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Official Report

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Wednesday 22 January 2014

Session 4

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Scottish Parliament

Wednesday 22 January 2014

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

Portfolio Question Time

Justice and the Law Officers

The Deputy Presiding Officer (John Scott):

Good afternoon. The first item of business is portfolio questions. If we are to get as many members in as possible, I would be grateful if we could have succinct questions and answers.

Young Offenders (Rehabilitation)

1. Anne McTaggart (Glasgow) (Lab): To ask the Scottish Government what steps it is taking to improve the rehabilitation of young offenders in their communities after short custodial sentences. (S4O-02807)

The Cabinet Secretary for Justice (Kenny MacAskill): The Scottish Government, in partnership with local authorities, the police, the Scottish Prison Service, the third sector and others, is committed to supporting the implementation of a whole-system approach across Scotland, to improve responses to people under 18 who offend. The aim of the approach is to intervene early with young people to divert them from the criminal justice system, while recognising that, for the minority who receive a custodial sentence, supporting their reintegration back into the community is key. That includes developing a holistic plan for their release and ensuring that appropriate services are in place.

Crime is at a 39-year low and, since 2008-09, the number of detected crimes by under-18s has decreased by 52 per cent. During 2011-12, the average daily under-21 population in Scottish prisons decreased by 8 per cent for people who had been sentenced and 1 per cent for people on remand.

The Government is also supporting a mentoring programme for young prolific male offenders.

Anne McTaggart: The cabinet secretary will be aware that key events in an offender's life, including their reintegration into the local community, impact on the person's motivation not to reoffend. A highly individualised process is required if reintegration is to be effective. Given that, what practical measures is the Government taking—now and for the future—and how will their impact be measured?

Kenny MacAskill: The member makes a fair point. It is about the measures that we undertake collectively. That is why tomorrow I will be chairing the cabinet and ministerial sub-committee that includes ministers across the portfolios that deal with offending.

We must ensure that there is accommodation for people to go to when they are released, and we must ensure that there is a seamless link between the institution and the person's home, in relation to access to medical care, continuing education, tackling literacy and numeracy et cetera. We must ensure that there is purposeful activity for people during the day. The ministerial group, along with other organisations, is dealing with those matters. I take on board the member's point; that is what we are seeking to do.

Margaret Mitchell (Central Scotland) (Con):

Given the high number of young offenders who are known or estimated to have literacy and numeracy problems, and given the lack of support for such people when they are in prison on short-term sentences, will the Scottish Government introduce mandatory testing for literacy and numeracy skills for all young offenders, with signposting and throughcare for people who have problems, to help young offenders to find employment when they are released into the community, thereby reducing offending?

Kenny MacAskill: The member makes a valid and important point. Literacy and numeracy difficulties are an issue not just for young offenders but for many offenders and need to be addressed if we are to get people active in the labour market on their release. That is fundamentally a matter for the Scottish Prison Service, which is doing good work with HM inspectors of education to ensure that Polmont young offenders institution is as good as it can be.

When someone is serving a short sentence, the Prison Service's ability to detect and address matters, never mind impose a regime, is limited. However, good work is going on and is being built on.

Cross-border Parental Child Abduction

2. Nigel Don (Angus North and Mearns) (SNP): To ask the Scottish Government what recent talks it has had with the United Kingdom Government on cross-border parental abduction. (S4O-02808)

The Minister for Community Safety and Legal Affairs (Roseanna Cunningham): Scottish Government officials regularly meet UK Government officials to discuss international parental child abduction. They last met on 23 October 2013 and expect to meet again in April 2014.

Nigel Don: The minister will be aware of a case in which the English courts mistakenly believed that they have jurisdiction. I am not inviting her to discuss that case, of course. However, is she aware of anything that is being done in the English jurisdiction to bring the question of Scottish jurisdiction in such cases to the courts, so that the same mistakes are not made again? Does she believe that if we were independent, the national jurisdictions would be realigned in such a way that abduction cases could be dealt with very differently?

Roseanna Cunningham: I cannot discuss the specifics of any case. We have suggested to the UK Government that it might be helpful to issue a practice direction in England and Wales on potential Scottish jurisdiction in cross-UK border cases. That has not been issued yet. Any decision to do so is a matter entirely for the authorities in England and Wales, but I will draw Nigel Don's specific point to the attention of the UK Government.

Cases in which parents are involved in disputes about their children are often difficult and frequently are high profile, for obvious reasons. There is provision in legislation that extends across the UK on matters such as mutual recognition, enforcement of judgments and jurisdiction of the courts in parental responsibility proceedings. After independence, we would need to discuss with the UK Government what further provision might be needed on cross-border cases that involve children, taking into account our European Union and international obligations. In all such cases the welfare of the child would have to be paramount.

Prison Population

3. Ken Macintosh (Eastwood) (Lab): To ask the Scottish Government what steps it is taking to reduce the prison population. (S4O-02809)

The Cabinet Secretary for Justice (Kenny MacAskill): The Scottish Government has a number of measures in place that are designed to reduce reoffending. Phase 2 of our ambitious reducing reoffending programme is now under way and is focused on making sure that people who have offended make the most of opportunities to fulfil their responsibilities as citizens and move away from offending.

The Scottish Government continues to work closely with the Scottish Prison Service, which recently launched its vision for the future of the organisation. The focus on unlocking potential and transforming lives will help break the malicious cycle that sees the same individuals returning through a revolving door into custody.

Reconviction rates continue to fall, particularly among young people under 21, and currently stand at their lowest level in 14 years.

Ken Macintosh: I am aware that the cabinet secretary has been trying to reduce the prison population in Scotland for six years now, but we still seem to have one of the highest incarceration rates in the whole of Europe, coupled with one of the highest reoffending rates—notwithstanding the cabinet secretary's remarks. Year on year, we seem to send more people to jail. The public would be reassured if those people were all violent and dangerous offenders, but the biggest increase seems to be in the number of women. Given that crime is falling year on year, why is his policy to stop sending people to jail not working?

Kenny MacAskill: Ken Macintosh raises the paradox that we face. Crime is at its lowest level in 39 years, yet we face an increase in the prison population. It is clear that there are issues for the judiciary regarding people whom they deal with who have multiple problems, which results in their having difficulty issuing sentences that may be served in the community, and we work with them on that matter.

There is an issue regarding women offenders that needs to be addressed, which is why we instructed Dame Elish Angiolini to carry out a review of women offenders. We are working not just with the Scottish Prison Service but with the judiciary—with Tom Welsh and others at the Judicial Institute for Scotland. It is a matter of ensuring that those who commit an offence, who have to be dealt with, are dealt with appropriately. Not all people have to go to jail; many do, but not all. We have to ensure that there are appropriate alternatives, which is why the Government is committed to building on the work of Dame Elish Angiolini and those who assisted her in the review of women offenders.

The Deputy Presiding Officer: Question 4, in the name of Dennis Robertson, has not been lodged, for entirely understandable reasons.

White Paper on Independence (Legal Competence)

5. Mark Griffin (Central Scotland) (Lab): To ask the Scottish Government whether the Lord Advocate provided advice on the legal competence of the white paper on independence. (S4O-02811)

The Lord Advocate (Frank Mulholland): As Mark Griffin will be aware, there is a long-standing convention that the Government does not disclose whether the law officers have or have not advised on any particular matter. The content of any such legal advice would also be confidential. That convention is recognised in paragraph 2.35 of the

Scottish ministerial code and has been applied by all Scottish Governments. It is also applied by the United Kingdom Government and is recognised in paragraph 2.13 of the UK Government's ministerial code.

Mark Griffin: Among others, Paul Beaumont, professor of European law at the University of Aberdeen, Niamh Nic Shuibhne, professor of European law at the University of Edinburgh, Professor Susan Shaw and Ján Figel, a former deputy prime minister of Slovakia and European Commission education commissioner, have questioned the Scottish Government's assertion that an independent Scotland would be able to charge tuition fees to students from the rest of the UK. Given the exceptional nature of the debate, will the Lord Advocate disclose whether legal advice exists on that topic and what that legal advice is to allow members of the public to assess with confidence what they are voting for in September?

The Lord Advocate: I remind the member that there are very good reasons for the convention. Successive Governments have taken the view that a breach of it would risk seriously undermining the processes by which the Government obtains legal advice. That would harm the public interest in good governance and the maintenance of the rule of law within Government, which the convention against disclosure is designed to protect. This very important convention is recognised by the UK Government, as I have already stated. In fact, the UK Government successfully defended the convention in 2009.

I have set out the rationale for the convention in parliamentary answers on a number of occasions, most recently in my response to the member on 7 November 2012 and to Anne McTaggart on 30 January 2013. I reiterate that I fully intend to comply with it and not breach the ministerial code.

Rendition Flights

6. Rob Gibson (Caithness, Sutherland and Ross) (SNP): To ask the Scottish Government what progress it has made in determining whether rendition flights have touched down at Scottish airports. (S4O-02812)

The Lord Advocate (Frank Mulholland): As Rob Gibson will be aware, in June 2013 I instructed Police Scotland to reopen the investigation into rendition flights in Scotland, following publication of material from the rendition project that was conducted by researchers from the University of Kent and Kingston University London. The investigation is still live, therefore it would be inappropriate for me to comment at this time.

Rob Gibson: My constituency is served by two airports—Wick and Inverness—that are managed by Highlands and Islands Airports Ltd on behalf of the Scottish Government. We have particular concerns that those airports may have been used. As the issue is live, will the Lord Advocate report back to us as soon as possible with news about the potential use by rendition flights of those airports?

The Lord Advocate: The continuing investigation by Police Scotland relates to all evidence of any alleged rendition flights involving Scotland, including at Wick and Inverness airports. As the investigation has yet to conclude, no outcomes can be provided at this stage. However, when it is completed and a decision has been taken, I will make that decision public.

European Arrest Warrants

7. Colin Keir (Edinburgh Western) (SNP): To ask the Scottish Government whether it has received an update from the United Kingdom Government regarding the future use of European arrest warrants in Scotland. (S4O-02813)

The Cabinet Secretary for Justice (Kenny MacAskill): I very much regret that the UK Government saw fit, with no pretence of consultation, to put our participation in the European arrest warrant system at risk. The Lord Advocate and I gave evidence on its usefulness to the Westminster Parliament, and we were supported by practitioners including the police and the Law Society of Scotland.

Therefore, I welcome the fact that the UK Government has indicated that it wishes to opt back in to the European arrest warrant. It also considers that formal steps can be taken by the UK and the European Union institutions before 1 December 2014 that will facilitate the UK rejoining pre-Lisbon measures. That means that such warrants would continue to be available for use in Scotland.

Colin Keir: Does the cabinet secretary agree that the way that UK Government handled the matter could have meant that Europe would, had the UK withdrawn from the European arrest warrant system, have been a haven against prosecution in this country?

Kenny MacAskill: I certainly agree. For that reason, there was uniform concern across organisations in Scotland, including the Crown, defence lawyers—the Faculty of Advocates as well as the Law Society—and Police Scotland.

Only a few months ago, BBC Scotland ran a programme on forensic science in murders, in which it was shown that, after the murder of Moira Jones, a European arrest warrant was issued and Marek Harcar was detained not within days but

within minutes. That shows the co-operation that can take place, should take place and has been taking place. Anything that would jeopardise that would jeopardise the security of our communities.

The Deputy Presiding Officer: Question 8, in the name of Annabel Goldie, has not been lodged for entirely understandable reasons.

Police Firearms Officers

9. John Finnie (Highlands and Islands) (Ind): To ask the Scottish Government how many authorised police firearms officers there are. (S4O-02815)

The Cabinet Secretary for Justice (Kenny MacAskill): That is a matter for Police Scotland, but I understand that there are currently 440 authorised police firearms officers in Scotland.

John Finnie: I thank the cabinet secretary for that reply. Her Majesty's inspectorate of constabulary's 2009 report said that the Police Scotland aligns itself with the Home Office forces and complies "voluntarily with these standards". The standards that are referred to are those that are laid out in the Home Office's 2003 "Code of Practice on Police use of Firearms and Less Lethal Weapons". Can the cabinet secretary advise—either now, or later in writing—whether that is still the case? In particular, with regard to the Independent Police Complaints Commission's advice to Scotland Yard on the "hard stop" tactic, has the advice been acted on in Scotland? Also, will the cabinet secretary join me in calling for a review of police firearms tactics and of the number of officers who are deployed carrying Taser guns but are not authorised firearms officers?

Kenny MacAskill: Fundamentally, those are matters for the Scottish Police Authority, but I am happy to try to drill down to ensure that John Finnie's comments are raised and answers are provided, either by the chief constable himself or by HM inspector of constabulary.

The Government believes that the rare use of firearms of Scotland is reasonable and proportionate. However, it is necessary for the safety of our communities. John Finnie's point about Taser guns has been brought up not only by the police and HM inspector of constabulary, but by the Police Investigations and Review Commissioner, so I think that there has been a suitable review in that regard. However, I will endeavour to come back to John Finnie on that. I am happy to meet him to discuss the issue further.

Police Scotland (National Confidential Alert Line)

10. Liz Smith (Mid Scotland and Fife) (Con): To ask the Scottish Government whether it will

consider introducing a national confidential alert line for Police Scotland employees. (S4O-02816)

The Cabinet Secretary for Justice (Kenny MacAskill): Police Scotland already operates a national confidential reporting system for employees, called safecall. The system is run by an independent company and callers can remain anonymous if they wish.

Police officers and staff have access to a range of routes to report improper behaviour. In order to maintain the confidentiality of the person who raises any issue, that includes anonymous reporting.

Liz Smith: I thank the cabinet secretary for that. Notwithstanding what he has just reported, there have obviously been concerns from MSPs right across the chamber about a number of police officers who have wanted to come forward privately to raise issues about recent changes in policing and the effect on morale. What efforts are being made to ensure that that is happening and that there is effective monitoring of the process?

Kenny MacAskill: I think that I detailed fully what is happening in my first answer. The position of the police is fully supported by the Scottish Police Authority. If Liz Smith has concerns, she should speak either to the chief constable, to his head of human resources—John Gillies—or to Vic Emery. The systems are there; those who have concerns can raise them individually. They can raise them anonymously or they can raise them through organisations such as the Scottish Police Federation or the Association of Scottish Police Superintendents. No doubt there will be issues that will correctly be raised in that manner, although it seems to me that Police Scotland is operating remarkably well, given the regularly improving statistics and the evidence that shows that Scotland is safer.

Rural Affairs and the Environment

Forestry Grants (Scotland Rural Development Programme 2007 to 2013)

1. Mary Fee (West Scotland) (Lab): To ask the Scottish Government how many new forests have been planted using forestry grants under the Scotland rural development programme 2007 to 2013. (S4O-02817)

The Minister for Environment and Climate Change (Paul Wheelhouse): The number of woods that have been planted using forestry grants under the SRDP for 2007-13 is 1,564. In practice, woodlands that benefit from SRDP funding vary in size, but I can inform Mary Fee that the area that is covered by the woods is 26,900 hectares, with the average area of the woods being 17.2 hectares. We estimate that

some 53.8 million trees have been planted via the projects.

Mary Fee: I thank the minister for that answer. Can he tell me what the targets are for new forests over the next 10 years, in particular in my region, which is West Scotland?

Paul Wheelhouse: Mary Fee may be aware that the Scottish Government is committed to planting a total of 100,000 hectares between 2012 and 2022. We do not have regional targets as such, but the split in planting under the Scotland rural development programme is as follows: approximately 38 per cent has taken place in Highland, and 10 per cent has been in each of Argyll and Bute, the Borders, Dumfries and Galloway and Grampian council areas. The balance of planting has taken place in the Clyde valley, Ayrshire and Forth regions, where planting is less significant. However, we are progressing the woods in and around towns project to bring planting to urban areas and to encourage greater use of our woodlands.

Alex Fergusson (Galloway and West Dumfries) (Con): An increasing number of people in the sector are warning that unless planting of commercial timber is increased, the critical mass that the sector requires to maintain investment in the industry may be lost. Is the Scottish Government taking those warnings seriously? If so, what can it do to address that situation?

Paul Wheelhouse: I am happy to confirm that we are taking those concerns very seriously, and I have met regularly the Confederation of Forest Industries and other concerns in the commercial planting sector.

The Scottish Government recognises the importance of increasing the rate of planting of productive woodland, which can, of course, mean planting of native as well as non-native species. We are actively considering mechanisms to achieve such an increase under the next SRDP, and our indicative target is a 60-40 balance between commercial species and native broad-leaf planting.

Common Agricultural Policy (Budget Allocation)

2. Mike MacKenzie (Highlands and Islands) (SNP): To ask the Scottish Government what progress there has been in discussions with the United Kingdom Government regarding the common agricultural policy budget allocation announced by the Secretary of State for Environment, Food and Rural Affairs in November 2013. (S4O-02818)

The Cabinet Secretary for Rural Affairs and the Environment (Richard Lochhead): Mike MacKenzie will be aware that Scotland has been

united in its pursuit of a fairer deal from the common agricultural policy budget allocation, particularly in respect of the full €223 million convergence uplift that was given to the United Kingdom from Europe, given Scotland's low level of payments.

However, as members will be aware, the UK Government—despite representations to the Secretary of State for Environment, Food and Rural Affairs, and even to the Prime Minister, from the Scottish Government, Parliament and our agricultural sector—is refusing to budge and do what is right for Scotland's farmers and rural communities. As a consequence, Scotland will be left at the bottom of the European league tables for direct payments and rural development funding.

Mike MacKenzie: Does the cabinet secretary agree that the convergence decision is not just damaging to Scotland's farmers but deeply harmful to the economy of many of our most fragile rural communities?

Richard Lochhead: Mike MacKenzie sums up very well the seriousness of the budgetary decision that the UK Government has taken. It is not just the livelihoods of our farmers and crofters that will be damaged by the decision to deny Scotland the Scottish share of the EU budget, but the wider rural economy. That money would have been invested in the rural economy by our crofters and farmers, who tend to spend their public support in their local communities, so the decision is therefore a blow to the whole of rural Scotland.

Claire Baker (Mid Scotland and Fife) (Lab): I am pleased that the cabinet secretary acknowledges the cross-party campaign in calling for Scotland to receive the uplift. What representations has he made to the UK Government on the terms of the review of the budget allocations within the United Kingdom? Does he accept the importance of Scotland moving from historic payments to area-based payments in order to achieve that and move forward with the review?

Richard Lochhead: I had a conversation about the convergence uplift several weeks ago with the secretary of state, Owen Paterson. It was made clear to me at that time, and in subsequent comments to the media by Owen Paterson and the industry, that, despite the apparent pledge for a review in 2016 or thereabouts—however long it may take, and despite the fact that there is a UK election in 2015 and an in-out European Union referendum in 2017—any outcome of such a review would not be implemented until the next common agricultural policy post 2020.

I therefore cannot see that such a review would make any material difference, given that EU

negotiations for the post-2020 CAP are still to take place. Any internal UK review must take that into account, notwithstanding the fact that, even though the review may be happening in 2016, it would not have any bearing in the period of this common agricultural policy.

Jamie McGrigor (Highlands and Islands) (Con): Despite what the cabinet secretary has just said, does he not agree that the proposed review of the allocation deal is a real opportunity? Will he work on a cross-party basis to meet the UK Government on that review?

Richard Lochhead: The review that the UK Government promises is a dead end and a red herring, for the reasons that I have just outlined in my answer to Claire Baker, and in particular the timescale. We are promised a review in 2016, which may be concluded after the in-out EU referendum and will not begin until after the UK elections in 2015. We do not know who the secretary of state will be at that point, given that there have been so many changes in the past few years.

Of course, the secretary of state has said that the impact of any review will not be until post 2020, which would be into the next common agricultural policy period, not the new one that is about to be implemented in 2015. Therefore, the conclusion of any reasonable person must be that the review is a red herring and a fudge by the UK Government to cover up a betrayal of Scotland's farmers and crofters.

The Deputy Presiding Officer: I reiterate that brief questions and answers would help us to progress.

Flood Risk

3. Lewis Macdonald (North East Scotland) (Lab): To ask the Scottish Government what support it gives to local authorities to address the risk of flooding. (S4O-02819)

The Minister for Environment and Climate Change (Paul Wheelhouse): Flood risk management is a priority for the Scottish Government. We work closely with the Scottish Environment Protection Agency and other resilience parties to prepare communities that face flood risk. In the current spending review period, with the agreement of the Convention of Scottish Local Authorities, we have specifically identified £126 million—or £42 million per year—within the capital settlement for flood protection projects that cost in excess of £2 million. Local authorities are also free to allocate additional resources to flood prevention, such as smaller capital projects that are under £2 million in cost, from within the overall funding that the Scottish Government provides to them, and from within their own resources.

The current arrangement for the allocation of the flood protection component of the general capital grant is for the funding of specific projects. Local authorities can apply for funding on the basis of criteria that have been agreed by the Scottish Government and the Convention of Scottish Local Authorities. We have agreed with COSLA that the same arrangement for the allocation of the flooding component of the general capital grant should apply for the financial year 2015-16. I welcome that agreement. A letter inviting bids, along with updated criteria, was issued to local authorities on 12 December, and the latest round closed on 21 January.

Lewis Macdonald: The minister will be aware of the flooding in Aberdeen and Stonehaven in recent years and the plans that the local authorities have put in place to reduce the risks of flooding in future. Given the high capital cost of flood prevention in Stonehaven in particular, does the minister agree that, despite the fact that the changes that he is introducing in the way that the Scottish Government funds such schemes are broadly supported, Aberdeenshire Council should not be disadvantaged as a result? Will he ensure that, in spite of those changes, the Stonehaven scheme receives the financial support that it needs and deserves from next year onwards?

Paul Wheelhouse: I remind Lewis Macdonald that we are not actually changing the mechanism by which the flood funding is allocated, so the process is stable. I welcome the fact that the stability has been continued by COSLA.

A number of local authorities have particular problems with protecting vulnerable areas in places such as Brechin, Selkirk, Stonehaven and others—I saw the issues in Dumfries over the Christmas period. We have to rely on projects being brought forward by the local authorities in good order. I believe that Aberdeenshire Council has progressed its scheme in compliance with the Flood Risk Management (Scotland) Act 2009. We have to wait and see what comes forward and then assess the bids collectively. The 2009 act and the new flood risk and hazard maps inform the process of deciding which areas get priority for funding. That is a joint decision with COSLA, so I cannot prejudice the allocation of funding.

Claudia Beamish (South Scotland) (Lab): What discussions has the minister or the Scottish Government had with the United Kingdom Government regarding flood insurance, given that the statement of principles has come to an end, although an interim arrangement has been made?

Paul Wheelhouse: As the member might be aware, the Scottish Government was not formally consulted on the development of the flood re scheme. We were aware of what was happening and made representations to the UK Government,

as one would expect, but we were not formal consultees. We made a submission to the consultation and we are supportive of the general approach that is being taken, although we have not necessarily signed up to all the details.

We need to reach an agreement with the insurance industry. I have met the Association of British Insurers to discuss issues of flood insurance and how the industry might take into account practical measures such as flood protection at property level in assessing the flood risk premiums that are charged to customers. I am happy to keep the member informed of the work as we proceed. Clearly, we need to do further work on the issue as we build up a new statement of principles.

Stuart McMillan (West Scotland) (SNP): I would be grateful if the minister would say which local authorities in West Scotland he has met recently along with SEPA and Scottish Water to discuss flooding matters.

Paul Wheelhouse: The only local authority that I have met recently in the west regional resilience partnership area is Dumfries and Galloway Council—when I visited Whitesands to witness the floods there, I had a conversation with the leader and chief executive of the council. I have not yet met personally with any other local authority in the west RRP area to discuss its proposals. However, discussions between those authorities and officials in the Scottish Government are on-going. I can assure the member that there is on-going dialogue with all the local authorities in the area on their requirements as they bring forward proposals to the Scottish Government. I am happy to write to the member with details of the conversations that have taken place.

Common Agricultural Policy (Reform)

4. Alex Fergusson (Galloway and West Dumfries) (Con): To ask the Scottish Government when it last met NFU Scotland to discuss the implementation of reform of the common agricultural policy. (S4O-02820)

The Cabinet Secretary for Rural Affairs and the Environment (Richard Lochhead): I met the president and chief executive of NFU Scotland last night at a meeting near Lauder, along with around 70 farmers, and we discussed the implementation of the new common agriculture policy. It was, of course, a lively discussion, and it was good to hear at first hand the farmers' views on the new CAP.

Alex Fergusson: I am sure that that meeting brought out many of the uncertainties that currently exist around the implementation of the reforms. One of the certainties that exist is that substantial amounts of support funding will be

transferred from the comparatively productive livestock units in the south and the east of the country to less productive units in the north and the west. What is being done to ensure that the levels of farming activity that will enable farmers to access, post reform, the single farm policy are as meaningful as possible and therefore to minimise the amount of support that is available to, essentially, unproductive units?

Richard Lochhead: As Alex Fergusson points out, that is a key concern for anyone who is interested in the future of vibrant Scottish agriculture, particularly the livestock sector and the beef sector within that, given that many intensive beef units face substantial reductions in their single farm payment as Scotland moves from the historic basis of payments to an area basis. Of course, the key is to find a solution that, on one hand, mitigates the impact on genuinely active livestock units but, on the other hand, does not continue the historic payments for other units whose activity has declined. That is the key to trying to find a solution to the complex problem that we have been handed by the new CAP. Although the policy has taken some steps forward, there are still some big challenges, given Scotland's circumstances and the rules that we have to abide by.

Tavish Scott (Shetland Islands) (LD): The cabinet secretary has already decided to abolish the crofting counties agricultural grants scheme and replace it with a new scheme. Would he be so good as to tell Parliament, and therefore crofters, what the eligibility rules will be for that new scheme, when crofters will know about it and when they can, therefore, plan their businesses in light of a change that he has already announced?

Richard Lochhead: I am looking carefully at pillars 1 and 2 of the new common agricultural policy in respect of crofters in Tavish Scott's constituency and elsewhere in Scotland. I can say only that, because we are in the middle of the consultation on the rural development programme, which closes at the end of February, it is difficult to give a precise answer to his question. All that I can do at this point is give an assurance that I am paying close attention to that scheme and the overall impact on crofting of the new common agricultural policy.

Areas of Natural Constraint

5. Jean Urquhart (Highlands and Islands) (Ind): To ask the Scottish Government what the timescale will be for the introduction of areas of natural constraint to replace less favoured areas. (S4O-02821)

The Cabinet Secretary for Rural Affairs and the Environment (Richard Lochhead): The European Union rural development regulation

states that the new areas facing natural constraint designation is to be implemented by 2018, and we will review the current less favoured areas scheme in line with the regulation. In the meantime I am committed to continuing vital funding at current levels for the current scheme, to ensure that farming and crofting businesses remain sustainable.

Jean Urquhart: What guidance has the Scottish Government received from Europe regarding the criteria that are to be used to define areas of natural constraint?

Richard Lochhead: The debate on this matter has been going on for some time, and a set of criteria has been initially debated. However, because there has been a postponement of the decision to move to a new system, there will, no doubt, be further debate over the next couple of years about the exact criteria that will be used to define areas of natural constraint.

During the original debate over the past couple of years, we took some comfort from the fact that Scotland met most of the criteria, although there may have been some debate at the edges about whether some parts of Scotland qualified. Clearly, however, we have an opportunity to debate the issues and iron them out over the next couple of years.

NFU Scotland (Meetings)

6. Jackson Carlaw (West Scotland) (Con): To ask the Scottish Government when the Cabinet Secretary for Rural Affairs and the Environment last met representatives from NFU Scotland and what issues were discussed. (S4O-02822)

The Cabinet Secretary for Rural Affairs and the Environment (Richard Lochhead): As I explained in response to Alex Fergusson's earlier question, to which I am sure the member listened closely, I met with NFU Scotland and around 70 very vocal farmers last night near Lauder to discuss the implementation of the new common agricultural policy.

Jackson Carlaw: I did indeed listen closely to that answer, cabinet secretary.

As illustrated in this week's "Scottish Farmer", sea eagles are proving to be a real threat to lambs as well as to the native and iconic golden eagle. Given the evidence of the damage that sea eagles are doing in the west of Scotland, will the cabinet secretary accept that their reintroduction has proved at least to be problematic, and will he agree to protect the livelihoods of our farmers and crofters beyond the current policy of simply chucking jars of mint sauce among the lambs and saying to the sea eagles, "Enjoy"?

Richard Lochhead: I am sure that Jackson Carlaw recognises the fantastic tourism boost that there has been in certain parts of Scotland due to the reintroduction of sea eagles. However, I recognise that there are also some genuine concerns among livestock farmers, particularly on the west coast of Scotland and elsewhere. In the past few days, I have been approached by some sheep associations who have asked to meet me on the subject. Of course, I will be happy to do so and to explore the issues that Jackson Carlaw has raised.

European Union Farm Payments

7. Kenneth Gibson (Cunninghame North) (SNP): To ask the Scottish Government whether Scotland's farmers now receive the lowest farm payments in the European Union and, if so, whether this is due to a lack of direct representation. (S4O-02823)

The Cabinet Secretary for Rural Affairs and the Environment (Richard Lochhead): Scotland currently receives the third lowest average per hectare rate in the EU for direct payments, known as pillar 1, at around €130 per hectare, but we are set to become bottom of the EU league table once EU convergence sees Estonia and Latvia overtake us. Those countries will, of course, benefit from the EU rule that all member states will achieve at least an average of €196 per hectare by 2019. Scotland would also have benefited from that if we had been independent already.

We already have the lowest average per hectare rates in the EU for rural development funding, known as pillar 2. If Scotland had had its own seat at the table in Brussels, we, too, would have argued for and negotiated extra funding, just like the 16 other member states successfully did, sharing a total of €5.6 billion. Once again, unfortunately, because of the United Kingdom's lack of negotiating skills or priorities for Scotland, we are also bottom of the European league for that fund.

Kenneth Gibson: As the cabinet secretary will know, Scottish farmers are losing €1 billion a year that would have boosted the economies of our rural farms, villages and towns. Does the cabinet secretary agree that we need the powers of independence, with direct representation in Europe, to empower our rural and island communities and to grow their place in our society and economy?

Richard Lochhead: It is true that there is a heavy cost for our farmers, crofters and wider rural communities to pay, and that the fact that we are not a member state in our own right means that we do not qualify for those funding uplifts. To clarify the point, according to the formula adopted by Brussels and Europe, because it is not an

independent member state, Scotland has lost out on investment of €1 billion between now and 2019. We estimate that that would have created an extra 2,500 jobs in Scotland and added £0.5 billion to Scottish gross domestic product.

National Litter Strategy

8. Drew Smith (Glasgow) (Lab): To ask the Scottish Government when it will publish its national litter strategy. (S4O-02824)

The Cabinet Secretary for Rural Affairs and the Environment (Richard Lochhead): We had a good response to our consultation on Scotland's first national litter strategy and are in the process of analysing the responses. Thereafter, we aim to publish the strategy in early summer. In the meantime, we are pressing ahead with important early actions. From 1 April, fixed penalties for litter will increase from £50 to £80, and for fly tipping from £50 to £200. We are also finalising plans for the national litter prevention campaign, which will start in May and will seek to influence people's behaviour towards litter.

Drew Smith: The cabinet secretary will be aware of the problem of the dumping of waste such as cooking fats and unsold foods by some takeaway establishments. It has been reported that some offenders in Glasgow have come into the city for that purpose and the council has named and shamed some of those establishments. Will the cabinet secretary indicate whether the national strategy will be able to provide for a link between the enforcement of fines against those polluters, which he mentioned in respect of fly tipping, and the licensing system? Does he agree that businesses that behave in that way should know that they stand a chance of being fined if they are caught and risk losing their licence or being refused a future licence?

Richard Lochhead: The Government has been discussing that issue. I am not aware of the detail of the responses to the strategy that are currently being analysed, so I will make a point of looking into the issue that Drew Smith has raised and I will get back to him. If Drew Smith, or anyone else, has specific ideas that they wish us to consider as part of the strategy, they should feel free to write to me.

Flooding

9. Malcolm Chisholm (Edinburgh Northern and Leith) (Lab): To ask the Scottish Government, in light of recent severe weather conditions, whether it can provide an update on the outcome of any discussions of new arrangements or additional funding to deal with flooding. (S4O-02825)

The Minister for Environment and Climate Change (Paul Wheelhouse): Scotland's response to severe weather over the festive period highlighted the returns that we are seeing on our investments in flood risk management.

We are in discussion with the Convention of Scottish Local Authorities about the approach to funding flood protection in future years. We expect the capital funding distribution to remain as part of the local authority settlement and to take account of the development of local flood risk management plans. That will support the statutory requirement for responsible authorities to agree funding of measures in the local flood risk management plans.

Malcolm Chisholm: The minister has stated previously that more targeted support may be required for those likely to be most vulnerable to the impacts of climate change. How is that concern being addressed? When will he be in a position to report any actions that the Scottish Government will take to support vulnerable communities and households?

Paul Wheelhouse: We have a number of strategies and I am happy to write to the member to set those out in detail. For example, we are progressing a national adaptation programme that will not only look at how we can become more resilient as a society but drill down to communities. The updated flood risk and hazard maps give more detailed information about the depth and velocity of water at a local level, which will inform our investment strategy. We are also looking at how we take forward the evaluation of the potential impact of property-level protection schemes for individuals.

Budget (Scotland) (No 3) Bill: Stage 1

The Deputy Presiding Officer (John Scott):

The next item of business is a debate on motion S4M-08794, in the name of John Swinney, on the Budget (Scotland) (No 3) Bill.

14:40

The Cabinet Secretary for Finance, Employment and Sustainable Growth (John Swinney):

Last week, I introduced the Budget (Scotland) (No 3) Bill for 2014-15, which will give effect to the draft budget that I set out in September last year and the subsequent provisions that we have made in the intervening period.

I express my thanks to all those who have contributed to the budget process so far, particularly members of the Finance Committee, whose report I have responded to today, and the subject committees for their comprehensive scrutiny of the Government's spending plans.

As I have looked to do in each and every year, I am committed to working constructively with all parties in the Parliament to build agreement on the bill's contents. I have met all parties and am aware of the issues that they raised in those discussions. I commit to working over the next two weeks to try to address those issues. I am willing to consider alternative spending proposals from all parties provided that they identify the source from which the necessary resources would be drawn to afford any changes to the Government's fully-funded plans that are before us for consideration.

The spending plans that this Government has set out will support Scotland's economy, help some of the most vulnerable in our society and deliver the high-quality public services that people in Scotland have a right to expect. Our plans meet the challenges of the times. We need: strong support for economic recovery; to deal with the impact of Westminster austerity and cuts in welfare support; and to protect public services in Scotland. That must all be achieved within the legal and financial limits placed on us as a devolved Administration.

As a result of Westminster's approach to public finances, the Scottish Government's fiscal departmental expenditure limit budget is being cut by 11.1 per cent in real terms between 2010-11 and 2015-16. That has reduced our discretionary spending power by £3.4 billion in real terms.

Gavin Brown (Lothian) (Con): In cash terms, has total Scottish Government spend ever been higher?

John Swinney: We have been through such questions before with Mr Brown. He fails to take into account the fact that there is natural inflation in all the costs that we wrestle with as a Government. In terms of giving a like-for-like comparison of the resources under the control of the Scottish Government—the things that we can control and decide on to afford the priorities of the people of Scotland—the fiscal DEL budget has been cut, in real terms, by 11.1 per cent between 2010-11 and 2015-16. That is the reality of the financial situation that the Scottish Government faces.

We are seeing real-terms cuts of 2.3 per cent a year from March 2011 to March 2016 and we now know that the chancellor plans a further £25 billion of cuts to come from 2016 onwards. That assumption by the chancellor was greeted by the Deputy Prime Minister as a strategy founded on a "monumental mistake". That is what the coalition partners think of Gavin Brown and his colleagues' direction of travel. That approach compounds the macroeconomic failures of the coalition. United Kingdom Government borrowing between 2011-12 and 2015-16 is expected to be £197 billion more than originally forecast in June 2010.

As welcome as the £300 million of Barnett consequentials allocated in the chancellor's autumn statement are, not all of them enhance the Scottish Government's spending power and they account for a mere fraction of the amount that Scotland's budget has been reduced by since 2010.

No one in the chamber should be in any doubt about two points: first, that significantly less money, in real terms, has been allocated to Scotland than at any point since devolution; and, secondly, that in those circumstances we are ensuring that the maximum impact is generated from the spending priorities that we settle on as a Government.

Since 2007, this Government and our public services have focused on creating a more successful country, with opportunities for all of Scotland to flourish, through increasing sustainable economic growth. Our budget sets out our actions to deliver on that purpose through supporting economic recovery while creating jobs and new opportunities through the transition to a low-carbon economy; maintaining our commitment to a social wage for the people of Scotland; and protecting our public services by taking forward an ambitious programme of public service reform, driving a decisive shift in resources to preventative approaches and delivering improved outcomes for people and communities.

As the Government's chief economist noted in his most recent "State of the Economy" report, economic recovery in Scotland has continued

through 2013 and Scotland has now seen its sixth consecutive quarter of growth. The recent growth performance has moved Scotland's economy closer to 2008 levels, so that Scotland is now only 0.9 per cent below our pre-recession peak in output, whereas the United Kingdom is 1.9 per cent below that level.

Statistics that came out this morning highlight that Scotland continues to be the best performing of the four nations in the UK on employment and unemployment. Consistent increases in employment levels show that the policies of the Scottish Government to create jobs and boost the economy are making progress, but we know that the recovery is fragile and needs continual support.

We have consistently recognised the importance of infrastructure investment by the public and private sectors in increasing the momentum of the recovery. The budget confirms that we will secure more than £8 billion of investment in Scotland's infrastructure over the next two years, which will be used to build homes, schools, colleges, hospitals and transport links. As part of that, investment to support sustainable and active travel will be increased to around £60 million over the period of the spending announcements.

On Monday, I was privileged to see the construction that is under way of the new Inverness College, and yesterday I saw the progress that is being made on City of Glasgow College, where £228 million of investment will create 170 jobs over the life of the contract and will deliver a centre of excellence for skills development in the city for many years to come.

We will continue to fund a record number of modern apprenticeships, including 40 at City of Glasgow College, which I visited yesterday, and will maintain our commitment to opportunities for all, which guarantees that those who are aged between 16 and 19 and who are not in work can obtain the support that they need to progress their journey back into employment.

Although this morning's statistics confirm that the youth labour market in Scotland is performing strongly—we have a higher youth employment rate, a lower unemployment rate and a lower economic inactivity rate than the UK does—we are considering closely the recommendations of the Wood review on developing Scotland's young workforce to ensure that our education system continues to deliver the skills that employers need.

The draft budget delivered the most generous package of business rates relief in the UK, which was worth more than £570 million a year at the time and included support for more than 92,000 business properties through the small business

bonus scheme. In December, I announced that we would allocate £38.5 million in both 2014-15 and 2015-16 to cap the business rate poundage at 2 per cent and to extend eligibility for the small business bonus scheme. That will extend the benefit of the scheme to 4,000 additional properties, leave an eligible Scottish business up to £3,080 better off than its competitors in England and ensure that Scotland continues to be the most competitive place in the UK to do business. That measure has been included in the Budget (Scotland) (No 3) Bill and the Parliament will vote on it today as part of the bill's provisions.

In addition, we are acting to protect and reform our public services. We value a national health service that is publicly owned and a local government that is properly funded, which is why the budget again delivers on our commitment to pass on the full Barnett consequential to the NHS in Scotland and continues to prioritise local government funding, in contrast to the approach that the UK Government has adopted.

We have also ensured, through our reform of the fire and police services, that we will maintain 1,000 additional police on the streets, and from 2015-16, the Public Bodies (Joint Working) (Scotland) Bill will drive the delivery of joined-up, high-quality and sustainable health and social care provision in Scotland.

With that in mind, the budget maintains our commitment to the three change funds in 2014-15 and will allocate funding of £120 million in 2015-16 to support national health service boards, local authorities, the third sector and other partners in delivering better integrated health and social care provision and to fund national initiatives into the bargain.

Investing in and improving crucial public services can bring significant benefits to our economy. The draft budget in September provided more than £190 million of investment over the next two years to increase early learning and childcare provision to 600 hours a year for three and four-year-olds and the most vulnerable two-year-olds, saving families around £700 a year. That investment will fund the commitment in the Children and Young People (Scotland) Bill and increase available childcare from the 412 hours a year that we inherited in 2007. High-quality childcare can make a huge difference to outcomes, both in the life of a young child and in their parents' ability to participate fully in the economy through work or training. That is why when the financial opportunity to extend the provision became available the First Minister announced plans to extend the provision to two-year-olds in households where parents are looking for work.

To maintain the quality of childcare, we are also investing £3.5 million in supporting around 2,000 new jobs and enhancing the skills of our childcare workforce. The bill allocates the funding for that expansion.

Willie Rennie (Mid Scotland and Fife) (LD):

As the cabinet secretary knows, we welcome the investment in two-year-olds as well as three and four-year-olds. I know that he has plans for the following financial year, but will he give a commitment that if finance becomes available and opportunities arise to extend the scheme even further he will continue to expand the scheme to more two-year-olds?

John Swinney: The Government has made absolutely clear its commitment to expanding the availability of childcare. In “Scotland’s Future”, we set out an ambition that it is essential to realise for Scotland, but only when we have the resources available to us. We believe that the type of transformational resources we need to take forward these issues will come when we have the normal powers of an independent country.

Alongside increasing childcare provision, we are continuing to place the delivery of better outcomes at the heart of the budget through our social contract with the people of Scotland. As I set out in September, the budget continues our work with our partners in local government to deliver a council tax freeze that will save the average household £1,200 by the end of this parliamentary session. It provides support to our students through our commitment to free higher education and a minimum income; maintains free personal care and support for concessionary travel and free prescriptions; and embeds the Scottish living wage in our public sector pay policy.

Moreover, earlier this month, we confirmed our intention to fund free school meals for all schoolchildren in primaries 1 to 3 from next January, which will be worth £330 a year for each child to families throughout the country. That investment, which will help to tackle poverty amongst our youngest children and ensure that every child has access to a hot meal every day, has been included in today’s budget bill and I hope that members will show their support for it in this evening’s vote.

This Government is delivering real support to deliver better outcomes for our people and to tackle some of the difficult issues that have arisen from the cuts to welfare provision. Alongside local government, we are again investing £40 million in the council tax reduction scheme, which has helped some 550,000 people who would otherwise have seen their bills increase and would have faced the risk of falling into arrears. We have allocated £33 million to the Scottish welfare fund and in September I confirmed £20 million of

funding to help reduce the impact of the disastrous bedroom tax on the most vulnerable in our communities. As figures published yesterday show, more and more people affected by the bedroom tax are turning to local authorities for discretionary housing payments and our £20 million funding ensures that local authorities can pay the maximum allowable within the law to protect some of the most vulnerable in our society. This budget confirms that we will make that support available in 2014-15.

Although welfare policy and its funding are reserved to Westminster and although it is not an area in which we have legislative competence or for which we receive consequential, I point out that, in order to mitigate the worst of Westminster’s cuts, our spending plans will take our investment in dealing with the implications of welfare reform to more than £244 million during the period 2013-14 to 2015-16.

Although there have been challenges in setting this year’s budget as a consequence of the macroeconomic failures of the UK Government and the budget cuts that it has imposed, it comes at a particularly exciting time for our nation, when the eyes of the world will be on Scotland. We will welcome visitors from across the globe to enjoy the Commonwealth games and the Ryder cup; we will have an opportunity to showcase Scotland to the world in the second year of homecoming; and, of course, on 18 September, the people of Scotland will have the opportunity to vote on our country’s future.

I have set out the principles of the Budget (Scotland) (No 3) Bill. The budget is based on the Government’s vision of a nation that is founded on the principles of fairness and prosperity and which demonstrates the benefits to it of decisions being taken in Scotland by those who care most about it: the people who live and work here.

I move,

That the Parliament agrees to the general principles of the Budget (Scotland) (No.3) Bill.

14:55

Iain Gray (East Lothian) (Lab): Our criticism of the budget that is before us, ever since it was published in draft, has been consistently less about what can be seen in it and more about what cannot. Our criticism is simply that, when the budget is compared with the Government’s stated objectives—many of which are very creditable and many of which are inarguable—at best, no connection can be found between them and, at worst, budget decisions seem to reflect different priorities altogether.

There is no discernible long-term plan or strategy in the budget to create jobs and growth,

reduce inequality, eradicate poverty, address climate change, or move definitively to preventative spending. That was the theme of almost every committee report on the budget this year, and it was reiterated by almost every expert witness whom those committees heard. The Finance Committee report summed it up bluntly. It said that there is

“no link between the Government’s spending plans ... and the intended impact”.

The Health and Sport Committee, the Infrastructure and Capital Investment Committee, and the Rural Affairs, Climate Change and Environment Committee all echoed that.

When we last debated the budget, just before Christmas, Mr Swinney suggested that when indicators move in the right direction, that in and of itself is the proof that he has a plan and it is working. To a degree, he did that again today with regard to the employment figures, which is not surprising following today’s welcome improvement in the unemployment and employment figures. However, I presume that, when we see more families resorting to food banks, falling into fuel poverty or rent arrears, more in homeless accommodation, increasing numbers of our young people not in employment, education or training, a 37 per cent drop in college admissions, or our carbon emission indicators going in the wrong direction, that means that he has no plan or that the plan is not working.

That is not a new feature of this year’s budget; rather, it is a pattern over time. Take the challenge of eradicating poverty. What could be more important or desirable? In 2007, Mr Swinney inherited a budget in which £1.5 billion-worth of anti-poverty spending could be readily identified; indeed, he badged £160 million of it as the fairer Scotland fund. Seven years on, £1 billion of that, including the fairer Scotland fund, has disappeared.

The budget fails to rise to the challenges that Scotland faces. It is a steady-as-she-goes budget that changes little and risks less to get the Government past its only real objective: the referendum in September. Indeed, when the draft budget did change with a consequential increase from the autumn statement, the Government could have brought forward much more of its own childcare plan and started it now to help many families—especially women—back into work right now, but it chose instead to continue with the argument that it first needs independence to deliver that.

John Swinney: Would Iain Gray accept that if I had followed the approach that he is talking about, I would have had to allow business rates in

Scotland to increase and free school meals to be denied to children in primary 1 to 3?

Iain Gray: We certainly argued that, given the choice between two good things—the free school meals and the increase in childcare—we would have preferred to prioritise childcare. However, there is one improvement to the budget that we have consistently advocated since its introduction, which is to fully mitigate the impact of the bedroom tax, thus to all intents and purposes abolishing it in Scotland. We should not kid ourselves, because that tax is not the biggest coalition welfare cut. However, it is big enough, with 80,000 households affected, and it is one of the most iniquitous, because it cannot work. Even if tenants could move to smaller houses, there are none for them to go to. The alternative that they face is debt and possibly losing their home. The tax is iniquitous because most households affected include someone living with a disability. The tax is iniquitous because it attacks those who need space for the equipment that they need to live, carers who need the respite of a spare room and divorcees trying to be, usually, a father to their children.

John Swinney: I agree with Mr Gray about the iniquity of the bedroom tax, but why is he in cahoots with the Conservatives and the Liberals in the better together campaign, enabling the bedroom tax to be enforced in Scotland by the power of the Westminster Government?

Iain Gray: Let me come to agreement and disagreement across the chamber on that.

Protecting tenants would be a start, which is why Jackie Baillie has a bill before the Parliament to stop them being evicted. However, it would be so much better to find the resource so that they can avoid arrears in the first place.

The bedroom tax does wider damage, too.

Jamie Hepburn (Cumbernauld and Kilsyth) (SNP): Will the member give way?

Iain Gray: No, I am sorry.

Local authorities have seen rent arrears soar, which means cuts elsewhere in already stretched services. The consequences for housing associations are worse, because soaring arrears compromise their income stream and undermine their ability to borrow, and they cannot build new houses. Indeed, the Scottish Government’s housing budget—the welcome increase from the massive cuts in this budget—will mean little if housing associations cannot borrow the balance of funding that they need to use the housing grant to build. It is no wonder that housing associations asked this morning that the Scottish Government amend its budget to fully mitigate the impact of the bedroom tax. They calculate that that needs

around £25 million more per year. We have consistently suggested a figure of £50 million a year, based on research that was commissioned by the Welfare Reform Committee. We acknowledge that the cabinet secretary has found £20 million.

Kevin Stewart (Aberdeen Central) (SNP): Will Mr Gray give way?

Iain Gray: No, I am sorry. I need to get on to the point that Mr Swinney raised. I will get to it.

However, at least half of the households affected are getting no help and arrears are rising. The figure of £30 million is not a trivial amount, but it is a small fraction of 1 per cent of the Scottish Government's budget. It is well within the margins of end-year flexibility, even in Mr Swinney's tightly managed budget.

John Swinney: Can Mr Gray take this opportunity to explain to the Parliament the mechanism that would allow us to pay that additional resource to the individuals to remove their arrears?

Iain Gray: I will come to that.

We believe that Mr Swinney could do more. In December and again today Mr Swinney argued that he has gone as far as he can under UK legislation to provide for payments to tenants, but we believe that he could do more to mitigate the impact of the bedroom tax, perhaps through his responsibilities to prevent homelessness and to support housing associations and perhaps through local authorities' power of general wellbeing. On this matter we believe that where there is a will, we can find a way—and we should.

Kevin Stewart: Will the member give way?

Iain Gray: No, I am sorry.

We even have the Under-Secretary of State for Scotland assuring us publicly that the Scottish Government can fully mitigate the impact of the bedroom tax if it wishes—[*Interruption.*]

John Swinney: Oh, well. There we are, then.

The Deputy Presiding Officer: Order, please. Interventions are best not made from a sedentary position.

Iain Gray: We should do that, because the truth is that the Labour benches and the Government benches agree on the matter. We agree that the bedroom tax is iniquitous. Albeit for different reasons, we even agree that it is temporary. We expect to see the bedroom tax abolished next year by a Labour Government; the Scottish National Party says that it will abolish it in an independent Scotland in 2016. Either way, its days are numbered, but those days will be dark for the tenants affected by the tax. Mr Swinney was

courteous enough to invite us to meet him to discuss the budget and we were clear that we want to see that change. He agreed to work with us to find a legal way to do it, and those meetings have started. I believe that they have been constructive and I hope that he does, too. I want them to bear fruit. We can set our differences aside and do this thing on which we agree.

On that basis, we are willing to support the budget bill this evening, in spite of the weaknesses that we believe it embodies, so that it can come back at stage 3 enhanced by measures and funds that in effect consign the bedroom tax to history in Scotland right here and right now.

15:05

Gavin Brown (Lothian) (Con): It is often worth looking at what happened in the equivalent debate a year ago, so yesterday I looked at the stage 1 debate on last year's budget bill. The Scottish Government's central plank at that time was that the UK Government's economic approach was not working. Mr Swinney said:

"The UK Government's approach to public spending does not effectively support the need to strengthen economic recovery."

Later in his speech, he said:

"a different strategy is required from that of the UK Government".—[*Official Report*, 22 January 2013; c 15721-2.]

How different things look 12 months on from last year's stage 1 budget debate: growth has returned and unemployment is down. Some very encouraging figures for both Scotland and the rest of the UK came out just today. Employment is up, confidence is growing and the growth projections from the International Monetary Fund, which came out yesterday, have gone up once again. I and members in this part of the chamber are glad that the Chancellor of the Exchequer stuck to the path and did not follow the Scottish Government's advice in the budget process last year.

John Swinney: What Mr Brown has to do to complete his explanation of what happened is to refer to the fact that the amount of borrowing that the UK Government is having to undertake to support its economic strategy is £197 billion more than the chancellor expected in 2010. Furthermore, the chancellor did not stick to plan A: he changed his plan at the instigation of the Deputy Prime Minister, who said that capital expenditure had been cut too quickly. That is exactly what we have said throughout the period since 2010.

Gavin Brown: I am not sure that Mr Swinney added much to the Scottish Government's case with that particular speech. On the point about borrowing, he completely ignores the entire effect

of the eurozone crisis and a continent almost in meltdown with six uninterrupted quarters of contraction. On the economic case that he seeks to build, Mr Swinney genuinely seems to put forward the case that all the growth in the economy across the United Kingdom is down to the policies of the Scottish Government. Macroeconomic policy is decided at a UK level, and it is about time that he gave the UK Government just a little slice of credit for the path that it has taken and the results that we have seen.

Let us look at the public finances. My colleague Mr Fraser will look at them in greater detail, but the point is this.

The First Minister (Alex Salmond): Will the member take an intervention?

Gavin Brown: I will in a minute.

In 2008-09, according to the Scottish Government's own budget—I say to Mr Swinney that it is on page 189—it had £31.9 billion to spend. In the next financial year, the figure for total Government spend will be £35.3 billion. Yes, overall, in real terms that is a small decrease, but in cash terms it is a £3.5 billion increase. To put the record straight—because ministers talk about savage cuts—I note that the First Minister has £3.5 billion more to spend now than he had when he first became First Minister of Scotland.

I said that I would take the First Minister's intervention, and I am happy to do so now.

The First Minister: I admire Mr Brown for wishing away inflation, which he constantly does to try to make his point.

I will pursue Mr Swinney's point about whether the UK Government's approach has changed. This time last year, the Deputy Prime Minister said:

"If I'm going to be sort of self-critical, there was this reduction in capital spending when we came into the Coalition Government ... But I think we've all realised that you actually need, in order to foster a recovery, to try and mobilise as much public and private"

investment

"as possible."

If the Deputy Prime Minister says that there was a change of course—three years after coming into government, admittedly—why does Mr Brown not acknowledge the wisdom of his coalition allies?

Gavin Brown: I know that the First Minister likes to filibuster during First Minister's question time, but now he is filibustering during Opposition speeches—good grief. He cannot stand anybody else getting to speak in the chamber—*[Interruption.]*

The Deputy Presiding Officer: Could we have a little bit of order, please?

Gavin Brown: The First Minister has the audacity to say that I wish away inflation. When he talks about his public sector pay policy, he talks about a 1 per cent increase and a pay freeze, not a real-terms cut in public sector pay. Yesterday, he said that he did not want to debate with the Secretary of State for Scotland and that he wanted to start at the top of the UK Government and work his way down. If Alex Salmond's intervention shows the quality of the contribution that he can make, he should start at the bottom of the UK Government and work his way up if he is good enough.

This is not a budget for the economy. The Scottish Government no longer even pretends to talk a good game on the economy, which is not front and centre. The budget is all about the referendum. The Government is doing little on business rates, apart from what the chancellor forced it to do. It is not bringing in a retail rebate like the one that we will get south of the border. It is doing nothing about a town centre regeneration fund. It is doing less than nothing about its non-profit-distributing programme, which seems to be stuck in the mud again. It is doing even worse with its so-called business rates incentivisation scheme.

This is a weak budget that does not put the economy front and centre. That is why we will not support it at decision time.

15:12

Kenneth Gibson (Cunninghame North) (SNP): I congratulate the finance secretary on again putting together a budget to bolster the recovery that Scotland is experiencing, to protect our public services, to help families who are struggling with the cost of living and to make Scotland a fairer and more equitable society.

Scotland is outperforming the UK on a number of key economic indicators. Scotland continues to punch above its weight on foreign direct investment and, outwith London, it was the top-performing area of the UK last year. This morning's heartening figures show that, although the UK unemployment rate stands at 7.1 per cent, the unemployment rate in Scotland stands at 6.4 per cent—its lowest level since the first quarter of 2009—and the divergence is growing. The chief economist's most recent report predicts that, in 2014, Scotland's economy will at last move beyond 2008's pre-recession output levels.

All that is encouraging and has been achieved despite—not because of—the UK Government's discredited austerity measures. It should be remembered that the Scottish Government called

for years for a boost in capital spending to grow the economy and create employment, to which the chancellor is only a belated convert.

It is undoubtedly the result of the UK Government's commitment to austerity that virtually every forecast that the Office for Budget Responsibility has made for UK growth has had to be revised downwards. On new year's day, Jonathan Portes of the *Financial Times* said:

"This remains the weakest recovery in recorded UK economic history. In June 2010 ... the Office for Budget Responsibility predicted that by now, the economy would be about 7 per cent larger."

It is clear that the Scottish Government's decision to switch resource spending to capital projects was wise and has contributed to the considerably lower levels of unemployment in Scotland as opposed to the UK as a whole. I am pleased that the budget recognises that link and maintains a strong commitment to capital investment.

As Mr Swinney said, the Scottish Government is to invest more than £8 billion in Scotland's infrastructure over the next two years. That will improve the transport network, the college estate, our national health service and schools; aid the delivery of public services; and ensure that Scotland is a more attractive place to live, work and invest in. As members know, it is estimated that every additional £100 million of capital spending creates or supports about 1,400 jobs in the Scottish economy.

On 19 December, Gavin Brown tried to pull the wool over our eyes by pretending that a cash increase in annually managed expenditure from 2012-13 to 2015-16 does not represent a real-terms cut in the Scottish Government's budget, despite the rate of inflation that we have experienced over the past two years and anticipate over the next two years. Today he repeated that mantra.

I point out to Mr Brown that a true measure of available resource is its real rather than its notional value. Indeed, is it not Conservative policy to reduce Scotland's budget in real terms? If so, why does Mr Brown hide behind cash figures year on year, whether he is talking about departmental expenditure limits or annually managed expenditure? Given the arguments that Mr Brown has been making, it seems that, if he had been the finance minister in the Weimar republic, he would have been arguing that the increase in budget every year represented good husbandry.

Gavin Brown: For clarity, I acknowledged that there is a real-terms cut. Does the member acknowledge that there is the highest cash-terms total Government spend ever?

Kenneth Gibson: Mr Brown makes the same intervention every time we debate the matter, and I always respond that, as the First Minister and Mr Swinney said, what matters are the real-terms figures—what we can actually do with the money and spend it on—and not the cash numbers behind them.

On 11 December, Mr Brown said, somewhat triumphantly:

"Our economy is now growing faster than any other major economy in the industrialised world, apart from that of the United States of America."—[*Official Report*, 11 December 2013; c 25581.]

Mr Brown will recall—painfully, I have no doubt—that I had to point out to him that growth in the UK is sluggish in comparison with growth in dozens of other nations across the globe, and that the UK ranked 28th in terms of growth rates, according to that week's edition of *The Economist*. Six weeks later, *The Economist* is pointing out that the UK is now in 27th place. Things are not moving as fast as they would have done if we had had an effective economic policy. There is a long way to go.

I am pleased to note that the budget ensures that Scotland will continue to maintain its place as the most progressive nation in these islands, preserving our proud commitment to universal services such as free personal care for the elderly, the free bus pass, free prescriptions and access to university tuition that is based on the ability to learn and not the ability to pay—or, as some call it, the "something-for-nothing society".

Not only has the Scottish Government protected those policies but it will enhance social provision through the introduction of universal free school meals for all children in primary 1 to 3. The policy, which will cost £55 million over two years, will remove the perceived stigma of free school meals and ensure that children from all backgrounds are properly nourished, alert and ready to learn. For that reason, the policy has been welcomed by the Educational Institute of Scotland, the Scottish Trades Union Congress, Unison, Save the Children and the Child Poverty Action Group. To their shame, Labour members voted against the move.

Iain Gray: Will the member give way?

Kenneth Gibson: I am in my last minute, sadly.

To judge by the farcical bickering on the Labour benches at decision time that day, it is obvious that many Labour members fully supported the idea but voted against the policy because it was proposed by the SNP, proving again that Labour remains unfit not only for office but for opposition. Indeed, when a *Daily Record* editorial criticises the Labour Party, Labour knows that it is in trouble.

Although our progressive policy, along with a substantial extension of childcare provision, will improve the lives of families and children, it is evident that only independence will release the resources that are necessary if we are to introduce the transformational policies on learning, childhood development and childcare that Scotland needs. The benefits of such policies, which have been implemented by our Nordic and Scandinavian neighbours, are manifest.

We have heard that the changes that we want to bring about could be achieved under devolution, but that ignores the reality that the maintenance of such radical policies requires funds and access to the increased tax revenue that would accrue.

By the end of this parliamentary session, the Scottish Government will have spent £224 million of our devolved budget in an effort to mitigate some of the UK Government's Dickensian welfare policies.

The Deputy Presiding Officer (Elaine Smith): You must conclude, please.

Kenneth Gibson: The cabinet secretary's budget does much, with the resources that are available to this Parliament, to build on the economic and social progress that we have made in recent years. I urge all members to support it at decision time.

The Deputy Presiding Officer: We must have speeches of six minutes, please.

15:18

Malcolm Chisholm (Edinburgh Northern and Leith) (Lab): Labour's objective, at budget time and throughout the year, is to achieve gains for the people and causes that we came to the Parliament to represent.

I could give many examples. After Ed Miliband's speech on energy, the UK Government and the Scottish Government were suddenly forced to make statements about the actions that they want to take in the area. After the great campaigns of Stella Creasy at UK level and Kezia Dugdale here, we saw action on payday loans from the UK Government and the Scottish Government.

Two weeks ago, the real significance of the first budget debate that we had—this year's budget is really in two parts—was that the Scottish Government was forced, by the Labour Party's active and vigorous campaigning on childcare, to allocate a reasonably significant sum of money to childcare for two-year-olds. No one can doubt that, if Labour had not made the issue its number 1 budget priority, the Scottish Government would never have announced the policy on budget day.

That was the significance of what happened two weeks ago. Today, however, members on the SNP benches have repeated—to my great disappointment, because Kenneth Gibson is very sensible when he wears his Finance Committee convener's hat but today he reverted to party-political mode—the sustained nonsense that we have seen in the chamber, the newspapers and social media about Labour's vote two weeks ago.

The absolute final proof that we could not vote for that motion because it was about independence is the vote of the Liberal Democrats. Nobody in this chamber or this country doubts that the reason why we have free school meals here is the instigation of the Liberal Democrats at UK level—let us congratulate them on that. However, two weeks ago today the Liberal Democrats voted against the Government's motion. That is the final proof that the SNP has been talking absolute nonsense about our vote on free school meals.

John Swinney said today that he hoped that members will show support for free school meals. We will, and we will vote for the budget, but the SNP and the Scottish Government should listen carefully to the reason that Iain Gray gave for that. It is connected to our single most important objective as we debate the budget at this stage: to achieve gains in relation to the bedroom tax.

We can already claim some advances on that. Members will remember that it was Labour that first advocated the allocation of money to alleviate the consequences of the unjust bedroom tax, and the Scottish Government announced the £20 million in response to Labour's demand. Our simple priority and objective over the next two weeks is to ensure that the £20 million sum is significantly increased.

Members on the SNP benches were laughing in a disrespectful way when David Mundell was mentioned, but they cannot lightly dismiss the words of a UK Government minister in that way. Members on the SNP benches and indeed members on my side of the chamber might not like the words of a UK Government minister, but they cannot be dismissed as irrelevant to this discussion.

Jim Eadie (Edinburgh Southern) (SNP): Is Malcolm Chisholm aware of the Department for Work and Pensions guidance on discretionary housing payments? It states:

"Once you have met your authority's overall cash limit you cannot award any more DHPs. By cash limit we mean two and a half times your government contribution. If you award above this limit, you are breaking the law."

What is the mechanism to get round that, irrespective of what David Mundell has or has not said?

Malcolm Chisholm: There are several suggestions for that, which should be the subject of discussions between the cabinet secretary and my colleagues over the next two weeks. I am sure that Jackie Baillie and perhaps others will go into the various options. With only two minutes left, I do not have time.

One obvious way to proceed—albeit not the most desirable—would be to allocate money for housing to housing associations or councils to make up for any shortfall. In the first instance, explanations should be made of whether and how the money can be targeted at individuals. There is no doubt that a way can be found. That is our objective in the budget process.

I do not have much time to deal with the rest. We have had the Government's response to the Finance Committee's report, which bears scrutiny. Iain Gray started his speech by reminding us that the Finance Committee made the central point—which Kenneth Gibson would have made today, had he been in Finance Committee convener mode—of the failure to link spending with the intended impact of policies in the budget. We had quite an interesting discussion about that in December, and the point still stands.

The cabinet secretary came back by saying that we should judge the budget by the outcomes, and we heard of economic indicators again today. Two points must be made in response to that. First, people can debate how good or bad the economic indicators are. I accept some of the figures that have been given, but I also note an employment drop of 37,000 among 16 to 64-year-olds over the past year. It is a rather grey area. In its own report, the Government showed concern about the increase in the number of 16 to 19-year-olds not in education, employment or training. There is a mixed picture.

The other point—and this is a pattern—is that the Scottish Government will always claim credit when there is some progress, but if the figures are going in the opposite direction, it will blame the UK Government. It is an easy strategy for the Scottish Government to adopt.

I have lots more to say, but I have only 10 seconds, so let us keep it simple this year. Let us have more on the bedroom tax and we will continue to support the budget.

The Deputy Presiding Officer: I apologise that time is quite tight this afternoon.

15:24

John Mason (Glasgow Shettleston) (SNP): I welcome the opportunity to take part in the debate.

There are a number of measures that we can all be positive about, especially the emphasis on

childcare and free school meals, which ties in with briefings that we have received from Save the Children and Children in Scotland.

Malcolm Chisholm slightly overstates the influence of the Labour Party in all that. Usually he is quite balanced, but he went a bit off balance in his speech. If we were asked which member has been going on more than most about childcare, we would probably say Willie Rennie. The third sector and a number of my colleagues have been pushing on the issue, and I think that we would say that the Labour Party has been a poor third when it comes to campaigning.

I was particularly struck by one of the questions that Save the Children asked in its briefing for the debate:

“How has Scottish Government ensured that funding is adequate to achieve its policy aims”?

In many ways, that is a key question—in fact, in many ways, it is the key question—because the answer to it is that the funds that are available to the Scottish Government are not adequate to do all that we want to do, so the budget is very much about choosing how to use limited resources to have the maximum positive effect.

It is worth re-emphasising why we need wider powers, especially over taxation. At present, if we spend more on childcare or boost the economy in any other way, the pay-as-you-earn, the national insurance, the extra VAT and the extra corporation tax all go to Westminster. It is not that we are mean or begrudge Westminster a few extra pounds here or there, but we need to get that tax money back to continue to finance the policy.

That point seems to have been missed by some of the speakers in previous debates on the subject. We can afford to pay for more childcare only if the resulting tax is recycled into the system. Otherwise, it is like paddling a leaky boat so that, however much effort we put into paddling hard and well, our efforts are counteracted by the water leaking in or, in the case of the economy, the money leaking out.

Another example of what we have to do with our limited resources is the bedroom tax, which has already been mentioned. I very much welcome the £20 million to mitigate those welfare cuts, but that is £20 million that could have been used to improve other things. In fact, Mr Swinney mentioned £244 million as the total amount that is going on countering some of the welfare cuts.

Iain Gray said that those cuts, specifically the bedroom tax, are iniquitous. Most of us agree that the bedroom tax is iniquitous but, sadly, it is not the only iniquitous thing that is happening. In some ways, the sanctions on peoples' benefits are more iniquitous. I have constituents turning up at

surgeries whose bedroom tax arrears may be piling up in the background but whose issue when I meet them is that, for no apparent reason or because they were meant to be in two places at one time, their benefits have been sanctioned and they have no money for heating, food or their phone.

I do not know whether Mr Gray is suggesting that we could compensate for all the sanctions as well as the bedroom tax, but it is clear that choices have to be made. The money that we have to put into compensating for Westminster cuts could be put into health, housing or colleges rather than just cancelling out the attack on some of our poorest folk. In fact, it could be said that our efforts to improve things in Scotland are being put on pause while Westminster messes us around.

Do we want Scotland to be put on pause every time there is a Tory Government at Westminster? I presume that the Labour members accept that, for roughly 50 per cent of the time in the future, there will be a Tory Government at Westminster. Therefore, for 50 per cent of the time, Scotland will be on hold while we try to deal with that. Whoever is in power at Holyrood cannot implement progressive policies during those periods.

Do we want a system that allows Labour and the SNP Government to tackle poverty? Of course we do—and although we will not have enough funds to do everything that we want to do straight away, we could have a situation in which we are much more the masters of our own destiny.

The national performance framework has been mentioned. We spent a lot of time considering it at the Finance Committee, and it featured in the committee debate before Christmas. However, it is worth referring to it again, not least because it is still not as well known as it could be and one way that we can make it better known is by talking about it in the chamber, especially in supporting the scrutiny of the budget.

A key strength of the national performance framework is that it goes beyond gross domestic product. I suspect that GDP will continue to be a central measure in this country and beyond for some considerable time, but I think that most of us agree that it is not enough just to measure GDP.

Of course, the national performance framework can always be improved on, not least because what the public is looking for and the specific challenges that we face this year and next year will change over time. Therefore, the detail will need to change. However, I come back to the fact that some extremely positive comments were made about the framework at committee. Frankly, I think that some of us were surprised at how positive some of the witnesses were about Scotland's position on the NPF and Scotland

performs. That should encourage us to talk about the framework more, use it more and build on it.

As mentioned earlier, the key point for the Finance Committee is that we could not always see the link between the NPF and some of the spending in the budget, but I do not think that we were questioning the fact that a link exists.

We once again face a budget that has been severely curtailed by the failure of the United Kingdom over many years. I support the budget as proposed but I hope that, in the future, the Parliament will be able to make a much wider range of decisions that could make things much better for all the people of Scotland.

15:31

Willie Rennie (Mid Scotland and Fife) (LD): I am normally very impressed by Gavin Brown's forensic approach to the budget process but I think that he let himself down today. He is probably one of the few members who has not stood up for the Liberal Democrats in the chamber. As he is a fellow coalition member, I am very disappointed with his behaviour—I will be speaking to his business manager later.

I think that we have disappeared into some kind of vortex when the First Minister says that he agrees with Nick Clegg's wise words about the economy, particularly given that, only a year ago, the First Minister condemned the Deputy Prime Minister's strategy on the economy, saying that it would not work. However, today we have seen yet again significant improvements in the economy, with unemployment in Scotland dropping down by 25,000 to 176,000 and employment going up by a further 10,000—it has gone up by 120,000 since 2010. We should remind ourselves that this is a plan that Labour and the SNP said would not work, would not be successful and would not help the economy turn the corner.

We have a long way to go—we should not be complacent—but the economy is on the right track, and it would be nice if, on occasion, the Government and the Labour Party were to recognise—

Kenneth Gibson: Will the member take an intervention?

Willie Rennie: Not just now.

It would be nice if they were to recognise the success of the strategy that we set out and which, by and large, we have stuck to—although admittedly bits have changed to take into account issues in the eurozone and beyond. We were condemned for sticking to the strategy, but now the SNP Government claims credit for that progress. Given the Scottish Government's policies on the NPD programme, which is falling

way behind track, it is clutching at straws when it claims that somehow Scotland is in advance of the rest of the UK.

I will take Kenneth Gibson's intervention now.

Kenneth Gibson: Is it not the case that since the recession the UK has been the second lowest among the G7 countries in relation to economic growth? Only Italy has a lower growth rate. That is hardly an endorsement of the coalition's policies over the past four years.

Willie Rennie: I have admitted that there is a long way to go yet. However, just this week the IMF recognised in a report that it was having to upgrade our growth forecast yet again. It also said that, out of the developed countries highlighted, we are second only to the United States. That is significant progress for a plan that Kenny Gibson and his colleagues said would not work.

I praise John Swinney for his approach to the Scottish Government's budget. He is very open, he is prepared to have discussions and he listens very carefully to our proposals. I am grateful for that approach. We sent him a letter before Christmas in which we set out how we would like the consequential to be spent and his budget to be shaped. The process does not always work—we voted against the budget last year although we voted to support it the year before—but we have already seen significant movement.

John Swinney knows that I have praised the Scottish Government for getting it right on nursery education and free school meals. Save the Children has warmly welcomed the developments on nursery education—for which we have been calling for some time and which we are pleased are being introduced—and free school meals. The fact that so many children in Scotland—an estimated 40,000—do not receive free school meals even though they are classed as being in poverty means that something is not right and needs to be reformed, which is why we are in favour of the Government's proposals.

In the letter that we sent to Mr Swinney before Christmas, we made a number of other suggestions, which included match funding for Shetland to deal with its housing debts so that it can invest more in infrastructure. We also suggested extra funding for colleges to make up for the significant drop in funding between 2011-12, when college funding stood at £544 million, and 2014-15, when the proposed funding will be £521 million. We would like college funding to be restored so that some of the damage can be undone.

The Scottish Government has described financial transactions funding as "funny money" and said that it is a con. However, I distinctly remember seeing Nicola Sturgeon in a fluorescent

jacket earlier this week, when she praised that "funny money" as crucial in helping people to buy housing. The policy's popularity is evident—it is amazing what a difference a year can make, with another Scottish Government conversion to a UK Government proposal. We would like that money to be diverted to increase the amount of social housing that is built in Scotland, as there has been a reduction in spending on that in recent years. We have made that suggestion to Mr Swinney.

Even so, the budget will not be perfect. It might be good enough for us to vote for it, but we will have to see how discussions develop in the coming weeks. If we were running the budget by ourselves, we would do some things differently. We would use Scottish Water borrowing differently. Rather than lending £150 million to Scottish Water this year, we would allow it to source that funding from the markets because we believe that, as a solid company, it would be able to access that finance elsewhere. That would allow us to undertake some of the actions on fuel poverty and active travel that WWF Scotland is calling for. We need to invest in those areas. It would also allow us to extend nursery provision to the 40 per cent of two-year-olds who are currently being provided for in England.

That is the progress that we would make. I can say to Mr Swinney that the discussions will continue and that we will be constructive. We look forward to finding ways of reaching agreement on those issues.

15:37

Kevin Stewart (Aberdeen Central) (SNP): I commend the cabinet secretary for introducing a budget that protects the social wage and expands the delivery of services to hard-pressed families who are having to deal with the austerity budget that Westminster has thrust upon us. I am pleased that there will be continuing support for free prescriptions, free tuition, concessionary fares, free personal care and—for the seventh year in a row—a council tax freeze. The cabinet secretary says that since the freeze came into being, it has saved the average Scottish family £1,200—and up to £1,600 in some areas of Scotland, such as Aberdeen and Fife.

Stuart McMillan (West Scotland) (SNP): Does Kevin Stewart agree that the council tax freeze has been warmly welcomed across the country, and that the Labour councillors throughout Scotland who question the freeze must answer to their constituents and explain why they want them to pay more?

Kevin Stewart: I do not think that Labour supports the council tax freeze until it comes to by-elections, which is the only time we see Labour

members supporting it. In every other forum in which I come across Labour members, they say that the council tax freeze should go and that councils should once more be able to increase that tax. That is yet another one of those Labour policy fudges—[*Interruption.*] Jenny Marra may laugh from the sidelines, but I want to know what Labour's position on the council tax actually is. When is the cuts commission going to report back? When will we really know what Labour policy is?

We have heard much about mitigation of welfare reform, and I am pleased that the cabinet secretary has found £244 million over three years to deal with the worst excesses of that Westminster policy. Unfortunately, under the devolved settlement, there is absolutely no way in which the cabinet secretary can mitigate every single aspect of welfare reform. All members have to realise that that is the case.

Jenny Marra (North East Scotland) (Lab): Has the Government looked into the local government power of wellbeing, which Iain Gray mentioned in his opening speech? I presume that Kevin Stewart will be familiar with it from his previous life as a councillor.

Kevin Stewart: I am very familiar with it, and there have been many arguments over the years about what that power actually means. However, we have a restriction, which was put in place by the Westminster Government, to two and a half times the amount that that Government gave. That is a fact, and one that Mr Eadie pointed out to Parliament earlier.

I am glad that Miss Marra and her colleagues have changed their position on the bedroom tax, but I remind them that it was the Labour Party that introduced the bedroom tax, although the Tories and Lib Dems extended it to social housing.

Michael McMahon (Uddingston and Bellshill) (Lab): Will the member take an intervention?

Kevin Stewart: No, thank you—I have taken enough interventions and I need to progress.

I reiterate that we all have to understand that not every aspect of welfare reform can be mitigated, which is why I think that the Parliament should have control over all aspects of welfare.

We have had good news today on employment. The unemployment rate is at 6.4 per cent, which is the lowest since the first quarter of 2009. Over the year, the number of women in employment increased by 62,000, which is the largest annual increase on record, and we have had the largest annual increase in the employment level since April to June 2007. However, I think that we could do more. For example, we have done extremely well on modern apprentices, yet Westminster

prevents us from having the European youth guarantee scheme, which is a real pity. Beyond that, the transformational changes to childcare that are proposed in the white paper "Scotland's Future" could result in even more women in work.

A huge amount of the Westminster Government's economic policy is based round the needs of London. This week, Tony Travers said:

"London is the dark star of the economy, inexorably sucking in resources, people and energy. Nobody quite knows how to control it."

Last month, Westminster's business secretary Vince Cable said that London

"is becoming a giant suction machine draining the life out of the rest of the country".

I want that giant sucking machine to be switched off and the Scottish Parliament to control all the levers of power so that we can do even better in budgeting for the future.

15:43

Michael McMahon (Uddingston and Bellshill) (Lab): As members have pointed out, this year the Finance Committee was asked not just to look at whether the figures in the budget added up and moneys were being spent where the Scottish Government said they were but to scrutinise the budget by examining its contents against its ability to meet the aims of the national performance framework. I certainly found that form of budget scrutiny to be more interesting than the forms that I experienced in previous years. The one thing that has not changed since last year is that we remain in a very difficult economic climate in which to bring forward a budget. We must recognise that.

I believe that checking the budget against the aspirations of the NPF is a more useful way of scrutinising the Government's proposals because, regardless of whether a budget line rises or falls, the ability to meet the NPF's aspirations will always be the measure against which we judge a budget's efficacy.

Whereas before we simply argued about whether we believed that we were being presented with a budget that would do what the Government said it would, now we can identify the outcomes that are expected of it against the Government's set of indicators. We will still have disagreements about whether we believe that the Scottish Government is addressing the correct priorities, but we should be able to do so in the context of whether the outcomes that it has set itself can and will be met via its budget proposals.

Clearly, there are spending commitments in the budget that deserve our support overall, but the budget is, sadly, devoid of a coherent strategy to achieve the Government's own declared

objectives in areas such as creating jobs, growing the economy, eradicating poverty and reducing inequality, although there are clear budget lines that relate to each of those well-intentioned purposes. The major concern for me is bedroom tax mitigation, but I will come to that later.

I am a member of both the Finance Committee and the Welfare Reform Committee, and the perspective of the budget that I have developed leads me to believe that, in purely presentational terms alone, the Scottish Government must enhance the budget document to show more clearly how the welcome additional contribution that it has made towards mitigating the impacts of welfare reform will help.

For example, in relation to advice services, Scotland received £1.7 million a year as Barnett consequentials between 2013-14 and 2014-15. The extra money allocated by the Scottish Government, gives an overall projected expenditure on advice of £7.9 million up to 2015. The £5.4 million that is going to advice work is presented, on a different page in the budget document, as £7.45 million. That higher figure includes £2.35 million from Money Advice UK, but it is left out when it suits the Government's purpose.

The budget document gives two values for the Scottish welfare fund: £33 million and £37.6 million. The reason for that is that the latter figure takes account of £4.6 million for administration, but that fact is disguised in different parts of the budget.

The component elements of the Scottish welfare fund should be clearer, as doubts are already emerging. For example, Citizens Advice Scotland has stated:

"We have not seen much evidence of the holistic approach that was envisaged for the scheme".

Clarifying those budget details and having guidance on the scheme would undoubtedly assist people who are looking for information on what is being made available and would help them to assess the fund's efficacy.

Clarifications can be found in the budget, but the contributions made by various measures are not always explained, and I am left to wonder why that is the case. We need single, consistent totals for expenditure, and no expenditure should be cited that is not associated with an identifiable cost.

We really should not have to trawl through supplementary information from a range of sources to establish what spending is actually being proposed by the Government.

I could list a few other examples, but time does not permit. Suffice it to say that, in future budgets,

all available breakdowns of costs should be reported.

However, no amount of smoke and mirrors can mask the fact that it has now been verified, on more than one occasion, that there is no legal impediment to the Government spending more of its own money to fully mitigate the impact of the bedroom tax.

Fiona McLeod (Strathkelvin and Bearsden) (SNP): Is the member aware that article 7(1) of the Discretionary Housing Payment (Grants) Order 2001 says that we cannot do anything more than multiply by 2.5? It is just not allowed.

Michael McMahon: I must have used a buzz word, because the member obviously had her briefing handy. Well done for trotting out the facts about DHP.

Fiona McLeod: The facts.

Michael McMahon: Yes, the facts. No one disputes the fact that DHP can be multiplied by only 2.5. That is a well-established figure. We have discussed it in the Welfare Reform Committee. We know that.

I turn to the important point that we cannot get around. The £20 million that John Swinney has allocated so far has rightly been welcomed, but it is also estimated that it is less than half the money that is needed. Just as the no-eviction policies that have been introduced in local government do not protect all social tenants, the £20 million that has been provided to top up discretionary housing payments is not sufficient to cover the impact of the bedroom tax.

If North Lanarkshire Council can top-up its DHP allocation to the maximum and then put £2.2 million towards additional hardship funding, it surely cannot be beyond Mr Swinney to do likewise in his own Scottish budget. If it is the case that authorities are only allowed to spend up to the figure that Fiona McLeod outlined, North Lanarkshire Council must be breaking the law. If so, what is the Scottish Government doing to try to prevent North Lanarkshire Council from finding additional resources to help those who are affected by the bedroom tax? If that council can do it, the Scottish Government can do it. Where there is a will, there is a way.

15:50

George Adam (Paisley) (SNP): I welcome the budget from the cabinet secretary, and I agree with him when he states that it is a budget to support our economy and vulnerable members of our communities.

The cabinet secretary rightly says that it deals with the challenges of our time, and it is because

of those challenges that I will talk about the Scottish Government's commitment to delivering free school meals for children in primary 1 to 3 and to expanding childcare. That is, of course, supported by children's charities throughout the country and welcomed by many. The budget confirms funding for 2014-15 of £55 million over two years to expand the provision of free school meals, and £59 million over two years to provide additional childcare places, all of which takes the total additional funding for children to approximately £250 million over two years. From August 2014, all two-year-olds in workless households will be entitled to 600 hours of free nursery education. That will benefit 8,800 children, or 15 per cent of two-year-olds.

That is all being done against the backdrop of the limitations of the devolved settlement, and shows that the Scottish Government is committed to helping families to be able to work, train, and help our economy.

From January 2015, all children in primary 1 to 3 will be entitled to free school meals, which will save families £330 per child per year. That commitment means that, from August 2015, Scotland will provide 6.5 per cent more hours of free childcare than we would have done if we had implemented the English system.

It is good to see that the Labour Party will get it right tonight by supporting the budget and backing free school meals and childcare at this stage. However, its earlier lack of support was disappointing and it will probably be remembered by the public.

We can only transform childcare in Scotland with independence. It is the next step. An SNP Government in an independent Scotland will introduce a universal system of high-quality learning and childcare for children from the age of one. The white paper, "Scotland's Future", sets out how we can transform childcare. By the end of the Scottish Government's first budget, we will provide 600 hours of childcare to around half of Scotland's two-year-olds. Those whose parents receive working tax credit and child tax credit will benefit. By the end of the first parliamentary session, we will ensure that all vulnerable two-year-olds and three and four-year-olds will be entitled to 1,140 hours of childcare per year, which is the same number of hours that children spend at primary school.

By the end of the second parliamentary session, we will ensure that children will receive that support from the age of one to school age. We will continue to invest and improve the life chances of all our young people and all the people of Scotland.

The Children and Young People (Scotland) Bill is going through Parliament. It will strengthen children's rights and set in statute key elements of the getting it right for every child approach to ensure that every child and family gets the support and help that they need when they need it. It also includes elements that will ensure better permanence planning for looked-after children. The Education and Culture Committee recently agreed an amendment to the Children and Young People (Scotland) Bill at stage 2 that means that the Scottish Parliament is leading the way, because there will be added support for young people when they leave care.

Yesterday was the third anniversary of the death of Derek Mackay's and my political father, Councillor Jim Mitchell. When he was a young man, he was split from his family and was in care. He often talked about the lack of support that he received when he left care. Obviously, that was a long time ago, but we have the opportunity to be a world leader and show that we will support and help the next generation of young people who come through that system. At one stage, Renfrewshire Council talked about naming one of its care homes after Councillor Mitchell, and I hope that it will keep that promise, because it could be an inspiration to the generation of young people who are coming through.

I welcome the cabinet secretary's commitment to having 25,000 modern apprenticeships per year. Continuing to focus the employability fund on young people and maintaining financial support for employers will enable them to recruit and train young people and give them the skills that employers need.

In 2014-15 and 2015-16, the Scottish Government will implement the Post-16 Education (Scotland) Act 2013. The main opportunity that that will provide is widening access for all to our universities, ensuring that people who come from parts of my constituency, such as Ferguslie Park, get the chances in life that others do. That is about ensuring that it is people's ability to learn, not their parents' ability to earn that gets them their place in university.

Part of the act covers the principles of good governance for the university sector, with significant changes in how colleges are governed. West College Scotland has welcomed those changes. Principal Audrey Cumberford said:

"It is exciting times in the college sector and our new College provides a unique opportunity to enhance education provision in the West in an ever changing economic environment. Our commitment as always is to change people's lives, create opportunities for our students, strive for excellence in everything we do".

That is a perfect example. Principal Cumberford is in tandem with the Scottish Government's approach.

The further education sector in general is ambitious about its future. John Henderson, the chief executive of Colleges Scotland, said:

"The Scottish Government made a commitment to maintain colleges' cash funding earlier this year and we are very pleased that this has been incorporated into the draft Budget for 2014-15.

We also welcome the additional resources that are being allocated to the college sector for 2015-16."

That shows what the Scottish Government can achieve with this budget, even with the limited powers of devolution. We can only guess what we could achieve and what life-changing differences we could make to young people in Scotland if we get independence.

15:56

Ken Macintosh (Eastwood) (Lab): I want to talk about the budget in the context of the national performance framework. Before I do, I will put a couple of questions to the cabinet secretary about an admittedly slightly more obscure topic—his 5 per cent limit on revenue-financed long-term investment.

It was back in 2011 when the Government first announced its decision to cap future revenue commitments relating to long-term capital investment to a maximum of 5 per cent. That was a welcome move. The publication of further information at the back of this year's budget documents is also to be welcomed. Unfortunately, there is still some confusion about how and why the 5 per cent limit is calculated in the manner that it is. As an aside, given the First Minister's confusion over percentages last week, I urge all members to look at the very useful briefing from the Scottish Parliament information centre on the subject.

The numerator—in other words, the payments to be made out of the Scottish Government's resource budget towards those long-term projects—includes all private finance initiative, public-private partnership and NPD projects, borrowing on the rail regulatory asset base and some projected debt repayments relating to future borrowing to be made under the terms of the Scotland Act 2012. However, the denominator—the figure against which the resource payments are calculated as a percentage—includes capital, although the payments are only from the resource budget; it includes the local government finance settlement, although local government payments are excluded from the numerator; and it includes non-cash departmental expenditure, such as impairments or depreciation, although those do

not represent the Government's spending power. *[Interruption.]*

The Deputy Presiding Officer: Mr Macintosh, can I stop you for just a moment? Someone has a mobile phone switched on and it is interfering with the sound. I ask members to check that their mobiles are switched off. Thank you.

Ken Macintosh: As just one example of why that matters, it is difficult to be sure what might be affordable under the future borrowing powers that are coming our way through the Scotland Act 2012. Furthermore, the Scottish Government's projections assume a 25-year repayment period, whereas the Treasury assumes a 10-year timeframe.

I fully recognise that this is a complicated issue and I do not wish to be overly critical of the cabinet secretary. As I have said, the 5 per cent limit is a welcome move in the right direction, but there could be greater confidence and support for the security that it gives us all with regard to the sustainability of Scotland's long-term finances were the cabinet secretary to expand on how he reaches his calculations and offer the Parliament greater transparency in his reporting on achieving the target. Those are not just my observations but the conclusions of the Auditor General, and I would welcome the cabinet secretary's comments on how he intends to take the initiative further.

As the cabinet secretary will know, many of us across the chamber have also been very supportive of his move to establish a national performance framework. I was delighted to see that the Finance Committee focused on that area in its report. However, I was also not surprised to read its conclusion that the performance framework has yet to fundamentally shape the budget decision-making process.

I believe—or, at least, I hope—that the point of the NPF is to move not just to an outcomes-based approach but to values-based decision making; in other words, not to pretend that economic decisions are somehow value free, neutral or objective. I want the budget to more accurately reflect the values that we hold dear and the lives that we lead. I want us to move away from our reliance on GDP and the credit rating assessments of agencies such as Moody's, which are downright damaging to our society, let alone our economy.

That is why I am disappointed not just by the lack of process to formally link the NPF to budget decision making but by the decisions that the cabinet secretary has presided over. They have been most disappointing, and I believe that they are not in keeping with the aims of the NPF. For example, in the past few weeks, we have heard that the number of students who attend college

has fallen yet again, this time by 7 per cent. That means that 140,000 fewer Scots are going to college compared with just four years ago.

Kenneth Gibson: Would the member not accept that, given that 80,000 of those people spent less than 10 hours a year at college and the average was only five hours a year, that is hardly affecting their lifetime chances?

Ken Macintosh: I am very disappointed by Mr Gibson's remarks. It is not that long ago that the Parliament was committed to lifelong learning and to building a knowledge economy. For many people, the way for them to get back into the economy is through part-time learning at college, as Mr Gibson will well know. In writing them off in the way that he does, by suggesting that their education is somehow not worth while, Mr Gibson does himself and the Scottish Government a disservice.

I simply ask the cabinet secretary whether he believes that those cuts are sustainable. In contrast, just this week we heard that university principals, who are already the highest-paid public servants in Scotland, have awarded themselves huge pay rises, at a time when most of the public sector is subject to a wage freeze or below-inflation pay increases. When I asked the Cabinet Secretary for Education and Lifelong Learning about that yesterday, he pretended that he could not get involved, as that would somehow compromise the autonomy of our universities. Given the hundreds of millions of pounds of public funds that go into our universities, holding them accountable for the salary of senior managers does not compromise academic freedom in any way whatever.

When I talked about building a moral economy in Scotland in our first debate after the recess, the cabinet secretary went out of his way to tell me how much he shared that vision, but does he not appreciate that it is the decisions that he takes in the budget that determine whether we put that ethical approach into practice? It is his Government that is giving millions of pounds to tax-dodging companies such as Amazon, it is his Government that is supporting companies that are involved in the Borders rail link or our universities in using zero-hours contracts and it is his Government that is funding huge construction cartels through the Scottish Futures Trust in a way that is entirely unaccountable to this Parliament and which makes them exempt from any of the conditions in the Procurement Reform (Scotland) Bill, such as those on blacklisting.

I accept that that might not be the cabinet secretary's intention and it may not match his rhetoric, but it is the reality of the outcome of public spending decisions for which he is accountable. The Labour Party has offered him an

opportunity to demonstrate that progressive, transformational and compassionate values underpin his thinking and his decisions. I urge him to take the opportunity to support us on the bedroom tax that he has been offered.

16:03

Jamie Hepburn (Cumbernauld and Kilsyth) (SNP): I welcome the chance to speak in the debate, and I welcome the range of measures that are set out in the Scottish Government's budget.

I want to focus on just a few areas, primarily how the budget relates to Scotland's youngest citizens. The Finance Committee, of which I am a member, looked at the preventative spend agenda, as it has done in previous years. One of the areas that we examined in that regard was the early years change fund. The committee recently had an extremely useful evidence session with the Minister for Children and Young People and the chief medical officer, in which we received some compelling evidence on what is happening in that area and the work of the early years collaborative. The committee was interested to learn how the change funds have leveraged in additional funding.

In its response to the committee's report on the draft budget, the Scottish Government set out that the community planning partnerships had provided returns that indicate that

"significantly more is spent on the early years by Health Boards and local government than is captured by the Change Fund. The additional spend is estimated to be around 10 times the £272.5 million minimum agreed contributions invested in the Early Years Change Fund. From the 29 CPPs that provided a breakdown in figures, 12 reported local authority spending above the Change Fund guidance levels."

That is very welcome news indeed but, of course, the policy's true effectiveness will be judged not by the money that is invested and the funds that are leveraged in but by the outcomes for Scotland's young people.

The minister and the chief medical officer set out very vividly in their evidence the scale of the challenge and the ambition. Indeed, the chief medical officer mentioned his ambition for one of the outcomes of these efforts to be the closure of Polmont young offenders institution, such would be the positive impact on Scotland's young people. Such an idea might seem grandiose, but surely we can all agree that it would be a positive outcome. The work of the early years collaborative and the funding that has been allocated in recent budgets to this activity might well take many years to manifest themselves, but they stand as a positive example of the Scottish Government's budgetary and policy interventions.

As we know, many children across Scotland need assistance and there are set to be many more. More than 50,000 children in Scotland are at risk of being pushed into poverty by 2020 as a consequence of the UK Government's welfare reform and austerity agenda, which is why the Scottish Government's efforts to mitigate such reforms are so important. The Finance Committee has welcomed the money that has been invested in that regard; I will not rehearse all the figures that have been mentioned but will say that the cabinet secretary certainly demonstrated the Government's commitment when he mentioned the £244 million that would be allocated over a three-year period to try to limit in Scotland the damage of the UK Government's welfare policies.

However, we have to place that in some context. We know that the UK Government's welfare reforms will remove £4.5 billion from the Scottish economy by 2015 and, according to the Scottish Government's estimates, £2 billion thereafter. Those estimates tally with the findings of the Sheffield Hallam University research that was commissioned by the Welfare Reform Committee, of which I am a member, and we must be clear that no devolved Administration would be able to undo or mitigate that scale of reform.

Nevertheless, what the Scottish Government is doing is making a difference and, in that respect, I want to focus on an issue that has already been touched on: the money that has been invested in discretionary housing payments. I very much welcome the £20 million that was invested this year and the further £20 million that has been set aside in this budget for the next financial year. As has been pointed out and as we all seem to agree, the legal maximum by which local authorities can top up their DHP fund is only 150 per cent of their allocation from the DWP, up to a maximum of two and a half times that allocation. That said, it is important to point out in this debate where that stipulation comes from. The legal maximum was set out in an order made under section 70 of the Child Support, Pensions and Social Security Act 2000, which was introduced when Alistair Darling was Secretary of State for Work and Pensions. It was interesting, therefore, to hear the litany from Labour members, demanding more funding to combat the bedroom tax. They would be a lot more credible if they themselves had not imposed the legal maximum for DHPs in the first place, or indeed if they could bring themselves to welcome the funding that has matched their own imposed legal maximum. In fact, far from welcoming it, they voted against the allocation of that funding during the Economy, Energy and Tourism Committee's consideration of the budget.

In the limited time that I have left, I want to focus on two other areas in the budget that have already been mentioned and which will further support

Scotland's young people and their families. First, the extension of the 600 hours of free nursery education to two-year-olds from the hardest-pressed families will benefit 15,400 children and, secondly, free school meals will be extended to all schoolchildren from P1 to P3. I should declare an interest in that my young daughter will be one of those children. The move has been welcomed by many folk and other organisations outwith the chamber; indeed, Save the Children welcomes it in its great briefing for this debate. I just wish that it could be welcomed to the same degree across the chamber. I very much welcome it, which is why I will be voting for this budget this evening.

16:09

Murdo Fraser (Mid Scotland and Fife) (Con): We have heard a lot about austerity this afternoon and, again, there have been references to savage cuts, a phrase that we hear regularly from SNP members in particular. It is worth looking at the actual sums involved and the evidence of what has happened to the Scottish Government's budget.

As Gavin Brown pointed out, in cash terms, the budget, which is £35.3 billion in 2014-15, is the highest in history for the Scottish Government or the Scottish Executive. People will say, "What about the real-terms figures?" We have heard that from Mr Gibson and others. I have the real-terms figures, too. Using 2013-14 prices, this year's budget is higher in real terms than last year's and the current year's. In fact, in the 15 years since devolution in 1999, the total has been higher in only five years; in 10 of the years since 1999, the total has been lower. In that historical perspective, Mr Swinney has a relatively high sum of money to deal with.

We accept, of course, that there has been austerity. Every country in the western world is affected by a downturn in public finances. François Hollande's approach in France was the only exception, but he accepted in his famous new year's speech that it was not working. He had to change direction—although, of course, he is somewhat focused on other issues at the moment.

Let us look at the evidence of the savage cuts that we keep hearing about. We agree with some of these policies and not with others, but people in Scotland have free personal care for the elderly, free prescriptions, free bus travel for the over-60s and free university tuition, none of which is available south of the border. They all still exist in Scotland; none has been affected by cuts. People south of the border say, "How can Scotland still afford to pay for those things, notwithstanding the impact of austerity?"

That is not the end of the story, of course, because even since 2010, not only have all those benefits continued, but Mr Swinney has been in a position to announce whole new areas of spending. In brief research, I picked up eight new spending lines that have been announced since the election of the coalition Government in 2010, with its so-called savage cuts. There is £13 million next year and £42 million the following year for free school meals for children in primary 1 to primary 3, and £15 million next year and £44 million the following year for an expansion of childcare. In December, Mr Swinney announced additional business rates relief worth £38.5 million next year; a town centre housing boost of £2.7 million was announced by Margaret Burgess and Mr Mackay; and an £8.6 million family nurse partnership extension was announced. In November, Margaret Burgess announced a £25 million regeneration boost for communities.

Mike MacKenzie (Highlands and Islands) (SNP): Will the member give way?

Murdo Fraser: I will when I have finished my long list.

In October, the Scottish veterans budget was increased by £40,000, and there was the announcement of a £20 million increase for discretionary housing payments, of course. In January last year, a £21 million rare medicines fund was announced.

There will be many more examples of new spending commitments over and above all the benefits that already exist. I am sure that Mr MacKenzie will have yet more to add to my list.

Mike MacKenzie: Does Mr Fraser accept that at least some of those extra expenditures are possible only because of savings on capital projects? Does he welcome those savings, as I do, given that it has been almost unheard of—at least until this Government took office—that capital projects have been delivered under budget?

Murdo Fraser: The evidence under this Government is that many capital projects are not being delivered at all. That is precisely the point that my colleague Gavin Brown and others have made all too often.

My point is very simple: there is no evidence of savage cuts. The Scottish Government is, relatively speaking, insulated from cuts in budgets elsewhere and is still able to maintain very high levels of spending and announce all sorts of new spending commitments.

I accept that Mr Swinney has a difficult job in trying to balance all the priorities and demands on him. He usually handles that pretty adeptly, but I suspect that the budget that is before us is more

about politics than anything else. Mr Swinney tried to set a trap for the Labour Party in relation to pledges on childcare and free school meals, but so far it has been careful not to fall into that trap.

Our criticism of the budget is that the priority is wrong. Our priority would be putting the economic recovery first. Our concern is that Scottish businesses will lose their competitive edge, and our priority should be restoring that.

Just two weeks ago, Mr Swinney made the very welcome announcement that the retail levy would not continue when it comes to the end of its life. He announced that at the Scottish Retail Consortium event, and people were very pleased to hear it. He gave the impression to me of being a slightly embarrassed father not admitting that that wayward child was his responsibility; it seemed to be someone else's idea.

I am very pleased that the retail levy is coming to an end, but of course it was a mistake to introduce it in the first place. It has now been revealed that the levy was nothing whatever to do with public health, which is how it was dressed up when Mr Swinney introduced it, and that it was purely a revenue-raising measure. It has now been accepted that the levy was costing jobs and investment, as those in the industry said it would. Mr Swinney has taken the very welcome decision to get rid of the levy, but it is a pity that he could not bring that in in this budget as opposed to waiting for next year.

We have had some very good economic news for the UK, with unemployment figures better than expected. As Willie Rennie said, the IMF forecast for UK growth for 2014 has been raised from 1.9 to 2.4 per cent. Mr Swinney is very good at claiming credit when the Scottish economy does well, but some forecasters are saying that Scottish economic performance in the future will not be as good as that of the UK as a whole and that we will fall behind. In that context, we think that this budget is a missed opportunity and that Mr Swinney should be prioritising economic recovery.

16:15

Mike MacKenzie (Highlands and Islands) (SNP): In any other country in the world, in coming out of recession, as we are, a finance minister would begin to have more latitude as taxation receipts began to increase. That is not so in Scotland, where we face continuing cuts and real-terms cuts, and potentially cuts well into the future, with George Osborne recently announcing plans for austerity plus. There is of course a neat solution to that problem: that is a future that we do not need to share.

Mr Swinney, as ever, has put together a carefully balanced budget. The necessity of having

a balanced budget is a fact that the Labour Party in particular often seems to forget. Over the past few months, we have heard a very long wish list of increased spending that the Labour Party would like to see, but as usual it will not tell us what it would cut in order to fund that expensive list—except, of course, that there is the vague and lingering threat of Johann Lamont's cuts commission, where everything is apparently still on the table. If even the Labour Party's long-held commitment to universal services has been cut, surely nothing is sacrosanct.

I am pleased to say that once again the budget is grounded in the bedrock of economic sense, with a careful moderation towards capital expenditure for the very good reason that it delivers a better multiplier. It is important to realise that budgets are not an end in themselves and that it is the effect of the budget on the wider economy that really counts. Again, Labour often misses that point.

Since the SNP Government came to power in 2007, Scotland's economy has begun—thanks to successive and economically competent budgets like this one—to outperform that of the rest of the UK, as today's employment figures demonstrate. Scotland's unemployment rate is now down to 6.4 per cent—well below the UK average—which not only demonstrates this Government's economic competence, but underscores the fact that that has been achieved despite, and certainly not because of, George Osborne's austerity agenda. I find it absolutely astonishing that anyone can assert that cuts give rise to greater employment. I would be very grateful if Mr Brown or Mr Fraser would explain just how that works.

Gavin Brown: Does the member acknowledge that unemployment is dropping drastically in the rest of the United Kingdom as well?

Mike MacKenzie: It is dropping, but not to the extent that it is dropping in Scotland. I note that Mr Brown failed to explain the link between austerity and increases in the number of jobs.

I am delighted that the cabinet secretary, within this carefully balanced budget, has found funds to extend free school meals and childcare, and that he has taken measures to protect our most vulnerable people against the worst excesses of the UK Government welfare cuts. However, here I find Labour wanting again. We have heard Johann Lamont say continually in the chamber that the Scottish Government is not doing enough to mitigate UK welfare reforms—we have heard that this afternoon from others. However, in the Delegated Powers and Law Reform Committee, where journalists fear to tread, Labour members have voted against the council tax reduction scheme, not once or twice but on five separate occasions. Johann Lamont constantly tells us that

this Parliament has all the powers that it needs, yet Labour members, in the dark but never dusty recesses of that committee, argue that the council tax reduction scheme is ultra vires, or outwith the competence of this Parliament. That is proof, if any is needed, that Labour says one thing in public in the chamber and another in private when it thinks that nobody is watching.

A yes vote in September will avoid the dreadful cost of George Osborne's continuing austerity and the reduction of the Barnett formula by the proposed £4 billion, but it will also deliver a further bonus. It will restore integrity to this Parliament by enabling the Opposition parties to serve their true masters—the people of Scotland.

16:21

Jackie Baillie (Dumbarton) (Lab): There is no doubt that we are facing the worst cost-of-living crisis in almost a century. Hard-working families are struggling, pensioners are struggling and people without work are struggling. There is no doubt that people on low or fixed incomes are finding it extremely hard to make ends meet.

Across Scotland, people are now facing electricity and gas bills landing on their doorsteps following inflation-busting increases by the energy companies, and we know that it is not just energy costs that are going up. The costs of food and housing have gone up, too, and across a basket of essential goods and services costs have risen by more than 25 per cent over the past five years. That is the estimate from the Joseph Rowntree Foundation and its work on minimum income standards.

At the same time, incomes have at best stagnated and at worst, as in many cases, fallen in real terms. Since 2010, wages in Scotland in particular have fallen in real terms by more than £27 a week or about £1,420 a year. I think that we would all agree that that is a lot of money for someone who is low paid.

It is therefore little wonder that people are being forced to make choices between heating and eating, rent arrears are spiking and the number of people who are using food banks has increased by a staggering 150 per cent. The number of households in fuel poverty is now likely to be nearer 900,000, and it is unlikely that the Scottish Government will meet the commitment to end fuel poverty by 2016.

It is exactly at times like these that people expect help from the Government, whether that is the Scottish Government or indeed the United Kingdom Government. In the context of this budget debate, I genuinely believe that the Scottish Government is not focusing its budget on the scale required to make a substantial difference

to the lived experience of hardship that people now have. I know that John Swinney faces many different and difficult policy choices, but we surely agree that tackling poverty and alleviating the cost-of-living crisis must be an increased priority.

Given the context, it is perhaps not surprising that the fuel poverty and child poverty figures have not improved and that the suggestions are that they are beginning to go the wrong way. That paints a very different picture from that which the Conservatives who have spoken this afternoon have painted. I welcome the refresh of the child poverty strategy, but I echo a point in Save the Children's briefing that was mentioned earlier. How will the budget support the aims of that vital strategy? I recognise that these are big challenges, but on tackling poverty, we surely have a shared ambition to find solutions that will help people now.

On that basis, I turn to the bedroom tax. I start, of course, by welcoming Labour's commitment to the abolition of the bedroom tax when we win the general election in 2015, and in the spirit of consensus I also welcome the SNP's commitment to abolish the bedroom tax if it secures independence. In both cases, however, people who are suffering hardship as a result of this unfair and unjust tax will have to wait for two years or more before they get any relief. Meanwhile, arrears will mount and the fear and pressure on individuals and their families will remain. It really does not have to be that way. The Scottish Government can and should do something now. It has the power to do that; it just needs the political will.

I was genuinely disappointed to hear the SNP's previous excuse.

Jim Eadie: Will the member give way?

Jackie Baillie: No. SNP members have quoted the Scotland Act 1998 three, if not four, times and I will deal with that.

I was genuinely disappointed to hear the SNP's excuse for its lack of action, which was that it did not want to let Westminster off the hook. I do not want to do that either, but the SNP implies by that position that it is content to leave some of the poorest people on the hook. However, we can and should do better. I believe that the view is shared across the chamber that the Scottish Parliament was created for times such as this.

The debate has shifted to whether you have the power. I make it clear that, although the Scottish Government does not have the power to make social security payments to individuals, it has the power to make funding available to councils and housing associations in devolved policy areas. Housing and homelessness are entirely devolved—Michael McMahon's comments

highlighted that. What about a prevention of homelessness fund or a housing sustainability fund? Surely you agree that they would be useful vehicles to protect tenants from the bedroom tax. Alternatively, local government's general power of wellbeing could be used.

Kevin Stewart: Will the member give way?

Mike MacKenzie rose—

Jackie Baillie: Let me continue.

The Deputy Presiding Officer: Jackie Baillie is in her last minute.

Jackie Baillie: The required sum is £50 million, according to estimates from Shelter.

Fiona McLeod: Will the member take an intervention?

Jackie Baillie: I have been told that I am in my final minute.

I think that the cabinet secretary would acknowledge that that figure is a tiny drop in the ocean of his overall budget. I welcome the £20 million that he has provided for discretionary housing payments, but it is not enough—the Scottish Federation of Housing Associations echoed that point today.

I have proposed a member's bill to protect tenants from eviction because of arrears that are due to the bedroom tax. I am genuinely grateful to members across the chamber for their support, which means that the bill can move to the next stage. Whether I proceed is up to the Scottish Government. It has until 14 February—Valentine's day—to give me its answer, but let us not wait, because we can do this. Tenants should not have to wait for the votes to be counted in the referendum or the next general election.

The Deputy Presiding Officer: Begin to conclude, please.

Jackie Baillie: We can do this now. I look forward to meeting John Swinney in the next week or so, because I know that, if we work together, we can make this happen and axe the bedroom tax.

The Deputy Presiding Officer: I remind all members to direct their remarks through the chair.

16:27

Patrick Harvie (Glasgow) (Green): Governments and—more frequently—Government party back benchers like to suggest that a vote on a budget is either an endorsement of every detail or an absolute rejection of everything. We have heard some of that argument today. However, when most budgets are looked at impartially, the reality is that most people can find measures that

they welcome and measures that they feel the need to challenge.

All Opposition parties—including the SNP when it enjoyed the somewhat limited privilege of being in opposition—look at budgets and decide where they need to challenge and oppose the Government, where they need to encourage the Government to go a bit further, and where they need to offer constructive suggestions. Only once we see how the Government responds to all the debate can Opposition parties decide whether, on balance, a budget is worth supporting or needs to be opposed. I can find in the current budget examples of measures in all the categories that I described.

Several members have mentioned GDP. I know that the Scottish Government is interested in—but needs encouragement to go further on—reducing its reliance on GDP and designing economic policies that balance properly economic, environmental and social priorities.

I know that the Scottish Government wants to go further on climate change; it recognises the urgency of that challenge, but it is not yet providing budgets that genuinely offer a turnaround and the ability for us to start meeting the world-leading targets that we all agreed to.

I know that the Scottish Government would like to do more on active travel and cutting energy consumption, but goodness knows that it has needed more encouragement on that.

There are aspects of the budget that I feel the need to criticise and to oppose, but on which I know the Government is not likely to give ground. For example, we have repeatedly criticised the unsustainable transport projects that the Government has pushed through with the support of most Opposition parties. There has been a shift from revenue to capital over the past few years, and much of that money is going to fund transport projects that we do not support. A consequence of the shift from revenue to capital is that there is less money for the likes of public sector pay; if we were not making that shift we would be able at least to match inflation in public sector pay.

As for the council tax freeze and the small business bonus scheme, those are untargeted measures. There would be far better ways of using the resources to achieve social, economic and environmental objectives, if we cared to balance those issues.

On the cuts to colleges and to housing, in particular, over the past few years, the Government needs to be challenged.

However, there is much to welcome in the budget. The finance secretary talked about the concept of the social wage. Under that broad

heading are many policies that the Greens have been happy to welcome. The recent announcements on childcare and free school meals are important steps in the right direction, and I commend the cabinet secretary for them. He could do more, and he should—if he is able—meet colleagues from other parties to discuss the bedroom tax. Solutions might not be easy or straightforward, but if the cabinet secretary and his colleagues bring their undoubted creativity to the challenge, they might find a solution. If they can do that, they will add to the Government's credibility on the concept of the social wage.

As I said in a Finance Committee debate before the recess, the Government's thematic change funds represent a constructive approach, which we think could be taken further in relation to public health and active lifestyles. We have put to the cabinet secretary a proposal for a healthy challenge fund, which is modelled on the climate challenge fund. The cabinet secretary agreed to the climate challenge fund in a previous budget negotiation some years ago, and he has continued the policy year on year—although he no longer needed Green votes in budget debates and could have got rid of it—because he has recognised that empowering communities to put in place their own solutions can often lead to an approach that is far more creative than a top-down solution would be.

On issues such as healthy and active lifestyles, active travel and an active, healthy approach to food, which includes local growing schemes, there is a great deal that we could achieve that would bring social, economic and environmental benefits. By empowering communities to put solutions in place through a healthy challenge fund, the Scottish Government could achieve a great deal more than it achieves through its existing activity under such headings.

I encourage the cabinet secretary to give serious consideration to those ideas and to other ideas that have been proposed across Parliament today. If he does so and is willing to make concessions in many of those areas, I think that he will end up with a better budget, for which he will secure the broadest support.

16:33

Gavin Brown: Members on the Conservative benches think that this has been an interesting debate. Our view is that the Scottish Government must do everything in its power to focus on the economy, to help growth and ensure that growth is sustained not just in 2014 but over the next few years, and to increase employment and decrease unemployment. We think that the Government must use every lever at its disposal—I emphasise “every lever”—to do that.

An issue on which we feel strongly is business rates. We welcome the fact that rates will rise by 2 per cent instead of the expected 3.2 per cent, although it should be acknowledged that the approach was driven by the chancellor's decision in the autumn statement.

We strongly encourage the Government to look at the retail rebate south of the border, which was announced in the autumn statement. Retailers have had a particularly tough time and, given that the retail levy came to Scotland, a retail rebate would be welcomed across the board.

Barnett consequentials will flow directly from the UK Government's decision to have a retail rebate: £29 million of consequentials in 2014-15 and £39 million in 2015-16. This Government wants the most competitive business rates across the country; it is important that it not take measures that help that goal to recede, and that it keep pace with some of the positive measures that are happening elsewhere. That is why the retail rebate is important and why we think it critical that the Scottish Government introduce a rebate to help retailers across Scotland.

In last week's debate, we expressed our great disappointment at how the business rates incentivisation scheme has operated so far. It was announced by the cabinet secretary in 2011, when it was said that it would "attract new economic growth" and help to grow business rates income in councils across the country. It was the flagship centrepiece of the SNP's campaign in the local government elections in 2012. It was heralded as a great way forward, through which councils would get 50 per cent of anything that was collected above the targets that they were given. In year 1, the targets were changed at late notice. Most councils were expecting to get something; it now looks as if many councils will get nothing and some will get little. In year 2—the current financial year 2013-14—unless the position has changed in the past week, councils still do not have targets. The financial year will end in a couple of months, but councils still have not been given targets for collecting business rates. If that is the case, how on earth can the Scottish Government call it an incentivisation scheme?

The Scottish Government's own external expert advisory group reported last summer. It felt that the scheme was a key action point and it put forward the idea—which I think is excellent—that 100 per cent of what is collected over the target should go back to councils. That was a Scottish Conservative policy at the last election. We think that it is a radical idea that needs to be progressed.

The Minister for Local Government and Planning (Derek Mackay): Gavin Brown will be delighted to learn that I have discussed that with

the chair of the external advisory group, who understands the reasons why not to proceed with BRIS+ because of the circumstances around BRIS, in which delays have been down to local government auditing its own figures. For about the fifth time, I ask will Gavin Brown not accept that the delay in progressing is entirely down to local government and not the Scottish Government?

Gavin Brown: That is weak. If one cannot blame the UK Government, blame local government; blame anybody except the Scottish Government for the failures. It was not the Convention of Scottish Local Authorities that went across the country in April 2012 talking about the business rates incentivisation scheme. It was not COSLA's policy; it was the Government's policy. It was its pledge. If the policy has not worked out as it was promised it would and as we were told it would, responsibility rests with the Government. It is regrettable that it is trying to pass the buck and blame COSLA for a failure of its own making.

My colleague Murdo Fraser talked about the retail levy. Why not abolish it now? The Scottish Government has, I think, conceded the principle that the levy did not help public health in any way, shape or form. I was at the Scottish Retail Consortium event two weeks ago, and the cabinet secretary seemed to take great pride in saying that that unpopular measure is going to be abolished. It was almost as if it had not been his idea in the first place: it was someone else's fault that it had been introduced, and he was coming to the rescue to get rid of it. It was an ill-thought-out tax to begin with—a revenue-grabbing measure that we should see the back of now, instead of having to wait until the middle of 2015.

Let us see the Scottish Government take more action on empty property taxes, in which they took away the advantage that we used to have over the rest of the UK. What about listening to the concerns of business about the land and buildings transaction tax? Businesses have said loud and clear that they need to know what the rates and thresholds are likely to be. The Government should stop delaying that measure and start listening to business, from which the evidence was particularly clear.

We do not believe from what we have seen that this Government has put the economy front and centre in this budget. It is imperative that it do so.

16:39

Jenny Marra (North East Scotland) (Lab): Our budget should reflect, and match up with, the priorities that we have for our nation.

In March last year, the largest survey of poverty ever conducted revealed that levels of deprivation in Scotland were at their worst for 30 years. The

University of Glasgow's poverty and social exclusion survey told us that one Scot in 20 cannot afford a balanced diet, that one in 14 cannot afford basic items of clothing such as jackets or shoes and that one Scot in three suffers from financial insecurity.

Since the SNP came to power in 2007, £1 billion has disappeared from poverty projects in Scotland. The fairer Scotland fund and projects in our most socially excluded communities have gone. Draft budgets this week in local authorities have voluntary organisations bearing the brunt of cuts. There are cuts in Dundee to Dundee Women's Aid, Barnardo's and countless other organisations that do work with people in our communities who are struggling.

Today's budget has no clear link to poverty reduction. With anti-poverty budgets being slashed since the SNP came to power, that priority has all but vanished. The use of food banks in Scotland continues to soar, but we have no discernible plan for those who need and use them.

What of Scotland's climate change targets, which the First Minister heralded as the most ambitious in the world but which were missed again last year? The policies that the Government has put in place to tackle climate change have been openly criticised by Scotland's two largest local authorities because there is no clear funding line to pay for them. Targets without funding and action become merely empty rhetoric.

That is why I have been pleased to hear in the debate and during the Finance Committee debate before Christmas consensus that the Government's budget must be linked to its own priorities—the national performance framework. Michael McMahon made the case for that well. I hope that the cabinet secretary will take the point on board in his next budget. Brave and bold Governments look to reassess priorities, to be strategic with their money and to be focused on economic growth and creating a new and better Scotland now.

Labour's key ask in the budget is familiar to the cabinet secretary. We have discussed publicly and privately that we want £50 million to mitigate the bedroom tax. The SNP's answer to that, as we have heard many times in the chamber over the past couple of years and today, is to get rid of Westminster, but that is overly simplistic and counterproductive. While Parliament remains within the economic strength of the United Kingdom, its duty is to enhance or mitigate policies and factors that affect people's lives in Scotland.

In every jurisdiction, Governments will pass policies that are iniquitous. That is why Labour members campaign for progressive policies and Governments throughout these islands. It is our

duty to do all that is in our power to mitigate the bedroom tax.

The cabinet secretary and countless SNP speakers said that they did not have the mechanism to do that. I expect that the cabinet secretary might be able to find the money if he did, as I have heard SNP members say many times in the chamber that they want rid of the bedroom tax, so I assume that they are also committed to mitigating its effects in full and have already found the £20 million for that purpose. What the cabinet secretary and his officials say they cannot yet find is the mechanism to mitigate the full effects.

I ask the cabinet secretary whether he and his officials have exhausted the local authorities' powers of wellbeing. Iain Gray made that suggestion in his opening speech and I made the point earlier in the debate to Kevin Stewart.

Fiona McLeod: We are talking about the local authorities' duty of wellbeing towards their residents. How does Jenny Marra feel about East Dunbartonshire Council, which is a Labour-Tory-Liberal Democrat coalition that said, up until Christmas eve, that anybody who wanted to apply for a discretionary housing payment had to produce the receipts for their messages? Is that about wellbeing for the tenants?

Jenny Marra: We are looking for the money across the country. The cabinet secretary has come up with £20 million. We need to find the full amount of money to mitigate the bedroom tax and Scottish ministers must give direction to all local authorities on that.

Has the cabinet secretary exhausted or considered local authorities' power of wellbeing? That suggestion has been made. It is a power that was given to local authorities across the United Kingdom by the Labour Government in 2003. It allows local authorities to enhance wellbeing and to address certain needs in their communities. Some of the Government's stated aims in legislation are to tackle poverty and deprivation and to reduce inequalities. A cursory reading of the provisions in the Local Government in Scotland Act 2003 gives me confidence that it could be used to find the mechanism that John Swinney is looking for. Have Government officials considered that? I also draw the cabinet secretary's attention to the provisions in the 2003 act that give Scottish ministers powers to extend the scope of that power of wellbeing and enable Scottish ministers to give direction to local authorities on that power.

As Iain Gray said, a Labour Government in Westminster next year will abolish the bedroom tax and the SNP is committed to doing the same in the event of an independent Scotland. We have said today that we believe that it is in the cabinet

secretary's power to cancel out the effects of the bedroom tax now for families up and down Scotland who are struggling to pay it, and for the families who are paying it, but at the expense of other essentials, in these hard-pressed times.

The bedroom tax is an iniquitous tax. The indignity that is at its heart offends so many members across the chamber, which is why Labour has made this our single ask: we will support the Government budget if the cabinet secretary finds the money to mitigate the tax and tells Scotland clearly that he will no longer tolerate it. In good faith, in good hope and with the commitment that we will work with the cabinet secretary over the next few weeks to achieve that, we will put our support behind his budget tonight and I hope that he can deliver.

16:47

John Swinney: I thank members for their contributions to the debate, which have informed the Parliament about the respective positions that different members are taking in relation to the contents of the budget and about how the budget can proceed to further parliamentary consideration at stages 2 and 3.

Mr Harvie has—fairly, I think—reflected on the fact that in any budget, a judgment has to be made as to whether the elements of the budget can be sufficiently considered by individual members and parties to be in the correct balance and therefore worthy of support, despite the fact that not all provisions within the budget may be to their liking. That is a responsible way to look at the budget. It is a way to look at the budget and say that although not all things in the budget would be the choice of individual parties, on balance the exercise of parliamentary responsibility to ensure that public authorities are properly funded and supported can be undertaken by the provisions of the budget. I welcome Mr Harvie's contribution in that respect. I also welcome his suggestion about the healthy challenge fund, which the Government is of course exploring. Mr Harvie raised that with me in our private discussions and we will consider the issues in connection with that fund during the consideration of the budget.

Mr Rennie delivered a speech that was consistent with what he said in the first debate back after the Christmas recess. He acknowledged again the way in which the Government has addressed the priorities that he has raised in relation to childcare and free school meals. Of course, we will continue our discussions about how we advance some of those questions in the remainder of the budget process.

However, I highlight to Mr Rennie a point that I think Mr Adam made about the provision of

childcare services in Scotland. In August 2015, Scotland will be delivering about 6.5 per cent more childcare per child than the amount of childcare that will be implemented south of the border. That is a result of the Scottish Government's progress since coming to office, combined with our recent announcements to the Parliament, which have enhanced the situation.

The Conservatives have, to put it bluntly, got themselves into a foolish position on the budget; I cannot find any other way to describe it. To be fair, their responses on budget issues have been among the most considered in the years since the SNP Government came to office, but their position this time is foolish.

Murdo Fraser reeled off a range of measures that the Government has introduced since 2010: the rare medicines fund, free school meals, childcare, business rates parity with the headline rate south of the border, family nurse partnerships, the veterans fund and discretionary housing payments. He and his colleagues propose to vote against all those measures, including the Government's business rates proposition, modern apprenticeships and the college budgets—*[Interruption.]* Mr Brown and Mr Fraser may guffaw, but—

Gavin Brown: Will the cabinet secretary give way?

John Swinney: I will finish my point and come to Mr Brown in a moment.

Mr Fraser and Mr Brown guffaw, but when the Labour Party voted against our budget in 2009—and the vote was tied, so the Parliament could not agree a budget—the first people to hound Labour members for not being prepared to support the public finances and the public services were Mr Brown and his colleagues on the Conservative benches. On that basis, perhaps Mr Brown will lead the Conservative party towards a bit of revisionist thinking on the budget provisions.

Gavin Brown: Does the cabinet secretary seriously think that, if a party votes against the budget, that means that it is against every single measure in that budget? He said that he respected Patrick Harvie's speech, in which Mr Harvie made that exact point. Is he now disagreeing with Mr Harvie on that?

John Swinney: The point that I am making—and which I made to Mr Harvie—is about parliamentary responsibility. Mr Harvie recognises that, on balance, we have to come to a view on the budget. Mr Gray and his colleagues had to come to the same view in 2009, and they eventually voted for the budget, because they realised that they had got themselves into a ridiculous pickle as a consequence of first voting against it.

Mr Brown's central argument has been about business rates and the supposed revelation that I have done some sort of U-turn on the public health supplement, which will now be concluded. I have a letter in front of me that I sent to the corporate affairs director of Tesco on 8 February 2012. The letter states—as I confirmed to the Parliament at the time—that:

"I can confirm that the public supplement will be a temporary measure and it will apply for the three years of the spending review only from 2012-13 to 2014-15."

There is no revelation—that was clearly stated by the Government.

Gavin Brown: Will the cabinet secretary give way?

John Swinney: No, I want to make a little more progress on this point.

Mr Brown said that he wants me to keep pace with the business rates system in England. If I was to do that, I would be going to small businesses the length and breadth of Scotland and asking them for £3,000 a year back. "Give us back some more money," I would have to say to them.

We are delivering in Scotland, and I have made that point reasonably to Mr Brown on countless occasions. The evidence is all here to show that we have a business rates system that is saving businesses in Scotland thousands of pounds every single year, but Mr Brown wants me to go and take that money back from them.

Gavin Brown: Since the SNP became a majority Government, it has done its best to damage that system: it has brought in the retail levy and an empty property tax, and now it is not having a retail rebate.

John Swinney: If Mr Brown wants me to keep pace with England and do things in the same way, I will have to go and take that money back from the small businesses of Scotland. I look forward to explaining to people in Scotland that the Conservatives want us to echo what is going on south of the border, so that businesses will, over the five-year period, have to give us back £15,000.

I welcome what has been said about the bedroom tax but, before I come to that, I will make one point. Malcolm Chisholm became indignant about the Labour Party's commitment to free school meals, but his argument was somewhat undermined by the fact that Mr Gray confirmed to me that the Labour Party would not spend money on free school meals in the current budgetary provisions. Mr Gray was clear that, if there was a choice, the choice would be to spend the money on childcare.

Iain Gray: Malcolm Chisholm was making a perfectly valid point in response to fatuous points

that were made about the motion that we voted against two weeks ago, which was a motion supporting the equally fatuous argument that childcare can be improved only with independence. We do not support that.

John Swinney: I think that Mr Chisholm was getting indignant because we rumbled the fact that the Labour Party had voted against free school meals and the choice had been exercised in a different way.

Malcolm Chisholm: Will the cabinet secretary give way?

John Swinney: I had better give way to Mr Chisholm.

Malcolm Chisholm: By the cabinet secretary's logic, is he therefore saying that the Liberal Democrats—the instigators of the policy—also voted against free school meals because they voted against the same motion?

John Swinney: I am simply pointing out to Mr Chisholm that his point was contradicted by his front-bench member, who said clearly that, if the choice was there, Labour would have childcare over free school meals, and that is what Labour voted for.

I want to dwell on the bedroom tax, which is an important point in the debate, although I do not have much time to discuss it.

The Deputy Presiding Officer (John Scott): There is not much time, but I will give you another couple of minutes.

John Swinney: I am grateful, Presiding Officer, because I want to put some information on the record.

I welcome the fact that the finance team has had private discussions with the Labour Party. I followed that up with a discussion with Jackie Baillie to explore the issues in connection with the mitigation of the bedroom tax. As I said to Mr Gray earlier, I view the bedroom tax as iniquitous and I want to mitigate its effects. However, crucially, the debate comes down to whether we have a mechanism that enables us to make payments to individuals to deal with the arrears that have arisen as a consequence of the bedroom tax. That is the point.

I think that Jackie Baillie rather helpfully made the point—if I have written it down incorrectly, I will revise this after I see the *Official Report* tomorrow—that the Scottish Government does not have the power to make benefit payments to individuals. I agree with that, as it is a pretty fair statement of the law. Section F1 of schedule 5 to the Scotland Act 1998 reserves the provision of assistance for housing costs to the United Kingdom Government.

Jackie Baillie: Will the cabinet secretary give way?

John Swinney: No—let me finish the explanation, please.

The United Kingdom Government enables local authorities to make discretionary housing payments to individuals where individuals are affected. However, the crucial point is that the Department for Work and Pensions guidance to local authorities states:

“If you award above this limit”—

we know what the limit is—

“you are breaking the law.”

It continues:

“The legislation which specifies the overall limit on expenditure is Article 7 of The Discretionary Housing Payment (Grants) Order 2001.”

Jenny Marra raised a point about local government’s general power of wellbeing. Of course local government has that power, but the crucial test is whether we can get the money to the individuals to remove the arrears that they face. The guidance from the DWP, which is consistent with the Discretionary Housing Payment (Grants) Order 2001, states that there is a limit on that.

Iain Gray: Will the cabinet secretary give way?

The Deputy Presiding Officer: I am afraid that Mr Swinney will really have to draw to a close.

John Swinney: Having said all that, I want to continue discussions with the Labour Party about the pursuit of the practical options. *[Interruption.]* I do not know what Mr McMahon is muttering about, but in his speech he said that local government is taking approaches to try to ensure that supplementary resources are available. From the Government’s point of view, it is crucial that there is a mechanism that can ensure that the resources get to the individuals to remove their arrears and that we exercise that responsibility in a way that is consistent with the legal framework that is available to us. We will have further discussions about those points, but it is crucial that we find a way of tackling the hardship that individuals are experiencing, and doing so in a fair and effective way that meets their needs and helps us to deal with the iniquity that is a product of the bedroom tax in this country.

Anti-social Behaviour, Crime and Policing Bill

The Deputy Presiding Officer (John Scott):

The next item of business is a debate on motion S4M-08797, in the name of Shona Robison, on the Anti-social Behaviour, Crime and Policing Bill, which is United Kingdom legislation.

17:00

The Minister for Commonwealth Games and Sport (Shona Robison): Forced marriage is, thankfully, not an issue that affects the majority of people in Scotland. However, it is a blight on those communities where it still happens and it can have a devastating effect on the lives of victims. I am sure that, whatever our views on this matter, we can all agree that everyone in Scotland who is eligible to marry or enter into a civil partnership has a right to do so freely and without coercion. Forcing someone to marry against their will is an abuse of their human rights. It disenfranchises victims by removing from them the opportunities that should rightly be available to all.

The Forced Marriage etc (Protection and Jurisdiction) (Scotland) Act 2011 introduced forced marriage protection orders, and criminalised the breach of those orders. The act is working well, and seven FMPOs have been granted.

As members know, we are now seeking to go further in the protections that are available for victims by creating a new criminal offence of forced marriage through this legislative consent motion on the Anti-social Behaviour, Crime and Policing Bill, which is currently going through Westminster. The Justice Committee has taken evidence on the legislative consent memorandum, and I am grateful to the committee and, in particular, its convener for their close and thoughtful consideration of this sensitive issue.

This LCM has been controversial. I fully acknowledge that. There are valid concerns on the part of some stakeholders, which they ably explained in their written and oral evidence to the committee. Committee members themselves have reservations, which I am sure they will raise in their speeches during this debate.

I believe that those concerns focus on several issues: the lack of consultation by the Government; whether existing criminal law provides sufficient protection; the chosen route of an LCM on a Westminster bill, rather than stand-alone Scottish legislation; and whether criminalisation might make victims less willing to seek help.

It has also been questioned why we have taken this step at this time, given that our own act on the

issue is comparatively new. We have done so because the UK Government became a signatory to the Istanbul convention on preventing and combating violence against women and domestic violence. Article 37 of that convention requires forced marriage to be a criminal offence. It is our view that existing criminal offences in Scotland are not adequate to meet the requirements of article 37, and I note that that view was backed by the Justice Committee.

Malcolm Chisholm (Edinburgh Northern and Leith) (Lab): Is it not the case that the UK Government has signed but not ratified the convention, and that it becomes legally binding only when ratified? If the minister thinks that it is legally binding now, is she not also going to have to take action in relation to articles 7, 8, 10, 11, 17, 22 and 25, as we are not at present compliant with any of them?

Shona Robison: We are clear that, in order to ratify the convention, forced marriage requires to become a criminal offence.

The Istanbul convention was, in effect, a game changer. We know that violence against women stakeholders are keen for the Istanbul convention to be ratified, and we want Scotland to be compliant. Criminalising forced marriage is necessary to achieving that.

The LCM offered the opportunity to enable Scotland to continue to be at the forefront of social justice issues. In an ideal world, we would have wished to have had a longer timescale and period of engagement. Indeed, the committee questioned whether it would be practicable for the Government to take forward its own legislation in this area. I wish to assure Parliament that that was central to our initial considerations on whether to pursue an LCM. However, in considering how best to take the issue forward in Scotland, we came to the view that, as our goal was to ensure early ratification of the convention, our preferred legislative framework would be no different from that proposed under the UK bill.

A further disadvantage that would arise if we did not follow this route is the gap that would open up between protections in Scotland and those in the rest of the UK. That period could extend to 18 months or more, and we believe that it is simply unacceptable for victims in Scotland to be denied protection for such a period. We would, quite rightly, attract serious criticism for allowing that to happen.

I turn now to the view that criminalisation will prohibit victims from coming forward. The same argument was made when we criminalised breach of an FMPO in the 2011 act. However, at this point in time, we have no evidence that that would happen. It could equally be argued that the

knowledge that perpetrators would face a significant sanction could be empowering to victims, it could encourage them to seek help by sending out a very clear public message, and it could act as a deterrent to those who might consider assisting a forced marriage to take place. That is certainly the view of some stakeholders.

In its written submission to the Justice Committee on 29 November 2013, NHS Lanarkshire ending violence and abuse services stated:

“The symbolism of having such behaviour criminalised could act as an inspiration to women and children living with or in fear of forced marriage ... as well as a deterrent to potential perpetrators.”

Forced marriage is already a criminal offence in a number of European countries and there does not seem to be evidence that reporting has decreased.

I bring to Parliament's attention the fact that the UK Government is considering amending the bill to ensure that those who might try to take advantage of a person's lack of capacity to consent to marriage will also be guilty of a criminal offence under the law of England and Wales. Members might be aware that the issue was raised via an Opposition amendment that was tabled by Baroness Thornton in the House of Lords during the bill's report stage on 14 January. Lord Ahmad then undertook to consider the matter further in advance of the bill's third reading, which is scheduled for 27 January.

If the UK Government decides to amend the bill to that end, we would be minded for similar amendments to be made in relation to Scotland, as we share the UK Government's concerns in that regard. That links to the approach that we took in the 2011 legislation. Such a move would fall within the scope of the consent motion before us for approval today.

Concerns have also been raised about how the criminal charge and the civil protection orders will work together. For example, would a criminal case proceed if the victim changed their mind or did not want that to happen? A number of factors would be taken into account, but proceedings could be taken without the victim's consent if it was deemed appropriate.

That is similar to how we have changed our practice in cases of domestic abuse. It used to be commonplace for the police to ask a victim whether she wanted the perpetrator to be charged. That placed her in a difficult position, having to seemingly take the responsibility for whether her partner was charged and taken to court. Many victims found that to be too heavy a burden and withdrew their statements. Practice has evolved now, however, and cases can be brought even if

the victim withdraws her statement. The public interest test is applied, and the increased importance that is now given to domestic abuse throughout the criminal justice system means that the burden of responsibility is removed from the victim.

We have spoken to the Lord Advocate about the issue and he is considering prosecutorial guidance on forced marriage. That will deal with the position if someone who is affected by forced marriage does not want criminal proceedings to be brought. The Lord Advocate will consult key stakeholders on the development of the prosecutorial guidance, and I hope that that will be sufficient to reassure members.

As we will not know the impact of the legislation until it has been implemented, I give a strong assurance to Parliament that we will keep it under review in the medium and longer term. We will, of course, work closely with stakeholders throughout, as we have always done. Those working directly with the communities concerned are in the best position to give us the evidence we need, and we will provide resources for training and awareness raising, just as we did for the 2011 act.

I make it clear that I see criminalising forced marriage as sending the strongest possible message that we will not tolerate such behaviour in Scotland.

I move,

That the Parliament agrees that the relevant provisions of the Anti-social Behaviour, Crime and Policing Bill, introduced in the House of Commons on 9 May 2013, relating to the criminalisation of forcing a person to marry, cross-border application of the new Sexual Harm Prevention and Sexual Risk Orders and in respect of a new firearms offence, so far as these matters fall within the legislative competence of the Scottish Parliament or alter the functions of the Scottish Ministers, should be considered by the UK Parliament.

17:09

Elaine Murray (Dumfriesshire) (Lab): Only one part of the legislative consent memorandum is contentious and that is the proposals on forced marriage.

In starting, I think that it is important to make the distinction between arranged and forced marriage. I am sure that every member of Parliament is appalled by forced marriage, and wishes the law in Scotland to be effective in preventing forced marriages from taking place, and in bringing justice to women and men who have been subjected to it in the past.

Members of the Justice Committee took evidence from a range of witnesses, all of whom shared the desire that legislation should act both as a deterrent and as an avenue to justice for

victims. However, they did not all share the same views on the LCM.

Members have been contacted by Scottish Women's Aid, Hemat Gryffe Women's Aid and Shakti Women's Aid, which have outlined their concerns over the LCM's content. As we have heard, as recently as 2011, the Scottish Government attempted to address the problem through the Forced Marriage etc (Protection and Jurisdiction) (Scotland) Act 2011. That introduced civil forced marriage protection orders which, if breached, can result in a criminal proceeding and prosecution carries a maximum sentence of two years.

The Istanbul convention, which the UK Government signed in 2012, requires that forced marriage be a criminal offence. The situation is different from that in England and Wales, where breach is not criminalised. The three organisations that I mentioned have argued that the difference in Scotland meant that our legislation was compliant with the Istanbul convention and the LCM was not necessary here. Obviously, given the nature of the organisations involved, that was not because they wished in any way to excuse forced marriage but because they were concerned that the threat of criminal prosecution on report would deter victims from coming forward. It is often the families of victims who have forced marriage on the victims, and victims may be very reluctant to report family members who then become exposed to criminal procedure. Amina—the Muslim Women's Resource Centre raised concerns in written evidence to the committee that victims might be less likely to seek an annulment if that could result in their families facing criminal charges.

Scottish organisations also felt that they had not had the opportunity to contribute to consultation on the issue other than to the committee, unlike sister organisations in England and Wales that had taken part in the UK consultation. It is interesting that the majority of those organisations agreed with the proposals in the LCM.

As the key argument was initially about whether Scotland was compliant with the Istanbul Convention, a legal opinion was sought by the committee. I assume that committees are not bound by the ministerial convention on legal advice, so I disclose that the opinion received was that Scottish legislation is not compliant. The Law Society of Scotland, despite many reservations about the LCM, also agrees that the Scottish Government is obliged to take steps to ensure compliance. Therefore, we require a change in our legislation, too.

That leaves us with two options. One is to sign up to the LCM; the other is to pass our own legislation. The committee has asked the minister

to consider whether it would be practicable for the Government to introduce its own legislation. As we have heard, if we do the latter, that will take longer, so would it be a problem if we are not compliant within the rest of the UK's timescale? I think—I do not quite remember where I got this information from—that the idea is that ratification will take place in 2015.

It is a dilemma. We have concerns about how the proposals might work in practice. All witnesses to the committee stressed the need for cultural change and education, citing, for example, the route by which domestic abuse became recognised for the abhorrent crime that it is. Will the legislation act as a deterrent, or will it make victims less keen to come forward in case relatives face criminal charges?

We have been told that the civil process will continue to run in tandem with the criminal process but that it does not have to be the victim who reports the criminal offence. However, what will happen if the victim wants to go down the civil forced marriage protection order route but someone else reports the forced marriage as a criminal offence? I would be interested to hear more about what the Lord Advocate has in mind to ensure that the wishes of the victim take precedence. However, I am reassured to hear that the Lord Advocate is looking into the matter.

The other major change is that the maximum sentence for the criminal offence will be seven years instead of the current two years. That change is being introduced in Scotland without consultation.

The alternative would be for us to introduce our own legislation. I initially thought that that could be done using the emergency procedure, and I was quite attracted to that option. However, on thinking about that further, I am not convinced that the end result be very different from what is proposed in the LCM. Moreover, our experience of emergency legislation is that we often do not quite get it right in the long term and subsequent legislation is required to rectify the deficiencies. Furthermore, would the emergency route enable the consultation to take place that witnesses felt had not taken place with the LCM? The likelihood is that we would either adopt very similar proposals to those contained in the LCM or take the risk of passing different legislation through the emergency route only to repent and amend at a later date.

The other problem is that, if our legislation appears to be more lax than that in the rest of the UK, what message would that send about Scotland's attitude to forced marriage? How would that affect the cultural change in Scotland that we all agree is required? Therefore, it is with some

considerable reservations that Labour will support the motion on the LCM.

The Deputy Presiding Officer: Thank you for your brevity.

17:15

Margaret Mitchell (Central Scotland) (Con): The Justice Committee report on the Anti-social Behaviour, Crime and Policing Bill legislative consent memorandum did not make a recommendation on the provisions on forced marriage that are contained in the LCM. I will outline the background to that.

After in-depth consideration, the Scottish Parliament took the decision not to criminalise forced marriage. It did so after receiving evidence that criminalising forced marriage could drive the problem further underground, as victims would be less likely to come forward if the consequence of doing so would be a criminal record for their family.

Instead, the Parliament introduced its own legislation in 2011. It considered that the Forced Marriage etc (Protection and Jurisdiction) (Scotland) Act 2011 struck the right balance. Instead of criminalising the act itself, a civil remedy was introduced that allowed individuals or authorities to apply for forced marriage prevention orders. Crucially, only at the point at which a breach of such an order occurred would the matter become a criminal offence.

The Anti-social Behaviour, Crime and Policing Bill introduces a new criminal offence of using violence, threats or any other form of coercion for the purpose of causing another person to enter into marriage without their free and full consent. Therefore, forced marriage is to become a criminal offence that will carry a custodial sentence of up to seven years.

The Scottish Government's position is that criminalisation is necessary for the Istanbul convention, to which the UK is signed up, to be ratified. However, the committee heard conflicting evidence on whether the criminalisation of the act was necessary. In addition, the Scottish Government's decision to ask for an LCM seems to be heavily based on the need to conform with the convention. In other words, there is some dubiety about whether it is necessary to agree to the LCM forced marriage provisions to comply with the convention.

The main issue is the fact that no Scottish consultation has been carried out. Instead, the consultation that was carried out was conducted in other parts of the UK, and it has been relied on. It showed that a significant minority were opposed to criminalisation. The consideration of the issue has

been hurried. Apart from the committee's brief evidence session, stakeholders in Scotland have not been given the opportunity to comment on the forced marriage provisions in the LCM. Therefore, the fact that the situation north of the border is different from that in the rest of the UK, as regards the likely prevalence of the issue and the make-up of the communities in which it exists, does not appear to have been fully considered.

In those circumstances, it has been mooted that the forced marriage element should be withdrawn from the LCM and that some additional time and effort should be given to exploring the possibility of a Scottish solution. The committee was content with the other two provisions in the LCM. If a Justice Committee amendment that set out the position had been lodged, it would have helped to clarify the issue. However, I look forward to hearing other members' comments during the course of the debate.

The Deputy Presiding Officer: We move to the open debate. If members could speak for not too long, that would be helpful.

17:18

Sandra White (Glasgow Kelvin) (SNP): Thank you, Presiding Officer. I will try to keep my speech as short as possible.

As a member of the Justice Committee, to which consideration of the LCM fell, and of the committee that was involved in considering the Forced Marriage etc (Protection and Jurisdiction) (Scotland) Bill, I know only too well what effects forced marriage can have on an individual and their family.

I thank my fellow members of the Justice Committee for their scrutiny of the LCM and for their comments, which have all been made in the interests of the victims of forced marriage. I also thank the minister for her speech and her assurances that stakeholders will be consulted on the guidelines that are to be developed and that awareness-raising campaigns will be carried out in communities.

With regard to Elaine Murray's point about those who have recommended that the UK ratify the convention, I should point out that they included a group of violence against women stakeholders, which was very much in favour of the UK's becoming a signatory, and the Scottish representatives on the UK joint committee on women, who have recommended that the UK Government pick up on that point.

The fundamental and overriding issue is article 37 of the Istanbul convention on tackling violence against women, which requires forced marriage to become a criminal offence. Unfortunately, existing

legislation does not meet the requirement in article 37; the legal advice that the Justice Committee received confirms as much. That is one of the most important aspects of the issue. I believe that by agreeing to the LCM we will not only meet our international obligations but retain our own forced marriage protection orders under civil legislation. I firmly believe that those orders, which will not be removed, will provide an additional safeguard to protect those who are at risk. Victims will still be able to choose between going down the civil route or going to the police.

As my time has been cut short, I will conclude by pointing out that a black and minority ethnic women's support organisation that is based in Edinburgh has made it clear that we should

"adhere to the letter as well as the spirit of the Istanbul Convention"

because doing so will strengthen support and preventative work. It was also felt that the approach to forced marriage should be in line with approaches to other abusive practices within the family, such as domestic violence and sexual abuse.

Mark Ballard, head of policy at Barnardo's Scotland, has said:

"We believe that creating an offence under Scots law of forcing someone into marriage would be the right step to take in order to tackle this very serious issue."

17:21

John Pentland (Motherwell and Wishaw) (Lab): The LCM's proposals on forced marriage proved very contentious. The shortcomings of the process were such that the committee decided not to recommend support for that part of the LCM. Shakti, Hemat Gryffe and Scottish Women's Aid expressed doubts about whether criminalisation would have any significant impact on either awareness or the strength of the message that forced marriage was not acceptable. They also questioned whether there was any need for such a legislative change on the ground that it could be counterproductive to create a criminal offence that deters reporting in a way that the current civil provision for forced marriage protection orders does not. Victims could be put off seeking protection orders and annulments because of their reluctance to see their families criminalised. Indeed, that was the conclusion that was reached when the matter was considered previously. However, despite such reservations, a strong case was made to support the LCM on the grounds of international obligations and consistency of approach with the rest of the UK.

On consistency, I have to say that opinion on sentencing was divided. Originally, a maximum sentence of two years was specified, which is in

line with sentences for similar offences under Scots law. However, in December, the minister revised that to seven years, to match sentencing in England and Wales.

One problem that we had was the lack of evidence. The minister and Scottish Government officials acknowledged the clear need for more research and said that they would undertake research on the effectiveness of criminalisation. Unfortunately, the fact that that will be done retrospectively leaves them open to suspicions that it will be used to justify their actions. What will ministers do to guarantee the independence of such research?

The availability of both civil and criminal remedies creates other complications. Victims who have instigated civil proceedings might find that they are suspended if criminal charges are brought. The Scottish Government needs to address the interaction of civil and criminal proceedings and to ensure that the best interests of victims are central to such considerations.

Such shortcomings highlight the folly of bringing forward legislation in this area without proper consultation. It would have been better for the Scottish Government to instigate research and consultation earlier, instead of being dragged along on the shirt tails of UK legislation, and to develop and introduce properly researched Scottish legislation after full consultation.

However, that did not happen and now the LCM, despite its lack of credibility, seems to be the only option on offer if we are to meet our international obligations. Given the importance of those obligations, I will support the motion, but for the reasons that I have outlined I will do so with reluctance.

17:24

Christine Grahame (Midlothian South, Tweeddale and Lauderdale) (SNP): The Justice Committee requested time for the debate, and I thank the Parliamentary Bureau for allowing us to have it. All members of the committee were concerned about the lack of opportunity to take evidence, which comes from the extremely flawed process of dealing with LCMs on substantive measures that come to the Parliament. That is not the Government's fault; that is the LCM process. I think that the Government was put between a rock and a hard place, but the committee, representing the Parliament's scrutiny of the LCM, was also put between a rock and a hard place.

The LCM follows a previous LCM on the Anti-social Behaviour, Crime and Policing Bill, which is a bill for England and Wales. The LCM is an addition to something that went before. Most LCMs are not contentious. That included this one,

but sometimes we come across something that is under the radar, and the forced marriage part in the LCM was under the radar. Substantial examination was needed to give parties affected in Scotland a chance to have their say. We now hear that a further amendment is coming by way of an LCM on vulnerable parties. The process is most unsatisfactory. The committee has put down a marker.

We asked the witnesses to come before us in a very short timeframe. Those who work on the ground in Shakti Women's Aid and in Scottish Women's Aid told us that people need to be reassured before they make a formal statement that the protection that they seek—we have protection orders available—can be obtained in the family courts, so their families will not be prosecuted.

Our concern is that the approach in the LCM might be counterproductive. We have good legislation—legislation that does not apply in England and Wales and which is civil but which has a criminal penalty for breach of orders—that has been bedded in for only one year. Seven forced marriage protection orders have already been put in place, which is good news. We felt that the approach in the LCM came too fast on the scene.

As I have said, the problem is that the Scottish Parliament is not in control of the timetable. However, we are where we are. We hear members express reluctance around the chamber. We all want to get to the same place, but are we going about that in the right way? If we have learned one thing in here, it is that legislating in haste means litigating and repenting at leisure. There is also the law of unintended consequences, which we certainly do not want to see.

One concern is that, if a civil action is in process and a criminal action is then brought forward, the prosecution will take precedence, generally speaking. I hear what the minister says about prosecutorial guidance, but that will have to make things very clear, as it is not the victim or the person who reports the situation who is in charge of the process; it is the Crown Office. I think that the views of parties who might use civil process, if they find that the way that they want to go, should be listened to before the criminal process is embarked on.

17:28

Malcolm Chisholm (Edinburgh Northern and Leith) (Lab): In 2005, I introduced a consultation on forced marriage and listened to the views of violence against women organisations, such as Scottish Women's Aid, Hemat Gryffe Women's Aid

and Shakti Women's Aid. As co-convenor of the cross-party group on men's violence against women and children, I feel strongly that the Scottish Government should listen to their views and concerns now about consultation and other matters. I know that the deputy convenor of that group, Claudia Beamish, shares those views; she asked me to make that clear.

The point that I made in my intervention is that the UK Government has signed the Istanbul convention and expressed its intention to ratify it, but it has not yet done so. It is with ratification that the treaty becomes legally binding for the state that has ratified it, which means that the UK and Scottish Governments will be required to bring the provisions into force through domestic policy and legislation. However, the obligations in the convention derive from the ratification of the treaty, not from the signing of it.

I hope that the minister will clarify the Scottish Government's point of view on that issue. From what she said in her opening speech, it seems that she believes that the Scottish Government must criminalise forced marriage in order to comply with the convention before it has been ratified. If that is the case, she will have to take action on a lot of other areas, which was the second point that I made in my intervention. Why is she picking one particular area and saying that such action is required under the convention? Engender has made it clear that articles 7, 8, 10, 11, 17, 22 and 25 would all require to be acted on once the convention has been ratified. I would like the minister to clarify the Government's position on that in her winding-up speech. I think that it would be far better to proceed slowly on the matter, as the Justice Committee has recommended.

The Deputy Presiding Officer: We move to the closing speeches. I call Margaret Mitchell—four minutes, please.

17:30

Margaret Mitchell: This debate, which is an unusual one, was triggered by the Justice Committee's decision not to make a recommendation on the inclusion of forced marriage within the LCM. The UK Government is absolutely committed to doing all that it can to tackle forced marriage, which the Prime Minister has described as

"little more than modern-day slavery."

The Scottish Parliament agrees that everything possible should be done to tackle that abhorrent practice. However, that does not mean that there is only one solution to the problem.

In seeking to fall in line with the UK proposal on forced marriage, the Scottish Government has put

forward two main arguments. In the first place, the Government states that there is a need to fill the gap and legislate to ensure consistency across the UK. That is not a convincing argument in relation to forced marriage, as the law here and the law south of the border have never been consistent on that. Indeed, in Scotland it was considered that, with the introduction of the Forced Marriage etc (Protection and Jurisdiction) (Scotland) Act 2011 and the balance that was struck in the approach to criminalise only when an FMPO was breached, the law here offered a better solution to tackle the abhorrent problem.

Secondly, while giving evidence to the Justice Committee, the Minister for Commonwealth Games and Sport, Shona Robison, stated that the Scottish Government was keen to conduct research on the effect of criminalisation, admitting that

"at this stage in our knowledge, we do not know what the effect of the legislation would be".—[*Official Report, Justice Committee*, 10 December; c 3946.]

As John Pentland pointed out, the minister went on to promise that research would be forthcoming but that it would be done alongside adopting the UK Government legislation. However, surely the point is that, in order to gauge the effect of changing the law in Scotland, a thorough consultation requires to be carried out here, and the research that the minister promised would ideally be undertaken before a decision is made to adopt the UK approach.

Christine Grahame emphasised that the Scottish legislation has had a very limited time to bed in. That, coupled with the conflicting evidence that the committee heard on whether the current approach to forced marriage in Scotland satisfied the requirements under the Istanbul convention, would have made it not unreasonable to take some time to look at this important issue again, especially in view of Malcolm Chisholm's comments in the debate about ratification.

Disappointingly, the Government has made it clear that it will support the LCM this evening, so the political reality is that the LCM is guaranteed to be approved. Further, in the absence of any amendment from the Justice Committee, this debate has served only to highlight the Justice Committee members' concerns and the concerns of those working in the third and voluntary sectors who represent the victims of forced marriage. I believe that to be profoundly depressing.

17:33

Elaine Murray: A number of important points have been brought out in this very brief debate. Sandra White made the point about the need to treat forced marriage as we do other abusive

practices within the family. The LCM is obviously intended to bring the deterrent of a significant maximum sentence. I agree very much with the concerns that have been expressed that there was virtually no consultation on the increase of the sentence from two to seven years.

The committee was advised about the slow process of domestic abuse being recognised as a serious offence and the role that legislation and prosecution can play in effecting cultural change. Of course, the current legislation will send out a message about the unacceptability of forced marriage. As was mentioned in the debate, evidence from Police Scotland indicated that there have been seven forced marriage protection orders, and I note that most of those cases came to light through child protection procedures. However, support organisations will have received considerably more inquiries about help that did not result in formal FMOs. It is therefore difficult to assess the impact of the current legislation, which has been in force only for a couple of years. The minister advised the committee that evidence from other countries shows that, where forced marriage is a criminal offence, it results in increased reporting, but we do not know what will happen in Scotland.

John Pentland stressed the need to comply with the international obligations and the need for consistency. I recognise Margaret Mitchell's point that many aspects of Scots law are different from the law in England and Wales. However, theoretically at least, where members of an extended family live in different parts of the UK, a legislative framework that was perceived to be less stringent in respect of forced marriage could result in family members in Scotland becoming the instigators of forced marriage because the penalties were less.

Christine Grahame mentioned the problems with the LCM process. I think that we were all frustrated by that, and indeed by the number of amendments that kept coming up. Returning to a point that she made, I note that the problem is the way in which the civil and criminal systems work in tandem. That will have to be resolved in the UK as well as in Scotland if we are required by the Istanbul convention to make forced marriage a criminal offence, so we need to concentrate on how the problem can be resolved in practice.

If a legislative route is required, the Criminal Justice (Scotland) Bill is nearing completion of stage 1 in the Parliament and the Cabinet Secretary for Justice has signalled that he will lodge amendments to end automatic early release for some crimes, for example. I would think that, if required, there is an opportunity to amend the bill further to ensure that we take account of victims' rights to have their desires prioritised when it

comes to whether cases go through the civil or the criminal process.

I was interested in Malcolm Chisholm's points on ratification. Interestingly, none of them was raised in evidence to the committee. The issues came up today, in this debate. I am not absolutely clear whether the legislation is required to be in place prior to ratification or whether it would be appropriate to consider it after ratification, so I, too, will be interested to learn the minister's view on that issue.

This has not been a particularly happy experience. I do not think that any member of any party has been particularly happy about the way in which the LCM has proceeded but, to use a phrase that I do not particularly like, we are where we are. We are possibly now at a stage at which the only way forward is to agree to the LCM but to take the necessary advice on what safeguards must be put in place thereafter to ensure that victims' wishes are always respected.

17:38

Shona Robison: I thank everyone for their contributions to the debate. Although we might not all agree on the details, I have a strong feeling of the commitment that members have to ensuring that the right protection is available for victims of forced marriage, which we all agree is a serious abuse of human rights and should not happen in a modern, socially just Scotland. I listened carefully to the thoughtful points that members raised and I will address as many of them as I can in the time that is available.

Before I do that, I want to elaborate on a point that I made in my opening speech. I said that I wanted to assure members that we will keep the legislation under review and regularly engage with stakeholders, and that in addition we will commission research to establish what is happening in communities, what the barriers are that prevent reporting whether in relation to civil remedies or criminalisation, how effective existing legislation has been, and what would help victims to take action. I reassure John Pentland that the research will, of course, be independent. We want good-quality research to help us to take the issue forward.

The research will be useful because it will help us to identify what further action we may need to take in relation to policy or practice in the future. We know that legislation is only part of the answer and will not eradicate forced marriage by itself. Guidance, training, education and awareness raising are vital, too. We will continue to work with stakeholders such as Scottish Women's Aid, Shakti, Amina and Saheliya on such matters. We will ensure that resources are adequate to do that.

I will respond to some points that were made. I welcome Elaine Murray's support, albeit with reservations, for the LCM. A number of points have been made about ratification, which I will discuss when I come on to Malcolm Chisholm's point.

Margaret Mitchell mentioned some views in the third sector, but third sector organisations have expressed other views. For example, the head of policy at Barnardo's Scotland, Mark Ballard, said:

"We believe that creating an offence under Scots law of forcing someone into marriage would be the right step to take in order to tackle this very serious issue."

Alison Davis, the manager of Saheliya, said that it is important to

"adhere to the letter as well as the spirit of the Istanbul Convention".

I accept that views are mixed, but they are mixed—they are not just on one side of the debate. What is important is to agree that the organisations that have those different views will be very much involved in taking forward the measures.

Margaret Mitchell: The point is that there is time, especially given the information that Malcolm Chisholm supplied, to look again and see whether a Scottish solution can be found that complies with the convention.

Shona Robison: I find that comment slightly ironic, given the UK Government's clear position. As for Malcolm Chisholm's point about ratification, the UK cannot ratify the convention until the provisions of domestic law are compatible with the convention. That is a chicken and egg situation. We must be compatible in order to ratify the convention, which the Prime Minister has said that he wants to do as quickly as possible. Given that he is from Margaret Mitchell's party, I would hope that she agrees that this place should also seek to act as quickly as possible.

Malcolm Chisholm: There is disagreement on the legal advice, because that is not the legal advice that Scottish Women's Aid has received. However, if the minister takes that view, what is the Scottish Government's response to my other point—that action will have to be taken on at least seven other articles of the convention?

Shona Robison: We are looking at forced marriage today. We are clear that, to ratify the convention, we require to criminalise forced marriage. The other articles are another issue. The LCM provides an opportunity to do something about forced marriage. I believe strongly that that is the right thing to do, not least because of the public message that it sends—that we will not tolerate forced marriage in Scotland. Making that a criminal offence sends a clear message.

I turn to other points that were made. It is important to recognise the role of the organisations concerned. I again make the commitment to work with Scottish Women's Aid and others to raise awareness among communities. As other members have said, we are talking not just about legislation but about how to take the message to the public. I give reassurance on that point.

The relationship between civil and criminal procedures has been discussed a lot. Both procedures will be open to people, but we should bear in mind the important point that the criminal law looks at the criminal offence that has occurred, whereas the civil remedy looks at issues that might arise. A forced marriage protection order provides protection from something that might happen. People must understand that distinction.

As I said in my opening speech, the Lord Advocate has agreed to look at the issues and at the public interest test. We must keep victims at the centre of considerations and keep victims and potential victims at the heart of the legislation, its implementation and the awareness raising in our communities.

Business Motion

17:44

The Presiding Officer (Tricia Marwick): The next item of business is consideration of business motion S4M-08811, in the name of Joe FitzPatrick, on behalf the Parliamentary Bureau, setting out a business programme.

Motion moved,

That the Parliament agrees

(a) the following programme of business—

Tuesday 28 January 2014

2.00 pm Time for Reflection

followed by Parliamentary Bureau Motions

followed by Topical Questions (if selected)

followed by Public Petitions Committee Debate: Report on Tackling Child Exploitation in Scotland

followed by Legislative Consent Motion: Children and Families Bill – UK Legislation

followed by Business Motions

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

followed by Members' Business

Wednesday 29 January 2014

2.00 pm Parliamentary Bureau Motions

2.00 pm Portfolio Questions
Health and Wellbeing

followed by Scottish Government Debate: Common Agricultural Policy

followed by Standards, Procedures and Public Appointments Committee Debate: Committee Substitutes

followed by Standards, Procedures and Public Appointments Committee Debate: Presiding Officer and Deputy Presiding Officer Elections

followed by Business Motions

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

followed by Members' Business

Thursday 30 January 2014

11.40 am Parliamentary Bureau Motions

11.40 am General Questions

12.00 pm First Minister's Questions

12.30 pm Members' Business

2.30 pm Parliamentary Bureau Motions

2.30 pm Scottish Government Debate: The Commonwealth Games and its Legacy across Scotland

followed by Business Motions

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

Tuesday 4 February 2014

2.00 pm Time for Reflection

followed by Parliamentary Bureau Motions

followed by Topical Questions (if selected)

followed by Stage 3 Proceedings: Marriage and Civil Partnership (Scotland) Bill

followed by Business Motions

followed by Parliamentary Bureau Motions

6.00 pm Decision Time

followed by Members' Business

Wednesday 5 February 2014

2.00 pm Parliamentary Bureau Motions

2.00 pm Portfolio Questions
Infrastructure, Investment and Cities;
Culture and External Affairs

followed by Stage 3 Proceedings: Budget (Scotland) (No.3) Bill

followed by Business Motions

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

followed by Members' Business

Thursday 6 February 2014

11.40 am Parliamentary Bureau Motions

11.40 am General Questions

12.00 pm First Minister's Questions

12.30 pm Members' Business

2.30 pm Parliamentary Bureau Motions

2.30 pm Stage 3 Proceedings: Children and Young People (Scotland) Bill

followed by Business Motions

followed by Parliamentary Bureau Motions

6.00 pm Decision Time

(b) that Rule 2.2.5(a) of Standing Orders be suspended for the purpose of allowing the Parliament to meet beyond 5.30 pm on *Tuesday 4 February 2014 and* Thursday 6 February 2014.—[*Joe FitzPatrick.*]

Motion agreed to.

Parliamentary Bureau Motion

17:45

The Presiding Officer (Tricia Marwick): The next item of business is consideration of a Parliamentary Bureau motion. I ask Joe FitzPatrick to move motion S4M-08813, on the designation of a lead committee.

Motion moved,

That the Parliament agrees that the Local Government and Regeneration Committee be designated as the lead committee in consideration of the Proposed National Planning Framework 3.—[*Joe FitzPatrick.*]

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

Decision Time

17:45

The Presiding Officer (Tricia Marwick): There are three questions to be put as a result of today's business. The first question is, that motion S4M-08794, in the name of John Swinney, on the Budget (Scotland) (No 3) Bill, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For:

Adam, George (Paisley) (SNP)
 Adamson, Clare (Central Scotland) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Allard, Christian (North East Scotland) (SNP)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Biagi, Marco (Edinburgh Central) (SNP)
 Brodie, Chic (South Scotland) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Campbell, Roderick (North East Fife) (SNP)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Don, Nigel (Angus North and Mearns) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Dugdale, Kezia (Lothian) (Lab)
 Eadie, Jim (Edinburgh Southern) (SNP)
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Fee, Mary (West Scotland) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Ind)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Gray, Iain (East Lothian) (Lab)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hume, Jim (South Scotland) (LD)
 Hyslop, Fiona (Linlithgow) (SNP)
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)
 Keir, Colin (Edinburgh Western) (SNP)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Malik, Hanzala (Glasgow) (Lab)

Marra, Jenny (North East Scotland) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McArthur, Liam (Orkney Islands) (LD)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDonald, Mark (Aberdeen Donside) (SNP)
 McInnes, Alison (North East Scotland) (LD)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMahan, Michael (Uddingston and Bellshill) (Lab)
 McMahan, Siobhan (Central Scotland) (Lab)
 McMillan, Stuart (West Scotland) (SNP)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 Murray, Elaine (Dumfriesshire) (Lab)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Rennie, Willie (Mid Scotland and Fife) (LD)
 Robison, Shona (Dundee City East) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Salmond, Alex (Aberdeenshire East) (SNP)
 Scott, Tavish (Shetland Islands) (LD)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Urquhart, Jean (Highlands and Islands) (Ind)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Wilson, John (Central Scotland) (SNP)

Against:

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

Abstentions:

Harvie, Patrick (Glasgow) (Green)
 Johnstone, Alison (Lothian) (Green)

The Presiding Officer: The result of the division is: For 90, Against 13, Abstentions 2.

Motion agreed to,

That the Parliament agrees to the general principles of the Budget (Scotland) (No. 3) Bill.

The Presiding Officer: The next question is, that motion S4M-08797, in the name of Shona Robison, on the Anti-social Behaviour, Crime and

Policing Bill, United Kingdom legislation, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For:

Adam, George (Paisley) (SNP)
 Adamson, Clare (Central Scotland) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Allard, Christian (North East Scotland) (SNP)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Biagi, Marco (Edinburgh Central) (SNP)
 Brodie, Chic (South Scotland) (SNP)
 Brown, Gavin (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Buchanan, Cameron (Lothian) (Con)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Campbell, Roderick (North East Fife) (SNP)
 Carlaw, Jackson (West Scotland) (Con)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Davidson, Ruth (Glasgow) (Con)
 Dey, Graeme (Angus South) (SNP)
 Don, Nigel (Angus North and Mearns) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Dugdale, Kezia (Lothian) (Lab)
 Eadie, Jim (Edinburgh Southern) (SNP)
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Fee, Mary (West Scotland) (Lab)
 Fergusson, Alex (Galloway and West Dumfries) (Con)
 Findlay, Neil (Lothian) (Lab)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)
 Gray, Iain (East Lothian) (Lab)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hume, Jim (South Scotland) (LD)
 Hyslop, Fiona (Linlithgow) (SNP)
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)
 Johnstone, Alex (North East Scotland) (Con)
 Keir, Colin (Edinburgh Western) (SNP)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Malik, Hanzala (Glasgow) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West Scotland) (SNP)

McAlpine, Joan (South Scotland) (SNP)
 McArthur, Liam (Orkney Islands) (LD)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDonald, Mark (Aberdeen Donside) (SNP)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McInnes, Alison (North East Scotland) (LD)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMahan, Michael (Uddingston and Bellshill) (Lab)
 McMahan, Siobhan (Central Scotland) (Lab)
 McMillan, Stuart (West Scotland) (SNP)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 Mitchell, Margaret (Central Scotland) (Con)
 Murray, Elaine (Dumfriesshire) (Lab)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Rennie, Willie (Mid Scotland and Fife) (LD)
 Robison, Shona (Dundee City East) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Salmond, Alex (Aberdeenshire East) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland Islands) (LD)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Urquhart, Jean (Highlands and Islands) (Ind)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Wilson, John (Central Scotland) (SNP)

Abstentions:

Finnie, John (Highlands and Islands) (Ind)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Johnstone, Alison (Lothian) (Green)

The Presiding Officer: The result of the division is: For 101, Against 0, Abstentions 4.

Motion agreed to,

That the Parliament agrees that the relevant provisions of the Anti-social Behaviour, Crime and Policing Bill, introduced in the House of Commons on 9 May 2013, relating to the criminalisation of forcing a person to marry, cross-border application of the new Sexual Harm Prevention and Sexual Risk Orders and in respect of a new firearms offence, so far as these matters fall within the legislative competence of the Scottish Parliament or alter the functions of the Scottish Ministers, should be considered by the UK Parliament.

The Presiding Officer: The next question is, that motion S4M-08813, in the name of Joe FitzPatrick, on the designation of a lead committee, be agreed to.

Motion agreed to,

That the Parliament agrees that the Local Government and Regeneration Committee be designated as the lead

committee in consideration of the Proposed National Planning Framework 3.

Big Burns Supper 2014

The Deputy Presiding Officer (Elaine Smith):

The final item of business today is a members' business debate on motion S4M-08592, in the name of Joan McAlpine, on congratulations to the Big Burns Supper 2014. The debate will be concluded without any question being put.

Motion debated,

That the Parliament congratulates the Big Burns Supper festival on its programme of music, carnival, cabaret and theatre that will take place in Dumfries from 24 to 26 January 2014; understands that the Big Burns Supper was established in 2012 and is now the world's biggest Burns Night celebration; further understands that the 2014 festival will be the biggest to date, attracting visitors from Scotland, the UK and across the world; welcomes the varied programme of entertainment featuring international as well as local talent including Big Country, the Spanish-born singer, Concha Buika, and Cammy Black from Dumfries and Galloway; notes that 2014 is the Year of Homecoming and that the Big Burns Supper will celebrate this with a lantern procession that will include 2,000 people, and congratulates everyone who has contributed to the festival's increasing success, including the organising team lead by Graham Main, Creative Scotland, Homecoming Scotland, Winter Festivals Burns Night, 8020 and Dumfries and Galloway Council.

17:49

Joan McAlpine (South Scotland) (SNP):

Dumfriesshire, in the South Scotland region that I represent, was home to the great Robert Burns, whose birthday we celebrate this Saturday and in whose honour I am wearing a red, red rose. Burns lived and died in Dumfries, where he worked as an exciseman, and his modest sandstone house is preserved as a museum. The farmhouse he built at Ellisland also still stands, and you can view the stove where his wife Jean baked bread, and the orchard that gave him his first commercial crop of apples. You can drink reaming swats in the Globe inn, his favourite howff, and sit fast by an ingle in his favourite chair, then move upstairs to inspect the verse he scratched on the window panes. You can visit the lovely St Michael's kirk, where Burns is buried and where his mausoleum has been carefully restored. The town is alive with his spirit.

The Big Burns Supper festival, which opens on Friday, takes full advantage of that unique backdrop. On Saturday, the town centre will host a free homecoming carnival: a community parade involving 2,000 people. They will paint the town tartan to the sound of the Manchester School of Samba, because the Big Burns Supper is nothing if not eclectic on an epic scale.

The festival, which will last until late Sunday night, brings Burns back into the heart of the community he loved and, indeed, into the hearts of the people who live there. It is at once populist and intellectual, international and hyperlocal. The Big

Burns Supper does not treat Burns as a relic to be preserved—something that another Dumfriesshire poet, Hugh MacDiarmid, often criticised—and it is not frightened to have fun with Burns, or even to move on to different artistic ground altogether. Burns was an innovator and an internationalist, as well as a proud Scot, and the Big Burns Supper festival reflects all those facets of his personality.

We all know that he loved a good night out, which is absolutely guaranteed this weekend. In fact, if you go to bigburnssupper.com before midnight tomorrow, you can take advantage of a two-for-one ticket deal. I can only give a taste of the programme. The bard would have enjoyed the burlesque Burns supper, which will feature haggis, neeps and—I presume—bonnie lassies in corsets, and maybe a few bonnie laddies in corsets, too, and will take place in the atmospheric spiegeltent. By contrast, Dick Gaughan, Big Country, the Hackney Colliery Band, local rock legend Cammy Black, and Concha Buika, the Miami based Cuban-flamenco singer, offer a taste of the broad range of musicians. There is cutting-edge contemporary drama such as "Blood Orange" and "If These Spasms Could Speak", which are counterpointed by a midnight roller disco with the Doonhame Derby Dolls.

On the streets there will be magic wherever you turn. "Occupy Dumfries" comprises 12 unique pieces of pop-up art, including "Big Burn" by the Stove artists collective, "Soap Opera" by Dumfries and Galloway youth theatre and the tantalising "Naughty @ Night" by Justin Hyslop. "Give your Tongue a Birl" will allow members of the public to speak of their passion for Burns and Scotland. There will be a Burns tea dance with soup and Dundee cake, and award-winning poets Hugh McMillan and Stuart Paterson will explore the poet's favourite pastime with "Freedom an' Whisky Ganthegither!" in the Coach and Horses pub on Whitesands.

Five thousand Burns suppers will be eaten over the weekend. They include the ten-minute version served up in the Globe by manager Jane Brown, who is currently president of the World Burns Federation. Furry festival mascot Harry the Haggis will host special suppers for kids, with haggis sausage and chips, so even picky seven-year-olds can participate.

The festival director and founder, Graham Main, grew up in the council scheme of Lochside on the west bank of the Nith and studied at the then Royal Scottish Academy of Music and Drama. He became a successful actor, playwright, director and festival organiser in Ireland, London and Spain. Then he came home, and what an impact that homecoming has made. However, the Big Burns Supper is also a collective community achievement. The strength of the festival team is

testament to the talent in Dumfries, and the number of local volunteers reflects its strong sense of neighbourliness. I am delighted to have two members of that team, Andrew and Margaret Wood, in the gallery this evening.

I cannot list everyone who makes the festival a success, but I should mention the sponsors: 8020, EventScotland, Creative Scotland, Dumfries and Galloway Council, the Holywood Trust and homecoming Scotland. So many local businesses offer support that I cannot list them all.

I also thank the Cabinet Secretary for Culture and External Affairs for the encouragement that she has given to the festival. Her presence at the Big Burns Supper in 2011 and 2012 was a huge boost to morale, and was particularly appreciated given her divided loyalties as an Ayrshire lass. She will know that Dumfries is a nominee for one of this year's creative place awards, which will be announced on 29 January. The work of the Big Burns Supper team has played a vital role in achieving that nomination.

The creativity does not stop in January. The Big Burns Supper team contributes to creativity in Dumfries throughout the year, with the work of Electric Theatre's workshop, Dumfries and Galloway youth theatre, the Dumfries community choir, the Stove, the spring fling, the Dumfries and Galloway arts festival and much more.

I said that Dumfries brims with living history, but the Big Burns Supper is about the future of our culture as well as the past, which is why it gives me great pleasure to pay tribute to it tonight.

17:55

Alex Fergusson (Galloway and West Dumfries) (Con): I thank Joan McAlpine for bringing the debate to the chamber. It is welcome and I am delighted to take part in it.

Having lived and worked in either Ayrshire or Dumfries and Galloway for all but four years of my life, I have probably attended more than my fair share of Burns suppers over the years. Almost without exception, I have genuinely and thoroughly enjoyed them, despite the fact that—other members will know this feeling—I usually have to sing for the supper.

However, there is something about the traditional annual get-together in memory of the bard that engenders a real sense of camaraderie and warmth. Whether it is attended by 30 people or 300, a Burns supper has a unique atmosphere that cannot be imitated and has remained unrivalled since the idea's inception.

That said, I would very much like to have been given £1 for every time somebody has said to me at a Burns supper that their club's biggest problem

is getting the young folk interested. The fact that probably more Burns suppers are being held now than at any other time in history might suggest that that problem can be, and has been, overcome. However, it should not hide the fact that the traditional view of how Burns's life and works could be celebrated was ripe for challenge and had probably remained unchallenged for too long.

Step forward Graham Main, the director of the festival, and the Big Burns Supper—an initiative that grew with the year of creative Scotland in 2012—and we have that challenge to tradition in a nutshell. From the outset, its impact has been immense, and I cannot better the description of its aims and vision that appears on the Big Burns Supper's website, which states:

"rather than the idea that to be at a Burns Supper you had to have a degree in Scots Literature, our festival is about coming together to celebrate with your friends, pals and visitors around Burns Night."

The Big Burns Supper is, as Joan McAlpine described, an arts festival with a big community ethos and drive behind it that now involves hundreds of participants and thousands of attendees at more than 100 different shows in more than 50 different venues. In just three short years, it has become the world's biggest Burns night celebration and has achieved that by, in its own words, embracing

"the fresh, the different and diverse"

and incorporating those qualities into everything that it does. It does so quite brilliantly.

In doing so, it has captured and captivated a new audience, as well as the traditional Burns fraternity, in a refreshing and invigorating manner. One has only to meet Graham Main and any of his team once to be overcome and overwhelmed by their enthusiasm for what the event can offer—not only over the three days of the Big Burns Supper itself, but through the related community projects that continue and build throughout the year right up to the festival's three-day finale.

I wish the Big Burns Supper nothing but continued success in 2014 and beyond as part of the wonderful arts and cultural mix that is Dumfries and Galloway. However, I do so with a slight degree of personal trepidation this year. When Graham Main invited me by email to attend the launch event in the Spiegeltent in Dumfries tomorrow evening, he asked me whether he was correct in thinking that I used to play the guitar. Stupidly, I replied that I did indeed, although not very well, and he replied, "Oh good. I have an idea." I have heard no more, so I am looking forward to tomorrow night's event with distinctly mixed feelings, because Graham tends to bring such things home to roost. That apart, I have no

doubt that the Big Burns Supper 2014 will be a resounding success.

17:59

Elaine Murray (Dumfriesshire) (Lab): Mr Fergusson is being modest about his singing and guitar-playing abilities, as any of us who have heard him can testify.

I, too, congratulate Joan McAlpine on securing the debate. There have been motions in the past noting and congratulating the Big Burns Supper and it is good to have a debate on this occasion. Unfortunately, the start of this year's festival coincides with tomorrow's Cowdenbeath by-election and, therefore, the attendance at the debate is probably smaller than it might otherwise have been.

I am pleased to celebrate a winter festival that, although it is relatively new, is rapidly becoming a fixture in the Dumfries and Galloway calendar.

It is, of course, part of a series of cultural and heritage events across the region all year, which include the common ridings and the ridings of the marches in the summer. Dumfries and Galloway has a rich and diverse environmental, historical and cultural offering for visitors and for those of us who have the great fortune to live there. As Joan McAlpine said, Robert Burns was one of those fortunate enough to live in Dumfries, spending the last years of his life there and writing some of his most famous compositions. Where more appropriate to have a winter festival built around a Burns supper?

The event was created, as we have heard, by Doonhamer Graham Main, who has a huge passion for both the arts and his native town. It is equally enthusiastically supported by his board members, chaired by Maureen Farrell, and by his staff. I, too, welcome to the chamber Councillor and Mrs Wood, who have been involved with the event over the years.

The festival includes a mixture of comedy, music, theatre and variations on the Burns supper. I also noticed the burlesque Burns supper. The bard might have wanted to be there, but I was not quite sure that it was appropriate for me to attend it. I should also mention in passing that I attended a performance of "Blood Orange", a play written by Mr Main and a number of young people in the form of a Greek tragedy. It is a hard-hitting but absolutely excellent piece of theatre and I can well recommend it.

An important component of the event is community participation, with well-known performers from other parts of Scotland, such as Fred MacAulay and Big Country, and it is also a showcase for local talent and for up-and-coming

young performers. As we have heard, there is also a large community event. This year, it is a carnival procession, so I will be keeping my fingers crossed. We had a lot of snow last year; I hope that the weather is not too unkind this year.

I notice that this year's programme boasts a festival fringe, with several recent Scottish films such as "The Angels' Share" and "Sunshine on Leith" being shown at the Robert Burns Centre Film Theatre to coincide with the festival events. Brian Taylor is even holding a big debate on Friday; I do not know whether that is part of the festival or just a coincidence.

The Spiegeltent made its appearance for the first time last year and was very much enjoyed. I enjoyed it myself and was extremely pleased to see it being erected again at the Loreburn car park on Monday.

The Big Burns Supper has attracted support from a number of organisations, particularly from Creative Scotland, which has been supportive, and from Dumfries and Galloway council. It benefits Dumfries and the surrounding area through increased footfall at venues. It brings visitors into town and the festival website contains links to several local hotels. I hope that visiting performers and visiting audience members will come back to not only future Big Burns Suppers but Dumfries and Galloway at other times of the year, for other festivals and to enjoy the range of activities that we have on offer, including wildlife, leisure, mountain biking, walking and sailing. It also offers a good weekend of entertainment to local people.

Coinciding as it does with Burns night, the Big Burns Supper marks the beginning of the Burns supper season, which can last for more than a month, as we all know. We in Scotland have to be grateful to Robert Burns for many things, one of which is the fact that he was born in January. The commemoration of his birth means that we have something to celebrate once Christmas and Hogmanay are over. Winter festivals such as the Big Burns Supper give us something to look forward to and enjoy during the dark days of midwinter. I very much hope that it goes from strength to strength.

18:03

Chic Brodie (South Scotland) (SNP): I am delighted to support the debate this evening and I congratulate my colleague Joan McAlpine on bringing it to the chamber. I add my congratulations to the sponsors and the team that have made everything possible.

There is a Scottish quotation that I heard recently, which goes as follows:

At the First Supper
 The guests were but one:
 A maiden was the hostess,
 The guest her son.

That has no application even remotely to the Big Burns Supper event in Dumfries this weekend, because there will be hundreds of guests.

Every Burns supper has its great moments, none greater than the immortal memory, of which I have to do three this year, but people who have attended the Big Burns Supper in the past, and those who will attend this year, will retain memories of the Dumfries event, which I believe will be large and successful.

I live but 1 mile from the cottage where Burns was born in Alloway. Although we in Ayr like to embrace him as a son of Ayr, he is much more than that. I say that in the present tense because we believe that he still lives. He is a son of not only Ayrshire, but Galloway. He is not just a great Scot, poet and lyricist, but so much more, all of which is recognised at home and by the Scottish diaspora and our many international friends.

That wider celebration will, as other members have said, be encapsulated in the Big Burns Supper in Dumfries this weekend, and it should be acknowledged. The life that breathed the singing and the painting of Scots words, great music and national ambition and aspiration sadly breathed its last in Dumfries in July 1796. Burns was buried initially, as was mentioned, in a far corner of St Michael's church; he was then moved to his final location in the Burns mausoleum in 1815.

He was posthumously given the freedom of the town of Dumfries, in which burgh he had already been given recognition in 1787. Who knows: perhaps his life will be celebrated not only by those who come from all the pairs—internationally, from all over the world—to Dumfries this weekend, but perhaps by some of his 600 descendants, some of whom will probably not even know that they are descended from his 12 children.

I sit on the Economy, Energy and Tourism Committee and the director of homecoming Scotland recently presented to us a whole array of exciting events that will take place in Scotland this year. Many have been overshadowed by the Commonwealth games and the Ryder cup, but the Big Burns Supper will not be. It promises to be a magnificent event, and the organisers should be congratulated on making it a must in Scotland's calendar, not just in this and previous years but, it is hoped, every year from now on.

I hope, and I am sure, that all the elements—from "Le Haggis", which I have discussed with our French colleague Christian Allard, to Hamish the haggis and "Torch Song"—will be warmly

welcomed to Dumfries this weekend, along with the many other activities that Joan McAlpine mentioned. There is, of course, the main lantern procession too. I hope that those who attend the event this weekend will, like Burns, love life and live it to the full.

To all those who will love and enjoy the event, I say this in anticipation of a safe weekend:

"Love makes the world go round? ... Whisky makes it go round twice as fast."

18:07

Hanzala Malik (Glasgow) (Lab): I congratulate Joan McAlpine on bringing the debate to the chamber. The Big Burns Supper is an important event, not only because it is part of homecoming, and not only because Dumfries and Galloway is celebrating it, but because it is part and parcel of our history, which is important.

We sometimes forget how important history is to people. The value of the history and culture of any nation are often underestimated. Joan McAlpine will be pleased to know that the city of Nuremberg in Germany, which is twinned with Glasgow, celebrates with a Burns supper every year. She will also be pleased to know that the event is a sell-out every year—in fact, the tickets for the Burns supper are normally sold out a year ahead of time, so if you want a ticket, it is almost the case that somebody has to die before one can get one.

I am considering the possibility of holding a Burns supper in Lahore, which is Glasgow's twin city in Pakistan. One reason is that the Burns supper now offers so much more than it used to. We can now get halal haggis and vegetarian haggis, which opens doors for more people to participate in and enjoy the event fully. As a councillor, I have enjoyed haggis in Glasgow city chambers. It has been either vegetarian or halal, but nevertheless I have been able to enjoy the full ambience of the Burns supper, which is important.

We need to take an international perspective. There are a lot of expatriates living all over the world, and most of them celebrate with Burns supper events. However, those celebrations are not joined up, and I am keen that we should help them to do that. It is important that our overseas cousins in places such as North America, Australia and New Zealand join up not only among themselves but somehow with us in Scotland through our tourism industry, so that we can participate with them and they can participate with us. Then it will become a homecoming in more ways than one. When the homecoming was first launched, I thought that it was a wonderful idea, but that homecoming should not only be about people from overseas coming to Scotland, but about a homecoming for Scots who are here. It is

important that we realise that we have many diverse cultures in Scotland; we tend not to enjoy them to the full.

I have always felt that Burns suppers are celebrated too much by small organised groups and are not open to the general public—to my mind, that aspect has always been missing. The festival in Dumfries at the weekend does that—it reaches out to the community, which is wonderful. I am keen for us to do more of that, so I wish it the best of success.

I also wish the local council success, because it is a huge undertaking and responsibility to organise such events. They are not easy to organise. I am sure that, these days when we are strapped for cash, it can be difficult for people to decide to hold such events. However, the festival brings home the reality that we care about our culture and that we want to promote and celebrate it. We should open it up to everyone and not just to a few chosen ones. I wish the event the very best and I hope that it will encourage others to follow suit.

18:11

The Cabinet Secretary for Culture and External Affairs (Fiona Hyslop): I, too, congratulate Joan McAlpine on an excellent debate, which I was keen to speak in. I am not sure whether members are aware of this but, at the time of Burns, the landlady in the Globe inn was a certain Mrs Hyslop. Although I recently visited the Rovers Return, I have no desire for a career change at this point. I congratulate all those who are involved in the Big Burns Supper festival, including the thousands of people from local communities who have worked so hard with partners on the organising team to help build the momentum towards the festival and to make it such a huge success.

I have been lucky enough to attend the festival on two occasions. The spectacular and moving light and sound lantern performance over the River Nith will stay with me for ever. What a celebration of Dumfries and its history and heritage it is. In particular, it connects thousands of young people with their community. The programme is world class. I am delighted that it has gone from strength to strength and is attracting global recognition and drawing enthusiastic audiences from near and far.

As Joan McAlpine set out, the Big Burns Supper festival takes a fresh and innovative look at what celebrating Burns night is all about—music, family, food, friends, laughter and fun. Its success is evidenced by the fact that audiences have risen to nearly 20,000. Dumfries, which is the perfect setting for the festival, should be proud of an event

that has also reached out to many local people through a number of related projects that are aimed at developing communities.

As we heard, for the festival's third year, the diverse programme includes Big Country, Mull Historical Society, Robert Softley and Fred MacAulay. Elaine Murray set out the range of art forms that are now part and parcel of the festival. There are other inspirational acts and cultural activities, all celebrating the life and works of Robert Burns. For younger Burns fans, I am pleased that the 2014 festival again offers a fantastic range of attractions for a family audience, including a children's Burns supper, a tea dance and a carnival.

The Big Burns Supper festival offers something for everyone and is a great example of how partners and communities from across the country are coming together to celebrate Burns and to harness the potential of his legacy to boost culture and creativity. I emphasise the continued significance of Robert Burns to Scotland, as one of our most important cultural sons, and encourage everyone here to learn about and celebrate his life and works as we bring to a close our 2013-14 winter festivals programme, and particularly as we celebrate our second year of homecoming.

Events that are taking place as part of Scotland's winter festivals programme to celebrate Burns night include "Burns: Life of a Poet" in Inverness and, in South Ayrshire, the Robert Burns humanitarian award, which is now in its 13th year. This year, we have invested £350,000 in the winter festivals to deliver 19 events across Scotland, which will give visitors a real taste of our nation's distinct traditions and contemporary culture. A vibrant winter event programme brings together people from all over the world to celebrate Scotland's modern culture and traditions through the best of Scottish music, arts, food and drink, innovation and entertainment. St Andrew's day, hogmanay and Burns night all make a significant contribution to our culture and economy.

Of course, the celebrations are not restricted to Scotland's shores. It is estimated that around 50 million people across the globe can claim Scottish ancestry, and many of those Scots and Scots at heart, wherever they are in the world, will celebrate with Scottish traditions on St Andrew's day, hogmanay and Burns night, from Beijing to Rio and Toronto to Brisbane, to name only a few places. I recommend that Hanzala Malik looks at the Scottish Government's website, where we demonstrate how we are linking up with communities and trying to connect communities across the globe in a celebration of Burns.

Why do Scots and people across the world continue to celebrate Burns in the 21st century?

Robert Burns's poetry, songs, sentiment and commentary on the condition of humankind touched people the world over, and continue to do so. I was interested to hear Chic Brodie speak about Burns in the present tense, because I think that Burns is still of us, which is why we automatically talk about him being with us in the present tense. The messages and observations in his poetry and songs are as relevant and heartfelt today as they were 250 years ago.

Burns was a humanitarian and an internationalist who spoke of the universal condition. "A Man's a Man for a' that" resounded through the chamber at the opening of the Scottish Parliament as an anthem precisely because of that. Robert Burns embraced the nation's unique landscape, culture and people and, importantly, the Scots language, in order to celebrate Scotland in poem and song. That is why, all over the world, Scots, people of Scots heritage and those who simply share an affinity with Burns and his homeland, come together, year after year, to honour this great man with family and friends. Alex Fergusson reflected on that in his speech. On Saturday night, I was at Camelon bowling club, and the warmth, the wit and the performances were worthy of the bard, in the spirit of which Alex Fergusson spoke.

The story, poetry, art and heritage of Robert Burns is part of the attraction of Scotland, and year after year visitors flock to find out more about him. His emotional response to old Scotia, his homeland, has particular resonance this year because hogmanay 2013 also marked the start of the second year of homecoming—a year of celebrations in which we will welcome the world to our great country and celebrate the very best of Scotland's food and drink, our unique active and natural resources and our world-renowned creativity, culture and ancestral heritage.

This year, Scotland plays host to the Ryder cup, the Commonwealth games and the MTV Europe awards, which will be broadcast to nearly 700 million households through MTV's global network of channels. Homecoming Scotland 2014 will extend the benefits and opportunities that are offered by those major events through a year-long co-ordinated programme of events that will celebrate our assets. For example, on Saturday, to celebrate homecoming Scotland, we will see the signature Celtic Connections festival hosting one of its biggest-ever concerts—Celtic Connections international Burns night, when a stellar line-up of home-grown talent and international acts will take to the stage at the Hydro in Glasgow.

With such a varied and world-class events programme in 2014, alongside our existing tourism credentials, it is no surprise that Lonely Planet's best in travel list for 2014 names Scotland as the

third-best country to visit this year, citing all the events that I have mentioned.

I have no doubt that 2014 will be an extraordinary year for Scotland, boosted by exceptional events such as the Big Burns Supper festival. As Burns himself wrote,

"From scenes like these, old Scotia's grandeur springs,
That makes her lov'd at home, rever'd abroad".

The Big Burns Supper festival does it 21st century style, and what style it does it with.

Meeting closed at 18:19.

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