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Pàrlamaid na h-Alba

Official Report

MEETING OF THE PARLIAMENT

Thursday 25 June 2015

Session 4

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Scottish Parliament

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

General Question Time

East Ayrshire Council (Meetings)

1. Willie Coffey (Kilmarnock and Irvine Valley) (SNP): To ask the Scottish Government when it last met East Ayrshire Council and what matters were discussed. (S4O-04508)

The Minister for Housing and Welfare (Margaret Burgess): Ministers and officials regularly meet representatives of all Scottish local authorities, including East Ayrshire Council, to discuss a wide range of issues as part of our commitment to working in partnership with local government to improve outcomes for the people of Scotland.

Willie Coffey: I thank the minister for that answer. In light of the Scottish Government's commitment to undertake an inquiry into historical child abuse, does the minister welcome the progress that has been made on implementing the standards for residential childcare, recognising the clear link between a qualified workforce, safe care and better outcomes for looked-after children in East Ayrshire and elsewhere in Scotland?

Margaret Burgess: I welcome the progress that has been made so far to implement the residential childcare level 9 qualification, which was introduced by Aileen Campbell in 2014. The qualification will be phased in from 2016, with an expectation that all existing workers will be qualified to that level within 10 years.

We are working actively with the centre for excellence for looked after children in Scotland, and the Scottish Social Services Council is working actively with the sector, to make that happen. There is broad support for the initiative, which recognises the very positive impact that a qualified workforce will have on outcomes for our looked-after children.

Neurological Alliance of Scotland (Meetings)

2. Malcolm Chisholm (Edinburgh Northern and Leith) (Lab): To ask the Scottish Government what the outcome was of the recent ministerial meeting with member organisations of the Neurological Alliance of Scotland. (S4O-04509)

The Minister for Sport, Health Improvement and Mental Health (Jamie Hepburn): I met representatives of the Neurological Alliance of

Scotland on 18 June 2015. At that meeting, I reiterated that I welcome proposals from the Neurological Alliance as to how it can be involved in improving services for people with a neurological condition. I have asked officials to follow up that offer with the Neurological Alliance.

Malcolm Chisholm: I thank the minister for that response. The Cabinet Secretary for Health, Wellbeing and Sport said this morning that she wanted to put the voluntary sector centre stage, so why is the minister ignoring the views of every single neurological voluntary organisation in Scotland, including MND Scotland—which I know the cabinet secretary and the First Minister respect very much—and the Multiple Sclerosis Therapy Centre Lothian in my constituency, of which I am patron? Indeed, it is not just those organisations that he is ignoring. Will he listen to the Scottish Neurosciences Council and to the managed service network for neurosurgery, which has praised the neurological voices group that the Neurological Alliance established?

Why will the minister not use a mere £35,000 of the £210,000 that I am sure he will mention in his next answer to maintain the Neurological Alliance? Does he want Scotland to be the only country in the United Kingdom that does not have a neurological alliance?

Jamie Hepburn: Let me be clear. I do not want Scotland to be the only country in the United Kingdom that does not have a neurological alliance. The Scottish Government has not withdrawn funding from the Neurological Alliance; the funding that had been agreed has ended. I accept that that may be a moot point—*[Interruption.]*

The Presiding Officer (Tricia Marwick): Order.

Jamie Hepburn: The important point is that such funding is for a specific time period, and that time period has ended.

However, as Malcolm Chisholm pointed out, £210,000 has been set aside to support work that will improve outcomes for people with a neurological condition. That is a significant increase on funding for similar purposes from last year, and I would presume that members across the chamber would welcome that. However, I did not hear Malcolm Chisholm welcome that significant increase in funding, which is in addition to the range of other funding that we have.

The Scottish Government is in regular conversation with members of the neurological community to ensure that any funding is spent to best effect. The money is available for project support to improve outcomes for people with a neurological condition. The Neurological Alliance could benefit from that, and that is exactly what I

committed to my officials discussing with the alliance in due course.

Police Scotland (Professional Standards)

3. Cameron Buchanan (Lothian) (Con): To ask the Scottish Government when it last discussed Police Scotland's professional standards with the chief constable. (S4O-04510)

The Cabinet Secretary for Justice (Michael Matheson): I meet regularly with the chief constable to discuss a range of issues regarding Police Scotland. Professional standards are a matter for the designated deputy chief constable.

Cameron Buchanan: I thank the cabinet secretary for his reply. Following reports that the chief constable of Police Scotland has criticised the ruling of a sheriff relating to the trial of a police officer last year, does the cabinet secretary agree that the chief constable should respect the independent role of Scotland's judiciary?

Michael Matheson: Any complaint about the chief constable would have to be investigated by the Scottish Police Authority's complaint and conduct sub-committee. That would be the appropriate body to investigate any concerns that have been raised about the chief constable's conduct in the matter.

John Scott (Ayr) (Con): The cabinet secretary will be aware of the low morale in Police Scotland at this time. Has he discussed that with the chief constable? How does he propose that that should be addressed, given the importance of a highly motivated police force to the people of Scotland?

Michael Matheson: I discussed morale with the chief constable in the past half hour. Police Scotland is taking forward a survey of its staff's view of how Police Scotland is performing and the areas in which performance can be improved. Once Police Scotland has the results of that survey, it will look at how it can improve and address some of the issues and concerns that the staff raise.

I am sure that the member will recognise that any major organisation that goes through a period of significant restructuring will see an impact on staff morale. Police Scotland and the chief constable have been clear with me that they are determined to address the issue. The first survey of its type in relation to Police Scotland will be published later this year and will help to take that work forward.

Food Poverty (Mid Scotland and Fife)

4. Claire Baker (Mid Scotland and Fife) (Lab): To ask the Scottish Government what steps it is taking to address food poverty in Mid Scotland and Fife. (S4O-04511)

The Minister for Housing and Welfare (Margaret Burgess): The Scottish Government is doing what it can with the resources and powers that it has to tackle poverty and food poverty. From 2013-14 to 2015-16, we are investing around £296 million in anti-poverty measures to mitigate the impact of welfare reform, which the Trussell Trust has suggested is a contributory factor in the increasing demand for food banks. That funding includes our £1 million emergency food action plan to help to combat food poverty in Scotland. The funding also supports 26 projects across 17 local authority areas, including in Mid Scotland and Fife.

Claire Baker: Today's "Poverty in Scotland" statistics show that 22 per cent of children—210,000 children—in Scotland remain in relative poverty after housing costs, and many of their families seek support from food banks. It is a year since the Scottish Government launched its emergency food fund. The minister mentioned Mid Scotland and Fife. How much support went to organisations in Fife? How much money will be available to the fund in the coming year?

Margaret Burgess: I am aware of two projects in Fife and Clackmannanshire that receive money from the fund. The East Neuk Recovery Group Initiative receives funding, and funding was awarded to The Gate.

We want to address the issues that cause food poverty. The report from the Trussell Trust recommends that the actions that we require to take to reduce poverty include increasing people's benefits and income. That is what we propose to do and is why we have launched the consultation on the new social security power. The fairer Scotland consultation is a nationwide consultation to look at how we can address the issue because we cannot just mitigate, mitigate, mitigate.

Gypsy Traveller Community (National Halting and Permanent Site Network)

5. Nigel Don (Angus North and Mearns) (SNP): To ask the Scottish Government what plans it has to establish a national network of halting and permanent sites for the Gypsy Traveller community. (S4O-04512)

The Minister for Housing and Welfare (Margaret Burgess): Local authorities are responsible for taking decisions about the provision of Gypsy Traveller sites in their areas, based on their assessment of local accommodation needs. We therefore have no plans for the Scottish Government to establish a national network of sites.

Nigel Don: The minister will understand that councils find it difficult to establish sites because few places are in public ownership. Councillors are

naturally reluctant to support approved sites as Travellers are always perceived as bad neighbours, even though we know that many of them cause little trouble. Could the Government use its national planning powers—or at least consider doing so—to provide a national network of halting and permanent sites, because that might enable such a network to happen?

Margaret Burgess: The Government's position is that decisions about the provision of Gypsy Traveller sites are best made by those who have local knowledge and accountability. A decision on whether to provide a Gypsy Traveller site is therefore one for the relevant local authority. Local authorities could choose to work together to create a national network of sites.

We funded Planning Aid for Scotland to carry out a project on planning and the Gypsy Traveller community. It has now produced guides for councillors and council officials on Gypsy Travellers and the planning system. Those are useful documents that have information on the Gypsy Traveller community and local authorities' legal duties.

Vandalism (Fife)

6. Jayne Baxter (Mid Scotland and Fife) (Lab): To ask the Scottish Government what action Police Scotland is taking in light of reported increases of vandalism in Fife. (S4O-04513)

The Minister for Community Safety and Legal Affairs (Paul Wheelhouse): We take any reported increases in vandalism very seriously, and any reports of that nature would be a source of concern. However, according to Police Scotland, real progress is being made in Fife. The latest figures show that crimes of vandalism in Fife in 2014-15 have reduced by 11 per cent over the previous year. Although I am aware of local reports of vandalism in Fife, for example at Craigtoun country park and in Burntisland, I can say that over the first 80 days of this year vandalism charges in Fife fell by 4.5 per cent.

As in other areas in the country, Police Scotland has developed a partnership approach with local community groups to develop a range of interventions to reduce the impact caused by antisocial behaviour and vandalism in communities. Police Scotland is using proactive intelligence to tackle vandalism in Fife and high-visibility patrols in identified hotspots, deploying mobile closed-circuit television and dome-hawk cameras and reacting as quickly as possible to reports of vandalism or antisocial behaviour.

Jayne Baxter: There is concern in Fife among police officers about the balance of their redistribution across community functions, local response teams and national specialist teams.

That is coupled with the fact that recent figures reported to the Scottish Police Authority show that police controllers are taking up to three minutes to answer 999 calls and up to 11 minutes to answer more routine calls.

Does the Scottish Government recognise that local control over resources is essential for quick and effective responses to crimes such as vandalism?

Paul Wheelhouse: The effect of vandalism is felt locally in communities across Scotland where it occurs. The importance of having good, local, ward-level plans for policing operations is recognised by Police Scotland. In Fife, the development of local ward plans is well advanced.

On the calls issue that Jayne Baxter raises, we should not lose sight of the fact that 90 per cent of 999 calls are answered within 10 seconds, with the majority of 101 calls being answered within 40 seconds. We recognise that there have been challenges in delivering the 101 service—I know that Jayne Baxter, Alex Rowley and other members are conscious of that. We are doing what we can to tackle the challenges; Police Scotland takes the issue very seriously.

I would be happy to engage with Jayne Baxter if there are particular issues in Fife that she wants me to take forward.

Council Tax Reduction Scheme (Glasgow)

7. James Dornan (Glasgow Cathcart) (SNP): To ask the Scottish Government what impact the council tax reduction scheme has had in helping people in Glasgow on low incomes. (S4O-04514)

The Minister for Housing and Welfare (Margaret Burgess): The Scottish Government's latest council tax reduction statistical publication shows that there were more than 97,000 council tax reduction recipients in Glasgow in March 2015.

Our commitment, in partnership with local government, to mitigate the 10 per cent cut in funding from the United Kingdom Government to council tax benefit successor arrangements has meant that over 35 per cent of all chargeable dwellings in Glasgow received a reduction in their council tax liability through the council tax reduction scheme in March 2015.

James Dornan: In light of the deeper cuts coming from the heartless Tory Government, how will the Scottish Government continue to ensure that those people who suffer most from increasing austerity—including many of my constituents—are supported and protected from further cuts to their income?

Margaret Burgess: The member is right to highlight the further cuts that are still to come. Suggested additional cuts to the welfare budget

include: freezing working-age benefits, tax credits and child benefit for two years; lowering the benefit cap; and removing automatic entitlement to housing benefit for 18 to 21-year-olds. That would account for only a fraction of the £12 billion reduction of welfare spend that the UK Government has said that it will introduce. That will make it much more difficult for the Scottish Government to tackle poverty.

We are committed to creating a fairer Scotland, ensuring that people are provided with the opportunity to lift themselves out of poverty through fairly paid work. We will continue to mitigate the worst aspects of welfare reform, but there is a genuine limit to what we can do in the face of such severe cuts.

Child and Adolescent Mental Health Services (NHS Grampian)

8. Richard Baker (North East Scotland) (Lab): To ask the Scottish Government what support it is providing to NHS Grampian for children and adolescents who need to access mental health services. (S4O-04515)

The Minister for Sport, Health Improvement and Mental Health (Jamie Hepburn): I have spoken to the chief executive of NHS Grampian to obtain assurances that the health board is doing all that it can to achieve the target. As a result of that discussion I have written to the board asking for a detailed recovery plan by 3 July.

NHS Grampian has done significant work in service redesign to increase its capacity to meet the child and adolescent mental health services target on a sustainable basis. As a result of redesign, NHS Grampian has already identified where it needs to increase capacity.

Richard Baker: Given that the Lowit unit in Aberdeen was providing important services for young people with mental health needs, concerns have been expressed to me about its closure. Can the minister assure me that young people who are affected by the closure of the unit will be asked for their views on whether the service redesign is working? Will the redesign be affected by the reduction nationally in the number of beds that are available for young people who require mental health treatment?

Jamie Hepburn: Taking the last point first, I point out that we are actually increasing the number of beds in the specialist estate. On Richard Baker's specific point, I generally agree: it is important that we hear the voice of service users. I will undertake to raise the point directly with NHS Grampian and come back to Richard Baker on that.

Christian Allard (North East Scotland) (SNP): Does the minister agree that workforce levels in

mental health services are at record levels in Scotland, with the child and adolescent mental health services workforce having risen by 45 per cent since 2008? Does he agree that the Scottish Government commitment to invest £100 million of funding to improve mental health services in the next five years is very welcome in the north-east and throughout Scotland?

Jamie Hepburn: I can confirm that the CAMHS workforce has increased from 645.3 whole-time equivalents in September 2008 to 980.6 whole-time equivalents in March 2015. That is an increase of 51 per cent and up from the December figure of 942.4 whole-time equivalents. I certainly agree that the additional £100 million that we have invested in mental health services for the next five years is very welcome.

Potential Oil Reserves (Exploration)

9. Chic Brodie (South Scotland) (SNP): To ask the Scottish Government whether it will provide an update on the exploration for potential oil reserves in the Clyde, off the west coast and in the Atlantic basin. (S4O-04516)

The Minister for Business, Energy and Tourism (Fergus Ewing): Exploration for oil and gas is a reserved matter. The primary levers for promoting exploration of oil reserves are reserved to the United Kingdom Government. However, we welcome the work that is being led by the University of Aberdeen to explore the potential for commercial oil production west of Scotland, which is involving a range of international energy companies including OMV, DONG Energy, JX Nippon Oil & Energy, and Statoil. I discussed that work at a recent Natural Environment Research Council conference in Edinburgh.

The Scottish Government has argued strongly that the UK's new fiscal regime should incentivise exploration, and we will continue to work with industry and with the UK Government to achieve that goal.

Chic Brodie: The minister will know that, after years of investigation, I hold a copy of an outline BP production licence—PL262—for drilling south of Arran that was issued in 1983. I also hold a copy of last year's statement from Michael Heseltine, who was Secretary of State for Defence at the time, in which he said that he had stopped the drilling for special defence circumstances.

Will the minister seek to ensure that the full report of the team that is currently analysing the opportunities for oil in the Clyde and in the Atlantic basin does not suffer the same fate of denial as happened to the McCrone report in the 1970s?

Fergus Ewing: For my part, the answer is yes. I am aware that Mr Brodie is known for doing his own exploration work, as it were.

Of course, when people first said that there was oil in the North Sea, everybody scoffed, particularly down in the London Government. They said that there was not any oil, and then they said that it would run out. They said that it would run out in the 1990s; then, that it would run out in the noughties; and then, that it would run out in the current decade, but it did not.

If they are wrong as they have been so many times before, and I include the Office for Budget Responsibility's estimate that oil would be \$102 a barrel right now, then I believe—to answer the question—

The Presiding Officer: Thank you, minister—I would like to get to question 10.

Fergus Ewing: We need to explore every opportunity.

NHS Greater Glasgow and Clyde (Meetings)

10. George Adam (Paisley) (SNP): To ask the Scottish Government when it will next meet the NHS Greater Glasgow and Clyde board and what matters will be discussed. (S4O-04517)

The Cabinet Secretary for Health, Wellbeing and Sport (Shona Robison): Ministers and Government officials regularly meet representatives of all health boards, including NHS Greater Glasgow and Clyde, to discuss matters of importance to local people.

George Adam: Can the cabinet secretary provide an update on the accident and emergency department at the Royal Alexandra hospital in Paisley?

Shona Robison: As George Adam will be aware, when the RAH A and E department was not recovering as quickly as possible from the pressures of winter, we deployed an expert support team from 16 February for a two-week period.

The support team agreed a number of interventions, which have borne fruit for the hospital. The team continues to liaise with local staff and to monitor progress.

The most recent published data for the week ending 14 June shows that the RAH A and E department has seen 91.2 per cent of people within the four-hour target. That reflects the hard work of all staff in the hospital. The challenge now is to sustain and improve that performance even further.

The Presiding Officer: Before we move to the next item of business, members will wish to join me in welcoming to the gallery His Excellency Dr Martin Eichinger, the ambassador of the Federal Republic of Austria. [*Applause.*]

First Minister's Question Time

12:00

Engagements

1. Iain Gray (East Lothian) (Lab): To ask the First Minister what engagements she has planned for the rest of the day. (S4F-02894)

The First Minister (Nicola Sturgeon): Engagements to take forward the Government's programme for Scotland.

Iain Gray: It is the end of term, when we sometimes reach for a little levity—and I am famous for levity. I was tempted to ask the First Minister what she is doing to save the macaroni pie, but I would never get four bites out of that. There are also the oil and gas reports, which were slipped out half an hour ago on the last day of term, but there is nothing funny about the figures contained in them.

It is also the end of the school term, and all over Scotland careful childcare arrangements made by families are coming to a crashing halt. I think that in a modern, 21st century country such as Scotland, parents should expect affordable, accessible, high-quality childcare all year round for children of all ages. Will the First Minister explain why we do not have that?

The First Minister: That is a clutch of issues to be getting on with. First, let me deal with the important matter of the macaroni pie, as that cannot be left on the sidelines today. I confess that I am not a lover of the macaroni pie, but my father is, and last night he gave me a stern talking to on the telephone and told me that he expected me to join the campaign to save the macaroni pie. I have always been an obedient and loyal daughter, and this occasion is no different.

The oil and gas bulletin was actually published two hours ago—perhaps Iain Gray is a slow reader; I do not know, but he has certainly not done much for his reputation for levity today.

Iain Gray raised a serious and important issue, and I warmly welcome the report that has been published today by the commission for childcare reform. The Government will study that report carefully, and if it contains ideas or suggestions that we think are worth taking forward, we will certainly do so. As Iain Gray is aware, the Government has already increased by almost half the hours of free early learning and childcare that are available for three and four-year-olds, and we have plans in the next session of Parliament to double that provision again, from 16 to 30 hours a week. I accept that there are issues of flexibility and wraparound care, and that is why our recent

legislation put the onus on local authorities to consult parents about those issues. We will continue to work hard to improve the provision of childcare. Why will we do that? Because it is right for children and for parents who want to work.

Finally, the Government's commitment to increase childcare to 30 hours a week over the next session of Parliament, if we are re-elected, is way in excess of what both Labour and the Tories promised at the United Kingdom election. We will continue to lead not just by example but by practice and by getting on with the job.

Iain Gray: When it comes to levity I know that I am a stand-in, but we should probably both admit that neither of us are stand-ups; that is for sure.

The trouble with free nursery hours is that thousands of parents cannot access their childcare entitlement. The First Minister knows that; she has met the fair funding for our kids campaign twice, but she has done nothing to fix the problem.

There is a bigger problem. The commission for childcare reform, which reports today, says that there has been a

"Focus on early learning for pre-school children at the expense of broader childcare provision".

Indeed, the head of the Childcare Alliance says:

"In Scotland in 2015 far too many families are finding that, instead of working for them, the childcare settlement is making their lives more difficult and less secure."

The First Minister may welcome the commission's report but, in many ways, it is damning of her childcare policy. Is she listening? More important, will she act?

The First Minister: I suggest to Iain Gray, just by way of an introductory comment to my answer, that, before he criticises this Government's commitment to childcare provision, he should reflect on the fact that what we are providing today is double what we inherited from the last Labour Administration. I do not suggest that there is not work to do, and we are committed to doing it, but it is far in advance of anything that the last Labour Government managed to introduce. In the spirit of honesty and self-reflection, which shone through that BBC documentary "The Fall of Labour" the other night, its members should reflect on their own record.

I know that the matter raised is an issue for parents. I have spoken to parents in my constituency, and I have spoken to the fair funding for our kids group. I suggest to Iain Gray that he familiarise himself with the Children and Young People (Scotland) Act 2014, which has done two things in particular that are relevant to this question: it has placed on local authorities the obligation to consult parents about flexibility, and

also the obligation to consult parents on early learning and childcare beyond the mandatory hours and on out-of-school care, so that that can be better integrated with mandatory early learning and childcare.

We will continue to take forward this important programme of work. Labour members might want to support us, instead of throwing brickbats from the sidelines, as has become their wont.

Iain Gray: I understand that the Scottish Government has asked local government to consult parents, but the childcare commission has spent 15 months consulting parents and providers, and parents are not going to say anything different.

Let me try to explain. After 16 years, the Parliament is full of grandparents, including you, Presiding Officer, and me. In Scotland, more grandparents have to fill childcare gaps for free than anywhere else in the UK. Today is the very day when grannies and grandpas are mobilised to fill the school holiday hole in childcare provision right across the country—plus friends, neighbours, juggling family holidays, flexible hours for those who are allowed them and holiday clubs for those who can afford them. No amount of free pre-school hours helps with that. The commission's report says that that focus is squeezing other wraparound care out.

The only thing that will help is to have modern, flexible, all-year-round, all-age, affordable childcare, so will the First Minister change her childcare focus and deliver what parents need, not what her Government has decided they should get?

The First Minister: In everything that I have said I have recognised the challenges that parents face, and that is why we are working to improve the provision of childcare. We are doing so by extending the number of hours—during term time, I accept—while also considering how we integrate that provision better with more wraparound care. The obligation that is now on local authorities to look at flexibility and integration is resulting in authorities starting to consider different ways of providing childcare. Just a few weeks ago, I was talking to a local authority nursery headteacher who is actively considering how to extend provision longer into the holiday period. Those issues are actively being taken forward.

Iain Gray wants to make comparisons with the rest of the UK. I point out that—albeit that childcare is expensive, which we understand—Scotland has lower costs for almost all types of childcare than the rest of the UK. Costs are rising more slowly here. However, there is no doubt that childcare is expensive, and that is why we will get on with the job of improving it.

Labour should reflect on why, if it had all the answers, it did not implement some of those answers when it was in government. Secondly, why—[*Interruption.*]

Dr Richard Simpson (Mid Scotland and Fife) (Lab): We did.

The Presiding Officer (Tricia Marwick): Order. Mr Simpson.

The First Minister: Why, just a month or so ago, during the UK general election campaign, did Labour not propose any of those ideas that Iain Gray is now putting forward? I will leave Labour to moan on the sidelines. As First Minister of this Government, I can say that we will get on with the job of improving childcare for children and parents across the country.

Iain Gray: The First Minister dismisses the costs of childcare in a sentence. [*Interruption.*]

The Presiding Officer: Order.

Iain Gray: The truth is that we have some of the highest childcare costs in the world. Childcare is not working for families, but it is failing low-income families in particular. For them, this is not an inconvenience; it is a year-round insurmountable barrier to getting into work and out of hardship. They know what they need: after-school clubs, holiday childcare and full-time nursery places that are available, accessible and affordable. They need to know that childcare will not cost them more than 10 per cent of their income—that is Scottish Labour's commitment as well that in the childcare commission report—and that childcare will not disappear on 1 July once their child is five.

I know that the First Minister cannot deliver that by tomorrow, but she can commit to it today. After eight years of Scottish National Party Government, is that really too much for parents to ask?

The First Minister: I think that one of the problems for Iain Gray here is that he might not want to listen to the answers that I am giving, because they get in the way of his pre-prepared script for the questions, but I assume that people out there—[*Interruption.*]

The Presiding Officer: Order.

The First Minister: —will be listening to the answers that I am giving. First, I did not dismiss concerns about the cost of childcare; I said explicitly that childcare is too expensive. I simply corrected a point that Iain Gray made about UK comparisons. Secondly, I have said that this issue is a work in progress for the Scottish Government. We are increasing the provision of free childcare so that it does not cost any percentage of a family's budget and they get the same hours of childcare free of charge as primary school children spend in primary school. We are also working to

deal with the issue of integration and wraparound care. This is a job that we are getting on with doing, because I know how much it matters to parents, to grandparents and, perhaps most important of all, to children across the country.

Yet again we have the divide in this chamber: the Opposition just raises the moans and the whinges and the problems; this Government gets on with finding the solutions and doing the hard work of fixing things.

Secretary of State for Scotland (Meetings)

2. Ruth Davidson (Glasgow) (Con): To ask the First Minister when she will next meet the Secretary of State for Scotland. (S4F-02896)

The First Minister (Nicola Sturgeon): I have no plans in the near future.

Ruth Davidson: This week, the Federation of Small Businesses reported that one of every three of its members worries that they cannot recruit enough skilled staff to grow their business. That is one of their biggest concerns and now outweighs tax, utility costs and access to finance for them. We know that this Government has decimated Scotland's colleges, which are the bedrocks of skills training. The excuse has always been that the Government would make up for the cuts to part-time places with an increase in full-time places. In the past five years, how many part-time places has the First Minister cut and how many full-time replacements have there been?

The First Minister: If Ruth Davidson is serious about ensuring that our small businesses—indeed, our businesses of any size—have access to the skilled labour that they need, she would be supporting the college reform programme because it is precisely about making sure that young people, or people of any age, going through the college system are coming out with the skills, training and qualifications that better equip them for the jobs market.

The issue of skills is important, and the Scottish Government—through Angela Constance, as the Cabinet Secretary for Education and Lifelong Learning; Roseanna Cunningham, as the Cabinet Secretary for Fair Work, Skills and Training; and the Deputy First Minister, as Cabinet Secretary for Finance, Constitution and Economy—works closely with businesses and business organisations to ensure that we can deal with skills shortages where they exist.

However, any issue of skills shortages arises from the fact that we have rising employment in Scotland and falling rates of economic inactivity. Yes, skills shortages are challenges that we must address, but they are challenges from a recovering economy. I will continue to make sure that this Government, through our education

system, is equipping young people for the jobs that are out there for them. If Ruth Davidson was serious about this, she would get behind that.

Ruth Davidson: It was not a hard question. I asked for only two numbers, but I am not surprised that those numbers are ones that the First Minister did not want to give. In the five years to 2013-14, the Government cut 150,000 part-time places and replaced them with just 9,000 full-time places. That is a ratio of 15:1. Part-time courses help carers, single mothers, those who are returning from maternity leave and part-time workers. [*Interruption.*]

The Presiding Officer: Order.

Ruth Davidson: However, it is worse than that. For the first time, we now know what those cuts mean for individual communities. Yesterday, MSPs were told that there has been a cut of more than 18,000 college places in Fife, a cut of nearly 20,000 across Aberdeenshire and a drop of nearly 16,000 here in Edinburgh. Most shamefully of all, in the First Minister's own backyard, there are now more than 30,000 fewer college places for the young people of Glasgow than there were when the SNP Government came to office.

We already knew that the numbers had been cut, but we now know the communities that have been hit hardest by those cuts. We also know that our small businesses are increasingly worried about a skills gap opening up. The SNP's approach to colleges is failing students and failing Scotland's businesses.

The Presiding Officer: I need a question, Ms Davidson.

Ruth Davidson: What will the First Minister do to turn the situation round?

The First Minister: If everything was as disastrous as Ruth Davidson makes out, Scotland would not, right now, have the lowest level of youth unemployment that we have seen in six years and the highest level of female employment that we have ever seen. That is the reality of the reform.

I remind Ruth Davidson of some facts that she may find inconvenient. The Government promised that we would maintain 116,000 full-time college places. As I accepted a couple of weeks ago, when questioned by Kezia Dugdale, we did not quite deliver on that commitment—instead, we have delivered 119,636 full-time college places. The number of women who are studying on full-time courses has increased by 15 per cent, more recognised qualifications are being achieved and 14,000 more students are successfully completing full-time courses leading to recognised qualifications than was the case in 2009.

Here is the view of somebody whom we all respect—somebody whom the Opposition parties are usually keen to quote when his words suit their purposes. Sir Ian Wood says:

“Colleges have come on immensely ... They are re-energised and are re-inventing themselves as larger units with ... greater potential”.

He says that they are

“recognising their opportunity ... to enhance the focus on employability of the students.”

Where part-time courses are still appropriate, we support them. That is why we have invested an additional £6.6 million in 2014-15 for part-time places, which are often favoured by women. Ruth Davidson will not like that either.

We are getting on with the job of making sure that we have a young population that is equipped to take up the jobs that are being created in our economy. It is the kind of thing that the Tories used to support, but they seem to have completely lost their way.

The Presiding Officer: Stewart Stevenson has a constituency question.

Stewart Stevenson (Banffshire and Buchan Coast) (SNP): The First Minister will be aware of the loss by Young's Seafood of probably the biggest fish-processing contract in the United Kingdom, which is affecting jobs in Fraserburgh and in Grimsby. Aberdeenshire Council has indicated that it will work to mitigate the effects of that, and the chief executive has indicated to me that he will give every support to Government initiatives. It would be very welcome if the First Minister could indicate that the Government will support every effort to mitigate the effects of job losses in Fraserburgh.

The First Minister: I share the member's concern about recent developments in respect of Young's Seafood and the potential impact on employees, their families and the surrounding areas. I can confirm that the Minister for Business, Energy and Tourism and the Cabinet Secretary for Rural Affairs, Food and Environment have offered and will continue to offer immediate support to the company. Scottish Enterprise is also in contact with the company to support the business and to discuss what can be done to minimise any negative impact on jobs.

In the unfortunate event of job losses, we have already made the offer of support through our partnership action for continuing employment initiative, which helps in redundancy situations and assists those who are affected by redundancy. I reassure the member that the Government will do everything within our power to help the company through this difficult time.

Sandra White (Glasgow Kelvin) (SNP): The First Minister will be aware of the deportation of the City of Glasgow College student, Majid Ali, to Pakistan. His whereabouts are unknown and he has not been heard from since. Does the First Minister share my concerns over his safety? Will the Scottish Government endeavour to find out exactly what has happened to Majid Ali?

The First Minister: I certainly share the concern of the member and of Mr Ali's friends about his safety since his removal from the United Kingdom. It is very worrying that no one has heard from him in the two weeks since he left the UK. On 10 June, the Minister for Europe and International Development wrote to the Home Secretary seeking urgent clarification of Mr Ali's situation and assurances about his safety. To date, no reply has been received and I now intend to write to the Prime Minister.

Although asylum is a reserved matter, the Scottish Government is clear that all claims for asylum must be thoroughly and fairly assessed, and that people must be returned to their country of origin only if their safety can be guaranteed.

Police Scotland (Stop and Search)

3. Alison McInnes (North East Scotland) (LD): To ask the First Minister what the Scottish Government's response is to the finding by the Scottish centre for crime and justice research that in 2014-15 Police Scotland's use of stop and search remained "unduly high". (S4F-02897)

The First Minister (Nicola Sturgeon): First, it is important to set the report in context. It says that "At the national level, the trends seem encouraging"

and notes that the overall number of recorded searches fell by 34 per cent in 2014-15.

Alison McInnes will be aware that the Cabinet Secretary for Justice has set up an independent advisory group, chaired by John Scott QC, to examine the use of stop and search in Scotland. The group, which has met twice already, will make its recommendations by August. The cabinet secretary looks forward to working constructively with members to take forward the group's recommendations.

In addition, Police Scotland is implementing a detailed improvement plan on stop and search, which will result in better training, data recording and governance.

Alison McInnes: Search numbers might be down, but they are still far too high. People in Glasgow are five times more likely to be stopped and searched than people in London are. Searches fall disproportionately on young people. Last year, the number of searches on 16-year-olds

in Glasgow was greater than the total number of 16-year-olds in that city.

I know that the First Minister wants to wait for the findings of her advisory group, but the independent review of the Fife pilot by an academic says that consensual stop and search should end now. Will she back that academic's recommendation and call on Police Scotland today to end this discredited practice?

The First Minister: As the member will be aware, there is already a presumption against consensual stop and search, and there is no consensual stop and search for young people. It is important to wait for the outcome of the advisory group; otherwise, there would be little point in establishing it.

I pay tribute to Alison McInnes, as she has a consistent record on these issues, and I respect her views. I am sure that she will recognise the trends that the centre's report sets out. In the first two full years of Police Scotland, the number of searches fell by almost 38 per cent, and by 34 per cent in the most recent year; the number of consensual searches fell by 40 per cent; and the number of searches on 16-year-olds fell by 39 per cent. Further, as I said, there is already an end to consensual stop and search for under-12s and a presumption against it for everyone else.

The right things have been done. There is a determination to learn the right lessons. It is important to allow the advisory group the opportunity to do its job, then all of us, collectively, can take forward its recommendations.

Ken Macintosh (Eastwood) (Lab): Is the First Minister aware of figures from Police Scotland, which were given to me last week, that reveal that there were 7,500 stop and searches—more than 20 every day—in East Renfrewshire last year? I ask the question because one young man was stopped several times in his car and once recently while out walking, all without foundation.

Does the First Minister believe that all of those 7,500 searches in the most law-abiding area in Scotland were intelligence led? Does she share my concern that the situation could damage relations between the police and our young people?

The First Minister: I believe—as I think that I have made clear—that the relationship between the police and our young people is vital. The approach to stop and search is one of the factors that ensure that that relationship is good.

I know from experience in my constituency that people want to see the police visibly tackling crime and disorder in their communities. There is always an important balance to be struck.

As I said to Alison McInnes, the trends on stop and search are clear, and they are all downward. The statistics that I read out to her are important, and they show significant drops in the use of stop and search. Further, as I said, there is now an end to consensual stop and search for under-12s and a presumption against stop and search for everyone else.

The presumption is that only when there are statutory grounds will stop and search happen. If the advisory group recommends further changes to policy, as I expect that it will, we will take those recommendations forward.

Welfare Reductions (Impact on Food Bank Use)

4. Stuart McMillan (West Scotland) (SNP): To ask the First Minister what analysis the Scottish Government will make of the impact on food bank usage as a result of Scotland's share of the further £12 billion in welfare reductions announced by the United Kingdom Government. (S4F-02895)

The First Minister (Nicola Sturgeon): We continue to be very concerned about the rising demand for food banks. The Scottish Government has invested nearly £300 million from 2013-14 to this year to mitigate the worst impacts of the UK Government's welfare cuts. That includes £1 million specifically for our emergency food action plan to help combat food poverty in Scotland.

There is no doubt in my mind that the UK Government's welfare cuts have led to the dramatic increase that we have seen in food bank use. We have yet to hear the details of where and on whom the Conservatives' £12 billion welfare axe will fall in the future. However, we have seen from experience that Tory benefit cuts tend to fall on the most vulnerable and disproportionately on disabled people and on women. The Scottish Government will continue to do everything that it can to mitigate that impact.

Stuart McMillan: Information that was published this morning highlights the high level of child poverty that there is now, even before the additional £12 billion of welfare cuts come from Westminster. Does the First Minister agree with me that the extra cuts will only push more children and their families into poverty, which the Conservative Government will be responsible for? Does she agree that the pressures that are placed on food banks and food share organisations will only increase, at a time when the level of emergency food aid that is provided by Trussell Trust food banks in Scotland is the second highest in the entire UK?

The First Minister: I agree with that. Figures that have been published this morning show that poverty in Scotland—particularly child poverty—

remains far too high. We know that there has been an eightfold increase—I repeat: an eightfold increase—in emergency food aid given to families over a three-year period. That suggests that there is a real pressure on family incomes because of welfare cuts and benefit changes.

The Prime Minister seemed to indicate on Monday that tax credits would form a key element of the UK Government's proposed £12 billion of further cuts to the welfare budget. Tax credits are a vital support for many low-income families, and particularly families with children. Cuts of that magnitude will have a significant impact on families and poverty levels in this country, and they will push more people into relying on services such as food banks. That, along with many other things, powerfully illustrates why the powers over social security should be in the hands of the Scottish Parliament and not in the hands of a Tory Government at Westminster.

Local Authorities (Budget Reductions)

5. Neil Findlay (Lothian) (Lab): To ask the First Minister what the Scottish Government's position is on the concerns expressed by trade unions and others regarding the budget reductions that local authorities are facing. (S4F-02902)

The First Minister (Nicola Sturgeon): The outcome of the 2011 spending review and the budget review of 2013 confirmed that local government's revenue funding and capital share would be maintained on a like-for-like basis, with extra money being made available for new duties. Despite the significant cuts that Westminster has imposed on this Parliament's budget, the total share of the Scottish Government's budget that is allocated to local government, excluding health spending, has risen on a like-for-like basis since we took office in 2007.

The impact of the 2015 United Kingdom spending review on the Scottish budget, as well as the financial settlement that the Scottish Government in turn reaches with local government, will determine future budgets.

Neil Findlay: Since the Government came to power, 50,000 people have lost their jobs in councils across Scotland. That is the equivalent of the entire engineering sector. The poorest communities are suffering the greatest loss of services. Libraries have closed, home care has been privatised, education services have been cut and the cost of burials is up.

If those job losses had occurred in the whisky or bioscience sectors, there would rightly be a national outcry. There would be calls for action and a task force set up in response. [*Interruption.*]

The Presiding Officer: Let the member ask his question.

Neil Findlay: Why does the employment crisis in local government not merit a similar—or indeed any—response from the First Minister?

The First Minister: Not for the first time, Neil Findlay seems to live in a parallel universe. I cannot help thinking that, if only UK Labour had had the guts to stand up against Tory austerity, we might not have another Tory Government looking to impose more austerity. *[Interruption.]*

The Presiding Officer: Order.

The First Minister: Instead, we have the pitiful sight—*[Interruption.]*

The Presiding Officer: Order.

The First Minister: I know that Labour members do not like it. Instead, we have the pitiful sight of a UK Labour leadership contest being dominated by the question whether Labour is going to admit to spending too much during the good years.

We will continue to stand up against Tory austerity and to do everything that we can to protect our vital public services, such as the national health service and—*[Interruption.]*

The Presiding Officer: Order.

The First Minister: While Scottish Labour still takes the view that it is better to allow our finances to be run by a Tory Government at Westminster than to be run by this Government here in Scotland, it will have absolutely zero credibility on these issues.

Taxis (Regulation and Licensing)

6. Cameron Buchanan (Lothian) (Con): To ask the First Minister whether the Scottish Government's approach to regulation and licensing of the taxi market is focused on what is in the best interests of consumers. (S4F-02900)

The First Minister (Nicola Sturgeon): The principal reason for licensing taxis and private hire cars is to ensure the safety of passengers, which is why through the Air Weapons and Licensing (Scotland) Bill we are seeking to tighten up regulation and enforcement, as well as to bring data consistency to the taxi and private hire regimes. We have undertaken a thorough process of consultation and engagement in order to arrive at a balanced package of measures, which include allowing local licensing authorities to test private hire car drivers and to limit private hire car numbers where there is overprovision. The bill also creates the role of the civic licensing standards officer, which will provide support and reassurance to the public and be an invaluable addition to the existing enforcement arrangements.

Cameron Buchanan: Does the First Minister consider that consumer protection for passengers of private hire vehicles can be achieved through customer awareness, as well as through background checks for drivers? Preference for local knowledge or satellite navigation should be left for consumers to decide for themselves.

The First Minister: Our proposals to strengthen enforcement and change the licensing regime are important and right. However, I agree with Cameron Buchanan that there is a role for customer awareness as well. In this area, as in any other area, we want customers to be as educated and aware as possible, so that they can make informed decisions about the services that they use. I agree with that, but the legislative provisions that we are proposing are the right ones.

Points of Order

12:32

Dr Richard Simpson (Mid Scotland and Fife) (Lab): On a point of order, Presiding Officer.

James Kelly (Rutherglen) (Lab): On a point of order, Presiding Officer.

Members: Ooh!

The Presiding Officer (Tricia Marwick): Order! I will take Dr Simpson first.

Dr Simpson: Thank you, Presiding Officer. In answer to a question from Richard Baker, Jamie Hepburn, the Minister for Sport, Health Improvement and Mental Health, said that the number of places for children and adolescents in mental health services has increased. However, last year, in answer to a question from me, the Government said that there would be 48 beds in 2015. Following the transfer from Yorkhill hospital to the Southern general hospital, the number of beds has been cut and there are now only 42 beds in Scotland, compared with the 56 beds that Labour planned in 2006. Will the Presiding Officer allow the minister to correct the record at an early opportunity?

The Presiding Officer: As Dr Simpson well knows, the Presiding Officers are not responsible for answers that are given.

Mr Kelly?

James Kelly: I wish to raise a point of order in relation to the "Oil and Gas Analytical Bulletin". For months, members across the chamber have been asking for the bulletin—[*Interruption.*]

The Presiding Officer: Order. Let me hear Mr Kelly.

James Kelly: It has now been released on the last day of the parliamentary term. The bulletin has profound implications for the Scottish economy, with North Sea oil taxes projected to be £40 billion less than the figure in the white paper. [*Interruption.*] I note that the First Minister said that publication was two hours ago. It is no coincidence that the bulletin has been published after the deadline for the lodging of emergency questions.

The Presiding Officer: Thank you, Mr Kelly. [*Interruption.*] Order! Order! I get the point, Mr Kelly.

The timing of the oil and gas report's publication is not a matter for the Presiding Officer; it is a matter for the Government.

The First Minister (Nicola Sturgeon) rose—

The Presiding Officer: Do you wish to say something, First Minister?

The First Minister: I wish to respond to the point of order, Presiding Officer. The "Oil and Gas Analytical Bulletin"—

The Presiding Officer: It is not for the First Minister to respond to points of order; it is for me. That ends First Minister's question time.

Family Nurse Partnership Programme (NHS Lothian)

The Deputy Presiding Officer (John Scott):

The next item of business is a members' business debate on motion S4M-13494, in the name of Jim Eadie, on the fifth anniversary of the family nurse partnership programme in NHS Lothian. The debate will be concluded without any question being put.

Motion debated,

That the Parliament congratulates Edinburgh on becoming what it believes is the first city in the world to offer the Family Nurse Partnership programme to all eligible women in its fifth anniversary year; understands that the pilot programme, which was launched in NHS Lothian in 2010, has provided support and advice to 660 mothers in Lothian; welcomes confirmation that the resources and staffing are now in place for every eligible young mother in Edinburgh to be offered a place on the programme; further understands that the programme is an intensive, preventive, one-to-one home visiting programme for young, first-time mothers from early pregnancy until their child reaches the age of two and was developed in the United States by Professor David Olds; supports its main aims of improving pregnancy outcomes, child health and development and the economic self-sufficiency of the family; considers that the scheme has been such a success that it now operates across seven NHS board areas, Lothian, Tayside, Fife, Greater Glasgow and Clyde, Ayrshire and Arran, Forth Valley and Lanarkshire and benefits over 2,000 mothers across Scotland; welcomes plans for expansion into Borders and Grampian NHS board areas later in 2015, and commends what it sees as the valuable work undertaken by Family Nurse Partnerships in Lothian and across Scotland.

12:35

Jim Eadie (Edinburgh Southern) (SNP): It is a real privilege for me to be able to bring this debate to the chamber. I am most grateful to all the members who have supported the motion in my name.

The debate is an opportunity to recognise the innovative work that has been undertaken by family nurse partnerships across Scotland. As an Edinburgh MSP, I am particularly pleased to recognise the fact that Edinburgh has become the first city in the world to offer on a sustained basis the family nurse partnership programme to all eligible women. That means that every first-time mum in our capital city who is aged 19 or under will benefit from the programme. In total, more than 2,000 mothers have already benefited from it—more than 600 of them here in Lothian.

The service began as a pilot project in January 2010 and has made a real and lasting impact—so much so that it is now being rolled out across the whole of Scotland. Teams are already in place in the Lothian, Tayside, Fife, Greater Glasgow and Clyde, Ayrshire and Arran, Forth Valley and

Lanarkshire health board areas, and there are plans to extend coverage to the Borders and Grampian later this year.

I thank the Scottish Government—the Minister for Public health as well as the current and previous First Ministers—for the political leadership that it has shown. Sometimes leadership is required to say to the sceptical voices in the civil service and the vested interests, “This is the direction in which we are going to go and this is what needs to happen.”

I also thank NHS Lothian—in particular, its director of nursing, Melanie Johnson—for the clinical leadership and commitment that it has shown in the pilot project, which has proved to be so successful. Most of all, I pay tribute to the nurses, the highly skilled and empathetic healthcare professionals and the young mums who have made the programme work.

The family nurse partnership programme is an intensive preventative one-to-one home-visiting programme for young first-time mothers from early pregnancy until their child reaches the age of two. Mums are visited by a specially trained nurse every week or two weeks during pregnancy and throughout the first two years of their baby's life.

The programme was first developed in the United States by Professor David Olds, who is a professor of paediatrics at the University of Colorado. It is delivered in this country under licence, and it has three main aims: to improve pregnancy outcomes; to improve child health and development; and to promote the economic self-sufficiency of the family. It aims to introduce a new approach to nursing that involves working with the parent to help them to build up their own skills and resources to parent their child well, and to think about their own aspirations for the future. The programme is intended to offer targeted intervention in addition to Scotland's universal health visiting services.

It is important to put the family nurse partnership programme into its wider strategic and policy context. It is part of a wider approach that recognises the importance of targeted interventions—in particular, in the early years of life. In the United States, there has been the development of the concept of the social womb—the environment that a baby experiences after birth. J Ronald Lally, who is co-director of the centre for child and family studies at WestEd in the USA, has stated:

“Be it at home or in childcare what happens during infancy is too eventful to leave to chance.”

That wider approach also requires paid parental leave so that parents can spend critical bonding time with their baby, and it requires the provision of high-quality and affordable childcare. It sits

alongside and complements well-resourced universal provision of health visitors, to which the Government is committed.

However, we should not lose sight of the unique and innovative contribution that family nurse partnerships can make. The Scottish Government's own data clearly show that women aged under 20 living in the most deprived areas—the target client group for the partnership—are about 10 times more likely to have a child than women of the same age who live in the least deprived areas.

We also know that other problems that impact negatively on the wellbeing of mums and babies are more prevalent in areas of multiple deprivation. For example, nearly 31 per cent of women in the most deprived areas self-report as smokers at the time of their first antenatal visit, compared to just 6 per cent of women in the least deprived areas. That is a stark reminder of why the approach that is embodied in the family nurse partnership programme is necessary in order to target vulnerable mums and babies and offer them the intensive support that they need.

When we take the time to examine the benefits of the programme, it becomes clear why the Scottish Government and health boards are right to make that investment. Nurses support mums to make positive choices in areas such as child development, preventative health measures, parenting skills and breastfeeding, and offer better diet information and practical support on education and employment opportunities. All that leads to improved pregnancy outcomes and improved child health and development.

I refer to an article that appeared in *The Observer* in March of this year. It will not be possible for me to quote it extensively, but I point out that the journalist spent three months in Manchester and Portsmouth observing the impact of family nurse partnerships on the women and babies who participated. She concluded that she witnessed

“how this extraordinary intervention achieves little short of miracles.”

The personal story in the article that stands out is that of a young woman, Sarah—not her real name—whose father had hanged himself when she was nine and whose mother had died of an AIDS-related disease when she was 13. She had been in and out of care, had a badly scarred face from a dog bite and her boyfriend—a user of drugs—was in prison. Her nurse said that as a result of the programme:

“She had twin girls; she breastfed. She dumped the boyfriend. She had her scars fixed, so her self-esteem has risen, she is at college and has a part-time job and her own tenancy. Her two little girls are doing so well. We tell our

girls again and again: ‘You can be different if you choose to be.’”

As well as considering those anecdotal personal testimonies, it is important to observe that the programme is underpinned and supported by extensive research. That includes the findings of the three US-based randomised controlled trials, drawing on the experience of the programme over 30 years. Here in Scotland there have been four detailed evaluation reports that explored the experience of delivering the family nurse partnership in the first Scottish test site in NHS Lothian.

In addition, it will be important to understand in a United Kingdom context what added value family nurse partnerships deliver over and above universal service provision, where the national health service already offers midwifery and health visiting support. The randomised controlled trial—the building blocks trial—which is evaluating the family nurse partnership programme in England, will be instructive in that regard.

There is growing evidence from the United States and England of the real benefits of the programme. There is evidence from an evaluation that was carried out in England by the University of Nottingham of the benefits of early intervention for fathers who are involved in a home-visit service that is delivered by the family nurse partnership. The evaluation states:

“The ‘early’ nature of the help was crucial to its success because of how it so effectively tapped into the men's redefinition of themselves as caring fathers during pregnancy and following the birth.”

We should celebrate family nurse partnerships—we should invest in them, we should continue to evaluate their impact and we should roll them out across the country. This is an investment like no other. It is one that is not only changing lives but is transforming the lives of young mums and babies for this and future generations, and is giving vulnerable children in some of our most deprived communities the best start in life and the greatest chance to succeed as they grow and develop as adults. What better legacy could there be for our society?

12:44

Malcolm Chisholm (Edinburgh Northern and Leith) (Lab): I congratulate Jim Eadie on securing the debate. I also congratulate NHS Lothian because Edinburgh is, I think, the first city in the world to offer the family nurse partnership programme to all eligible mothers—in this case, teenage mothers.

The programme started five years ago. It was, in a sense, part of a wider movement towards focusing on investment in the early years as part

of the preventative spend agenda. The idea is that, by investing a lot of money in the early years, some of the problems that children face growing up and later in life will be avoided.

As Jim Eadie said, the family nurse partnership programme is based on a programme from America, which is well-evidenced by randomised controlled trials. We know from Professor Olds and the evaluation in America that the programme's outcomes include better pregnancies, improved child health and development, and improved parental life course. Of course, that does not automatically mean that the outcomes in Scotland would be the same. For a start, we have a national health service: clearly, there is nothing like that in America. Therefore, it is important that we do separate evaluations in Scotland. I have read NHS Lothian's latest evaluation, and I will obviously draw on that in my speech.

Like Jim Eadie, I am very enthusiastic about the programme. However, others have been more sceptical. For example, I am told that a recent parliamentary question suggested that breastfeeding rates for mothers on the programme were 5 per cent only. We should not be so starry-eyed that we do not focus on areas where the outcomes are perhaps not so outstanding. However, in general, I am positive about the programme.

The programme appears to be tightly controlled and prescribed—everyone must follow the procedures and protocols that were laid out by the programme's founders. However, in reading the evaluation, I see that, in a sense, part of the prescription is to be flexible; there is flexibility to meet individual clients' needs.

The training of the nurses is important. I was struck and impressed by mothers being involved in the selection of the nurses. The key issue seems to be the quality of the relationship between the nurse and the mother, and the consistency of that relationship over a significant period, with regular visits. It seems to be a non-judgmental approach. The nurse can say to the mother, "Take this on board if you want to." In addition, the small attrition rates suggest that the programme is valued highly by the mothers who receive it.

The basic idea is to give mothers the support that they need, to help children to get the best possible start in life and to prevent the problems that might otherwise arise. We should not just look at the programme from a public expenditure point of view, because the programme is quite expensive in the short run. However, the belief in America and the evidence from there are that it saves money down the line, because some of the children do not have the problems in later life that they might otherwise have had.

The whole programme is underpinned by attachment theory and recognition of the mothers' strengths, which is a part of the assets-based approach that we sometimes hear about.

The evidence is that the programme is a good one. The Scottish Government has been doing some worth while and innovative work on the early years. Alongside the family nurse partnership, we could look at the early years collaborative. Sometimes, those are set against each other as alternative ways of pursuing a preventative spend agenda. I prefer to see them as complementary initiatives. Indeed, I certainly do not see any contradiction between them.

I welcome what has happened here in my city, and I am glad that the programme has been extended throughout Scotland. Clearly, we must keep on evaluating the programme. If there are weaknesses in the outcomes, we must address those. I commend all the work that has been done here in Edinburgh and I commend the Scottish Government for supporting the programme.

12:49

John Mason (Glasgow Shettleston) (SNP): I thank Jim Eadie for securing a debate on this important subject. The topic is highly important in its own right but, in many ways, it is symbolic of the whole area of preventative spend, which I will concentrate on.

I must say that, as a Glasgow MSP, I do not always support motions that start with the words:

"That the Parliament congratulates Edinburgh".

However, I will make an exception today.

We can come at the subject from different angles and take, say, a health or Edinburgh focus on it. I will take a finance angle, not least because the Finance Committee, of which I am a member, has spent a considerable amount of time thinking about preventative spending. Whenever we discuss the subject, we find that family nurse partnerships are one of the most common examples that are given. Indeed, this was the major topic at a recent round-table event at the University of Edinburgh in which the committee took part.

If we as a Parliament and as a country are serious about spending money in the earlier years to save it later, family nurse partnerships are exactly the kind of thing that we need to be doing. As the preceding two speakers made clear, if a child gets a better start in life, they will not be so far behind when they start school, they are less likely to be in trouble in their teenage years and they are more likely to do well in later life. I think that we are all signed up to the concept; I certainly sense a lot of agreement on the issue when we

MSPs are in smaller groups at committee meetings and are, perhaps, behaving more sensibly.

As I understand it, the FNP programme has tightly defined rules—albeit that, as we have heard, it has a certain flexibility. It deals with a specific group of young mothers and has been well analysed, especially in the United States.

One of the challenges that we face is whether we can move more resources into the early years—whether that means FNPs or other programmes—because that means moving resources away from more reactive forms of expenditure. For example, in the health field, we might think of moving resources away from hospitals and into community and preventative programmes. That is where it becomes more difficult to gain consensus, especially when we get together in the combative atmosphere of the chamber. Are we really happy for some hospitals to be closed to free up resources for young families in the community? Are we happy to let accident and emergency waiting times rise to let general practitioners spend more time with their patients?

I thank the Royal College of Nursing for its briefing for today's debate, in which it, too, highlights the tension on where resources should go and refers in particular to resources, staffing and the professional back-up that is required for the FNP programme. The RCN is particularly concerned that the wider health visiting service is stretched and competing for the same resources. The question that it raises is valid. In the final paragraph of its briefing, it says:

“So that no children fall through the gaps, the RCN believes that the Scottish Government should ensure Scotland has adequate health visitors, in addition to FNP nurses.”

As a result, we should be putting more emphasis on FNP nurses and health visitors, given that both are based very much in the community.

As for where the resources would come from, I presume that they would come from reducing resources for hospitals. I note that in the statement entitled “Building a more sustainable NHS in Scotland: Health professions lead the call for action”, which has already been debated in the chamber, the RCN said:

“the focus has remained firmly on the traditional model of hospitals as the mainstay of the health service. This needs to change.”

As the motion says, we congratulate Edinburgh and commend the valuable work undertaken by family nurse partnerships in Lothian and across Scotland, and I very much hope that we can continue building on this example by disinvesting

from our more reactive services and investing more at the preventative end.

The Deputy Presiding Officer: I call Jackson Carlaw, after whom we will move to the minister for her closing speech.

12:53

Jackson Carlaw (West Scotland) (Con): I hope to be commendably brief, Presiding Officer.

Although I support Jim Eadie's motion on family nurse partnerships, I will raise some concerns about the consequences—John Mason expressed views about that, which I very much share. I support the family nurse partnership because of its focus on the preventative agenda; after all, all the evidence suggests that, if we are to make savings in our health service to ensure that it can cope with the wider challenges that we know it will face with an ageing population, we have to become much more successful in our preventative strategy. Although Mr Eadie is right about family nurse partnerships—the programme's track record in the United States, which Malcolm Chisholm referred to, and in England shows that it can have dramatic results—it is neatly targeted and focused on young mothers under the age of 19, and it has a consequence for the wider health visiting strategy.

The Scottish Conservatives have expressed concern about our approach to health visiting. Each of our 14 health boards can determine its approach to that and the resource that it puts towards it. We moved away from a nationally GP-attached service to one that works in teams. The consequence was that the skill set that previously existed in individual health services, with health visitors being attached to GP practices, was slightly diminished by a range of skill sets in the broader teams that were then brought to bear.

Some of those skilled health visitors have now applied to be family nurse partnership specialists, which has further diminished skill sets in the health visiting service. Moreover, more than 40 per cent of the family nurse partnership staff are aged 50 or over, and a significant age issue is arising in national health visiting as well.

The Scottish Conservatives support family nurse partnerships. We believe that such targeted and focused assistance to the group involved is important. However, we also believe in a universal GP-attached health visiting service that takes children through to the age of seven, because there is a lot of compelling evidence to suggest that trends that develop in young children beyond the age of two—from the age of three and beyond—that lead to obesity, potential future addictions or even offending rates, can be dealt with through such intervention and support.

We believe in a universal service so that all children have access to it, but we also believe that there should be a concentration on areas with high levels of health inequality and deprivation, because that is where the service is needed most. There are young mothers who are vulnerable, deprived and over the age of 19, and they do not have the benefit of a family nurse partnership, but they need the support of a well resourced health visiting service if we are to succeed in the much wider spectrum of prevention in young persons' issues.

I fully support the family nurse partnership programme and would like it to be rolled out further but, in the wider debate that we are having—I hope that the minister accepts that this is not a criticism but part of what we hope is a constructive approach to the shape of the health service going forward—I do not necessarily believe that this is, as John Mason said, a question of hospitals closing down. The whole point about a health prevention strategy is that we can—with a different model of GP facilities and with a successful health prevention strategy—reduce the incidence of people presenting at A and E and potentially the cost burden to the health service of type 2 diabetes, for example, because we could prevent that with a better approach to young people's health and by avoiding issues of obesity.

I hope that the minister accepts my remarks in the spirit in which they are meant. I am concerned and I feel that, in the next parliamentary session, as we look at how this new model of healthcare develops, we need to roll out family nurse partnerships, which I believe are successful, in conjunction with a wider availability of service to a much wider target group of people, universally, and particularly where vulnerabilities and health inequalities exist.

12:58

The Minister for Public Health (Maureen Watt): I am delighted to be asked to congratulate NHS Lothian on Edinburgh becoming the first city in the world to offer the family nurse partnership programme to all eligible women in the programme's fifth anniversary year. I welcome the speeches that members have made and I thank Jim Eadie for lodging the motion.

In 2010, NHS Lothian was the first board in Scotland to deliver the programme. It has been clear in its commitment to the programme from the outset. Evidence from the evaluation that was carried out over three years demonstrated that the programme could be implemented with fidelity to the original research model.

NHS Lothian has worked closely with the Scottish Government, using a co-production model, to ensure that learning is embedded in wider policy rather than just in the programme. The lessons that can be learned from the family nurse partnership are being applied in the wider health visiting community. Learning has been shared with other universal services, including maternity services and health visiting, and I commend them for their continuing commitment to the programme.

The commitment has been demonstrated further by expansion to other parts of NHS Lothian, including West Lothian, East Lothian and Midlothian, which will also have the opportunity to benefit from the programme. There are also the other health boards that Jim Eadie mentioned. The programme has started in NHS Grampian and will start in the Borders later this year, so it will cover 10 boards.

This is the first time that the Scottish Government has implemented a licensed, evidence-based programme at scale. Further expansion of the programme has to be agreed with the licence provider, Professor Olds, to maintain the quality of the implementation. The programme's success so far has been demonstrated through the recruitment and retention of clients, as well as the dedication of the nursing teams that support them. NHS Lothian has an average uptake of 81 per cent, with only 9.6 per cent leaving the programme before their child reaches the age of two. That is well within the fidelity targets that are set in the licence, and that has been maintained throughout the implementation.

The achievement was recognised at the recent event that the First Minister hosted at Edinburgh castle to celebrate with NHS Lothian and bring a message of continuing support from Professor Olds. I was delighted to have the opportunity to attend that event and was struck by the family part of it. That involved not just mothers and their children; partners, boyfriends and husbands were also really enthusiastic and involved in the upbringing of their children. I was struck that their relationships with the nurse partnership were strong. NHS Lothian's experience and learning have been used to inform how the programme can be rolled out across Scotland and how other health services can use it.

In her former role as the cabinet secretary for health, the First Minister visited a clinic in Harlem, New York, in April 2009, where she first recognised the strength of the programme's evidence base and how it could contribute to giving all our children the best start in life. The programme supports first-time young mothers from early pregnancy until the child reaches two

and it aims to improve maternal and birth outcomes, child health and development, and the family's economic self-sufficiency. We have also noted a reduction in the number of children's injuries; less neglect and abuse; and less criminal behaviour in other children and mothers. The investment is showing wider dividends.

The Scottish Government has invested £15.5 million in the programme since 2010. That has allowed dedicated nursing teams to be put in place in nine health boards. I stress again that the family nurse partnership teams are an addition to the existing community nursing workforce, which supports families who do not receive the family nurse partnership programme. We are not taking away from existing services.

The investment has also supported the infrastructure in NHS boards to allow the programme to be supported in the local context. An emphasis is placed on data collection at each visit, and the data is used to inform continuous quality improvement at each level of the programme, whether that be nurse-client, team or NHS board.

The sub-group of the population that is served by the family nurse partnership programme was recognised as a vulnerable group in the National Institute for Health and Care Excellence guidance on pregnancy and complex social factors that was published in 2010. It recognised that young women under the age of 20 should be supported through the provision of tailored advice and support that recognises their specific needs. The family nurse partnership programme goes further than that; it also recognises the strengths in that population and where there are opportunities to work with them to help them to make good choices for them and their children.

The group's vulnerabilities must not be underestimated. According to the most recent Information Services Division teenage pregnancy report, which was published in June 2014, those who are most deprived are 4.6 times more likely to have a teenage pregnancy. The report states that, in the group of under-20s from the most deprived areas, the rate of those who go on to have their babies is almost 12 times greater than that in the least deprived areas. We also know that levels of poor health behaviours, such as smoking, are highest in that group.

The strength of the programme is that it has generated transformational change in the partner organisations outwith the national health service—particularly in housing—and helped them to recognise how to realign their services to meet the particular needs of young mothers and their families. That insightful learning was first gathered by NHS Lothian and has led to a much greater understanding by all services of what it takes to

support the population group well. NHS Lothian has provided guidance and support to the other NHS boards to help inform them of how to work in an integrated way with other service providers who might not immediately recognise the importance of their role.

I recognise the achievements of nurses and families from the NHS Lothian area in successfully implementing a social intervention as complex as the family nurse partnership programme.

The Deputy Presiding Officer: I thank all the members who took part in this important debate.

13:05

Meeting suspended.

14:30

*On resuming—***Business Motion**

The Deputy Presiding Officer (Elaine Smith): Good afternoon, colleagues. The first item of business this afternoon is consideration of business motion S4M-13613, in the name of Joe FitzPatrick, on behalf of the Parliamentary Bureau, setting out a timetable for stage 3 consideration of the Air Weapons and Licensing (Scotland) Bill.

Motion moved,

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

Groups 1 to 3: 35 minutes

Groups 4 to 7: 1 hour 10 minutes

Groups 8 to 10: 1 hour 30 minutes.—[*Joe FitzPatrick.*]*Motion agreed to.***Air Weapons and Licensing
(Scotland) Bill: Stage 3**

14:30

The Deputy Presiding Officer (Elaine Smith): The next item of business is stage 3 proceedings on the Air Weapons and Licensing (Scotland) Bill.

In dealing with the amendments, members should have the bill as amended at stage 2, which is SP bill 49A, the marshalled list of amendments, which is SP bill 49A-ML, and the groupings of amendments, which is SP bill 49A-G.

The division bell will sound and proceedings will be suspended for five minutes for the first division of the afternoon. The voting period thereafter will be 30 seconds. Following that, I will allow a period of one minute for the first division after each debate. Members who wish to speak in the debate on any group of amendments should press their request-to-speak button as soon as possible after I call the group.

Members should now refer to the marshalled list of amendments, please.

**Section 2—Requirement for air weapon
certificate**

The Deputy Presiding Officer: Group 1 is on air weapons: requirements for grant or renewal of an air weapon certificate. Amendment 1, in the name of Alex Fergusson, is grouped with amendments 2 to 4. If amendment 2 is agreed to, I cannot call amendments 3 and 4, due to a pre-emption.

Alex Fergusson (Galloway and West Dumfries) (Con): I thank the Presiding Officers for allowing these amendments, which were also lodged at stage 2, to be brought back at stage 3. We believe that they are worthy of further consideration, and I am grateful to the Presiding Officers for permitting that.

The purpose of amendments 1 and 2 is really quite simple: it is to save unnecessary bureaucracy, unnecessary expense and unnecessary use of police officers' valuable time. Surely those are three worthy aims.

As we know, there are an estimated 500,000 air weapons in Scotland and presumably at least 300,000 people who own them. Each and every one of those people will have to undergo a process to be approved for and obtain an air weapon certificate. That is a pretty monumental task in anybody's book, but when it is to be carried out by Police Scotland, which is in the process of reducing Scotland's specialist resource of civilian firearms officers from an already miserly 34 to the

almost unbelievably low number of 14, one has to query whether it is achievable. Even if it is, I have to question its necessity.

When the statistical data on recorded crimes and offences were eventually published not that long ago, they showed that airgun crime is at its second-lowest level in the past decade. There has been a 73 per cent reduction in airgun crime from its peak. It therefore seems to me that, if the purpose of the regime is to reduce airgun crime and we want to find the perfect example of taking a large sledgehammer to crack a fairly small nut, we need look no further than the proposal.

On top of that, I have not spoken to a single person who has been engaged in the debate or discussion who seriously believes that the licensing regime in itself will do anything to reduce airgun crime. Too many airguns will simply drop off the radar once the bill comes into force for that to be the case. Those that drop off the radar are unlikely to fall into the hands of people who will immediately rush to ensure that they have the necessary permit to hold an airgun.

It is clear that the bill will be passed today—I accept that entirely. Therefore, in order to reduce the bureaucracy, expense and time involved, I urge the Government to accept amendments 1 and 2, which would simply mean that existing and future holders of shotgun licences and firearms certificates would not be required to undergo a further process in order to possess an airgun.

If nothing else, that would reduce the number having to be processed by some 40,000. More important, if someone is already deemed to be a fit and proper person to own either a rifle or a shotgun—both of which are infinitely more dangerous weapons than any airgun—it is surely disproportionate beyond belief to require such a person to undergo yet another process and further expense in order to possess an air weapon as well.

My amendments would save time, money and precious police resources. If amendments 1 and 2 are unacceptable to the Government, I offer amendments 3 and 4 as a less satisfactory but nonetheless simpler compromise than the bill as it is published. What is not to like?

I move amendment 1.

The Deputy Presiding Officer: Thank you very much. I received no prior notification that members wish to contribute to the debate on any of the groups of amendments this afternoon. I accept that members may press their request-to-speak buttons, in which case I will try to call them, but I must ask for brevity of contributions. I call Elaine Murray, to be followed by Liam McArthur.

Elaine Murray (Dumfriesshire) (Lab): My apologies, Presiding Officer. I did not realise that we had to notify you in advance if we wanted to speak on amendments.

The Deputy Presiding Officer: You do not have to notify us in advance, but if we run out of time I cannot call members because the timings are based on what we know.

Elaine Murray: I will bear that in mind.

The Countryside Alliance has contacted us about this issue and I have had a couple of constituents contact me to say that people who already have a firearms licence should automatically be allowed to have an air weapons licence.

I resist the amendments in this group. Firearms regulations differ from the arrangements in the bill. If somebody has one firearm, they are not automatically allowed to have another firearm—another lethal weapon. Therefore, the fact that somebody has a licence for a firearm should not necessarily mean that they are automatically entitled to have an air weapon—another lethal weapon—without showing that there is a good reason for that.

I therefore resist the idea that somehow because someone has a licence for one firearm they should be allowed to have any number of air weapons without having to prove that they have a good reason for having them.

The bill does provide for some exemptions and quite rightly so, but I believe that the chief constable should be satisfied that someone has a good reason for holding a lethal weapon, because airguns of the size and power in question are lethal weapons and people should have to have a good reason for having one.

I understand that farmers in particular may feel that, because they tend to have a shotgun licence, they should be allowed to have an air weapons licence, but this is not just about the farming community; it is about the whole community in Scotland. It is important that the bill stays as it is and is not amended in this regard.

On the second set of amendments in this group—amendments 3 and 4—amendment 3 proposes substituting “must” for “may”. I think that “may” is the normal terminology in legislation, but in any case they are just another way of trying to do the same thing as amendments 1 and 2. I would resist all four amendments in Alex Fergusson’s name.

Liam McArthur (Orkney Islands) (LD): The minister will be aware of the concerns expressed by my colleague Tavish Scott at stage 1 about the proportionality and effectiveness of the bill as it stands. I very much welcome the fact that Alex

Fergusson has succeeded in lodging his amendments.

From my experience, Police Scotland is indeed struggling to cope with the workload pressures already involved in administering shotgun licences. The amendments lodged by Alex Fergusson would at least offer some opportunity to make the bill a bit more proportionate and ease some of those workload pressures on Police Scotland.

I am therefore happy to lend the amendments my support.

The Cabinet Secretary for Justice (Michael Matheson): Mr Fergusson has lodged a group of amendments that would fundamentally change the way in which we and the police intend to approach the licensing of air weapons under this bill.

The amendments reflect some of the objections that we have heard to the principles of air weapons licensing. Those objections were expressed by some of the shooting representatives on our expert consultative panel and by others who responded to our public consultation in early 2013. The Local Government and Regeneration Committee heard similar views during the first evidence session on the bill last November and again at stage 2, when Mr Buchanan lodged his amendments. However, as I said at stage 2, we believe that the measures and tests set out in part 1 of the bill achieve our aim of establishing a familiar, proportionate and practical licensing regime for air weapons.

Amendment 1 and the consequential amendment 2 seek to provide an automatic exemption from the need for an air weapons certificate for any person who already holds a firearms certificate or shotgun certificate issued by the police under the Firearms Act 1968. We considered that as a potential exemption from the licensing requirement when we first developed the bill, but we rejected the option for several reasons.

Under the Firearms Act 1968, for example, the tests for the grant of a firearms or shotgun certificate are different. The test for granting shotgun certificates is less stringent. There is no fit-and-proper-person test, and the onus is on the police to demonstrate the absence of a good reason to be granted a certificate, rather than the applicant having to show good reason. That is not the right approach to the licensing of firearms, including air weapons.

Also, firearms, shotguns and air weapons are used for different purposes and in different circumstances, as the police clearly explained when they gave evidence to the committee at stage 1. It does not necessarily follow that someone who has a legitimate reason for requiring

a powerful rifle, for example, will also have a good reason for requiring an air weapon.

The bill gives us the chance to set out proper provisions for the regulation of air weapons in a modern Scotland. Applicants should be required to demonstrate that they have a reasonable and proper use for the guns and that they can be entrusted to use them responsibly and safely.

Liam McArthur: Will the cabinet secretary take an intervention?

Michael Matheson: I will first finish my points.

Amendments 3 and 4 offer an alternative to the first two amendments in the group. They would require the chief constable to consider any applicant who holds a firearms or shotgun certificate automatically to meet the requirements to be granted an air weapon certificate without any further inquiry. Accepting those amendments would undermine the fundamental principle behind the licensing regime and the tests that are set out in it.

Having said all that, we have been clear that the new licensing regime should not place undue burdens on the police or applicant. We have made provision in section 5(2) to allow the chief constable to take as satisfied the tests that a person is fit to be entrusted with an air weapon, and that they are not prohibited from possessing firearms under the Firearms Act 1968, if they already hold a firearms or shotgun certificate.

We also make provision at section 9 to allow the alignment of air weapons certificates with those for firearms and shotguns. Coterminal certificates exist to align firearms and shotgun licences. The addition of air weapons will mean that all certificates fall to be renewed on the same date, reducing the burden on the applicant and the licensing authority. The fee for a coterminal air weapons certificate application will, as a result, be set at a lower level than that for a full application, as the police will be able to conduct all their inquiries at the same time.

Those measures go significantly towards the aims set out in Mr Fergusson's amendments, but without compromising our overall objective of setting an adequate and fair test for the granting of certificates.

Liam McArthur: I have listened carefully to the cabinet secretary's points. He has gone some way to addressing the concerns around burden, but Police Scotland is clearly struggling to deal with the workload pressures in operating gun licensing provisions. What he has set out will not satisfactorily address the concerns about the additional workload under the new regime. What reassurances will he give that Police Scotland is

geared up to deal with the workload pressures that will come as a result of the bill?

Michael Matheson: The member should consider Police Scotland's evidence to the Local Government and Regeneration Committee when it outlined how gun certificates are dealt with. There is a peak and trough in workload, and we are timing the introduction of air weapons licensing to fit into the period when a lower number of firearms and shotgun certificates require renewal.

Police Scotland is introducing a new database to deal with licences. It is confident that it can manage requirements smoothly, proportionately and reasonably. I am confident that, given the assurances that Police Scotland has given us, we can take forward the new regime. On that basis, I encourage Parliament to reject amendments 1 to 4.

The Deputy Presiding Officer: I invite Alex Fergusson to wind up and to indicate whether he will press or withdraw his amendment.

Alex Fergusson: I am grateful to members for their contributions. I say to Elaine Murray that the issue is not by any means just about the farming community, although we and other members will have received representations from that community. Indeed, many different people will consider that the extra burden that is to be placed on them is as unnecessary as it is disproportionate.

The cabinet secretary has pointed out, understandably, that the applicant has to show good reason for possessing a shotgun instead of the other way round, as happens in the current firearms licensing regime. At the end of the day, however, police officers or enforcement officers still have to decide whether that reason is good enough, so a burden is still being placed on the police.

I do not know whether the cabinet secretary is aware of this, but—and I will come back to this issue later this afternoon—I am reliably informed that Police Scotland is already failing to keep up with quite a heavy backlog of shotgun certificate and firearms licence applications. However much the Government might be trying to bring the processes together, I cannot see that this new process will be anything other than a very heavy burden on Police Scotland officers, when most of us think that they have better things to do.

We have made the arguments, and I accept that we are where we are. Nevertheless, I will press amendment 1.

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

Members: No.

The Deputy Presiding Officer: There will be a division. As this is the first division of the afternoon, I suspend the meeting for five minutes, after which there will be a 30-second division.

14:46

Meeting suspended.

14:51

On resuming—

The Deputy Presiding Officer: We move to the division on amendment 1.

For

Brown, Gavin (Lothian) (Con)
 Buchanan, Cameron (Lothian) (Con)
 Carlaw, Jackson (West Scotland) (Con)
 Davidson, Ruth (Glasgow) (Con)
 Fergusson, Alex (Galloway and West Dumfries) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Goldie, Annabel (West Scotland) (Con)
 Hume, Jim (South Scotland) (LD)
 Johnstone, Alex (North East Scotland) (Con)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 McArthur, Liam (Orkney Islands) (LD)
 McGrigor, Jamie (Highlands and Islands) (Con)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Rennie, Willie (Mid Scotland and Fife) (LD)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland Islands) (LD)
 Smith, Liz (Mid Scotland and Fife) (Con)

Against

Adam, George (Paisley) (SNP)
 Adamson, Clare (Central Scotland) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Allard, Christian (North East Scotland) (SNP)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Biagi, Marco (Edinburgh Central) (SNP)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Brodie, Chic (South Scotland) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Campbell, Roderick (North East Fife) (SNP)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Don, Nigel (Angus North and Mearns) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Dugdale, Kezia (Lothian) (Lab)
 Eadie, Jim (Edinburgh Southern) (SNP)
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Fee, Mary (West Scotland) (Lab)
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)

Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Ind)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hilton, Cara (Dunfermline) (Lab)
 Hyslop, Fiona (Linlithgow) (SNP)
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)
 Johnstone, Alison (Lothian) (Green)
 Keir, Colin (Edinburgh Western) (SNP)
 Kelly, James (Rutherglen) (Lab)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Malik, Hanzala (Glasgow) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDonald, Mark (Aberdeen Donside) (SNP)
 McDougall, Margaret (West Scotland) (Lab)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMahan, Michael (Uddingston and Bellshill) (Lab)
 McMahan, Siobhan (Central Scotland) (Lab)
 McMillan, Stuart (West Scotland) (SNP)
 McTaggart, Anne (Glasgow) (Lab)
 Murray, Elaine (Dumfriesshire) (Lab)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Pearson, Graeme (South Scotland) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Drew (Glasgow) (Lab)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, David (Highlands and Islands) (Lab)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Urquhart, Jean (Highlands and Islands) (Ind)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Wilson, John (Central Scotland) (Ind)
 Yousaf, Humza (Glasgow) (SNP)

The Deputy Presiding Officer: The result of the division is: For 19, Against 96, Abstentions 0.

Amendment 1 disagreed to.

Section 5—Grant or renewal of air weapon certificate

Amendment 2 not moved.

Amendment 3 moved—[Alex Fergusson].

The Deputy Presiding Officer: The question is, that amendment 3 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Brown, Gavin (Lothian) (Con)
 Buchanan, Cameron (Lothian) (Con)
 Carlaw, Jackson (West Scotland) (Con)
 Davidson, Ruth (Glasgow) (Con)
 Fergusson, Alex (Galloway and West Dumfries) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Goldie, Annabel (West Scotland) (Con)
 Hume, Jim (South Scotland) (LD)
 Johnstone, Alex (North East Scotland) (Con)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 McArthur, Liam (Orkney Islands) (LD)
 McGrigor, Jamie (Highlands and Islands) (Con)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Rennie, Willie (Mid Scotland and Fife) (LD)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland Islands) (LD)
 Smith, Liz (Mid Scotland and Fife) (Con)

Against

Adam, George (Paisley) (SNP)
 Adamson, Clare (Central Scotland) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Allard, Christian (North East Scotland) (SNP)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Biagi, Marco (Edinburgh Central) (SNP)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Brodie, Chic (South Scotland) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Campbell, Roderick (North East Fife) (SNP)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinrossshire) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Don, Nigel (Angus North and Mearns) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Dugdale, Kezia (Lothian) (Lab)
 Eadie, Jim (Edinburgh Southern) (SNP)
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Fee, Mary (West Scotland) (Lab)
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Ind)
 FitzPatrick, Joe (Dundee City West) (SNP)

Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and
 Lauderdale) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hilton, Cara (Dunfermline) (Lab)
 Hyslop, Fiona (Linlithgow) (SNP)
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)
 Johnstone, Alison (Lothian) (Green)
 Keir, Colin (Edinburgh Western) (SNP)
 Kelly, James (Rutherglen) (Lab)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Malik, Hanzala (Glasgow) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDonald, Mark (Aberdeen Donside) (SNP)
 McDougall, Margaret (West Scotland) (Lab)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse)
 (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMahon, Michael (Uddingston and Bellshill) (Lab)
 McMahon, Siobhan (Central Scotland) (Lab)
 McMillan, Stuart (West Scotland) (SNP)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 Murray, Elaine (Dumfriesshire) (Lab)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Pearson, Graeme (South Scotland) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Salmond, Alex (Aberdeenshire East) (SNP)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Drew (Glasgow) (Lab)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, David (Highlands and Islands) (Lab)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Urquhart, Jean (Highlands and Islands) (Ind)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Wilson, John (Central Scotland) (Ind)
 Yousaf, Humza (Glasgow) (SNP)

The Deputy Presiding Officer: The result of the division is: For 19, Against 98, Abstentions 0.

Amendment 3 disagreed to.

Amendment 4 moved—[Alex Fergusson].

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

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Brown, Gavin (Lothian) (Con)
 Buchanan, Cameron (Lothian) (Con)
 Carlaw, Jackson (West Scotland) (Con)
 Davidson, Ruth (Glasgow) (Con)
 Fergusson, Alex (Galloway and West Dumfries) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Goldie, Annabel (West Scotland) (Con)
 Hume, Jim (South Scotland) (LD)
 Johnstone, Alex (North East Scotland) (Con)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 McArthur, Liam (Orkney Islands) (LD)
 McGrigor, Jamie (Highlands and Islands) (Con)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Rennie, Willie (Mid Scotland and Fife) (LD)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland Islands) (LD)
 Smith, Liz (Mid Scotland and Fife) (Con)

Against

Adam, George (Paisley) (SNP)
 Adamson, Clare (Central Scotland) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Allard, Christian (North East Scotland) (SNP)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Baxter, Jayne (Mid Scotland and Fife) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Biagi, Marco (Edinburgh Central) (SNP)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Brodie, Chic (South Scotland) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Campbell, Roderick (North East Fife) (SNP)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Don, Nigel (Angus North and Mearns) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Dugdale, Kezia (Lothian) (Lab)
 Eadie, Jim (Edinburgh Southern) (SNP)
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Fee, Mary (West Scotland) (Lab)
 Fergusson, Patricia (Glasgow Maryhill and Springburn) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Ind)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)

Gray, Iain (East Lothian) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hilton, Cara (Dunfermline) (Lab)
 Hyslop, Fiona (Linlithgow) (SNP)
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)
 Johnstone, Alison (Lothian) (Green)
 Keir, Colin (Edinburgh Western) (SNP)
 Kelly, James (Rutherglen) (Lab)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Malik, Hanzala (Glasgow) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDonald, Mark (Aberdeen Donside) (SNP)
 McDougall, Margaret (West Scotland) (Lab)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMahan, Michael (Uddingston and Bellshill) (Lab)
 McMahan, Siobhan (Central Scotland) (Lab)
 McMillan, Stuart (West Scotland) (SNP)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 Murray, Elaine (Dumfriesshire) (Lab)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Pearson, Graeme (South Scotland) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
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 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
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 Stewart, David (Highlands and Islands) (Lab)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Urquhart, Jean (Highlands and Islands) (Ind)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Wilson, John (Central Scotland) (Ind)
 Yousaf, Humza (Glasgow) (SNP)

The Deputy Presiding Officer: The result of the division is: For 19, Against 100, Abstentions 0.

Amendment 4 disagreed to.

After section 41

The Deputy Presiding Officer: Group 2 is on alcohol licensing: licensing objectives. Amendment

5, in the name of Patrick Harvie, is grouped with amendments 6 and 7.

Patrick Harvie (Glasgow) (Green): I was prompted to lodge my amendments after the recent decision about the Arches venue in Glasgow. Members will be aware of the press coverage of Glasgow licensing board's decision to revoke the Arches' ability to operate past midnight, effectively closing it as a club venue, with the consequent job losses and the cultural loss of the venue to Glasgow and Scotland.

Members will be aware of the 40,000 members of the public who signed a petition calling for that licensing board decision to be reversed. [*Interruption.*]

The Deputy Presiding Officer: Order, please. Could we hear the member?

Hanzala Malik (Glasgow) (Lab): Will the member take an intervention?

Patrick Harvie: Not at the moment, thank you.

Members will also be aware of the open letter that was signed by more than 400 leading names in Scotland—

Hanzala Malik: Will the member give way?

Patrick Harvie: Not at the moment, thank you.

The letter was signed by almost 400 members of the arts community in Glasgow. They said:

“our main concern is that we are not satisfied that full consideration has been given to the potentially catastrophic impact this decision will have on the cultural life of Scotland.”

The letter goes on to look at the social as well as cultural benefit of the venue:

“Thousands of people from all over the country come together at the Arches at weekends, and it is widely regarded by leading professionals as one of the best venues in the world.”

Later on, it says:

“As a key venue at the centre of Glasgow's remarkable cultural renaissance of the past 25 years The Arches importance to the future of the cultural life of Scotland cannot be overstated”.

Having discussed the situation with colleagues who serve on licensing boards, I intend to address two issues through my amendments. First, the existing licensing objectives focus on the issues of potential harm, crime and disorder, the threat to public safety, nuisance, the impact on public health and the need to protect children from harm. Those are important factors and licensing boards should take them into account, but positive factors can come from licensed venues and their cultural and social benefit to a community. Those factors should also be taken into account.

Amendment 5 would introduce the additional licensing objective of

“promoting social and cultural life.”

John Mason (Glasgow Shettleston) (SNP): Is the member arguing that a venue that is causing problems should be closed if it is a stand-alone venue but allowed to stay open if it is linked to an arts venue?

Patrick Harvie: I am arguing that our approach to licensing should take a holistic look at all the impacts of a decision, not just some of them.

Amendments 6 and 7 address a second concern that colleagues on licensing boards threw up. They often feel drawn to making a decision purely about one venue rather than about the wider impact. In this case, we are looking at the harm that is caused by recreational drugs. Most of the people who went clubbing at the Arches used a recreational drug, but it was a licensed and legal recreational drug—alcohol—and most of us also use it. Recreational drugs pose a risk of harm that we should take seriously.

The Arches has a long-standing record as one of the most progressive, enlightened and responsible venues in relation to illegal drugs. It reported issues to the police, made sure that medical facilities were on site for when someone got into trouble and trained its staff well. The idea that closing such a venue means that people who use illegal recreational drugs when they go out clubbing will instead go to the library or to a poetry reading is nonsense. People will use the same drugs in less responsible and experienced venues. Let us not kid ourselves—many clubs in Glasgow, and elsewhere, will not report it to the police when they find drugs on the premises; they will flush them. Let us not pretend that there are not irresponsible venues out there.

By taking our current approach to licensing, we risk increasing the incentive for such irresponsible behaviour. Amendments 6 and 7 ask that we balance the decision about individual premises with the wider impact on the community.

15:00

Sandra White (Glasgow Kelvin) (SNP): I hear what Patrick Harvie is saying, but to be precise we are talking about one venue operating in two different ways. As John Mason suggested, people say that the Arches nightclub pays for the cultural part of it—and obviously we are sorry about anyone losing their job—but surely it would be better to give money to the cultural part of the Arches, rather than doing as Patrick Harvie suggests, which is to say that if a venue is safe to use drugs, it is all right as a cultural and social

venue? What about all the other social venues that do not participate in that?

Patrick Harvie: The argument for additional arts funding to try to salvage some of the Arches business model is still on the table.

The case that I am making for amendments 6 and 7 is not the same as for amendment 5. Amendment 5 is about cultural and social life as a licensing objective. For amendments 6 and 7, I would make the same case for a purely commercial club venue, which had no artistic element as part of its business model, as for the Arches. If we have a responsible venue, which behaves well, trains its staff and provides medical facilities, do we really think that we are improving public safety by closing it down and ensuring that its customers will go elsewhere, to a less experienced or less responsible venue? It is not appropriate to leave the alcohol licensing regime to mop up the harm that is done by irrational drug laws in this country.

I move amendment 5.

The Deputy Presiding Officer: Despite the fact that the Parliament agreed a timetabling motion, it is clear from the number of members who have requested to speak that the agreed time will not be sufficient. Therefore, under rule 9.8.5A, I am minded to accept a motion without notice to propose that the time limit be extended by 15 minutes.

Motion moved,

That, under Rule 9.8.5A, the first time limit be moved by 15 minutes.—[*Joe FitzPatrick.*]

Motion agreed to.

The Deputy Presiding Officer: That will extend the time limit for subsequent groups. I notify members that the clock in the chamber was reset in error. The time used in debate on amendments began at 2.32 pm and the timetable for consideration of amendments will be taken from that time.

Claire Baker (Mid Scotland and Fife) (Lab): I appreciate the concerns that Patrick Harvie raises and I recognise that it is about the regrettable closure of the Arches in Glasgow. There is a discussion to be had about how licensing boards operate, the proportionate policing of Glasgow’s club scene and the responsibility of licensed premises to meet public safety demands. We have not had much time to consider the amendments, but I am not convinced that the bill is the right way in which to deal with those issues.

We may need to have the debate at another time. It should not be rushed and would need to include full consultation with all interested parties.

Sandra White: As I explained earlier, I understand about the cultural part of the Arches, but I have real concerns about the definition of “social and cultural life” in amendment 5. I know exactly what Patrick Harvie is saying about the Arches, but there are other forms of cultural life. Would the definition bring in strip clubs or sexual entertainment premises? I am worried that the amendment would go against everything that is sought by some of the amendments to the bill that I have lodged.

As Claire Baker said, perhaps we should have a further debate on this and look at the definition. However, at this late stage, the bill is not the proper channel to go through.

Cameron Buchanan (Lothian) (Con): On amendment 5, I can understand the desire to promote sensible social activities, but does Patrick Harvie not consider that the aim of

“promoting social and cultural life”

is already achieved by adherence to the current licensing objectives on the public’s behalf?

Licensing objectives are intended to protect the public and that should remain their core purpose. I appreciate the principles behind amendments 6 and 7, but I have concerns about their implementation. The objectives are meant to protect the public from particular problems and licensing decisions should respond to those when necessary. The key phrase is “where necessary”: local issues should be responded to locally.

Will Patrick Harvie confirm whether the intention of amendments 6 and 7 is to clarify the board’s responsibility for its whole area or to encourage restrictions to be applied across a whole board area, even when many parts of that area will not have pressing licensing issues?

As has been said, it is hard not to be sympathetic to the aims behind Mr Harvie’s amendments, but this is not the time or the place to debate them.

Ken Macintosh (Eastwood) (Lab): I sympathise with Patrick Harvie’s motivation in lodging these amendments. The future of the Arches is an issue that has been raised by colleagues—including Drew Smith and Claire Baker—on the Labour side of the chamber. However, I would put two arguments to Mr Harvie. First, changing the legislation governing licensing to introduce a whole new objective of

“promoting social and cultural life”

would be a fairly significant development, which at the least deserves fuller consideration.

A second, related point is that it is not generally good practice to introduce new proposals such as this one at stage 3. Civic licensing is already a

complicated area, and the Civic Government (Scotland) Act 1982 has been amended many times.

I urge Mr Harvie, having made his point, to withdraw amendment 5.

Michael Matheson: I am grateful to Patrick Harvie for taking us through his amendments. The licensing objectives represent the values on which the Scottish alcohol licensing system is based, and they are central to the way in which licensing boards carry out their functions under the 2005 act.

The current licensing objectives contained in the 2005 act are

“preventing crime and disorder ... securing public safety ... preventing public nuisance ... protecting and improving public health, and ... protecting children from harm.”

By virtue of section 41 of the bill, the last of those will soon include “young persons”, too.

Patrick Harvie’s proposed objective of

“promoting social and cultural life”

sits very uneasily within an act whose purpose is the regulation of the sale of alcohol. It is difficult to see how it could operate in practice for licensing boards, the trade and the public. I am concerned that, while the aim is laudable, we should not be charging licensing boards with the promotion of social and cultural life. The existing licensing objectives concern themselves with mitigating the effects of alcohol. However, the proposed new objective does not have that same concern as its primary aim.

I am sure that we all expect boards to take decisive action to address alcohol misuse. Amendment 5 has the potential to create difficulties for licensing boards in deciding which objective should be deemed more important than another when considering an individual case, and to deter boards from taking the sorts of decisions that we would expect them to take.

I do not believe that legislation concerning the regulation of the sale of alcohol is the appropriate means by which to consider the promotion of social and cultural life in Scotland. In addition, I am of the view that the promotion of social and cultural life in Scotland is not dependent on the sale and consumption of alcohol. As such, I do not believe that that should become one of the licensing objectives in the 2005 act. I therefore ask Mr Harvie to withdraw amendment 5 and not to move amendments 6 and 7. If those amendments were agreed to, they would undermine the entire alcohol licensing regime and all that it sets out to achieve.

Patrick Harvie: Michael Matheson’s final comment that the objective would undermine

everything that the licensing regime sets out to achieve is a wee bit of hyperbole. Amendment 5 is intended to broaden the aims that we seek to achieve through the licensing regime.

The cabinet secretary says that the regulation of the sale of alcohol is not the place for the promotion of cultural life in Scotland. If that is the case, it is certainly not the place either for the promotion of the objectives of our country's drug laws.

Whether members support or oppose our current drug laws, the fact is that the impact of incidents of illegal drug use was a critical issue that led to the licensing board's decision on the Arches. Once again, I cannot accept the argument that moving recreational drug use from one venue to another increases public safety—certainly not if we are moving it from a responsible, well-trained venue to other venues that are less so.

Drew Smith (Glasgow) (Lab): One issue that the licensing board had to deal with in the case of the Arches was concern from the police. Would the amendments mean that the licensing board could disregard those police concerns, which were at the root of the decision that was taken on the Arches?

Patrick Harvie: I would not want any licensing board in Scotland to disregard the concerns of the police, but I want what one member—I think that it was Claire Baker—called proportionate policing. Is it proportionate or intelligent to signal to other club venues in Glasgow, or elsewhere, that if they report incidents to the police instead of covering them up, they will be putting their licence at risk? At the moment we risk sending out a signal that irresponsible behaviour is less likely to lead to a licence being at risk.

Several members have pointed out that amendment 5 was lodged late, which I freely admit. Some may feel that the change it proposes is too big to introduce at stage 3. I felt that the amendment was a necessary response to recent events, and to challenge the idea that we focus only on harm. We would be wrong to ignore the harm that is caused by licensing the sale of alcohol, but we are also wrong if we fail to acknowledge the good that is done by licensing responsible, well-trained venues, and supporting them to operate even when there are problems. Those problems may be better dealt with on those premises than elsewhere.

I will press amendment 5 to a vote. Whether or not members support it, I think that this issue requires further debate and a recognition that we have been shying away from problems and pretending that our current approach to licensing solves them, when it manifestly does not.

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

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Finnie, John (Highlands and Islands) (Ind)
Harvie, Patrick (Glasgow) (Green)
Hume, Jim (South Scotland) (LD)
Johnstone, Alison (Lothian) (Green)
McArthur, Liam (Orkney Islands) (LD)
Rennie, Willie (Mid Scotland and Fife) (LD)
Scott, Tavish (Shetland Islands) (LD)
Urquhart, Jean (Highlands and Islands) (Ind)
Wilson, John (Central Scotland) (Ind)

Against

Adam, George (Paisley) (SNP)
Adamson, Clare (Central Scotland) (SNP)
Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
Allard, Christian (North East Scotland) (SNP)
Baker, Claire (Mid Scotland and Fife) (Lab)
Baker, Richard (North East Scotland) (Lab)
Baxter, Jayne (Mid Scotland and Fife) (Lab)
Beamish, Claudia (South Scotland) (Lab)
Beattie, Colin (Midlothian North and Musselburgh) (SNP)
Biagi, Marco (Edinburgh Central) (SNP)
Bibby, Neil (West Scotland) (Lab)
Boyack, Sarah (Lothian) (Lab)
Brodie, Chic (South Scotland) (SNP)
Brown, Gavin (Lothian) (Con)
Brown, Keith (Clackmannanshire and Dunblane) (SNP)
Buchanan, Cameron (Lothian) (Con)
Burgess, Margaret (Cunninghame South) (SNP)
Campbell, Aileen (Clydesdale) (SNP)
Campbell, Roderick (North East Fife) (SNP)
Carlaw, Jackson (West Scotland) (Con)
Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
Constance, Angela (Almond Valley) (SNP)
Crawford, Bruce (Stirling) (SNP)
Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
Davidson, Ruth (Glasgow) (Con)
Dey, Graeme (Angus South) (SNP)
Don, Nigel (Angus North and Mearns) (SNP)
Doris, Bob (Glasgow) (SNP)
Dornan, James (Glasgow Cathcart) (SNP)
Dugdale, Kezia (Lothian) (Lab)
Eadie, Jim (Edinburgh Southern) (SNP)
Ewing, Annabelle (Mid Scotland and Fife) (SNP)
Fabiani, Linda (East Kilbride) (SNP)
Fee, Mary (West Scotland) (Lab)
Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)
Fergusson, Alex (Galloway and West Dumfries) (Con)
Findlay, Neil (Lothian) (Lab)
FitzPatrick, Joe (Dundee City West) (SNP)
Fraser, Murdo (Mid Scotland and Fife) (Con)
Gibson, Kenneth (Cunninghame North) (SNP)
Gibson, Rob (Caithness, Sutherland and Ross) (SNP)
Goldie, Annabel (West Scotland) (Con)
Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
Grant, Rhoda (Highlands and Islands) (Lab)
Gray, Iain (East Lothian) (Lab)
Griffin, Mark (Central Scotland) (Lab)
Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
Hilton, Cara (Dunfermline) (Lab)
Hyslop, Fiona (Linlithgow) (SNP)

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 Marra, Jenny (North East Scotland) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDonald, Mark (Aberdeen Donside) (SNP)
 McDougall, Margaret (West Scotland) (Lab)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMahan, Michael (Uddingston and Bellshill) (Lab)
 McMahan, Siobhan (Central Scotland) (Lab)
 McMillan, Stuart (West Scotland) (SNP)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Murray, Elaine (Dumfriesshire) (Lab)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Pearson, Graeme (South Scotland) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Salmond, Alex (Aberdeenshire East) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Drew (Glasgow) (Lab)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, David (Highlands and Islands) (Lab)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Yousaf, Humza (Glasgow) (SNP)

The Deputy Presiding Officer: The result of the division is: For 9, Against 109, Abstentions 0.

Amendment 5 disagreed to.

Amendment 6 moved—[Patrick Harvie].

The Deputy Presiding Officer: The question is, that amendment 6 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Finnie, John (Highlands and Islands) (Ind)
 Harvie, Patrick (Glasgow) (Green)
 Hume, Jim (South Scotland) (LD)
 Johnstone, Alison (Lothian) (Green)
 McArthur, Liam (Orkney Islands) (LD)
 Rennie, Willie (Mid Scotland and Fife) (LD)
 Scott, Tavish (Shetland Islands) (LD)
 Urquhart, Jean (Highlands and Islands) (Ind)
 Wilson, John (Central Scotland) (Ind)

Against

Adam, George (Paisley) (SNP)
 Adamson, Clare (Central Scotland) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Allard, Christian (North East Scotland) (SNP)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Baxter, Jayne (Mid Scotland and Fife) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Biagi, Marco (Edinburgh Central) (SNP)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Brodie, Chic (South Scotland) (SNP)
 Brown, Gavin (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Buchanan, Cameron (Lothian) (Con)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Campbell, Roderick (North East Fife) (SNP)
 Carlaw, Jackson (West Scotland) (Con)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinrossshire) (SNP)
 Davidson, Ruth (Glasgow) (Con)
 Dey, Graeme (Angus South) (SNP)
 Don, Nigel (Angus North and Mearns) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Dugdale, Kezia (Lothian) (Lab)
 Eadie, Jim (Edinburgh Southern) (SNP)
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Fee, Mary (West Scotland) (Lab)
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)
 Fergusson, Alex (Galloway and West Dumfries) (Con)
 Findlay, Neil (Lothian) (Lab)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)
 Goldie, Annabel (West Scotland) (Con)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hilton, Cara (Dunfermline) (Lab)
 Hyslop, Fiona (Linlithgow) (SNP)
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)
 Johnstone, Alex (North East Scotland) (Con)
 Keir, Colin (Edinburgh Western) (SNP)
 Kelly, James (Rutherglen) (Lab)
 Kidd, Bill (Glasgow Anniesland) (SNP)

Lamont, Johann (Glasgow Pollok) (Lab)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Malik, Hanzala (Glasgow) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDonald, Mark (Aberdeen Donside) (SNP)
 McDougall, Margaret (West Scotland) (Lab)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMahan, Michael (Uddingston and Bellshill) (Lab)
 McMahan, Siobhan (Central Scotland) (Lab)
 McMillan, Stuart (West Scotland) (SNP)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Murray, Elaine (Dumfriesshire) (Lab)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Pearson, Graeme (South Scotland) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Salmond, Alex (Aberdeenshire East) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Drew (Glasgow) (Lab)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, David (Highlands and Islands) (Lab)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Yousaf, Humza (Glasgow) (SNP)

The Deputy Presiding Officer: The result of the division is: For 9, Against 109, Abstentions 0.

Amendment 6 disagreed to.

Section 45—Ground for review of premises licence

Amendment 7 moved—[Patrick Harvie].

The Deputy Presiding Officer: The question is, that amendment 7 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Finnie, John (Highlands and Islands) (Ind)
 Harvie, Patrick (Glasgow) (Green)
 Hume, Jim (South Scotland) (LD)
 Johnstone, Alison (Lothian) (Green)
 McArthur, Liam (Orkney Islands) (LD)
 Rennie, Willie (Mid Scotland and Fife) (LD)
 Scott, Tavish (Shetland Islands) (LD)
 Urquhart, Jean (Highlands and Islands) (Ind)
 Wilson, John (Central Scotland) (Ind)

Against

Adam, George (Paisley) (SNP)
 Adamson, Clare (Central Scotland) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Allard, Christian (North East Scotland) (SNP)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Baxter, Jayne (Mid Scotland and Fife) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Biagi, Marco (Edinburgh Central) (SNP)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Brodie, Chic (South Scotland) (SNP)
 Brown, Gavin (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Buchanan, Cameron (Lothian) (Con)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Campbell, Roderick (North East Fife) (SNP)
 Carlaw, Jackson (West Scotland) (Con)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Davidson, Ruth (Glasgow) (Con)
 Dey, Graeme (Angus South) (SNP)
 Don, Nigel (Angus North and Mearns) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Dugdale, Kezia (Lothian) (Lab)
 Eadie, Jim (Edinburgh Southern) (SNP)
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Fee, Mary (West Scotland) (Lab)
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)
 Fergusson, Alex (Galloway and West Dumfries) (Con)
 Findlay, Neil (Lothian) (Lab)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)
 Goldie, Annabel (West Scotland) (Con)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hilton, Cara (Dunfermline) (Lab)
 Hyslop, Fiona (Linlithgow) (SNP)
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)
 Johnstone, Alex (North East Scotland) (Con)
 Keir, Colin (Edinburgh Western) (SNP)
 Kelly, James (Rutherglen) (Lab)
 Kidd, Bill (Glasgow Anniesland) (SNP)

Lamont, Johann (Glasgow Pollok) (Lab)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Malik, Hanzala (Glasgow) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDonald, Mark (Aberdeen Donside) (SNP)
 McDougall, Margaret (West Scotland) (Lab)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMahan, Michael (Uddingston and Bellshill) (Lab)
 McMahan, Siobhan (Central Scotland) (Lab)
 McMillan, Stuart (West Scotland) (SNP)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Murray, Elaine (Dumfriesshire) (Lab)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Pearson, Graeme (South Scotland) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Salmond, Alex (Aberdeenshire East) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Drew (Glasgow) (Lab)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, David (Highlands and Islands) (Lab)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Yousaf, Humza (Glasgow) (SNP)

The Deputy Presiding Officer: The result of the division is: For 9, Against 109, Abstentions 0.

Amendment 7 disagreed to.

Section 54—Overprovision

The Deputy Presiding Officer: Group 3 is on alcohol licensing: overprovision. Amendment 8, in the name of the cabinet secretary, is grouped with amendments 9 to 11.

15:15

Michael Matheson: The amendments in the group are minor technical amendments concerning overprovision.

Section 7 of the 2005 act places a duty on licensing boards to make an assessment of overprovision of licensed premises in any locality within their areas and subsequently include a statement regarding it in their licensing policy statements. That allows boards to consider the unique circumstances of their areas, including distinct localities within them, and decide whether, based on local need, it is appropriate to restrict access to alcohol through limits on new licences, licences of a particular type or variations of existing licences within the entire area or identified parts of it.

It is important that the overprovision assessment is an effective and robust tool for licensing boards. In respect of the overprovision ground for refusal for a premises licence or for a major variation of a premises licence, our amendments to the bill at stage 2 made the wording of the 2005 act more concise. The technical amendments in this group have been lodged in response to concerns that were raised by stakeholders that our stage 2 amendments had, in reality, made the wording overly brief.

On further consideration, we agree that it will clarify interpretation if there is more detail at section 23(5)(e) of the 2005 act, which concerns the refusal of a premises licence on grounds of overprovision, and section 30(5)(d) of the 2005 act, which concerns the refusal to vary a premises licence on grounds of overprovision. We lodged these technical amendments to rectify that so that the updated sections 23(5)(e) and 30(5)(d) of the 2005 act would be clearer to the reader.

I ask the Parliament to support the amendments.

I move amendment 8.

Amendment 8 agreed to.

Amendments 9 to 11 moved—[Michael Matheson]—and agreed to.

Section 55—Duty of Licensing Boards to produce annual financial report

The Deputy Presiding Officer: Group 4 is on alcohol licensing: annual functions report. Amendment 12, in the name of the cabinet secretary, is grouped with amendment 13.

Michael Matheson: I gave a commitment to the Local Government and Regeneration Committee at stage 2 to lodge an amendment that would impose a new duty on licensing boards to prepare and publish an annual report on the exercise of

their functions. Amendment 12 addresses a concern first raised by Alcohol Focus Scotland and others, supported by the Local Government and Regeneration Committee, about the need for licensing boards to provide greater clarity about how they carry out their business.

John Wilson moved a non-Government amendment at stage 2 to oblige licensing boards to lodge annual reports on the exercise of their functions. The Government is sympathetic to the views that were expressed during the bill process, and I am grateful to Mr Wilson for agreeing to withdraw his amendment at stage 2 to allow my officials to carry out some informal stakeholder engagement before lodging the Government amendment.

Section 55 already imposes a duty on licensing boards to produce an annual financial report. Amendment 12 imposes a further duty on boards to prepare and publish an annual report on the exercise of their functions no later than three months after the end of each financial year. The amendment sets out what generally should be included in the report and what boards should have regard to in its compilation.

Amendment 12 also allows licensing boards to publish a combined financial and functions report, if they so wish. To ensure that the reports remain as effective and useful as possible, amendment 12 provides Scottish ministers with the power to make further provision about the annual reports using secondary legislation. We would expect to consult on the most effective and proportionate format and content before laying secondary legislation is required.

The annual reports will ensure increased accountability and transparency from licensing boards so that the public can see how they go about their business. I ask Parliament to support amendments 12 and 13.

I move amendment 12.

John Wilson (Central Scotland) (SNP): I thank the cabinet secretary for taking on board the aim of the amendments that I lodged at stage 2, which were based on discussions with Alcohol Focus Scotland. I welcome the cabinet secretary's decision to lodge amendments 12 and 13 at stage 3, and I look forward to their being agreed to.

Amendment 12 agreed to.

Amendment 13 moved—[Michael Matheson]—and agreed to.

After section 59

The Deputy Presiding Officer: Group 5 is on alcohol licensing: register of alcohol premises licences and personal licences. Amendment 14, in

the name of Dr Richard Simpson, is the only amendment in the group.

Dr Richard Simpson (Mid Scotland and Fife) (Lab): I was not a member of the committee that considered the bill, but I observed the evidence that was given by a number of people at stage 1 about information that is available to the public. Amendment 14 would create a national alcohol licensing register to ensure that communities would have access to comprehensive information on licensed premises to help them to participate in the licensing process, particularly in relation to overprovision. Collating data at licensing board level in a uniform manner and publishing it centrally, preferably with information available at the ward or small data area level, could ensure a much more accessible form of information for communities.

Currently, licensing boards have to keep a public licensing register, but Alcohol Focus Scotland was recently able to locate only 16 publicly available registers, covering 19 of the 40 licensing board areas. The form and content of the information provided in the registers is highly variable, and not all the registers are available electronically. Alcohol licensing registers are potentially valuable tools for communities and other stakeholders to make use of in supporting their involvement in the licensing process, but there is a need to consider the form in which they are produced to ensure that they are as accessible and helpful as possible.

There is a national online register for tobacco outlets in Scotland, which can be searched by local authority area, postcode and type of premises. Examples of other possible approaches include mapping tools such as that produced by Lambeth Council, and the new website that shows alcohol and tobacco outlet density for small neighbourhood areas across Scotland. That website was created by a partnership involving the University of Edinburgh's centre for research on environment, society and health—CRESH—the University of Glasgow, Alcohol Focus Scotland and ASH Scotland.

At stage 1, Dr Niamh Shortt from CRESH said:

“One of the most striking things in the documentation”

that the committee sent out

“was the very small number of applications that were refused. In 2011-12, only 21 licences were refused, whereas 347 were granted. In 2012-13, 12 were refused and 332 were granted. That shows the difficulties for local authorities in looking at”—

and fulfilling—

“licensing objectives.”—[*Official Report, Local Government and Regeneration Committee*, 19 November 2014; c 15.]

CRESH found that no data was available on licensed premises at the local area level, and that the data that was available was so variable that it took CRESH nine months to cleanse it before being able to put it into a research paper. Members might wish to look at the paper that has now been published, because it shows the relationship between the density—indeed, the overprovision—of licensed premises and alcohol problems in different areas.

It is a huge disappointment that communities have been unable to challenge overprovision largely because they have been unable to access the data. Access to total board area data and small area data is vital.

Amendment 14 would allow ministers to make provision for a national register to be completed by boards; it would not overburden licensees but would require boards to produce information in a specific format that would be publishable on the web.

Paragraph (3)(a) of the proposed new section that amendment 14 would insert would ensure that the information to be recorded not only would include the number of personal licences but could include data on the linear sales areas for off-licences and the number of drinking places available in on-licences.

I move amendment 14.

John Scott (Ayr) (Con): I will be brief. I welcome the cabinet secretary addressing the problem that is faced by individual licence holders who fail to renew their licences on time. I understand that that provision will be enacted swiftly, and I would be grateful if the cabinet secretary could publicise now—and widely thereafter—that welcome change.

Michael Matheson: I am grateful to Richard Simpson for lodging amendment 14, and I am sympathetic to the views that he expresses. However, I do not believe that it is appropriate to introduce the issue at this stage. The issue has not been brought before the Local Government and Regeneration Committee, nor has it been subjected to detailed financial consideration. I understand that a similar service in relation to e-planning has cost several million pounds to set up.

I am also concerned that the amendment, as drafted, is unworkable, because it incorrectly places a burden on licensing authorities to provide information when, in fact, the information that is required is held by licensing boards.

I assure the chamber that the Scottish Government is alert to the issue and that work is already in hand to go some way towards addressing it. Government amendment 12, which public health bodies such as Alcohol Focus

Scotland pressed for, will impose a duty on licensing boards to report on the exercise of their functions and provide considerable information on the licences that are held, including occasional licences. We intend to consult widely to ensure that those reports are as useful as they can be without imposing an undue burden on licensing boards.

Furthermore, Police Scotland is already well advanced in rolling out its national Inn Keeper database. The police are a statutory consultee, which means that licensing boards will be provided with information from that national database.

The Scottish Government is working with a wide range of partner organisations to develop a business case for a national online licensing solution. Initial work has led to the development of a wider scope that is looking beyond just alcohol licensing to the civic regimes and central Government licensing regimes.

As all members will be aware, Scottish Government resources are limited. Therefore, rather than hastily commit to a specific project, we would do better to subject a major project such as that which is proposed to proper scoping and cost benefit analysis. That would allow us to assess the widest possible benefits to stakeholders while using effectively the resources that the Scottish Government, local authorities and others have in the area.

I ask Richard Simpson to withdraw amendment 14, on the basis that the Scottish Government already has work under way to develop an action plan for the delivery of a national licensing solution.

Dr Simpson: I am prepared to withdraw my amendment.

Under subsection (6) of the new section to be inserted by amendment 12—the annual functions report amendment, which we have just agreed to—it will be possible for ministers do much of what I am asking for, through

“the form and required content of reports”.

I understand from the cabinet secretary's comments that that would be the case.

If communities are to participate fully in seeking to prevent overprovision, it is essential that they have that information. I therefore urge the cabinet secretary to pursue the development work that he has referred to as rapidly as possible and to ensure that we have an electronic system that allows proper access to the information.

On the basis of the cabinet secretary's reassurances, I seek to withdraw the amendment.

Amendment 14, by agreement, withdrawn.

Section 60—Refusal to grant private hire car licences on grounds of overprovision

15:30

The Deputy Presiding Officer: Group 6 concerns overprovision of private hire cars. Amendment 15, in the name of Cameron Buchanan, is grouped with amendment 16.

Cameron Buchanan: The amendments make it clear that if a licensing authority wishes to refuse a private car hire licence solely on the ground of overprovision, it must prove that there is, or would be, overprovision.

I consider strongly that refusing a private hire car licence solely on the ground of overprovision is anti-competitive and would hurt consumers, jobs and, indeed, the local economy. In the interests of compromise, I have worded the amendments to ensure that such refusals are kept to cases in which overprovision is certain.

Refusals due to overprovision would be against the best interests of the public for four reasons. First, restricting the supply of private hire vehicles would limit the ability of consumers to choose between different services and select their preferred option. That choice is crucial to increasing and maintaining standards of service in the industry. Secondly, preventing new entrants would prevent prices from going as low as they could do in a less restricted market, as an expanded supply of private hire vehicles would bring down prices and make such transport an even more affordable option for all consumers. Thirdly, experience elsewhere has shown that those lower prices would allow more people than before to make frequent use of private transport. That can be a great convenience and it would be a loss to the Scottish public if they were denied the same opening up of travel options that is available in other places. Finally, it is apparent that determining that there is overprovision in a locality would prevent economic growth and job creation.

If someone wishes to start work as a private hire vehicle driver, the licensing authority should not stand in their way just because other drivers have already entered the market and do not want competition for fares. For that reason, the amendments aim to provide some measure of protection against unfair licence refusals by ensuring that authorities can refuse licences on the ground of overprovision only where that is certain.

I move amendment 15.

Ken Macintosh: It is clear from Mr Buchanan's comments that he believes that a competitive free market trumps every other consideration for this

Parliament. I urge colleagues to resist the amendments.

Mr Buchanan suggests that we replace a local authority's judgment that it is satisfied that there is overprovision with a requirement for there to be proof of overprovision. The matter was debated by the committee at stage 2, when I believe that Mr Buchanan asked the Government to remove section 60 altogether. The Scottish Government agreed to provide further guidance. That was accepted by the committee, and I ask Mr Buchanan to accept the committee's judgment on the matter.

Michael Matheson: I am grateful to Cameron Buchanan for explaining his amendments.

Section 60 will allow a licensing authority to refuse a private hire car licence where it is satisfied that granting it would result in an overprovision of private hire cars. I remain of the view that an optional overprovision test in relation to private hire cars is a useful addition to the taxi and private hire car licensing regime.

There are already appropriate checks and balances in place in relation to those who are unhappy with a decision that a licensing authority has made. Paragraph 18 of schedule 1 to the Civic Government (Scotland) Act 1982 provides that, where a private hire car driver licence is refused, the applicant can require the licensing authority to provide reasons for that refusal and can appeal the decision to the sheriff court. If, during any appeal hearing, the licensing authority is unable to demonstrate that it has reasonably reached its decision, the sheriff can uphold the appeal and remit the case back to the authority to be reconsidered or reversed.

I am concerned that the amendments would create uncertainty in the minds of licensing authorities and might deter them from considering an overprovision test in relation to private hire cars.

It would be wrong to take that tool away from licensing authorities or to discourage its use. An overprovision test would allow licensing authorities to ensure that those entering the private hire car trade can have an expectation of making a reasonable income while reducing the temptation for private hire car drivers to attempt to operate in illegal competition with taxis. I therefore ask Cameron Buchanan to withdraw amendment 15 and not to move 16.

Cameron Buchanan: Having listened to the arguments on both sides, I would like to press amendment 15.

The Deputy Presiding Officer: The question is, that amendment 15 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division. This will be a one-minute division.

For

Brown, Gavin (Lothian) (Con)
 Buchanan, Cameron (Lothian) (Con)
 Carlaw, Jackson (West Scotland) (Con)
 Fergusson, Alex (Galloway and West Dumfries) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Goldie, Annabel (West Scotland) (Con)
 Johnstone, Alex (North East Scotland) (Con)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 McGrigor, Jamie (Highlands and Islands) (Con)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)

Against

Adam, George (Paisley) (SNP)
 Adamson, Clare (Central Scotland) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Allard, Christian (North East Scotland) (SNP)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
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 Beamish, Claudia (South Scotland) (Lab)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Biagi, Marco (Edinburgh Central) (SNP)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Brodie, Chic (South Scotland) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Campbell, Roderick (North East Fife) (SNP)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Don, Nigel (Angus North and Mearns) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Dugdale, Kezia (Lothian) (Lab)
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 Ewing, Annabelle (Mid Scotland and Fife) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Fee, Mary (West Scotland) (Lab)
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Ind)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)
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 Keir, Colin (Edinburgh Western) (SNP)
 Kelly, James (Rutherglen) (Lab)

Kidd, Bill (Glasgow Anniesland) (SNP)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Malik, Hanzala (Glasgow) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McArthur, Liam (Orkney Islands) (LD)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDonald, Mark (Aberdeen Donside) (SNP)
 McDougall, Margaret (West Scotland) (Lab)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMahan, Michael (Uddingston and Bellshill) (Lab)
 McMahon, Siobhan (Central Scotland) (Lab)
 McMillan, Stuart (West Scotland) (SNP)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 Murray, Elaine (Dumfriesshire) (Lab)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Pearson, Graeme (South Scotland) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Rennie, Willie (Mid Scotland and Fife) (LD)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Salmond, Alex (Aberdeenshire East) (SNP)
 Scott, Tavish (Shetland Islands) (LD)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Drew (Glasgow) (Lab)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Urquhart, Jean (Highlands and Islands) (Ind)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Wilson, John (Central Scotland) (Ind)
 Yousaf, Humza (Glasgow) (SNP)

The Deputy Presiding Officer: The result of the division is: For 14, Against 102, Abstentions 0.

Amendment 15 disagreed to.

Amendment 16 not moved.

Section 61—Testing of private hire car drivers

The Deputy Presiding Officer: Group 7 is on testing of private hire car drivers. Amendment 17, in the name of Cameron Buchanan, is the only amendment in the group.

Cameron Buchanan: Amendment 17 would prevent licensing authorities from requiring testing of the navigational knowledge of applicants for a

private hire car driver licence, although it would allow other forms of background checks or testing.

Satellite navigation now allows drivers to navigate efficiently without extensive knowledge of roads, which makes requiring a knowledge test an unnecessary barrier to employment and growth in the industry. [*Interruption.*]

The Deputy Presiding Officer: Order, please. I need to hear the member.

Cameron Buchanan: Furthermore, restricting competition would act against the interests of consumers by keeping prices higher than they should be.

Some people may prefer the possibility that they will pay a little extra to be driven by someone with extensive local knowledge who does not need to use a satellite navigation system. Those people are free to choose a taxi instead of a private hire vehicle.

The point is that people should be free to choose for themselves which type of private transport to opt for. The Government should not allow that choice to be taken away from them. We should allow the market to reflect customers' preferences by letting them make their own decisions, rather than allowing licensing authorities to dictate what sort of taxi industry there should be.

I recall that the minister argued at stage 2 that the testing provisions should provide licensing authorities with discretion, and that tests could cover issues such as customer care and disability awareness so that private services can meet customers' needs. I acknowledge those points. Amendment 17 retains that discretion and would allow such tests to take place, including checks to allay any fears about an applicant's criminal background. That is very important.

The point is that allowing knowledge testing of all drivers is a distinct issue. It would probably become a method to shield incumbents from the competitive effects of a technological change. Customer preference for either local knowledge or technology should be left to the customer, and testing should be introduced only where it is in consumers' best interests.

I believe that amendment 17 strikes the appropriate balance and therefore urge members to act on behalf of consumers by supporting it.

I move amendment 17.

Michael Matheson: I am grateful to Cameron Buchanan for explaining amendment 17.

I am mindful of Cameron Buchanan's concerns that it is not desirable to create a barrier to entry to the private hire car trade that is too high. That is why the provisions on the ability to test private hire

car drivers have deliberately been drafted to be flexible. Whether and what to test is at the discretion of the local licensing authority.

We are also happy to make the point that any test should be proportionate and necessary within the guidance that will accompany the legislation. Accordingly, where the local authority does not see a requirement to take forward a knowledge test of any kind for private hire car drivers, they are not required to do so.

However, I suspect that many passengers would quite rightly expect that a private hire car driver has a reasonable knowledge of the area and how to get about it. It is right to give local licensing authorities the ability to test that.

I remain of the view that the licensing authority is best placed to decide whether any testing of private hire car drivers should occur and what the test should involve. I therefore ask Cameron Buchanan to withdraw amendment 17.

The Deputy Presiding Officer: I invite Cameron Buchanan to wind up and indicate whether he intends to press or withdraw amendment 17.

Cameron Buchanan: I sense some sympathy for my point of view. In view of that, I would like to press my amendment.

The Deputy Presiding Officer: The question is, that amendment 17 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Brown, Gavin (Lothian) (Con)
 Buchanan, Cameron (Lothian) (Con)
 Carlaw, Jackson (West Scotland) (Con)
 Fergusson, Alex (Galloway and West Dumfries) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Goldie, Annabel (West Scotland) (Con)
 Johnstone, Alex (North East Scotland) (Con)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 McGrigor, Jamie (Highlands and Islands) (Con)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)

Against

Adam, George (Paisley) (SNP)
 Adamson, Clare (Central Scotland) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Allard, Christian (North East Scotland) (SNP)
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 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
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 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)

Brodie, Chic (South Scotland) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Campbell, Roderick (North East Fife) (SNP)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
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 Dey, Graeme (Angus South) (SNP)
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 Dugdale, Kezia (Lothian) (Lab)
 Eadie, Jim (Edinburgh Southern) (SNP)
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 Fabiani, Linda (East Kilbride) (SNP)
 Fee, Mary (West Scotland) (Lab)
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Ind)
 FitzPatrick, Joe (Dundee City West) (SNP)
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 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
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 Mackay, Derek (Renfrewshire North and West) (SNP)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McArthur, Liam (Orkney Islands) (LD)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDonald, Mark (Aberdeen Donside) (SNP)
 McDougall, Margaret (West Scotland) (Lab)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMahan, Michael (Uddingston and Bellshill) (Lab)
 McMahan, Siobhan (Central Scotland) (Lab)
 McMillan, Stuart (West Scotland) (SNP)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
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 Swinney, John (Perthshire North) (SNP)
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Urquhart, Jean (Highlands and Islands) (Ind)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Wilson, John (Central Scotland) (Ind)
 Yousaf, Humza (Glasgow) (SNP)

The Deputy Presiding Officer: The result of the division is: For 14, Against 100, Abstentions 0.

Amendment 17 disagreed to.

Section 68—Licensing of sexual entertainment venues

The Deputy Presiding Officer: Group 8 is on notice of sexual entertainment venue licence application. Amendment 18, in the name of the cabinet secretary, is the only amendment in the group.

Michael Matheson: Amendment 18 is an important measure in supporting community engagement in the licensing of sexual entertainment. The issue was raised by Cara Hilton at stage 2, and I undertook at that time to lodge an amendment at stage 3.

Although the current process already allows for robust notification procedures, with requirements for both newspaper advertising and notices to be publicly displayed, there are advantages in requiring specific notification to particular bodies that will have an interest in the licensing of sexual entertainment venues. There is a practical advantage in ensuring that important stakeholders, including violence against women partnerships and community councils, are notified of applications early, so that they have sufficient time to consider applications and to make such representations to the authority as they consider appropriate. [*Interruption.*]

The Deputy Presiding Officer: Order, please. Can we hear the cabinet secretary?

Michael Matheson: There is also an advantage in that it will send a very clear message that groups that are identified as being appropriate to receive copies of the application, including violence against women partnerships and community groups, are at the heart of the licensing process.

Rather than identify particular bodies in primary legislation, my preference is for each local authority to identify which organisations in its area should be notified of applications, because local authorities are best placed to make that judgement. However, the statutory guidance that will follow the bill will indicate the types of bodies and organisations that should be considered, and my intention is that they will certainly include bodies such as violence against women partnerships. Local authorities will have to take that guidance into consideration when compiling their list of recipients. Local authorities will also have to have regard to their sexual entertainment venue licensing policy statement and the full range of objectives that are set out in that document.

I move amendment 18.

Amendment 18 agreed to.

The Deputy Presiding Officer: Group 9 is on sexual entertainment venues: access of persons under 18. Amendment 22, in the name of Cara Hilton, is grouped with amendment 19. If amendment 22 is agreed to, I cannot call amendment 19, because it will have been pre-empted.

15:45

Cara Hilton (Dunfermline) (Lab): I thank the Zero Tolerance Trust for working with me on amendment 22, and I thank Scotland's Commissioner for Children and Young People, who has given the amendment his support.

The purpose of amendment 22 is to prevent under-18s from working in sexual entertainment venues. It would remove the option of young people being employed in those venues at any time and ensure that sexual entertainment venues cannot be accessed by children and young people at any time.

I recognise that Michael Matheson's amendment 19 seeks to clarify the circumstances in which young people may enter sexual entertainment venues, and that it would oblige operators to provide a reasonable excuse, but I do not accept that that provides sufficient safeguards. When I lodged the same amendment at stage 2, there was some debate about the employment rights of, for example, an apprentice plumber who attended a job at a sexual entertainment venue. The reality is that that affects very few young people, but there will be significant risks to a large number of young people if the bill proceeds as it is.

The Zero Tolerance Trust has argued that allowing under-18s to be employed in sexual entertainment venues will in essence create a groomers' charter by allowing venues to employ

teenage girls to work as cleaners or in office roles and then to persuade or subtly coerce them to become performers when they reach 18. That is a real concern for vulnerable young women including care leavers, and for women who live with poverty or disadvantage. Even if sexual entertainment is not taking place, a young person who works in one of those venues will be exposed to sexually explicit materials and could be at risk of sexual exploitation, of being propositioned for sex or of being exposed to an industry that damages women and to an environment in which sexual entertainment is normalised. That could lead a vulnerable young person to come to the view that sexual entertainment is an acceptable form of employment for them.

Scotland's Commissioner for Children and Young People, Tam Baillie, has said that

"the approach being taken in this Bill towards young people being employed in sexual entertainment venues appears in direct contradiction to a range of key Scottish Government policies and legislation, including Getting It Right For Every Child"

and the Children and Young People (Scotland) Act 2014. If we are serious about having an equal Scotland and about tackling domestic abuse and violence, and if we really want to make Scotland the best place for girls to grow up in, the Scottish Government must be consistent. Michael Matheson's amendment 19 is well intentioned, but as Tam Baillie said, it has the

"potential to create more difficulties than it solves".

The use of the word "reasonable" leaves the way open to wider interpretation. I think that that could be to the detriment of young people and that it will put more young people at risk. It is already the case that no one under the age of 18 can work in a sex shop under any circumstances. That provision should also apply to sexual entertainment venues. My amendment 22 would allow that to happen.

My amendment 22 is in the best interests of children and young people right across Scotland. I urge the Scottish Government and members to listen to the views of Scotland's Commissioner for Children and Young People and of groups including Barnardo's Scotland, the Zero Tolerance Trust, Rape Crisis Scotland and Scottish Women's Aid. Members should support my amendment.

I move amendment 22.

Michael Matheson: Amendments 19 and 22 follow issues that were highlighted by Scotland's Commissioner for Children and Young People ahead of the stage 1 debate and which were subsequently pursued by Zero Tolerance Scotland. Each concerns the position of young people in relation to sexual entertainment venues and the particular concern that a young person

could be employed in such a venue—as a cleaner, for example—and then find themselves being drawn into becoming a dancer. At stage 2, I agreed to consider the matter further and to lodge an appropriate Government amendment at stage 3.

We have always made it clear that the bill's intention is to tighten up the licensing of sexual entertainment venues, which have been treated hitherto in more or less the same way as any other licensed premises. That has meant that under-18s could perhaps collect glasses or undertake similar activities while the premises are open and the sexual entertainment is taking place. We do not believe that that is acceptable. That is why the bill, as introduced, made it clear that under-18s should never be on the premises while sexual entertainment is taking place.

I have fully considered the concerns that have been raised about the employment of under-18s in such venues, and in response, we have lodged amendment 19, which would remove the provision in the bill that would have permitted a young person to be employed by a sexual entertainment venue. Amendment 22 would do likewise, as Cara Hilton has outlined. Therefore, both amendments mean that under-18s should not generally be able to access such venues.

However, the Government amendment goes further in providing protection. There is a misunderstanding about how the law works in this area, which has led to some stakeholders confusing the impacts of amendments 19 and 22. I hope to make that clear this afternoon.

The Civic Government (Scotland) Act 1982 includes a provision for a reasonable excuse that will permit a young person to be in a sexual entertainment venue. Cara Hilton's amendment would simply remove the provision in the bill relating to the employment without addressing the reasonable excuse in the 1982 act and would therefore permit a young person to be in such a venue at any time, including when sexual entertainment is being provided if that young person has a reasonable excuse. It will be a matter for the courts to determine what might constitute a reasonable excuse.

However, the Government's amendment would restrict availability of that defence of a reasonable excuse only to when the sexual entertainment was not taking place. That is, under amendment 19, no person under 18, whether an employee or otherwise, will be permitted on the premises while sexual entertainment is taking place and only where there is a reasonable excuse for that young person will they be permitted within the premises when no entertainment is taking place. Cara Hilton's amendment does not go that far.

Therefore, both the Government amendment 19 and Cara Hilton's amendment 22 would remove the provision in the bill that permits an under-18 to be employed in a sexual entertainment venue. However, Cara Hilton's amendment is less restrictive than the Government's amendment in that it would allow the reasonable excuse defence to be applied at all times, whereas amendment 19 will restrict that defence to times when sexual entertainment is not taking place.

Liam McArthur: I am very grateful to the cabinet secretary for giving way. He will be aware of the children's commissioner's concerns, specifically in relation to that point. In his briefing the commissioner states:

"Amendment 19 also shifts the focus from young people in an employment capacity to young people more generally. There is therefore a possibility that venue owners could find ways for younger children and young people to be 'legitimately' allowed to enter sexual entertainment venues."

How would the cabinet secretary respond to that specific concern?

Michael Matheson: Unfortunately, the children's commissioner has got the law wrong in this area, because of the reasonable excuse provision, which is provided for in the Civic Government (Scotland) Act 1982, which has not been addressed. That is why the Government's amendment 19 addresses that point.

Government amendment 19 makes it clear that no person under 18 can ever be employed in a sexual entertainment venue. It also makes it clear that no under-18 can be on the premises when sexual entertainment is taking place. Finally, it makes it clear that even when sexual entertainment is not taking place, an under-18 can be on the premises only if it is shown that there is good reason for them to be there.

For those reasons, I ask Parliament to reject amendment 22 and to support amendment 19, which imposes further restrictions to protect young people.

Ken Macintosh: In speaking in support of the powerful words of my colleague Cara Hilton on her amendment 22, I simply draw members' attention to the excellent briefing from Scotland's Commissioner for Children and Young People. [*Interruption.*] The minister made an argument based on legal advice that was remarkably unconvincing for me. He made an argument that there should be reasonable excuse—[*Interruption.*]

The Deputy Presiding Officer (John Scott): Order.

Ken Macintosh: I have to say that the children's commissioner has laid out a very clear argument.

He says that he is concerned that:

“A young person working in an SEV”—

a sexual entertainment venue—

“is likely to be at increased risk of grooming/exploitation by their employer or those associating with them.

Even if sexual entertainment is not taking place at the time the young person is present, it is likely that environment itself is unsuitable. For example, sexually explicit materials may be on display.

A young person will be working in an environment where sexual entertainment is ‘normalised’ and therefore may form a view that sexual entertainment is an acceptable form of employment for them.”

His conclusion is clear:

“A sexual entertainment venue is no place for a child or a young person.”

It is difficult to disagree with either of the children’s commissioner’s observations or conclusions. I urge members to follow the commissioner’s recommendations, to support Cara Hilton’s amendment 22 and to reject the minister’s amendment 19.

The Deputy Presiding Officer: I call Cara Hilton to wind up, and to seek to withdraw or to press her amendment 22.

Cara Hilton: There is a danger that the bill could put children and young people at risk of harm. My amendment would remove the option of any under 18-year-olds being employed by a sexual entertainment venue. [*Interruption.*]

The Deputy Presiding Officer: Order. Order! Allow Cara Hilton to be heard.

Cara Hilton: Amendment 22 will ensure that such venues cannot be accessed by children and under 18-year-olds in any circumstances or at any time.

I am not at all convinced by the cabinet secretary’s arguments.

Kevin Stewart (Aberdeen Central) (SNP): Will Cara Hilton take an intervention?

Cara Hilton: No—I have no time. I am sorry.

Kevin Stewart: We have plenty of time.

Cara Hilton: Amendment 19, by allowing venues a reasonable excuse to allow young people on premises, will open up many loopholes, which will put young people, especially young women, at risk of sexual exploitation. The venues are completely unsuitable for young people at any time.

Today, we have an opportunity to send out a strong message about the Scotland that we want. I want a Scotland that protects our children and young people from harm and exploitation and which challenges the objectification of women and

girls. I urge the chamber to vote for amendment 22 and to reject amendment 19.

The Deputy Presiding Officer: The question is, that amendment 22 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Baxter, Jayne (Mid Scotland and Fife) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Dugdale, Kezia (Lothian) (Lab)
 Fee, Mary (West Scotland) (Lab)
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Hilton, Cara (Dunfermline) (Lab)
 Kelly, James (Rutherglen) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Malik, Hanzala (Glasgow) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDougall, Margaret (West Scotland) (Lab)
 McMahan, Michael (Uddingston and Bellshill) (Lab)
 McMahan, Siobhan (Central Scotland) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 Murray, Elaine (Dumfriesshire) (Lab)
 Pearson, Graeme (South Scotland) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Drew (Glasgow) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)

Against

Adam, George (Paisley) (SNP)
 Adamson, Clare (Central Scotland) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
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 Grahame, Christine (Midlothian South, Tweeddale and
 Lauderdale) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hume, Jim (South Scotland) (LD)
 Hyslop, Fiona (Linlithgow) (SNP)
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)
 Johnstone, Alison (Lothian) (Green)
 Keir, Colin (Edinburgh Western) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McArthur, Liam (Orkney Islands) (LD)
 McDonald, Mark (Aberdeen Donside) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse)
 (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMillan, Stuart (West Scotland) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Rennie, Willie (Mid Scotland and Fife) (LD)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Salmond, Alex (Aberdeenshire East) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Urquhart, Jean (Highlands and Islands) (Ind)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Wilson, John (Central Scotland) (Ind)
 Yousaf, Humza (Glasgow) (SNP)

Abstentions

Brown, Gavin (Lothian) (Con)
 Buchanan, Cameron (Lothian) (Con)
 Carlaw, Jackson (West Scotland) (Con)
 Davidson, Ruth (Glasgow) (Con)
 Fergusson, Alex (Galloway and West Dumfries) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Goldie, Annabel (West Scotland) (Con)
 Johnstone, Alex (North East Scotland) (Con)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 McGrigor, Jamie (Highlands and Islands) (Con)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Scanlon, Mary (Highlands and Islands) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)

The Deputy Presiding Officer: The result of the division is: For 33, Against 67, Abstentions 14.

Amendment 22 disagreed to.

Amendment 19 moved—[Michael Matheson].

The Deputy Presiding Officer: The question is, that amendment 19 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Adam, George (Paisley) (SNP)
 Adamson, Clare (Central Scotland) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Allard, Christian (North East Scotland) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Biagi, Marco (Edinburgh Central) (SNP)
 Brodie, Chic (South Scotland) (SNP)
 Brown, Gavin (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Campbell, Roderick (North East Fife) (SNP)
 Carlaw, Jackson (West Scotland) (Con)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-
 shire) (SNP)
 Davidson, Ruth (Glasgow) (Con)
 Dey, Graeme (Angus South) (SNP)
 Don, Nigel (Angus North and Mearns) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Eadie, Jim (Edinburgh Southern) (SNP)
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Fergusson, Alex (Galloway and West Dumfries) (Con)
 Finnie, John (Highlands and Islands) (Ind)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)
 Goldie, Annabel (West Scotland) (Con)
 Grahame, Christine (Midlothian South, Tweeddale and
 Lauderdale) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hume, Jim (South Scotland) (LD)
 Hyslop, Fiona (Linlithgow) (SNP)
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)
 Johnstone, Alex (North East Scotland) (Con)
 Johnstone, Alison (Lothian) (Green)
 Keir, Colin (Edinburgh Western) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Marra, Jenny (North East Scotland) (Lab)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McArthur, Liam (Orkney Islands) (LD)
 McDonald, Mark (Aberdeen Donside) (SNP)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse)
 (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMillan, Stuart (West Scotland) (SNP)
 McTaggart, Anne (Glasgow) (Lab)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)

Paterson, Gil (Clydebank and Milngavie) (SNP)
 Rennie, Willie (Mid Scotland and Fife) (LD)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Salmond, Alex (Aberdeenshire East) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Urquhart, Jean (Highlands and Islands) (Ind)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Wilson, John (Central Scotland) (Ind)
 Yousaf, Humza (Glasgow) (SNP)

Against

Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Baxter, Jayne (Mid Scotland and Fife) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Dugdale, Kezia (Lothian) (Lab)
 Fee, Mary (West Scotland) (Lab)
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Hilton, Cara (Dunfermline) (Lab)
 Kelly, James (Rutherglen) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Malik, Hanzala (Glasgow) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDougall, Margaret (West Scotland) (Lab)
 McMahan, Michael (Uddingston and Bellshill) (Lab)
 McMahan, Siobhan (Central Scotland) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 Murray, Elaine (Dumfriesshire) (Lab)
 Pearson, Graeme (South Scotland) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Smith, Drew (Glasgow) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)

The Deputy Presiding Officer: The result of the division is: For 84, Against 28, Abstentions 0.

Amendment 19 agreed to.

16:00

The Deputy Presiding Officer: Group 10 is on sexual entertainment venue licensing policy statement. Amendment 20, in the name of the cabinet secretary, is the only amendment in the group.

Michael Matheson: The Scottish Government strongly believes that the proposed licensing scheme for sexual entertainment venues takes a step forward from current arrangements by allowing the local authority to exert greater control over what goes on and what is permitted in its area. It has always been envisaged that a local

authority that seeks to license sexual entertainment in its area will have to undertake a full and proper exercise to reach a determination of how to approach the licensing function. In other words, it will have to adopt a policy in respect of the exercise of its functions that relate to licensing sexual entertainment venues.

Amendment 20 seeks to formalise that by requiring the preparation and publication of a policy statement, and it also requires that, in preparing its policy, the authority should focus on listed objectives. Some of those objectives are traditional licensing issues—for example, prevention of nuisance and crime, and protecting children and young people from harm. We have also included the objective of reducing violence against women in order to make it clear to local authorities that that important issue is at the heart of the licensing regime, and that part of the licensing authority's role will be to ensure improved working conditions and a safer environment for the women who work in those venues.

The Scottish Government will produce statutory guidance to assist local authorities in developing their policies. Once those policies are prepared, the local authorities must have regard to their own policy statements when exercising their functions in relation to the licensing of sexual entertainment venues. As a result, the policy statement will need to be considered when a list of persons or bodies who are to receive copies of licence applications is prepared, or when it is decided that such an application should be granted. That will ensure that the policy statement is fully embedded in the licensing process. Finally, the amendment also lays out the mechanics of how and when the policy statement should be published and reviewed.

I move amendment 20.

Cara Hilton: I thank the cabinet secretary for engaging with me and the Zero Tolerance Trust on this amendment and amendment 18. I am pleased that both amendments reflect many of the issues that I raised during stage 2 in respect of consulting violence against women partnerships and obliging local authorities to produce a licensing policy statement.

Amendment 20 is important, because it will ensure that local authorities, in offering a licence for a sexual entertainment venue, fully consider the wider public policy priorities including tackling violence against women and protecting young people from harm. There is absolutely no doubt that there needs to be a lot more public scrutiny before such venues are granted licences. I hope that the amendment will ensure that there is more joined-up thinking on the policy at local and national levels, and I am very happy to support it.

Amendment 20 agreed to.

The Deputy Presiding Officer: That brings us to the end of stage 3 consideration of amendments.

Air Weapons and Licensing (Scotland) Bill

The Deputy Presiding Officer (John Scott): The next item of business is a debate on motion S4M-13606, in the name of Michael Matheson, on the Air Weapons and Licensing (Scotland) Bill.

16:03

The Cabinet Secretary for Justice (Michael Matheson): I am pleased to open the stage 3 debate on the Air Weapons and Licensing (Scotland) Bill. For the purposes of rule 9.11 of standing orders, I advise the Parliament that Her Majesty, having been informed of the purport of the bill, has consented to place her prerogative and interests, so far as they are affected by the bill, at the Parliament's disposal for the purposes of the bill.

As members are aware, the bill sets out a new licensing regime for air weapons and amends the existing alcohol licensing and civic licensing regimes. I thank past and present members of the Local Government and Regeneration Committee for their detailed scrutiny of the bill over the past 13 months, and I am also grateful to the Finance Committee and the Delegated Powers and Law Reform Committee for their consideration of the bill.

The Local Government and Regeneration Committee invited a wide range of stakeholders to give evidence at stage 1. That evidence, as well as the committee's stage 1 report—which supported the general principles of the bill—has proven to be extremely valuable in helping the Government to reflect on whether we had the provisions exactly right.

The stage 2 committee meetings helped us to further refine the bill. We have in front of us today a bill that will make a number of significant improvements to the relevant licensing regimes.

We have a long-standing commitment to reducing gun crime, and the licensing of air weapons is central to that aim. It featured in our 2007 and 2011 manifestos, and the power to regulate air weapons was finally devolved to this Parliament in the Scotland Act 2012.

We have acted on that new power and consulted widely with experts and the public. Our proposals have not been universally welcomed, but we believe that they strike the right balance between respecting the interests of people who shoot legitimately—for work, sports, pest control or leisure—and the need to ensure that those who would misuse guns do not have access to them.

Alex Fergusson (Galloway and West Dumfries) (Con): I appreciate the cabinet secretary verifying that the principal purpose is to reduce crime involving air weapons, but can he tell me what evidential back-up he has to suggest that the measure will reduce gun crime using air weapons, which is already at an almost record low?

Michael Matheson: The member is correct to say that gun crime is at an almost record low. However, within the category of gun crime, almost half of all the offences involve air weapons. He may also have noticed from the most recently published statistics that, in the area where there was an increase in gun crime, the increase was due to the use of air weapons. Having a licensing regime will assist us to be more effective in ensuring that people who are not suitable to have such weapons do not have access to them.

The bill does not ban air weapons in Scotland, but those who should not have access to firearms—including those who deliberately and maliciously target property, animals or other people—will no longer be allowed to have air weapons. That will better protect the public from suffering harm at the hands of those who misuse their guns.

When publishing the committee's stage 1 report, the committee's convener, Kevin Stewart, said:

"There is no doubt air weapons are dangerous ... That is why we welcome plans to introduce a licensing regime ... It is a timely and important piece of work."

I welcome and agree with his remarks and I am sure that the majority of members also agree with them and support the provisions.

Alcohol licensing is of constant interest to the Parliament. That part of the bill is largely focused on quite technical issues. We know that outdoor drinking dens attract vulnerable young people and place them at immediate and long-term risk. That is why the bill creates offences in relation to the supply of alcohol by adults to children and young people in a public place. That will give the police the powers that they require to address the problem of drinking dens.

A fit-and-proper-person test is being introduced for premises licences and personal licences, and licensing boards will also be able to consider spent offences. Those changes were widely called for to ensure that only those who are suitable can hold a licence.

We are clarifying that a licensing board, when considering overprovision, may determine that the whole of its area is a single locality. We have listened to calls for licensing boards to provide greater clarity about how they carry out their business. Therefore, as well as imposing a duty on boards to report annually on their income and

expenditure, the bill requires boards to publish an annual report on the exercise of their functions.

Various members expressed concerns about the five-year ban on someone reapplying for a personal licence after they have had their licence revoked for failure to submit a refresher training certificate. We are removing that ban. That will come into effect on the day following royal assent.

The bill improves the effectiveness of civic licensing regimes with a variety of reforms across a wide area. It will deliver an improved regime for the licensing of metal dealers that will raise standards in the industry and make it more difficult for metal thieves to convert the proceeds of crime into cash. The bill ensures that all dealers are licensed, bans the use of cash as payment for scrap, tightens record-keeping arrangements and requires proper identification of customers. It also increases the scope of licensing to capture some important peripheral activities, such as door-to-door collectors. It increases penalties for licensing offences and creates a power that will enable the creation of a register of metal dealers.

I take the opportunity to record my thanks to those who have helped in developing the proposals—particularly the British Metals Recycling Association, which has represented the interests of the many legitimate and reputable scrap metal dealers, and the British Transport Police, which has led the fight against metal theft in recent years.

The bill allows communities a greater say over whether sexual entertainment, such as lap dancing, takes place in their areas by allowing local authorities the power to provide for a licensing regime for such activity and thereby to control the number of licences that are granted for sexual entertainment venues. Central to that is the belief that the voice of communities should be heard and that local authorities should have a clear influence over whether an activity such as sexual entertainment should take place in their areas. Local authorities are best placed to reflect the views of the communities that they serve and to determine whether sexual entertainment establishments should be authorised and under what conditions.

I welcome the amendments to the bill that reinforce the role that imposing proper control over sexual entertainment venues can play in tackling violence against women. I applaud the role that many individuals and organisations have played in getting us to this point, but I particularly acknowledge Sandra White, who has worked tirelessly for many years to highlight the issues and to push for the introduction of such a licensing regime.

The bill also makes a small number of changes in relation to taxi and private hire car licensing regimes. Local authorities are responsible for hire car licensing regimes. They have discretion in applying a local regime that best meets their area's requirements, and that can take account of the views of customers and the trade. In general, the local process works well.

Specific provisions in the bill include the power to refuse, on the ground of overprovision, to grant private hire car licences; the extension of driver testing to allow testing of private hire car drivers; and the removal of the contract exemptions from the licensing and regulation of taxis and private hire cars, which will bring hire cars that are used on contracts into the licensing regime. The bill also simplifies and improves licensing arrangements by, for example, providing for the licensing of theatres within the public entertainment licensing regime.

I have set out the Government's thinking on some of the key areas of a wide-ranging bill.

I move,

That the Parliament agrees that the Air Weapons and Licensing (Scotland) Bill be passed.

The Deputy Presiding Officer: Before I call Cara Hilton, I inform members that, to allow everyone to speak in the debate, I have determined that decision time will take place at 10 past five.

16:14

Cara Hilton (Dunfermline) (Lab): I echo the cabinet secretary's comments and thank all who were involved in devoting time and energy to supporting us in our scrutiny of the Air Weapons and Licensing (Scotland) Bill. I particularly thank the parliamentary staff for the support that they provided to the Local Government and Regeneration Committee during the bill's progress.

I joined the committee mid-way through the process, so I missed many of the early evidence sessions, but I thank all the witnesses and interest groups that engaged with the committee and provided evidence on the wide range of topics that the bill covers. I thank the cabinet secretary for his willingness to work with committee members and other MSPs to improve the bill and for engaging with and responding constructively to all stakeholders involved.

The bill is certainly a bill of many parts. It introduces a new licensing regime for air weapons, as well as reforming local authority licensing functions in respect of alcohol, taxis and private hire cars, scrap metal dealers and theatres. The

bill also introduces a new licensing regime for sexual entertainment venues.

According to the policy memorandum, the bill's aim is to protect public safety, preserve public order, reduce crime and advance public health. During the stage 2 debate back in April, my colleague Alex Rowley suggested that combining such a diverse range of subjects and objectives into a single bill, which is based on possibly outdated legislation, is perhaps not the best way to legislate. I hope that this Scottish Government and future Governments will reflect on that.

The committee's report on the bill stated that

"The Bill is what could be described as a 'pick and mix'".

That sums up the situation pretty well. Scottish Labour will support the bill today, but we do not think that it is perfect.

Considerable progress has been made on alcohol licensing. I was pleased that our amendments were accepted and to hear the reassurance that was given to Dr Richard Simpson that work on the issue that his amendment raised is under way.

We are concerned that some parts of section 68 of the bill, as amended by the Government today, could put children and young people at risk. I am disappointed that my amendment to totally ban under-18s from sexual entertainment venues was rejected, despite having the backing of Scotland's Commissioner for Children and Young People, Barnardo's Scotland, the Zero Tolerance Trust, Scottish Women's Aid and Rape Crisis Scotland.

I am disappointed that the Scottish Government believes that it is acceptable for young people to have access to sexual entertainment venues if owners can come up with a reasonable excuse. That directly contradicts a range of key Scottish Government policies that Scottish Labour supports, such as getting it right for every child and the Children and Young People (Scotland) Act 2014. It is also inconsistent with the Scottish Government's strategy on violence against women.

Michael Matheson: Does Cara Hilton understand the point that I made about her amendment and the Government's amendment in relation to under-18s having access to sexual entertainment venues? Had we gone with the amendment that Cara Hilton proposed, the reasonable excuse defence could have been used at any time when the venue was being used for sexual entertainment or not for sexual entertainment, whereas the Government amendment bans under-18s from being on the premises and closes down the use of the reasonable excuse defence, so that it cannot be used to allow a young person to be on the

premises when sexual entertainment is taking place. Those are the provisions that we will now have in law, under the bill.

Cara Hilton: That is one interpretation, but I am not convinced by those arguments. I lodged the same amendment at stage 2 and I did not hear those arguments then; this is the first time that I have heard those arguments, so I am a bit doubtful as to their validity.

Kevin Stewart (Aberdeen Central) (SNP): Oh.

The Deputy Presiding Officer: Order.

Cara Hilton: I have lost my place now.

I am pleased that the Scottish Government introduced positive amendments that will improve notification procedures and require local authorities to fully consider the impact of licensing sexual entertainment venues on the local authority's wider objectives, such as reducing violence against women and protecting children and young people. I hope that that will give local communities a bigger say in whether such venues can operate in their areas.

The cabinet secretary's amendments in those areas reflect what I hoped to achieve in the amendments that I lodged at stage 2. That is welcome progress. I hope that we can develop more joined-up policy making at local and national levels in building towards the type of Scotland that we all want to see.

The sex industry can never be allowed to operate in a vacuum. Our approach needs to reflect the goals in "Equally Safe" of a Scotland where all individuals are equally safe and respected and where our town and city centres are welcoming to all. Until now, the industry has in effect been unregulated so, although the bill is far from ideal, the new licensing regime that it proposes is certainly better than the current situation.

Regardless of the debates about the legality of the new regime, we have to be vigilant in monitoring that regime. In licensing such venues, the Scottish Government risks normalising a harmful form of sexual exploitation. As the Zero Tolerance Trust pointed out in its initial briefing to the Local Government and Regeneration Committee,

"if we are to move beyond women's value and worth being located in their bodies and their perceived sexual attractiveness, we need to move beyond seeing sexual entertainment venues as normal and harmless."

We need to challenge a culture where women and girls are viewed and treated as sexualised objects. To fail to send out a clear message on that is to fail our young people.

There is no doubt that the taxi and private hire car industry is changing rapidly, and it is vital that the legislation reflects the pace of change. During the committee's evidence sessions, there was concern about whether the bill will be robust enough and future proofed enough to prevent taxi app companies from bypassing local regimes. I hope that it will be, but only time will tell.

I know that the Scottish Taxi Federation was pleased with the assurances that it received from the cabinet secretary. We all agree that it is vital that there is a level playing field and a fairer deal for all in the sector.

Scottish Labour fully supports the air weapons proposals in the bill. It is estimated that 500,000 airguns are owned by people throughout Scotland. The bill will—rightly—require anyone who owns an airgun to demonstrate a legitimate reason for having such a weapon.

There is no doubt in my mind that air weapons are dangerous. The tragic death of two-year-old Andrew Morton 10 years ago and the heartache that his family continue to endure every day highlight the real and pressing need for us to act to prevent future tragedies.

Half of all firearms offences involve the use of an air weapon, and every single day our police officers and animal welfare groups have to deal with the consequences of those weapons being misused. The proposals in the bill are welcome and will ensure that Scotland has a strong and robust air weapons licensing regime.

The bill's proposals on metal dealers and metal theft are welcome and will bring Scotland into line with the rest of the UK. Metal theft is a big issue in many of our communities, and it is never a victimless crime. We hope that the bill will strengthen the licensing of metal dealing and reduce metal theft and related criminal activity, which not only inconvenience the public but endanger the public and offenders, too.

I notice that I have run out of time. In conclusion, although the bill is not without its flaws, many of the proposals that it contains are welcome, and it is certainly a step in the right direction. Scottish Labour will support the bill, and I look forward to the rest of the debate.

16:21

Alex Fergusson (Galloway and West Dumfries) (Con): In opening the debate for the Scottish Conservatives, I am sorry to say that I find myself every bit as perplexed about the bill now as I was at stage 1. The vast majority of it is greatly to be welcomed, in particular the provisions on alcohol licensing, metal dealers and public and sexual entertainment venues. In general, although

the jury is perhaps still out on some of the provisions relating to the licensing of taxis and private hire cars, parts 2 and 3 of the bill are broadly to be welcomed. In particular, I welcome from a constituency point of view the rescinding of the five-year ban in the event of renewal of a personal licence when that licence has run out, as that is a commonsense and practical measure. The tightening up of existing licensing provisions is largely sensible, and those elements would, if they had been considered on their own, have undoubtedly attracted the unanimous support of members in the chamber.

However, the problem that we on the Conservative side of the chamber have—which will come as no surprise to members—is with part 1. It contains the new licensing provisions—they do not, please note, tighten up existing provisions—that relate to the new air weapons regime that the Government wishes to introduce. For us, that is a red-line issue that also involves an important point of democratic principle. We believe that part 1 should always have been a separate piece of legislation.

During the stage 1 debate, Kevin Stewart intervened on me to ask what might be different in a separate bill that would lead me to support it. The answer to that is quite possibly nothing, but the point is that we could have had a clear debate and decision-making process on a completely new area of licensing provision while almost certainly unanimously agreeing on a separate bill that covered the provisions in parts 2 and 3 of this bill. We on the Conservative side of the chamber are forced into the position of being unable to support the bill despite agreeing very much with a large part of it.

I will spend the brief time that is available to me explaining why we are so opposed to part 1. At stage 1, I raised a concern about the fact that the most recent statistics on air weapon offences, which should have been published in November 2014, would not be published until October this year—almost a year late. Lo and behold, the statistics have now been published, and they show that air weapon offences are at their second lowest level in the past decade. Such offences make up 0.06 per cent of all reported crime in Scotland, which is a drop of 73 per cent from their peak.

Against that background, the possessors of the estimated 500,000 airguns in Scotland are to undergo a process to license them to possess airguns. That process is to be carried out by officers of Police Scotland, but not by the trained civilian specialist firearms officers, whose numbers are being reduced from 34 to 14 as we speak. Instead, it will be carried out by rank-and-file police officers with no previous experience of weaponry

at all, whose training—I am reliably informed—consists largely of learning about the legislation involved, rather than any hands-on weaponry training that might help officers to prepare for the task that they will have to undertake.

I am equally reliably informed that Police Scotland has a current backlog of more than 500 shotgun and firearms licence applications, so one can only begin to imagine what additional pressures the airgun licensing regime will place on it. Once a licence or permit has been gained, it will not be required to purchase the ammunition for those weapons. That could mean that those holders of airguns who do not bother or want to get a licence or permit—everybody agrees that there will be many of them—will have no difficulty in obtaining ammunition for their weapons. I suggest that those who are most likely to carry out airgun crimes are probably those least likely to bother to get a permit, especially one that costs around £80. I do not believe or accept that this new regime will have any impact on crime statistics whatsoever.

I suggested earlier that amendments 1 and 2 would reduce bureaucracy, expense and the unnecessary use of human resources. Had they been accepted, I am sure they would have had that effect, but they were not. We are left with a bill that will create a whole new layer of bureaucracy and expense. It will take up countless hours of police officers' time to introduce a licensing regime that will do nothing to reduce the minute amount of crime that a minuscule number of airgun owners or possessors currently commit.

As I said earlier, the bill seems a perfect example of using a sledgehammer to crack a nut. That the sledgehammer is being wielded by a Scottish Government that preaches the gospel of cutting down on unnecessary red tape, expense and time wasting at every possible opportunity almost defies belief. We do not believe that this sledgehammer will crack the targeted nut; all it will do is place an unnecessary increased burden on thousands of perfectly law-abiding citizens, which is not something that Conservative members can support.

16:26

Kevin Stewart (Aberdeen Central) (SNP): In April, we debated and agreed the general principles of the Air Weapons and Licensing (Scotland) Bill, and today we debate the bill in the form in which we hope it will be enacted. Although there is no formal role for me in this debate, as convener of the Local Government and Regeneration Committee I would like to share the work of the committee and its effectiveness in realising change.

As I pointed out at stage 1, licensing has an important role. It is integral to preserving public order and safety, reducing crime and advancing public health. A key aim of the bill is to improve the efficiency of the licensing regimes, contributing to the creation of a better regulatory environment for business. The bill is wide ranging and covers the creation of new licensing systems in Scotland for the use of air weapons and the operation of sexual entertainment venues. The bill also amends existing licensing systems on alcohol sales, scrap metal dealers, taxis and private car hires, and public entertainment venues. The importance of those regimes and the objectives that they seek to reinforce should not be underplayed.

Our level of engagement with key stakeholders allowed us to make meaningful changes to the bill that will improve the effectiveness of the provisions. For example, the bill now enables the sale of air weapons to customers in the rest of Great Britain; requires alcohol licensing boards to publish annual reports outlining how they have contributed to the licensing objectives; empowers licensing authorities to deal with issues connected to advertising of sexual entertainment venues; updates the definition of metal dealers so as to include those who do not buy metal but sell it; more clearly defines the forms of payment to metal dealers; and provides the legislative framework for the creation of a national database of metal dealers.

The work of the committee has led to major change in the bill from stage 1, and the vast bulk of that work has been pretty co-operative. We have seen where there has been division and mistake because of misunderstandings. I was disappointed that a committee member was briefing against colleagues in the press, and I will be interested to see how some colleagues have voted on certain amendments, particularly amendment 19.

I thank the cabinet secretary for being extremely co-operative as we have tried to get the bill absolutely right. As I said, we have made great moves towards getting it right. I will give one example: the penalties for metal theft. The committee believed that the original proposals on that were far too lenient, but now we have a fine of up to £20,000 and/or up to six months in prison. We have reached that conclusion because of the work of the committee.

The bill now strikes the right balance. It allows businesses and ordinary folk to go about their lives while seeking to prevent or reduce the harm that is caused by people who seek to avoid regulation or to carry out criminal acts. The bill is proportionate to the issues that it tackles, which is why I will vote in favour of it at decision time.

16:31

Elaine Murray (Dumfriesshire) (Lab): The intention of people who support the bill has never been to ban air weapons; it has been to regulate them. Air weapons can and, sadly, do kill. It is wrong that anyone who wants to can keep and use a lethal weapon without any checks on why they have it and whether they can be relied on to use it responsibly and for a legitimate purpose. I am pleased that the bill will rectify that situation.

Like other members, I was lobbied to exclude people who already hold a firearms licence. The bill excludes them from some but not all of the licence tests. That is correct because, although a person who has a firearm might be a suitable person also to have an airgun licence, they might not have a good reason for doing so and it is correct that the chief constable should be required to ascertain that they have a good reason for having an air weapon.

I note the concern that the Law Society of Scotland raises in its stage 3 briefing that there are around 500,000 air weapons in Scotland that cannot be properly traced and that they might be sold off or given away in advance of the bill coming into force rather than being handed in to the police. Does the cabinet secretary have a strategy to try to encourage people to hand in their weapons rather than give them away and have them circulating illegally in Scotland?

In that briefing, the Law Society also makes the point that the purchase of ammunition is not regulated and that there is no requirement in the bill to produce the weapons certificate when purchasing ammunition. I suspect that the purchase of ammunition might still be reserved—I think that it is only the licensing of air weapons that has been handed over to the Scottish Parliament—and therefore it is not possible for that to be addressed here. Perhaps it needs to be addressed at Westminster.

The regulation of air weapons will protect people, domestic pets and wild animals. It is difficult to assess the numbers of wild animals that have been injured or killed by air weapons, as they might die in places where their carcasses will never be discovered.

I was a bit concerned about an amendment that was agreed to at stage 2 that allows young people to use airguns for pest control. Originally, the bill had permitted only young people who were commercial pest controllers or employed by them to shoot pests. I accept that shooting can be a humane method of pest control in the right hands, but I am a bit concerned that, because of that stage 2 amendment, untrained young people—or, indeed, untrained adults—can use airguns to shoot live animals and, potentially, cause them

significant suffering if they are not instantly dispatched.

I seek the cabinet secretary's reassurance on whether other legislation, such as the Animal Health and Welfare (Scotland) Act 2006, provides sufficient protection for wild animals that might be considered pests but are, after all, still sentient creatures and might suffer badly if untrained individuals take pot shots at them in the name of pest control.

I mentioned scrap metal dealers during the stage 1 debate, having discussed the bill with a local and reputable metal dealer. I was pleased to note that, at stage 2, the Government introduced amendments to prevent a scrap metal dealer from paying in cash by clarifying that only a bank or building society account may be used when undertaking a sale of metal. That is welcome. It will prevent the theft of scrap metal, which has been a serious problem for some time—since metal prices rose—and can have serious consequences for public safety and public convenience. Welcome amendments were made regarding record-keeping requirements and establishing a register of metal dealers, which had both been argued for.

It is correct that local government will take responsibility for regulating sexual entertainment venues, taking into account the views of local communities. I agree that councils are best placed to do that. I pay tribute to Sandra White and others who have campaigned on the issue of sexual entertainment venues for many years. It is easy to be portrayed as a bit of a killjoy and illiberal when taking on such an issue, but people in this chamber rightly recognise that commercial sexual exploitation is a form of violence against women.

16:35

Liam McArthur (Orkney Islands) (LD): I join others in thanking Kevin Stewart's committee and committee witnesses for their work on what is, by common consent, a wide-ranging and complex bill. Cara Hilton was right to remind us of the committee's observation that the bill was a bit of a pick and mix. I have sympathy for the view that it is two bills masquerading as one, and Alex Fergusson quite rightly pointed to the implications of that for the vote on the bill at decision time. The cabinet secretary was his characteristically reasonable and measured self as he sought to deal with the amendments at stage 3 today. However, I am disappointed that there was not a willingness to accept some of the amendments in relation to airguns, and I will turn to that issue in a minute.

There is much in the bill that we welcome. Part 2, on alcohol licensing, and part 3, on civic

licensing, set out reforms with which we strongly agree. Kevin Stewart articulated those reforms very fairly in his observations. A couple of examples are the closing of the loophole that means that, although it is illegal to buy alcohol for a child, it is legal to buy alcohol to share with a child in a public place; and creating additional record-keeping requirements for scrap metal dealers, including recording the identity of those who sell metal. Those are both eminently sensible moves.

The fact remains, however, that a great deal of the bill relates to the licensing of air weapons, an issue on which we have consistently voiced concerns—my colleague Tavish Scott did so during the stage 1 debate. Unfortunately, those concerns have not been adequately addressed. There have been opportunities to do so, most recently this afternoon, when we welcomed Alex Fergusson's amendments at stage 3. I felt that they sought a practical way ahead on some of the issues while lifting the burden on those already struggling to manage requirements for existing gun licensing, for which there is a backlog, as Alex Fergusson indicated.

The Government is rightly concerned about public safety, but crime statistics suggest that the number of incidents involving air weapons is small and falling—evidence to the committee was very clear about that. I do not dispute that problems exist. In justifying the proposals on air weapons, the current justice secretary and previous ones have cited well-publicised incidents when young children have been hurt because of the inappropriate use of an airgun. Those incidents are appalling and have been roundly and rightly condemned, but those involved were prosecuted under laws that we already have. I cannot see any evidence of how the bill will reduce the risk of such incidents happening.

At stage 1, Tavish Scott called for a proportionate response to the problem, but the bill before us at this stage does not strike the right balance. The introduction of blanket restrictions will have a significant impact on individuals and practices that currently present no risk to public safety, without necessarily providing any deterrent for those intent on acting irresponsibly. Indeed, there is even an argument that the restrictions could encourage more people to trade up to more powerful weapons. I would be interested to know whether the bill has been either island proofed or rural proofed in any way, as the Government has committed to doing.

Steps might need to be taken to address the inappropriate ownership and use of airguns, but I fear that the proposals in the bill are more a way of allowing ministers to claim that they are taking action than an effective response to any problem

that exists. On that basis and despite our welcome of many other aspects of the bill, we will not be able to support it at decision time.

16:39

Sandra White (Glasgow Kelvin) (SNP): The bill is an important one that deals with metal theft, air weapon licensing, alcohol licensing and, of course, sexual entertainment venues. I will limit my comments to the part of the bill that deals with sexual entertainment venues.

I am grateful to the many members who have mentioned that I have been pursuing the licensing of sexual entertainment venues for more years than I care to remember. I thank the Local Government and Regeneration Committee for all the work that it did on this part of the bill. I also thank the clerks—I see that they are in the chamber—for the advice that they have given me and their help in lodging various amendments. I also thank the Scottish Government and the Cabinet Secretary for Justice for introducing the bill. Special thanks must go to the previous justice secretary, Kenny MacAskill, who worked with me when I brought my member's bill to the chamber a number of years ago—unfortunately, the Opposition parties voted it down, but we did not give in; we brought it back again. I thank everyone who has helped with the current bill, but if it were not for the previous justice secretary, Kenny MacAskill, I do not know whether it would have got this far.

A number of members have talked about the granting of sexual entertainment licences for lap-dancing clubs. I represent Glasgow city centre, and such clubs are a part of that. In fact, many people have come to me about the proliferation of lap-dancing clubs in Glasgow city centre. It has been decided that local authorities will be responsible for their licensing, and that is absolutely right—there cannot be mandatory licensing; it must be for local authorities to represent the people in their areas. I thank Councillor Coleman, of Glasgow City Council, who gave me enormous amounts of advice and support while I was pushing through this part of the bill. It is fantastic that, as a result of all the work of everyone concerned, from 10 past 5 tonight, if a local authority wishes no lap-dancing and sexual entertainment licences to be granted in its area, none will be granted. I call that empowering local people—not just local authorities but local communities—who wish not to have this type of entertainment in their areas.

As others have said—I have long said it myself—sexual entertainment is a form of violence against women. I have already mentioned some of the examples that I have encountered of people being in such establishments. The bill is therefore

a really good piece of legislation to come out of the Scottish Parliament. Lots of people on community councils and not just women's groups but groups throughout Scotland very much welcome the bill. The idea that women can be objectified through lap dancing and people paying for that type of thing will be long gone when the legislation is implemented. Others besides me have worked on it for many years, and I thank everyone who has helped me to bring it forward. I look forward to 10 past 5 tonight, when we will finally be able to say yes to this legislation.

16:43

Malcolm Chisholm (Edinburgh Northern and Leith) (Lab): I welcome many of the changes that the bill will bring about, although I think that there will, in due course, need to be a more fundamental revision of the Civic Government (Scotland) Act 1982.

On airguns, I accept—as Alex Fergusson said—that the bill is not going to eliminate the problem totally. However, I believe that, as with firearms legislation, it will make a significant difference. It is right that it parallels firearms legislation, because the reality is that airguns cause a great deal of harm to people, pets and wild animals. It is therefore absolutely right to have a fit-and-proper-person test. People should have a reasonable and proper use for such weapons.

The issue of alcohol comes up frequently at community councils, and the bill makes some good progress. The fit-and-proper-person test for licensed premises and personal licence applications is a good measure, as is the renewed and reinforced focus on overprovision, which relates the measure to the whole licensing board area. In speaking to his amendment 14, Richard Simpson made the important point that communities must have all the information in order to be able to object to overprovision meaningfully and realistically. That is why he wanted a national register. He withdrew amendment 14 because some defect in it was pointed out, but he referred to subsection (6) of the new section that will be introduced by amendment 12, which is the amendment on the annual functions reports that was agreed to. I think that it is possible, through that subsection, to provide the information that Richard Simpson was seeking. I think that the cabinet secretary accepted that, and I hope that he will keep Parliament informed on that.

Everybody welcomes the provisions on scrap metal. We know that there is a problem with metal theft, so anything that makes it more difficult to dispose of stolen metal has to be a good thing.

Last, but by no means least, is the issue of sexual entertainment venues. The provisions in

the bill about empowering local authorities and enabling them to say no are correct and widely welcomed. We should pay tribute to Cara Hilton and Zero Tolerance for the way in which they have developed the policy, in partnership with the minister to a large extent, over the past few weeks. That has resulted in the agreement today to an amendment on a statement of policy by local authorities, and the requirement for that statement to take into account the wider policy context. That is welcome progress.

Also welcome is the requirement for local bodies to be notified. Again, that includes community councils, violence against women partnerships and others, following the statutory guidance that was announced by the cabinet secretary today.

The main problem in this area today was the debate around amendment 19 and amendment 22. We all had strong briefings on the issue from Barnardo's and the children's commissioner, and we had previous influential briefings from Zero Tolerance that emphasised the position that sexual entertainment is an example of the objectification and sexual exploitation of women and is, therefore, intrinsically undesirable. People will therefore understand why we supported Cara Hilton's amendment on the issue of people under 18. We had a problem when the cabinet secretary introduced a whole lot of new arguments that had not been presented at stage 2.

Kevin Stewart: Will Malcolm Chisholm give way?

The Deputy Presiding Officer: The member is in his last minute.

Malcolm Chisholm: If Cara Hilton's amendment had dealt with a new issue, we would not be able to complain. However, it dealt with an issue on which she had lodged an amendment at stage 2, when we heard not one word of the explanation that we heard today. It was absolutely impossible for us to assess what the cabinet secretary was saying, which is why we supported amendment 22, along with Zero Tolerance and the children's commissioner.

16:47

John Wilson (Central Scotland) (SNP): I want to take this opportunity to welcome the discussion and debate on what are clearly important issues for Scotland. The health and security of everyone in Scotland are of the utmost concern, and this bill has created important discussion around those issues.

I put on record my welcome of the cabinet secretary's willingness to listen to and act on the discussions that took place in the committee and elsewhere, particularly at stage 2, and to accept

the issues that were being raised by external organisations.

I put on record my thanks to the many organisations that came and gave evidence to the committee, and to the individuals who responded to the call for evidence. Without that evidence, some of the issues that have been discussed today might not have been discussed, as they might have been lost in the debate.

The bill covers a number of areas, as members have said: air weapons; alcohol licensing; taxis and private hire cars; metal dealers; the licensing of public entertainment venues; and the licensing of sexual entertainment venues. Some of the issues that were debated at stage 1 and stage 2 have been lost today, because they were dealt with in a consensual manner. For example, issues around the licensing of public entertainment venues were accepted and adopted by all concerned, because there was confusion about how sexual entertainment venues licensing might impact on public entertainment venues.

With regard to metal dealers, we heard evidence in committee about the cost of metal theft in Scotland. One witness indicated in written evidence that the cost of metal theft in Scotland could be up to £40 million. I am glad that the fines have been increased to take account of the issues that have been raised because, clearly, we have not been targeting those who are seriously involved in metal theft. It is hoped that the fines will help to deter some of those characters, and to safeguard the infrastructure of communities in Scotland.

There are issues about the interpretation of air weapons licensing. I have had a number of representations from members of the airsoft community who are concerned with how the changes in the legislation may affect them. It will be incumbent on the cabinet secretary in guidance and in regulation in the future to ensure that airsoft and related communities are clear about what is covered in the licensing regime. There are issues related to the strength of the weapon being used: technological advances that are taking place, particularly in the airsoft area, mean that some of those weapons may soon become covered by the air weapons licensing that we are proposing today.

I welcome the discussions that are taking place, and I welcome the fact that the cabinet secretary has been so consensual.

Access to sexual entertainment venues, dealt with in amendments 22 and 19, is an area that the Local Government and Regeneration Committee discussed at stage 2 in terms of the relevant issues and the impact that provisions in the bill may have on employment in, and access to, those venues. I am glad that the cabinet secretary

lodged an amendment on that; although the majority in the chamber accepted it, it is quite clear that there is still much debate to be held outwith the chamber.

I will support the bill as amended at stage 3, and I look forward to its implementation. If it needs to be worked on in the future, I look forward to the opportunity to do that.

The Deputy Presiding Officer: We will now have closing speeches.

16:51

Cameron Buchanan (Lothian) (Con): The Air Weapons and Licensing (Scotland) Bill has drawn out areas of both consensus and contention, as today's debate has shown. As I have commented before, legislation should be passed only when it is targeted and when it acts effectively in the public's best interests. Where that has been the case, such as with metal dealers, it seems to me that the bill would improve matters, and we have heard how the bill has the support of most metal dealers as well as our committee.

However, it is apparent that the aim of protecting people from unnecessary or unhelpful government intervention has not been applied throughout the bill. As a result, the Scottish Conservatives do not believe that it is in the best interests of the people of Scotland.

A guiding principle throughout our consideration of the bill has been that law-abiding people should not find themselves unnecessarily caught under a legislative net just because it is easier or politically expedient for the Government to impose wide-reaching obligations. The provisions on air weapons are a case in point.

Kevin Stewart: Will the member give way?

Cameron Buchanan: Certainly.

Kevin Stewart: I thank Mr Buchanan for giving way. We recognise that there is a small minority of abusers of air weapons. However, the use of those weapons by abusers has led to the deaths of people in this country, including, as mentioned previously, Andrew Morton. Surely it is right to act to ensure that we do not have any more deaths or injuries by making sure that we have the right licensing regime in place.

Cameron Buchanan: What evidence do we have that a licensing regime will prevent deaths? I cannot see it. I do not think it will make any difference; I think that those people will go under cover. [*Interruption.*]

The Deputy Presiding Officer: Mr Buchanan, carry on.

Cameron Buchanan: The misuse of air weapons is confined to a tiny minority of users, as recently published statistics on recorded crimes in Scotland involving firearms for 2013-14 have confirmed. On a side note, it is welcome that the Scottish Government finally changed its initial decision to withhold publication of this data until well after today's debate.

A targeted response to the small number of crimes involving air weapons would be to focus on better enforcement of existing laws, but the bill instead imposes an extensive and costly licensing process upon users.

Furthermore, it is difficult to see how those provisions could be in the public's best interests in terms of security, when Police Scotland's already pressured resources could be invested instead in tackling crimes more prevalent than the 0.06 per cent of crimes that involve air weapons. The administration of air weapon licensing would involve a disproportionately large commitment of the police's resources, as we heard from Alex Fergusson, which may threaten the public security achieved through police operations in other areas.

Those major concerns suggest that the bill does not adhere to the principles of targeted and effective government, a position that is reinforced by the provisions relating to the licensing of the taxi and private hire vehicle market. There are legitimate concerns that, in order to protect consumers, drivers of private hire vehicles should be required to have background checks and to understand the various needs of passengers. An appropriate solution would be to allow tests of only those things, yet the bill will also permit the knowledge test to be required of all private hire drivers, despite the availability of perfectly adequate satellite navigation.

That overreaching of the testing provisions, combined with licensing authorities' power to refuse to grant a licence for a private hire vehicle solely on the grounds of overprovision, has the effect that the bill does not act in the public's best interests. Experience elsewhere has indicated that an expanded supply of private hire vehicles would lower prices and, in doing so, allow more people to afford regular use of private transport. Such a development would clearly be in the public's interest, yet the unnecessary testing provisions and anti-competitive ability to refuse licences on the grounds of overprovision would stand as barriers against that progress.

Colin Keir (Edinburgh Western) (SNP): Will the member give way?

The Deputy Presiding Officer: The member is closing.

Cameron Buchanan: Those things are plainly not in Scottish consumers' best interests.

There are some aspects of the bill that we agree with and that could be beneficial. The problem is that they are embedded within a bill of many parts that includes aspects that we cannot agree with. The welcome provisions include those relating to metal dealerships as well as some sensible reforms to theatre and sexual entertainment venue licensing. However, our principles are not a loose commitment that we wish to see fulfilled only some of the time. For us to be able to support the bill it would have to be focused throughout on genuine improvements on behalf of the Scottish public, and it certainly should not violate the principles of targeted and effective government. Accordingly, the Scottish Conservatives will regrettably vote against the Air Weapons and Licensing (Scotland) Bill.

16:56

Ken Macintosh (Eastwood) (Lab): Not only do I thank all members present for their contribution to the debate but I extend our appreciation to all those outwith the Parliament who have taken the time to give evidence to help us shape the bill. I give particular thanks to members of the Local Government and Regeneration Committee and their clerks for their work—and indeed to the cabinet secretary and the bill team for taking a constructive approach to the bill. The bill itself encompasses an odd mix of policy objectives and is not without criticism, but overall it is stronger as a result of parliamentary scrutiny and amendment.

Before I talk about some of the issues covered by the bill, it is worth putting it on record that we—that is the Scottish Government and the Scottish Parliament—may need to return to civic licensing sooner rather than later. The cabinet secretary said at stage 1 that he had no wish to review the Civic Government (Scotland) Act 1982, but evidence to the committee suggested that the 1982 act is nearing the end of its shelf life. Witnesses from both Edinburgh and Glasgow city councils suggested that it was no longer fit for purpose and others from the business community commented on the piecemeal nature of the 1982 act following three decades of amendments. Even today we had amendments that arguably open up a whole new set of criteria that could be applied in shaping our town and city centre activities, so I urge the cabinet secretary to revisit the Local Government and Regeneration Committee's recommendations on that point and instigate a review.

If passed today, the bill will create a new offence relating to possessing, purchasing or acquiring an air weapon without holding a valid air weapons certificate. For those of us who remember the death of two-year-old Andrew Morton—some 10 years ago now—that law has been a long time in

the waiting and it is all the more welcome for that wait. I recognise that gun licensing generally remains a divisive issue, and I am conscious that we should not subject the law-abiding air weapon owners of Scotland to what is sometimes regarded as the tyranny of the majority. However, in this case the bill is proportionate to the problem that we still face as a society. The casual cruelty often inflicted on domestic pets—cats and dogs—and even passing birds by irresponsible airgun users would be reason enough to introduce a more regulated form of ownership. The fact that last year half of all offences involving a firearm involved an air weapon is even more persuasive for me and my colleagues. Scottish Labour is very pleased to support the air weapons proposal.

The whole area of licensing sexual entertainment venues is fraught with difficulty. There is an argument that suggests that if you license an activity you are implicitly or even explicitly endorsing it. I came across that argument when I was proposing action on sunbeds and skin cancer through an amendment to the Civic Government (Scotland) Act 1982. There is an interpretation that by licensing such venues we are almost approving of them. I am sure that many of us in the chamber would object to any such interpretation being made of our actions this afternoon.

Women suffer—in fact, all of Scotland suffers—from the objectification of women and discrimination and violence against women. That is recognised in the Scottish Government's policy.

Equality groups have mostly taken the view that they support sexual entertainment licensing on the basis that that is better than having unlicensed venues, but concerns remain—those concerns were raised by my colleague Cara Hilton—that the bill does not quite do enough to align with Scottish Government policy on gender equality. I regret, for example, the fact that the proposals to restrict the display of sexualised images in public places that are accessible by children were not included in the bill, if even for discussion. I am grateful to Child's Eye Line UK and my colleague Cara Hilton for raising that issue during stages 1 and 2.

It is worth noting the support for such a proposal from Girlguiding through its girls matter campaign, which highlights the desire of young people to be subject to less objectifying and to stop children's exposure to harmful sexualised content in mainstream media. It is worth pointing out that the Parliament has already acted to prevent the display of tobacco products because we deemed them to be harmful. Therefore, I hope that the Parliament has the opportunity to return to that issue at some point in the near future if we are to improve the environment in which we bring up not just our young girls, but all our children.

The bill will help to empower licensing authorities to limit the number of private hire cars where there is overprovision, and is welcome for that reason. However, many stakeholders have expressed concern that the current legislation does not deal with the technological challenges that face the industry—for example, remote booking through mobile apps and new operators whose business models are not based on traditional divisions between taxis and private hire cars. I believe that the cabinet secretary has stated that the Government is taking separate steps to address that issue. I look forward to seeing the fruits of that work in due course.

We are happy to welcome the measures in the bill that take a firmer stance on scrap metal theft. The disruption that is caused by such crime causes great strain on our communities and vital public services. From the stealing of train cables from the railways to the stealing of aluminium cables from pylons, the cost of those crimes to the Scottish economy is estimated to be £700 million each year.

In particular, we welcome the proposal to establish a national register of metal dealers. That will help to inform both buyers and sellers on the legitimacy of those whom they are dealing with and further protect them from unintentional law breaking. We are pleased that the minister has agreed to amendments that will avoid causing disruption to daily business practice.

In conclusion, notwithstanding the rather animated discussion earlier about whether we should legislate to make reasonable excuse for a young person to be in a sexual entertainment venue, we have reached broad agreement on the bill. I thank all my colleagues across the chamber for the contribution that they have made and look forward to seeing the benefits that I hope the legislation will bring to our communities.

17:02

Michael Matheson: I have listened with interest to all the members who have contributed to our stage 3 debate. I think that Cara Hilton described the bill as a “pick and mix” because it covers a variety of areas in which licensing provision needs to be made. Changes were made to the bill as a result of the stage 1 and stage 2 processes and the parliamentary scrutiny that it has been subject to, but it continues to fully deliver on its original intentions. The parliamentary scrutiny process has strengthened it.

In my opening speech, I said that I believe that the provisions go a long way towards protecting the public, pets and wildlife from the painful and pointless tragedies that they are often subjected to, which are caused by the irresponsible use of

things such as air weapons. Earlier this afternoon, before the debate, I met Sharon McMillan and her family and friends. She is the mother of Andrew Morton, who was tragically killed by an air weapon some 10 years ago. She and her husband Andy have campaigned tirelessly over the years for something to be done about the dangers of air weapons. I sincerely hope that the passage of the bill with Parliament’s support will reassure them that, through the bill, we are delivering progress and helping to ensure that nobody has to go through the same pain that they have had to go through as a family. [*Applause.*]

During consideration of the bill, I have listened closely to concerns and issues that a range of stakeholders have raised. Issues were raised about the implementation and timing of the introduction of the provisions on licensing air weapons. Elaine Murray suggested having an information campaign so that individuals are aware of the regime’s implications for them. I assure her that work is already being done to ensure that we have a sufficiently robust and widespread information campaign.

We intend to introduce some of the bill’s provisions in a way that allows the public and others who might hold an air weapon some time to decide whether to surrender that weapon or apply for a certificate for it. That will take a bit of time, but work is being taken forward to progress that. I know that Police Scotland, shooting organisations and other stakeholders will all be keen to look at how that is progressed and at how the guidance on the bill is developed.

On a number of occasions, in interventions on me and in his speech, Alex Fergusson raised the issue of the evidence base for the bill. He also asked whether the bill is disproportionate to the risks that are out there. He referred to the most recent statistics on incidents involving firearms in Scotland.

I welcome the fact that gun crime is at a lower level than it was in 2007, but that headline figure ignores the fact that the figures that were published just last week also show a rise in recorded offences involving firearms for the first time in seven years. Within that, offences involving air weapons are up by 6 per cent, which goes against the trend of shotguns and other forms of firearms.

I do not believe that we can be complacent. As almost 50 per cent of all firearms incidents involve an air weapon, that gives us a good signal on the need to take proactive action to address the issue.

If Alex Fergusson and his colleagues, including Liam McArthur, are not persuaded by me that the bill, in bringing in a licence for the provision of air weapons, will prevent crime, they have only to

look at the evidence that was put to the committee at stage 1 by Police Scotland. It was clear in that that a licensing regime for the provision of air weapons will help to reduce crime that is associated with them and at the same time improve public safety. We cannot ignore that message. That is why we introduced the bill. *[Interruption.]*

The Deputy Presiding Officer: While I do not wish to dispel the end-of-term spirit, I ask members to curtail their vital conversations for just another two minutes, please.

Michael Matheson: I deeply regret the fact that the Conservatives and the Liberal Democrats cannot bring themselves to support the bill tonight. I think that they will come to regret that as well.

Members have raised the issue of resourcing in Police Scotland. Police Scotland told the committee that it is taking forward a range of work to prepare for the introduction of the licensing regime. It is reviewing its licensing of firearms to make sure that that is integrated in a single force rather than being done in different component parts, as happened with the different forces in the past.

Alex Fergusson raised issues about delays. There are periods when there are delays because of a spike in applications but, in general, there is no overall delay in dealing with firearms certificates in Scotland. In individual cases, inquiries might need to be made, which result in delays.

I do not believe that a small number of incidents—more than 180 last year—is insignificant. It is not insignificant when they harm or maim an individual or an animal. We should not dismiss that as insignificant in the way that I think Alex Fergusson did this afternoon.

The bill improves how we deal with alcohol licensing. The provisions will support our licensing boards in making sure that we continue to make progress in tackling Scotland's unhealthy relationship with alcohol, which costs this country £3.6 billion a year in associated social and health costs.

I have no doubt that we have all experienced the impact of metal theft in our constituencies. The bill's provisions will make significant improvements in that area, too.

It has been clear that the lack of sufficient legislation to license sexual entertainment venues has not been acceptable. The bill will strengthen local authorities' ability to make decisions about what they consider to be appropriate in their areas based on local circumstances and their ability to do so consultatively and collaboratively.

The bill covers a number of licensing areas. After it is passed today, it will deliver significant improvements to public safety in relation to air weapons and to public health through how we deal with alcohol licensing. It will also deliver significant improvements in dealing with the scourge of metal theft and, equally, in tackling violence against women in sexual entertainment venues. That will ensure that Scotland continues to be seen as a progressive place in dealing with those issues.

Parliamentary Bureau Motions

17:11

The Deputy Presiding Officer (John Scott):

The next item of business is consideration of four Parliamentary Bureau motions. I ask Joe FitzPatrick to move motions S4M-13634 and S4M-13635, on approval of Scottish statutory instruments; motion S4M-13636, on the designation of a lead committee; and motion S4M-13637, on committee membership.

Motions moved,

That the Parliament agrees that the Advice and Assistance (Assistance by Way of Representation) (Scotland) Amendment (No. 3) Regulations 2015 [draft] be approved.

That the Parliament agrees that the Scottish Public Services Ombudsman Act 2002 Amendment Order 2015 [draft] be approved.

That the Parliament agrees that the Rural Affairs, Climate Change and Environment Committee be designated as the lead committee in consideration of the Land Reform (Scotland) Bill at stage 1.

That the Parliament agrees that John Lamont be appointed to replace Annabel Goldie as the Scottish Conservative and Unionist Party member of the Welfare Reform Committee.—[*Joe FitzPatrick.*]

The Deputy Presiding Officer: The questions on the motions will be put at decision time.

Decision Time

17:12

The Deputy Presiding Officer (John Scott):

There are five questions to be put as a result of today's business. The first question is, that motion S4M-13606, in the name of Michael Matheson, on the Air Weapons and Licensing (Scotland) Bill, be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Adam, George (Paisley) (SNP)
 Adamson, Clare (Central Scotland) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Allard, Christian (North East Scotland) (SNP)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Baxter, Jayne (Mid Scotland and Fife) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Biagi, Marco (Edinburgh Central) (SNP)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Roderick (North East Fife) (SNP)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Don, Nigel (Angus North and Mearns) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Dugdale, Kezia (Lothian) (Lab)
 Eadie, Jim (Edinburgh Southern) (SNP)
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Fee, Mary (West Scotland) (Lab)
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)
 Finnie, John (Highlands and Islands) (Ind)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hilton, Cara (Dunfermline) (Lab)
 Hyslop, Fiona (Linlithgow) (SNP)
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)
 Johnstone, Alison (Lothian) (Green)
 Keir, Colin (Edinburgh Western) (SNP)
 Kelly, James (Rutherglen) (Lab)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)

Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Malik, Hanzala (Glasgow) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McDonald, Mark (Aberdeen Donside) (SNP)
 McDougall, Margaret (West Scotland) (Lab)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMahan, Michael (Uddingston and Bellshill) (Lab)
 McMahan, Siobhan (Central Scotland) (Lab)
 McMillan, Stuart (West Scotland) (SNP)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 Murray, Elaine (Dumfriesshire) (Lab)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Pearson, Graeme (South Scotland) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Salmond, Alex (Aberdeenshire East) (SNP)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Drew (Glasgow) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, David (Highlands and Islands) (Lab)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Urquhart, Jean (Highlands and Islands) (Ind)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Wilson, John (Central Scotland) (Ind)
 Yousaf, Humza (Glasgow) (SNP)

Against

Brown, Gavin (Lothian) (Con)
 Buchanan, Cameron (Lothian) (Con)
 Carlaw, Jackson (West Scotland) (Con)
 Davidson, Ruth (Glasgow) (Con)
 Fergusson, Alex (Galloway and West Dumfries) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Goldie, Annabel (West Scotland) (Con)
 Hume, Jim (South Scotland) (LD)
 Johnstone, Alex (North East Scotland) (Con)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 McArthur, Liam (Orkney Islands) (LD)
 McGrigor, Jamie (Highlands and Islands) (Con)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Rennie, Willie (Mid Scotland and Fife) (LD)
 Scanlon, Mary (Highlands and Islands) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)

The Deputy Presiding Officer: The result of the division is: For 92, Against 17, Abstentions 0.

Motion agreed to,

That the Parliament agrees that the Air Weapons and Licensing (Scotland) Bill be passed.

The Deputy Presiding Officer: The next question is, that motion S4M-13634, in the name

of Joe FitzPatrick, on approval of a Scottish statutory instrument, be agreed to.

Motion agreed to,

That the Parliament agrees that the Advice and Assistance (Assistance by Way of Representation) (Scotland) Amendment (No. 3) Regulations 2015 [draft] be approved.

The Deputy Presiding Officer: The next question is, that motion S4M-13635, in the name of Joe FitzPatrick, on approval of an SSI, be agreed to.

Motion agreed to,

That the Parliament agrees that the Scottish Public Services Ombudsman Act 2002 Amendment Order 2015 [draft] be approved.

The Deputy Presiding Officer: The next question is, that motion S4M-13636, in the name of Joe FitzPatrick, on designation of a lead committee, be agreed to.

Motion agreed to,

That the Parliament agrees that the Rural Affairs, Climate Change and Environment Committee be designated as the lead committee in consideration of the Land Reform (Scotland) Bill at stage 1.

The Deputy Presiding Officer: The final question is, that motion S4M-13637, in the name of Joe FitzPatrick, on committee membership, be agreed to.

Motion agreed to,

That the Parliament agrees that John Lamont be appointed to replace Annabel Goldie as the Scottish Conservative and Unionist Party member of the Welfare Reform Committee.

The Deputy Presiding Officer: I wish you all a good recess.

Meeting closed at 17:14.

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