well as the business community, by producing a scheme that just could not work. It was warned of that, yet it ploughed on like the Titanic looking for an iceberg.

I note that the so-called just transition is far from just, given that we have recently heard that the rate of green job creation is far exceeded by the number of jobs that are being lost in the oil and gas industry. It is not good enough. The Government cannot call it a just transition and say that it will just happen; the Government must act on its intentions.

There is so much more that I would like to say, but I know that time is short. I close by pleading with the Government that tackling climate change should not cause discord in this place. I am in favour of targets, and stretched targets are even better. However, the Government has to develop and deploy a strategy that is viable and practical, that takes business and people with it, and that develops confidence that allows businesses and individuals to commit, along with the Government. Simply developing a world-leading target without a route map will not achieve anything.

**The Deputy Presiding Officer:** I call Gillian Martin to respond to the debate. You have around seven minutes, minister.

18:06

**The Minister for Climate Action (Gillian Martin):** I will try my best, Presiding Officer. There are probably too many points for me to address them all, but I am grateful to Maurice Golden for securing a debate on such an important subject. I hope that the debate will give us an opportunity to agree that action to meet our climate goals is essential. Although, at times, Maurice Golden set out the call for us to argue with one another in an agreeable way, it has slipped into a little bit of negativity. Let us dispense with that. Listening to most of the contributions today, it is clear that we all want the same thing: we want action and we want to work together.

I have taken on the job of the Minister for Climate Action, and I will work with anyone—anyone—who brings me suggestions on what more we can do to decarbonise within our devolved responsibilities and on sensible approaches where we think that we can bring the public with us. My door is open.

We need to come together. We did that in 2019, when the entire Parliament voted for the targets in the Climate Change (Emissions Reduction Targets) (Scotland) Bill. I want to continue in that spirit. I will quote Roseanna Cunningham, who

took forward that legislation. In the final stage 3 debate, she said:

“If Parliament sets a higher target,”—

she must have been saying that in relation to 2030—

“it is no longer an option for any party to stand in the way of the measures that we need to take to tackle climate change.—[*Official Report*, 25 September 2019; c 24.]

She is right. I think that everybody in the chamber has agreed with Roseanna Cunningham’s point. Let us look at how we can do more together, instead of expressing negativity or name calling.

Mr Lumsden, we have not deleted climate targets. We are going to replace them with a different model of carbon budget approach that does not have the fluctuations year on year. [*Interruption.*] If I could just explain it first. We are all going to have to work on a different approach so that the targets are meaningful and measurable, and so that, with the carbon budget in action, we are seeing a change to the emissions that we are producing year on year.

**Douglas Lumsden:** I completely understand that. When will the legislation be introduced?

**Gillian Martin:** I believe that the cabinet secretary has said that that will be towards the summer. Obviously, we all know that the cabinet secretary is on a bit of a deadline for personal reasons, so I imagine that that will be before she goes on maternity leave.

We have cut our emissions by nearly half and our economy has grown by 57 per cent at the same time. That says to me that there are lots of opportunities to decarbonise and improve our economy at the same time. We can do that, but we can only do it, as Monica Lennon said, if we work together on constructive solutions.

I want to mention some of the things that we are doing in the Government that will help to decarbonise. As Bob Doris said, 87.9 per cent of Scotland’s electricity generation comes from low-carbon sources. We want to do more. The offshore leasing round for ScotWind is an example of that.

We have huge green hydrogen potential, too, and we are using constrained wind for hydrogen production, for domestic decarbonisation and particularly for industry and transport. Moreover, carbon capture, utilisation and storage will ensure that hard-to-decarbonise sectors can reduce their emissions; indeed, we worked hand in glove with the UK Government on that to get track 2 status off the ground.

**Monica Lennon:** Has the minister had a chance, yet, to look at the green heat finance task force’s recommendations on developing financing

mechanisms so that warm, healthy, zero-emission homes are affordable to everyone?

**Gillian Martin:** Can I be honest with Ms Lennon? I have not really had time to brush my teeth. For example, I have been dealing with the Circular Economy (Scotland) Bill, but I give her my assurance that I will look into what she has highlighted. I am sure that she will understand that I was given responsibility for this matter only on Thursday.

We must also recognise that Scotland can reach net zero if we are in a UK that reaches net zero, too. At this point, I want to pay tribute to Lorna Slater for what she said—and I agree with her. Indeed, I want first of all to pay tribute to her for her work as a Government minister. I agree with her assessment that this is a global problem in which we will play a small but important part collectively—all of us who vote in Parliaments across the developed world, particularly the wealthy countries. That is our only path to hope for the future of the children that Ms Slater talked about.

I agree, too, with Mark Ruskell, who said that we now have to accelerate progress in other areas of Scottish life such as transport, the way in which we heat our homes, building, agriculture and land use.

To Stephen Kerr, I say this: nobody wants to cut any budget. We do not want to do so. We do need more spend in these particular areas not just in Scotland but in the UK, but that spend needs to be funded. When there is a block grant deduction, it becomes very difficult to manage the Scottish budget.

The limits of our devolved powers present challenges, but there are also lots of opportunities here, and it is up to all of us to seize those opportunities and to work collectively on them.

**Sarah Boyack:** I thank the minister for taking my question, which is about energy efficiency in existing homes. We know that the Scottish Government underspent by £133 million the money that had been allocated. This is a huge challenge and I welcome the minister to her new role. The focus on jobs and training in all of our communities will be critical. Will she pick that issue up and work on it?

**Gillian Martin:** I will pick up that issue. Although I am new to the heat in buildings part of my portfolio, I am not new to the just transition aspect and the skills associated with energy. I assure the member that since I came into post in March I have been working on the aspect of improving skills.

On skills, which Monica Lennon mentioned, we have a £11 million skills intervention package to



support the transferability of the workforce into low-carbon areas. There is also our £500 million just transition fund for the north-east and Moray, a lot of which is based on working with partners in Aberdeen university, North East Scotland College and Robert Gordon University, all of whom are working collaboratively, rather than fighting against each other for students.

**Stephen Kerr:** Will the minister give way?

**Gillian Martin:** I do not have time, do I, Presiding Officer?

**The Deputy Presiding Officer:** You have a wee bit.

**Stephen Kerr:** The minister mentioned my point about cutting budgets, but that is just a demonstration of political priorities. If the issues that we are debating today are a political priority, as they ought to be, we should not be cutting the housing budget or the skills budget. Does she not agree?

**Gillian Martin:** As I have said, I do not think that any of these budgets should be cut—I really do not—but the difficulty is that we are in a fiscal situation, and we have to be able to manage our budget. Where do we take money from? Do we take it from the national health service? Do we take it from schools? I would say that the former Deputy First Minister and now Cabinet Secretary for Finance has had one of the toughest years of her political life, balancing that budget. [*Interruption.*] I am not going to take any more interventions, because—and members forgive me—people want me to respond to things that they said in the debate.

In the year ahead, we are going to commit £4.7 billion to support the delivery of our climate change goals. I look forward not only to cross-party support for the actions associated with that, but to getting suggestions about where we can put that spend, so that we can reach consensus. I feel very strongly about that.

Sarah Boyack commented on the issue of climate impact, and I point out that local authority flood resilience increased by £150 million, with £11 million for coastal resilience. Those are areas that we need to put money into, but we need to put even more money into avoiding the need for that spend after the fact. We have also invested £75 million in supporting the installation of 2,700 public electric vehicle charge points, and we have some of the most generous grants and loans in the UK to support households and workplaces to move to clean heating. Can we do more? Yes, we can, but in partnership with those who supply these things. Indeed, some interesting work has been mooted on how we can make heat pumps more affordable from some of the companies that I have been speaking about. We are also considering

responses to the consultation on the proposal for a heat in buildings bill.

We are also actively working with our UK Government partners on decarbonising the UK gas network. Those are active conversations; I sometimes think that, when people look at this Parliament, they think that the Scottish Government and the UK Government do not speak to each other. I can tell the chamber that that is far from true—I have meetings with the UK Government all the time.

On community climate action hubs, which Monica Lennon mentioned, we are supporting public engagement by increasing our network to 20 such hubs, and we have launched our climate engagement fund. Again, there is more work to do in that area, but we will all have examples of where that approach is really working.

I need to come to a close now, and there was so much more that I wanted to say. However, I will end on this point: you will not find me dismissing the ideas of anyone who might come to speak to me before we decide on things. Come and speak to me. If you have plans that are achievable and an idea of how they can be financed and can gain public support, I will listen to you—sorry, Presiding Officer, I will listen to them.

**The Deputy Presiding Officer:** That concludes the debate.

*Meeting closed at 18:16.*



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