



OFFICIAL REPORT
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Local Government and Communities Committee

Wednesday 23 May 2018

Session 5



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LOCAL GOVERNMENT AND COMMUNITIES COMMITTEE

17th Meeting 2018, Session 5

CONVENER

*Bob Doris (Glasgow Maryhill and Springburn) (SNP)

DEPUTY CONVENER

*Monica Lennon (Central Scotland) (Lab)

COMMITTEE MEMBERS

*Kenneth Gibson (Cunninghame North) (SNP)

*Jenny Gilruth (Mid Fife and Glenrothes) (SNP)

*Graham Simpson (Central Scotland) (Con)

*Alexander Stewart (Mid Scotland and Fife) (Con)

*Andy Wightman (Lothian) (Green)

*attended

THE FOLLOWING ALSO PARTICIPATED:

Roger Colkett (Tollcross Community Council)

Susan Elliot (Scottish Borders Local Licensing Forum)

Chief Inspector Alison Kennedy (Police Scotland)

John Kerr (Edinburgh Green Spaces Forum)

John Lee (Scottish Grocers Federation)

Dr Matt Lowther (NHS Health Scotland)

Laura Mahon (Alcohol Focus Scotland)

Mairi Millar (Glasgow City Council)

Kevin O'Kane (Fife Council)

Julie Procter (Greenspace Scotland)

Colin Rennie (Fields in Trust Scotland)

John Shearer (Scottish Licensed Trade Association)

Fiona Stewart (Aberdeenshire Council)

Bruce Wilson (Scottish Environment LINK)

Stuart Wilson (East Ayrshire Council)

CLERK TO THE COMMITTEE

Jane Williams

LOCATION

The James Clerk Maxwell Room (CR4)

Scottish Parliament

Local Government and Communities Committee

Wednesday 23 May 2018

[The Convener opened the meeting at 09:33]

Alcohol Licensing

The Convener (Bob Doris): Good morning. I welcome everyone to the 17th meeting of the Local Government and Communities Committee in 2018. I remind everyone to turn off mobile phones. As meeting papers are provided in digital format, members may use tablets during the meeting.

No apologies have been received, so I hope that we will have a full house shortly.

Agenda item 1 is a round-table evidence session with a number of interested stakeholders to explore communities' ability to engage with and influence alcohol licensing decisions in their areas. We have a lot of witnesses today. We will start by going round the table and I ask you to introduce yourselves and say which organisations you are from. The members of the Scottish Parliament can introduce themselves as well. I will start. I am convener of the committee.

Laura Mahon (Alcohol Focus Scotland): I am deputy chief executive of Alcohol Focus Scotland.

Monica Lennon (Central Scotland) (Lab): Good morning. I am deputy convener of the committee.

Mairi Millar (Glasgow City Council): Good morning. I am the clerk to the Glasgow licensing board.

Andy Wightman (Lothian) (Green): I am a Lothian MSP.

Fiona Stewart (Aberdeenshire Council): I am the deputy clerk to the north Aberdeenshire licensing board.

Graham Simpson (Central Scotland) (Con): I am a Central Scotland MSP and I sat on a licensing board for 10 years when I was a councillor.

John Shearer (Scottish Licensed Trade Association): I am president of the Scottish Licensed Trade Association.

Stuart Wilson (East Ayrshire Council): I am chair of the licensing forum for East Ayrshire.

Chief Inspector Alison Kennedy (Police Scotland): I am from the safer communities team at Police Scotland.

Jenny Gilruth (Mid Fife and Glenrothes) (SNP): Good morning. I am MSP for Mid Fife and Glenrothes.

Roger Colkett (Tollcross Community Council): Hello. I am from Tollcross community council.

Alexander Stewart (Mid Scotland and Fife) (Con): Hello. I am Alexander Stewart MSP and I sat on a licensing board in my 18 years as a councillor.

Susan Elliot (Scottish Borders Local Licensing Forum): Good morning. I am a member of the Scottish Borders local licensing forum.

John Lee (Scottish Grocers Federation): I am from the Scottish Grocers Federation.

The Convener: Thank you all for coming along. To my left are our official reporters, researchers and clerks. They are vital in pulling such events together, so I also thank them.

I will start with a very general question to get the discussion going. We have two representatives from local licensing forums here. One thing that the committee wants to establish—I mean this with absolute respect—is what licensing forums actually do and whether what they do throughout the country is consistent. When we put out our call for evidence, we did not get a reply from every part of the country in relation to licensing forums, and two areas came back to us and said, "They don't exist in our country". There is a statutory duty to seek to establish them, and I understand that every area is doing that. We are keen to hear what is happening in practice: where they exist, what is going well and what is not going so well. Why is the picture patchy across the country?

Susan Elliot: I am from the Scottish Borders licensing forum. As you are aware, the licensing forums came on stream when the Licensing (Scotland) Act 2005 came into being. I am fortunate in that I have been around since the start, and at that time training was provided for licensing forums. The role of the forums is to oversee and scrutinise the licensing boards and the operation of the 2005 act in their areas.

It is difficult, because at the start we had training, but since then there has been no training for members who have come on board. There is no national guidance, if you like, for licensing forums. The guidance that was provided was all about setting up the forums. Since then, there has been no guidance. As a core member, I am able to hold the focus of the forum along with the licensing standards officers, and we have good

relationships. However, it is a real challenge for forums to keep up to date with legislation and regulations and to keep their knowledge bases up to date.

Locally, we did a survey of our licensing forums to look at the focus and make sure that we had a shared understanding of our role, and from there we worked with Alcohol Focus Scotland and developed training, which has been rolled out. We opened that up to the licensing board as well, because we are all about the same thing: we are all about making sure that we have safe environments, so it makes sense to have joint continuing professional development training.

Stuart Wilson: I would echo much of that. I have been around the forum for about 10 years, and there has always been a big difficulty in attracting young people. It is almost impossible to get young people represented, but that is an important target audience.

In East Ayrshire, we have a very good working relationship with the board—there are no tensions between us at all. The LSOs have a crucial role to play. There are two in East Ayrshire and they are very helpful to the trade, the board and the forum.

We issued a questionnaire to the 32 authorities in Scotland about their views on the forum and on a national body. Like the committee, we found it hard to get responses from some authorities. We got 20-odd replies from the 32 authorities, and 18 of them were keen on having some kind of national co-ordination for the forums, sharing of good practice, training and so on.

The Convener: Before I bring in Laura Mahon, can we get something on the record about what the licensing forums do? I could say what I think they do, and we have identified the problems and challenges, but will you say a little about what you are actually doing?

Susan Elliot: In the Scottish Borders, a lot of our work is on developing an alcohol profile and evidence base. We are gathering data from health services and the police, as well as some national statistics, to pull into a resource that the licensing board can use when it makes its decisions, so that they are evidence based and the board can consider that in its licensing policy statements. That is quite a big piece of work that the forum is involved in.

We have also had engagement with our communities. We have used social media including Facebook to gather some views from the communities to build into that profile.

The Convener: Stuart, do you want to add anything?

Stuart Wilson: The main meat of our work is what the legislation says: we oversee the actions

of the board. We receive the agendas for board meetings in advance and we look at the applications. We are restricted a wee bit, as the legislation says that we cannot comment on individual applications. We can address the board only on the broad issues.

At the moment, we are fairly heavily involved in the creation of the board policy for the next five years. That is the main thrust. We have had several presentations from Alcohol Focus Scotland, which have proved to be very helpful.

Lack of training is a problem. I know that you do not want to focus on the negatives, but when someone comes on to the board they start from quite a low level, and there is a need for some kind of training. The board members all require training, but people can walk on to a forum—unless you can tell me otherwise—with no relevant background whatsoever.

The Convener: That is very helpful.

Laura Mahon: I echo what Stuart Wilson and Susan Elliot have said. Alcohol Focus Scotland's role with regard to licensing as a whole is to try to have a national overview of how the system is operating. The function of licensing forums has been a concern for us for some time now, because of inconsistency. As Susan Elliot highlighted, long-standing members who have been there from the start and received the early training can provide a bit of continuity and understanding for new people, but other forums are not in that position.

The fact that the committee did not receive responses from some areas is not a surprise to me. We have tried several times to do an information-gathering exercise to identify needs, but it is really difficult to get a picture of the position across the country because in some cases there are no forums and in others there are no paid members of staff to provide support to the forum.

Forums tend to function well where the local authority has invested quite a lot of staff resource and other resources to help them, keep them up to date and help them to engage. In some areas, that support is just not there.

The Convener: Do other witnesses want to add their experiences of local licensing forums?

Fiona Stewart: We have just disbanded our three divisional licensing forums in Aberdeenshire. We have three divisional boards, so when the 2005 act came in, we set up a forum for each board area. They were struggling to have members turn up and struggling to develop strategies and actions to follow, so Aberdeenshire Council disbanded them in January this year and set up a brand new licensing forum to cover the whole of Aberdeenshire. It has had one meeting. I

delivered the training because, as has been said, there is no training for forum members.

The forum is meeting today to start considering what its strategy will be. It will be action focused and it will consider what it needs to do in relation to our licensing policy review. We are doing our best to keep it on track.

The three previous forums fell into a rut. They did not know where they were going or what they were doing. Also, the police and the LSOs were having to deliver to three agencies rather than one. It was a waste of resources for some of our partners. We are trying to streamline that.

The Convener: I apologise but, on the terminology, what are LSOs?

Fiona Stewart: They are licensing standards officers. I apologise, convener.

The Convener: Thank you. I am sure that the rest of the MSPs knew that, but I was happy to publicise my ignorance of it. [*Interruption.*] I do not believe Mr Simpson.

Chief Inspector Kennedy: I am the lead in relation to licensing, but I have spoken to the licensing departments within each territorial division, which obviously cover the whole of Scotland, and the general feedback is that there are some forums that work very well, particularly those in Aberdeen and Glasgow.

I would echo some of the comments that have been made. I am getting feedback from licensing staff that, in some forums, the numbers are very small. Sometimes they are so small that, when they meet, they cannot deliver anything. There might be only members from the police and the national health service and maybe an elected member present.

There is a lack of young people and their representatives. That is significant given the licensing objectives about protecting young people. There is also a lack of consistency of expectations about what is to be delivered.

The final point, which is a common theme in the feedback that I have had, is about who chairs the forums. It has been argued that the police should chair them, but the feedback has emphasised that, if there is no local authority input and support, they do not achieve as much.

09:45

The Convener: It sounds a little bit like statutory agencies talking to statutory agencies rather than there being big public feed-in.

Mairi Millar: In Glasgow, we have had a fairly positive experience with the local licensing forum. Our meetings are very well attended by a good

cross-section from the licensed trade, community representatives, statutory agencies—health and the police—and representatives from the licensing board and licensing standards officers.

A practical piece of work that we have found to be helpful to the forum is to develop at the start of each year a work plan in which we set out the areas that we want to look at in the year ahead, and to have regular reports from the police, health and licensing standards officers. That gives a focus to the discussions and provides opportunities to keep members up to date with things such as the recent discussions about compliance and enforcement in relation to the new minimum unit pricing requirement. Having that work plan in place helps to maintain focus in the discussions and keeps the interest going.

The Convener: Does John Lee have anything to add from the industry side?

John Lee: The SGF has membership of two licensing forums. My colleague attends one and generally I attend the other. We think that it is important that retail, particularly small retail, has some kind of representation on licensing forums. About 80 per cent of our members have alcohol licences, so it is an important issue for them. Alcohol as a category contributes to about 14 per cent of the total turnover of an independent convenience store, so these are important issues for our members. We think that it is important that retail is represented on the licensing forums. The licensing forum that I attend is well represented by community councils, the NHS and the licensed trade generally, so it is quite representative.

One criticism that I would make of the licensing forum that I attend is that it has become obsessed with a single issue—overprovision—to the exclusion of all others. There is not really any other subject of conversation, which I think is a pity, because boards and forums have to take a wider cognisance of alcohol-related harm and health, and there are issues that they could be looking at. There are very interesting things happening in the board area of the forum that I sit on with community-based projects that are trying to reduce alcohol-related harm, but the forum takes no interest in them, because the only topic of discussion is overprovision. That is inhibiting the forum from developing a wider, more useful role.

The Convener: Can I ask you to hold on to that thought, as I am going to get MSPs to explore that further. If we put overprovision to one side—I promise that we will come back to that issue and ask a question on it—does John Shearer want to add anything?

John Shearer: I would probably argue against John Lee on overprovision, but we will discuss that later. The SLTA is on most of the forums. The

forums are fantastic in that they bring together the police, all the various community bodies and Alcohol Focus—the whole thing. I have been in a few around the country. However, we would like to see something more national, more together and more co-ordinated. There are various things being discussed, but people fall off these bodies if it is just discussion, discussion, discussion, and nothing getting done, no decisions being made and no areas of concern being influenced. There needs to be national co-ordination.

Laura Mahon: The Scottish Government commissioned an evaluation to accompany the alcohol strategy, part of which was an evaluation of the implementation of the Licensing (Scotland) Act 2005—“Monitoring and Evaluating Scotland’s Alcohol Strategy”, which people might be familiar with. That evaluation was concerned about licensing forums and interviewed numerous licensing stakeholders about how the act was being operationalised. Licensing forums consistently came out as a point of concern. Alcohol Focus Scotland then held a series of regional events at the end of 2016 with a wide range of licensing stakeholders. The functioning of forums was one of the key topics of discussion at those meetings, at which we sought to formulate recommendations about what would improve the situation. There was a number of recommendations, including the establishment of some kind of national forum or national umbrella body. We also had calls for mandatory training for licensing forum members in line with other licensing stakeholders and the opportunity to share a network and learn from the good practice of some of the forums that you are hearing about today.

One of the problems that we identified with the recommendation that there be a national forum is that there seem to be different interpretations of what a national forum would be for and what it would do. Some people talk about it being a national body in which representatives of all the forums could come together to share good practice. Other people talk about it being an umbrella body that delivers guidance and support downwards into the licensing forum system. The recommendation that we ended up publishing on the back of those events was that there needed to be a review of licensing forums because it is so difficult to get a handle on how they are functioning and why some of them are doing well and others are not. Such a review would need a bit of resource behind it, because it would require somebody to go and meet them, as it is so difficult to contact them and get the information in another way.

The Convener: I have an apology to make. We have heard from the various stakeholders around the table but not from Roger Colkett, who is

representing his community. Do you want to add anything before we move to the next line of questioning?

Roger Colkett: I do not really, at this stage. I am not a member of a licensing forum, but I attend the Edinburgh licensing forum fairly regularly as a member of the public. It is a difficult situation because a review of the licensing forum in Edinburgh is currently being conducted by the governance, risk and best value committee of City of Edinburgh Council. I think that the report is due in a month or two but, pending that, things are a bit up in the air.

The Convener: I should say to all witnesses that I do not do subtlety, so make sure that you catch my eye if you want in.

Graham Simpson: John Lee mentioned a particular forum that he sits on that seems to be obsessed by overprovision. What is the make-up of that forum?

John Lee: The forum seems to be quite well served by community council representatives, the police, NHS and the on-trades. We are the only small retail representative on it. I guess that all the main stakeholders are on it, so I think that the representation is fairly good. However, overprovision is the only topic of conversation and has been for the past two or three years that I have been involved in the forum. There is a constant going round in circles. The mantra is that there are too many licences and something has to be done about it. It constantly goes round in that loop. Going to one of its meetings is like “Groundhog Day”, which is a pity, because there are other things that the forum could look at. The issue is acting as an inhibitor and giving the forum a very narrow focus and stopping it having any kind of wider influence.

The licensing board that the forum connects to is interested in the area of overprovision and is legally obliged to take an interest in it. The board takes a very pragmatic view of overprovision and constantly keeps it under review, but the only thing that it ever hears from the licensing forum is, “You have to do something about overprovision. There are too many licences. Something has to be done. You need to increase the number of areas designated as areas of overprovision.” That becomes a circular, self-referencing process, which as an attendee I find frustrating.

Why then do we attend? We feel that it is important that smaller retailers have some kind of representation on what are potentially very important bodies.

Graham Simpson: I sat on the licensing board in East Kilbride in South Lanarkshire; a bit like Aberdeenshire, we split South Lanarkshire up into four areas. One of our jobs was to split East

Kilbride up as we saw fit and decide where there was overprovision. One of the difficulties was getting any evidence for that from stakeholders such as the health service or the police, because you have to provide some evidence and very often there was none. As a board member, you end up just taking a view, and our view was that there was no overprovision in East Kilbride, but somebody could easily take a contrary view, so it was a difficulty. What is the experience around the country?

Roger Colkett: This question of overprovision is a vexed one. What is enough provision? There is no standard. There is no indication that there should be at least this many or not more than this number. In Edinburgh, there was an attempt to look at the harms arising in different areas, but that was based on what I think are called intermediate areas; I am not sure whether that is the right term, but they are sort of census areas, in which there are very small numbers of people—perhaps just a few thousand. The trouble is that, in a highly populated area such as the centre of Edinburgh, such districts are very small and it is difficult to decide whether an area is somewhere where there is a lot of harm or less harm compared with the overall statistics for Edinburgh.

The other issue is where people buy their alcohol. It is increasingly the case that most alcohol is sold through off-licences rather than on-licence premises. People do not necessarily buy within their local district, so the fact that harm may arise in one place does not mean that that is where the alcohol is bought. It is therefore very difficult to say. Certainly where I live there are an enormous numbers of pubs, bars, clubs and so on, but then it is a central area so a lot of people come in from outside to do their drinking. Where you place the overprovision areas is a very difficult thing for people to decide.

Stuart Wilson: The issue of overprovision has been one of the topics in the forum, although not the only one. We are concerned about the changing patterns of purchasing. There is much more online purchasing. How do you measure overprovision in East Ayrshire when people are purchasing from somebody who shall remain nameless a long distance away. Should that be included in your provision? The problem is that it is no longer, in our opinion, about the small corner off-licence. It is about the much bigger, global organisation, and I think that we need to take on board the fact that that pattern is changing. We are aware that overprovision is very subjective. What data should we be using to measure it? You pull a figure out of the air.

10:00

The Convener: I suspect that that was going to be the subject of some follow-up questions.

John Shearer: It is interesting. We have been talking about this since 1880. I have not been here since 1880 but, at various times throughout the ages, decisions have been made. I am not sure whether the committee members are aware of this, but it is very difficult to refuse a licence on the basis of overprovision, because the act is very weak and it is difficult to get that through.

If you look at alcohol sales, you will see that the issue is not so much about the Grocers Association and so on as it is about the big supermarkets. I remember the days when 70 per cent of alcohol was sold through pubs and similar outlets and 30 per cent was sold through off-sales and supermarkets; now, it is the other way round. You can see the way sales are going more and more—it is becoming an 80 to 20 per cent split. We try to represent the whole trade; we do not represent just pubs, hotels and so on. We are also keen on having food and alcohol outlets with a mix of things going on—it is not about just alcohol; we try to represent the whole trade. Having personal licence holders is our new big thing.

I think the opposite of what John Lee thinks; I think that the act must be strengthened. Ireland is a great example to look at. There have been no new licences in Ireland since 1902. If there is a limited number of licences and people selling alcohol, the value of the licence goes up and it becomes an item to borrow against to increase your business and so on. It is a big thing in Ireland. I think that we have gone too far the other way and must come back again. I would love to see support for the pubs and hotels, which would give us more advantage. If you get people into a pub or a hotel—into a controlled environment with alcohol—you have a much better system. There is no question about that. We are not saying that there should not be other ways of selling alcohol, but I think that it has gone too far the other way.

I do not know whether everyone is aware of this but, when supermarkets applied for licensing, the whole premises was licensed. That is another thing that we probably missed in Scotland. In other countries, when you go to a supermarket, there is an area for alcohol—a different section.

We would argue for overprovision to be a major item.

Graham Simpson: When a supermarket—or any shop—applies for a licence, it has to submit a plan and show where the alcohol is going to be.

John Shearer: That is exactly right.

Graham Simpson: If the board was going to approve something, it would be on that basis.

John Shearer: In the early days, where the alcohol was being sold was not seen as an issue—it was just easier to license the whole premises. Nowadays, we are probably looking at that a bit more and saying, “Hold on a second. You shouldn’t be selling alcohol on the way out, with the sweets and the chocolate.”

It is a fact of life that 70 per cent of alcohol is sold via supermarkets. We have also been arguing for minimum unit pricing for years, and it is great to see that coming in. It will have an effect.

The Convener: A few people have indicated that they want to speak further on this subject. I will bring in our witnesses first. If Graham Simpson wants to follow it up, I will let him and Monica Lennon in shortly.

Susan Elliot: We need to be clear that refusal based on overprovision is not about reducing the number of licensed premises in an area but about considering the availability of alcohol and the likelihood of alcohol-related harm. Refusal on the basis of overprovision allows the opportunity to apply a cap and prevent more licensed premises and more availability of alcohol coming in.

Your question was about data, and data on local areas has been published recently by AFS and the centre for research on environment, society and health—CRESH—which was collected by the universities of Edinburgh and Glasgow. Those local area profiles have been developed to enable us to look at the availability of alcohol in those areas. The data shows how much access someone has to alcohol—both on-sales and off-sales—if they walk for 10 minutes from the centre of population. The data is broken down so that we can look at the different areas.

For example, the Scottish Borders has a below-average number of alcohol outlets overall, but, when you drill down into the data, you see that 25 per cent of our neighbourhoods have a much higher number and, in one particular area, the on-sale availability of alcohol is four times the Scottish average. The data is available, but we need guidance and people who can understand it and drill down. There is expertise out there, in AFS and in local areas, that we can draw on to make sure that licensing boards have that information and can make evidence-based decisions about overprovision.

Mairi Millar: I will pick up on that point about evidence-based decisions, which I think was part of Mr Simpson’s opening comments on the topic. Concern is often expressed about the requirement, in the current statutory guidance on the development of overprovision policies, for a causal link to be shown between the number of licensed premises and the harm that is seen to be caused. There is a suggestion that the reference

to a causal link should be removed. However, even if that reference was removed from the guidance, a licensing board would still be required to take an evidence-based approach in its decision making and policies. That approach is implicit in how licensing case law has developed over the years—you must have evidence. In Glasgow, we get very good evidence from our colleagues in public health and from the police that is based on the intermediate data zones.

My personal view is that it is not terribly difficult to establish a causal link. For example, if a convenience store, by its very nature, intends to sell alcohol in a local area and there is evidence that alcohol-related harm already exists in that area, it is fairly easy to draw a causal link between that harm and the addition of further provision. However, overprovision is not the only ground for refusal. We have had examples of areas in which the public health figures have been particularly bad but there have been no existing licences, and we have been able to successfully refuse a new licence not on the ground of overprovision but on public health grounds. When there is already alcohol-related harm in an area, that is sufficient to justify a refusal to make alcohol available on that other ground, which is not consistent with the licensing objective.

Laura Mahon: I will pick up on Mairi Millar’s point. The requirement to establish a causal link has been an area of much discussion and contention in the licensing system for a good 10 years. The argument is not so much about the need to remove the requirement to establish a causal link from the legislation or from the guidance as about the need to clarify what we are talking about when we refer to a causal link. In the guidance that is being updated at the moment, there has been an attempt to clarify that. A licensing board can look at the collective impact of alcohol licences on rates of alcohol-related harm in an area. Instead of trying to prove that an individual premises is causing X harm, it can accept that a collection of licensed premises and the availability of alcohol overall could be creating problems.

The research that Susan Elliot referred to shows, at a Scotland-wide level, that the areas with the highest number of alcohol outlets have double the alcohol-related death rate, almost double the alcohol-related hospitalisation rate and four times the crime rate of the areas with the lowest number of alcohol outlets. Academics have been trying to enhance and develop the evidence base for the link between availability and harm with a view to making the job easier for licensing boards. For some time, there have been calls to get the evidence down to a local level so that the licensing boards can use it.

We are constantly trying to add to that evidence base, but, in my view, the evidence is there. Over 50 studies show the association between availability and harm. As Mairi Millar says, some licensing boards are being proactive and are trying to put a cap in place. It is not about reducing provision; it is simply about preventing any increases where there is concern about the impact that the availability of alcohol is having on communities.

The Convener: Just to clarify, is it about new entrants to the market as much as about withdrawing licences from existing—

Laura Mahon: A board is required to undertake an overprovision assessment. If the board is concerned about overprovision in a particular area, it can make a statement that the area is overprovided for. That overprovision statement creates what is called a rebuttable presumption against the granting of further licences. In my view—perhaps the clerks can talk to this—it provides an easier route for objecting to alcohol licences. There is a presumption to grant licences inherent in the system, and the overprovision statement creates a rebuttable presumption against granting them.

Licensing boards still have to judge every application on its own merit, so the overprovision statement does not result in an outright ban. They still have to consider every application, and there is an opportunity for the applicants to present evidence to demonstrate that they are not going to contribute to further harm. A licensing board can still grant new licences, but the overprovision statement is a tool that enables them to put a cap in place if they have concerns about the impact in an area.

Roger Colkett: I will pick up on some of the things that Laura Mahon has just said. Probably the biggest issue regarding alcohol consumption is the public health issue. The situation is really serious. The latest statistics that I have seen for the whole of Scotland show that the amount of alcohol that is sold in Scotland is enough for every adult to consume 20 units a week, every week. That cannot be good for the health of Scotland.

It goes back to the point about the overall harm that is posed to an area and the point that each case must be dealt with on its own merits. In my experience of quite often attending the Edinburgh licensing board—admittedly, it was mainly the previous board; the new board might be slightly different—the boards always focus on judging the individual case on its own merits. However, when it comes to public health, it seems to me that that is almost like saying to a person who is trying to give up smoking that they should judge each cigarette on its own merits. On that basis, the person would never give up. There must be some

way of ensuring that there is no overall increase in the provision in an area.

I suggest—and my local community council wants to see this—that the whole of Edinburgh should be regarded as an area in which there is overprovision of premises where alcohol is sold alongside food and other normal household purchases. I suggest that for two reasons. First, there is a continuing normalisation of alcohol. Alcohol is not normal, otherwise we would not have a licensing act. For generations, small children have been going to supermarkets with their parents and have seen alcohol sold just like bread, potatoes, milk or whatever.

Secondly, those premises encourage impulse buying. I do not know whether they set out to do so, but that is the impact. What are you going to have for tea tonight? You nip to the local Tesco Express or whatever, and there you see that nice red wine you had a little while ago and there is £1 off, so you get a couple of those. You may think that you are going to put them aside when you get home. However, when you get home, your partner says, “You’re a lifesaver. You wouldn’t believe the day I’ve had,” opens the bottle and there are another few units being consumed that would not otherwise have been consumed.

Something along those lines is definitely needed.

The Convener: There were a lot of knowing nods when you said that, Mr Colkett. Thanks for saying that.

I want to give MSPs a chance to come in. I said that Mr Simpson could follow this up with any observations or questions he has. I will then bring in Monica Lennon before going back to our witnesses, who will have had time to chew it over. I have seen that Alexander Stewart wants to come in at some point. Everyone wants to come in at some point, but I have to give priority to the witnesses when I can.

Graham Simpson: I will be really brief, because other people want to come in.

I have seen the AFS and CRESH studies for the areas I represent—North Lanarkshire and South Lanarkshire—and it is really interesting stuff, although it would be good if it drilled down to a bit more local detail in those areas. Maybe it does and I have not seen it. I think that would be—

Laura Mahon: You can do that.

Graham Simpson: I can do that?

10:15

Laura Mahon: We will probably need to provide lessons to people on how to do that, but that is

part of our plan for the next few months—to go out and help people to understand it.

Graham Simpson: That is very interesting. In North Lanarkshire, the crime rate in the neighbourhoods with the most alcohol outlets was 2.7 times higher than the crime rate in neighbourhoods with the least. In South Lanarkshire, the alcohol-related death rate in those neighbourhoods with the most off-sales outlets was 80 per cent higher than the rate in those neighbourhoods with the least. Those are really interesting statistics.

The Convener: There has to be some advantage to being on the committee, Mr Simpson. I suspect that MSPs around this table and their communities would quite like a discussion with AFS to better understand those statistics—certainly, if we are going to do some further work on the issue. That would bring home to us what they mean for our local areas. I am not trying to bounce you into that, Laura Mahon, but we would appreciate a more granular look at those statistics if the offer is there.

Laura Mahon: Absolutely.

The Convener: We have managed to secure that.

Monica Lennon: The discussion has moved on quite a bit since I indicated that I had a question. It was John Lee who prompted my signal when he commented about the forum that he attends being obsessed with overprovision. Susan Elliot said that your forum is working on the alcohol profile for your area and that that is a big piece of work. I do not know which forum you are talking about, but is that something that your forum has that provides some context?

Graham Simpson has mentioned the statistics for Lanarkshire. I have the statistics for South Lanarkshire in front of me, as that is where I am based and where I was a councillor before I came here. When I look at the statistics and the levels of alcohol-related harm in communities, I can well understand people's frustrations and why they are obsessed with overprovision. However, you said that there are other things that the forum could talk about regarding public health. Is public health not at the heart of the discussions about overprovision? Where do you think the tensions are? We have heard about some of the data that is available. How much data and evidence does your forum have?

John Lee: I am not totally sure. It will have access to the AFS data and CRESH data, which we have heard about. I think that there is an attempt to bring more local neighbourhood-level evidence that is based on community surveys and things to the forum, which I am sure will be helpful. Nevertheless, my strong impression is that the

underlying purpose of that is to strengthen the board's overprovision policy and generate more discussion about overprovision.

I will explain what I mean about the wider context. In the board area whose forum I sit on, we helped to set up the first community alcohol partnership in Scotland, and that has now been replicated across the city. We were involved in what I feel was a very innovative and successful project to clamp down on proxy purchase, which was piloted in the board area and is now being considered for a national roll-out. The project, which I think was successful, involved community-based initiatives aimed at reducing alcohol-related harm, and it involved a wide range of stakeholders.

However, the forum shows absolutely no interest in looking at other such projects. I think that it should take cognisance of them and should be more interested in them as a way of reducing alcohol-related harm and engaging communities in the whole process, but the obsession with overprovision acts as an inhibitor to that, and they are not looked at. Those wider, community-based initiatives, which I think are successful, are not on the agenda for discussion.

Monica Lennon: That is helpful. When I was preparing for this meeting, it struck me that there is not a clear definition of "overprovision". What does overprovision mean to you? Is there a situation where you could say that an area clearly has overprovision?

John Lee: My understanding is that there is no template for overprovision. I think that the board has assess whether there is harm and whether that is correlated with crime or disorder on premises. There does not seem to be an accepted formula or benchmark for overprovision, so it is difficult to know what the decisions are based on. I suppose that that ambiguity means that everyone is searching for a new and more effective way to make assessments of overprovision and assessments of where the boundaries should be, which again feeds into the constant iterative discussion about it. At board level, there is not an accepted benchmark or formula for overprovision that I am aware of.

Laura Mahon: It is important to be clear about what the role of a local licensing forum is. Although a local licensing forum can and potentially should take a broad interest in alcohol harm and efforts to reduce alcohol harm across its area, that should always be with a view to providing the licensing board with intelligence and information. That is one of the functions of a licensing forum. At the end of the day, however, the purpose of the licensing forum is to keep the operation of the act under review in its area. There are examples from areas in which a licensing

forum has diverted all its attention to promoting and supporting community-based initiatives to reduce alcohol harm, and that is not what the function of a licensing forum is. That speaks to some of the confusion about why they are there, what they are intending to do and the need for the provision of clear guidance and support so that they remain focused on their role under the act.

John Lee: I do not disagree with what Laura Mahon said. Increasingly, the problem is that licensing boards are being asked to take on too wide a remit. To go back to what Mairi Millar said, a board is really just there to look at an application and make a decision on its merits. If the grounds are met, the application is successful; if they are not, it is rejected. Increasingly, however, boards are being asked to look at big issues about crime, disorder, alcohol-related harm and public health, which makes their role very difficult. If they are going to be asked to do that, I think that they, and forums, have to start taking a wider look at a lot of the community initiatives that are feeding into the policy agendas.

Laura Mahon: Part of the day-to-day business of licensing boards is scrutiny of and decisions on applications, but the entire act is underpinned by the five licensing objectives, which include the promotion and protection of public health, preventing crime and disorder and protecting children and young people from harm. Boards are now required to produce a statement of licensing policy that will be in place for five years. The purpose of the statement is to set out how the board intends to promote the licensing objectives, so they have that bigger responsibility. It is not just about processing applications; it is about processing applications in the context of those five licensing objectives.

Susan Elliot: I want to highlight the role of other partnerships in local authorities. Alcohol and drug partnerships oversee the national drug and alcohol strategies and are responsible for reducing harm in their areas, so other partnerships out there have that role. Our licensing board chair sits on our ADP, which is a good link to make sure that the board has a wider understanding of the implications of the ADP's work. It is not necessarily the role of the forum or the licensing board to look at those implications, but that gives us an understanding of them. We may have presentations on wider pieces of work that will increase awareness, and we can link into other partnerships for that.

On a local level, we have started to bring in other stakeholders. The children and young persons' leadership group has a role in considering licensing applications where family events and children are involved, so it is considering the licensing objective that relates to

children and young people. Other planning committees and structures can link in and influence licensing.

Stuart Wilson: Laura Mahon was talking about the work done by AFS. It is doing sterling work, but it is letting the Scottish Government off the hook a wee bit. It is doing some of the work that should perhaps be done centrally by the Scottish Government. The act created the forums, and since 2005, the input from the Scottish Government has not been massive, shall we say. There is a desire for some kind of steer, guidance and support. Handling statistics is quite a technical requirement, and many of the forums do not have the training or the expertise that AFS does. It is very helpful, but there is a need for the Government to take over some of the work that it is doing.

The Convener: You have made that point pretty clearly. One of the things that our committee will do after this evidence session is review the evidence and discuss what steps we will take next. Do not think that just because we are not immediately following up on what you have said that we have not heard you. We have heard you.

Mr Lee, I said that I would give you the opportunity to come back in before I go back to MSPs. Do you want to say anything?

John Lee: Laura Mahon mentioned the licensing objectives. In a way, they broaden out the scope of the board's remit and its terms of reference, so that it has to take cognisance of all those different factors. The objectives make the board's task more difficult, in that it has to take a much wider view of all of those issues.

The Convener: We will go back to MSPs. I know that MSPs can become frustrated, but this is not a normal evidence session, so the conversation quite often moves on as witnesses want to come in and have their say. I apologise to MSPs for that, but that is the dynamic.

I want to give Monica Lennon the chance to come back in, because it was her question. I will go to you Alexander Stewart straight after that. Monica's question may have changed, but I give her the opportunity to come in at this point.

Monica Lennon: I was not looking to come back in. I am happy—we can move on.

The Convener: That is great.

Alexander Stewart: This discussion is very useful. We have heard about the quality of the work of licensing boards, which we have been aware of previously, the quality work that is now being done in the forums and also the partnership work that is taking place. However, I still get a sense that there is a bit of tension between licensing boards and forums as to how they can

both achieve their objectives. Licensing boards are working to the law and working to that process. The forums have a role to play, but they do not have power. That seems to be one of the problems that we are facing.

I know that quite a lot of consultation has been happening in Glasgow. Mairi Millar has done a lot of consultation with lots of organisations and individuals. You touched on overprovision. In my experience, sometimes there is anxiety about and fear of tackling overprovision, because of potential legal challenges. Boards have fallen into that trap. I would like to try to tease that out, because I think that it has an influence on where we are.

Mairi Millar: It goes back to having evidence to support the decisions that licensing boards take. One of the points that I was trying to make in my submission was that there is often frustration in communities when they think that their views are not taken into account. However, legally, licensing boards must be able to justify the decisions that they take. That is why the overprovision assessment is so important. The evidence that sits behind that enables licensing boards to take decisions that have a fair chance of being upheld in the courts. Every time a licensing board takes a decision for which there is not a good evidence base and that decision is overturned, it almost tightens the noose around all licensing boards, because every time the courts make such a decision it places more restrictions on the ways in which licensing boards can make decisions.

I cannot emphasise enough the need to have a process for collecting information, views and evidence as part of the development of licensing policy statements. Having that will help the board make decisions that will be as robust as possible and able to withstand legal challenge. In Glasgow we are not afraid to take difficult decisions. We have been challenged in the past and we have been successful in defending decisions taken on the grounds of overprovision. In one particular example, we were successful when a national retailer challenged a decision to refuse one of its applications on the ground of overprovision.

Alexander Stewart: Without doubt, there are barriers in the whole process. I think that you have identified what is required. To have the courage to manage that process is very important. The comment that was made earlier about the Government taking a role to support the mechanism is quite important, because it is quite obvious that people feel that they need that back-up and support. The mechanism is not necessarily being adhered to at the moment.

The Convener: No other witnesses want to come in on that point, but several MSPs have indicated that they want to speak. Mr Wightman is next on my list, but does any other member want

to cover courts and enforcement and the overturning of decisions?

Graham Simpson: Does anyone have any evidence of situations in which a board has refused an application—for example, on overprovision grounds—but the case has gone to court and that decision has been overturned?

10:30

Laura Mahon: In the past few years, there have been a couple of fairly high-profile appeal cases—one of them involved Dundee city licensing board and the other involved Aberdeen city licensing board—in which a licence application was refused on the ground of overprovision, an appeal went to court and the sheriff found in favour of the applicant. In both cases, the licensing board fell down on the process that it had followed in establishing its overprovision position. That echoes what Mairi Millar said about the need to follow a really robust and clear evidence-gathering process and to use that evidence to present reasoned arguments for the position that is taken.

For a number of years, we—and, I think, most other parts of the licensing system—have called on the Scottish Government to update the statutory guidance that accompanies the 2005 act, with a view to clarifying in particular the process for establishing overprovision, which would help. The Scottish Government has recently undertaken an exercise to begin to update that guidance, but AFS has some concerns about the process that has been followed to date. The two chapters that were focused on initially were the overprovision chapter and the statement of licensing policy chapter. The intention was to clarify those processes in particular. What was called an expert advisory group was established to inform that update. We were part of that advisory group, but I do not think that all the licensing stakeholders that should have been represented on it were there. In addition, the timescale was very short for reviewing what is very detailed and complex guidance.

It was established at the start of the process that the advisory group was probably not going to reach consensus on some of the most contentious issues, which we thought, too. We did not reach consensus on certain points. It was agreed that, where we did not reach consensus, notes would be taken in full and would be returned to the Scottish Government so that it could decide what would make it into the guidance. From my perspective, the problem is that, although that happened, the final draft of the guidance was never returned to the advisory group to have a look at before it was issued to licensing boards.

What has been issued to licensing boards is two draft chapters of the guidance. I am not clear on what status those chapters have at this time, which has the potential to add to the confusion. We are at a critical point, at which licensing boards are developing their statements of licensing policy for publication in November. I am still not clear on which guidance they are to follow, because at the moment the existing statutory guidance is the legal instrument and, as far as I can see, the two draft chapters have no legal standing. That is a problem.

The Convener: I am sure that the committee will want to obtain clarity on that as soon as possible.

Fiona Stewart: As chair of the Society of Local Authority Lawyers and Administrators in Scotland licensing forum, which represents clerks all across Scotland, I was also involved in the advisory group. I share Laura Mahon's concerns. As far as SOLAR is concerned, and as far as I am concerned as the deputy clerk of the north licensing board, the process has been rushed and has not been done properly. The two chapters in question are draft chapters. They have not been approved by the Scottish Parliament, so they do not have the weight of the law behind them. At the moment, licensing boards are still bound to follow the 2007 guidance, which means that we are missing out on the policy review. The new guidance will not take effect until after the next local government elections. By then, we will be five years down the line and the guidance will already be out of date.

I echo Laura Mahon's concerns. We have been calling for the guidance to be updated since 2007. The guidance was written before the 2005 act even went live in 2009. The guidance is well intentioned, but we have moved on a long way since then. I still believe that it is no longer fit for purpose.

The Convener: That is now all on the record.

Fiona Stewart: That is fine.

The Convener: The fact that we will not follow up on that immediately does not mean that we will not follow up on it.

Mr Colkett, do you still wish to comment?

Roger Colkett: Yes. I want to go back to the question of evidence. I am not sure whether I am correct, but from what I gather, the big retail chains refuse to disclose the quantity of alcohol that they sell on the ground of commercial confidentiality. I do not know what can be done about that, but it seems that unless something can be done to override that, we will always have difficulty in gathering the necessary evidence, particularly given that the big retail chains provide

70 per cent or more of the alcohol that is bought in Scotland.

The Convener: Thank you. That is on the record, too. We might not explore that issue at this point, but thanks for bringing it to our attention.

Andy Wightman has a new line of questioning.

Andy Wightman: I should probably declare an interest as a licence holder for the Scottish Parliament.

Licensing standards officers were introduced in the 2005 act. What difference, if any, have they made? Has that been a useful intervention? I would also like to know whether folk have any comments about the scale of the resources that are available to local authorities to run the licensing boards to deliver their statutory functions, to support local licensing forums and to gather the wider evidence that they need to enable them to buttress some of the decisions that they make.

Laura Mahon: In response to the question about LSOs, in the evaluation that the MESAS team at NHS Scotland undertook of the implementation of the act, which I referred to earlier, the establishment of LSOs came out as being one of the most positive aspects of it. I think that, in general, all licensing stakeholders agree that those posts have really enhanced things; in particular, they have improved the relationship between the trade and licensing boards and have facilitated communication and enhanced understanding. At our regional events, at which we had more than 200 participants, the function of LSOs was highlighted by the vast majority of participants as being very positive.

Mairi Millar: In licensing, we talk a lot about overprovision—that is obvious from this morning's discussion. We also talk a lot about public health, but I increasingly find that the issues that are raised with me by local residents and community councils are to do with the operation of existing licensed premises. Those issues tend to be to do with the on-trade, because when it comes to things such as public nuisance, the prevention of which is a licensing objective, on-sales premises can have the most direct impact on people who live in the area because of noise nuisance and the potential for antisocial behaviour. LSOs have been absolutely key in that they have almost mediated on those issues between local residents and the operators of licensed premises, and have met licence holders to remind them about their responsibilities, whether in relation to licence conditions or the licensing objectives.

The vast majority of complaints about licensed premises are able to be dealt with on an informal basis without having to be referred to the licensing board. Sometimes that happens simply as a result of an LSO making an approach to the

management of the premises. That gives them a reminder about the need to have a bit more regard for local residents in the area in how they manage their premises, which prevents an escalation of issues. LSOs are very good at nipping things in the bud before they get to a stage at which more formal action would have to be taken, which would involve going before a licensing board.

Stuart Wilson: I echo what the previous speakers have said. The LSOs are a vital part of the set-up. They are the people on the ground. They are the link between the community and the board. They are also the link between the licence holders and the board. They can defuse potential situations before they develop. They do a tremendous amount of good work. They are very supportive of the licensed trade in East Ayrshire. There is a scheme called pub watch, which I am sure that some of you know about. That receives great support from the LSOs. There is another scheme, best bar none, in which the LSOs have a big part to play. The LSOs have been an extremely successful aspect of the act, and I think that they have a very positive contribution to make.

The Convener: I apologise for cutting across Mr Wightman's line of questioning, but we have about 20 minutes left and there are other MSPs who want to come in. The core of the question was about how the licensing work is financed by local authorities and the approach that they take to that. I apologise for my ignorance, but I do not know how many LSOs there are in each area. Is that set out or does the figure vary? Can any of the witnesses provide any information on that? As part of the Parliament's new budget scrutiny process, we want to take an on-going look at how budgets are used to achieve outcomes on the ground, so anything that you can say about that would be helpful.

Stuart Wilson: As far as budgets are concerned, there is no budget line that I am aware of to support the forum. We have a good relationship with the local authority and with the board, but we are at their mercy. If we wish to do something, we have to go and request funding. There is no separate budget line for forums.

The LSOs work for the local council, and there is sometimes the potential for a conflict of interests. By law, the LSOs must sit on the forum, which monitors the board, but the LSOs are also employees of the local authority. Up until now, there has been no conflict of interests, but there could potentially be a conflict of interests in the future.

John Shearer: We agree with what Mairi Millar said about the LSOs. They are working very well, after a very shaky start, especially—from what I heard—in Glasgow. I think that there was a lack of

understanding of what the role of an LSO was, which caused some confusion, but LSOs are now working very well.

Because licensing fees are going up all the time—as usual, everything goes up—we believe that some areas are making a profit from licensing fees. Under the 2005 act, the system is meant to operate on a non-profit basis. I just throw that in.

The Convener: I would expect you to put that on the record.

Laura Mahon: I have a point to make about LSOs. One of the concerns that was raised at the events that we held in the context of the discussion about the positive impact of LSOs related to anecdotal accounts of the resource being reduced as part of the austerity measures. In some cases, LSO roles have been expanded to incorporate other aspects of trading standards and so on. There have also been reductions in the number of LSOs in some areas. At the end of 2016, quite a bit of concern was expressed about that. The minimum unit pricing legislation has now been introduced, and it is LSOs who will be responsible for monitoring compliance with that. We are already getting some anecdotal information from LSOs about the pressure that that will put on them. We anticipate that there will be a bit of a resource problem.

The Convener: Lots of witnesses want to come back in; I said that we would give preference to witnesses. We will name-check you all, but irrespective of how fascinating your comments are, we will move to Jenny Gilruth after that for the next line of questioning. We will hear from John Lee, Fiona Stewart and Mairi Millar.

John Lee: John Shearer is absolutely right that the fees that are charged for licences are supposed to fund LSOs. Boards and local authorities are not supposed to make surpluses, but my sense is that the number of LSOs is going down all the time. I would be interested to know, for example, how many there are in Glasgow relative to the number of licensed premises. The SGF's members have a big concern that local authorities are in surplus from money that they collect from licence fees, but the fees do not go down and there is no rebate.

Fiona Stewart: Aberdeenshire Council has four LSOs who work very well not just with the trade, but with the police, and they are also now working with the Security Industry Authority on door supervisors.

I echo Laura Mahon's concerns, however. Our four LSOs are now also civic standards officers for our civic government licensing, so half their time is devoted to work that is not on liquor licensing, plus they have anti-smoking duties. It is an awful lot to take on and resources are very tight. Money is not

lacking from premises licence fees, but it is lacking from personal licences and especially from occasional licences, in terms of the amount of work boards must do relative to the fee that they get—or do not get, as the case may be.

Chief Inspector Kennedy *indicated agreement.*

The Convener: Chief Inspector Kennedy is nodding her head. Do you want to make a brief comment on that?

Chief Inspector Kennedy: I re-emphasise that across local policing areas, the relationship between police and the LSOs has been reinforced in the work that has been done. There is a two-tiered approach. Rather than it being about enforcement all the time, we do joint operations. I emphasise that the feedback that I get from local divisions is that over recent years the input of the LSOs have reduced. For instance, we used to do operations on busy Friday and Saturday nights—obviously that is the best time to do such things—but the LSOs are no longer always available for operations because of the expansion of their roles, which is relevant from a policing point of view.

10:45

Mairi Millar: Members are all aware there has been a huge amount of new licensing legislation in recent years, which has resulted in a substantial increase in the work that licensing boards must do, but it has also increased the work of LSOs. The introduction of the requirement that LSOs be consulted on personal licence applications has been significant. Also, minimum unit pricing requires a much greater compliance role. Immigration law changes will require additional work to be carried out by licensing sections in reviewing applications. We will soon have the personal-licence-holder renewal scheme, which will be a major impact next year. All those new requirements are being introduced, but without additional income being generated by all the extra work. It puts pressure on available resources when there is no additional income to support the additional work and scrutiny that licensing boards and LSOs are being required to carry out.

Glasgow City Council has remained consistent, with four LSOs. However, they are supported by colleagues in other enforcement teams in the council—noise officers, public health officers and environmental health officers—and they work very closely with colleagues in Police Scotland to provide—

John Lee: Do you know how many premises there are in Glasgow now?

Mairi Millar: I do not have the exact figure. It is just under 2,000, I think.

John Lee: You have four LSOs for 2,000 premises?

Mairi Millar: As I said, they are supported by officers from other areas, depending on the issue of concern, but their role has expanded through recent changes in legislation.

The Convener: It would be helpful to provide a note on that to the committee. Some local authority areas have small numbers of LSOs who work in isolation and others have small numbers of LSOs but they work in a network with others who provide assistance. We therefore need to ensure that we are comparing apples with apples when we look at numbers of LSOs. Any information on that would be helpful to the committee. We will have the very patient Jenny Gilruth, next.

Jenny Gilruth: Thank you, convener. I am not often called “patient”.

I was struck by Stuart Wilson’s mention about the difficulty that he faced in respect of the involvement of young people in the licensing process. I think that Chief Inspector Kennedy also alluded to that. I note what Roger Colkett said about public accessibility in his submission, which says that

“In theory meetings of the Edinburgh Licensing Forum are held in public. In practice its meetings are always held during the working day and are not webcast; so, excluding anyone who has a fulltime job with normal hours.”

What are panellist’s views on greater community engagement in the licensing process more broadly, and particularly in respect of tackling the public health causal link and effecting behaviour change? How do you get the views of young people into the system—especially given that it is the year of young people?

Roger Colkett: That is something that I am very aware of: quite often, I am called to deputise for somebody on the licensing forum who cannot attend because he is working or unavailable. I think we have a named young person on the licensing forum, but I cannot remember the last time I was there and that person attended. That is a problem not just for young people, but for everybody.

The Convener: That comment resonates with Mairi Millar.

Mairi Millar: We have a National Union of Students Scotland representative on the local licensing forum in Glasgow. For policy development, our licensing board went out to meet secondary school pupils to hear their views on licensing policy directly. With the licensing objective being extended from children to include young persons, it is important for the development of the policy that we take into account the views of young people. The licensing board met secondary

5 and 6 modern studies pupils to hear their views. There have been some really interesting suggestions put forward that I know the board will take into account when it develops its new policy statement. We have gone out to them rather than waiting for them to come to us.

Susan Elliot: I would echo what has been said about problems in getting representation by young people. Various organisations and community learning and development representatives have come along to try to represent young people's views.

We also did community engagement work on alcohol and its impact in an area that was deprived and which had high alcohol-related hospitalisation and death rates. From that work, we found out that young people had particular concerns about an annual community event. Through community engagement events, the young people were able to put views to the licensing board on the layout and operation of the event, so that it changed the following year. That was alongside work on proxy purchase and, in particular, on the new legislation on supplying alcohol to young people.

It is a difficult area. The work that Mairi Millar is doing with modern studies pupils is interesting; I will take that back to my area. It is not just about getting young people's views, however. There are other difficulties.

Laura Mahon: I think community engagement and public participation in the licensing system have for a long time been among the top-priority concerns for us and many partners in licensing. Efforts are being made. There are some interesting examples of innovative practice by boards.

However, it is a two-edged sword: people in communities have not had the mandatory training that members of the licensing community have had, so their ability to engage meaningfully is somewhat limited. AFS has tried over the last few years, working with communities in Edinburgh, to produce a community toolkit that explains the licensing system in what we hope are straightforward terms to help people to engage.

The other edge of that sword is that the feedback that we get from communities is that the licensing system itself—not in all cases, but certainly in the bigger cities—can be very intimidating for members of the community. Meetings are often held in very formal rooms in council chambers, and there is a very formalised process to the hearings, in which some people struggle to participate. I have been to visit a few of them and found them to be quite intimidating—and I do quite a lot of public speaking. I can imagine that they are difficult to engage in for people from a community committee or licensing forum. We

have provided information and guidance to boards on things that they can do.

The exercise that Mairi Millar described is exactly the kind of thing that we are trying to encourage boards and forums to do: proactive and less-formal engagement to gather the views of the various constituent interests, as much as possible. Again, that relates to resources of teams and boards, and is another pressure for them.

Kenneth Gibson (Cunninghame North) (SNP): First, I apologise for being late this morning.

One thing that everyone would agree on is that we need definitive objective criteria on what constitutes overprovision, which has definitely come out this morning. I want to mention an issue that Mr Shearer and Mr Colkett brought up earlier, about supermarkets.

I have over the years been to a number of countries where there are completely separate checkouts for alcohol, which stops people just buying a bottle of wine or whatever on spec. People have to buy all their non-alcohol goods at one till and then must literally go back into the shop and go through another till with alcohol products. A lot of people just say, "D'you know what? I'll do it next week." The impact on consumption is considerable, although it would not impact on overprovision and there would still be the same number of outlets.

That idea should be considered. There would obviously be issues for smaller retailers for which that might not be possible, but certainly for larger supermarkets it has worked in a swathe of countries across Europe, and in Canada and Australia. That is something that we should consider here from the point of view of health benefits and alcohol reduction benefits, and without, ironically, having to argue about provision, because provision would not be taken away. People would have to make more effort to buy alcohol, which would reduce consumption.

The Convener: I am going to allow comments on that. I think that it is really important. We will wrap with a couple of other things and maybe get some concluding comments from witnesses. I draw the clerks' attention to the fact that it would probably be remiss of us not to ask questions and roll two or three things up together. If witnesses want to ignore those, that is up to them, but you can make final comments, which will take us home.

One of the biggest aspects in terms of communities feeling alienation from the licensing process is that a lot of objections are not relevant to the licensing objectives. There is a mismatch that disillusions a lot of people, so they withdraw from that level of participation. I will leave that

sitting there: if witnesses want to say something about it in their final comments, please do so. I am not trying to detract from Mr Gibson's comments; I am just trying to make sure that people get the opportunity to consider all our lines of questioning.

John Lee talked about licensing forums and balance in relation to overprovision, and mentioned a few things that he would quite like them to do. We have heard comments that those things might not be in line with forum's five licensing objectives. That confused me a little bit, because I would have thought that test purchasing, bottle tracking, public disorder and all those kinds of things would fit in with protecting and improving public health and protecting children and young people from harm. Does that bring us back to definitions and guidance on what objectives mean in practice?

There were three things in there. At the core is what Mr Gibson said about other tools to reduce consumption being separate from dealing with overprovision. We have about five minutes left before we close this session. I know that there was a lot in that, but this will be your final opportunity to come in.

Laura Mahon: On Mr Gibson's comments, we completely agree that a wider look at availability is needed, and that everybody should be clear that overprovision and the licensing system are not the only answer to the problem of availability. What the licensing system can achieve at this time is relatively limited. We are simply talking about, through overprovision assessments, potentially placing a cap on licences in particular areas. What the licensing system does very well is put in place the controls for operation of premises. It is a significant contributor, but it should not be seen as the answer to all alcohol availability problems.

Separate checkouts and other such measures are about limiting accessibility. When we talk about people making more considered decisions about buying alcohol, that is not about making it less available, but about changing access. There is good evidence to show that that contributes to reducing harm. AFS agrees with that and has made recommendations to the Scottish Government that in the alcohol strategy refresh, the availability section of the strategy should look more widely at what else can be done on availability at the same time as strengthening the licensing system's ability to do what, on paper, it is able to do.

I completely agree that objections from community members need to be linked to the objectives. The community toolkit that we developed with the Edinburgh community councils is partly about trying to help communities to understand that in making an objection, there are rules about when an objection can be taken into

account. That is an attempt to inform people. Again, it is about making information clear, accessible and understandable to anybody who has an interest in it.

The last thing that I want to shine a light on is the forthcoming production of the first set of annual functions reports. That is a new requirement under the Air Weapons and Licensing (Scotland) Act 2015. AFS did a lot of lobbying on ensuring that the annual functions report was included in the legislation. It is essentially an annual report from the licensing boards on how they are fulfilling their responsibility for promoting the licensing objectives. We argued for that in order to try to increase the information that is available to communities and licensing forums to enable them to scrutinise. At the moment, boards produce their policy statements, which are forward-looking five-year plans for what they will do. The annual functions report should provide them with a yearly opportunity to look back and assess themselves against their policy.

11:00

Unfortunately, there has been no guidance provided to licensing boards on how annual functions reports should be developed and what they should contain. There is information in the 2015 act about what they should cover, but there is no guidance to flesh that out. The first reports are due in June this year, so we call on the Scottish Government to scrutinise the first published statements and engage with the communities and the forums that are the audiences for the reports in order to ensure that what is coming out is useful. We do not want reports to be produced that are burdensome and are of no use to anyone. The reports are another tool in the toolbox, but clear guidance on them is needed.

The Convener: Thank you for that.

I will now give everyone a final opportunity to speak. You can answer all those three questions, or you can ignore them and make a final comment on something else that is relevant.

Mairi Millar: To pick up on the point about community engagement and the licensing process, there is a great deal of frustration when members of the public put in objections to licensing applications and perhaps do not have background knowledge of the licensing objectives. Unfortunately, a lot of letters tend to be sent in that the licensing board cannot attach any weight to, because that would not stand up to legal challenge. It can also be frustrating for the licensing board when there is an overwhelming desire not to have a new premises in an area but there is no evidential basis or the objections have

not been set out in such a way that the board can attach weight to them.

To deal with that frustration, the key is to work with our community councils and our local elected members, who are really the gatekeepers who represent the views of communities. It is important that local residents understand the licensing process, but they will not become involved until there is an issue in their area. The timing of when to provide information to them can be difficult. We therefore need to focus on the community councils and local elected members to give them skills and knowledge so that they can represent their local residents when concerns are expressed to them about a new application or the operation of existing licensed premises.

We all have a role in ensuring that sufficient information is available, in toolkits or whatever, so that community councils and local elected members can properly represent their local residents in putting forward the necessary evidence or views so that licensing boards can act on that information.

Fiona Stewart: I agree with Mairi Millar. It is about managing expectations. The boards have a role to play in raising awareness of what the law is and what they can and cannot do. Another issue is that members of the public who object are often up against lawyers who know a lot more than they do. As clerks, our job is to legally advise the board. LSOs cannot offer legal advice, so often there is a floundering there. It is about managing the expectations and raising awareness. For example, as part of our policy consultation using SurveyMonkey, it became apparent that members of the public do not understand that licensing boards do not set the restriction on off-sale trading hours, which is set under the act. There is no understanding of the licensing system at all. That issue has to be raised.

John Shearer: From a business point of view, the value of a licence is very important. The more valuable the licence, the better the premises are run. By keeping on issuing licences, you dilute the value of a licence. In other countries, it has been seen even with things such as taxis that a more valuable licence improves service and quality.

We have been working very hard on training. There has been a lot of change in the approach to training within the industry in general and that has improved. A lot more work is required in that area, but it is helping. The person now serving across a bar maybe has a personal licence certificate and knows a fair bit about what they should and should not do, which is a big improvement.

We have not touched on the issue that, if you just keep issuing licences, it dilutes the value. It is obvious that, the more value a licence has, the

better run the premises will be, because the licensee does not want to lose the licence.

Stuart Wilson: I echo the points about raising awareness, specifically with reference to local licensing forums. With the exception of the MSPs present, I suspect that the level of awareness in the Scottish Parliament of forums is not desperately high and that, within society nationally, the level of awareness is quite low. There is a job to be done to make society aware that the forums exist and that they are a vehicle for local involvement and a route to decision making in local government.

Chief Inspector Kennedy: I have a comment on the idea of forming a national forum. Particularly from a policing perspective—I am sure that a lot of members will agree—we absolutely need to keep the localism aspect, and I am not sure that a national forum would have that focus. We need to remember that local communities will have different requirements and needs.

Roger Colkett: With regard to public engagement and participation, I can speak only for Edinburgh, where there are definitely problems with the availability of information. As in so many other situations, there is no enforcement. There is a requirement that information should be made available to local communities when a licensing application is received, but we get just a summary statement. We do not get a copy of the layout plan or the operating plan, so we cannot really see what will be going on. It is fairly easy for me, because I happen to live near the city chambers, so I can go there and ask to see those documents. They are not available online. They are supposed to be provided, according to the regulations, but they are not. There is no easily available register of existing premises. That may be specific to Edinburgh—I dare say that that information is available in other areas, but in Edinburgh it is not.

Another issue is the intimidating format of licensing board meetings. They occur in rather overwhelming circumstances, such as the council chamber. In addition—I do not know whether this is required by the act or is just the way that it operates in Edinburgh—the applicant has a copy of the objections, but the objectors do not have a copy of what the applicant is going to say. The objector has to speak first and the applicant's representative, who is usually a professional lawyer or something like that, who is used to that sort of thing, demolishes all that the objector has said and the objector has no opportunity to reply. That seems to be in defiance of natural justice. I would be interested to know what other people find in their areas.

Susan Elliot: I would make a plea for forums to be reviewed, because of the variance across the country. I just want to bring that back to the

attention of the committee. I would also hope that the guidance will be properly updated, in consultation with the relevant stakeholders, and that everyone will be made aware of that guidance.

John Lee: Thank you for the opportunity to come to the meeting—it has been worthwhile engagement. With regard to the overall debate about availability as it relates to overprovision, I believe that there is a danger in the messaging that we hear from organisations such as Alcohol Focus Scotland about the availability of alcohol. Because alcohol is a legal product, it is quite closely controlled. It can be sold only from licensed premises and at particular hours of the day. The sales area has to be very specifically outlined in the operating plan and it is very difficult for a convenience store, for example, to change that.

There has to be a designated premises manager, who has to have a personal licence. In Scotland, unlike the rest of the United Kingdom, there are restrictions on the advertising and promotion of alcohol in store. Staff in Scotland, again unlike the rest of the UK, undergo mandatory training before they can sell alcohol. Premises must have an age verification policy in place. I think that we are the first country in the world to implement a national minimum unit pricing policy. There is already a wide range of measures to ensure that alcohol is sold responsibly and is controlled. It is almost as if we have lost the faith in ourselves to implement the measures fully and there is a constant search for further remedies. Perhaps we should focus on ensuring that all the existing measures are being implemented and effectively enforced.

The Convener: I suspect that that could stimulate further debate, Mr Lee, but you have the advantage of being the last witness to speak in this round-table session. I think that we could unanimously agree with you that it has been a worthwhile round-table discussion. It has been educational and informative for MSPs, and it has been particularly useful for members such as me who were not previously local councillors. I suspect that I am not giving away any secrets when I say that there are a number of points that the committee will be acting on and that we will return to the subject.

I thank everyone who has been involved in the discussion, which has been good value and useful to committee members. That ends our consideration of agenda item 1.

11:11

Meeting suspended.

11:15

On resuming—

Green Spaces

The Convener: The committee will now hold its second round-table evidence session of the day. We have a number of interested stakeholders to discuss the impact on communities of accessing green spaces and related issues—welcome, everyone. Perhaps we could go round the table and introduce ourselves, MSPs included. I will start. I am the convener of the committee.

Julie Procter (Greenspace Scotland): I am the chief executive of Greenspace Scotland.

Monica Lennon: I am the deputy convener of the committee.

Dr Matt Lowther (NHS Health Scotland): I am the head of place and equity for NHS Health Scotland.

Andy Wightman: I am an MSP.

Colin Rennie (Fields in Trust Scotland): I am the manager of Fields in Trust Scotland.

Graham Simpson: I am an MSP.

Jenny Gilruth: I am an MSP.

Bruce Wilson (Scottish Environment LINK): I am acting head of policy at the Scottish Wildlife Trust, but I am speaking on behalf of Scottish Environment LINK.

Alexander Stewart: I am an MSP.

Kevin O’Kane (Fife Council): I am green space officer at Fife Council.

Kenneth Gibson: I am an MSP.

John Kerr (Edinburgh Green Spaces Forum): I am chair of the Edinburgh Green Spaces Forum, representing the volunteer groups in the city of Edinburgh.

The Convener: Thank you all for coming along. As in the previous session, we will maximise the amount of time for witnesses to speak—for MSPs, not so much, although we hope to stimulate debate in certain directions along the way.

Graham Simpson: This session was probably sparked by “The Third State of Scotland’s Greenspaces Report” from Greenspace Scotland. I will throw this question out for general comment to get us started. What came out of that report for me was that the issue does not seem to be so much the amount of green space, such as the number of parks, as the quality of that space, which appears to have gone down. What are the witnesses’ experiences and thoughts on that?

The Convener: It would be only fair to let Greenspace Scotland start.

Julie Procter: Thank you. It is important to do that biennial or triennial check on what our green space looks like because we know that green space is important for our quality of life and our quality of space, with regard to health, play and physical activity. We have worked with Ordnance Survey and now have a comprehensive record of every area of green space in urban Scotland, and most of the publicly accessible green space in the rest of Scotland has now been mapped, so we know absolutely how much green space we have. For those who are interested in numbers, it is 1,593 square kilometres. Let me put that into perspective: it is 22 times the area of Loch Lomond or one third of the Cairngorms national park. In urban Scotland, we are more green than grey, as more than 50 per cent of our urban area is green. We have very good-quality access to green space. Most of us live within a five-minute walk of green space.

However, the challenge that we found when we did the report was the decline in quality. From 2009 to 2017, we have seen a fall in the quality of our green space. Forty per cent of people say that their green space has deteriorated in the past five years, which is having an impact on use. In 2017, we saw the lowest weekly frequency of green space use that we have seen at any time in the past. That is important if we think about the need to tackle issues of child obesity, health and wellbeing. Having access to green space that feels safe, accessible and welcoming is important. That is the challenge. We have seen cutbacks in local authority and other forms of management, and we are now seeing the quality of the space deteriorate, which means that we are at risk of losing those benefits.

Dr Lowther: We know that the quality of green space is particularly important for health outcomes. My organisation, NHS Health Scotland, is particularly interested in health inequality and reducing the gap between those who are the best off in our society and those who are the worst off. From a quality perspective, we know that people in the most deprived areas have the least amount of access to green space; in particular, the quality of those green spaces is much lower than in other communities. The quality of green space, particularly from a health and health inequality perspective, is pretty significant.

Bruce Wilson: After a tour around Scottish Environment LINK, the strongest feeling that I had back was that quality was of high importance. There is a distinction between functionless green desert and high-quality, biodiverse space that provides a range of benefits—not just health benefits, but the sometimes overlooked benefits

such as flood amelioration and mental health benefits. The biodiversity side of things is also very important to our membership.

Colin Rennie: Fields in Trust Scotland recently commissioned a major study into revaluing parks and green spaces, which is referred to in our submission. It looks at putting an economic value and a wellbeing value on green spaces and the estimated savings to the NHS for those who use green spaces regularly. I commend that report to you. I invite everyone to look at parks and green spaces in a completely different way.

John Kerr: For communities, quality is the most important thing. It is all very well having a green space very close to your front door, but if you do not want to go there, it is of no value whatsoever. It could be 10 minutes away, half an hour away or a car journey away, but people have to want to visit a green space and get some benefit from it. People use the green spaces that we have. There are many green spaces for many different reasons, and they are of tremendous benefit to health, both physical and mental, but people have to want to visit them, so we have to try to improve the quality if we can.

Kevin O’Kane: We measured the amount of green space provision in Fife. Most places had a good amount of space, including even places such as Glenrothes, which had a very large amount of space as a planned new town. People were within two and a half minutes’ walk of a green space. The big issue is the quality. In Fife, there has been a 25 per cent reduction in the amount of money going to maintain green spaces. That is having an add-on effect on maintenance staff and backroom staff—the staff who do the improvements. We have reduced the nice things, such as the flowers and shrub beds, maintenance of intensively managed grass and litter picking. There is evidence that we are reducing the quality.

Dr Lowther: It is important to understand that, when we talk about the quality of the green space, it is about making sure not only that the grass is a certain height or that we have a certain number of shrubs but that the green space is right for communities. It is important to understand that, when we talk about quality, it is not just about grass length and so on.

Graham Simpson: Kevin O’Kane mentioned Glenrothes. I live in East Kilbride, which is also a new town, and of course the new towns were designed with specific green spaces. In East Kilbride, I see that some of those original green spaces are getting run down. Council money is not being spent on them, and one or two of them are at risk—one in particular, which the council may want to build on. If the money that goes into green spaces is being cut, there is a risk that they could be sold off or developed for something else, which

would have an impact on people's health and wellbeing. That is a concern. The submission from Greenspace Scotland suggests that councils should have a green space strategy—I am quite surprised that they do not all have one—and that there should be a Scottish green space innovation and transformation fund.

Julie Procter: At one point, local authorities were required to produce open-space strategies, so many local authorities have them, but they are coming up for renewal. At the moment, the wording is that they “should” have them, so there is something to be done there, with the committee's scrutiny of the Planning (Scotland) Bill, to ensure that local authorities have an open-space strategy. It is not just about parks; it is about a green network strategy that takes a green infrastructure perspective. We are evaluating across spaces, looking at how each is managed for the functions that it needs to deliver.

With regard to resources, one of the challenges is that you will probably not find parks and green spaces on local authority balance sheets and in their asset registers; if you do find them, you might see a token value of £1. That is because they are measured in terms of what it costs to maintain them rather than the many benefits that they deliver. Fields in Trust did work in Edinburgh on a social return on investment study that showed that every pound invested gave a return of £12 to £16. We need to start looking at how we value our parks and green spaces as natural capital assets rather than liabilities.

Across Scotland, local authorities are facing challenging times, not just with green space but across every budget area. We have seen people rise to the challenge of doing more with less, but we have reached a point where they cannot do much more of that. It is very important to find new ways of working in partnership with communities and other organisations on how we manage parks to deliver benefits for people and for wildlife. An example is the partnership in Edinburgh with the Scottish Wildlife Trust on living landscapes. That is what we would like to see with a transformation fund. For example, in Aberdeenshire, we looked at how we manage parks to mitigate and adapt to climate change. It takes a bit of additional resource and capacity to start looking at things from a new perspective and to free up opportunities to think a little bit differently about how we manage our parks and green space.

The Convener: Colin Rennie's organisation was mentioned there.

Colin Rennie: I said earlier that we had commissioned a study. The findings are being launched in the Welsh Assembly today. We have a Scottish launch planned, but the document is available now. It takes a completely different view

and says that parks and green space should not be viewed as a nice to have or a good to have but as a must have if we are to tackle some of our health and other problems in Scotland. We know from the research that we conducted that people who regularly use parks and green spaces live healthier lives. We can put a price on that, which allows us to view parks and green spaces in that completely different way.

The Convener: Are there any other comments on the points made by Mr Simpson?

Kevin O'Kane: It is not only councils that own public green space, as many landowners own such space too. In Fife, there was a housing development on an old cricket pitch and the council included a bit of green space as part of the planning conditions. It was managed by a factor, but the factor has now sold it on to a private individual who has stopped maintaining it, so it has now become a blight for the community. I do not know whether the private landowner wants to sell it on for housing. We also have large estates in Fife that own public land, and there are issues with that as well.

It is not just a council thing. Green space is a finite resource. There was quite a lot of green space in the new towns, but once it is lost, it is lost. Protecting it is a big issue.

Bruce Wilson: As one of the landowners that have a lot of land around communities, the Scottish Wildlife Trust views its reserves in different ways. Perhaps those on remote Scottish islands, for example, are exclusively for biodiversity, but some are there for public engagement.

A lot of pressure has been placed on our resource by the spread of development. It is the same across other non-governmental organisations, and it must be the same for councils, too. Quite often developers view green space that they do not own and manage as an asset, because people want to move to areas where they can play with their kids, walk their dog and so on. Having to maintain infrastructure and ensure that boundaries are not eroded by the creep of back gardens and so on puts a lot of strain on us. There are huge reasons to encourage good access, but there is also the idea of responsible access. There could be some thinking around what developers that benefit from a housing development can do to help maintain an asset.

11:30

Dr Lowther: The NHS, of course, is a significant landowner. On the back of what Julie Procter was saying, I think that there has to be a shift in attitudes towards our land, particularly

green spaces, so that we see them as assets—as something that can be of value—rather than deficits that cost money. That goes for the NHS as well as local authorities and other landowners.

The Convener: There will be lots of opportunities for the witnesses to come back in. We will move on to our next question.

Jenny Gilruth: I will follow on from Graham Simpson, as the constituency MSP for Glenrothes. Kevin O’Kane, who is from Fife Council, will not be surprised to hear this.

I was interested in Dr Matt Lowther’s point about the link between deprivation and access to green space, particularly because Glenrothes faces huge problems with child poverty. It is a good news story about access to green space, however, because when the town was first built, there was a great utopian vision that Glenrothes would be a garden town and good air quality was used as a selling point to get people to come to the town and settle, which they did in great numbers. However, we know from the Fife Council audit that 45 of the 95 green spaces need to be improved, and 45 are considered to be improving. Can you tell us a bit about the other 50? Are they okay in the Fife Council audit?

Dr Matt Lowther’s second point was about making sure that land is right for the community, I know that the Fife Council audit looked at quality. How was the quality of the green space that you looked at assessed?

Kevin O’Kane: We did a detailed survey 10 years ago and I am trying to get funds to do one again. We looked at the amount of land and access to land. Glenrothes was very interesting because it was well-planned and had a lot of space. People have a two and a half minute walk to a green space in Glenrothes, as they do in East Kilbride and some of the other new towns. There is a high degree of access. There were big budgets when the new towns were first put in and there were very good budgets to maintain them. That has changed now, but even 10 years ago, Glenrothes still had a high budget to keep it well looked after.

We did a survey of about 460 green spaces in Fife and found that about half of them need to be improved. Greenspace Scotland did some good work about 10 years ago on defining what quality is. It is about how attractive the green space is, how you can get into it, the wildlife, the community, and health and wellbeing. We looked at six or seven different factors.

Some of the Fife green spaces need a lot of money and time to improve them. For others that are not owned by the council, it will take longer. There is a case in one of the towns where a

private individual owns the green space and trying to get that changed is difficult.

We have found clear links to deprivation in Levenmouth. There are whole communities where the quality of the green space is poor. In Buckhaven, a community group, CLEAR Buckhaven, is working with the council. In post-industrial areas, the quality of the green spaces was a lot poorer because they did not have town parks and, with budget cuts, it is a challenge to improve them.

Councils’ capital budgets have been slashed, so it is challenging to find money to repair and improve things. We rely greatly on applying for grants and some of the grant processes can be quite hard, taking a month in some cases. One application that I did required 50 documents to be submitted with the application form. Another issue with funding is that they now fund up-front capital costs but do not put any money into establishment costs. Twenty years ago, the Scottish Development Department had establishment funds, so when someone was setting up a green space project, there was a 10-year fund to get it established. There are quite a lot of challenges.

Julie Procter: I have a comment on access to green space and deprivation. If you look at it on a quantity basis, you will often find that more deprived communities do have very large areas of green space but they are often functionless, boring, green deserts around high-rise buildings standing in the middle of grass. They are not very welcoming spaces—not somewhere you would want to take your kids out to play—and they do not do much for biodiversity either.

In our surveys, we ask people about their expectations for green spaces as being good places for children to play, for relaxation, and physical activity. In deprived areas, people often have higher expectations that green space should provide those things, but when we ask about the local reality of their green space, the ratings are much lower. There is a huge gap between expectations and reality in more deprived communities and we could do a lot more.

One of the worrying things we learned from our survey was about satisfaction levels. For the very first time, we have closed the opportunity gap and brought together the figures for all of Scotland and the 15 per cent most deprived communities for some satisfaction ratings, but that is not because we have improved quality in the more deprived areas; it is because quality has deteriorated across the piece.

Dr Lowther: On the point about deprivation, health and the role of green space, there is pretty good evidence now that if we can get this right and improve the quality of green spaces, particularly in

deprived areas, it can help to reduce health inequality. There is a bigger impact on the more deprived areas. If we can get this right, it can make a significant contribution to improving health inequalities.

Kenneth Gibson: Mr O’Kane talked about the reduction in budgets and how the council has to spend a lot of the resource it has on cutting grass, de-littering, and so on. I did not see much in the submission about the impact of things like dog fouling and littering.

When I was a councillor in Glasgow, the city council had what at that time was quite a radical idea of allowing a lot of areas to become rewilded, effectively, to attract animals, birds, insects, and wildflowers. All that happened, frankly, was that people began to object to it because the areas became an unsightly magnet for litter. That affects all parts of Scotland pretty badly, to one degree or another. So much litter everywhere shames the country. What impact is that having on our green spaces? You were talking about people’s attitudes, low dissatisfaction levels a few years ago and people being less willing to use the spaces. Did the dog fouling and litter issues have that kind of impact?

Bruce Wilson: Through our work with Edinburgh living landscape, Cumbernauld living landscape and various urban initiatives we have realised that, in the past, we were not so good at explaining the rationale behind that sort of thing, so people did not get it and thought it was neglect. We now spend a lot of time on interpretation, taking community groups out, and also working with “friends of” groups, particularly in Cumbernauld. We work with 12 different friends of parks groups to explain the rationale behind how such a decision saves money and helps with things like flooding and biodiversity. We have made some quite big strides in that area.

On your point about other pressures on urban areas, dog fouling is certainly one, but we are increasingly getting industrial dumping, asbestos, horses, you name it, on reserves.

Kevin O’Kane: On rewilding, you cannot just leave things alone. You need to maintain the public green space. Some councils have tried to just stop cutting the grass, but you still need to do the litter and, if you do want to make it better for wildlife, you have to cut the grass two or three times. Such areas still need money for maintenance. You cannot just abandon them. If you do abandon them, they become a blight.

Julie Procter: I commend work like the living landscapes projects because, in a lot of places where they tried to change the grass-cutting regime without any communication, it was

interpreted as just money saving, but it is not. There needs to be a planned approach.

A lot of the experience from Edinburgh has been shared in other places. In Dunfermline public park, young people from Greenspace Scotland’s young placechangers programme have been working with the community council. That has changed the management regime. There are wilder areas but paths are always cut through the grass and the edges are always managed so that it looks as though it is a managed space. It is delivering benefits for people and biodiversity. That is important.

There are now a lot of opportunities to share practice across different local authorities. Greenspace Scotland has a park manager’s forum that brings all 32 local authorities together. Each council is facing similar challenges and they can learn a lot from each other.

Alexander Stewart: We have touched on funding and expenditure and there is vast variation across Scotland, depending on local councils’ priorities. Partnership working has come about in recent years and I would like to expand on that. You have bloom committees or communities that take on ownership, or even trusts that look after parks or spaces. The way forward seems to be to try to fill the gap while ensuring that there is still some ownership of the organisation within the community, but the funding comes out of a different stream. How has that improved the situation?

Kevin O’Kane: Some of our parks and green spaces have been taken over by trusts or community groups. I suppose that it does help but it does not address everything because the scale of the cuts has changed everything. We have sometimes had to take parks back from community groups.

We have 60 bloom groups in Fife and they are very important. There is a lot of community capacity building and improvements in towns and villages. It is one aspect, and certainly in Fife we are very active in it, but because of the amount of the green space that we have, it is just one element in the equation.

Julie Procter: John Kerr will probably want to comment on the role of friends groups. The survey that we did in 2017 showed a significant increase in people wanting to have more of a say about what happens in their green space and to get actively involved in physical activities and tasks to improve the site. We did not find any significant appetite for ownership of title of the land.

The Heritage Lottery Fund found something similar when it did its “State of UK Public Parks 2016” report. Fewer than 10 per cent of the friends groups that were actively involved in managing

sites wanted to take on a lease or a more formal arrangement. There were concerns about liabilities, insurance, and so on. Although there is a strong focus on community empowerment, we have not seen the same scale of interest in community buyouts and transfers in urban Scotland as we have seen in more rural and highland areas.

One of the biggest challenges we have seen is with green space groups that have looked at ownership. They have not been able to find any way of developing a sustainable income stream from parks and green spaces, so they do not have any way of resourcing costs on an on-going basis. We are actively looking at that and I hope that a transformation and innovation fund could assist with it.

We are looking now at opportunities to generate heat and energy from our parks and green spaces. Are there ways in which they can generate income that could come back into a community fund? The energy generated locally could be used locally, and the fund could come back into the community groups to resource improvements in the site, in a virtuous circle? I think John Kerr has a lot of practical experience from the friends groups.

11:45

The Convener: You have lots of interest in that, including from me. I particularly want to ask a specific question about friends groups, but I will restrain myself.

Bruce Wilson: Friends groups are invaluable for communications. NGOs can seem faceless to local communities. The friends groups are invaluable for us to get local staff on the ground and get messages out to the community. The grass cutting is a great example, but there are numerous other things.

John Kerr: Yes. As the representative of “friends of” groups, I have never felt as loved as I do at present. A lot of the people in such groups started off thinking that they could do something about tidying up their park and making it a better place to visit and so on. They have since become experts in public liability, insurance risk assessments, health and safety, and they are currently wrestling with the general data protection regulation, becoming a registered charity to encourage funding, and how to apply for funding. They are doing so many things in addition to the basic things that they thought they might be doing as a friend of their park. The thought of also taking on ownership is just a step too far for a lot of groups. It is a big responsibility to take on. Many of the representatives in friends groups are not exactly the youngest people on the planet. Many of them are young, and apologies to them, but

many of them are older and they are not prepared to consider taking on that extra work at this time.

The Convener: I might come back to you on that.

Colin Rennie: Following on from John Kerr’s point, our charity takes the view that local authorities will always have the most important central role in providing and maintaining green spaces. We take the view that not all transfers are good.

Let me give you one example of what often happens when a football team successfully takes over a pitch. The problem is that if the ground on which the pitch sits is not a lot bigger than the pitch, they want to fence the pitch off, which excludes everyone else. Unfortunately, football teams sometimes only see the pitch as a pitch, but it is often a place where kids learn to kick a ball, hit a ball with a bat, and ride a bike, and it works enormously well when pitches are not fenced off. When there is a game on, no one walks a dog across the pitch but the minute the game is finished, the park is open to all. There are, as we see it, sometimes difficulties with transfers when they take a large space in quite a small area.

The Convener: I will indulge myself slightly here and come in on “friends of” groups. In my constituency, they are invaluable. Thank goodness they exist. I would look at “friends of” groups and see their role going way beyond the austerity of the last few years. Friends of Maryhill park do not have ownership but they have direct use of much of the park. The tennis courts in the park closed, the bowling green closed, and the athletics park fell into abeyance a long time ago, before austerity. There appears to have been a long-term managed decline of some of these assets and friends of Maryhill park has stepped in during difficult financial times and is doing amazing work that goes beyond the park, including setting up community arts initiatives.

With the friends of Springburn park, the new community village will open up within the park on 2 and 3 June. It is a wonderful initiative being taken in partnership with the local authority. I am not trying to criticise local authorities, but there has been a long-term managed decline of many parks. I am sad to say that about Glasgow, especially given that Springburn park is a jewel in Glasgow’s crown. The parks outwith the more affluent areas have been run down and the “friends of” groups in my constituency have an invaluable role.

We were talking about how we support parks and open spaces. I am wondering whether there is any innovation fund, for example, to support communities or “friends of” organisations. Is it just to stop the decline elsewhere outwith an urban setting, where equalities gaps have only closed

because the nicer assets are now starting to deteriorate? If there was money to spend supporting communities' access to open spaces here, my money would go on supporting the "friends of" groups because those are volunteered groups in my constituency that do a wonderful job. We cannot spend money everywhere, so if you had the priority, what would you support? Mr Kerr, it is fair to come to you first.

John Kerr: I would support trying to encourage new groups. There are a lot of well-established groups throughout Scotland. There are fewer "friends of" groups in the less wealthy areas, and it is about how we get more groups to start up and encourage that community interest.

Julie Procter: The missing voice, and unfortunately the missing member of our groups here today, is that of young people. We have been working in Dunfermline with a group of young placechangers who wanted to be here today but unfortunately exams took priority over attending a committee meeting. That is another strand. When you look at "friends of" groups, they are generally of an older generation, and young people are often invisible in place consultations. If they are mentioned at all, they are often seen as a problem, hanging around, causing vandalism, and so on.

We have been working with Youth Scotland and the young placechangers programme and now, with funding from the Heritage Lottery Fund, we are rolling that out. This is about putting young people in the lead. They are leading consultations in their communities, parks and streets, and bringing forward place visions and action plans. As we have seen in Dunfermline, that is invigorating some of the "friends of" groups, and bringing in fresh ideas and new approaches. We hope, with an innovation fund, to look at how we involve people who are not the usual suspects and not the people who are using them now, in using and managing our parks.

The Convener: Do other witnesses want to comment on that? I should point out that the members of my "friends of" groups are not old. I say that because I am going to show them the footage of this evidence session.

Kevin O'Kane: "Friends of" groups also need support, and it takes council officers to help. A lot of such groups fill out the application forms, or even get constituted, so if there was a fund, there is a need for that support.

A lot of the groups burn out because they are volunteers and there are only so many volunteers. A lot of these people are on other committees—maybe five committees. Part of any innovation money could support them and help them with the everyday things.

John Kerr: It was around the time that resource reduction started to bite at City of Edinburgh Council that the Edinburgh green spaces forum was set up for groups to help each other. My group was relatively new at the time and we had basically invented a lot of things ourselves, or reinvented them, and we thought that was stupid. We got all the friends of parks groups beginning to talk to one another and help one another with things like constitutions. We could share knowledge and make it easier for a new group that is starting up.

Dr Lowther: On the point about children and young people, it is important to point out that the evidence is fairly strong that kids who use green space as kids grow up to be adults who use green space, so getting the involvement of kids at a young age is essential. There is a life-course approach.

Graham Simpson: Still on "friends of" groups, I am thinking out loud. Earlier I mentioned the park in East Kilbride where there were two football pitches. They have not been used for football for years. The park is definitely under threat and the council wants to build on it. I wondered whether we could do an asset transfer, but from listening to the witnesses and reading their submissions, it appears that that might be a bit too much for people to take on. What if we formed a "friends of" group? That sounds good but—I do not know the answer to this, perhaps you could help me, John Kerr—are friends-of groups able to apply for funds themselves so that they can fund improvements to this park?

John Kerr: Yes, they can. That is one of the reasons why they become registered charities because it is easier for them to get the funds. They can do it and in certain instances it is a good way to go. It depends on the area and the enthusiasm of the group.

Graham Simpson: Okay. That is useful.

Andy Wightman: I note from the report by Greenspace Scotland that came out a couple of months ago that, of the green space in Scotland, only 4 per cent is public parks and gardens, 28 per cent is private gardens—so we can put them to one side, because they are not accessible—and 37 per cent is amenity green space, which is presumably the land outside offices and things like that. The focus of attention has been on the 4 per cent that is made up of public parks. I am interested in people's view on what we could do about the 37 per cent that is amenity green space.

At the weekend I was out at Airdrie, visiting some community groups at Woodhall and Faskine, which is a big bit of green belt in which there is an old canal. There were lots of children playing there. That is where they go. They do not go to

any of the bits of formal green space land; they go to the land that is 10 minutes' walk from where they live but is in the countryside. The challenges regarding the management of that are pretty profound, but it appears that those are the kinds of places where young people find a lot of fun and enjoyment, because they are full of woods and burns and they can go fishing and all the rest of it. Is there a danger that, in focusing on green space, we neglect the green belt? What can we do about amenity green space?

Julie Procter: That brings us into the thorny issue of the definition of "green space". I can honestly say that our discussion item on it was one of the longest that the Greenspace Scotland board has ever had. Our definition of green space is all vegetated land and water in the urban environment. From our perspective, when we talk about green space we are talking not just about parks but about the amenity spaces, the allotments, the community gardens and the woodlands. It is that plethora of different kinds of green space that gives the variety that meets people's needs. Some days it might be a formal playing field to play a game of football or a park for a picnic with friends, and at other times will be a walk in the woodland or a walk down a canal towpath.

Amenity space is important. You are right: the definition of amenity space is the incidental spaces around buildings. It could be quite large swathes of grass, areas around offices and roadside verges, and it all has a potential role. Some of it has play equipment, paths or seats, and functions more as a park.

I think we need to be looking at that whole different type of green space. That is where some of the challenges come in about one size fits all, in terms of quality, because the type of management that you need in a wild woodland area is slightly different from what you would want in a formal park. We need to look at all those things. When we start to look at green networks from an ecological perspective, diversity comes in. At that point even private gardens are important, and their green fabric is also important if we are looking at how we are managing flooding and air quality.

Bruce Wilson: We quite often talk about the concept of nature deficit disorder in children—children not growing up in natural spaces. There is sometimes a problem when the green spaces that are available are not necessarily the wildest places that children can visit, so I am pleased to hear Andy Wightman say that children were playing in the place near Faskine.

I will tell you another reason why that makes me happy. I am conscious of the concept that we have in Scotland that wild spaces are places that you drive to—maybe at the weekends you might go up

to the Campsies or something like that—rather than something that you have on your doorstep. We are keen to try to break that. Our definition of green space certainly includes that kind of wilder aspect.

Andy Wightman: Just to be clear, the place where the children were playing that I was talking about was not green space as defined by the agenda that we have here. It was green belt on the edge of the settlement. It was far more valuable to those children than anything in their community.

Bruce Wilson: I would completely agree with that. The value increases immensely when green space includes those kinds of wilder aspects, and sometimes that means that it is not managed as intensively.

12:00

Kevin O'Kane: The definition of green space has been a big problem. Certainly with new housing developments, developers can put in some land that is not accessible to people. We came up with a definition of publicly usable green space, which is land for communities. We defined other types of green space, such as the verges and business estates, as functional green space. We need to protect the publicly useable green space.

In relation to children's play, Fife manages 450 play parks and a lot of them are not in a great position or of good quality. We are trying to say to communities that if we take out a couple of the play parks and improve one other play park, that would be better for the community, but the community is fixated. It thinks that play is to do with play parks, whereas natural spaces can be as valuable. However, you may find that natural spaces are not maintained as well as parks, and there can be litter.

In terms of the land use planning system, we have been looking at green spaces and natural spaces and how there are networks around the towns, and we have developed green networks. They are valuable for protection of the links between green spaces. Ecological fragmentation is an issue, but an interconnected network of green spaces is valuable and can have a massive impact on cycling and walking, and even on flooding.

The countryside around towns can be as valuable as urban green space. The closer green spaces are to people, the more they will be used. The World Health Organization says that you will use green space more regularly if it is within 10 minutes' walk. Going back to quality, different age groups use green spaces in different ways.

Colin Rennie: The type of green space where kids play that Andy Wightman is talking about is easily created in an urban setting, in a big park. Increasingly, the nature of play areas for children reflects that. It is no longer recognised in the play sector that things such as swings, roundabouts and a chute fill the criteria; the play areas are much more reflective of the sort of thing that you find on the edge of towns. That is increasingly recognised and increasingly more attractive. Such spaces are more challenging for kids, and it seems that they are being rolled out, but as a consequence of the financial challenges that local authorities have they are being rolled out at a very slow pace.

The Convener: I am sure that is something that we will want to come on to as part of our budget scrutiny, which we are trying to embed in all our evidence sessions.

Andy Wightman: I have nothing further to add. I am merely observing that if we are—and I think we should be—improving the planning environment, resourcing and the management of these spaces to get more out of them and improve their quality, it was striking that the area that I visited was not one of the designated green spaces. The nearest space they had was the countryside, which is on the edge of the village, and that countryside is under threat. That green belt land is offering a much higher quality environment in which folk can play, walk and recreate than anything that is embedded within the definition of the urban footprint. In a sense, if we are looking at quality green space—and the countryside is green space—there is maybe an argument for having a slightly more integrated approach than just drawing a hard line and saying that we have a particular approach to everything inside it and a slightly different approach to the countryside.

The Convener: Does Julie Procter want to come in?

Julie Procter: I am keen to introduce into the conversation the concept of outdoor nurseries and the potential opportunities that might be coming forward with the commitment to increase the number of childcare hours. We are doing some work with Inspiring Scotland, and we held a round table back in February to look at opportunities where nursery provision does not have to be in a built environment—Graham Simpson was talking about putting a building on a park. We have seen the Scandinavian model, and there are a number of nature kindergartens. Would it not be quite interesting if a large proportion of the extra hours of childcare provision could be delivered through outdoor nurseries? There is quite an amount of documented research on the health benefits of such childcare and its impact on children's future

behaviours. We could be making our parks and green spaces work much harder as outdoor nurseries.

The Convener: I apologise to committee members and witnesses, but now that you have said that, I cannot not mention Maryhill mobile crèche, which is an absolutely wonderful outdoor nursery that is going through a period of expansion, partly because of the reasons and mindset that you talked about. The kids go there prepared to go outside unless it is unsafe, and they bring clothes accordingly. They love it and there is huge demand for it, so I am really glad that you raised that point. I apologise again for indulging myself.

Monica Lennon: I want to pick up on planning. The committee has spent a lot of time in recent weeks and months scrutinising the Planning (Scotland) Bill, and some of you have made submissions to us on that. I want to open up the discussion to witnesses. What could the planning system do differently—we have a show of hands already—to make sure that we have high-quality green space and more of it? Is there anything in the bill that you would like to see amended? I think that Bruce Wilson is keen to get started.

The Convener: I am not unsurprised that Bruce Wilson wants to answer the question, and I will come to him first. I want to make people aware that our stage 1 debate on the bill in the Parliament is on the 29th of this month. I suspect if we all want to come in on this subject I will be extending the meeting to 5 pm this afternoon, but it is only right that you take your opportunity.

Bruce Wilson: I will be really brief. Daphne Vlastari has already supplied various minutes and you actually told me about the next stage this morning, so that is fantastic.

We could simplify a lot by saying that a lot of statements made within planning to do with green space, green infrastructure and green networks are very often “shoulds” and not “musts”. It quite often gets left to the end of a process that a developer should—not must—pay due attention to connected green networks and that kind of thing. You have our suggested amendments to the bill, but specifically we are very worried about loss of supplementary planning guidance. That is probably the main thing I would say in regard to the bill.

Julie Procter: I completely echo Bruce Wilson's comments about the concern around loss of supplementary planning guidance. That is certainly what most local authorities and friends groups have been talking to us about. We would be looking for a duty to produce an open space strategy. We welcome the references to green infrastructure in the bill, but most of the policy that

is happening at a local level is in the supplementary planning guidance. It is essential that that is not lost in the bill.

The Convener: Does Colin Rennie have any comments specific to planning?

Colin Rennie: The current planning system has a statutory consultation process with sportscotland on playing fields. That in itself has quite a lot of limitations, because when a playing field is threatened with development, sportscotland looks at it only from the perspective of its sport use, whether it is a football, rugby or cricket pitch: “Do we need this site as a cricket pitch?” There is no consideration of how the site is used beyond that. We have that statutory process and I beg the question: might it be useful to have a statutory process to engage with interested organisations on other green spaces before a site is developed?

We generally take the view that it is far too easy for local authorities to develop spaces they own that are zoned for green space in breach of their own local development plan and in breach of Scottish planning policy, which has a presumption against it. I think that the spirit and intention is good, but the application is slightly different. As Bruce Wilson said, there are too many “shoulds” and not enough “musts”. There is a presumption against development, and if you develop you should replace. That rarely happens.

Kevin O’Kane: From my experience of the planning system and development planning in Fife, I would say that Fife is quite good at protecting green space. There is a rigorous approach. It needs to do more, but the quantity has not dramatically gone down in Fife. It is the quality that is a big issue.

A lot of the planning system is very much based on sites. Going back to the new towns, the good thing with them was that we planned the whole new town and the spaces in it, so we got a really good integrated network of spaces. Planning now is very much to do with the site within the red boundary, not what is outside the site, linking it to other green spaces. If we can take a better approach in which we are integrating and looking at network connections, it will help.

The quantity of green spaces is quite important for public health. Having large spaces that are connected is better for people’s health. The problem with a lot of social housing and private housing is that every space is important in terms of space to build a house. There are problems providing green space in a lot of new housing developments. The supplementary planning guidance is essential for laying out the quantity, then we need to have a development system for structuring the network. There is a lot of

fragmentation, and more connections are better for walking and cycling.

The Convener: For members of the public who maybe have not engaged with this issue to the level that that committee and the witnesses have, much of that is in the committee’s stage 1 report, which is available on the committee’s web page.

Are there any additional comments on planning before Monica Lennon asks a supplementary on that?

Bruce Wilson: Let me introduce the concept of the national ecological network. We have alluded to the importance of connectivity, which is absolutely vital for biodiversity. An overarching strategy that gives the same level of strategic planning for our green and blue infrastructure as we already have for our other networks, such as motorways or digital, would be enormously helpful.

The Convener: Monica, do you want to come back on any of that?

Monica Lennon: Yes. Julie Procter and Kevin O’Kane both mentioned supplementary guidance. If supplementary guidance does not survive in its current form, do you see a way to include it in local development plans, which would be on a 10-year cycle? If it disappears, where else would you do that kind of work?

Julie Procter: We need to look at what can actually be included in the planning bill as the national framework, so that that feeds down and influences things locally. Kevin O’Kane is probably closer to the local authority side, with regard to what we would do without supplementary guidance.

Kevin O’Kane: I am not a planner, so I cannot say entirely, but certainly in our local development plan, “Making Fife’s Places”, we have supplementary guidance, and that has been really good for looking at not just sites but networks. If planning guidance is not set out nationally, I suppose that the onus is on the local authority to keep it. It has been very important for green space.

The Convener: There is much more on that in our report. Graham—do you want to come in?

Graham Simpson: I have a couple of questions for Colin Rennie. First, does Fields in Trust Scotland have a legal agreement with Glasgow City Council?

Colin Rennie: Yes. We have one with most local authorities.

Graham Simpson: You have one with most local authorities.

Colin Rennie: Yes.

Graham Simpson: That is interesting, because the Fields in Trust submission says:

“Glasgow City Council protected 27 of its parks with Fields in Trust meaning the use is secured under legal agreement for recreation.”

Are you saying that you have an agreement with most local authorities?

Colin Rennie: We have agreements across Scotland with all local authorities except one. It is a nebulous concept. It is a legal agreement that protects the site in perpetuity. We do for parks, green spaces and playing fields what the listed building process does for architecturally important and historic buildings. We do not own them; there is a legal agreement that protects them and ensures that they cannot be developed on.

Occasionally, local authorities say to us that in order, for example, to widen a road, they need to use a bit of a site that we might have protected for decades. We have a process for dealing with that, which is strictly in line with Scottish planning policy except that, while Scottish planning policy says that any land that is used for such purposes should be replaced, we say that it must be replaced, so that there is never any less quality or less space than there was before. We roll out legal agreements all across Scotland. The main thing that we do is protect green spaces for the benefit of the user groups.

Graham Simpson: Is it easy to find out where these spaces are?

Colin Rennie: Yes, it is. Simply put in a postcode in the postcode site locator on our website and the dozen or so sites nearest that postcode will come up.

Graham Simpson: Okay. Is it easy to get new parks covered by one of those agreements?

Colin Rennie: We would like it to be easier, but we work in partnership with most local authorities in a very productive way. We have had different programmes at different times. For example, this is the centenary of the first world war and we have a programme with sites linked to that currently.

12:15

Graham Simpson: The other question also relates to your evidence, but others might want to comment on it. You have mentioned that there is a parks action group down south and that you are calling for something similar here. Could you explain why that is?

Colin Rennie: The Westminster Parliament, which has responsibility for green spaces in England only, had an inquiry into the future of parks. Following on from that, it established a parks action group. Although a lot of good and

important things have been said today, does this meeting give us sufficient time to look at the challenges that we have with parks and green spaces and to fully assess their importance in relation to links to health and wellbeing? I suspect not, so the committee might want to consider whether it would be a good thing to have more time allocated to this whole process and to make a decision arising from that on whether a parallel group ought to be set up for Scotland.

Graham Simpson: What do others think?

Julie Procter: We encourage the committee to take a longer look at the issue of access to quality parks and green spaces and how we can make sure that the rhetoric is delivered on. Scotland probably has a better national policy framework for green space than anywhere else in the UK, but there is a gap between that and what happens. Something is lost in translation between the ambition of national policy and the aspirations of local communities and what people actually experience on the ground. We see this as a strong area for preventative spend. The money that is spent on green space delivers huge benefits in terms of our health and our children's education, play and futures.

There is an opportunity to consider whether we are doing this right in Scotland and also an opportunity to get ahead of what is happening in England and Wales. For example, down there, Knowsley Council is proposing to sell off 19 of its parks in order to raise money to reinvest in a fund to maintain parks for the future. It had a longer, more in-depth inquiry through its communities and local government committee, and then it set up a parks action group. That also involves civil servants across a range of different departments as well as representatives of a range of organisations. They are considering particular topics relating to financial models, community involvement and communication. There is a good opportunity to take a deeper and broader look at what we need to do to make our green spaces assets for Scotland.

The Convener: That is a very powerful sales pitch for further work by this committee. It is worth putting on the record that the purpose of these round-table discussions is to tease out whether and when or where we could do another more detailed piece of work. Sometimes it is a large piece of work; sometimes we will pick one aspect and focus on that. The committee will have to consider that.

We have about 10 minutes or so left. There are a few questions that we had prepared that we thought it would be good to ask in order to get some information on the record, so we might just do that for the last five to 10 minutes or so.

It was pointed out to me—although I should know it because I am speaking in the chamber tomorrow in relation to the national performance framework and the national outcomes—that a revised national outcome is access to green and blue space. It is very well intentioned and it might be mentioned by some members in the chamber tomorrow, but I suppose that the important thing, once you have the national outcome, is how you monitor that national outcome. Do you have any suggestions about how that should be monitored? You do not have to tell us just now; you can write to the committee with an answer.

Julie Procter: At the moment, it is measured through the Scottish household survey, which asks people whether they live within a five-minute or a 10-minute walk of a green space. We can see that there is a difference between urban and rural areas. We ask a similar question in the green space survey only of urban residents, and we find that they have less access than rural residents.

At the moment, we are working with colleagues in the Scottish Government on a much more robust way of measuring access to green space. We have the Ordnance Survey green space map so we can use geographic information systems and digital analysis to do network analysis. We think that we are going to find that we probably have even better access to green space than is presently understood to be the case—that, is, that the digital analysis will show that more of us will be found to live within a five-minute walk than the physical measuring does.

In relation to that, we make the plea that the national indicator should be talking about access to quality green and blue space. That will tell us something useful. As we have heard from Matt Lowther, it is not just the quantity of and access to green space that has an impact on our health; it is also the quality of the spaces. We encourage this committee to say that quality needs to be in the national indicator as well, and we would be keen to look at how we measure that.

The Convener: Sitting below that, there could be a series of criteria that would flesh that out. I think that the Government was trying to make the outcomes as short as possible, but there is a whole layer below that. For example the fact that there is access to quality green space does not mean that it is being used, so the issue is about access to and use of quality green space. You could have the best green space in the world, but if it is not used it just sits there. Do you have any other ideas on how some of that might be monitored? You can contact the committee at a later date in relation to that if you have any comments.

It would be remiss of us not to ask about the transformation and innovation fund, as Julie

Procter mentioned it. That means money. We will be looking at budget scrutiny at some point. Some of the evidence that we have is that, despite the fact that all local authorities appear to have been impacted by very tight budgets at a local level, some local authorities spend a lot more than others in relation to access to green space and how that green space is managed. Before we go on to talk about the pounds and pence, do you have any suggestions about why some local authorities seem to do significantly better than others in that regard?

Julie Procter: The park managers forum has had a really good look at the figures on spend that come from the Improvement Service. I have to say that some local authority colleagues did not recognise those figures, so I think that there might not be a standardised approach. There is a challenge when you are looking at the definition of green space and trying to see what people have included. Have they included cleansing and so on as well? There is quite a variety of figures, but that reflects the amount of green space that exists and the distribution of those spaces. It also reflects what is recorded on the green space account.

The Convener: Okay, that is helpful. Bruce Wilson, do you want to add to that?

Bruce Wilson: I do not have any figures, but I wonder if local authorities that have less provision of biodiversity expertise—again, that area has been cut quite heavily—possibly would not be as inclined to spend as much money on that area as others because they do not have people internally making those arguments.

The Convener: So it could it be a workforce issue as well.

Bruce Wilson: I would say so, yes.

The Convener: That is interesting. Okay, so the pitch is there: let us have this transformation and innovation fund. Earlier on, we were talking about whether that should be used to build resilience with “friends of” groups, create new groups where there are gaps or fund community transfers—it could be for a variety of things. We will leave that debate sitting there, but we acknowledge that there is a joint obligation in relation to local government and the Scottish Government.

Just so we are clear in relation to what the call is for, would the fund be a stand-alone fund that would be created by the Scottish Government that individual groups or local authorities would bid for? Would it involve partnership funding between Scottish Government and local authorities agreed by the Convention of Scottish Local Authorities, with both sides putting in money? Would it be distributed at a local authority level? At some point, we will be doing budget scrutiny and, as the creation of such a fund is a significant ask, we

would welcome any information that you want to give us in relation to that.

Julie Procter: We would be very keen to come back with a fleshed-out proposal. On the thinking about the innovation fund, Nesta—the national agency for innovation—the Heritage Lottery Fund and the Big Lottery Fund have a rethinking parks programme, which is UK-wide and is looking at new models for parks. Scottish authorities and Scottish partnerships can apply to that programme. The programme has only £2 million available for work, so the amount of money that is going to come to Scotland from that is probably quite limited, but there is a lot of good practice that could come from that innovation fund.

Our thinking in this area draws on our experience of working with local authorities and with “friends of” groups on what we call pioneer projects, which involve finding a bit of space to come up with ways of doing things differently with the resources and capacity that you have. For instance, in Aberdeen, we looked at what the management would look like if we thought about how we are going to manage to mitigate and adapt to climate change. We have looked in other areas at how we could increase the amount of local food growing through managing our green space in different ways. We have to start pioneering some of those new approaches, particularly around energy, as that has the potential to bring income back into our green spaces.

That approach is critically important for community and “friends of” groups as well. When Greenspace Scotland was core-funded by Scottish Government, we used to run networking and training activities for community groups. We do not have the resource to do that now, so what you are seeing are small umbrella groups starting to come together in Edinburgh and Glasgow. However, there is not really a support group for “friends of” groups and community groups. Again, that would be something we could look at, and we will take up the invitation to come back to you with more detail.

The Convener: On budget scrutiny, we have heard a lot about public health, and we have integrated health and social care services and integration joint boards across the country. That is dealt with in a budget line that this committee does not scrutinise, although we refer to it in relation to money that transfers from health into local authority directed spend for care. However, are we missing a trick in relation to how we look at some of that money?

Dr Lowther: Yes. The debate about preventative spend is pretty fundamental to this issue. My organisation and other people who work in public health will argue that, if we can move the money into prevention, that will have longer-term benefits, which will save the NHS money in the

long term. Getting the evidence for that is quite difficult sometimes, and that is a challenge for us.

There are some things that the NHS can do. For example, we are part of a programme called the green exercise partnership. It is a partnership between the NHS, Scottish Natural Heritage and Forestry Commission Scotland that brings together funding from those organisations and the Scottish Government to green the NHS estate for a range of outcomes. There are definitely things that we can do, and there are things in process.

Julie Procter: When the Environment, Climate Change and Land Reform Committee was scrutinising the budget, it noted that the environment delivers a wide range of benefits that create cost savings for other areas. Health was one that was mentioned. It was looking to make that budget connection, so that is something that we would be keen to encourage you to do.

There is some good practice in the health service. We are working at the moment with NHS Lothian to produce what will be the first green space in health strategic framework. That is again something that we should be looking to encourage. That approach is about not only how we use existing green spaces to improve people’s health but also the role of the health service estate. We talked about the fact that local authorities were not the only managers of land. We need to think about how we can use the NHS estate to deliver health benefits, given that it is a health-promoting national health service.

The Convener: I have had a lot of indications from various witnesses that they want to speak, so I will go to the last budget-related question and then witnesses can choose to answer it or ignore it, but it is an opportunity for a final comment before we close the session.

Mr Gibson mentioned some basic issues, irrespective of how green space is defined, such as dog fouling, whether the grass is cut and whether the litter is picked up. I am sure that we could go on and look at a variety of other things. In Glasgow, we could look at the budget that is given to land and environmental services, for example. Should we be looking at some kind of crossover between how local authorities prioritise such things and the level of satisfaction about access to green and blue space to see whether there is a connectivity to budget lines?

Should we be looking at whether there is a strong evidence base to say that when local authority X made a cut in this area, unsurprisingly, satisfaction dipped? We could then be looking at the budget numbers based on outcomes for our constituents rather than arguing over what the numbers themselves are. That is my final thought

on how we embed that budget scrutiny this early on in the process.

You can answer that or you can ignore all of that—it is up to you. We will go round the table, but I will start with Mr Wilson because he was the first to raise his hand to speak.

Bruce Wilson: I agree with Julie Procter's point about the ECCLR Committee and its statements on the budget. I would add that the health side of things is not just about quantity of life but quality of life. We had a little chat beforehand and I definitely agree that you might be prolonging someone's life, but if you can improve mental and physical health through green space, that will not just save money; it is a better overall outcome.

12:30

When it comes to budgets and how we define success, obviously how constituents feel is hugely important, but we have to look at other indicators as well. We need to look at our biodiversity metrics, at the amount of run-off that is coming off and the "urban heat island" effect. We need to look at all those things as measures of the success of our green space and not just public perception, because those things are hard to see, as a member of the public.

The Convener: Thank you. This is everyone's final opportunity to make a comment, so we will go round the table.

Kevin O'Kane: I will mention again the potential of budgets. We have a green space in Dunfermline for which we have had money from one council department for a cycleway in that green space, and we are getting money from the Scottish Environment Protection Agency for river restoration. It comes back to the point that we should see our green spaces as multifunctional assets. They can be an asset for the transport system or in relation to reducing flooding. If we can see them as more than just recreation spaces, they become really vital to communities.

The Convener: That is similar to what Mr Wilson was saying.

John Kerr: I have two points to make. First, to pick up on Mr Gibson's point, we have talked about the quality of green spaces: that is not just about all the things that make them good, but about what stops people using them. Is it litter? Is it dog fouling? What can be improved to make it more likely that people will use them?

The second point is a plea for the "friends of" groups. There are a lot of community volunteers out there who are willing and keen to help, but they often do not know how to do that. They need the links within the councils to be able to guide them in the right direction, to give them advice,

and so on. We need to have the resources there and to make sure that there is funding to be able to provide that advice across all of the urban areas and beyond, not just in the areas where there are currently groups but going beyond that to get more groups set up.

The Convener: Okay—that is helpful.

Julie Procter: It is about encouraging an asset-based approach to our green spaces and to our parks so that we are valuing them for the services that they deliver, whether that is for people and health or in relation to the environmental element—reducing flooding, tackling climate change and so on. We need to put those green spaces and parks on local authorities' books as assets, based on those services, rather than as liabilities based on the cost of maintenance. We then need to focus on quality and look at what the return on investment is and work out the benefit of preventative spend through investing in green space.

Dr Lowther: There is a robust amount of evidence that shows that green spaces are good for our health, so we are particularly concerned about the evidence that shows green space quality is declining, particularly in the most deprived areas. As I said, we are particularly concerned with health inequalities, so we are really interested in things that can narrow those inequalities. Scotland has some of the widest health inequalities in western Europe.

The good news is that there is evidence that green space can help to deliver that narrowing of health inequalities, so it is a pretty significant area in respect of health inequalities. The convener spoke about the committee perhaps scrutinising one particular aspect. I would encourage you to look at how to increase the number and improve the quality of green spaces—not just green spaces but places in the most deprived areas. There is significant evidence about the potential impact on health inequalities.

Colin Rennie: As the committee might expect, we dealt with many of the challenges today. Notwithstanding that, I get the opportunity to visit many parks across Scotland during the course of my work. We have wonderful assets but they are underused. It is a challenge to encourage much greater use of them. On the budget point, I would commend the research that we have done on valuing them in a completely different way, both in an economic sense and in relation to health and wellbeing.

The Convener: Thank you, Mr Rennie. There is a lot of crossover there. At least two other committees will be looking at very similar things. I am sure that we will do more work on this but we will have to think carefully about how we position

ourselves in relation to that work. That was another really useful round-table session. Thank you, everyone, for taking part. I think that we have had good value for money from the discussions.

That ends agenda item 2. We previously agreed to take agenda item 3 in private.

12:34

Meeting continued in private until 12:42.

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