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Scottish Covid-19 Inquiry

Day 67

December 3, 2024

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1 Tuesday, 3 December 2024 (10.00 am) MR TURNER: Good morning, my Lord. 3 THE CHAIR: Good morning, Mr Turner. Now, you have a 4 5 witness for us? 5 MR EWAN MacDONALD-RUSSELL (called) 6 6 MR TURNER: We do. The first witness today is 7 8 Mr Ewan MacDonald-Russell, representing the Scottish 8 Retail Consortium. 10 THE CHAIR: Good morning, Mr MacDonald-Russell. 10 11 THE WITNESS: Good morning, my Lord. 11 12 THE CHAIR: When you're ready, Mr Turner. 12 Questions by MR TURNER 13 13 MR TURNER: Thank you, my Lord. Before I begin, 14 14 15 Mr MacDonald-Russell, can I just give you a reminder 15 16 that today's hearing will be transcribed and if I could 16 17 ask you please to speak slowly and clearly, that will 17 18 help the stenographers greatly. Could you please state 18 19 19 vour full name. 20 A. Ewan Alan MacDonald-Russell. 21 Q. For the record, that's Ewan with a W and an A? 21 22 A. W and A. 22 23 Q. And MacDonald with an AC and a capital D? 23 24 2.4 A. That's correct. 25 Q. Russell with two Ss and two Ls. 25 A. That's correct. 1 2 Q. That's a good start. Now, you have provided a written 2 3 statement to the Inquiry, and for the record, that is 3 4 SCI-WT0613-000001. That was a statement given jointly 4 with David Lonsdale, director of the Scottish Retail

park, it's also there.

have probably explained, it's a very diverse industry.

Q. You said there, you covered both what would be described potentially as traditional businesses and online

First of all , you have described in your statement

that SRC is a trade association for Scotland's

Q. Could you tell us who its members are in terms of the

A. Of course, so the Scottish Retail Consortium, firstly

Consortium. It's the same organisation. We just cover

members, comprising in total something like 75% of the industry. It's a very broad spectrum of retailers, so

that goes from high street department stores, fashion,

grocers, quick service restaurants, cafes, pet foods,

electronics. If it's on a high street, on a retail

sub-sectoral trade associations who are members of

and on top of that, we also have a number of

our -- people like the Grocers' Federation, the

horticulturalists, book sellers, and so forth.

So as a consequence, we have a fairly clear relationship, a direct representational duty towards

pretty much every type of retailer going, and I think I

We also represent pure online businesses as well,

beauty businesses. It includes supermarkets and

the Scottish element of that. We have around 300

it's the Scottish brand of the British Retail

numbers and types of organisations?

retailers?

A. Yes.

businesses.

A. Yes, and that was a distinction that probably got -- was a little bit blurred before the pandemic. It becomes a

lot more blurred as we go through the course of it, and

8 I think these days, there are very few retail businesses 9 that are pure bricks and mortar in the old-fashioned

10 sense. They are all some combination, either of online,

11 multi, or omni-channel. So it is an evolving space and

12 a very competitive one.

Q. Thank you, and you mentioned there that you're part of 13

14 the British Retail Consortium, so that's a pan-UK

15 organisation?

16 A. Yes. So that's based in London, and that's where we

17 have our policy leads and so forth. We also have brands in Wales and in Northern Ireland. David Lonsdale, the

18 19 Scottish Retail Consortium director, is also head of

20 devolved affairs for the British Retail Consortium.

21 So we work hand in glove with our colleagues down 22 south and again in Cardiff and Belfast, and that's

23 partly so we can bring the Scottish angle towards public

24 policy to our members.

Q. I am grateful. You said there that obviously you have

Q. As set out in your statement, you are the deputy head of

the Scottish Retail Consortium; is that correct?

A. So I work alongside the SRC director, really dealing

with devolved public policy on behalf of the Scottish

policy advocacy, expressing things to the media, to

Retail Consortium, and helping our members for public

journalists, parliamentary engagements, and any and all

 $\label{eq:macDonald-Russell, about some things that you have} Mr \; \mathsf{MacDonald-Russell}, \; \mathsf{about} \; \mathsf{some} \; \mathsf{things} \; \mathsf{that} \; \mathsf{you} \; \mathsf{have}$

raised in your statement. We have discussed everything

in statements, and indeed any other documents that have

been provided to the Inquiry will be taken into account,

Q. Could you tell us what does that role involve?

other things that come within that aegis.

Q. Thank you, I'm going to ask you this morning,

even if not touched upon today.

Consortium: is that correct?

Q. You have been there for eight years?

A. That is correct.

A. Yes, that's correct.

A. Eight years, yes.

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3 4 A. We have a — the nature of the retail industry is that they are almost literally everywhere, so pretty much every community, whether that's in the city centre,

representation within the four nations; in terms of the

locations of your members, are they in any particular

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7 whether that's in far-flung parts of Scotland and the 8 Islands, or Orkney or Argyll, there will be a shop of 9 some form that's probably a member of ours.

> The nature of that, of retail itself, is firstly. it's very far flung. Secondly, retail works on agglomeration of scale, so if you have a great retail model in a single premise, it tends to be you will scale that up to multiple locations, to kind of reach effectively as much as of the market as you can.

So some sectors, that will be much more limited. You don't need a shop these days in every single high street in the country. If you're selling food and drink, you probably do want to be in almost every community in the country.

Q. I'm grateful. You've given us there, just from your membership, a bit of an idea in terms of the types of businesses that are involved in retail . Are you able to help us understand the nature of retail in Scotland, for

25 example, how many businesses are there?

- A. So the most recent Scottish Annual Business Surveys. 1 which are based on the 2022 data reported that turnover that year was £27.8 billion; that there were 227,000 retail workers; and there were 22,500 shops in Scotland 5 at that time. That number is slightly down on the 6 pre-pandemic number, not kind of massively different, and this is obviously a scale that is absolutely in 8 every part of the country as well.
- Q. I am grateful. You are obviously here to discuss the COVID-19 pandemic. I would like to now just have a discussion about what might be described the initial 11 12 stages of the pandemic. We obviously come on to discuss 13 matters such as lockdown, but I wonder if you could tell 14 us about the period before lockdown first of all. Were there any signs of concern that were raised in the retail sector prior to -- or in the initial stages?
- A. So I think the first time we realised that there was 17 18 something very significant happening was about 6 March, 19 we started to get press inquiries about so-called panic 20 buying. There was consumption levels rising. We 21 believe -- I will try to recall -- that was driven by 22 lockdowns we were seeing elsewhere in Europe, places 23 like Italy, and in general there was quite a lot of

media attention and discussion. So we were getting questions about how stores were

responding, and we absolutely were seeing very elevated levels of consumption by consumers, things like toilet rolls, pasta, paracetamol, and selling in unforeseen amounts. Scottish retail, sales data from the first, two weeks of March 2020 showed a 9% uplift in sales. That's a very significant amount for us, albeit the numbers were about to get quite -- quite broad, when we start talking about what happens later.

So we were definitely seeing that, and that was something that was a real challenge for us. We were seeing buying that we weren't used to, very unusual, and with no notice at all . So that definitely was what our members were reporting, and we were trying to do what we could do publicly to calm that, but also engaging the government who obviously were seeing the same things and wanted to know what was happening.

- Q. What was that engagement?
- 17 18 A. At a UK level, we were speaking to the UK Government and 19 DEFRA. On 11 March, we had a call with the rural 20 economy secretary, I think something like 30 of our 21 members, where we spoke firstly about the challenges we 2.2 were seeing. We reassured that supply chains themselves 23 were completely fine. We weren't having supply issues. 2.4 It was just overpurchasing which we weren't used to.

And we asked for a couple of derogations from the

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Scottish Government. We asked for relaxations on the rules around when shops could open, and in particular. when deliveries could be made. A lot of city centre stores have restrictions which mean you can't deliver at night, so you don't disturb local residents, which is a very reasonable kind of thing.

We asked if that could be removed from that. In that kind of call, we made similar requests to the other four nations.

10 And I think it's really worth noting at this point 11 that we had the rather extraordinary situation, which by 12 I believe 4 o'clock that day, the chief planner had 1.3 issued a letter essentially instructing local 14 authorities not to enforce those restrictions, and 15 bearing in mind government would normally take months to 16 decide what it might be doing in its place, the fact 17 that within in a day we got a very clear action was 18 simultaneously really heartening. I think it 19 demonstrated the relationships that the food and drink 20 division and the grocery retailers had. I would also 21 say, though, it probably made us realise how worried 22 everyone was, if we were having things happening at that 23

2.4 Q. It's implicit from that then that there was a positive 25 reaction from the government in terms of your requests?

messaging in articles, talking about trying to just reassure customers that there was plenty of stuff; 7 trying to -- things put in the Daily Mail -- reach to 8 customers' altruism rather than their fear. 9 So that was where government were coming from. They 1.0 supported us with that. They were also putting 11 messaging out that was consistent with that, and I think 12 that was very helpful. And again, I say that partly 13 particularly because the food and drink division for 14 certainly the previous four years I had been at the SRC, 15 we had worked closely and we had engaged with a lot of 16 issues. They knew who we were. We had an existing 17 dynamic, and that meant when we kind of had to go and 18 say, "We really need your help", government knew we were

A. Yes. They were very much trying to understand what could we specifically do and how could we tangibly make

a difference. There were various discussions about

messaging as well. We were obviously doing a lot of

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- 20 knew we weren't coming from an unreasonable position. 21 Q. Thank you. Those flexible arrangements, those were put 22 in place on 11 March. Did those continue and how long 23
- 2.4 A. I think it was -- they sort of -- the letter kind of 25 gave us a latitude on it. It was only something we

being -- I hope they felt we were being reasonable, but

- 1 really needed to do in that particular panic buying 2 session. I cannot recall off the top of my head when they actually were removed, but I would say that members probably wouldn't have wanted to take these steps unless 5 it was actually required. You don't want to deliver at 6 night because if you are running a shop, you don't want to annoy all the local residents, because they won't 8 come and shop with you.
- 9 Q. That's on 11 March and the period immediately after, and we know lockdown occurred on 23 March. You described in 11 your statement the intervening period as a slow motion 12 towards lockdown; can you explain what you mean by that? 13
 - A. So obviously we were seeing a lot of consumer behaviour. We were following what both the UK and the Scottish Government were saying, and the mood music that was happening, understanding the direction of travel, and how we felt that some form of lockdown seemed certainly plausible.

So customers were responding to that. They were not going out and doing things. They were responding to the health advice. So one of the consequences was some of our members, particularly quick service restaurants, were looking at this going -- and I think it was a -- we don't really understand what's happening, we want to keep our colleagues safe. Also, of course, trade was

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falling off a cliff as well, so they were voluntarily 2 closing, not in a coordinated manner, and indeed it would have been very illegal for us to do it in a coordinated manner, but they were brand by brand, slowly closing doors, sending colleagues home, because I think genuinely they felt it was the right thing to do in the moment. I think we were aware this was an extraordinary 8 situation.

- 9 Q. That's businesses beginning to close even before they 1.0 were ordered to do so?
- 11 A. Yes.

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- Q. Then we come to 23 March, and we have the first 12 13 lockdown. I would like to ask you some questions now 14 about that lockdown and the effect on the operations of 15 the retail sector. Did all businesses lock down at that 16 point?
- 17 A. So the nature of -- I think probably for both this 18 lockdown, indeed for the next two -- 18 months, David 19 Lonsdale's and our job was primarily advising members 2.0 how they could trade. The nature of retail meant that 21 there were -- there's a distinction made between 2.2 so-called essential and nonessential retailers . a 23 slightly arbitrary distinction.

It is probably worth just highlighting, of course, that businesses could still trade online, so retailers

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that had a pure online presence, although they had to comply with the new health and guidance restrictions. still could trade. Grocery retailers, pharmacists, pet food and a few others were still able to trade in store, but obviously under very strict rules about keeping people safe, strict rules which we were indeed supporting and working on as well.

8 So you had this kind of middle group of retailers. some of whom may have had a small online presence, some 10 of whom may have never traded online before, who suddenly were being told: you certainly can't trade in this way. So I don't want to be pedantic in that, but it changed how businesses traded, but I think most retailers had the option to trade online pretty much through the pandemic, albeit with some quite significant restrictions .

- 17 Q. Thank you. You reference there a distinction between 18 essential and nonessential retail; are you able to 19 explain the difference between those two?
- 20 A. I will try, although I think this is something we have 21 tried to explain for 18 months, and -- in a nutshell, 22 the distinction made by government was on items that 23 customers would absolutely have to get. So food and 2.4 drink, and the businesses that predominantly would sell 25 those products.

That predominant later becomes a question. We saw some brands who might have a very small food offering, claiming that they were eligible to open. So on the margins, this became messier as things went on, and of course the pressure to trade came on. In the first lockdown, I don't think there was a lot of —— it almost felt a little bit obvious, in the sense that if you're a supermarket or a food retailer, that meant you're selling essential stuff. If you only sell non—food products, that means you are nonessential.

That was the slightly arbitrary kind of line within

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That was the slightly arbitrary kind of line withir that, again with those caveats for pharmacies, obviously, and businesses selling animal and pet food and so forth.

- Q. Did your members find it you mentioned there about at
 the start, it seemed obvious, as the pandemic
 progressed, or indeed at the start, did your members
 find it a useful distinction?
- A. I think as it went on, the anomalies become more challenging, because the consequence of lockdown was so significant. If your physical business is closed down, if the colleagues who used to work there are furloughed or not available, that you meant you have enormous costs, but your income is massively reduced. The income conversely of businesses that could trade was broadly

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slightly up, and that was because they were the only place that people could kind of shop with.

So the advantage — there was definitely an advantage of trading, not least just your business has cash coming through it rather than being reliant on loans or financial support. And I would say at all times, our members' predominant ask was: if it was safe we would like to trade. So there was always that kind of pressure.

And I think those kind of marginal cases became the one where a business would say: well, I sell this amount of food or not this amount of food. And that's where it probably got a bit messier on the edge of that. And of course some businesses were very frustrated if they felt a competitor had an advantage they didn't. The retail industry is very competitive by nature. Everybody wants to beat the next store, everyone wants to beat the next brand. So there were always going to be those tensions within that.

Q. I'm grateful. You have mentioned there — in fact you have mentioned a couple of times online retail, and you mention in your statement businesses pivoting to online trade reflecting that. One of the schemes that was online was the shielding lists, and the delivery of food through online deliveries to those that were shielding.

Were your members involved with those schemes?

 $2\,$ $\,$ A. We were involved in those schemes on a four nations

3 basis.

 $4\,$ $\,$ Q. That was going to be my next question: was that across

5 the UK then?

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situations.

7 Q. Were those schemes UK-wide or were they nation-specific?

8 A. They were done on a nation—specific basis, and I think
 9 it's worth noting that created challenges for our

members. For a lot of the cases, they were having to find new customers. A lot of people who were on the

shielding list weren't existing customers, so they were given the kind of data and details, and obviously wanted

to prioritise deliveries to these people.

They were doing it in four different ways.

I believe the data came under four different sets of rules about — it could be handled, the different agreements and that — and it was — I can't really think of a better way to say it, it was quite a faff to get it all organised into a single database, but to do it in a way that meant that in the future, of course, all that data could be safely removed.

It was information -- our members were happy to take the duty on of helping people, but I suspect probably didn't want -- didn't really want to have, certainly in

the future, because of the GDPR requirements around that

- Q. You've mentioned it was a faff. Can I take from that
 that they would have preferred to receive that in a
 different way?
- 6 A. Yes it could have been a single point of contact on
 7 this, would have just made things a bit simpler.
 8 I think it 's worth noting in lots of cases for the
 9 retailers, predominantly the big grocery retailers we're
 10 talking about, there would have been very few people
 11 working in offices, people working from home in unusual

So trying to do these things exactly right was
difficult anyway. Anything that could have made that a
bit easier means people don't have that concern that
they're inadvertently going to get something wrong. We
take duties round information security very seriously.

Members have to, of course. So four different ways was

just — it was unhelpful in the moment.

Q. Thank you. I would like now to talk about some of the
 effects on trading for your members, and if we could
 perhaps talk — we've talked about the period

23 immediately before lockdown. If we could now just have

 $24\,$ a word about the period immediately after. You

25 described an initial period of panic buying prior to

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1 lockdown. Did that continue after lockdown came into 2 effect?

3 A. It didn't really continue that significantly , probably a 4 couple of days after lockdown to be honest, and that's really because customers realised the shops were still going to be there. There would still be more toilet 7 rolls available, no matter how many they felt the need 8 to kind of put in there, so -- and what we saw from a 9 trading perspective, our March 2020 Scottish retail 10 sales figures, as I mentioned, there was a 9% uplift in 11 the first two weeks, there was a 44% fall in the last 12 three weeks.

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And I think the other statistic that might be worth noting is in our April 2020 figures, non-food sales fell by 70%. So earlier when I cited that 9% uplift was very significant , I can therefore allow you to draw the conclusion that a 70% fall in sales is absolutely astronomical. We literally had to redo the graphs on our data releases because we'd never had anything like this in the 25 years -- sorry, at that point the 20 years of data we'd been running.

- 22 ${\bf Q}.\;\;{\bf Thank}$ you. So what we're seeing is -- just interpret 23 that, you're seeing a gentle spike and then a cliff 2.4 edge?
- 25 A. Absolute cliff edge, and the graph literally looks like

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- 1 a cliff edge falling down into the depths of where we never thought we would ever be on sales.
- Q. You mentioned the, or to mention again the online trading; was that the same for those kind of businesses, 5 or was there a distinction between traditional and 6 online businesses?
- A. We saw a really significant growth in online across the 8 pandemic. Our December nonfood online growth was 44% across the year so again, an astronomical rise. As I 10 think I alluded to, what we saw was a mix of businesses 11 that were already online, particularly nonfood 12 businesses, if I can differentiate, who were already online, who were able to trade in a manner, that they 13 14 kind of had a system to do so.

We had a lot of businesses who basically had to build an e-commerce -- model from scratch in that moment; you know, on sort of 24 March, sitting down and going: if we want an income, this is the only way we can do this.

And that was obviously very challenging, and certainly one of the ways that a lot of -- particularly smaller retailers adapted to was building what we would refer to as click and collect models, which is, you could order through a website, collect it from outside the physical store itself , just an ability to use that.

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But we had all sorts of anomalies in that certain businesses who were using high street shops, as effectively the most expensive distribution centres we have ever come across there, because they weren't allowed to open the doors, but stock was still there.

So there was a lot of adaption, a lot of businesses trying to find the way obviously to be safe, but actually how can we, within the rules, keep a little bit of income coming. But I would say that for an awful lot that was still a massive fall in the amount of trade available to them, and there were market advantages to those businesses who had already made a move to either be an online business or to be an omni-channel or a multi-channel business, by which we mean you trade both from stores and through the internet

- 17 Q. Thank you. We've talked about the changes in terms of 18 the businesses. Was there any change in terms of the 19 retail behaviour of those shopping? Were there any 20 different types of shopping that were being done over 21 the piece?
- 22 A. We saw a huge variety in how customers were shopping. 23 I guess two elements to that: the first one is where people were shopping obviously changed. We saw, 25 unsurprisingly, an 80% fall in footfall in 2020.

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I would note that footfall has yet to recover to 2019 levels, as customers obviously couldn't go to high streets, to retail destinations. So they were shopping from home, and of course those who were working were working in a very different manner.

So if you look at a category like fashion, I am sure things like hoodies probably did quite well while everyone was working on the infamous Zoom calls, but things like formal wear, smart clothes, work wear, or clothing for events massively fell .

We saw things like coffeemakers do very well, because everybody couldn't go and get their high street coffee, so instead were making nice ones in the house. But we also obviously saw a huge rise in technology and later in exercise equipment as well, as categories that did well.

17 So I guess within all of this, overall this was very 18 difficult for the retail industry, but that shouldn't 19 get away from the fact that at different points, there 20 were winners and losers within this.

- 21 Q. Just for his Lordship's benefit, could you just explain 22 what a hoodie is?
- 23 THE CHAIR: I'm not that bad.
- 24 MR TURNER: You mentioned there that there was a change in 25

footfall. Has that been sustained? I assume from that.

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you mean in terms of traditional business, has that been sustained post—pandemic?

A Yes when I talk about footfall. I mean visits to retail

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A. Yes, when I talk about footfall, I mean visits to retail destinations. We monitor that on a monthly basis. We have slightly changed the methodology since then, but it was 80% down in 2020. I think at the start of this year, it was something like — we had only got back to 90% off 2019 levels. It has risen slightly.

But also that has happened in a slightly differential way. So Edinburgh has done better, Glasgow has done a little better probably than Scotland as a whole, and conversely, there will be other high streets that are still quite a way behind pre—pandemic trading. And I guess part of the reason for that obviously is that some businesses are no longer trading in all those locations, so when you don't have as many shops, footfall will also decline as well.

- Q. Thank you. If I could perhaps now ask you about some more of those lasting effects that you've talked about there. You've mentioned obviously the drop in footfall in terms of the traditional businesses. Has that had any knock—on effects in terms of how businesses are now operating?
- A. So I guess I'm going to caveat the remarks I make about
 what has changed in the retail industry, and that's for

two reasons. Firstly, we did a report back in 2017 which spoke about how the rise of digital technology, of customer behaviour, of digitisation, of automation, was changing retail anyway.

So a lot of the changes that we see happen during the pandemic, we had anticipated would happen anyway. We knew customers were changing how they shop. We knew that there are advantages to having a more omni—channel or digital model. It is a lower cost model in some

So those things were happening. It's also very hard to differentiate from the things that followed the pandemic, the war in Europe, the cost crisis, the massive inflation we saw last year.

So with the caveat that these things are all moving so I can't blame any -- I can't specifically say: the pandemic did X; we know that we have seen falls in a number of retail businesses, which are no longer trading; a number more who went into compulsory voluntary administration.

We know that a lot of those stores have retrenched their operations. They will still maybe have a store or two in very high value locations, central Edinburgh, for example, but maybe not from more far—flung high streets where there's not the same level of trade.

I'd say particularly I'm talking nonfood here.

Grocery and food retail has a very similar footprint,
maybe even a slightly bigger footprint than before. But
these businesses, I would say if you look at food to go,
and particularly coffee shops and those sort of
businesses, obviously during the pandemic, there was
nobody in town city centres.

We also know in Scotland probably a bit more than elsewhere in the UK, there hasn't been the same return to working in offices that there was before, so people tend to work two, three days in town city centres and offices, rather than five.

So that has meant that we do have a diminished footfall overall, and so lots of those businesses have changed whether they have as many branches in a town or city centre, but also if they could open branches in other places. We've seen retail parks do very well, not just because of the pandemic, but for a variety of reasons.

You see a lot of expansion there, particularly in that sort of space, and we see businesses innovating constantly, everything from coffee subscriptions to the various other incentives to try and keep a bit of customer loyalty -- customer loyalty programmes coming from that

So all of these things are about customers who have a bit less discretionary spend, and it's how retailers can attract that spend, has been the overarching aim, but massive changes underneath that.

 $\begin{array}{lll} 5 & {\rm Q.} & {\rm Just\ to\ summarise\ there,\ so\ part\ of\ that\ is\ a\ reduction} \\ 6 & & {\rm in\ terms\ of\ physical\ stores\ } -- \end{array}$

7 A. Yes.

8 Q. — and that trade moving online?

A. Some of that trade has moved online, some of that trade has been absorbed by bigger retailers as well though. So you have got a few of the brands that have been so-called winners, if you like, they have absorbed --fashion brands, fashion is a good example. A number of fashion businesses are no longer trading. A lot of the kind of brands, the intellectual value, that sort of thing, has been taken and is run through a store that will now have multiple lines in it.

It's a slightly odd situation, because department stores struggled enormously. They were a model that was struggling anyway because they broadly sold other people's problems, and the internet provides price transparency.

So if someone else can sell the same product cheaper, customers will sit in the shop and check the price in front of it. They are utterly ruthless. So

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3 of course, but actually some of the brands themselves 4 have almost reabsorbed different retail brands and are now running them, but from an online marketplace model to a degree. So everything changes and everything stays 7 8 Q. A moment ago you drew a distinction between food retail 9 and nonfood retail. In terms of the changes that were 1.0 made to food retail, we obviously talked about online 11 sales for shielding and other people during the 12 pandemic; was that change sustained in terms of people's 13 14 A. So what we saw with grocery retail, at the start of the 15 pandemic, it was something like 7, 8% of grocery sales were online. I think that peaked at something like 13. 16 17 14%, but has fallen back since. Grocery is a bit 18 different from other types of online, because you have 19 to sell a certain value in the basket to actually make 20 it a profitable measure to do. It is not necessarily a 21 particularly profitable line in itself. 22

that behaviour -- so you had this phase where department

stores struggled. A lot of those units are still empty,

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What tends to happen with online grocery sales is actually it's a customer convenience. Customers spend a little bit of money to get a delivery slot and so forth.

So therefore the shielding programme created a

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challenge, because lots of the places where people were living were quite far flung. We wouldn't necessarily have all -- retail wouldn't have all delivered to there. So we had this probably unique situation where effectively we had to kind of have businesses collaborate, on which customers were going to be kind of carved within this, depending on whose capacity could allow that.

Some retailers distributed to different parts, some people were very focused on the central belt. I would say that the economics behind that probably haven't changed, and that's why you see a kind of spike during the pandemic, when people could only get their shopping in some cases, and if you were in a particularly rural area, actually, the delivery of a large shop was something you couldn't access yourself, because you weren't allowed to drive to the city.

So that kind of -- I think it's generally fallen back, as people have returned to that pre-pandemic pattern, with an element of expansion. That tends to be in higher value products as well, I would say.

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- 22 Q. Thank you, and comparing that, contrasting that with 23 nonfood online, what was the position of that going 24 forward; was that sustained post-pandemic?
- 25 A. That has been sustained to a much greater degree, so at

the start of the pandemic, it was something like 25% was 2 online nonfood sales. That peaked -- stratospheric 3 levels at various points, fell back to around 40% at the 4 end of the pandemic, and it has continued to tail back since. I think it is about 34, 35%, and has sort of stabilised there.

So it is worth noting a kind of 9, 10 point shift in 8 the way that we buy clothing -- buy products is massive, 9 and that's particularly true in certain sectors. I talk 1.0 about fashion quite a lot, because that's an area where we have seen a really big shift, with lots of retailers 11 12 moving to a 50/50 model where they will sell half 13 online, half through a shop, but often the two are 14 pretty heavily integrated as well, so there's a lot of 15

So you will get a case where people will maybe order things in a shop, but it gets delivered home, and so — but it would definitely be a sustained change in how we shop, which is a consequence of the pandemic.

20 Q. You're saying there 25 to 34, and you have mentioned 9%21 a significant rise . You had also mentioned the fact 2.2 that we were seeing changes in terms of people's 23 behaviour even before the pandemic, and some of this 2.4 would be reflected in that change. Just so his Lordship 25 has an idea about the degree of change there, but for

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1 the pandemic, how long would you have expected that sort 2 of change to take?

A. So our 2017 report spoke about: over the next decade, we 4 expect to see these changes. So I think it was about --5 is about a decade or by 2031, the two we have spoken 6 about, a fifth of shops maybe closing. So this was absolutely a very long-term change we were talking about 8 over ten years with businesses adapting as their

business model suited that. It definitely wasn't 10 something people planned to do in three months.

11 Q. So we're talking about an acceleration then of ...

12 A. An enormous acceleration of retail change.

Q. Obliged. I would like to speak to you now about 13 14 operational matters for your members. We know obviously 15 over the course of the pandemic, there were operational 16 measures taken by retailers. Can you tell us anything 17 about the additional costs involved for your members?

18 A. Yes, so our members who were trading in person, so 19 particularly talking about kind of grocery retailers and 20 their ilk, in the first month, so by April 2020, our 21 members reported there had been a £9 million spend in 22 measures in store by that point. In February 2021 we 23 had put in one of our media releases that at that point. 2.4 the cost was about £50 million, and again, this is just 25 a Scottish figure. To be honest, we stopped counting

that's just the specific costs of the measures that we 4 took to make shops safe. It doesn't include things like extra labour costs and so forth. Q. You mentioned labour there. What was the effect on the 7 staff in terms of their numbers etc? 8 A. It was -- I mean firstly, it was an incredibly difficult 9 time for retail staff who were having to go out into 10 shops at a time when none of us really knew what COVID 11 was, except it was absolutely terrifying . We definitely 12 saw, and I believe that if you look at the Scottish 13 annual business statistics, there were 238,000 retail 14 workers in 2020, there were 257,000 in 2021, and then it 15 dropped to that figure I gave earlier of 227,000 in

after that. I think it felt like gilding the lily by

that point. So these are really substantial costs, and

I put a slight health warning; I think the way those numbers are probably done in the circumstances, a little bit of volatility, but I think that shows a huge increase in people working, and that's because if you're in a grocery retailer, certainly at the start, some people weren't able to get away from childcare. We, of course, had lots of people isolating during the course of the pandemic and retailers were very strict on ensuring that staff wasn't there; and of course people

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going into other parts, distribution, online uplift.

So kind of retail workers, there's kind of a spike and then a reversion. Of course, retail is one of the few places that people were able to trade during that time, so it's perhaps understandable. So that, of course, had pretty significant costs as well within there

- 8 Q. If I could now move —— we obviously know that SRC and BRC are operating across the country, and that you have members that are located at various locations, and we have talked about some of the rural and city centre distinctions . You mentioned changes in terms of businesses etc. Are you able to explain to his Lordship what those changes are in terms of city centres, first
- A. In terms of how the trade operated?
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- 18 A. Yes, so — I beg your pardon, can I clarify; do you mean 19 the changes in terms of how businesses were operating at 20 the time. or ...
- 21 Q. Well, first of all the time, and then whether that 22 position has been sustained going forward?
- 23 A. Yes, sorry, just thought I would clarify. So yes, as we 24 said, what we saw in city centres and so forth was, of

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2.5 course, shops were closed, and the vast majority of businesses were kind of closed down in that space.

2 Businesses that were operating were doing it under very kind of strict restrictions -- kind of at that time.

4 And again, it was more a case of where people were, where you kind of have retail businesses that were within scope, so huge amounts of area closed down for

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Q. And have those businesses returned to city centres?

9 A. So some are certainly back in city centres. There was 1.0 kind of almost $--\ \mathrm{kind}$ of reopenings that happened at 11 the time, but we would definitely say that -- and I don't think we have data on vacancy rates, but we know

13 that in a large number of places, we have seen a

14 slimming-down of properties, particularly from the

15 larger brands of retailers and the established 16

retailers, so -- and lots of retail properties that 17 haven't been refilled vet.

18 So there has been a kind of specific impact on 19 particularly town centres and high streets from 2.0 businesses that simply weren't viable to trade following

21 the pandemic.

 $22\,$ $\,$ Q. Thank you. And contrasting that with the situation in 23 rural areas, you mentioned that some of your members were collaborating with respect to rural supplies. Was 25

that something that they arranged themselves, or was

1 that something that they had liaised with government 2 about?

A. I will try to be very clear at this moment, because 4 I want to be unequivocal. Our members definitely 5 weren't breaking any of the competition rules, unless 6 there was very specific exemptions for that. That's something we take very strictly.

> In terms of rural supply, our grocery members, indeed, retailers full stop would generally spread the stock they have out, with a caveat of what would go in a local market, across the full estate.

12 So if you -- as a situation we had in March 2020, 13 when there were shortages, say, of fresh pasta, the 14 fresh pasta that was available in a distribution centre 15 in central Scotland would be distributed on an equitable 16 basis across the whole of the country. That wasn't 17 something I think -- members wouldn't specifically have 18 spoken to each other about it. Members in meetings we 19 were coordinating with government, and when they were 20 challenged by government ministers on this, were able to, a number of them, be unequivocally clear, that they 22 were definitely distributing on an equitable basis, as 23 they do all the time. That's standard practice.

24 Q. So that was a specific concern that the government had 25 raised with yourselves and ultimately with your members?

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A. Yes. Scottish Government was very concerned that far-flung rural communities, Island communities, would simply not get the supply again if we had a finite amount of a product, that it would be kind of corralled in the central belt.

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It was one of the easier discussions with government, because they wanted us to do something we were absolutely definitely going to do, and moreover was absolutely in members' interests to do as well. There is no -- a business that decided it wasn't going to send stock to Ullapool would find it very hard to ever trade again in Ullapool afterwards. So starving a particular community over another would be commercially disastrous, so it was not something that members wanted to do, and it was great that we could take that concern and reassure government about it.

- 17 Q. I take from what you're saying there that there was 18 never any intention to do otherwise?
- 19 A. No, it just wouldn't be within a business's model, to be 20
- 21 Q. Thank you. We've talked about the increase in online 22 sales and access, and the fact that that was reaching 23 areas that hadn't been dealt with before. Did that
- cause any particular concerns for your members? 25 A. It was a huge challenge to try and reach it, so as I

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1 say, we had a massive capacity issue on online 2 groceries. People obviously — some people, because of the shielding rules, absolutely couldn't leave their homes. A lot of other people were very concerned about 5 leaving home. They wanted to stay safe. They might not necessarily meet the threshold for shielding, but they might have lung conditions or other concerns that meant that it wasn't feasible or reasonable or safe for them. maybe not even themselves but family members.

> So there was a huge pressure on online delivery slots. Obviously, there were slots allocated already to people on the shielding list . Beyond that, it was very much a question of retailers trying desperately to increase capacity, so we could get to as many households as possible. But it was definitely a challenge. It was something that logistically was absolutely monumental to take on. I guess the only -- the only upside was at least people's basket spend was relatively decent.

- 19 Q. Well, it was monumental; was it successful?
- 20 A. So as I mentioned online sales effectively doubled. 21 Grocery sales during that kind of pandemic time, I think 22 they've probably fallen back a bit from that because 23 demand has fallen. That absolutely did not meet the
- 24 demand that members could have gone for. I think that's 25
 - partly also because we didn't use a lot of the measures

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that retailers possibly would do. At a normal time, if 2 there's a huge demand for -- get a delivery at 9 o'clock 3 on a Monday morning, retailers would kind of price that and provide that mechanism to change people's 4 desirability . If it's going to cost you an extra £10, some shoppers might not want it at that time.

7 That wasn't something you could necessarily really 8 do in the pandemic to the same degree, because it would 9 have just been exploitative, and not really the approach 1.0 that I think members were trying to take. There was an 11 absolute sense that this was a crisis moment, and trying 12 to do the responsible thing was definitely their approach, I think consistently through the pandemic. 13

14 Q. Thank you. Which brings us, I suppose, to questions of 15 finance and I would like to ask you a few questions 16 about the financial support that the industry received. 17

First of all, just turning to the sort of ordinary position, ignoring the pandemic, is the retail industry one that generally benefits from economic support from government?

 $21\,$ A. Very rarely . Certainly not for the bigger retailers of 2.2 scale. It's very unusual. There might be small 23 measures. By and large we're a contributor to the 2.4 public purse rather than necessarily much of a recipient 25 of it, which certainly makes sense.

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And so therefore it's very unusual for retailers of scale to claim very significant amounts. The sort of way that a lot of government funding is -- is aimed at much smaller enterprises, and certainly not aimed at enterprises that scale enormously. So it was very unusual for us to be looking for support from government.

8 Q. Thank you. And in terms of the pandemic support, we know that there were various schemes available to retail 10 businesses. How would you -- or how would your members. 11 I suppose, describe the financial support that was

12 available to the retail industry?

A. I think if we start it in kind of March 2020, the two 13

14 enormous pieces of support, the ones that were most 15 substantial to our members, were firstly the UK 16 Government Coronavirus Job Retention Scheme. That was 17 absolutely immense for allowing businesses to --18 particularly those businesses I spoke about who were 19 closed down to keep those workers in post. It was 20 absolutely -- and of course it was announced very 21 quickly, and I think was very successful for our 22 23

The second element was the non-domestic rates relief. The retail industry pays about 20% of Scottish non-domestic rates. We are a very heavy contributor.

That's over half a billion pounds a year. And therefore
actually to get the announcement on 24 March that
Scotland was going to pass on the full 100% rates relief
for retail, and that to be continued the second year,
was a really huge —— a really massive kind of financial
thing. It certainly kept a huge amount of businesses
afloat and solvent.

I think trying to manage those costs bases would

I think trying to manage those costs bases would have led to other and very difficult decisions. I think if we come to the third element, there were COVID grants in 2020. I think there was a little confusion around this. I think it was originally announced as it was going to be -- I think it was £25,000 per property. The government then said it was £25,000 per business, and I think there was eventually an accommodation reached where it was 25,000 for the first store and 75% of that per subsequent store.

So just slightly different and just a little bit kind of more —— slightly more —— I would say that, again, that's something that probably was a bigger thing for some of our medium and smaller members. I think our major members of scale, the scale of costs they're running, a lot of these grants and a lot of the other grants that came later on, were probably of less relevance, because they simply wouldn't have made an

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1 enormous difference. I think.

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- Q. What was the effect of that support for your membersoverall?
- 4 A. I think in very short for those businesses who were trading, who were making very significant increases in costs, it almost allowed them to make that with a kind of confidence: well, we need to crack on and do that.

I would note in the second year, some of the large grocers actually repaid the business rates relief . They felt it wasn't appropriate to have that. It was a situational thing.

Indeed it was an interesting challenge since I don't think up to that point there was a mechanism in which you could return rates relief, so one of the little things that came up out of this.

For those other businesses, though, I think probably the term "lifeline" is the best way to put it. I think a huge number of businesses would have —— of retail businesses would simply have collapsed into administration at that point. I think even those businesses that would have been able to carry through without, for example, furlough, they would have had to make enormous changes to their workforce at that time, because there's no possible way they could have kept funding salaries with little or no income coming in.

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1 Q. And I think you describe it in your statement as 2 critical , is that how you would describe it?

3 A. I absolutely would describe it as critical and quite 4 fundamental to the majority of those businesses that are 5 still trading.

- 6 Q. Thank you. If I could ask you now about the timing of 7 the support, how quickly did your members find that that 8 was available?
- 9 A. So in reference to the three I have outlined, it was a 1.0 very, very swift furlough scheme. Obviously it was a UK 11 Government responsibility so we weren't close to it. We 12 didn't work on that -- went through. Obviously the 13 rates relief announcement was -- effectively from the 14 moment the government had announced that that was the 15 way that worked. I believe that the grants system was 16 slightly more cumbersome. I think that had to be 17 applied for via local authorities.

As I hopefully explained earlier, retail tends to work on agglomeration of scale. So it might be well be that a retail business applying for these grants was having to apply to ten different local authorities for ten different stores, which was a bit cumbersome.

I probably should have mentioned other financial support. I believe a lot of retail businesses also benefited from the various coronavirus loans that were

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- provided. That was a UK Government responsibility, so I don't really have any detail on that, apart from being
- 3 aware that that was something they were involved in.
- Q. Thank you, and just in terms of timing, you mention in
 your statement that the rates relief was very shortly
 after lockdown, and that Scotland moved on 24 March?
- 7 A. Yes.

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- 8 Q. We're talking within days, effectively , or within a 9 day --
- 10 A. Yes.
- 11 Q. -- of lockdown?
- 12 A. It was just a day after lockdown. I think it was a few
 13 days after the UK Chancellor had had a similar sort of
 14 announcement. So I do believe there was Barnett
 15 consequential funding that allowed that, but it was very
 16 kind of swiftly done. I think we were preparing to
 17 start asking government for it, and then found out that
- 18 they had done it, so that's as swift a response as I
- 19 think we could have reasonably expected.
- Q. Thank you, and you have talked there about a number of UK—wide schemes in terms of furlough and the like, and of course there were schemes that were England. Wales or
- other three nation -- as distinct from Scotland. In
- $24\,$ your experience, were the schemes the same across the UK

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25 broadly?

1 A. I think there were —— there were some differences, and I think as we went on, there were slightly more differences. I think the example I gave of the initial COVID grants, I think they were done differently in other parts. I understand, by the way, they were done differently in Scotland because Scottish Ministers had other groups they wanted to affect who may not have been covered, so we recognise that.

I think, and I'm sure I will mention this again, from our members' perspective, we understand that there

I think, and I'm sure I will mention this again, from our members' perspective, we understand that there will be policy and divergence in areas. The Scottish Parliament has existed for a quarter of a century now. We understand that differentiation.

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On certain policy areas -- rates relief is a great example -- it absolutely made sense for that to be done on a Scottish basis. The rates system is a devolved area, but I think with some of these grants and funding, our members certainly would have preferred a four nations approach on these things, to just simply do it in the same way.

I think that would probably have been almost as important as the actual settlement for a lot of them. The ability to simply do it in a uniform manner really works for the way our industry trades. I would say that's true obviously of our UK—wide members; also, I

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would say, even of our Scottish—wide members. I don't think they would have felt that.

And I think one of the challenges for government, and indeed for us, as trying to engage on this, is that when there were differences, it then became -- whether it was accurate or not, there was always a sense: maybe they're getting a better deal, why aren't we getting this. So it created a sense of, I think, frustration from some businesses, who felt that if -- why aren't you doing it the way that -- insert other nation -- is doing it, we would be better off.

How accurate or not, that depended on the circumstance, but it certainly created that frustration.

- Q. And did that cause any difficulty, or that differences
 of approach, did that cause any difficulties for SRC or
 BRC directly?
- A. So I think this also is relevant for guidance as well,
 but we had a bit of helicopter view of the four nations,
 so we were hearing what was happening from them all. We
 were generally co-ordinating a lot of our work through
 communities that were working on that four nations
 basis.

So I guess we were having to manage members both who were trying to understand the differences that were happening, and that's predominantly what my director and

I were doing for the pandemic, but they also did mean

that we tended to get a little bit of the member

3 frustration in return on the -- why can't it just be

done this way. The answer inevitably is that's how the world works.

6 Q. Paragraph 35 of your statement, you mention that

7 colleagues in the British Retail Consortium were 8 grappling — or left to grapple with interpreting

9 different terminology and eligibility. Could you exp

9 different terminology and eligibility . Could you expand 10 upon that for us?

11 A. Probably not to an enormous degree. I understand that

12 the exact rules around the loan schemes were quite

13 different businesses of scale, different types of

premises and so forth, may be eligible or not for

 ${\it 15} \qquad {\it different things.} \ {\it I don't really have anything more}$

upon that. As I say, it wasn't my area of expertise.

17 Q. Were there any issues caused by the description of the

schemes, or the naming of them?

A. I think, as I say, this wasn't a huge focus of our work,

because predominantly members were keen to trade rather

than looking at these. I think that there was an awful

22 lot of different types of these things that may have 23 sounded a bit similar. It's not something we had a huge

24 report on.

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25 Q. Thank you, and you have mentioned there guidance, so if

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 $1\,$ $\,$ we could just now come on to that. If I could talk to

you first of all about the government's approach to

3 guidance. You've mentioned that the Scottish Retail

4 Consortium, and indeed the British Retail Consortium

5 have a vast array of different types of businesses, from

6 the smaller retailers to national firms. Did your

7 members find there were any particular issues that arose

from those differences?

9 $\,$ A. I think there was always a challenge for us as a very

 $10\,$ broad coalition of retailers , managing the difference

11 between those businesses who had more freedom to trade

12 than others. So some businesses obviously had very

specific questions about how some things would operate.

Other businesses, it was slightly more hypothetical.

There were different timeframes as well on lots of the

questions about guidance and on what was happening.

17 I guess that's twofold.

On one hand, if a business is trading right now, and there's a change to the level system, for example, they

20 were having to operationalise that in the moment. Kind 21 of — they would get an appropriement, they would try

of — they would get an announcement, they would try and do it, they had to be ready for the regulations which

23 were often very short notice.

24 If it was a change for perhaps a business that

wasn't yet trading, there wasn't that same -- we have to

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change what we're doing in the store right now. We have to be ready for when we're allowed to trade. So that timing difference.

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I think the other one that's worth maintaining, and was very hard for a lot of our members, is retail is simultaneously incredibly short-term; it's what can you sell today. It's also a very long-term process. I'm sure if anybody is in the shops at the moment, they will see the array of Christmas items and products being sold

Planning for Christmas trading starts in January. Most of the purchasing decisions are made in the first half of the year. Stock is travelling in the third quarter. So when we talk about the impact of, for example, making closures at Christmas, that has a huge effect. A business has to, almost nine months out, be thinking: do I buy this stock, do I get party dresses so people can go out for a Christmas night out or not.

These are very challenging decisions, and obviously if your sole trade is in fashion or in these items, that's very different from if your people are still going to need to buy beans in a week's time regardless.

Q. For his Lordship, you mentioned there, you're saying obviously long—term planning, are you able to give his Lordship any indication what sort of differences

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1 we're talking about, what was the acceleration, if you like, in terms of the implementation?

A. So I think -- so obviously the kind of lockdown came with a couple of weeks' notice. I think if we talk 5 about — I think possibly the most egregious example 6 was -- it's in January, in 2021, when the -- I believe the timeline for the restrictions that came in on click 8 and collect, so the ability to sell products directly from the shop. I think the announcement was on the 10 Wednesday. The regulations came into force on the 11 Friday. The regulations were published late Thursday 12 afternoon, and the guidance for retailers was published, 13 I believe. late on the Friday.

> I think at the time we described it as ludicrous. and I think that stands up to scrutiny, to be honest. So when we're talking about our kind of model of like retailers planning stock by season and being months ahead, and then the situation in which -- you have to change what your shop is, it's something like this, and with a bit of luck you'll know on the day if you're there. And that's really challenging.

Our members, they always try to follow rules quite literally. If they're told to do something in guidance. they will do it that way. That's partly because it's the way they operate. It's also because of the public

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scrutiny a retail business will always have. So there's significant pressures to do that. So it was very, very stressful when we got decisions made at very short 4 notice, and of course the more specific they were, the more challenging to operationalise.

6 Q. Do you feel, or do your members feel that the reality 7 was being taken into account in terms of the 8 implementation of these decisions?

9 A. I think we would say across the pandemic, there were 1.0 changes both in the manner in which things happen, and 11 also the degree to which guidance and regulation got 12 specific .

> So at the very start of the pandemic, a lot of the retail guidance, to be honest the government's guidance across the four nations was pretty heavily based on a paper that the British Retail Consortium and USDAW, who are a shopworker trade association —— we worked together on guidance for how to keep stores safe for colleagues and for customers.

> It's actually a pretty decent document. We revised it for when nonfood was opening, and that was very much industry saying: these are all the measures, this is the public health advice, this is what we think works. And indeed the grocers being able to say: this is how we've done that.

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That was all the -- everything from Perspex screens, hygiene stations, signage in stores, how to maintain 2-metre distancing, all those kind of big principles, we came in; and government were very much: this is great, let's do this.

I think as we went on in the pandemic, government wanted to do things slightly $% \left(1\right) =\left(1\right) \left(1\right)$ differently , and we got anomalies. I think the example I mentioned, the closure of click and collect in total was a really significant challenge. A lot of businesses had been doing that for a while. I don't think we were ever confident -I don't think it was ever clearly explained to us what the specific health harm that we were tackling with that was, but it certainly meant businesses who had used that model, and that might be a food to go business who were selling $\,\,--\,\,$ you order your coffee online, pick it up from there, or a kind of small retailer who may be trying to build a full e-commerce platform, isn't really going to compete against bigger brands, but actually being able to sell it from the local hardware shop did work. We felt that that was a pretty onerous restriction .

22 There's a few other examples as well.

23 Q. And you've mentioned timing, and you've mentioned that 2.4 the members of the SRC are greatly different in terms 25 of -- some of them are very small and some of them are

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retailers? 4 A. I think with -- I guess with larger retailers, to kind of differentiate slightly, there were businesses like garden centres, which could trade in different parts of 7 the UK at different times. We never quite understood 8 why garden centres were within that sort of thing, but 9 of course the timing of some of the lockdowns really 1.0 affects that sort of business. If you close a garden centre down during the run-up to Easter, that's a huge 11 12 trading period. It's sort of their Christmas time. The 13

very large. Were there any particular difficulties or

any particular issues for some of those larger

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trading period. It's sort of their Christmas time. It same for other nonfood businesses. It's different odd types of years which I think had a really significant economic impact.

In terms of the way large stores operated, I think trying to write a single document to get businesses that maybe have 20,000 employees, and 100 or 200 stores, to all do something in a certain way is very difficult to do. I am very sympathetic to government, but I certainly think our members would feel quite strongly that when they were given a sense of direction or a kind of higher level thing, they would absolutely do that in the best way possible.

2 metre distancing, absolutely understand, lots of

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tools to do that. I think when we were told you have to do 2 metre distancing in stores, and the way to do that is you have to do an occupancy guidelines signage, and the signage must be this sign, and it must use this font, and this really quite granular detail, I think we found that —— (a) it wasn't going to work for every retailer and (b) it really felt quite granular and I'm not sure totally necessary. But it did create a fairly significant amount of work, because these are huge businesses operating at scale. If they have to do something, they have to do it to a very enormous degree.

- Q. And you spoke about the example of changes happening very sort of late in a week for almost immediate implementation. Was that something that your members could actually comply with, given the size and scale of some of these businesses?
- A. I mean, I think the -- again, depends on the kind of --17 18 to what degree. And I guess compliance is quite a 19 tricky sort of -- in the sense of, you know, if an 20 environmental health officer had come in on 15 January 21 and said, "Are you following the guidance?", a retailer 22 would have gone: you only published the regulations 23 eight hours ago, and we haven't got the guidance 24 document yet. So it just wasn't possible.

I think we would certainly listen to what government

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said, we would engage with government officials,
government officials meet with our online communities
and members too, so we would try and get them to both
answer our questions, and they would always have the
best stab they could at doing it. In no way, shape or
form can I say confidently every retailer was always
compliant instantly of every regulation. I think it
would have been impossible to do so.

- 9 Q. When you say "impossible", impossible in the sense of 10 the timing that they were being asked to implement?
- 11 A. Yes, it was always the timeframe. There was nothing 12 that came out of government regulation that couldn't be 13 done, that -- things we might not have wanted to do, 14 that's an entirely separate discussion, and we were 15 relatively forthright with government on what we might 16 or might not want. But there were times when the time 17 simply meant it was completely impossible to meet that 18 timeframe
- Q. Thank you, and you've spoken there about the
 conversations that you were having with government. If
 I could ask you maybe about that relationship, how did
 you, the SRC and indeed your members find dealing with
 government over the piece?
- A. So I think there were huge amounts of learnings that came from it. I mentioned at the start, our

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relationship with the food and drink side. That was a very long established relationship with that part of government.

I think it took a little bit of time right at the start for government to adapt the structures for briefing the whole of the business community. I think there was maybe a smaller group that they were used to having a regular dialogue with, and they kind of had to change the model slightly.

I would say once that happened, we had phenomenal access to government ministers, to government officials. We were able to ask questions. During the course of the pandemic, a specific retail team was formed within the Scottish Government, and one of the outcomes of the pandemic was the Scottish Government published a retail strategy and there is now a sitting industry leadership group.

So I would say from a starting point where I think food and drink retail was sort of looked after by government, and larger retail was a sort of anomalous part, I definitely think we changed that situation to a very specific relationship, both with kind of business, and I would say government officials were assiduous in speaking to us wherever they were able to, to giving us the best deal they could.

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Q. Did you find government responsive when you approached 2 them? 3 A. Sometimes is probably the fairest answer. There's lots

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of occasions where government would listen to us. I have mentioned the kind of adoption of a lot of the retail guidance. A lot of the details on how to do things, we were consulted on. There were, of course, times we disagreed. I think we always tried very hard to be clear that we were not public health experts. If there was a public health imperative to take action, our members understood that. They wanted to work with that.

Partly it's the right thing to do, partly there was no model for economic kind of activity that didn't involve stores and businesses being safe first . Without them being safe, you didn't have customers coming out anyway. So there wasn't a tension there, but certainly we would ask about certain things.

I would say also that the nature of the pandemic with four governments doing slightly different things meant that we had a fairly continual discussion about both things that were happening in other jurisdictions that we liked, so some other nations perhaps opened up larger stores, shopping centres and that a bit earlier. We would argue that means it should happen here.

There were also examples -- I think the most

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1 infamous being when the Welsh Government banned the sale of nonessential goods within shops, where Scottish Government Ministers would ask us what we felt about that. We were fairly forthright in expressing we 5 thought it was a terrible idea. So sometimes is the 6 answer, but I don't -- I think that they were trying to weight that, but obviously there were other 8 considerations as well.

Q. You referred a moment ago to -- I think you used the term granular. In your statement you refer to a lot of granular government interventions. Could you explain to his Lordship what you mean by granular interventions?

A. So the one I have kind of alluded to already, I think is

- the best specific example, when the government said that 14 15 they wanted us to explicitly write down what the 16 occupancy capacity of every shop in the country was. 17 That meant kind of quite a chunky guidance document 18 which had how we calculated the store space, as I say, 19 which font to use, what sign it should be, where it 20 should be placed in store. Very specific details, and 21 on one sense, final, we had concerns about that (a) 22 because if we were going to do it specifically, that
- 23 then meant there were five other questions about exactly where it goes, we wanted clarity on, if we were going to

2.5 be specific, we had to be.

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I think there were other concerns which were things like: you put an occupancy limit on a store, that absolutely guarantees that somebody will go into the store and count every person in it, and complain if there's not the right number of people in the shop.

That might sound trivial, but one of the real challenges our colleagues faced during the pandemic was a horrendous rise in abuse and in frustration; people being told that: you must wear a face covering, you must do that

So actually these flash points were a challenge, so I think that the overall aim of making sure shops didn't have too many people in, we completely supported that. We had been doing that since March 2020. I think the "you have to do it in exactly this way" is a really good example of a policy where we're just not sure that was necessary, and not sure it helped, and I would be surprised if it had a major impact.

I will say that we didn't always have problems with regulation. I think one of the clear examples is government spoke to us and consulted with us about -when they were bringing in rules about face coverings, did we believe that that should be in regulation. We absolutely were categorical we wanted that. If customers were being asked to do things, we wanted it to

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1 be legal requirements, and that means the enforcement 2 fell to the police, rather than to some poor shopworker who really didn't deserve to be screamed at by someone 3 4 who had decided that wearing a face covering was a 5 problem.

- 6 Q. Thank you. From your members' perspective, was there an 7 alternative approach to that granular approach?
- 8 A. I think, as I have tried to outline there, that slightly higher level of government almost saving: this is the 10 outcome we want to get you to, how can you do it. 11 I think, as I have hopefully explained, retail is really 12 diverse. Shops are all different, and what works in a 13 50,000 square foot superstore is just completely 14 different from what works in a kind of Tetris-shaped 15 convenience store, that's kind of smaller away there.

So I think just a little bit of trusting industry a bit more, but putting that high level perspective of: we really need you to do this. I think -- I am very confident our members wanted to do that. They wanted to demonstrate it.

And I think part of that is that visibility, and that visibility means that every customer comes in, can see things. Some of our customers of course are parliamentarians, and indeed our ministers, and one of our ongoing challenges was having to respond to

officials who were concerned that a shop in some part of Scotland was doing one thing slightly wrong because a politician of some description had seen it and was very upset.

I don't think we ever found any examples where members weren't compliant, but that was an ongoing challenge of both following the guidance, but having to demonstrate constantly that we were following the guidance.

- 10 Q. You have mentioned a number of difficulties which your 11 members have experienced over the piece in terms of 12 implementing government aspiration, if I can put it that 13 way. Do you or your members feel that government 14 understood the retail industry at the start of the 15 pandemic?
- 16 A. I think that probably the scale and manner in how retail 17 operated. I'm not sure they had -- I don't think they 18 had the same information they would have now about it, 19 and that's why I refer back to this drive to have a 20 retail strategy. I think government broadly would know 21 what our asks were as a public policy advocacy 22 organisation, I hope they understood what our high level 23 asks were. But there's a difference between kind of everyone believes they understand how retail works, and 25 people actually understanding the kind of mechanisms and

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1 operations behind that

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I think that that's something government grew enormously during the pandemic. I think it's something that probably at the start wasn't as detailed as it was, with the caveat, of course, that everything we were doing, most of it was quite new anyway, so we were all a little bit learning as we were going.

- 8 Q. Thank you, and I think that probably brings us to some questions about the government's planning and 10 preparation for pandemics. Are you able to offer any comment on the level of planning or preparation that the 11 12 government had for retail in the event of a pandemic?
- 13 A. I guess — so we worked with Scottish Government on things like food resilience, and that sort of emergency 14 15 side of it. That's something that both at a Scottish 16 and a UK level, there are mechanisms designed for; I 17 think this can go wrong with food supply chains; so we 18 work with government food division, with DEFRA and so 19 forth on that
- 20 Q. Just to be clear, you mean at any time, not just in a 21 pandemic --
- 22 A. At any time, yes. Things can happen that can affect the 23 supply chain. Some of those can be -- you know.
- 24 I wouldn't say minor, but can be disruption to a crop 2.5 because of extreme weather. Some might be because of

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things like avian flu and so forth, and diseases, that can take out and require restrictions . So there's a huge number of policy things that can impact on food supply, so I think government had a pretty good handle on that. We had very close relationships both with government and with Food Standards Scotland, and that's 7 something I think that was pretty well understood.

8 I honestly don't think that we had ever had a 9 discussion about what it would look like to close down 1.0 the retail industry. That was a completely new 11 innovation. It was unimaginable, I would say, probably 12 even in February 2020, to imagine we close every shop 13 down, and I don't think we were remotely prepared for 14 that.

- 15 $\ensuremath{\mathsf{Q}}.$ And had the government spoken to you prior to 2020 16 outwith a pandemic situation, are you able to say what 17 the reaction of industry would have been to a suggestion 18 of lockdown?
- 19 A. I think I have to be careful how I describe what 20 industry's reaction to that would have been. It would 21 have been -- I use the term "unimaginable", it would 2.2 have been incredibly distressing . Businesses would have 23 been adamant that if you do that, you're going to 2.4 destroy our businesses. I don't think before 2020, we

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could have imagined a pathway through, bearing in mind

1 the restrictions that were put in place.

- 2 Q. In consequence of that, again, I'm asking you to 3 hypothesise a little bit, but would industry have likely 4 engaged in that kind of process?
- 5 A. I would be really surprised if to any significant 6 degree, business would have been, you know, heavily 7 involved in that sort of planning. I can see a 8 situation in which government might have run an exercise or discussion, and someone like myself might have gone 10 along to broadly talk about what it would have looked 11 like for retail

I would be very surprised if my members would have substantially considered it at a very serious level, and that's because retail has so many other things going on. There's always something happening in the moment, and they tend to be -- as I say, there's a sort of potential if they all plan kind of what they're buying for in six or nine months' time, but a lot of it is about what's happening today.

So the idea that they put a lot of time into a hypothetical question, I think it's unlikely they would have put a lot into it, beyond: please don't close our

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24 Q. Thank you. And if I could now ask about sort of 25 consistency of guidance. You've talked about

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different fronts. Is it fair to say that would also have been the case in respect of guidance? A. Yes. I suppose I should be absolutely candid. I think my members very much wanted consistency when it was in their interest as well, but by and large, a consistent approach is what they look for. And that's true across all public policy, so regardless of a measure, our members would like it to be done on a four nations 1.0 basis. They're actually perfectly comfortable for it to be beyond a four nations basis, in alignment with Europe and so forth as well. Doing it the same way works for retail, and every

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consistency being helpful to your members on a number of

Doing it the same way works for retail, and every time there's a divergence, that creates a cost to businesses that have to do it differently. So there's always a desire to do things in the most straightforward, the most consistent way as they can. That's just how the business works.

- Q. You have spoken about the lack of unified approach
 between the nations. Did that translate —— or how did
 your members find that on a more local level between,
 say, for example, local government areas?
- 23 A. I think that I think when it got to a local authority
 24 level, it really became quite frustrating for a lot of
 25 members, and that's because you would both have to do

some things in a different way, but also even things like local authority enforcement could be different. One EHO might read the guidance in one way, another slightly differently, and that meant a business was trying to adapt — so you're taking a model that is designed to work across all 32 local authorities in 100 shops, and suddenly you're breaking that to doing it in 15 different ways, perhaps, because of different local authorities

It adds complexity, which means that you have got people trying to adapt a little bit at a store level, and it sort of downs the consistency of what we're doing. I totally understand there are parts where that is the case. I mentioned non—domestic rates relief is clearly best done at a devolved level.

But I think in practice, keeping things as similar

as possible, particularly in a crisis situation, matters for our members. It also matters for customers who —— we would always rather tell them the same thing, with exceptions. It might be a certain thing that's particular to Scotland or particularly to Fort William, but by and large branding, messaging, high level messaging would be the same for a retail business across the country. We would rather do that the same way when —— both operationalising government action but also

when amplifying government messaging, which we did a lot of as well

Q. Thank you. Thank you, Mr MacDonald—Russell. That's all the specific questions I wish to ask you. Was there anything else that you would like his Lordship to know about your industry or indeed anything else?

7 A. I think I have probably spoken at length already.
8 I guess a few points we would make about areas for the
9 future would be one about that point about alignment.
10 Where it's practical, doing things in the same way
11 brings operational benefits. It can be done quicker if
12 we're doing it the same way.
13 I think secondly, we would note the swiftness of the

I think secondly, we would note the swiftness of the financial response and the impact that made, and that's how we went from an unimaginable situation of store closures through to a situation where there was a path, a very difficult path, but a path nonetheless. So that swift fiscal response.

And I think the alignment of financial response to restrictions is actually really important, and I think there's certainly a different way our members experienced the two Christmas lockdowns. We had a lockdown in December 2020 which —— and 2021. In reality, one of those was a formal lockdown. We kind of knew it was coming. We knew there was financial

1 support.

In 2021, the government sort of said that people shouldn't ever go shopping, but didn't formally lock down, didn't have some of those same support mechanisms. In both of those cases, sales fell by around 12%, compared to 2019, so absolutely massive. And Christmas trading is about — November and December, about a fifth of retail sales . So losing out on Christmas trading is massive.

So I think having that, if government wants to put in restrictions and put that thing in, it has to bring the cheque book to kind of cover the cost of it.

Because that certainly was very hard for members.

I think the third bit is that listening to business on the "how" to operationalise policy, I think public health and health officials and chief medical officer know what we need to do, and we would never dispute that, but actually listening to us on if you want to do 2—metre distancing, if you want to protect shopworkers by that.

Speaking to industry about it, we have loads of experience in running shops, we know how to do things. We also know how to speak to consumers. So bringing us in and being part of that, I think is there.

I would say that the work government did on

amplifying and helping the industry where it felt it the pandemic, retail workers had this incredibly 2 could was massive. I would specifically cite the first 2 difficult responsibility. They had to go out in a very 3 time we reopened in, I think it was July 2020, and the 3 scary situation, and they had to go again and again into 4 First Minister that day going out to a shop and going 4 stores, wearing face coverings, washing their hands shopping, kind of just showing it was safe, and that every two minutes or so forth, having to conform to all support for us was there. The government asked us to do these restrictions; and having to deal with a lot of a lot. There were lots of times when they kind of came customers who -- some of whom were just scared, some of 8 and provided us that, and that mattered for the way that 8 whom were frustrated, some of whom were unacceptably 9 we could feel a bit more confident ourselves. 9 abusive. 1.0 1.0 Fifthly, there's a lot of engagement structures that I would say that the fact that the government 11 have been built since the pandemic. There's a quarterly 11 decided at the end —— towards the end of the pandemic to 12 business group meeting with the Scottish Government. 12 back the shopworker protection act, to actually put on a 13 There are various other forums. These are really 13 legal basis that where retail workers are acting on 14 valuable, and they're probably not talking about 14 behalf of the state, they're given the same legal 15 pandemic preparations, and they're talking about 15 protections as emergency workers and so forth. I think that's really positive, and I think the whatever the issue of the day is . But actually 16 16 17 17 having -- both those structures, but having those amazing work that retail workers did during the pandemic 18 relationships is really important. 18 definitely shouldn't be forgotten, because it was a 19 I cited the meeting with the rural economy 19 really difficult time, and they absolutely stood up when 20 secretary. That discussion went that way because both 2.0 they needed to. That's all I have to say. 21 sides knew each other. The minister had met with our 21 MR TURNER: My Lord, I don't have any further questions, 22 22 members several times, kind of understood the industry, subject to anything which your Lordship wishes to ask. 23 so knew what we were asking and why we were. That saves 23 THE CHAIR: No. thank you very much indeed. Mr Turner. Yes. 2.4 a lot of time when you're in that very difficult 2.4 thank you, Mr MacDonald-Russell. That was most

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position. You kind of need both sides trusting each

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I think that's best done by having existing structures and having ongoing engagement with retail officials . I think that's really helpful if her government. I don't know if we need to discuss every hypothetical, but I think knowing that when it comes along, we can have that, matters.

I guess the final point perhaps on a four nations basis is some sort of standing crisis committee, crisis mechanism, so that actually that collaboration can be done on a four nations basis. I understand that different governments will want to make different decisions. There will be other differentials that aren't part of the economy. It may be that healthcare provision is different, so they had to do it differently. But at every point, almost going, "Where can we align?" as a starting question, and then diverging after that, rather than everybody operating independently, would have made things significantly easier for our members, would have probably saved a lot of distress, and I think also would have probably meant people were less kind of bruised and battered by the end

I think the one final thing I would just note, though, in terms of outputs, is that obviously during 1 Right. We have a slightly longer break than we planned

informative and illuminating. I am very grateful.

2 for, so quarter to.

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(A short break)

5 (11.52 am)

6 THE CHAIR: Now, Mr Turner.

MR COLIN SMITH (called)

MRS MARGARET SMITH (called)

9 MR TURNER: My Lord, we now have a panel, my Lord, from the 10 Scottish Wholesale Association. Mr Colin Smith and Mrs Margaret Smith.

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12 THE CHAIR: Now, good morning, Mr and Mrs Smith.

MARGARET SMITH: Not related 13

14 THE CHAIR: Confusing. Yes, thank you. Mr Turner, when 15

you're ready. 16

Questions by MR TURNER

17 MR TURNER: Thank you, my Lord. If I could ask you each 18 first of all just to confirm your full names. I will

19 start with Mr Smith

20 COLIN SMITH: Yes, Colin Smith, and I'm chief executive at

21 the Scottish Wholesale Association.

22 Q. Thank you very much.

23 MARGARET SMITH: Margaret Smith, and I was the head of 24

public affairs for the Scottish Wholesale Association

25 during the period of the pandemic.

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Q. Thank you very much. Could you briefly give us an overview of what those roles entail? COLIN SMITH: Certainly. I think we were, going into the 3 4 pandemic, a small team anyway. There was about four of us, and that went down to just the two of us, because like the hospitality, in effect, our sector was closed, 7 or our own business was closed in terms of the events 8 side. So our primary role was just to keep the wheels 9 of the food and drink industry moving, and Margaret and 1.0 I were the key link between our members and the 11 government, so they could hear our stories and impacts 12 that the pandemic was having on our sector, and indeed 13 not just the economic impacts, but those on the personal 14 lives of our workers, our members and their workers, and 15 the extended families of which we remember here today. 16 Q. Thank you. My Lord, there is -- a Rule 8 notice was 17 issued to the Scottish Wholesale Association, and a 18 response has been received, and that response can be 19 found with reference SCI-SWSAxx-000002. 20 THE CHAIR: Very good, thank you. 21 Q. Perhaps by way of introduction, we could start by having 22 a look at the overview of the wholesale sector in 23 Scotland. Are you able to provide an overview of the

COLIN SMITH: Yes, certainly. I might -- would it be worth 69

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sector?

1 me also just outlining the association and what we do? 2 Q. I would be grateful. 3 COLIN SMITH: So just for context, Scottish Wholesale Association, we are a not-for-profit trade body, 5 representing food and drink wholesalers. Those 6 businesses are the food and drink suppliers to every business actually that is not a supermarket. So that is 8 the 5,000 independent convenience stores based within every high street and community, right across Scotland 10 from down in the Borders, up into the Highlands and 11 Islands, and our members are also supplying the 30,000 12 hospitality , tourism and food service outlets . Those 13 are the hotels and pubs, clubs, stadia, festivals, 14 workplace canteens, and of course not forgetting the 15 public sector, so the schools, the hospitals, the 16 prisons and the care homes.

> Quite a diverse nature to our business. We're not a homogenous industry. We're made up -- our sector is made up of 90 wholesalers based in Scotland, and we're operating out of around about 120 depots.

> It is the role of the Scottish Wholesale Association to ensure that the voices of those members are heard in that £2.9 billion industry that was before Scotland, to make sure that we -- our members are heard, that we represent the best interests of them, help our members

in terms of policy and legislative process, and provide advice on how legislation may impact a business.

But it is also about how we actually improve and develop Scotland's economy through the wholesalers and through our sector, and that is about supporting our members and championing them to look at Scottish working with Scottish producers to increase the amount of Scottish foods going through our business, to make it more sustainable and reduce the carbon impact on our sector, as well as creating that cyclical economy that everyone wants to create.

So I think that given the importance of our sector to the food security and food resilience, to all those businesses I outlined earlier, it's important that actually once we have gone through the impacts that COVID had on our businesses and our members, that we perhaps look at an actual Scottish Wholesale strategy for future pandemics or indeed any other national emergency planning, whether that be war or similar, because without our sector, without our members, there would be no food circulating in our economy, especially into those more rural and remote Highlands and Islands areas.

2.4 Q. Thank you. You mentioned there that it's a £2.9 billion industry. Can you give his Lordship an indication of

1 how large the industry is, in terms of the numbers of people involved?

COLIN SMITH: Yes, well, certainly going into the pandemic, 4 2.9 billion . It's obviously dropped, but certainly 5 6,500 employees, direct employees that is, but equally 6 our sector is supplying the tens of thousands, if not 7 hundreds of thousands employees, within all of those 8 establishments that we supply, specifically into the pubs, clubs, restaurants, of which detrimentally 10 impacted half of our sector, because going into the 11 pandemic, the split -- that £2.9 billion, 60% was to 12 independent convenience retailers, the other 40% was 13 made up of all the businesses and sectors that were 14 forced to close.

> And unfortunately because of the make-up of our industry it is not just one wholesaler that is supplying into the hospitality. That wholesaler that might be supplying into the restaurant or the pub or the hotel is also likely to be the same supplier or wholesaler that is supplying the local school or the hospital. So our sector was unable to close even though that would have been of benefit to a lot of our members.

> We're talking about wholesalers that are anything from, you know, maybe a £300,000 turnover business up to, you know, hundreds of millions of pounds business,

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and our makeup is actually such that those ninety wholesalers, actually 90% of those is actually Scottish based, or 90% of those Scottish-based businesses are family-run SMEs. The other 10% are national wholesale operators.

And we represent them all, so that would include the breaks and the big foods, whom I will name because they were also the ones who were distributing the food parcels to the vulnerable, but, equally, they couldn't do that alone and relied on a lot of the smaller SME family businesses to get those food parcels onto the Islands and the more remote communities.

Q. So you have discussed there the diversity in the size of the sector. Are you able to tell us about the locations you mentioned there, the Islands? Are these located in any particular parts of Scotland?

17 COLIN SMITH: Yes, I'll pass to Margaret.

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MARGARET SMITH: The length and breadth of Scotland and obviously our members are also delivering outwith Scotland as well, some of the ones particularly in the south of the country.

I think one of the first things which we were dealing with when the pandemic hit was the importance of Island wholesalers. So we had a number of issues right away in terms of getting access for members onto ferries

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because there were some restrictions about who was going to be able to get onto ferries.

Ordinarily, wholesalers on the Islands have an absolutely key role to play, because they obviously have to deal with weather emergencies quite a lot, and supermarkets on the Island don't actually hold a great deal of stock. But the wholesalers on the Islands do. so it's the wholesalers on the islands that are actually supplying a lot of the time the care homes, the schools, the hospitals and the convenience retailers on the islands. So they're actually quite an integral part of the food resilience of the islands.

We also have members who are in the Highlands and one of the things within our submission, you'll see that we had done six market surveys over the course of the pandemic and one of the messages that came out time and time again was that it was actually our members in the Highlands and Islands, and indeed sometimes in the Borders on the periphery of things, that were actually having the toughest time of it.

So we have people in the Highlands who, effectively, because of the way in which this worked out, they experienced what they told us was effectively three winters, because they're very, very reliant on trade within, say, summer and spring, because they're reliant

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on international tourists. So not having tourists 2 visiting had a massive impact on them.

So I think some of the figures for the whole of the Scottish market actually belie how difficult it actually was for those that were actually trying to do business in the Highlands and Islands during the sort of two-year

8 Q. In your Rule 8 response, you described the SWA members 9 as the wheels to Scotland's food and drink industry. 1.0 Could you expand upon that, what that means? 11

COLIN SMITH: Absolutely. It is a good analogy. I suppose we could also be called the gateway to the food and drink industry, because actually we sit in the middle of the supply chain. So it's our members that are connecting the farmers, the producers, the manufacturers and suppliers of food and drink to the end user, that retail, the pub/club, and getting it to the consumer. So, you know, wheels and gateways is how we would like to be known. So, in essence, wholesalers are the larder 2.0 to those businesses that we sell to.

> So a typical convenience store might sell 3,500 different products. A wholesaler, to enable the consumer choice that we all expect and to create that differentiation, our members can be stocking anything up to 15,000 different products, just to allow those

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businesses to operate, to differentiate on the high street versus —— compared to their competitors.

And I think that's the biggest problem, that when the economy closed, when the hospitality markets were forced to close, our members were sitting with all of this stock. Now, that stock ranges from, you know, fresh food and fresh produce to fish, confectionery to soft drinks, chips to cheese, beer to burgers. You know, these are businesses that are ambient, chilled fresh, frozen, short life, long life,

So when you're talking about a product that has three to five days' life on it and then your market closes, what did you do with that stock? It was very difficult, and basically we ended up with wasted stock. But we'll maybe come back to that in a second.

But certainly hopefully that indication of just the vast scale of our members' business and the amount of product highlights just what the wheels to the food and drink industry represents.

And if I can also touch on one of the things, and I mentioned it a minute ago, was the importance of wholesale to the Scottish food and drink manufacturers. One of the things that we did coming out of COVID, that longer-term vision, is what we need to do to help rebuild the economy, to support smaller producers,

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farmers, et cetera. And that was where the delivering 2 growth through wholesale programme was to help, support, train more suppliers and wholesalers into market, and 4 equally have the wholesale understand what it means to support local produce. And that —— the Scottish Government helped support that, but it wasn't just about 7 COVID as it was; how do we actually grow out of it. 8 MARGARET SMITH: Can I just add something as well, and just 9 to actually think about, you know, the wheels to the 10 food and drink sector, when you actually distill that 11 down to individual wholesalers, that's about somebody 12 sending out a truck from Glasgow, say, up into Angus. 13 across the country, and what that route will take in is 14 it will take in pubs and clubs and restaurants and care 15 homes and schools, and by shutting down the hospitality 16 side of the sector what the decision-makers were doing 17 was effectively saying you still have to supply to that 18 care home in Angus but you're not going to be able to 19 supply to all these pubs and clubs between here and 20 21 So that was part of the reason why our members

So that was part of the reason why our members didn't shut down; some of them were still supplying out of the Highlands into the Islands because it was, in their own words that they said to us, the right thing to do, even though they were running through reserves of

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family businesses and they knew that that was a very unviable thing for them to do economically, but they were still trying to make sure that they were supplying to the public sector and to people like care homes.

They also stayed open because they didn't know how long this was going to last. Their businesses, if they had shut, might have been for three months, they might have been shut down, you know, for 18 months, and they wanted to have a business to come back to. So had they shut down their business, competitors would have probably kind of come in.

So there was a number of reasons why they didn't shut, but for many of them it was absolutely fundamentally because they had that mix of customers on these routes across the country.

Q. If I can perhaps extend the analogy, if the wholesale industry are the wheels, can you give his Lordship an indication of sort of the size of the chassis in terms of the numbers of businesses that you're supporting?

of the numbers of businesses that you're supporting?

COLIN SMITH: Well, I think I said they start at 5,000 independent convenience stores on our high street and then the 30,000 hospitality food service contract catering businesses, and then all of the public sector. So I think the analogy is everything but supermarkets, and that was a fundamental problem, that there was a

fixation on if we kept the supermarkets open, everything would be fine, but, actually, and it goes back to the whole reason that we're here, is that Government, local authority, et cetera, didn't understand actually food supply chains.

And, taking Margaret's analogy, or —— if you were driving home tonight, going to Glasgow on the M8, and a fox ran out in front of you —— you're busy driving, a fox ran out in front of you, you slam on your brakes, suddenly the wholesaler is into the back your car, but into the back of the wholesaler is then the suppliers, the producers, the farmers into the back of that.

Everyone gets out of their vehicle and goes what the heck just happened? What do I do? Who do I contact? Who's going to support me? That was the wholesalers and that whole supply chain backwards. There was no tow truck coming to save them, but you were okay because you got handed rates relief straight off the back without having to do anything. And that's where our fundamental problem lies, that you can't just close the bricks and mortars of things you can see and touch. There's a whole supply chain that sits behind that that needs support as well, and hundreds and thousands of jobs.

And if you don't support all of that supply chain, specifically the wholesalers, because everyone else is

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connected to us, support to the wholesalers then allowed monies to flow back to pay for that food that's sitting in the wholesaler's warehouse, to allow that supplier to get paid, for that supplier to pay his producer of whatever it might be, his packaging supplier. So the money then keeps flowing backwards.

If you only stop at the front everything crashes behind it, and that was our whole argument for the nine months that it took for wholesale to be recognised and for us to get any form of meaningful support. But I'm sure we will come on to that in a second.

12 Q. You have mentioned there, on a couple of occasions, the
 13 lack of understanding of the wholesale sector; have you
 14 any indication as to why that is?

COLIN SMITH: I think it was just because of that sheer
 complexity that I have outlined. I don't know if you
 want to maybe ...

18 MARGARET SMITH: I think part of it is that people 19 understand bricks and mortar because they can see it, 20 you know. The public understands that, the 21 decision-makers, the politicians understand it. They 22 can see the supermarket. They think: that's where I go 23 and get my food. They don't think really beyond that 24 into actually what else is happening in the wider supply 25 chain, and I think that probably was -- the big part of

it was they just had that lack of understanding.

It was a lack of understanding within the Scottish
Government, certainly —— even more so, I think —— within
local authorities and Enterprise Agencies, that then had
money to give out and grants had even less understanding
than the Scottish Government, I think, about what this
actually meant. And I think what it then did was it
then impacted on some of the decisions that were being
made. So, for example, if we talk about something like,
you know, are people who are driving delivery trucks to
deliver food around the country a key worker or are they
not. And over the course of the pandemic we got lots of
different answers to that, but initially in the first
few weeks we were effectively told, no, you're not.
So there was an economic argument why the supply

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So there was an economic argument why the supply chain should be given support at the same time as the bricks and mortar business, but there is also an emotional one that comes to the mental and emotional wellbeing of the people working in a sector, and initially we were effectively being told you're not important enough to be given access to childcare and education, you're not important enough to be seen as a critical worker, when in actual fact what you're supplying is food, which is pretty critical to the country.

So we were constantly feeling that there was decisions being taken where people were basing that decision sometimes on a lack of understanding of the sector in a general sense and sometimes decisions were taken in relation to some of the funding decisions where they didn't understand what the makeup of the industry was, because, as Colin says, this is not a homogenous sector.

If you go and speak to every single wholesaler in Scotland, they're different to the other wholesaler you will go and speak to five minutes before and five minutes earlier, because of where they are sitting in the country, who their market is, what size their business is, and a whole range of different things. And I think that complexity was part of the reason why certainly local authorities, enterprise agencies, when it came to the funding, were not actually able to see that it was important that they actually supported those wholesale businesses because they didn't really understand.

Sometimes we were being turned down for funding because, for example, the nondomestic rates rates relief for example, the turnover was too high. Well, this is a high volume, low profit business. If you're having to stock 30,000 different stock items for five thousand

convenience stores and 30,000 businesses, you're sitting in big sheds with lots of stock. If you're an on trade wholesaler who actually got treated worse than just about any other sector, you're sitting on licensed stock; a lot of that is duty, it's not something you own.

So there's lots of different layers and complexity and we were finding that some of the decisions that were being taken in terms of funding I think were down to 1.0 that lack of understanding of, you know, how does this system actually work, what is it about. And because I think once you start talking to people about food and drink wholesale and all of our different companies that are involved in it, people now come back and say to you: I now see your trucks everywhere. But if you don't talk to them about it beforehand, it's part of society that is a sector that's going around doing its day-to-day job that most people never have to think about or come into contact with, they think. 20 Q. And prior to the pandemic had there been any strategic

Q. And prior to the pandemic had there been any strategic with the Government to try and educate them?

22 MARGARET SMITH: Yes.

COLIN SMITH: There had been. So I came into post 2018, and
 one of the things that Margaret and I worked on fairly
 extensively is to try and increase our engagement with

Scottish Government to have them understanding the importance of our channel. It wasn't easy.

One of the things that actually did help us was Brexit, not in respect of helping our industry, but in helping our engagement with the Scottish Government because we were invited to sit on the Brexit Resilience Group, as it was called at the time. That then morphed into the Food Sector Resilience Group dealing with COVID, but through the Brexit group —— and we have got to bear in mind that COVID came at a time when we were actually going through the Brexit transition and actually our members were gearing up for a no Brexit —— yes, no deal, sorry. So they were actually stockpiling food in anticipation and then COVID hit.

So, you know, they were sitting with actually probably some excess stock or more stock than they would ordinarily and then COVID hit which they then couldn't sell the stock. But the relationship through the Food Service Sector Resilience Group enabled us to immediately have direct conversation with Fergus Ewing, who chaired or part chaired that group at the time, and I have got to commend him for actually —— him and the food and drink team within Scottish Government —— sitting down and listening at the very early days, even before, actually, the full lockdown was announced.

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I think we were looking at 14 March or thereabouts. We had discussions directly with Fergus to explain: listen, we are really concerned, this is the potential impact.

Our members even at that time were concerned and

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Our members even at that time were concerned and cash flow is very tight. We are, as Margaret said a minute ago, high volume, very low margin. So we need quick turnaround, quick sale of that product.

And just to give an example, we're operating on 1.3% net margin. So, you know, you can only imagine how much we need to turn over and rely on the cash coming in to pay our fixed overheads, to pay our variable costs, to pay our staff, albeit furlough obviously protected a lot of the staff costs.

But the engagement, where we did have good engagement prior to COVID, there still wasn't an understanding within Scottish Government itself of the real role of the sector and, indeed, there wasn't an understanding across the Parliament, and that's something that we had to work on as COVID went on in terms of the longer it went on without our sector getting support — so there was grants out there.

MARGARET SMITH: PERF, Pivotal Enterprise Resilience Fund, where some people were successful in getting awards.

I think about 45% of wholesalers were successful in getting some sort of awards under that fund. But a lot

of them got partial awards, didn't get what they felt they kind of needed. But certainly in terms of some of the other awards that were being given out by councils and so on, that wasn't coming in our direction.

But if I can speak as somebody who is a former politician, I would just echo what Colin said in terms of, you know, wanting to put on record that people like Fergus Ewing, Kate Forbes, Mairi Gougeon, the food and drink officials within the Scottish Government particularly, really they did go above and beyond on many occasions for us, and it would not be unusual, particularly during the early days of the pandemic, for Colin to be sending a pithy email out to a Cabinet secretary or minister and literally having an email back within five minutes.

It was that sort of level, and having been a politician and been around them for a very, very long time — basically, 30 years — that's rather unusual. People were working at pace. Decisions were being taken. They weren't necessarily always the best, but they were with the best of intentions. And I think that we did over time build up the understanding and the knowledge, particularly in the food and drink officials. I think they then had to subsequently try and build up the understanding within the economic teams within the

Scottish Government and sometimes there was a great deal of warm words and understanding of what we were going through and our members were going through, but it took us time for that to actually then come through into hard cash, if I can put it that way.

Q. Thank you. We're coming on to discuss, obviously, your communication with Government and the like. Just before we leave the discussion about the sector, are there any other sort of operational matters which you think it 1.0 would be interesting for his Lordship to hear about? You mentioned, obviously, the levels of businesses and the fact that they were having to stay open in order to provide some supplies; I mean, did any of your members have the ability to close their businesses over the

piece?

COLIN SMITH: I think nobody — with hindsight, some of them would be better — have been better off closing, specifically those that are only servicing the on trade. So those that don't supply anything else other than alcohol. They were the first to close and the last to open. They found it the most difficult and the most stressful, and they would have been better closing.

The issue at the start was that nobody knew how long this was going to last, so they didn't want to close a business, you know, for a couple of months and then, you

know, reopen. It's like a tap; it's very easy to turn off a supply but very difficult to turn it all back on because, you know, with that exception of on trade that maybe have a much longer—life stock. When you start to look at fresh produce tomatoes, apples, even crisps — six weeks' shelf life — once that's closed and gone and sold or wasted, you need a longer lead time to start and rebuild.

And it goes back to, you know, fresh produce — wholesalers — and in terms of fresh produce — what day is today? Today is Tuesday. An order that's going into a convenience store today was probably placed on Thursday/Friday of last week. We're ordering in sort of fresh five days, if not more, in advance of you getting the stock.

In terms of — we'll come on to Christmas.

Christmas turkeys. Christmas turkeys were ordered back in Easter because the farmers need to know how many they have to grow, if you like. So the ordering cycle of the supply chain is not just you turning up at your supermarket or your convenience store, whatever, and going: there's a tomato, I'll buy that. That came in today, yes, but it was ordered five days ago, months and weeks ago.

I think the implications for our sector is that it's 88

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so diverse. When lockdown hit, those that were primarily servicing food service outlets, those pubs and those clubs had an immediate fall of 80% of their sales. That was from one of our first market sector surveys. Those that were primarily servicing retail, so those

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convenience stores we talked about, they were seeing a surge. They were seeing turnover increase 10-20%. However, while that's great, they were also suffering logistical issues. They then didn't have the capacity to cope with the sudden increase in demand. They didn't have the stock, necessarily.

But, equally, they were suffering from their own staff issues: shortage of staff, staff going off with COVID or family of the staff being sick that meant they had to shield, et cetera. So it's not an easy one to say, you know, some were impacted, some were not. Everyone was impacted, all in different ways. Some financially, some more logistically, and we'll maybe come in to the logistical challenges in terms of the supply chain and actually food, because that was another challenge, just in terms of how people managed to get food, how wholesalers got food.

Because there was a fight between supermarkets getting it versus the wholesale channel. Minimum order quantities by suppliers suddenly going from maybe

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somebody having to order I will say a pallet of a hundred cases of tins of beans or soup suddenly having to order 18 pallets' worth.

MARGARET SMITH: I mean, wholesalers were being asked by major, multinational companies to buy in a level of a product that they might take somewhere in the region of five years to actually sell. And in fact that was one of the issues. There was a few issues that we were going to the Scottish Government with specifically asking for their assistance either, you know, that they could do something about or that they could actually take the issue to the UK Government.

There was a couple that touched on this. One was in relation to Fergus Ewing wrote to suppliers asking that they give, effectively, a fair crack to wholesalers and not just supply in to supermarkets and so on, and that they did do that.

They also wrote to the UK Government on issues around trade credit insurance because in terms of things like one of the other reasons why people can't shut down businesses is because they might not get insurance to open back up again, or there might be trade credit

So there were some of those kind of issues that were affecting -- and then later on into the pandemic, when

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we get into the sort of 2021 period particularly, 2 businesses were not able to take full advantage of the 3 period when they could have been reopening because they 4 couldn't some of the stock, but also because they couldn't get some of the staff.

> So we had one situation, I think in about July, August 2021, where one central belt wholesaler lost 30% of their drivers in one week, that other businesses were going around and putting bits of paper on their drivers' windscreens saying we'll pay you more money, because suddenly there was a real problem in terms of getting skilled members of staff.

> So sometimes there were other logistics that were affecting the business as a result of staff absences and the general sort of pandemic.

16 Q. Thank you. If I could now just ask you some questions 17 about the role of the Scottish Wholesale Association 18 during the pandemic. You've spoken before about your 19 engagement through the Food Sector Resilience Group and 2.0 your more ad hoc communications in terms of emails and 21 the like . How frequently was the Scottish Wholesale 22 Association engaging with Government?

23 MARGARET SMITH: I think they would say too much.

2.4 Q What's too much?

25 MARGARET SMITH: Daily.

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COLIN SMITH: Daily, yes. I think it was because the 1 closure had a huge impact. Suddenly, as I said, at the very start 80% of those -- the wholesaler supplying into food services, they dropped 80% overnight and they saw supermarkets getting business rates relief . They saw 6 businesses that were doing extremely well getting support, yet our wholesalers got nothing.

> And I think that we. Margaret and I collectively. had to step up. We had to make sure that Government understood the implications of their decisions and the support mechanisms that they were putting in place, not just the business rates relief but later on the PERF funding, there was local authority funding wasn't being given to our members.

So we were belligerent, might be the term, to say you're doing wrong here, if you don't supply -- if you don't support our members, our sector, we're not going to be able to restock and rebuild when the pandemic finishes or closes -- when we reopen, because we need cash to buy more product. If we're not selling it, how do we buy cash? Business trades credit was an issue, that members weren't getting the credit to allow them to go out and buy stock. Suppliers were reducing the credit terms to our members, even though through no fault of their own they had to close.

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voice was heard and it was literally on a daily basis, but equally it wasn't just with the ministers and the MSPs and the food and drink team. It was trying to speak to local authorities, because they didn't understand supply chains. And while the local authority grants weren't anything substantial that would benefit our members, the fact was that our members were going: well, nobody is coming to save us, I might as well just try and get what I can. But they couldn't, because actually one of the things that they had to do at the very start was take

So it was incumbent on us to make sure that that

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out these Bounce Back Loans or the CBIL loans and Bounce Back Loans, because there was no other support there. So they have taken loans that had to be repaid back at a later date with a percentage of interest, but then when they did try and apply for these loans Bounce Back, PERF or even local authorities, they were rejected because they had taken a loan so they didn't need the support. But when there's no other support there, you're going to take what is there and then it had a detrimental impact. MARGARET SMITH: They were quite desperate. A lot of businesses at that point were quite desperate. They were taking -- that was the only option that they had, so that was what they were having to do. And our job

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was to be a conduit constantly between the membership and the decision-makers.

So we were trying to ensure that we were informing members as decisions were being taken so that they would know what the impact of that decision would be on their business, and at the same time we were also feeding back to the Government what was happening on the ground.

We had. I think, about four or five meetings with ministers and with some of our members, and I know that -- you know, a lot of the members actually did value that. I think to actually be able to be in the video room with Cabinet secretaries and officials to actually say this is what's happening on the ground in my business. I think that was quite valuable.

So we were doing that work in terms of the generic sector to Government, but we were also talking to opposition parties as well. And I think also we did get a lot of support from opposition party spokes people and we did get an awful lot of support on the ground from constituency MSPs and MPs as well.

And, as I said, some of the decisions that were taken in terms of the Pivotal Enterprise Resilience Fund, where we had members who were supplying the NHS, supplying shielding boxes, who were -- you know, the previous year had been winning awards as the best local

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business, they were sitting on national trades committees, they were being turned down as not being pivotal enough in their communities, which I think said more about a lack of understanding of the sector than it did about those kinds businesses.

And very often it was the Scottish Government officials and also the MSPs that we engaged with who then came onboard on that and then made the case on behalf of their local wholesalers to the enterprise agencies and a lot of them -- some of these people were on their second appeals and they were still getting nothing and then ultimately they were given awards of anything up to £60,000-£70,000.

So we were relying not just on the politicians in Government, we were actually also relying on opposition MSPs and we were also talking to MPs as well to try to keep the pressure on the UK Government, because the Scottish Government at least did find financial support for the wholesale sector; the UK Government did not do that elsewhere in the United Kingdom. So while we had to fight every step of the way to get the support that we did, we got it in the end. But our colleagues in other parts of United Kingdom eventually looked on us and said, "Well done, you guys", because the UK Government didn't really budge on that.

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1 But we had MPs that were also trying to kind of say to the UK Government the importance of wholesale and then we thought there might be consequentials that kind of came from that. So we were doing things which were for individual businesses, we were also asking questions and trying to get clarification about changes and different restrictions and what the implications might be for individual businesses, sometimes, as well as the sector as a whole. So there was a range of reasons why 10 we were in daily contact with Scottish Government officials, Parliamentary committees and MSPs, and, to a lesser extent, MPs and the UK Government.

13 Q. And you mentioned you provided that conduit, and you were in regular contact with government. You were also in regular contact with your members; is that correct? MARGARET SMITH: Yes, daily, I think, really for the

17 first -- certainly several months.

18 COLIN SMITH: I think as my wife would probably describe it, 19 I was a 24 hour hotline to my members.

20 MARGARET SMITH: That's fair.

21 Q. Did you reach out to other people beyond your 22

23 COLIN SMITH: Certainly -- obviously we can't work in 24 isolation to the other trade bodies in other industries, 25

you know, we need to be seen as part of a supply chain.

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So we did work with Scottish Grocers' Federation who looked after the independent convenience channel. We actually worked up some guidance, joint guidance for our members and retailers in terms of how to best receive deliveries . So our members are delivering to —— into those convenience stores, we set out guidance as to how they should operate, and that was with the backing of Scottish Government —— might touch on guidance in a sec —— in a moment because there was no specific wholesale sector guidance. We worked with hospitality, UK hospitality trade

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We worked with hospitality, UK hospitality trade bodies, Scottish Retail Consortium who you just heard from in the previous session, and certainly I sat on behalf of the —— our industry on the retail strategy group, the Scottish tourism recovery task force. We fed into the Scotland food and drink sector recovery plan, and it was to ensure that actually if we're going to have sector recoveries for tourism, for high street, then wholesale is at the back end of that. We need to be included so we can make sure that we have got the produce and the product to enable those businesses to restart.

So, yes, we worked with different trade bodies across the supply chain, as well as fighting our own fight if you like.

Q. Thank you, and you mentioned there guidance, if we can come on to have a word about guidance. You mentioned the lack of sector—specific guidance for the wholesale sector. What was the implications of that?
MARGARET SMITH: I mean, I think — again, it comes back to that start point of a lack of understanding of the sector. But I think as things progressed, there was a greater understanding that we needed to be heard and taken into account, so there were occasions where, you know, there would be guidance which actually was for retail or was for tourism, was for hospitality, but then approaches would be made by Scottish Government officials to get some input from us.

And as Colin says, he sat on some of the short—term working groups that were around, looking at those wider parts of our supply chain effectively. I think we would say that it would have been better if there had actually been wholesaler guidance, and going forward, we would say that — one of the things we want to say is that in any pandemic planning, it's absolutely essential that the wholesale sector is involved in that before we ever face anything like this again.

That is our primary reason, I think, for taking part in this. It is because having gone through what we have gone through, and our members have gone through, we want

to make sure that if there is ever another pandemic, our successors in the wholesale sector in Scotland never have to go through it in the way that we have had to go through it.

So we want to make sure that the Scottish Government looks at having a wholesale strategy, but they also ensure that the wholesale voice is part of that planning for any future pandemics, because we're absolutely central in the midst of these connections into so many different parts of the supply chain; our guys are out there; 30% of what they're selling is actually from local producers, absolutely essential in terms of the food and drink sector.

We think that the Scottish Government should be holding in—depth discussions now with the different sectors that were involved, to actually say what was effective and what was not so effective in actually sort of dealing with limiting the spread of the disease. Because there was a lot of restrictions, very complex, complicated, confusing restrictions put on to our customers, particularly in hospitality but also in tourism and leisure.

A big part of our job, as I said, was actually to make sure that we were informing our members about all of these changes, because there is absolutely no way

that an ordinary business fighting for their life are going to have time to have been working out what was actually happening on a daily basis.

I mean, there were occasions where a piece of guidance or a restriction would come out, and literally the next day it would change, and then the next week it would change again. There was absolutely no way that a single business could be on top of that.

So that was part of what we were doing, and I think going forward, I think we can all probably agree that the public and the business sectors going forward to any future pandemic will have a —— more scepticism when they're being asked to lock down, or more scepticism when they're being asked to go forward with further restrictions to their businesses than they maybe did

So it's absolutely essential that the evidence is there to say: this is why we're doing this to your business, this is why this is being restricted. And there was a lot of restrictions, particularly primarily around the serving of alcohol, whether it was, you know, different time restrictions; sometimes it had to be no serving of alcohol after 6 o'clock at night, 8 o'clock at night, 10.30 at night, midnight.

Businesses shut down because they were primarily 100

e through, we want 25 Businesses shut do

2 things. Sometimes you were told: it's okay as long as 2 restrictions eased in sort of July/August 2020. We had 3 you're standing up, it's okay if you're sitting down. I 3 the Eat Out to Help Out Scheme, I think that was 4 mean, what was the basis of the evidence, and while that 4 4 August. And actually that was good. Certainly those was a bit shady at the time, in terms of where that members that had been in effect closed or certainly lost evidence was and what was it saying, on reflection, 80% of their trade back in March started to see sales 7 looking at back on it, it now looks probably even more 7 come back to around about -- one of the reports was they 8 unlikely that they had, you know, solid, solid evidence 8 were back around about $6{-}9\%$ of pre-COVID levels. 9 for some of these. 9 So things were looking up but in the back of their 1.0 1.0 mind, they were going: this is $% \left(1\right) =\left(1\right) \left(1\right) =\left(1\right) \left(1\right) \left(1\right) =\left(1\right) \left(1\right)$ So I think prior to any other future pandemic, it's 11 really, really important that they nail down that sort 11 not comfortable, we're still not confident, there could 12 of -- what is the evidence for these sorts of 12 be more lockdowns. But, you know, markets were starting 13 restrictions on businesses, because for wholesalers, 13 to reopen, I think, and it was in November the UK 14 particularly on trade wholesalers and food service 14 Government said, you know, you know: Christmas is all 15 wholesalers, that had an absolutely massive impact, not 15 good, we're good for go. So wholesalers see that as a 16 green light, start bringing -- start ordering their 16 only economically in terms of lost sales, but also, 17 I think, emotionally, and stress levels of never really 17 Christmas stock, bringing it into their depots, only for 18 knowing what was going to happen from one week to the 18 the Scottish Government and the UK Government at the 19 19 time then in December starting to say: actually, you're 20 So you had people who were just starting to see 2.0 going to have to curtail your Christmas parties. 21 21 So that was a huge impact for our members. In fact,

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cancelling orders.

businesses getting back on to their feet again, and literally from one week to the next with a different type of restriction or piece of guidance coming out, suddenly they were back, you know, losing 20 per cent, 30%. And obviously the Christmas scenario where the

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about serving alcohol, nightclubs, you know, these kinds

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First Minister said, "Everybody should defer Christmas parties", is a classic example. But basically that kind of guidance and restrictions was happening all the time, and I think that's something that we would really want to look at again, going forward.

But I think there's a wider point as well about the importance of trade bodies, and how government is communicating with businesses about things which are really quite devastating to those businesses, not just economically, but also in terms of, you know, the mental and emotional wellbeing of the people in business.

Q. Thank you. You mentioned a couple of things there in terms of timing, and in particular the impact on Christmas trading. Is there anything in particular that you would highlight in respect of that?

COLIN SMITH: Yes, I mean, Margaret has touched on it. The guidance in terms of actually how businesses — the tiering, how businesses could open and operate was confusing at best. Going back to what I was saying, the lead time in terms of the wholesale buying pattern, our peak time of the year is sort of Easter, summer and

Margaret touched on three winters in a row, specifically for those up in the Islands, because lockdown happened in sort of March, and so we lost

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were going to be held. They also supply into a lot of the hotels in Scotland. It's a Scottish—based business, but they supply into some of the larger well—known hotels in London as well. And I was sitting watching Nicola make her speech, and at the same time hearing the phones ringing of businesses, of their customers

I was actually sitting at one of our members when Nicola

Sturgeon stood up and made that announcement, and this

across the UK, where hospitality -- Christmas parties 103

particular food service wholesaler supplies stadia

Easter and summer trading. We then started to see

Now, this is a business that was sitting already with £1.7 million of stock, 35% of which was short to medium shelf life stock. They had 700 turkeys about to come in the following day, plus another £350,000 worth of stock to come in during the rest of that week.

If I am a business operator, it's bad enough for me sitting there, hearing this, and then physically hearing the phones ring of cancelled orders and the member going: what do I do. He'd already just come through from March to — well, March, lost a lot of stock, started to rebuild for the July/August opening, got to a reasonable point, then was starting to — had already started stocking up, as I said, given the guidance of November announcement that Christmas is a go, only to then have the rug pulled from under his feet.

I think that was 19 December that announcement was made, that basically no more travel -- certainly across borders restrictions in terms of how many people can

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and so we lost 25 borders restrictions in te

1	meet up, and certainly no Christmas parties.	1	be, you know, delayed by a week or delayed by a couple
2	That is $$ you know, when we look at guidance,	2	of weeks, or whatever. You can look at that and go:
3	guidance was not evidence—based, we don't believe, but	3	that doesn't really matter, it's only a few days. But
4	guidance was given with a day's notice, but with now	4	you can kind of see that a few days actually makes a
5	£2 million worth of stock, 35% of which was basically	5	devastating kind of difference to people.
6	going to be written off, with no support for those	6	And then the one which really hit us badly was the
7	members. And that is at the point actually where there	7	decision taken by the Scottish Government in
8	was $$ you have got the timescales in terms of the	8	January 2021, 4 or 5 January 2021, where they went for
9	wholesale funding that came out.	9	another lockdown. So they announced it on the 4th and
10	MARGARET SMITH: Yes, so we had sort of lockdown March 2020,	10	they went into lockdown on the 5th. So there was like
11	and then we had the whole of the rest of 2020 with a	11	literally a day.
12	small amount of support, £1.9 million worth of support	12	And if you can imagine, you have got wholesalers
13	from PERF in April, to some wholesalers, but to none of	13	that are sitting there, their freezers are full, their
14	our on trade. So all of the rest of 2020, going	14	fridges are full, their depots are full. They were
15	forward, as Colin says: yes, it's okay, you're going to	15	meant to have Christmas. They might have had a no deal
16	have Christmas, get all the stock in and everything; and	16	Brexit. There's all sorts of things that are going on.
17	then we end up, we have $$ effectively that doesn't	17	There's nowhere to go. There's nobody to give money $$
18	happen.	18	give your food away to. We had major problems. We were
19	And so the vast majority of wholesalers had gone all	19	trying, with our members and Scottish Government at
20	the way through that year, and they had had absolutely	20	various points, to pass on food to some of the food
21	no help at all. No rates relief, no nothing. So then	21	banks and people like that.
22	we actually get to the point where $$ and obviously we	22	Christmas is the worst time of year to try and
23	have got lots of conversations going on in the	23	actually do that, because their volunteers aren't there,
24	background, with Scottish Government officials, with	24	because their volunteers are with their families.
25	ministers, with cabinet secretaries, trying to get	25	Businesses have already planned for $$ the charities
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	105		107
1	105 support for us.	1	107 have planned for the Christmases. There's nowhere to
1 2		1 2	
	support for us.		have planned for the Christmases. There's nowhere to
2	support for us. So finally on 17 December in 2020, the First	2	have planned for the Christmases. There's nowhere to go.
2 3	support for us. So finally on 17 December in 2020, the First Minister announced that there would actually be some	2	have planned for the Christmases. There's nowhere to go. So suddenly, the first week in January 2021, we're
2 3 4 5 6	support for us. So finally on 17 December in 2020, the First Minister announced that there would actually be some money for food and drink businesses. That included	2 3 4	have planned for the Christmases. There's nowhere to go. So suddenly, the first week in January 2021, we're back into lockdown again, and all the decisions that
2 3 4 5	support for us. So finally on 17 December in 2020, the First Minister announced that there would actually be some money for food and drink businesses. That included £5 million for what was the first Scottish wholesale	2 3 4 5	have planned for the Christmases. There's nowhere to go. So suddenly, the first week in January 2021, we're back into lockdown again, and all the decisions that we —— were made on who was going to get funding for that
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strategic framework or whatever, that hospitality was

going to open up again. So businesses would bring

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know, people were working towards deadlines that were in

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the route map, and then they were changed, so they would

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people off of furlough, and then the decision would be: 1 2 no, we're not opening up. So those people would be 3 being paid for and not having anything to do. 4 So there was -- it is a very complex picture. I mean, I think, you know, we have discussed before that if you actually sit down and try to write a timeline of 7 what actually happened to us over all of this piece with 8 all the different geographic restrictions brought in, 9 whether you are talking about Dumfries and Galloway, or 1.0 Aberdeen, or the central belt, or Glasgow, or whatever, 11 as well as the national restrictions, frankly, you have 12 to go and lie down in a darkened room, or probably take 13 one of our on-trade wholesalers for some assistance, 14 because, frankly, it's very complicated. But all of 15 those decisions had implications that Colin has just 16 explained at the sharp end that immediately meant, in 17 some cases, tsunamis of cancellations. 18 Q. Thank you. You've touched upon a number of financial 19 support matters over the piece and the timing of that, 20 and as you say, decisions being taken in terms of 21 lockdown after the event and the like. 22 One issue I wanted to pick up with you, though, was 23 you had obviously -- you had mentioned your regular communications with politicians, and there still being 25 quite a delay until any financial support came. What

a multitude of other costs. You have still got your suppliers chasing you and hounding you for payment. So what that meant was that in order for them to keep just in abeyance, shall we say, or continue supplying those 20% of customers they still have which is, you know, no profit whatsoever, it's costing them money to go out and service those customers but at least it's getting some cashflow in, at least it's getting some stock sold through the system, it meant that they were relying on the cash reserves or loans that I mentioned earlier to see them through. It would have been easier if those businesses could have closed. However, the majority couldn't, even if they wanted to, because they were servicing public sector or they were also servicing some retail customers. Because those businesses were still open, they were unable to close and claim on their insurance any business interruption insurance. Now. that's something the Prime Minister mentioned when he did the first lockdowns, go on and claim your business interruption insurance. A lot of businesses don't that and even they did, as I just outlined, they couldn't claim on it anyway because some of their customers were not told to close so they had to continue servicing those customers at a loss to that business. So I think if -- the narrative that we said -- and it's a true

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1 was the impact of that delay on your membership? COLIN SMITH: Yes, I think Margaret outlined why that delay 2 was also there in terms of the recognition by Fergus Ewing, the food and drink team opposition parties. They 5 weren't in charge of the finances. That was, you know, 6 Kate Forbes at the time was in charge of the finances. She didn't necessarily have the finances to support us 8 even if she did want to earlier or sooner but I think grateful for the support that we eventually did get. 10 What it did mean though is that there was a lot of 11 suffering up to that point and indeed there still is. 12 You know, 90% of our sector is family-run SMEs. They're 13 reliant on, as we said, high turnover, cash flow. So 14 what it meant for those businesses was that any cash 15 that they did have was then used to cover their ongoing 16 fixed costs. Now, these are massive warehouses upwards 17 anything from 30,000 square feet up to hundreds of 18 thousand square feet, with chillers , with freezers , that 19 can't be switched off otherwise all of that food would 20 be ruined, so there's energy costs, ongoing energy 21 costs, regardless of you've got any sales or not. 22 You've got your leasing, your rent if you lease or rent 23 your building. You've got your fleet costs. A lot of 24 the businesses lease vehicles so they weren't stopped, 2.5 they still need to pay the lease on the vehicles . Plus

narrative. If Scottish Government didn't step in and support our sector, there would be a failure in Scotland's food and drink supply chain. There would be a failure because it's not just reliant on smaller SMEs; it's also reliant on the bigger SMEs, the big wholesalers, I mentioned two national operators previously. If the 90% of SMEs that are Scottish-based failed, these large national operators wouldn't have the scope or capacity to pick up that slack. There would be a complete breakdown and failure of the supply chain. Unfortunately UK Government took that attitude: as long as there's somebody still standing at the end, we'll $\ be$ fine. No, you won't. If you have got 600 wholesalers across the UK, one wholesaler regardless of how big you are is not going to be able to suddenly come in and supply what 600 do.

MARGARET SMITH: And we saw that, we saw that in terms of the shielding boxes as well, that it was local wholesalers particularly those on the islands, they were the ones who were actually — on behalf of the big guys actually delivering the shielding boxes. There was a need for everybody — I think the Scottish Government didn't actually see the argument that you actually had to try and support your Scottish SMEs so that they were actually still standing at the end of it and I think by

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a combination of the sector-specific support that we got 2 and the furlough scheme, those two things, I think meant 3 that at the end of it we did have a Scottish wholesale sector that was still standing, pretty bruised, 4 difficult time, but the vast majority of businesses still there. 7 COLIN SMITH: Yes, I think I would also just say it wasn't 8 just about the Scottish SMEs, the big need the small and 9 the small need the big. The big wholesalers suffered 1.0 themselves so those national operators, when hospitality 11 closed, they're also servicing those big contracts. The 12 big operators are also servicing your well-known fast food joints that also closed. One of those members lost 13 14 hundreds of thousands of pounds worth of stock at the 15 first lockdown, in fact probably even into millions, 16 just because the business suddenly stopped, so the 17 bigger you are, the harder you fall, so they did fall. 18 It's not just -- everyone suffered through this. The 19 way that the support mechanism worked out in the end 20 certainly the first round was protecting the SMEs, the 21 smaller wholesalers. However, there was recognition 22 through ourselves saying in the second round if there 23 was funding available after supporting the smaller SMEs, if there was funding available, can we support the 25 larger, because they had suffered, and there was some

actually looking at it and saying, who needs this support. So, yes, it takes more time and it's more tricky to get it right in terms of your eligibility and our eligibility changed slightly from Sector Fund 1 to Sector Fund 2 but that is the most effective support if you actually want to actually see business survival at the end of it for critical businesses like ours.

And the other point I just want to pick up on in your question, yes, we had a good working relationship ongoing with the Scottish Government. We do know that there was definitely times where if they had had the funding available to them, they would have given us support earlier in the process than we actually got it and we do know that there was times particularly towards the latter half of the pandemic where they were effectively waiting to see whether or not they were getting further funding from the UK Government in the form of consequentials based on non-domestic rates legislation that we were effectively kept waiting for that second lot of support that we were getting and I do think there was times where the Scottish Government would have wanted to be doing things, whether that was restrictions or financial support and we were just waiting in a queue for a decision to be taken at Westminster about whether or not that was the case.

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I think that was shown in some of the comments made by not just the First Minister but the other devolved

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administrations and indeed the one -- you know, the 4 English mayors. There were some times where decisions

5 were made because this is now what England needs and so 6 therefore everybody else can actually get that support

whereas actually the support was needed beforehand so 8

that was in some cases part of the delay.

9 Q. You've used the term "suffering" in a number of 10 different contexts. Are you able to tell his Lordship 11 anything about the personal impacts on your members or 12 your member's staff?

MARGARET SMITH: Yes, one of the things that we've done in 13 14 advance of writing our submission to your lordship was 15 to actually talk again to some of our members and I 16 think they obviously decompressed slightly and they 17 maybe a little bit more reflective and I think one of 18 the meaningful ones to me was talking to somebody who 19 was running a fourth—generation family business and them 20 saving to me, you know, the stress for them was just 21 unbelievable, the stress for them in terms of having to make people redundant that they had known all their life and thinking that they were the people who were going to

22 23 24 lose their business after four generations, that they 25 had seen it through wars, they'd seen it through all

that did get that financial support and rightly too

because it's about trying to protect the whole supply chain, not necessarily any particular one type of MARGARET SMITH: Can I just add a couple of things as well is that in terms of the lessons to be learned, I think for us one of the big lessons is the importance of the sector—specific financial support that was given. Probably have given you a flavour today of just the complexity of this sector. Now, numbers were not massive. We were talking about 40 or 50 kind of wholesalers that would have been getting support from those kinds of sector-specific funds but the work on that and we were involved in awards panel with the government and Scotland Food and Drink and others, you know, we were looking at that case by case granular level, taking into account all of these kinds of costs and loss that Colin has talked about. The sector-specific support was most effective because it made sure that we helped the people that needed help but we think it was almost more effective for the public purse as well. It meant that unlike some of the rates release for large supermarkets, you know, that was just given out to them without them needing it, they were actually making massive profits. It meant that we were

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1	sorts of economic ups and downs, but they were the ones
2	who were not going to be able to save their business and
3	I think we also had people who we know were running very
4	successful wholesalers hit by this furloughed a lot of
5	their staff and then literally tried to run these
6	businesses themselves, one or two people running
7	businesses putting themselves through enormous stress,
8	you know, mental, physical, emotional hardships to try
9	to keep their businesses going. I also know talking to
10	one of our larger retail wholesalers who actually did
11	have onsite testing for their hundred plus employees
12	that as well as doing that, they also within the
13	pandemic saw the mental health implications that the
14	pandemic was having on their business and on their
15	workforce, their work colleagues, so we started a
16	programme during the pandemic to help that, which they
17	have continued to this day and expanded, you know, since
18	the pandemic. I think there was a lot of people who
19	were working incredibly hard just to try to keep those
20	wheels on the road. And, you know, I think there's
21	maybe some sense now for some of them, Colin is still
22	involved in this, I have taken semi—retirement and I'm
23	not, but for some businesses now, I think people have
24	got through it and then have seen that there is a life
25	after this and have sold businesses and moved on because

was me and Margaret that was having to do all of this work to get convey to government and others just the impact that this was having on our sector and that took its toll on us ourselves and that's not unique. I don't believe, to us. That will be the same within other trade bodies and trade associations whereby, you know, as I said, we had four, four and a half staff at the start of the COVID, we had basically furloughed two because we had no events or awards and conferences, et cetera, so there was a lot more work and pressure on us. which impacted then on our work lives. I think, you know, the issue that we also faced, it wasn't just about COVID and it wasn't just about looking actually at what we need to be doing as a trade organisation coming out of COVID so that was looking at our training programmes, delivering growth, sustainability, and how we then looked at zero of our channel but it was also then having to deal with the other legislation that was still bubbling away. Scottish Government rightly paused all legislation that was on the go at the time that Covid hit with the exception of the positive return scheme. I have got to mention that because six years of my life was spent on that and I think ourselves and other industry, everyone else within the food and drink industry, asked for that to be paused. Unfortunately it

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was the one thing that Scottish Government continued to

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I think that it was for many, for most of them, very

Q. Thank you. I'm going to give you an opportunity in a 3 moment just in the last five minutes that we have to 5 raise any specific matters that we haven't touched upon 6 that you would like his Lordship to hear, if there's any key lessons that you feel should be taken away. Before 8 I do that. I will just reiterate that you have provided the Rule 8 response and unfortunately in the limited 10 time that we have for the hearing this morning, we 11 haven't had an opportunity to discuss all of that. His 12 Lordship will of course take everything that's within 13 that Rule 8 response and indeed the other documentation 14 that's been provided to the Inquiry into full account 15 but if there is anything that you would like to mention 16 now that we haven't had an opportunity to touch upon 17 specifically, please feel free to do so in the last few 18 moments that we have today. 19

COLIN SMITH: Thank you very much. Now, I mean it's good for us to be able to give this oral evidence session and sort of bring to life maybe some of our report. I think we would need several more hours to go through it all but certainly just picking up in terms of the last comment in terms of the people, I think it's fair to say that even internally within the trade body ourselves, it

2 do but it would have a detrimental impact as it transpired but it had an impact that the capacity that 4 Margaret and I had in dealing with COVID was then 5 overlaid by the stress and complexity of dealing with 6 DRS. Food and drink, the drink element, beverages was our -- that's our sector so our members were going to be 8 impacted by DRS and we had to get involved in all of those discussions. MARGARET SMITH: And the evidence was going to change. 10 11 COLIN SMITH: And the evidence, yes, in terms of how DRS and 12 the evidence at the end of it after COVID was going to be different from what it looked like at the start so 13 14 15

that's certainly one thing that we would ask for is the suspension of all relevant legislative programmes during a pandemic and actually any other emergency situation that may arise in the future. I think we have asked for and hopefully evidenced enough to warrant the establishment of a Scottish food and drink wholesale strategy again the importance of SWA being involved in the development of that is integral and is not just 22 about creating a strategy but it's actually just continuing that ongoing engagement with us from now and infinitum and I guess, just looking at our notes here, didn't quite touch on it and it's not a big one but it

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stressful time.

goes the key worker definition or essential worker, instead of -- we were chasing down COSLA, we were 2 depending on what you want to call it, that's not quite 2 chasing down the Scottish Government. Individual 3 been defined yet and it is integral to our sector that businesses were chasing down individual councils because 4 we are recognised as being part of that national 32 councils could have defined this in 32 different ways infrastructure, that specifically our drivers are and that can't be right at a point where people are recognised as key workers because at the end of the day, facing this kind of economic and health crisis in their they are skilled, they have to have a licence, an HGV own businesses and their own lives. 8 licence, it's not just anyone who can jump in a cab or 8 Q. Thank you very much. 9 9 truck so without those people, those critical key MR TURNER: Unless your Lordship has anything additional? 1.0 1.0 THE CHAIR: No, thank you. Yes, thank you both very much workers, we still wouldn't have been able to get that 11 distributed. I don't know, Margaret, if you want to add 11 indeed. 2 o'clock. 12 more on key worker? 12 (1.10 pm) 13 13 MARGARET SMITH: Just on the key worker thing, most of that, (Luncheon adjournment) 14 most of the real concerns about that were right at the 14 (2.00 pm) 15 beginning and people were panicking about being able to 15 MR TURNER: Good afternoon, my Lord. THE CHAIR: Good afternoon, Mr Turner. Now, another witness do their job. I think over the piece there were times 16 16 17 whether, it was COVID testing, whether it was access to 17 18 PCR testing, elements like that, we actually found 18 MR DAVID THOMSON (called) MR TURNER: Indeed. The next witness, my Lord, is 19 ourselves -- we went from, "No, you're not key enough to 19 20 get schooling access" to, "Well, we'll make you category 2.0 David Thomson from the Food and Drink Federation 21 3 and then we'll prioritise you to priority 2 on the 21 Scotland THE CHAIR: Good afternoon, Mr Thomson. 22 2.2 matrix because we do think you are quite essential so we 23 will give you COVID testing and then, yes, you will get 23 A. Good afternoon, my Lord. access to PCR test and yes you are critical enough that 2.4 THE CHAIR: Right, I'm pretty sure that Mr Turner will have 25 25 we're actually going to give you the potential for some questions for you. On you go when you're ready. 121 123

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exemption from, you know, ten-day isolation on a couple of occasions as well". So we were kind of treated in different ways at different times, probably with a greater understanding as time went on how critical it was that drivers and other elements of the workforce were actually working in the face of absences because of Omicron or whatever but I think if we had something like that nailed down in place before a pandemic started. that would actually be helpful at the beginning of any pandemic so that people are really aware of who is going to be able to be given access, particularly in terms of sort of issues like schooling. And one of the things I would say is that, you know, we are obviously here representing the SWA and representing the whole of the sector and we can only give you the best information we have so we know that probably there were a handful of people that we are aware of that were actually able to get access to childcare and education for their kids at the beginning of the pandemic but obviously we don't know exactly how many people tried to get access because not everybody is going to pass on that information to us but I think at the beginning of the pandemic, it would have helped people immeasurably if they had actually had something that they could say "we know that our sector is covered by that particular guidance" from the outset

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Questions by MR TURNER

2 MR TURNER: Good afternoon, Mr Thomson. Before I begin,

3 just to say this afternoon's hearing will be

 $4 \qquad \qquad \mathsf{transcribed}\,. \quad \mathsf{There} \,\,\mathsf{is} \,\,\mathsf{a} \,\,\mathsf{stenographer} \,\,\mathsf{listening}\,\mathsf{,} \,\,\mathsf{so} \,\,\mathsf{if}$

 $\,\,$ $\,\,$ you and I both speak slowly and clearly, then hopefully

 $\,\,$ we will make their job significantly easier . Could I

7 ask you, please, to state your full name.

8 A. My name is David John Charles Thomson.
9 Q. You are the CEO of the Food and Drink Fo

9 Q. You are the CEO of the Food and Drink Federation 10 Scotland; is that correct?

Scotland; is that correct?

11 A. That's correct, yes.

12 Q. How long have you held that role?

13 A. I have been in that role nine years to the day.

 $14\,$ $\,$ Q. Nine years to the day. What does your role involve for

15 the federation?

16 A. So I work across a membership organisation. So our

17 members are food and drink businesses and they pay a

18 membership subscription, and we support them on a wide

 $19\,$ range of things to do with policy, regulation . So that

 $20\,$ means that I talk to the Scottish Government, Food

21 Standards Scotland, politicians and other stakeholders

 $22\,$ in Scotland and across the UK on behalf of our members,

 $23\,$ and I also speak directly to members to help try to

24 interpret the decisions made by policymakers and

 $25 \qquad \qquad \mathsf{legislators} \; .$

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Q. Thank you. I notice you also have a second title as the director of strategy and devolved nations for the Food and Drink Federation; is that correct? 4 A That's correct so the Food and Drink Federation which

we're part of, is a UK organisation. So our membership 6 is -- has many hundreds of food and drink businesses all 7 across the UK. 8

I specifically represent those who work and manufacture in Scotland, but also we have members across the whole of the UK who obviously sell into Scotland.

I am also therefore responsible for general strategy for the whole organisation at UK level and also looking after our interests in Wales and in Northern Ireland.

14 Q. Thank you. You have provided a statement to the 15 Inquiry, or rather, I should say, a Rule 8 response to a 16 Rule 8 request from the Inquiry, and for the record, my 17 Lord, that is SCI-FDFxxx-000001.

> I should say, Mr Thomson, thank you very much for the Rule 8 notice. Everything that's in that response will be taken into account. We do have a relatively short period of time this afternoon, but anything that has been provided to the Inquiry, including that response, will be taken fully into account by his Lordship, even if we don't have an opportunity to speak

25 about any specific matters. You're here representing

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1 the Food and Drink Federation, and you have mentioned there its membership, food and drink manufacturers, and I think also those who have an interest in the market in

Scotland?

A. Yes. 5

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Q. Do you have any other members?

A. Yes. We have a category of members called professional affiliates, and those are typically those who provide services to the food and drink manufacturing industry, 10 so that ranges from lawyers and banks to engineering and 11 Al companies.

12 Q. Thank you, and what is the overall aim of the 13 organisation?

14 A. The aim of the organisation is to promote food and drink 15 manufacturing, and to support our members in getting 16 their -- in ensuring their voice is heard in the policy 17 and regulations space.

18 Q. Thank you, and you mentioned that it's funded by 19 subscription?

20 A. It is funded by subscription from our members, yes, 21 Across the whole of the UK, our main source of income is 22 membership subscription, professional affiliate

subscription, and the money we derive from events.

In Scotland, we are lucky to receive three different grants from the Scottish Government to support specific

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initiatives that help both the Scottish Government's 2 policy outcomes, and also the food and drink 3 manufacturing industry.

4 Q. Thank you. You're obviously here to discuss today the role of FDF in the pandemic, and as part of your Rule 8 response, you summarise that at answer 3, and if I could 7 just read that back to you.

You summarise that as:

"FDF Scotland's primary role lay in representing the issues raised by our manufacturing members to the Scottish Government, Food Standards Scotland and other bodies as appropriate, and in helping to explain and communicate Government and Food Standards Scotland guidance and advice to our members. FDF Scotland was also a member of the group tasked with creating the Scottish Manufacturing Guidance. FDF Scotland, as part of the Scotland Food & Drink Partnership, also helped to design and partially deliver the food and drink recovery plan agreed with the Scottish Government."

Is that a fair summary?

21 A. That is a fair summary.

2.2 Q. Thank you. From that fair summary, is it fair to say 23 that the Food and Drink Federation has a good

2.4 understanding of the issues that affected its members?

25 A. Yes, we would. We dealt with many, many inquiries

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1 across the UK. I think it was almost 600 inquiries from 2 members in particular over the early parts of the --

over the early parts of the pandemic, and so, yes, we

would say we have got a clear understanding of what our

5 members were concerned about.

6 Q. Thank you. And one of those concerns you highlighted at 7 answer 15 was regarding the designation of key sectors

and key sector workers, key workers. You noted in

particular one of the lessons I think to learn was that

10 the need to designate all of the food and drink supply 11 chain as a key sector, and that should include access to

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childcare and freedom of movement?

A. That's correct, yes. 13

Q. If I could unpack that a little bit, what do you mean 14 15 when you say all the food and drink supply chain?

16 A. So the food and drink supply chain is more than just 17 food and drink manufacturers, and indeed food and drink 18 manufacturers themselves go into several sectors, 19 whether that's seafood, bakery, whether that's meat 20 processing. So there's a whole range of different 21 sub-sectors within manufacturing, but also of course

22 there's farming, fishing, logistics, as I think you have

23 heard from earlier today, and retail.

> So all of that needs to work in concert together in order to get food from the field to your plate.

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Q. Thank you. The need to designate all of that chain, why is that important?

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A. So there was a distinct difference in Scotland, compared to what we saw across the whole of the UK. We saw at UK level, the DEFRA secretary and others very quickly saying that all food and drink was a key sector; whereas in Scotland, there was a period of time, quite a significant period of time at the start of the pandemic, when there was a significant concern about making all of the food and drink supply chain a key sector.

For example, there was some differentiation with whisky production, and there was some discussion about which type of food and drink it would be necessary to continue to produce in the midst of the pandemic. So there was a bit more discussion about which parts of the food and drink supply chain should be kept open as a key sector in Scotland, as compared to what we saw in the rest of the UK.

- Q. When we're talking about a supply chain like that,
 you're saying which parts is it possible to keep
 parts of a chain open in that sort of manner?
- A. It would be our contention that it's not, and the reasonfor that is because everything is interlinked. You
- know, logistics companies that only have two

25 manufacturers to meet the needs of would not therefore

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be able to maintain a service. Engineering suppliers
that only have one or two businesses that have kept open
in any geography would not be able to continue offering
a service.

So from our point of view, everything is interlinked, and it's really, really important to keep every bit working, because there will be unintended consequences if you close certain parts of it down.

- Q. I know from because we have spoken a bit about your background, Mr Thomson, but given what you know, is that a surprising approach that the Scottish Government took?
- A. I think it was in some ways a surprising approach. We had always been under the expectation that all of food and drink would be viewed of —— as a key sector. You're referring to my previous career in the civil service, and when I was also head of food and drink in the Scottish Government. And for me, it was absolutely clear to me at that point that all of food and drink was a key sector and would be designated as such.

So it was a surprise to us in the particular conditions of the COVID-19 pandemic, there would be discussion as to what it was appropriate or not to keep open, because that wasn't, I think, what we felt that the deal was.

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Q. Are you able to offer any view, and please forgive me if

you're not able to offer any view, as to why that was the approach taken?

A. I think there are multiple reasons. Number 1 is

Scottish Government officials and ministers were dealing with something completely unknown. They did not know how to handle it, and were extremely concerned about loss of life and the disease travelling amongst people who were together.

So one can easily understand why they were looking to make sure that as much as possible was —— you know, staying at home during the pandemic.

So I can understand the reasoning behind that, but
I think it also portrayed a bit of a misunderstanding as
to how the food and drink supply chain works, and how it
is also interconnected, which I think if I was to
characterise that, there was a bit of suspicion about
businesses just wanting to keep open for business's sake
and I think that was unfortunate in those conditions.

- Q. Thank you. You've mentioned that FDF as a whole is a UK
 organisation, and you have touched upon this briefly,
 but are you able to contrast that approach with the
- approach in the rest of the UK?
- A. There was far less fuss in that case. It was very
 clear, as I said. The Secretary of State for DEFRA,
 very clearly and very early, I think it was 19 March,

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put out a statement saying that food and drink was a key sector and should be treated as such. And of course what key sector meant was unlocking two things which I'm sure we'll go into.

Number 1 was the ability to continue to produce and manufacture, and number 2 was access to childcare. And both those things meant at UK level, there was a very early, clear signal from the UK Government, and it took us some time to get a similar clear signal from the Scottish Government.

- Q. Thank you, and just to put that in perspective, that's19 March, that's actually before the first lockdown?
- 13 A. Correct.
- Q. Thank you. I would like to ask you a few questions now
 just about the consequences of the Scottish Government
 approach to key workers. Are you able to indicate what
 effects that had on the availability of workers for the
 Scottish food and drink industry?
- 19 A. It raised a number of concerns as you can imagine. So
 20 the first one was a concern amongst those working in
 21 business in general as to whether their particular
 22 establishment should be being kept open. So there was
 23 some concern and confusion about that with individual
 24 businesses.

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25 Secondly, it caused concern as to access to

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2 therefore many workers with childcare responsibilities 3 couldn't therefore necessarily plan to go to work. As 4 well as that, there was of course the general concern in the population about coming to work, which understandably had an impact. 7 So all three of those meant that there was the 8 danger of not enough people arriving in order to run a 9 shift or to operate a factory, and that was a real 1.0 concern for members, especially in that first few weeks 11 and -- of the pandemic, ves.

childcare. All the schools were being closed, and

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- Q. Are you able to give his Lordship any sort of indication, and I appreciate this may be very broad
 brush, but any sort of indication in terms of the level of impact that had on worker availability?
- 15 of impact that had on worker availability? A. It's quite hard, because it depended on individual 16 17 businesses, but certainly I was looking vesterday at 18 individual reports, and, you know, 12 to 15% down, and 19 actually through the pandemic, our survey data this is 20 whole UK survey data rather than Scotland specific, 21 indicated that many businesses were -- the average, 22 I think, was about 19 to 20% down on staff during that 23 initial six -month period.
- Q. What are the consequences of that lack of staff for theindustry?

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- A. Well, there's there are a number of things.

 Number 1, it's: can they operate all the shifts and can they manage to continue productivity in that period of time. It also means that opportunities to access new markets and new customers are completely unavailable to them, because they don't have the capacity, and given the nature of coronavirus was pretty chaotic, I think, even just simple day—to—day planning was quite difficult, because you couldn't necessarily guess who would be in and who would not be in on a particular day.
- 11 Q. To your knowledge, did any of that have any effect in 12 terms of the supply chain's ability to operate?
- 13 A. So there were so many other things going on. It's quite
 14 hard to say. As I say in my evidence, you know, there
 15 was failure of some markets, the hospitality market, for
 16 example, and the food service market. So businesses
 17 were doing a huge amount of changing what they were
 18 doing on a week—to—week basis anyway, that actually is
 19 probably quite difficult to be able to say there.

The supply failures that we did see and were quite obvious, things like pasta and bread, were more about consumer sentiment at any particular time than the ability to manufacture.

Q. Thank you. Turning to the workers themselves, are youable to tell his Lordship about any of the impacts that

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that might have had -- the designation of key workers might have had on their individual lives?

A. So there were, I guess, three things I would pick up.
 The first is obviously that access to childcare, which
 was of significant importance, because it would allow
 them to access employment and continue their employment.

7 I think the second element is about actually pride 8 in the job, so being a key worker is something that was 9 associated with pride, and we actually ran a kind of 1.0 hidden heros campaign during the pandemic to talk about 11 those who were working in the food supply chain to make 12 sure that people could eat. And I have seen testimony 13 from a number of people in the years since, with 14 enormous passion and pride, about what they did during 15 the pandemic.

And I guess the third element, which we have not touched on, is freedom of movement. So actually we were in a position where Police Scotland were cracking down on people who were driving across geographical boundaries, and so access to key worker would allow someone who, for example, worked in South Lanarkshire but lived in North Lanarkshire to actually cross those boundaries and to access their employment. So, you know, both practical and emotional ways that people were happy to be key workers, I think.

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- Q. Thank you. Just picking up on that last point regarding
 travel, did FDF or its members take any steps to help
 workers in that regard?
- 4 A. Yes, in terms of providing support for travel, yes, so
 there was guidance published by the UK Government, which
 we supported, on social distancing in cars and travel.
 So we supported that getting out to as much of the
 workforce as possible, so both businesses and the
 workforce understood those elements.

And also, we actually with our partner
organisations, came up with a letter which we wrote
which we used to hand out to people, just in case they
were stopped by the police, to show they were in fact
key workers and working for a food and drink business,
and that helped to provide a bit of legitimacy for the
claims that people had.

- 17 Q. Just in terms of that letter, was that something that 18 FDF were asked to do by government, or was it 19 spontaneous?
- A. We did it ourselves with our partners, because we saw
 there was a need that wasn't actually being fulfilled by
 government or others.
- Q. Thank you. Just in terms of the consequences for
 workers, were there any other differences? We've spoken
 to other witnesses, for example, regarding access to

Q. If I could please just ask you a couple of quick
 questions about the protection of key workers?
 A. Yes.
 Q. As food manufacturers, I assume that your members — I

healthcare or the like?

A. Not that I'm aware of.

Q. As food manufacturers, I assume that your members —
 don't have to assume, Mr Thomson, you've told me, your
 members are well aware of their health and safety
 responsibilities?

10 A Yes

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11 Q. What steps did they take to protect their key workers?

A. So as you said, food hygiene and safety is of
significant importance to our manufacturing members,
because they need to be able to prove that on an almost
daily basis to audit, so there were already in place
high standards, in terms of PPE and other types of work
where —— as required under various bits of food safety
and health and safety legislation.

I think what manufacturers did very, very quickly

I think what manufacturers did very, very quickly was respond to what they felt they could do within their situation, and also to try to meet the manufacturing guidance that was published by UK Government and then Scottish Government.

What that meant was obviously social distancing as much as possible within the factory lines, which

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required a number of businesses to realign both what they were doing in types of products, so some products were delisted because they weren't able to do in a safe manner; but also creating space so workers could be the designated metreage apart.

They put in Perspex and plastic shielding where appropriate. They worked to provide bubbles for different shifts, so that each shift was isolated from the other in case there was an infection in one of those groups. They worked to make sure their corridors and canteen areas were safe and provided for social distancing, even in some incredibly cramped conditions, as you can imagine, in factories.

And they also worked in concert with their staff to make sure that the staff themselves got the opportunity to raise grievances and issues, and to provide solutions as well. So there was a significant amount of work bolstered eventually by both manufacturing guidance and by specific guidance for the food and drink sector, that helped businesses to adjust and adapt.

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 $\begin{array}{lll} 21 & \text{Q. Thank you, and you mentioned there the Scottish} \\ 22 & \text{Manufacturing Guidance as I mentioned at the start. You} \\ 23 & \text{indicated that FDF Scotland was a member of the group} \\ 24 & \text{tasked} -- \end{array}$

25 A. Yes.

3 A. Sure. We were part of our working committee, led

Q. $\,\,$ — with creating that Scottish Manufacturing Guidance.

Can you tell us about FDF's involvement in that process?

initially by the minister responsible, which — with a number of business representatives and — business

 $\begin{array}{ll} \text{6} & & \text{representative organisations and trade unions and civil} \\ \text{7} & & \text{servants were tasked essentially with commenting on} \end{array}$

various drafts of this — of the guidance as it came
 forward. That working group went on for a number of

months to create the first guidance, and then continued

to revise and review guidance over the subsequent period.

13 Q. Thank you. And it might be implicit from its name as 14 the Scottish Manufacturing Guidance, but am I correct to 15 assume that that wasn't UK—wide?

16 A. That's correct. It was drafted for Scotland only.

Q. And in your role as FDF, or your involvement with FDF
 UK, are you able to indicate to his Lordship whether

18 UK, are you able to indicate to his Lordship whethe 19 there was a UK equivalent of that guidance?

A. Yes, there was a UK equivalent, so UK Manufacturing
 Guidance which was published on 11 May 2020.

Q. Thank you. Were there any differences between those —guidance?

24 A. Yes, so in general, they were based on similar

regulation and legislation, so in general, they were the

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In particular, I would say that the Scottish guidance was set out from a position of reopening businesses, whereas the UK guidance was much more practically based on what was already happening. And of course as we've already talked about, most food manufacturers kept going through the period when —— before that guidance was published in Scotland.

Q. Thank you, and you indicated that the first draft of
 the -- I'm -- forgive me, first version of that Scottish
 Manufacturing Guidance took a number of months to
 create?

17 A. It did, yes.

18 Q. Was there a similar position in respect of the UK?

19 A. The UK was slightly earlier — as I said, that came out 20 on 11 May, and as far as I can see from what's left on

the internet, the Scottish Manufacturing Guidance came

22 out actually on 26 May, so there was a couple of weeks'

23 difference between the two.

Q. Thank you. And you've talked about the outcomes interms of the differences in guidance. Was there a

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difference in approach in terms of how that guidance was created?

3 A. Yes. I was less directly involved in the $\ensuremath{\mathsf{UK}}$ 4 Manufacturing Guidance, but it was done very quickly with a wide range of industry stakeholders and the unions, but I think the drive there was to get something 7 done. I think in Scotland, there was a bit more --8 I would characterise it as a bit more discussion, I 9 think, about what's the appropriate thing to do and 1.0 when, and how do we involve a wider range of people, and 11 I think that meant that it took a little bit longer to get there. 12

Q. Thank you. From FDF's perspective, or indeed from its
 members, is there any particular benefit in having
 separate guidance?

A No. It is worse. So one can understand how there is 16 17 different devolved regulation which one would need to 18 respond to. On the other hand, what you're left with 19 was in that vacuum for a couple of weeks, Scottish 20 companies trying to work to the UK Manufacturing 21 Guidance, but being unsure as to whether they would break the rules in the Scottish Manufacturing Guidance. 22 23 You had -- you know, we have a lot of members who manufacture in different parts of the UK, whether that's 25 Wales, Scotland or England, and have factories in

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different parts of the UK.

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So a set of rules that were okay to be implemented in England might not be okay to be implemented in Scotland or Wales, and that's very difficult when you're dealing with coronavirus, and people being exceptionally concerned about their health.

And also, if you have a different set of rules, even if they're slightly different, then people within the workforce will ask: why is that different, am I being treated better or worse than my compatriots in a different part of the UK? So it adds to confusion, I'm afraid.

Q. Thank you, and I think you have indicated already that the differences were relatively minor, but are you aware — please forgive me if you're not, but are you aware of any material difference in terms of outcome based on that guidance?

18 A. I'm not aware of any material difference, no.

Q. At paragraph 15 of your Rule 8 response, you have madetwo suggestions in relation to guidance:

"Consideration of maintenance of appropriate draft business guidance (in consultation with business representatives, Trade Unions etc) for similar outbreaks (this could be revisited every year relatively quickly)."

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And related to that:

2 "As much simplicity and consistency across the UK as 3 possible. Too much confusion and contradiction leaves 4 ... room for error in a crisis situation."

5 A. Yes.

6 Q. On the basis of what you said, are those the key

takeaways that his Lordship should take from this?A. From the discussion of the business guidance, yes,

9 I would argue that it should be relatively easy now that 10 they exist to make sure that those business guidances is

up to date, notwithstanding it might be an entirely
different disease, or it might be an entirely different

set of circumstances, but at least you'll have something

to work with rather than nothing; and I think as much as

possible, coordination between the governments would be

incredibly helpful here, because of the nature of the way the businesses work across the UK market.

18 Q. Thank you. We've talked about the manufacturing

guidance. Is that the only guidance that your members had to comply with?

21 A. No, there are lots of pieces of guidance, in particular

22 with coronavirus, as I said earlier, there was also
23 specific guidance on the food and drink sector which was

published by Food Standards Scotland, and then there

25 was -- we actually asked for Food Standards Scotland to

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provide additional guidance which was what to do when an incident management team comes and visits your factory.

3 which of course — there were a number of outbreaks in

4 food manufacturers across the whole of the UK, and it

5 was a way to try and dissolve some of the tension that

6 naturally happens when a regulator arrives at a factory

7 that has a coronavirus outbreak.

8 Q. Thank you. You referred there to incident management;

9 what do you mean by that? 10 A. So precisely that. When — as coronavirus was

notifiable and, you know, businesses had to notify when they had cases, and actually cases quite far apart, actually, in many parts of the time period we're talking

about, they would then be notified to the local health
 board, and the local health board and its partners would

then decide if they needed to do an incident management

visit to a factory or other establishments in order to ensure that all the protocols were being followed, the

ensure that all the protocols were being followed, the company was treating its staff correctly and etc etc.

So that happened a number of times in Scotland over
the time, in particular, the early part of the pandemic
as people were grappling with the disease, and it was

23 going through viral periods.

Q. Thank you. At answer 6 of your Rule 8, you refer in thethird paragraph of that to engagement with Food

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2 specific food sector guidance, and guidance on how incident management teams would work if they 4 investigated an incident at a food manufacturer? 5 A. That's correct. Q. "This dialogue was again ongoing, and in particular here Food Standards Scotland officials were proactive in 8 trying to understand and adjust to issues raised by the 9 industry with respect to practical implementation of the 1.0 guidance." 11 What do you mean by "adjust" in those circumstances? 12 A. So in particular, we worked very closely with them to 13 help Food Standards Scotland understand the mindset of a 14 business that was being investigated, and also for 15 businesses to understand the mindset of the 16 investigators as to when they were coming in. And the 17 adjustment there was in particular around making sure 18 that -- number 1, that guidance was actually produced 19 and number 2, communicating what they were trying to do 20 in those circumstances. 21 So it was all about trying to make it as clear as 22 possible between the two different sides of an 23 investigation, what was going on, and also helping, I guess, businesses understand what was likely to 25 happen, so to remove some of the defensiveness that 145

Standards Scotland and the Scottish Government on

- 1 might have been there quite naturally in those circumstances
- Q. You mentioned defensiveness there. Ordinarily, what is the relationship between the two sides of that dynamic?
- 5 A. Between regulators and the regulated, there's always the
- 6 potential for tension, but actually in Scotland we
- have -- with Food Standards Scotland and the
- 8 environmental health officers across Scotland, we have
- in general a very good relationship.
- 10 Q. And you mentioned that Food Standards Scotland brought 11 out their own incident guidance in relation to COVID?
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- Q. Did guidance exist prior to the pandemic in these 13
- 14 regards?
- 15 A. No.
- Q. Should it have?
- 17 A. In retrospect, yes, yes.
- 18 Q. We've talked about the fact that it's quite a heavily
- 19 regulated --
- 20 A. Yes.
- 21 Q. -- industry. There's obviously another layer of
- 22 guidance etc being applied to food production because of
- 23 the pandemic. Are you able to offer any views about the
- 24 necessity of that additional layers of guidance?
- A. So I think, yes, they were a necessity. As I have said,

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there's a basic regulatory level that food production 2 fits under, and also there are multiple audits from customers.

4 So if you supply Marks & Spencers, for example, they will send their own audit to make sure that you're following their procedures. In this case, I can absolutely see the argument for additional guidance, 8 because we were dealing with something different. We 9 were dealing -- and that meant that businesses didn't 1.0 necessarily know how to deal with it, so it would allow 11 them clarity from a business perspective: I'm doing the 12 right thing because I'm following the government 13

And the second element there is also to provide some reassurance to staff: your employer is doing the right thing, because they're following the government guidance. So I absolutely see the need for something like this, because it does mean that you have to adjust your manufacturing processes, and as we talked about all the different things the manufacturers did which were over and above what they would need to do normally.

22 Q. Thank you. If I could now turn to some financial matters and the impacts on your members. Did the FDF membership suffer any financial repercussions in

25 consequence of the pandemic?

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A. Yes, they did. There were significant repercussions. I have touched upon the failure and closure of the hospitality market, so food manufacturers in general 3 manufacture for two different markets. There is the 5 retail market and then there is the hospitality and food 6 service market.

So the food service market absolutely collapsed, so if your exposure to that market was 100%, you were in trouble. So in particular those who mostly delivered to the food service market were in deep financial trouble. Those who did not and who sold into the retail market, actually in many cases saw an increase in their sales and production as people stocked up in particular in the early days of the pandemic.

So it depends on the business where the impact fell, and it depends on which market they were playing into, and even then, those who were in food service, you know, pivoted into different markets, whether that was direct to the consumer through online sales, or into retail to 20 fill some of the gaps.

- 21 Q. You have spoken there about the -- from a market 22 perspective in terms of to whom your members were 23 selling, was there any impacts or differences in impacts 24 in terms of what they were manufacturing?
- A. Those who were in the initial period only, I would offer

that -- those who in particular were selling things like 2 canned goods and things with a long shelf life, a lot of 3 them saw a lot of things fly off the shelves very early 4 in the pandemic, as people stocked up because they didn't know what was coming ahead for them. So that would be the main thing, I would say, but 7 actually relatively quickly, consumption patterns 8 settled into a new normal, so actually after that

initial flurry, there weren't really more changes to the

- 11 Q. We heard this morning from the Scottish Retail
- 12 Consortium, who were informing his Lordship regarding 13 essentially nonessential businesses and the like.
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- 15 Q. Did that distinction impact upon any of your members?
- 16 A. Only once we had got past that key worker and key
- 17 industry stage, so up until the time the Scottish
- 18 Government First Minister stood up and said food and
- 19 drink was a key sector, then for that period of two
- 20 months, then, yes, it was a significant issue because
 - the nonessential businesses could potentially have been
- 22 food manufacturers, or particular types of food
- 23 manufacturing. But beyond that, once that was
- established, I think it just carried on as normal.
- 25 Q. Thank you. If I could ask you now regarding -- you've

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- 1 obviously spoken there about potential financial impacts. If I can ask you perhaps some questions about the financial support that was available, was financial
- support first of all made available to your membership? 5 A. Yes, yes, and that was through various different schemes
- 6 from the Scottish Government, obviously the UK
- Government schemes and furlough and others. So there 8
- was a wide range of financial support available. There
- wasn't a specific scheme for food and drink
- 10 manufacturers. Certain sub-sectors of the food and
- 11 drink industry did get specific schemes, but in general,
- 12 I feel that there was enough finance available, and we
- 13 have testimony from a number of, in particular, small
- 14 businesses, where that financial support was critical to
- 15 them surviving and continuing to exist today.
- Q. Thank you, and, sorry, just to pick up what you said
- 17 there, Mr Thomson, you said your members generally felt 18 that was enough support that was provided?
- 19 A. Yes. On the questions that we were asked, a lot of them
- 20 were in that initial period which is: how do I access
- 21 support and what type of support am I available for.
- 22 But we have got very little feedback from members to say

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- 23 that wasn't enough, or it wasn't the right thing.
- 24 Q. Okay. You said very little; were there some gaps
- 2.5 identified by your members?

A. Not -- sorry, not that I'm aware of.

Q. Okay. Can I ask you how quickly the support became

available to your members?

- 4 A. So again, in my view, this is based on a small number of
- Scottish members who've been into this with us, but as
- far as I'm aware, in particular, those that were
- delivered by councils, the funding that was delivered by 8 councils came through relatively quickly for those who I
- 9 have talked to about it, so actually it didn't feel like
- 1.0 there was a particular issue with funds being disbursed.
- Q. Okay. Just on the last question of gaps, Mr Thomson, 11
- 12 I'm looking at answer 18 of your statement, and you 13

14 "FDF Scotland understands that there were certain 15 business types that fell through the gaps..."

16 Sorry, forgive me, I think that is coming up.

17 "... initially (those with multiple premises.

- 18 wholesalers) but in general of our member businesses
- 19 that accessed support there was general agreement that
- 2.0 it was a good process -- and the funding meant some of
 - our members could stay in business."
- 22 A. Yes, so just -- "those with multiple premises" was, as
 - far as I understand it, a specific issue for the bakery
- 2.4 industry, so for local bakers who have perhaps had shops
 - in a number of different places, rather than particular

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- 1 manufacturers
- 2 Q. Right.

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- 3 A. Wholesalers, you will have talked to the wholesale 4
- 5 Q. Very shortly before you.
- 6 A. Yes. And, sorry, the multiple premises element was,
- 7 I think, in particular where they cut across several
- 8 local authority areas as well. I think there was a
- particular issue there.
- 10 Q. And, sorry, could you expand upon that, tell me what
- 11 that issue was?
- 12 A. Yes. So the issue, I think, was around business
- location. So if I remember correctly, the business 13
 - location of those who -- if you think of a small chain
- 15 of bakers where their business location actually was,
- 16 for each individual unit, shop unit, and whether that -17 multiple shop units could actually access the funding,
- 18 or whether it would just be for one business location as
- 19 able to do that, and I understand there was a technical
- 20 problem in there that meant that therefore those types
- 21 of businesses were potentially ineligible to get their
- 22 full support that they should have been entitled to.
- 23 As far as I understand, that was an early technical
- 24 issue that was then dealt with in due course. But of
 - course, when cash flow is so important, then getting

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- money quickly is of significant impact on whether 2 businesses survive or not.
- 3 Q. Thank you, and in terms of financial support, turning to
- FDF itself, did FDF -- you obviously were doing a lot of 4 work over the piece, but did FDF receive any specific
- funding to assist with its work? 6
- 7 A. So, no, in terms of our core activities, we did not
- 8 access any of this. However, as I state in the
- 9 evidence, we are part of the Scotland Food & Drink
- 1.0 Partnership, which is a partnership of public and
- 11 private sector, which gets an amount of money from the
- 12 Scottish Government every year to do activity on behalf
- 13 of the sector. And we designed and delivered a COVID 14
- recovery scheme with our partners there, to which FDF
- 15 got a small portion of the funding to deliver particular
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- 17 Q. Thank you. If I could now ask you some questions just
- 18 regarding your contact with Scottish Government --
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- 20 $Q. \ --$ during the piece. And in particular, you've spoken
- 21 before about the numbers of representations you were
- 22 making in respect of certain matters?
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- 2.4 Q. To whom did you make representations? Who were you
- 25 speaking to?

- A. We were speaking to the Scottish Government. We were 1 speaking to ministers and civil servants very regularly.
- Q. Was there anyone in particular you were liaising with?
- A. In the ministerial side, it would have been Fergus
- 5 Ewing, who was the cabinet secretary for food and drink 6 at that time.
- $\mathsf{Q}.\;\;\mathsf{Thank}\;\mathsf{you},\;\mathsf{and}\;\mathsf{if}\;\mathsf{I}\;\mathsf{could}\;\mathsf{note}\;\mathsf{just}\;\mathsf{at}\;\mathsf{answer}\;\mathsf{13},\;\mathsf{you}\;$ 7 8 make reference to a number of organisations — Fergus
- Ewing, the cabinet secretary, First Minister, every MSP?
- 10 A. Every MSP, yes, so in part, we -- this was part of a
- communication campaign to make sure that every MSP knew 11 12
- and understood that food and drink should be a key 13 sector. So we wrote to them all, making the case and
- 14 highlighting the need, and also educating them. I think.
- 15 because we had a number of inquiries from MSP and MP
- 16 offices in the early days of the pandemic as to: what 17
- does the guidance actually say and what does it mean for
- 18 this business in my constituency. So it was really kind
- 19 of information sharing.

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- 20 Q. Did they take that on board?
- 21 A. Yes, I mean, I think in general, there was support for
- 22 the industry and its efforts, and so, yes, I would argue
- 23 that. I mean, of course there are individual cases and
- 24 individual MSPs who might want to have a question about

the activities of individual businesses, but in general,

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- I think, you know, there was significant support for the 2 industry.
- 3 Q. Thank you. And in terms of these relationships, were 4 these new relationships that you were building over the pandemic or...
- 6 A. Sometimes, but mostly no, we used established
- 7 relationships. The cabinet secretary for rural affairs
- 8 was our sponsored minister for all the work that we did
- 9 and reported to -- we engage as FDF with MSPs to make
- 1.0 the case for the industry, and we work very closely with
- 11 civil servants in the food and drink division, and with
- Food Standards Scotland on a daily basis, because of the
- 13 nature of the kind of work that we do. So these were
- 14 pretty well established relationships that we had.
- 15 Q. Thank you. And in terms of the relationships you're
- 16 having, you're obviously talking to a number of
- 17 different people, and I don't wish to over-generalise
- 18 but how did you find working with the Scottish
- 19 Government over the piece?
- 20 A. In general, exceptionally good. So, you know,
- 21 understanding that there was not an ability to answer
- 2.2 every question that we had in particular as the pandemic
- 23 was initially reaching out was important. But we had
- 2.4 lots of back and forward with those parts of the civil
- 25 service that we've had good relationships with, and that

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1 good relationship continued.

2 But there were particular things we —— for example. 3 as I have already alluded to, our members are Scottish

4 national, UK national and international. So we have

5 even companies that are headquartered in Scotland, who

6 had already dealt with the pandemic in different parts

of the world, and sometimes when they had things to 8 offer, it was quite hard to get the Scottish Government

to open its door to take the offering, in particular of

10 experience of what this looked like in factory settings

11 in, for example, China. But in -- you know, sometimes 12

there were frustrations about the ability of the

13 government to take those kind of views on board, but in 14

general, we had a really good and open relationship. Q. In terms of the speed of response or speed of dealing

with things, how did you find that?

17 A. Yes, it varied, it varied. And obviously the more

18 difficult question, the more varied it could be. And

19 so, yes, some things we got the answer to very, very

20 quickly, and some things government, naturally or

21 otherwise, had to go and think about for a long time. 22 So that varied in part as to whether, I think, there was

23 any certainty about any of the answers that they could

24 have provided to us.

25 Things, for example, like the face mask question, if

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that became difficult to get clear answers around. 6 Q. Thank you. And in terms of the way that you were 7 liaising with the Scottish Government, was there 8 anything that could have been improved in terms of the 9 manner of that contact? 10 A. It was very chaotic, you know, we were all very chaotic, 11 and so I think in general, we have good engagement. 12 There's a resilience forum for food and drink run by the 13 Scottish Government which meets regularly and did meet 14 regularly in the pandemic. 15 So all of that meant there was a rhythm there that you could follow, so that was good. I think everyone 16 17 was very overwhelmed in those first three or four weeks. 18 and so that kind of fell by the wayside a little bit, 19 but in general, I think that's quite understandable in 20 the circumstances. So I would say in Scotland with the 21 Scottish Government, there's quite a close relationship, 22 and that resilience forum continues and meets monthly at 23 the moment, but can be stood up or down, based on anything happening. So I think in general the tools are

you'll remember, in the early part of the pandemic

facemasks were no use and that was the advice given to

became mandated. So there were those kind of things

us, but, you know, from the summer of 2020, it suddenly

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Q. And that, I think, is reflected in answer 5 of your 1 Rule 8 response, which states that:

> "They [the Scottish Government] were always quick in their response and should be praised for their ongoing relationship with the industry and their endeavours to provide answers during a difficult period, in which food manufacturing needed to continue but in a way that protected the health, safety and wellbeing of our workforce. Sometimes, given the evolving nature of the situation it was not possible to get a definitive or quick answer. We did not have a single point of contact as we continued to utilise our existing relationships, and also as we were involved in specific pieces of work like the development of the Scottish Manufacturing Guidance."

16 A. Yes

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17 Q. Just picking up one thing, broadly that reflects what 18 you have just told us. You mentioned specifically,

19 though, the absence of a specific point of contact?

20 A. Yes.

21 Q. Was that a concern to you? You obviously referred there 22 that you had existing relationships?

23 A. I don't think it felt like a concern at the time. I 24 think reflecting on it, it may have been helpful to 2.5

have, you know, one person responsible, because then you

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have a quick route to chasing up answers, rather than 2 maybe asking one person, who then asks another person, 3 who then asks another person, and it gets lost in there. So without wishing to overstate it, there might be value in that.

6 MR TURNER: Thank you. That's all the specific questions 7 that I wanted to ask you, Mr Thomson. I'm going to give 8 you an opportunity in a moment, if there's anything that 9 you feel that his Lordship should hear on behalf of FDF 1.0 or your members which we haven't had an opportunity to 11 touch upon, please feel free to raise that.

> Before I do that, I will just remind you, that we obviously have your Rule 8 response and other documents that you have provided. The Inquiry will take all of those into account. His Lordship will have the opportunity -- to be reported on in respect of those, but if there is anything that you would like to highlight today to his Lordship, now is your

20 A. Thank you for the opportunity. I hope it's been $helpful\,.\quad I\ guess\ there's\ maybe\ two\ things\ I\ would\ say.$

2.2 Just to pull out something on the key sector 23 workers, we didn't really go into this, but the decision 2.4 to make decision-making for key sector workers and in 25 particular around childcare at local authority level was

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incredibly difficult , and therefore that meant that even, you know, when we got general knowledge that food and drink would be considered in this space, there was no guarantee that your local authority might accept your child in the childcare provision.

And that was, of course, incredibly difficult as different councils took different views, when there wasn't that clear signal from the Scottish Government that food and drink was actually a key sector. That caused massive consternation. That was the biggest amount of correspondence we had in the first days, so I just wanted to pull out that key point.

And I guess the second thing, again, on $\mbox{ reflection }$ I'm, as you noted, relatively unique, in that I have been a civil servant and now I work as a representative for business. I actually think, you know, that we need more people who've done a bit of both, because it was quite clear, I think, that there were divisions in understanding of, you know -- from an industry side about what's going on in the civil service and how that works, and also very clearly from a civil service side into how business works and how it treats people and

So I guess, you know, more people who have, you know, both sets of experience on either side of the

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1	fence, would be more helpful to getting quicker, more	1	implications for the whole health of the Scottish
2	sensible answers in any future pandemic.	2	economy, I suppose, if we were going to be blunt about
3	MR TURNER: Thank you. That's all the questions I have, my	3	it, not many people would regard it as healthy.
4	Lord, unless you have anything you wish to raise?	4	A. Correct. We don't represent whisky interests. You have
5	Questions by THE CHAIR	5	the Scotch Whisky Association and the lawyers for that.
6	THE CHAIR: That last point would be a difficult	6	However, that's absolutely clear, and there was much
7	recommendation to make.	7	more friction that was visible to me with the whisky
8	A. It would. That's why I thought I would give it to you,	8	industry as to whether they should be open or not during
9	my Lord.	9	that period.
10	THE CHAIR: Thanks very much indeed. Since we do have a	10	THE CHAIR: Yes, that's helpful. Perhaps that's something
11	little time to spare, I might not have asked this, but	11	that Mr Turner will take up when we speak to the Scotch
12	I'll ask this, since we have a little bit of time to	12	Whisky Association.
13	spare. Back at the beginning — way back at the	13	MR TURNER: We have already spoken to the Scotch Whisky
14	beginning of your evidence, when you were asked about	14	Association, my Lord.
15	the issue of designation of key workers —	15	THE CHAIR: Very good. Thank you very much indeed. I ar
16	A. Yes.	16	very grateful, Mr Thomson. That's all. 10 o'clock
17	THE CHAIR: —— and how effectively from the outset the UK	17	tomorrow morning.
	Government made the recommendation, the Scottish	18	MR TURNER: Indeed.
18			
19	Government didn't, and when you were asked about the	19	THE CHAIR: Thank you.
20	reasons for that, you said, and I've not exactly got you	20	(The hearing was adjourned to 10.00 am on Wednesday, 4
21	written down as a quote, but broadly to the effect that:	21	December 2024)
22	Scottish Government officials were extremely careful or	22	
23	cautious about the loss of life; and you explained	23	
24	reasonably why that could be.	24	
25	A. Yes.	25	
	161		163
1	THE CHAIR: But I would like to ask you if $$ and I think	1	
2	probably I was bearing in mind that you had been a civil	2	MR EWAN MacDONALD-RUSSELL (called)1
3	servant before, if, apart from the degree of caution	3	Questions by MR TURNER1
4	being expressed by Scottish Government officials, you	4	MR COLIN SMITH (called)68
5	were aware of any other policy reason why there would be	5	MRS MARGARET SMITH (called)68
6	a difference, or if there was indeed something simply in	6	Questions by MR TURNER68
7	the difference between Scotland and the rest of the UK	7	MR DAVID THOMSON (called)123
8	that justified such a change in policy.	8	Questions by MR TURNER124
9	A. There is no difference between Scotland and the rest of	9	Questions by THE CHAIR161
10	the UK, and I think the decision—making was perhaps	10	
11	drawn —— I mean, we were driven to try to consider, you	11	
12	know, which food is healthy, and therefore we should	12	
13	continue to produce that, rather than things that	13	
14	weren't inherently in themselves healthy.	14	
15	So I don't think $$ I don't think that was	15	
16	necessarily at the top of thinking, but they were trying	16	
17	to think about how would we subdivide bits of the	17	
18	sector.	18	
19	THE CHAIR: Yes, and again, when you were giving that	19	
20	answer, I was thinking to myself: yes, which foods are	20	
21	healthy. But I'm assuming that in the food and drink	21	
22	industry, one industry which is enormously important to	22	
23	the Scottish economy is whisky.	23	
24	A. Yes.	24	
25	THE CHAIR: Whilst it's enormously important, has	25	
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