

MEETING OF THE PARLIAMENT

Wednesday 17 September 2003
(*Afternoon*)

Session 2

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Scottish Parliament

Wednesday 17 September 2003

(Afternoon)

[THE DEPUTY PRESIDING OFFICER *opened the meeting at 14:30*]

Time for Reflection

The Deputy Presiding Officer (Murray Tosh):

Good afternoon. The first item of business today is time for reflection. Our time for reflection leader is Morag Mylne, who is the vice-convenor of the church and nation committee of the Church of Scotland.

Morag Mylne (Vice-Convenor, Church and Nation Committee, Church of Scotland): I would like to speak about love—about the love of justice, love for the world and the love of God.

Here, in this Parliament, there is public service and politics. Both are essential, and public service is a noble thing. Politics, at its finest, is for the good of the people. But why give and serve? For its own sake? For the benefit of others?

At the heart of real public service is love—love of people and a passion for the good. Love is a binding, motivating and nourishing force. It takes different forms—care, concern and compassion, and anger and impatience in the face of injustice.

Paul wrote to the Corinthians:

“If I speak in the tongues of mortals and of angels, but do not have love, I am a noisy gong or a clanging cymbal ... If I do not have love, I am nothing. If I give away to the poor all that I possess, and even give up my body to be burned, if I am without love, it will do me no good whatever.”

And so it is today. Doing good is not enough unless it is done for good reasons. And there are plenty of bad reasons for doing good, such as self-interest or status.

Doing politics is the same. Politics is about making a difference and improving lives, but if that is done without love, it is a dry and sterile thing, vulnerable to the pressures of those whose reasons are the wrong ones. Done with love, politics becomes something strong and dynamic, informed by what is right and just. It is still about making a difference but, even more, it is about upholding the value of each person.

In the church and nation committee, we value political passion. We see politics as a noble calling, because it is bound up with seeking justice and the good. Doing politics, then, is an expression of love. For the Christian, it is an expression of the love of God for the world and its

people. We believe in what you as politicians do, and we uphold you and your work in prayer. That does not mean soft politics or the end of disagreement. If we are to be true to what love demands of us, we have to be rigorous in our thinking and determined and clear. Nothing less than our best will do.

Acting in love is no less than what God requires of us. From the prophet Micah:

“what does the Lord require of you but to do justice, and to love kindness and to walk humbly with your God?”

Love and public service are bound together, and when service is draining and demoralising, and politics is fraught and nasty, love gives hope.

Licensing Laws

The Deputy Presiding Officer (Murray Tosh):

The next item of business is a debate on motion S2M-339, in the name of Cathy Jamieson, on the review of licensing laws. There are two amendments to the motion.

14:35

The Minister for Justice (Cathy Jamieson):

I start off by saying that we are grateful to Sheriff Principal Nicholson and his committee for the careful and thorough work that they did to produce their report. I am delighted that the sheriff principal has found time this afternoon to attend the Parliament and hear the debate.

The publication of the committee's package of recommendations to overhaul our licensing laws in Scotland has already stimulated considerable debate, and rightly so. The report is a thoughtful and wide-ranging piece of work, which seeks to strike a careful balance between the rights of individuals who drink sensibly and the need to protect our communities from the harm that abuse of alcohol can cause. We are consulting on the report until Christmas, and the debate is part of the Executive's plan to get the widest possible range of views on the recommendations. The debate is not about pre-empting the outcome of the consultation but about stimulating debate and raising awareness of the real issues that the report has raised.

It is worth remembering that the licensing framework has not changed for a generation, and we want to take time before finalising the right package of proposals to meet Scotland's current needs. Today's debate gives members an early opportunity to give us their views, with the assurance that we are listening carefully.

Before I talk about the detailed recommendations, I want to highlight the new framework that the sheriff principal proposes—his core licensing principles. The report notes that, at present, there is no statement anywhere in the legislation about what the licensing system is trying to achieve. To counter that, the sheriff principal sets out the licensing principles, which we outline in the motion. It is worth reminding ourselves what those are: the prevention of crime or disorder; the promotion of public safety; the prevention of public nuisance; the promotion of public health; and the protection of children from harm. The report envisages a system that assists in preventing crime, disorder and public nuisance. The links between the misuse of alcohol and some forms of antisocial behaviour are all too clear, and I will say more about that later.

I do not think that any of us would quarrel with the need to address the issues of how, when and where individuals can access alcohol. We need a rigorous framework that ensures that alcohol abuse and spin-off crime are not fuelled by a lax licensing system. However, it is important to stress that three of the principles are positive: the promotion of public safety, the promotion of health and the protection of children. It is not intended to be a negative, killjoy approach. It is about improving the environment for us all and improving the health of individuals. It is about safeguarding children. It is about social drinking in a safe, welcoming environment. That seems to me to be a balanced package, with which it is hard to quarrel. At the outset of the debate I want to endorse those principles as the framework within which the Executive will take forward licensing reform. I hope that Parliament will also give its endorsement.

There is no doubt that we need to tackle the negative aspects of Scotland's drinking culture. As I have said before, licensing law cannot by itself solve Scotland's problems with alcohol. However, the right legal framework can help to set out clearly what society as a whole finds acceptable and unacceptable. It can be a trigger for changing the culture. It is about balance: banning the unacceptable but also promoting good practice and working with licensees to improve service quality and standards. We want to work with responsible licensees—who are in the vast majority—to provide a better and more civilised experience in Scotland's pubs and hotels. At the same time, we need to be clear about what is not acceptable and ensure that effective action is quickly taken when the law is broken.

The Executive strongly endorses the report's thrust in making new arrangements that require licensing boards to consult local communities about their licensing policies. Empowering our communities to contribute effectively both to overall policy and to individual decisions is something we take very seriously. I would particularly welcome members' views on how best to involve local residents in licensing decisions.

Mr Jamie Stone (Caithness, Sutherland and Easter Ross) (LD): The minister will recall that, some years ago, the system was changed to give community councils the right to be statutory consultees on licensing matters. My experience is that that interface did not work. I have seldom seen community councils deliberate licensing matters. Does the minister recognise that as a problem? If so, what might be done about it? Perhaps the minister's speech will deal with that.

Cathy Jamieson: I acknowledge some of the difficulties in the past. Despite initiatives that were taken, people did not always feel that their views were properly represented. That is a difficult issue

on which I want to engage with people during the consultation. One reason why we are having today's debate is to allow people to express their views, which we will take seriously.

I will discuss some specific recommendations of the Nicholson committee, because the debate should be based on the facts of what Nicholson proposes, not on fiction. One significant myth that has grown around the recommendations is the much-publicised, so-called free-for-all on opening hours.

I will be clear in dispelling that myth. Sheriff Principal Nicholson and his committee have not opened up Scotland to 24-hour drinking as a matter of course. The recommendations suggest a move from the present piecemeal position of fixed opening hours with locally agreed extensions to a more tailored, premises-by-premises approach that is founded on the proposed new legislative principles. Each set of premises will have an operating plan that sets out its operating hours and conditions. Those will be tailored to ensure that the new licensing principles are not put at risk.

We should pause and ask those who might peddle the idea of routine 24-hour opening to consider how any establishment could have a routine 24-hour licence and still meet its obligations of promoting public order and public health and protecting children.

Mike Rumbles (West Aberdeenshire and Kincardine) (LD): Under the American system, a supermarket that wants to sell alcohol can be open 24 hours a day. Would that be possible here under the new system?

Cathy Jamieson: My point is that we must work on a premises-by-premises basis. Contrary to what was suggested in some sections of the media, we are not proposing a free-for-all or saying that pubs and other premises could routinely be open 24 hours. It is important to get the framework right and to have localised decision making. I expect a range of issues to be taken into account in making those decisions.

The Executive sees little or no argument for any premises routinely to sell alcohol throughout the day and night. Sheriff Principal Nicholson has been striving publicly to correct the misinterpretation of his recommendation.

Mr Brian Monteith (Mid Scotland and Fife) (Con): The clarification that the minister seeks to give is important, because the language used, particularly in the media, has been loose. How does she classify the liberalisation of drinking regulations in England? Has Tessa Jowell introduced round-the-clock, 24-hour drinking, or is that system closer to the system that Cathy Jamieson has described, under which hours can be applied for within a 24-hour period?

Cathy Jamieson: I want to focus on the proposals in the Nicholson committee's report and how they apply in Scotland. I also want to dispel some myths. On occasions, it might be appropriate to apply for extended opening hours, particularly when the tourism industry is involved, but we must recognise that people live in the communities that are affected and should have a say in how such situations impact on their daily lives.

I want to prevent further misrepresentations of the direction of Executive policy. Routine 24-hour opening for licensed premises is not the way that the Executive intends to go.

An important issue lies behind the sheriff principal's recommendation, on which I am interested in hearing people's views. Local decision making that is based on detailed knowledge of the premises and the surrounding community must be at the heart of our licensing system. What national framework should be set for those local decisions? How prescriptive should it be? How do we find the right balance between consistency and flexibility? I want to hear views on those questions during the consultation.

Many of the concerns that have been expressed have focused on the importance of adequate enforcement. To ensure that any regulatory system works properly, problems need to be identified as soon as they arise.

We are attracted to the proposal in the report for the appointment of standards officers. Again, the concept has been over-simplified in some media reports. The standards officers would not be straightforward enforcers. The aim behind their appointment would be to ensure that licensees understand licensing board policy and to achieve compliance with licence conditions through education and discussion. If there were persistent breaches of licence conditions, the standards officers would be able to report that to the board so that prompt action could be taken.

The standards officers will also have much to offer in relation to one issue that requires attention and which is highlighted in the Executive's "Plan for Action on alcohol problems". The plan clearly states that binge drinking is the most damaging aspect of Scotland's approach to alcohol. In recent years, concern has risen about some special promotions that are run by pubs and clubs, which quite clearly encourage binge drinking, particularly by the young. The Nicholson committee received a considerable amount of evidence about such activity, including the example of customers being invited to pay a £10 entry fee to drink all they can in a set period. I would argue that, in those circumstances, the implied invitation to drink to excess is clear enough.

The Executive accepts that something has to be done about irresponsible promotions. The standard licence condition to prohibit them, which Nicholson recommended, might be the right way to go. Again, I am keen to hear views on that.

Tommy Sheridan (Glasgow) (SSP): Given the horrible death rate that is now associated with alcohol, is the Executive receptive to calls for the banning of alcohol advertising, particularly the irresponsible advertising of promotions and so forth?

Cathy Jamieson: I will address that point later in my speech.

We appreciate that some responsible promotions, such as those that advertise a lower introductory price for a new product, are perfectly legitimate. I do not want to prevent normal commercial activity. However, there are instances in which the type of advertising that is used by pubs, clubs and other licensed premises encourages people to drink to excess. Those are the kinds of things that we want to deal with. Licensing boards might well benefit from central guidance on what might be held to constitute an irresponsible promotion.

I am aware that some areas, including Perth and Kinross and South Ayrshire, are working on those problems. Recently I spent an interesting night out in Ayr—it is possible to have an interesting night out in Ayr—accompanying members of the licensing board and the police. We visited licensed premises to see how a voluntary code of practice outlawing irresponsible drinks promotions is working in practice.

As well as discussing the operation of the code with licensees, I was able to see at first hand the problems that the police face in keeping public order and ensuring public safety when a number of pubs and clubs close at the same time in the early hours of the morning and literally hundreds of people are trying to make their way home. I was impressed by the good-humoured way in which the police were able to deal with the crowds. I was also conscious that that environment put some young people at risk.

The Executive shares the widespread and understandable concern about the apparent ease with which young people can get hold of alcohol. Research that was commissioned by Nicholson confirms that many children well below 18 have been regular drinkers for some time. The research also confirmed that the local corner shop with a liquor licence is the most common source of alcohol.

In response to that depressing scenario, the Nicholson committee recommended that the Executive introduces a national proof-of-age card. Young persons' cards are in widespread use at

present, but they act as entitlement cards, which can be used as evidence of age, rather than as proof-of-age cards as such.

Tricia Marwick (Mid Scotland and Fife) (SNP): One of the problems is not young people buying alcohol for themselves, but people aged 18 and 19 buying alcohol and giving it to young people. What are the minister's suggestions for tackling that problem?

The Deputy Presiding Officer: You have another couple of minutes, minister.

Cathy Jamieson: I recognise the problem. I will come to it when I address the particular issues around off-licences.

To give young people a degree of protection, the dialogue youth card has been issued to around 250,000 young people. The number is expected to reach 400,000 by early next year. It is also expected that the card will be accredited shortly as suitable for proof of age under the proof-of-age standards scheme—PASS—which is run by retailers' organisations. However, there is not much point in providing proof-of-age cards if the server or licensee either does not ask to see them or fails to examine them properly. We want to examine that issue and ensure that we get the right balance.

We are not merely waiting passively for the results of consultation. Two weeks ago, the First Minister announced that a short-life working group would urgently examine the issues surrounding the perceived role of off-licences in some housing areas. We need to examine and decide how to deal with the problem of adults who clearly know that they are buying alcohol for under-age young people. The working group has been set up as a direct response to comments that were made in the Nicholson committee and in response to concerns expressed to us when visiting communities all over Scotland. Peter Daniels, chief executive of East Renfrewshire Council, has been asked to chair the group, which will build on the issues already identified by Sheriff Principal Nicholson.

It is important that local communities have the opportunity to make their views known when it is proposed to open an off-licence in their area. We must ask whether the proposed location is the right one, what hours it should open and how problems will be addressed if they arise.

Many of the recommendations in the Nicholson report look like plain good sense. For example, it is recommended that there should be mandatory training for everyone who serves alcohol, with the intensity of such training reflecting the degree of responsibility held. The report also recommends training for licensing board members, and that the system for dealing with licences should be made more user friendly for applicants and objectors.

I commend the report to members as an excellent and thorough piece of work. We want our system to operate within the principles that it sets out, and I hope that the Parliament will endorse those principles this afternoon.

I move,

That the Parliament welcomes the opportunity to debate the Nicholson Committee's recommendations following the review of Scotland's liquor licensing laws and endorses the proposed legislative principles for a new licensing system, of the prevention of crime or disorder, the promotion of public safety, the prevention of public nuisance, the promotion of health and the protection of children from harm.

14:51

Nicola Sturgeon (Glasgow) (SNP): I pay tribute to Sheriff Principal Nicholson and members of his committee for their thoughtful and helpful review of licensing law. Their report provides a long-overdue catalyst for change, which we all hope will result in much-needed improvements to the quality of life of many of our constituents and of communities all over Scotland. My only regret is that it is hard to do justice to the detail of the report in only a few minutes.

Ever since the issue of alcohol misuse was raised in the early days of this Parliament by my colleague Christine Grahame, we have all been aware of the need to update Scotland's licensing laws. I urge the Executive to act swiftly when the consultation concludes later this year. The existing law neither reflects contemporary attitudes to alcohol nor tackles effectively irresponsible or criminal behaviour linked to alcohol misuse. The Nicholson committee commented that it was vital to find a

"clear pattern or consistent philosophy"

in its modernisation proposals. Like the minister, I find it helpful that the committee report sets out the guiding principles and objectives that should be embodied in statute and which should underpin any licensing decision. As a Parliament that has Scotland's interests at heart, we will easily agree on those principles.

The detailed proposals for change—from those concerning the granting of personal and premises licences to those relating to appropriate and mandatory training of licensing board members, licence applicants and staff who work in licensed premises—are all designed to improve responsibility on the part of all those who deal with the sale of alcohol. Many of the proposals are—to use Cathy Jamieson's phrase—basic common sense. More than that, most of them are non-contentious. In particular, moves to tackle binge drinking are welcome, and the SNP is happy to support those proposals.

We also support in principle—and I stress that phrase—a national proof-of-age card scheme, but we look forward to seeing more detailed proposals. There are practical difficulties, not least the ease with which people can forge such documents. I make it clear that any scheme that attempts to go beyond proof of age and which might be seen as a precursor to an identity card scheme would not have the support of the SNP.

Mr Stone: I fully take on board what Nicola Sturgeon says about the training of licensing board members, but I would like to press her on one point. She will recall that, during the reform of local government in the 1990s, bigger licensing boards were created in the aggregating local authorities and local knowledge about the details of a particular application or applicant often went out the window. Does her party have any thoughts on how that issue might be addressed so that there is sensitive decision making?

Nicola Sturgeon: I will make two points about that. First, I agree with the member—local discretion in decision making is vital. That is why I support the thrust of the Nicholson committee's recommendations on statutory permitted hours, for example. I will deal with that matter later in more detail.

Secondly, local decision making must be coupled with detailed local knowledge, understanding and awareness. Areas differ substantially. Local licensing forums have a particular role to play in ensuring not only that those who serve on licensing boards—who will have local knowledge—are hooked into local decision making but that there is a locally based approach to making policy as well as the detailed decisions.

I want to comment briefly on the proposed presumption of access to licensed premises for people who are under 18. I appreciate that the objective of the proposal is to demystify alcohol in the minds of young people and to foster a more responsible attitude to drinking in adulthood. I do not want to overplay the issue, but I have a slight concern about the possibility of allowing children unsupervised access to all or any licensed premises. Exposing children to the adult behaviour that often accompanies drinking might place them in vulnerable situations with which they are perhaps not equipped to cope—I caution care in that regard. The role of the national licensing forum will be particularly important in that respect.

The proposal to abolish the system of statutory permitted licensing hours and replace it with a system whereby licensing boards will authorise actual opening hours on application is undoubtedly one of the report's more controversial aspects. If it is accepted, there is no doubt that it paves the way for longer opening hours. In theory—I stress that I

mean in theory—even 24-hour opening will become possible, although not inevitable. I am interested in what the minister said in that regard. I do not think that any responsible licensing board—except perhaps in exceptional circumstances—would or should sanction 24-hour opening.

Mike Rumbles: I intervene on the same subject that I intervened on before. I am still not clear about something. If a 24-hour Safeway or Asda sells alcohol, is it not ridiculous that the alcohol should sometimes be covered up, as though we are naughty boys and girls who should not buy it? Surely the member agrees that it is sensible to put that right.

Nicola Sturgeon: I said “perhaps in exceptional circumstances”. There might be circumstances in which the impact on communities would not be as disruptive as it would be if the local pub were open 24 hours, for example. In respect of that recommendation, the impact on communities is all-important.

I run the risk of being overly consensual, but I agree with what Cathy Jamieson said. Despite the widespread media interpretation, I do not think that the Nicholson committee recommended round-the-clock opening. A careful reading of the report backs up such an interpretation.

The proposal to abolish statutory permitted hours is not intended to create a round-the-clock culture; instead, it is intended to give greater flexibility and discretion to local licensing boards to allow them, in making decisions about individual applications, to take account of and balance particular business demands with local community needs and the demands of local and national policies. The minister alluded to this matter, but she must explain how she will balance the prescriptive approach that she has hinted at today—or the remnants of such an approach that exist in telling licensing boards that there is a line that they cannot cross—with the Nicholson committee’s plea for the responsible exercise of discretion by licensing boards. I return to what Jamie Stone said. Licensing boards should be more in tune with local needs and circumstances than ministers or politicians in Edinburgh are.

The debate around opening hours underlines the fact that Scotland’s drinking culture is in need of modernisation. Legislation will support change, but it cannot do the whole job. We are too familiar with the catalogue of chaos, violence and ill health that the misuse of alcohol visits upon families—particularly women and children—and on our communities as a whole: alcohol is a factor in 40 per cent of recorded domestic violence incidents; almost two thirds of victims of violent crime who could tell anything about their assailant reported that they were under the influence of alcohol; and alcohol-related deaths and mental health problems

disproportionately affect people living in Scotland’s most deprived areas, although they are not exclusively the lot of people living in poverty.

Although it will provide the framework, legislation alone will not tackle the problem. We need root-and-branch change to tackle poverty effectively and to foster aspiration among our citizens—the aspiration to live a healthy life in communities that are not blighted by alcohol-related violence and to raise children in a secure and positive environment.

I suspect that this is where the consensus will break down. I have never believed that social and economic change flows automatically from constitutional change, but I believe that this Parliament needs the practical powers of independence if it is to effect root-and-branch change in our country. We as an institution must take more responsibility if we are to foster a culture in Scotland whereby individuals—perhaps even Hugh Henry—take more responsibility for their own lives.

Parliamentarians of all parties are wont to quote Finland as an example of a country that has made great strides in improving the health of its population. The key factor that ushered in real improvement in Finland was the fact that the people themselves had had enough. They were no longer willing to be part of the toll of statistics that saw so many of them condemned to suffer chronic illness and early death. They demanded better of their Government, which had at its disposal the full powers to respond to their demands.

No party can deliver self-respect, as that must come from within, but I believe that we can create and nurture a culture in which self-respect and respect for individuals and for the local, national and international community flourish. The Nicholson review is welcome and appropriate legislation will also be welcome. Adequate resources to implement that legislation would be even more welcome. I am sure that we all acknowledge the devastating effect that the culture and pattern of Scotland’s drinking habits have on people and on our communities and the need for change. We must also acknowledge that, to bring about that change, we must allow self-respect and self-belief to flourish in all parts of Scotland.

I move amendment S2M-339.2, to insert at end:

“and notes further that the misuse of alcohol has a disproportionate effect on those living in Scotland’s most deprived areas and calls on the Scottish Executive to complement any legislative change resulting from the Nicholson Committee’s proposals with initiatives to tackle the poverty in Scotland that often results in alcohol misuse.”

15:02

Mr Brian Monteith (Mid Scotland and Fife) (Con): There can be no doubt that the Nicholson report takes a serious and considered approach to the many complex issues that surround Scotland's licensed trade and its drinking culture.

The Nicholson committee took two years to hear evidence from all the major players in the market. The committee had a wide range of members so that it covered all the interested parties, from those who sell liquor to those who deal with some of the human tragedies that stem from its abuse. The police, doctors and licensees were all represented on the committee.

One has to say that for such a wide range of people, some of whom have in the past articulated strongly opposing views, it is a significant achievement to attain such consensus that 90 recommendations could be agreed to.

Sheriff Principal Nicholson stated:

"we foresee a simple, streamlined licensing system that accepts that the law-abiding majority of Scots drink sensibly, and therefore should be as free from restrictions as possible".

Mike Rumbles: I have tried to intervene on members from different parties on this point. Can Brian Monteith confirm that the Conservatives are in favour of, for example, 24-hour access to supermarket sales of alcohol?

Mr Monteith: One can always tell a day when Mike Rumbles will not be making a speech; we all have to take his interventions. However, I am delighted on this occasion to take his intervention and to confirm that we would not oppose the hours of liquor licensing being extended in supermarkets.

The Conservatives agree with Sheriff Principal Nicholson's sentiments and we will support the Executive's motion today. I would be surprised if any member could disagree that a clear set of licensing principles should be enshrined in statute in order to determine all licensing law and the approach to be taken by licensing boards. We have heard about those licensing principles. However, it is important to say that we would be mistaken to think that that is where it all ends; that is, that if we pass laws we will change Scotland's drinking habits and its cultural behaviour. We must recognise that poor legislation can contribute to poor behaviour as easily as good legislation can assist good behaviour.

That is why we have lodged an amendment that would add to the motion and emphasise that a change in our drinking culture will require further effort, which must come primarily from ourselves as individuals who believe in a free but law-abiding society.

There is no need to repeat the many horrifying statistics that have been mentioned in the debate. However, it is important to put those in an international perspective. The introduction of laws to restrict alcohol sales does not necessarily improve the health of people in a country. For example, Sweden imposes high taxes on alcohol, a monopoly of supply and restrictions on opening hours, but the standardised death rate from alcohol dependence in Sweden is four times higher than that in the UK. We must move away from the culture of high-speed drinking towards the more relaxed southern European attitude, where groups drink with a meal and allow their drinks to last. People there see drinking as a pleasurable social activity and a joy in itself rather than as a means to an end.

Sadly, I remain to be convinced that the Executive is committed to providing real liberalisation of Scotland's drinking laws. The minister has spoken often of modernisation but never of liberalisation; I wonder whether that choice of words is intentional. The minister said that the package of recommendations could help to call time on Scotland's binge-drinking culture, which is an aim that all members share. However, it seems that the Executive is giving with one hand and taking away with the other, although I would be happy if I were disabused of that perception.

Cathy Jamieson: Since I no longer deal with education matters, I miss crossing swords with Brian Monteith, so I cannot resist the temptation to disabuse him once again. I hope that he heard, and that he accepts and endorses, the view that communities ought to be involved in issues that affect them. Although we suggest that extended licensing hours and the possibility of 24-hour licensing might be appropriate in some instances, routine availability in all circumstances is not consistent with the Nicholson principles. Will Brian Monteith clarify his views on that issue?

Mr Monteith: I thank the minister for further explaining her approach. She will see a slightly different tack in my approach, although I share the view that communities should have the say that she suggests.

The Executive should not interfere in private businesses' price setting, nor should it dictate to Scots how they should run their lives. To buy two pints of Guinness for the price of one in a pub, as I have done, is no different from buying two bottles of Guinness at Safeway, as I have also done. The issue is the behaviour of the drinker. Whether the Guinness is in two pints or two bottles, it should be savoured, not rushed. In practice, one of the main reasons why happy hours exist is the current restrictive and illiberal licensing hours. Pub licensees, when they are faced with competition from clubs that are allowed to stay open later, try

to ensure that their customers spend money with them all night rather than go off to a club. There is the related problem of violence following pubs closing at the same time.

Liberalised drinking hours would help to alleviate the problem of binge drinking because individuals would not rush to drink as much as possible within a restricted time frame. In addition, staggered closing times could alleviate the level of violent incidents by reducing the number of people who are on the streets at the same time.

Brian Adam (Aberdeen North) (SNP): The last time the laws were “liberalised”, as Mr Monteith would say, the changes were made to prevent the culture of binge drinking prior to 10 o’clock at night. However, was not the effect of the Clayson proposals simply to move the time of binge drinking rather than to reduce it? What would change as a consequence of Mr Monteith’s suggestions?

Mr Monteith: The point that I am coming to is that although many pubs have to shut at 12 o’clock or 1 o’clock, the drinkers can continue to drink elsewhere until significantly later. That situation is determined by licensing boards. My argument is that, if all pubs and clubs could open for similar hours, there would be no incentive on pubs to try to capture the market before people moved to clubs and spent their money there. Many city-centre bars take such an approach. A study in Manchester found a fall in city-centre arrests and a decline in alcohol-related incidents during an experimental period of staggered closing times.

The Nicholson report seeks to liberalise our drinking hours by devolving power to councils. However, I fear that that would not result in much practical change because licensing boards are likely to allow the same hours as they currently do for regular extensions of opening hours, which would challenge the Nicholson report’s intentions.

A policy that is more likely to achieve the report’s aims is that of giving licensees the presumption of determining their own hours, subject to reasonable restrictions that a licensing board can apply in order to protect local amenity. Such a policy would have the desired effects of undermining binge drinking and alleviating pressures on the police. The policy would encourage a more civilised drinking culture and would work with the five principles on which we all agree. Interestingly, that direction has been taken in England.

If I have a fear about the Nicholson committee’s work, it is that it will be undone by politicians who are attracted by easy and cheap headlines gained by arguing for more controls in this emotive subject area. I fear that sensible recommendations that are based on evidence will be scored out one

by one. What we needed was a resolute study of the evidence and the Nicholson committee provided that. We do not need decisions that are driven by prejudice, nor do we need soundbites that are pre-tested in front of focus groups. Just as drinkers should avoid the appeal of bingeing on alcohol, we politicians should resist the temptation to binge on press headlines.

I move amendment S2M-339.3, to insert at end:

“and believes that bringing about a change in cultural attitudes to alcohol consumption through individuals taking responsibility for their actions must therefore be a key aim of any legislative change.”

15:11

Donald Gorrie (Central Scotland) (LD): I congratulate Cathy Jamieson—her speech was particularly good and I agree with everything that she said, which is not always the case. There were also good points, as well as things that I disagreed with, in the other two speeches.

I congratulate the Executive especially for how far it has moved. Before the Scottish Parliament was set up and in the Parliament’s early days, other politicians and I pushed the licensing hours issue, but met a civil service brick wall. The answer was always that there was no intention to do anything about the issue. However, I submitted to ministers a 16-point draft bill, after which matters seemed to change a bit. I believe that we members and many people in the community can claim credit for getting the Executive to set up the Nicholson committee. Furthermore, I believe that the Executive now takes the whole alcohol issue much more seriously and is trying to do something about it. Obviously, the issue is about changing attitudes; changing the law is only one aspect of that.

The Nicholson report is excellent. When I was researching the subject some years ago, many of the points that the report raises were raised then. The report faithfully reflects the considered opinions of many people who are knowledgeable about different aspects of licensing law. I speak personally when I say that the debate is a free-for-all. There is, thank God, no party position at this stage—not that I would be worried if there were, but that is another matter.

I think that the Parliament should enact all the proposals in the Nicholson report. The report makes many good recommendations, which I will rapidly run through. The concept of licensing principles is valuable, as is the report’s attitude to children—national proof-of-age cards would be helpful. The Nicholson committee was quite right to deal with irresponsible promotional activities and the need to discourage or prevent happy hours, heavy discounting and advertising, which just aim to get people drunk and are very bad.

A national licensing forum and local forums, where there could be civilised and well-informed discussion about the issue, would be helpful. Another valuable idea would be to have liquor licensing standards officers. The recommendations for a range of sanctions to enforce controls and the idea that the police as well as the liquor licensing standards officers should be encouraged to enforce controls are also helpful, as is the proposal to have separate personal and premises licences.

The introduction of compulsory training and qualifications for licensees is an important matter that has not, I think, been discussed yet. The report mentions the extension of training to staff. That could be made much stronger than it is at the moment, if not mandatory.

Christine Grahame (South of Scotland) (SNP): Donald Gorrie might be interested to know of a training scheme called ServeWise, which is aimed at licensees, the staff of pubs, clubs, restaurants and even doormen. Perhaps such training schemes should be accredited so that people entering the premises could see that the staff had been properly trained and would not allow careless or reckless drinking to take place.

Donald Gorrie: I agree that there are some excellent training schemes and that there should be a national training system that ensures that everyone has passed an accredited scheme. That will enable us to raise everyone to the level of the best.

The issue of training door stewards has been mentioned in the context of the security industry. The matter raises a Sewel-type problem in that we will have to decide whether to go along with the English legislation, but we should actively pursue the issue one way or the other.

The question of having reasonably priced non-alcoholic drinks is important, as are the issues of bringing clubs into the licensing system, with appropriate changes, and of improving the system of applications and objectives.

Most of the comment in the press and elsewhere has centred on whether there would be statutory hours or local decision-making. I think that local decision-making is a good idea and that the concept of having licensing boards measure each application against the seven principles is valuable. However, the system has an Achilles' heel in that, both in planning and in licensing, councillors are unduly constrained. They are terrified of lawyers and are often afraid to turn down bad applications. Therefore, when a bill on the matter is introduced, it must give solid support to licensing boards and councillors who are, when they turn down applications, genuinely acting in an enlightened spirit on behalf of their communities.

Comfort must be given to boards and they must be reassured that they will not end up in the courts because they have defended their communities against unsuitable applications. Obviously, applicants must have the right to appeal and the law must act fairly, but the advice that I have been given by people who serve on licensing boards and other committees is that, at the moment, the boot is on the other foot. People on licensing boards are terrified about defending their communities and people considering planning applications are not even allowed to do so.

Mr Monteith: It might be helpful to the member if I relay to him an example of the point that he is making. The police recommended that Councillor Tom Ponton should lose his licence, but the licensing board, which was made up of fellow councillors, decided that he should keep his licence. Is that the sort of example that Donald Gorrie is talking about?

Donald Gorrie: I think that a licensing board should make its decisions in the best interests of the community. Obviously, I cannot comment on individual licence applications in Edinburgh and I have never had the pleasure of serving on the city's licensing board.

My point is that the law that we make in the Scottish Parliament must defend councillors and enable them to make good decisions on behalf of their communities whether they are turning down applications because they feel that there are too many pubs or because they judge the people or the premises that are involved to be unsuitable. There should be a stricter regime to ensure that premises can be closed down more rapidly than is the case at the moment. I am glad that the Nicholson report contains proposals in that regard.

The Nicholson report is very good and I hope that we can rally around its proposals while sorting out the details to ensure that what the committee was aiming at is achieved.

The Deputy Presiding Officer: We have a long list of members wishing to speak. We will start with speeches of six minutes, but it might be necessary to reduce the time later. It would be helpful if members could keep to their allotted time.

15:19

Sarah Boyack (Edinburgh Central) (Lab): Like other members, I welcome the Nicholson report. This review of the Scottish licensing system is long overdue. We should acknowledge that there has already been extensive debate and discussion, in which several of us have been involved.

I welcome in particular the principles that have been set out. They provide a useful context for proceeding with the report. The good practice

between licensed operators and local police forces to which many members have referred is important and has been fed into the report.

It is important that we are aware of the health implications of alcohol abuse. Regardless of what happens after the implementation of the Nicholson report, there will be no quick fix in that regard; there has already been talk about the long-standing cultural issues that we must address. We must also put on record the high price that individuals, their families and wider communities experience because of some of the problems associated with licensed premises.

It is important to learn from experience. In my remarks, I will draw on my experiences as a local MSP and as a constituency representative of an area that has a high concentration of licensed premises. It is important to carry out a reality check on what the provisions would mean if they were translated into law and applied in practice. I have accompanied my local police on their rounds and have seen the challenges they face because of pubs and clubs emptying out at different hours and because of the reality of keeping the police in the city centre. I tried to reflect that in my submission to the Nicholson report.

Modernisation of procedures is important and a huge amount of flexibility could be applied to the system. There is also at national level a need to issue clear sets of guidelines to the licensing boards, which need benchmarks and ideas about best practice. That was one of the most welcome recommendations in the report.

I want my comments to emphasise the importance of taking on fully the concerns and experiences of communities. I have argued that local boards should be allowed to set their own policies to guide their decisions and I am glad to see that that is reflected strongly in the report. I offer the analogy of a planning system in which local policies that suit local circumstances can be set by people who are accountable. When people do not like the policies or their application and interpretation, they will know what to do—they will not vote for those local representatives the next time.

I welcome the report's conclusion that licensing boards should consist of locally elected councillors, who would—which is vital—be accountable, and I welcome the definition in the report of who can submit objections and how that is framed. I welcome the fact that objections can be made in future to a licensing board and not to the people who are submitting applications or who are potential operators. That is an important point about access to the system for objectors.

Although I welcome the suggestion that there should be flexibility in opening hours, I will sound a

note of caution. We have in Edinburgh a flexible system in principle, which means that it is up to pubs and clubs to ask for late licences. We have a tradition in Edinburgh of allowing people to open beyond 11 o'clock, 12 midnight and 1 o'clock. However, we must get the balance right, because I do not want to change that and return to the olden days. Today, there are shift workers and people who do not work the traditional hours of 9 to 5, but there are also still many people who like to get eight hours' sleep at night.

The idea of 24-hour drinking is a bit of a red herring. I cannot imagine loads of pubs demanding the right to open up at 8 o'clock or 9 o'clock in the morning. The most important question is: what happens between 12 and 5 in the morning? Those are the conflict hours in my community. It is not about 24-hour drinking; it is about how we set the balance.

A genuine issue that arises from the Nicholson report concerns local licensing boards having the ability to refuse an application on the basis of the key principles that are set out in the report. We must ask whether they are interpreting the principles correctly and whether they are using the right approach.

There is good discussion in the report and the only point with which I take issue with the minister is on the phrase that she used a couple of times about a "premises-by-premises approach". It is vital that that is mediated by a locality approach in which the licensing boards exercise judgment, listen to the views of the community, the licensed operators and the police and thereafter take a view. There must be an appeals process, but it must be all right for boards to say, "In this community, we are going to set the broad framework here."

There are also issues involving overprovision and the density, scale and nature of developments. Those are all critical issues, which licensing boards should be allowed to address. Incremental expansion and cumulative impact should be legitimate considerations for the boards, and that should be set out in statute.

Like other members, I welcome a huge number of the points that are set out in the Nicholson report, so I will restrict myself to making two brief comments on it. I can see great arguments in favour of a national licensing forum, but I remain unconvinced about the need for a plethora of local fora, given that there are already drug and alcohol action teams—DAATs—and that there is a lot of good partnership working among communities, police and local authorities. I question the need for another set of people and I question who would be accountable in that regard.

I share the SNP spokesperson's concerns about children and young people. The problem of under-

18s is very difficult to administer in practice if there is to be an automatic presumption in favour of people being allowed to visit licensed premises. I would prefer an opting-in approach, that takes particular account of lap-dancing or go-go dancing premises, as well as very busy pubs that are difficult for bouncers or people working behind the bar to supervise. The practical issues must be carefully thought through.

Having made those cautionary comments, I say that there is a lot of good in the report. The real questions lie in the detail.

15:26

Mr Kenny MacAskill (Lothians) (SNP): I agree with the comments that have been made by previous speakers, especially Sarah Boyack's comment about the adoption of a premises-by-premises approach, as opposed to an holistic approach by area. In many areas of the city of Edinburgh, there has been a lack of vision as to just what sort of city centre is desired. That question requires to be examined not just in relation to individual premises.

Like others, I welcome the Nicholson report and the Executive's initiative in commissioning it. I regret that the hares have been set running as regards the idea of 24-hour operation, which is unfortunate, unfair and fundamentally untrue. The report should be discussed and debated not just by MSPs, but by representatives of all sections of society in all areas. It is not simply about licensing hours or regulation; it is about our fundamental attitudes to alcohol and about the perception and role of licensed premises in society. It is a question of how we view our society and how we wish others to view us. That will require an in-depth and intense discussion.

We should take an holistic approach to the report, because Sheriff Principal Nicholson and the rest of his committee have considered matters in an overarching fashion and it would detract from their report if we were to start isolating individual issues here and there instead of considering the sum of the parts.

I wish to address two particular areas: tourism and Murrayfield stadium. We have been having a continuing debate regarding tourism standards in Scotland. That manifests itself in two ways in particular. First, there is the care and comfort that is provided both to visitors and to our own people who care to utilise premises such as hotels and, in particular, licensed premises. Secondly, there is the availability of facilities for, and our attitude towards, children.

There has been a great deal of public criticism lately about the quality of service that is provided in Scotland. A great deal of that criticism is

unjustified, although some of it most certainly is justified. It is partly a question about how we view people who work in the licensed trade. On the continent, where standards and service are often viewed as being higher than standards here, people who work in the sector are viewed as professionals. In this country, work in the licensed sector is perceived as being low-skilled and low-paid employment. We cannot, even through any legislation that might arise from the Nicholson report, necessarily address the question of low pay, although we can address the issue of a low-skilled work force. If we address professionalisation, that would enhance the situation and improve the quality of service. If we succeed in professionalising the trade, the resulting improvement in quality of service will benefit the tourism sector.

Both Nicola Sturgeon and Sarah Boyack commented on the children's access to pubs. I have commented before today on the problem of children's certificates in this city. It is absurd that, on our main tourism drag—if I can call the Royal Mile that—only one licensed premises has a children's certificate. That is not what tourists who visit Holyrood palace at the bottom of the Royal Mile or the castle at the top are looking for.

Sarah Boyack: The key issue in the report is the nature of pubs. Most of the pubs on the Royal Mile are very small and have developed over time. The report makes the point that one of the good things that we could have is modernised facilities that provide space for people to eat and drink with their children. The nature of small pubs is that some are not appropriate for children. I am not making a negative point, but there is a historical issue around the pubs in that area.

Mr MacAskill: I accept fully what Sarah Boyack said, as the report covers those points. There is no suggestion by the committee that every pub should be open to children. It is clearly a question of which pubs want to open to children and which could appropriately do so. There has to be a change in how we perceive the issue and there has to be a lightening up of how the legislation is enforced. I understand that to an extent the problem is not with the legislation but with its interpretation, especially by licensing boards.

We have to address the issue of children in pubs if we wish to create a cafe-bar culture, although we could not create such a culture everywhere, because not every premises would be suitable for that, nor indeed would we want every licensed premises to reflect or replicate what exists on the continent. However, we must try to encourage that culture in many areas, not just in relation to having a family-friendly environment and access for children, but in terms of a general change away from the forbidden-fruit culture that we have had in

Scotland. That would have an effect on professionalisation and it would improve the quality of service.

I make a plea to the Minister for Justice to view Murrayfield stadium as separate. Although I have been arguing for an holistic approach, I believe that Murrayfield is distinct. I ask the minister to accept the representations that other MSPs in Edinburgh have made—I see that David McLetchie is about to speak—and in particular, the representations from the Scottish Rugby Union, which requires a level playing field on which to compete. Murrayfield is distinct in that it came voluntarily within the ambit of the legislation. There is no suggestion of any trouble at Murrayfield. There is certainly no suggestion that there is trouble at the Millennium stadium or at Twickenham, both of which serve alcohol. The SRU has to compete on the international stage, not just in the rugby world cup, but in attracting events to Murrayfield. In order to do that, it needs at least to be able to match what is provided at the Millennium stadium and Twickenham, never mind in other stadiums.

I ask the minister to take on board the SRU's representations, to consider subordinate legislation and the very minor step that would be required to allow Murrayfield to compete, and thereafter to consider the report in an overarching fashion.

15:33

David McLetchie (Edinburgh Pentlands) (Con): Alcohol abuse and public drunkenness are serious problems that lead to criminal conduct ranging from loutish disorderly behaviour to serious assault and even, on occasions, murder. The police and the courts should continue to crack down on disorderly behaviour, for which there is no excuse in our society. However, such behaviour is at least in part the product of the binge-drinking culture to which other members have referred and which our present licensing laws have helped to foster.

As many members have said, we need a much more responsible attitude to drinking. In that respect, we can learn much from some of our European neighbours, who have a more relaxed and liberal approach to licensing but a far healthier attitude to drinking. That is why I have no problem with Sheriff Nicholson's stated aim of a simple, streamlined licensing system that accepts that the law-abiding majority of Scots drink sensibly and therefore

"should be as free from restrictions as possible."

The way of achieving the Nicholson objectives is through a policy of liberalisation, through trusting people and through acting on the presumption in

law that, whether as providers or consumers, people will behave responsibly.

Pauline McNeill (Glasgow Kelvin) (Lab): In response to the argument about 24-hour licensing that has been made by Mr McLetchie's party, I wonder whether he thinks that large cities such as Edinburgh and Glasgow are equipped to go in that direction. In Glasgow, for example, there are serious difficulties with getting people home.

David McLetchie: In the cities of Scotland, if we select our pubs and clubs carefully, in effect we virtually have 24-hour licensing as it is. The Nicholson approach of moving away from permitted hours and towards hours that are determined by local licensing boards with regard to local conditions, the demands of residents—which Sarah Boyack mentioned—the demands of commerce, and the need for economic vitality in our cities, strikes me as a much more sensible approach.

The Deputy Minister for Justice (Hugh Henry): Will the member give way?

David McLetchie: No, I would like to move on to another theme.

My concern about the recommendations, which I share with my colleague Brian Monteith, is that, in practice and in operation, they will not achieve their stated aims. One reason for that concern is that the stated aim of encouraging a more liberal regime is not matched by the present ban on the sale of alcohol at certain sports grounds—to which Mr MacAskill has already alluded in the context of Murrayfield. The Nicholson report does not make any positive recommendations in that respect. It suggests only that

"the time may now be ripe for all concerned to give consideration to whether any changes are now appropriate."

The liberalisation of our licensing laws should extend to permitting the sale of alcohol at sports grounds, where it is currently prohibited. I have lodged a parliamentary motion to that effect; I would like to thank those who have already signified their support for it, or for the amendment calling for a trial period, which was lodged by Donald Gorrie. The ban on the sale of alcohol at grounds was introduced by a Conservative Government in the Criminal Justice (Scotland) Act 1980. As Kenny MacAskill pointed out, Murrayfield volunteered to be included in the legislation. There is no doubt that the ban was an appropriate response to the problems and circumstances of the time and many of us recall the scenes of violence that disfigured sporting events. However, much has changed since 1980. We have seen the introduction of all-seated stadiums and greatly improved crowd control in our grounds and their environs. It is time to move on and lift the ban at

Murrayfield and all-seated football stadiums. We should trust Scottish fans and give them the same freedoms that English and Welsh rugby and football fans enjoy in their grounds with no adverse affect on public order. Although public safety and order must always take precedence over commercial considerations, we should note the detrimental effect that the ban has had on the finances of our football and rugby clubs, which Mr MacAskill mentioned.

Cathy Jamieson: Mr McLetchie will know that representations have been made to the Minister for Tourism, Culture and Sport, who has had some discussions already and will continue to consider the matter. Mr McLetchie has alluded to public order. I invite him to state for the record that he would want to consider the impact on policing before a final decision was taken.

David McLetchie: Absolutely. I understand that the Association of Chief Police Officers in Scotland is opposed to lifting the ban because it thinks that that will require an increased police presence at our grounds. However, I would ask where the evidence for that is. It is pure assertion on the part of ACPOS, which presented no evidence to the Nicholson committee to back it up. No research was undertaken into the situation in England. If ACPOS had done that research, it would have found that the current policy in England on football and rugby stadiums works very well.

Northumbria police say that selling alcohol in St James's Park actually makes their job of controlling the crowd easier. Fans arrive in good time for games and do not sit in pubs and clubs until the last possible minute drinking to their heart's content. If that kind of system can work in Newcastle, Liverpool and Manchester, why can it not work in Edinburgh, Glasgow or Aberdeen? Scottish fans are praised abroad for their good humour and behaviour, and generous consumption of local beverages, so why are they treated like children in their own country?

I am open-minded about exactly what regulations should apply to permitted drinking in sports grounds. However, at the very least, after 23 years, we should surely relax the ban for a trial period, as Donald Gorrie has suggested. The reality is that drinking does indeed take place in football grounds in this country on match days—in corporate hospitality areas. I can personally testify that that has been enjoyed by more than one senior police officer and, indeed, by more than one politician. I cannot believe that the self-styled people's party condones a situation in which the select few in corporate boxes can drink wines and spirits to their heart's content while the ordinary fan cannot enjoy a pint of beer. What price social inclusion there? Let us end this nanny-state nonsense now.

15:40

John Swinburne (Central Scotland) (SSCUP): I speak on the subject of today's debate from a unique position. I must declare an interest, or perhaps a non-interest: as a lifelong teetotaler, I have never tasted alcohol in my life. I have nothing against alcohol—I will take my sons into the pub and stand my round. It is just the way that I was brought up; I am a third-generation teetotaler.

Mike Rumbles could be advised to start shopping on the net, to save disappointment when he goes to his local supermarket for his cairrie-oat. That would save him a lot of trouble. I wonder whether Brian Monteith has a lucrative sponsorship deal with Guinness, because he gave the company a good plug. I will get a bit more serious and carry on.

In some respects, the Nicholson report is to be welcomed as an attempt to simplify and improve licensing laws and practice. I am sure that it is true that a review of most of our present legislation can bring improvements when it follows a change in social attitudes. I will deal with that link later.

The overview of the report mentions

"a substantial package of measures ... which will take full account of the health and public order issues which are mentioned specifically in our terms of reference."

I do not believe that the report's implications have been considered either for health or for public order. The report's main thrust as it will affect the general public is that opening hours or drinking time should be liberalised. The Parliament must be aware that binge drinking and under-age drinking have increased while licensing hours have been extended. Does it make any sense to go for a massive increase in drinking time now? The answer is a definite no.

My reading of the report indicates that the health implications have been glossed over, underestimated or plain ignored. It seems that no health problems are associated with drinking; that is a myth. According to recent figures, drink and hangovers cost Scottish business £300 million a year in lost working days.

Christine May (Central Fife) (Lab): Does the member agree that chapter 12 of the Nicholson report, which is referred to in the overview document, expressly deals with the health-related issues that are associated with abuse of alcohol and overindulgence? Will he join me in welcoming that chapter and encouraging the setting up of more drug and alcohol action teams to work with primary health carers?

John Swinburne: I will certainly join with the member in that, because anything that improves the health of people in this country must be considered. If drinking could be conducted in an

educated manner, that would be good for the country as a whole.

That does not get us away from the fact that 1.5 million work days are lost as a result of employees being drunk, hung over or ill through alcohol. It is also a matter of concern that many fatalities and injuries at work are the direct result of drink, and drink driving does few people favours on the roads. It has been estimated that there are 12,000 workplace injuries in Scotland each year, many of which can be attributed to alcohol.

The report talks about a balancing act between the serious concerns and the desirability of relating the issues to a relaxed licensing regime. In football terms, health and public order issues have been given a body swerve. Do the report's authors not acknowledge that their recommendations can lead only to more health problems for the general population, because of overindulgence? Do they not acknowledge that so much of our present ill health is the result of such overindulgence? In spite of that, they seem to be willing to risk an even greater incidence of ill health.

Mr Stone: I have a very simple question. How does the member explain the fact that in Italy, for example, where the licensing laws are much more liberal, alcoholism and the number of days that are lost through drunkenness at work or cirrhosis of the liver are much smaller problems?

John Swinburne: Although I have not yet mastered a degree in Italian, I realise that there are problems over there. Indeed, there are alcohol-related problems worldwide, but we should not get away from our own parochial problem with alcohol.

I quote from the report:

"Many of the problems associated with that"—

the reference is to overindulgence—

are deeply engrained in the Scottish psyche, and reform of the law will not of itself bring about changes."

Those are weasel words. In other words, "It's nothing to do with us." However, the issue affects all of us.

William Hogarth's 18th century print "Gin Lane" depicts the drunken behaviour of the so-called lower classes attempting to emulate the indulgences of the classes above them. The behaviour of the upper classes was seen as regrettable but not as harmful as the actions of the lower classes. In "Gin Lane", nothing but poverty, misery and ruin are to be seen. I am sad that little has changed.

Mr McLetchie mentioned the Criminal Justice (Scotland) Act 1980, which banned the drinking of alcohol at football grounds and sports grounds in general. However, I am not in favour of allowing

people a different licence just because the ball has a queer shape. Those people should not get a level of protection from alcohol that is different from what the football people get.

Kenny MacAskill mentioned that there are no problems at Hampden, but the reason for that is that the Criminal Justice (Scotland) Act 1980 stopped people drinking in buses and consuming alcohol on the terracing. If anyone here is old enough to remember what it used to be like at old firm games and other games, they will know that there is no way that we as a country should go back to that practice.

15:46

Margaret Jamieson (Kilmarnock and Loudoun) (Lab): I welcome much of what is in the Nicholson report. Given that we are all trying to keep to our time, I will address two important areas that the report deals with.

The first area is dealt with in paragraph 6.34, which states:

"an over-abundance of licensed premises in close proximity to each other can have wholly unacceptable consequences of various kinds."

That issue, which has exercised the minds of many licensing boards over the years, has recently raised its head in Kilmarnock. I am sure that some might argue that we could put a roof over the whole of Kilmarnock town centre, with a giant karaoke machine at the Burns mall and a multiplex sports screen at the other end of King Street and just license the whole lot. Some might even say that it sometimes feels like that has already been done.

However, although I am liberal in many ways—that is liberal with a very small "I"—I do not think that such an uncontrolled approach would be sensible. In such matters, I do not believe that market forces would solve all the problems that would be created by an uncontrolled approach. The impact on the residents and on the shops in our town centre, which we are doing much to regenerate, would be horrific if such a free-for-all were to be created.

However, I also agree that a simple numbers game involving a percentage of the town centre being given over to licensees—the issue is addressed at paragraph 6.35—is not sensible either. The interests of the whole community must be taken into account when setting standards in such an area.

That is why the Nicholson committee's suggestion for local licensing forums, which is made in paragraph 3.18, is particularly welcome. The committee sees such forums as having a useful and, indeed, democratic role to play in

ensuring that board policies are well informed and based on an appreciation of the wider community's concerns. I see such forums as having a key role in informing licensing board policies on overprovision and in ensuring that the impact of the demand for licences on the well-being of the community is taken into account.

However, licensees themselves have a key role to play in minimising the impact that licences have on both the community and individual customers. Licensees cannot absolve themselves of the responsibility to be aware of the dangers of overindulgence both for their customer and for the local community. I am sure that there are some very responsible licensees out there who refuse to serve those who are in danger of overindulging.

Jeremy Purvis (Tweeddale, Ettrick and Lauderdale) (LD): The member may not be aware of the increase in the number of admissions of children—some of whom are very young—to Borders general hospital because of overindulgence in alcohol. That is a significant issue in the Borders. Does the member agree that education and support for local drug action teams—and perhaps licensing forums—to go into schools are crucial?

Margaret Jamieson: Yes. Drug action teams and licensing forums would provide a further dimension in educating young people, who are at great risk.

I return to the responsibility of licensees towards people who overindulge or who, as we say in Ayrshire, are well out of order. There seems to have been an increase in such people on the streets at weekends, which suggests that too many licensees are not prepared to accept that responsibility. That is why I welcome the proposal to introduce a personal licence for people who hold a licensing qualification. Such people will have been trained in the implications of selling alcohol. Jeremy Purvis's point about young people is pertinent in that regard, as is the appropriate management of premises.

Clearly, the Nicholson committee indicates that much more work needs to be done on the detail of such licences and on the training that will be needed to obtain such a licence, but it is important to establish the principle. I want to be sure that when I enter licensed premises they are being run by people who understand the implications of selling alcohol. In addition, I welcome the recommendation to make training mandatory for all people who work in licensed premises.

In the end, the quality of the experience for all of us who use such premises depends not only on the facilities and the design of the pub or restaurant, but on the management and control of those who use the place. It is essential that

licensees take personal responsibility for that aspect of the service. The introduction of a personal licence should encourage them to do that.

15:52

Christine Grahame (South of Scotland) (SNP): Like others, I welcome the Nicholson committee report, which encourages laws that should lead to the mature and responsible consumption of alcohol and bring an end, we hope, to irresponsible promotional activities within the context of clear policing of the licensing laws in Scotland.

I make this speech in the context of the drinking habits of young people, which were alluded to by Jeremy Purvis. I am grateful to the Executive for the research paper by Paul Bradshaw on under-age drinking, which makes it clear that more than half of the 3,950 young people who responded to questions about purchasing alcohol illegally had done so in the past 12 months.

I note what the minister and Donald Gorrie said about training. The ServeWise course was brought to my attention by Lothian and Borders police this week. I never knew about the organisation and I do not know what the course is. Perhaps the minister will be able to tell us what ServeWise is and whether the Scottish Executive supports it. I believe that it trains managers, licensees, the staff of pubs, clubs, restaurants, hotels, bars and off-licences, and doormen about the mature and responsible sale of alcohol.

I move on to the importance of policing, to which I alluded and which I support. Chapter 7 of the report refers to liquor licensing standards officers, whose duties are clearly defined. The chapter also refers to licensees having the right to appeal, which is important when they are reported. However, are we using current laws sufficiently? Statistics show that of the 905 licensing offences that were recorded last year, none were for drunkenness. Not one licensee was prosecuted in the past year for serving drink to people who were already intoxicated. I am sure that members have been in places where somebody has been given one or two too many. We should examine how we currently enforce the rules.

Mr Stone: Can I explore you—[*Laughter.*]

Christine Grahame: Certainly not. I would sit down now, Jamie.

Mr Stone: If members had waited, they would have heard "your approach to this matter".

At the moment, a licensee is very often well advised legally and solicitors before licensing boards run rings around the clerk to the board, who is very often a council solicitor. Does the

member agree that there should be a more equal weighting of legal advice to prevent precisely the kind of problem that she has outlined?

Christine Grahame: I do not know whether I can give the member a direct answer to that question, but I will check his angle later. My point is not that those licensees have not been prosecuted successfully in the past year, but that they have not been prosecuted at all or taken so far in the legal process.

As far as young and under-age drinking is concerned, we cannot let the issue of irresponsible promotional activities pass without remarking on alcopops, which I do not think have been mentioned yet. I know that the matter is reserved. However, I say to the minister that I, too, had a night out—but it was in Galashiels with two burly Borders policemen. I might say more about that later. During that night out, I saw many intoxicated youngsters coming out of clubs at 2 or 3 in the morning and clutching not only their friends to help them to stand up, but alcopops. The illusion is that it is dead cool to have such drinks in one's hand. Indeed, children have said that it is cool to drink alcopops, which are fruity and have snazzy names. However, not only are they the gateway to serious drinking, some experts think that drinking alcopops seriously at such an age is the gateway to hard drugs rather than to marijuana. We cannot consider the issue outside the context of youth drinking culture.

In my recent meeting with Lothian and Borders police, I had my attention drawn to the changing culture of drinking in the area. For example, the police had a high record of stopping, testing and catching more people in the middle of the day, including professional people who had been drinking heavily. Moreover, they were also catching people in the morning who had obviously been on a heavy binge the night before and were still able to light the red light on the breathalyser on their way to work.

We have to examine the whole culture of drinking in Scotland. Indeed, I suspect that if we were to check till rolls from Asda, Tesco, Sainsbury's and other supermarkets, we would have a far better idea of the drinking habits of the Scottish public than we would get from any surveys. That said, I am not suggesting that members look at my till rolls. I shred them.

Mr Stone: I will explore them as well.

Christine Grahame: Aside from the serious point that I have just made, we should also consider our position in Europe. I know that this will sound odd, but there is scientific evidence that northern countries such as the neighbouring countries of Scandinavia that have shorter daylight hours also have heavier drinking habits. That is

partly why the culture of drinking is so different in those countries than among the sun-dried tomatoes in the warm climes of Italy.

We should add to that mixture—I was about to say “cocktail”—the fact that the bulk of the action in TV series such as “Coronation Street” and “Eastenders” takes place in the pub where drinks are served. In an insidious way, that might compound a national predilection for a certain style of drinking. Although I fully support much of what the Nicholson report says, we must get down to the nitty-gritty of the matter, which is an examination of why we in Scotland drink the way we do.

The Deputy Presiding Officer (Trish Godman): To enable all members to get in, I will limit speeches to a tight five minutes.

15:59

Mike Pringle (Edinburgh South) (LD): Unlike my colleague Donald Gorrie, I was for many years a member of the City of Edinburgh Council's licensing board.

Mr Monteith: Oh, that one.

Mike Pringle: Yes, that one.

Those experiences will shape much of my speech. I will comment on the possible abolition of statutory prohibited hours; on people's ability to object to licensing; and on the real need to crack down on small off-licences that have become the focus for antisocial behaviour, not only in my constituency but in constituencies across Scotland.

I welcome the Nicholson report, which sets out with clarity a way forward for this country's outdated licensing system. How people in Scotland buy and consume alcohol has substantially changed since the last major review in 1973.

Many members have talked about considerable binge drinking by men and women. Under-age drinking has become a norm. People with higher disposable incomes want more from their local pubs than just somewhere to have a pint with friends—they want to take their families to have lunch or an evening meal in a pub.

The report's 90 recommendations deal with those changes. I hope that as many of those recommendations as possible can be developed quickly into new and improved legislation, but I will highlight some worries about a few of the proposals. I agree with Sarah Boyack that 1 o'clock to 5 o'clock in the morning is the problem time. The Scottish Licensed Trade Association supports my view on the abolition of prohibited hours, which sounds good in principle. Each

licence would be judged on its merits and hours would be specified in the licence. That would give the licensing board scope to define whatever hours it saw fit.

Many members of licensing boards—as I did—give longer and longer hours if a licence does not have many objections. My concern is that boards might be over-generous in defining opening hours. Pubs and clubs will ask for longer hours because it is lucrative to stay open as late as possible. Recommendation 4 concerns training for licensing board members, which might solve that problem. I would have welcomed such training. When I was a board member, no training was available.

I welcome recommendation 11 on streamlining the licensing structure, which is over-complicated.

I welcome the fact that community councils and people who live near premises may object to a licence, but I would like a wider range of people to be able to comment. That might include people who have an interest in the character of an area or community, or who have dealings with those who are involved in antisocial behaviour in an area, such as local befriending organisations.

On the face of it, recommendation 32 precludes individuals such as local councillors or an MSP from objecting if they have received much correspondence about an application. If a licence received many objections, I would like the views of experts and the wider community to be taken into account, as well as any overall plan that the council involved had for tackling antisocial behaviour.

Recommendation 33 says:

“A local authority should no longer be a competent objector to a licensing application.”

Why? Surely council departments often glean relevant information and could comment on applications.

Recommendation 34 suggests that the chief constable, the fire authority and local officials should submit only observations. I suggest that the local police should be able to lodge official objections, which would be taken more seriously than observations.

I must comment on the problems of antisocial behaviour related to drinking that fill my postbag from communities in Gracemount, the Inch, Southhouse and Moredun. Small grocers who also sell alcohol are increasingly becoming the focus for under-age drinking. Shopkeepers are being severely harassed to sell to teenagers, and local residents are suffering as a result. I was pleased to hear that the First Minister has launched a review of off-licence regulations that builds on the Nicholson proposals. I was also pleased to hear what the Minister for Justice said today. However,

bringing off-licences under a single licensing regime might not solve the problems of under-age drinking.

I broadly welcome the Nicholson proposals, but encourage the Executive to take on board my points.

16:04

Pauline McNeill (Glasgow Kelvin) (Lab): The debate has been sensible and worth while. I will talk about balancing, in a vibrant city such as Glasgow, the quality of life of people who live in the vicinity of pubs and the responsible sale of alcohol, to which Margaret Jamieson referred.

There is no doubt that worrying trends in alcohol abuse will not go away. We know that alcohol plays a large part in disorder, but there is not likely to be a reduction in the amount of available alcohol. Our job as legislators is to ensure that we have public safety and public order laws that protect the public and at the same time allow a vibrant commercial regime to operate. It is for that reason that the principles behind the Nicholson report are so important.

Sarah Boyack talked about the constituency that she represents. The city centre of Glasgow, which I represent, is broadly similar. We have 460-plus pub and club licences within a half-mile radius, which is the largest area outside of London. Thanks to the liberal approach that is taken by Glasgow City Council, however, we have an excellent licensing record. Getting the law right matters to the commercial operators, but is of particular interest to the communities in the vicinity of those pubs and clubs. I represent constituents who live in Merchant City and the Trongate: the regeneration of Glasgow means that people are living in the heart of the city and it is important to get the balance right.

No city has the infrastructure to cope with what has become known as 24-hour licensing. We do not as yet have the right infrastructure in Glasgow. We have big transport problems getting people out of the city that we have not sorted properly.

I am concerned in particular about our binge-drinking culture.

Mr Monteith: Does Pauline McNeill agree that transport infrastructure is a component of the decision-making process for the person who lives on a peripheral estate, for example, about whether they take a drink in the city centre? At the ungodly hour of 3 am or 4 am, people are likely to access a taxi cab. They would not expect a bus to be provided. They could be the sole person from an area who is taking a drink.

Pauline McNeill: Some people do not think that 3 am is an ungodly hour to be drinking. I want to

address the problem that we have in Glasgow with the number of people looking for a taxi or a bus.

Public order is of serious interest to me. At the moment, we have two peaks during the night: one at midnight and one at 3 am—Brian Monteith's ungodly hour. At midnight, 30,000 people are trying to get home; at 3 am, 40,000 people are trying to get home. Although there are relatively low levels of disorder, there is still a massive strain on police resources. The Nicholson principles take that problem into account.

I do not have a fixed attitude to the liberalisation of the licensing laws. I am not against such reform, but it would have to be balanced with concerns about public safety and the prevention of disorder. The strain on police resources is an issue. There would be no point in deregulating the regime if all that happened was that all the clubs got together and agreed that they were going to shut at the same time. Nicholson's approach of taking cases on a premises-by-premises basis is important.

I want to say a bit about the role of the police in renewing licences. I agree with some of the points that Mike Pringle made about changing the police's ability to object. We have closed at least three clubs in Glasgow that lost their late licences because of a catalogue of serious violent incidents. It was crucial that the police saw that information. In those cases, the responsible licensing authority responded to the problem in the right way. I want to ensure that we retain the ability to act in such cases. If the minister can tell me that that can still be done, I will support the principles of whatever legislation results from the consultation. We should not lose the ability to close such premises and, when it comes to the creation of liquor licensing standards officers, they must have a stronger duty to listen to the police.

In the few seconds that are available to me, I will sound a note of caution about how we deal with children in licensed premises. I agree that our present system is archaic and that we should move on to a more family-friendly regime. However, I do not start from the point of view that licensed premises should be able to opt out of the general principle that children should be allowed on to their premises. We have to think carefully about the issue. Perhaps we can get what we want, which is more family-friendly regimes, but the way to do things is not to allow licensed premises to opt out of having children on their premises.

16:09

Mr Jamie McGrigor (Highlands and Islands) (Con): It is interesting to note that Prime Minister Blair's strategy unit is due to publish a strategy on alcohol this week. As usual, the contents of the

bottle seem to have leaked in advance. We are told that the strategy is likely to include evidence that shows that the British are the worst binge drinkers in Europe.

It is thought that the strategy will introduce measures to encourage people to drink more carefully, in what is termed a continental-style cafe culture. Although global warming seems to be improving the weather in Scotland, and although anti-midge machines are proliferating in the Highlands, it is unlikely that we will ever be able to compare the cafe societies of Inverness and Oban, or for that matter Glasgow and Edinburgh, with those of Rome and Barcelona. The continental picture is completely different. People eat much later, they have siestas in the afternoon and children stay up much later at night. However, weather conditions vary throughout Europe, and there is an undoubted link between the number of cases of alcoholism and lateral degrees north on the map.

From a tourism angle, we would like to be able to make foreign tourists feel as welcome as possible and to give the customer what he or she wants in a Scottish way. However, one problem that has been raised with me by visitors to our country and by Scottish hotel owners is the fact that children under 14 have to leave some licensed premises by 8 pm, and that is when many families wish to sit down together and start eating. They are bemused and often offended by laws that prevent them enjoying a meal in a pub together with their children, so it is good that the Nicholson report addresses those outdated laws, which have discouraged tourism. I hope that a new approach will lead future generations of children to enjoy sensible drinking without bingeing.

Happy hours owe much of their existence to the restrictions in licensing hours and different closing times alleviate the level of violent incidents, as they ensure that fewer people appear on the streets at the same time. I know that Scottish people who visit the south often find that the early closing times in England are both inconvenient and annoying.

The Conservative party certainly does not believe that the Executive should interfere in setting the price of alcohol products. Scandinavian countries have severe levels of alcoholism despite the prohibitive cost of alcohol in those countries—notably Sweden, which my friend Brian Monteith mentioned. We prefer a flexible approach that frees up drinking times, and an end to restrictions that, by their very nature, lead to binge drinking and excess.

If we consider the importance of the Scotch whisky industry, we should certainly not be discouraging people, especially visitors, from

having the opportunity to partake of Scotland's national spirit as and when they want to. I take this opportunity to remind the Presiding Officer that many people think that it would be a good idea if Scotch whisky were served at Scottish Parliament receptions by way of an example.

As David McLetchie emphasised, we believe that it is now time to end the ban on alcohol in our sports grounds. I note with interest that Northumbria police have said that the policy of selling alcohol at St James's park has been a success and has made it easier for the police to control the crowd. In Scotland, we are currently penalising football and rugby fans by banning the sale of alcohol at football pitches and at Murrayfield.

That is an example of too much nanny state; it is patronising in the extreme and its effect is to make people resent authority. Why should cricket supporters in England be allowed to drink at a test match lasting five days, when Scottish football fans cannot enjoy a drink during a game lasting 90 minutes? Why should the barmy army enjoy a drink when the tartan army cannot? The assumption should be that we can trust people to drink sensibly, and the vast majority of people do. Bringing back alcohol to our sports stadia would—especially in the case of Murrayfield—allow us to secure more major sporting events, with an associated increase in revenue.

I welcome the philosophy behind the Nicholson report, but I question whether it will ever become reality. Although the Executive speaks of the modernisation of Scotland's drinking laws, it shows no commitment to the liberalisation recommended by Nicholson. Individual premises will continue to be controlled by the current licensing boards, which could lead to little change in the present situation.

We have a chance to change the law. It is important that licensees should be allowed the freedom to set the hours that will suit them, their communities and their customers. Before the Presiding Officer calls, "Time, gentlemen, please," I shall drink up and sit down.

16:14

Patrick Harvie (Glasgow) (Green): I join other members in welcoming the opportunity to debate the Nicholson committee report. The Green party broadly supports the idea that local decision making should be introduced.

I understand the importance of the points that Pauline McNeill made, but the impact of the proposals will be that Glasgow City Council will be the level at which decisions that affect Glasgow will be made. I make a plea that there are issues in smaller districts, local communities and even at

street level that must be taken on board. Consultation must be meaningful. Far too often, consultation is simply a box-ticking or rubber-stamping exercise that people think that they must go through. Consultation is difficult, but it must be meaningful.

The impact of drinking on local communities and streets goes beyond the more obvious signs of public disorder and drunkenness that we see too often and that I have certainly seen in my street. That impact includes noise pollution, which has health implications. Broken glass, litter and discarded bottles, for example, can be left in the streets. We must find meaningful ways in which to engage with affected communities.

One factor that can distinguish between a responsible and orderly establishment and other establishments is the extent to which the establishment's roots are in the community that it serves. A perception that I have of Glasgow is that chain pubs and megapubs are too often the focus for the problems that are identified in the Nicholson committee's report. I searched that report for recommendations relating to protecting and supporting establishments that have their roots in local communities and are owned by local people, but did not find anything. I hope that I will have enough time to continue hunting in the report. I would like that issue to be debated as the report is acted on.

The licensing principles that the report describes are sound, but I am unclear about the practical implications, which need to be spelt out in more detail. If the terms of a licence can be altered because a business has been found to be operating outwith the licensing principles, businesses need to know exactly what is required of them in order to uphold the principles. To be realistic, a pub will never become a health-promotion project. To what extent should we enforce requirements such as the provision of seating, the constant availability of food and minimum ranges of non-alcoholic drinks or price differentials between alcoholic and non-alcoholic drinks? I have found that orange juice is more expensive than alcohol in most pubs. To what extent should we enforce requirements for noise levels and smoking? I hope that we will have an opportunity to discuss related issues in a member's bill at some point.

We have heard a little about enforcement. Christine Grahame and, previously, Donald Gorrie mentioned several regulations that are not enforced, which can lead to disorder and other problems. The minister has argued that compliance can be achieved by education. I support that approach in the first instance, but we must not return to the Parliament in the years following the implementation of the

recommendations to argue that we are seeing no evidence of compliance on the ground.

Many members have discussed our drinking culture. Culture can take a long time to change, and laws, regulations, guidelines and strategies can go only so far. Educating staff who serve alcohol, and young people in schools and youth projects will certainly help, but there is immense pressure on young people to indulge to excess in a drinking culture that our media continually portray as sexy and enticing. I do not have simple answers, but I fear that we will not change our drinking culture much unless we engage with our culture's mass media.

16:19

Johann Lamont (Glasgow Pollok) (Lab): I welcome the opportunity to speak in the debate.

I disagree slightly with something that Christine Grahame said, but agree with the general drift of what Nicola Sturgeon said. It is possible to see the review as helping us to challenge some problems, but we will not solve many problems relating to drinking. What we have to hope for from the licensing regime is that it does not exacerbate the problem.

Nicola Sturgeon made the point that we must see our action on the matter in a broader context. Where I disagree with her is that I believe that a lot of progress has been made in recognising health inequality. It has been recognised that the kinds of things that people do in their early life set up patterns for later life.

I had the privilege of attending the big day out in Pollok and the open day in Queen's Park at the weekend. The local council, the social inclusion partnership and the local community are working together to get across a message to people in some of our unhealthiest communities about the importance of lifestyle, in addition to the narrower issue about health needs for which we go to hospital.

I will focus much of my speech on the difficult issue of off-licences. If I have time I will make some general points about the review that have been flagged up to me by local people.

I welcome the report and the announcement by the First Minister that an urgent review will be established on the regulation of off-licences.

Maureen Macmillan (Highlands and Islands) (Lab): Does the member agree that the freedom from fear campaign, which is run by the Union of Shop, Distributive and Allied Workers, has highlighted the fact that aggression towards shop workers is often fuelled by alcohol and that those who work late at night in supermarkets and in off-licences are most at risk and that retailers must examine how to protect their staff?

Johann Lamont: I am delighted to have the opportunity to endorse the aims of the freedom from fear campaign, which focuses on an issue that people are not aware of and that I will refer to later in my speech.

We know that off-licences can be a focus for young people to gather for chaotic, under-age drinking that can often lead to chaotic drug abuse. Such gatherings often involve very young people. Research suggests that half of all 15-year-olds have purchased alcohol illegally in the past year.

I do not want to damn off-licence premises out of hand. In fragile communities in particular, off-licences are often the only shop; the drinks licence gives them an opportunity to trade viably. We must also consider the good practice of the Co-operative Group. I should declare an interest as I am a member of the Co-op, which has led the industry in putting sensible drinking on the agenda by referring to it on their labels. We must try to set a standard for some of the rogue off-licences in fragile communities, although I do not want to lay the blame on the licensee, as if it is only about a failure of management. The freedom from fear campaign highlights the intimidation of shop workers and, in particular, those who work in the communities in which they live.

A separate issue is that of adults acting as agents for young people. That is clearly a crime and we have to ask why those crimes are not being pursued. In some circumstances, adults are intimidated into buying alcohol for under-age drinkers.

The issue highlights the problem that has been identified of groups gathering in certain areas. Some folk want to dismiss the discussion of such gatherings as a reflection of a culture of intolerance of young people. They make the point that, as many young people grow out of offending behaviour, we should not be too heavy-handed. That might be true, but there is a deeper problem for communities. If a place gets a reputation as a gathering place and an off-licence has a reputation for selling drink, although the individual personnel of the group may change over time, it remains the case that a group of youngsters is causing harassment and creating difficulties for others. Such a gathering place effectively becomes—as it has in my area—an outdoor youth club where youngsters are dropped off outside an off-licence. We cannot overstate the degree of harassment that takes place. People cannot let their children out to play because of the problems that such gatherings cause.

Nicola Sturgeon talked about self-respect and we must respect what people in our communities tell us. Some people dismiss this discussion as being about stigmatising young people. I challenge them to respect communities that feel that they are under siege.

I welcome the fact that the review will examine the scope at community level for better engagement and consultation on the granting of licences. Communities should also have an input on the monitoring of licences when there is any suggestion that they should be withdrawn.

There must be effective management and enforcement to prevent off-licences from becoming the focus of antisocial behaviour. In particular, I hope that attention will be given to the anomaly whereby someone who has their licence withdrawn can put in a trivial appeal and trade while the appeal continues. It should be emphasised that sometimes the problem arises when the matter reaches a sheriff who does not take local concerns seriously.

We must address off-licences in dealing with the Nicholson review. That youngsters of 12, 13 and 14 years of age think that they have nothing more to aspire to on a Sunday afternoon than to harass people outside an off-licence to buy them drink is a problem that we must grasp in every way that we can. The Nicholson review plays a small but important part in that.

16:25

Mike Rumbles (West Aberdeenshire and Kincardine) (LD): I am sorry to disappoint Brian Monteith by speaking in the debate. I had not intended to speak, but I was moved to do so by the minister's opening speech.

The Nicholson report, which is excellent, recommends that the present system for opening hours should be abolished. The statement that there should be no statutory prohibited hours is simple and straightforward. However, there must be restrictions and the report takes a sensible approach. It states:

"Any restrictions imposed by law should be those which are necessary in order to promote public health, public order and safety, a nuisance-free environment, and the protection of children from harm."

Therefore, I was confused by the minister's opening speech, in which she appeared to rule out the sale of alcohol on a 24-hour basis. Surely that flies in the face of the Nicholson report's recommendation.

Cathy Jamieson *rose—*

Mike Rumbles: I will let the minister in in a minute.

I was somewhat relieved when the minister, in an intervention on Brian Monteith, made it clear that she does not rule out the 24-hour sale of alcohol in the right circumstances. I welcome that comment.

I will focus on a ridiculous feature of the current licensing laws that has not yet been addressed. In

cities, towns and villages up and down the land, supermarkets are open on Sunday mornings. I am not usually found in a supermarket on a Sunday morning, but on the occasions that I have been there, I have seen that they are packed with people who cannot get out at other times to do their weekly shopping. It is bizarre that the stacks of wine and other products containing alcohol are covered up because, for some reason, the state has decided that it cannot trust people to buy alcohol on a Sunday morning while doing their weekly shopping. That is a ridiculous state of affairs.

Cathy Jamieson: I am glad that Mike Rumbles accepts that I clarified the issue that he raised earlier.

Bearing in mind the points about off-licences that many members, including those from Mike Rumbles's party, have raised this afternoon, does he advocate the opening of off-licences on a 24-hour basis in communities?

Mike Rumbles: I accept that point, but the Nicholson report seems to recommend that 24-hour opening should be possible unless, as I said and as the minister made clear, restrictions apply. Off-licences should not be open 24 hours everywhere, but, in the right circumstances, they should be.

We have missed the interesting issue of Sunday-morning shopping and the purchase of alcohol. In this day and age in the 21st century, we should be a bit more grown up about that issue.

16:28

Ms Sandra White (Glasgow) (SNP): In the past couple of months, which have been nice and warm—perhaps because of global warming, although I do not know—I have enjoyed sitting outside in Glasgow city centre to have a drink. I admit that I enjoy a drink. I found the atmosphere to be civilised and, until about 8 o'clock or 9 o'clock, there were no problems in the city centre.

I welcome the debate and the examination of the alcohol licensing system in Scotland. It is well known that the culture around alcohol in Scotland is to use and abuse it, which creates associated problems. I welcome anything that will help to alleviate or stop those problems. I hope that the debate will get down to the nitty-gritty and that we will get some answers in the summing-up speeches or in a later consultation.

As I said, in the past couple of months I have enjoyed sitting outside in Glasgow city centre, where I live. Although it is great to be at the hub and among the buzz, I assure members that during the weekend, the situation can be horrendous when I look out of my window or come

home at night. That applies to people walking on Queen Street or Sauchiehall Street, or even George Square or Argyle Street. I have seen out of my window—and stepped over—comatose young boys and girls lying on the pavement, in the gutter or on the road. They can barely lift their heads, never mind themselves, off the ground. Questions must be asked why kids are served alcohol in pubs and clubs and allowed to get into such a state before leaving.

Unfortunately, I have also seen adults—mostly men—urinating on people's doorsteps. People come out and remonstrate and that is when alcohol-related violence can occur. Where are the police at such times? I have seen police vans in the city centre at night, but I never see police walking around at that time. I am sure that giving the police more financial resources would help to alleviate the problem of alcohol-related violence, because the police would be better able to monitor the streets.

The Nicholson report refers to training for licensees and people who work in pubs. Such training is important, because we must get across the message that it is not acceptable to serve more alcohol to someone who is over the limit and can hardly stand up.

I welcome the report's reference to national forums and to local people being involved. However, I have questions about the forums. In particular, will there be legislation for the national forums that will also cover licensing boards? The Scottish Licensed Trade Association is concerned about that issue, as I am. The report states that licensing boards should listen to advice from regional or national forums, but it does not comment on what the boards should do with such advice. I, and I am sure most people, would like clarification on that point.

Kenny MacAskill is correct to say that we cannot consider the issue only in relation to Scotland's drinking culture and peer pressure. We must have a more holistic approach. We must consider not only Scottish drinking culture, but aspects such as appropriate training, education and the number of police on the beat. We must ensure that additional resources are provided to allow more police to be on the beat. As members will know, the police who are on the beat in Glasgow city centre are taken from other areas. The number of clubbers who are in the city centre on a Saturday night is comparable to the population of Perth. It is worrying that we do not have sufficient police to deal with such large numbers.

Pauline McNeill referred to the transport system. We must have an adequate transport system for the thousands of people who might come out of clubs at staggered times; I use the word "staggered" advisedly.

I look forward to enjoying more liberal and more civilised licensing hours, as I was able to do in the past couple of months. However, liberal hours must be accompanied by sensible and responsible behaviour. I hope that members keep that point in mind.

16:32

Mr Jamie Stone (Caithness, Sutherland and Easter Ross) (LD): The debate, which is timely, has been consensual and thought provoking. The minister laid out, quite correctly, why we are discussing what we are discussing today. I detect broad consensus in the chamber. Members—with the possible exception of Mr Swinburne—think that it is time that we considered and addressed these issues.

I bring some knowledge—albeit not a huge amount—to the matter, as I have served my time on a licensing board in the Highlands. I have been in that particular trench and have taken part in making such decisions.

In the summing-up speeches, one should refer to what other speakers have said. I will do so, but I also want to give my own view. Several members rightly mentioned public order. Even in the douce Highlands, public order can be an issue. In Thurso, there is one hell of a racket on the streets in the wee small hours after a Saturday night; if we were to ask my constituents whether there was a problem, they would reply, "Amen to that."

When I intervened earlier, I deliberately picked up the point about community councils. Some years ago, community councils were given the power to express their opinions on licensing matters. However, it is certainly my experience in the Highlands that community councils rarely, if ever, attempt to exercise that power. That is unusual, given that they weigh in on planning matters.

Sarah Boyack: I have read the report and it occurs to me that one of the differences might be that community councils, as statutory consultees, are actively consulted on planning applications, whereas in licensing matters they simply have the right to make comments. If that were changed, it might make a difference to local communities. Does the member agree?

Mr Stone: Yes. I think that that is probably a sage understanding of the situation and I hope that ministers will consider that matter as and when we come to propose changes to the law.

Nicola Sturgeon made a good speech, in particular when she talked about children and the proof-of-age problem. I liked the passing reference that she made in her closing remarks to what I assume is an independent and sober Scotland. The point was well made.

The performance of Jamie McGrigor, who is not with us, was an excellent tour de force around all matters of licensing, including serving whisky to ourselves, which is, perhaps, a little bit controversial.

Brian Monteith's point that it is all too easy for people to seek publicity by grandstanding before licensing boards is important and we must be aware of that.

Donald Gorrie touched on the issue of local decision making and the need for training for licensees. That point has been broadly supported throughout the chamber. Following on from that, I echo the words of other members and state that training for board members, whose local knowledge is vital, is hugely important. I was never trained in what to do on a licensing board. When the solicitor, who was being paid a fee—a fat fee, as Mr McLetchie might say—came before the board to say, “I move that your honours approve the application,” we would sit there like a row of tatties saying, “Agreed, agreed, agreed.” If we are going to tackle some of the issues that have been raised today in a responsible way, we have to do a lot more in relation to the abilities of board members.

I will conclude with a short tale that I think I just have time to tell. It is a cautionary tale about making too easy a judgment on these matters.

When I first became a councillor, in the 1980s, I was approached on the Sabbath day by an indignant retired colonel, who came to tell me that, the night before, in his house in Tain, he had been plagued by youngsters coming out of a dance and hurling abuse at him and shouting through his letterbox. I was horrified—green and inexperienced as I was—and wrote to the chief constable, saying, in true councillorese, “This is a disgrace. What are you going to do about it? Where were the special constables? Where were the bobbies?” I heard nothing for weeks, until Sergeant Magnus Mackay summoned me to Tain police station to show me the charge book. What emerged was that the story was very different to the one that I had been told. Apparently, the colonel had come out of his house at 1 in the morning, drunk, and had shouted abuse at the children. He had been arrested and put in the clink for the night.

When one listens to bodies such as community councils, it is easy to assume that the problem lies with the young being drunk. In fact, however, the problem is much more complicated and can be about private drinking as well.

I admired Christine Grahame's speech. She went into difficult territory when she touched on northern Europe. There is evidence for what she said. We should consider the issues that she raised at a later date.

16:37

Bill Aitken (Glasgow) (Con): This has been a good debate and there have been many extremely sensible speeches.

We should be grateful to Sheriff Principal Nicholson and his colleagues for enabling us to have this debate against a framework of enlightened and thorough research. It is far too long since this matter was last examined—almost 30 years, in fact.

When considering the situations that can arise in relation to licensing, we have to appreciate that the premise of the Nicholson committee was that the vast majority of people in Scotland drink in a sensible and reasonable manner and that, therefore, any legislation should have a light touch. On that basis, we have to place the minimum amount of regulation on the conduct of the licensed trade—which is not to say that there are no problems.

I listened with great interest to John Swinburne and Brian Adam, who, in stark Hogarthian relief, depicted the situation that might arise were licensing hours to be extended. However, I am a veteran of the implementation of the Licensing (Scotland) Act 1976—indeed, Presiding Officer, you might be interested to know that, in that all-too-brief period of enlightenment when there was a Conservative administration in Glasgow, I was the convener of the licensing committee—and I remember hearing exactly the same arguments then.

We were told that, if we extended the licensing hours, the streets of the city would be awash with drunks and the Dickensian era, which John Swinburne depicted, would be with us again. In fact, the reverse was the case: Glasgow saw a significant reduction in drunkenness; a massive reduction in the number of those charged with being drunk and incapable; and a much more relaxed drinking culture, which was greatly of benefit to the city.

John Swinburne: Were those fewer prosecutions not a result of the Conservative policy of bringing too few police officers on to the street to deal with the results of the new legislation?

Bill Aitken: In those days, there were adequate numbers of policemen. I remember having to sit on the bench on a Saturday morning at the district court and hear case after case—“Case 2572, your honour, James Smith, no reply, forfeit of bail, your honour.” There were hundreds of them. The legislation made the situation much better.

We must consider the question of hours, which will always be a case of horses for courses. Pauline McNeill was correct to point out that there

has been a change in the nature of our inner cities—a few years ago we could have said that 24-hour opening would not matter, because there was nobody there to be disturbed apart from those who wanted to be disturbed. Now, there are public houses under tenement properties where people try to get to sleep at night. That would be a matter for licensing boards to consider and determine on the basis of local conditions.

The question of young people and under-age drinking arose frequently, and Christine Grahame, in her efforts to avoid being explored by Mr Stone, covered it well. The difficulty is that we are not implementing the existing law rigorously enough. I would be much less concerned and exercised about a father buying his 17-year-old son a half pint of lager in a public house than I would be by the situation that we have heard of, time and again, of people going into licensed grocers on behalf of youngsters, buying alcopops and giving them to the kids outside. That is where the problem begins.

Brian Adam: Will the member give way?

Bill Aitken: Brian Adam is too late, I am in my last minute.

The law should be much more vigorously enforced and I have no doubt that the minister, in her wider justice brief, will seek to implement that.

We must consider the experience elsewhere. Christine Grahame pointed out—humorously, but correctly—the different drinking cultures of northern and southern Europe, which are climatically conditioned. When one is on holiday in Greece or Italy, one sees a very different culture. Families go out together—the parents, grandparents and children—and sometimes even the youngest ones will have a drink. It does not seem to cause a problem. Perhaps we should examine that culture and ourselves to find out what is going wrong here.

I underline the point about the sports grounds. It appears to me that there is a degree of sporting elitism, although I am sure the minister will not agree. It seems to be all right for some to have a drink, but not for others. I extend the question beyond Murrayfield—let us consider Hampden and all the Scottish Premier League grounds, because the issue is not difficult.

We have before us today a document that is worthy of further consideration and I know that it will be considered. Perhaps we can examine the matter in greater depth in due course and arrive at a satisfactory conclusion.

16:43

Michael Matheson (Central Scotland) (SNP): Like others, I believe that we have had a useful

debate. Gordon Nicholson and his committee are to be congratulated on the thoughtful and detailed report that they have produced. The minister summed it up when she described it as a “balanced report”.

There have been a number of interesting speeches. I was not sure whether my colleague Christine Grahame was suggesting that the Rovers Return and the Queen Vic should be banished from our television screens. However, she touched on an important issue about the drinking culture in northern European countries, particularly the further north one goes. It reminded me of an experience I had when I took myself off to Norway to go climbing with a couple of colleagues. The stove that we used was a Trangia stove, which runs on methylated spirit. Unbeknown to us, the airline did not allow methylated spirit to be taken on board, so we had to leave it behind. We decided to purchase some when we arrived in Norway, only to find out that methylated spirit had been banned some years before because too many people were drinking it. However, it is amazing what one can burn in a Trangia stove when one is desperate for something to eat.

We recognise that the current Scots licensing provisions require revision and change. It is some 30 years since they were last reviewed, with the Clayson report. The provisions do not reflect contemporary Scotland and the problems that exist in some localities with the misuse of alcohol and irresponsible behaviour.

It is clear from the Nicholson committee's report that the guiding principles that it established are sound and sensible. The real challenge after the debate and after the consultation period will be to frame legislation in such a fashion as to encapsulate the proposals that the committee arrived at on the basis of its objectives and guiding principles.

I do not agree with Donald Gorrie's suggestion that we should just go ahead and implement the whole Nicholson report and what it proposes. The debate has signalled a number of areas of concern, and it is our responsibility to ensure that those areas are scrutinised thoroughly so as to establish whether there is a better way to address the problems that have been highlighted.

Several members highlighted the extent of the problem of alcohol misuse, on which various statistics are kicking around. One in five of all violent crimes takes place in or around public houses, clubs or licensed premises. Alcohol is a factor in about 40 per cent of all domestic violence incidents. Alcohol misuse is attributed to one in 10 attendees at accident and emergency departments. Whether we look at crime or health statistics, it is clear that alcohol is an underlying

issue in Scottish culture, which has to be addressed.

Broadly speaking, the Nicholson report's detailed proposals are non-contentious and have been widely welcomed by members on all sides. In particular, I welcome the idea of introducing a personal-and-premises licence. More than once, I have heard the police complain about a licensee losing their licence for a particular off-sales, but then passing the business into another family's name. A member of that family might then apply for a licence and, hey presto, the off-sales opens up again and the problems continue. Johann Lamont highlighted the need to deal with such issues in relation to the problems that are caused in the wider locale. Often, the problem is not just the fact that premises are selling alcohol to under-age individuals; problems start to develop around that establishment. That is why I welcome the introduction of personal-and-premises licences.

Brian Adam: We heard several interventions from Mr Rumbles, who was most anxious—it struck me—to have a 24-hour off-sale licence at his local supermarket. Might that cause problems, given the situation that Michael Matheson describes?

Michael Matheson: Mike Rumbles's point was important. It might be appropriate to allow such arrangements in some situations, but we must ensure that any decision on such licences is taken on the basis of local circumstances. If it is appropriate to grant such a licence, the licensing provision must have the flexibility to allow that. I hope that any future legislation will achieve that.

Mike Pringle spoke as an experienced former member of a licensing board here in Edinburgh. He said that he had never received any training for carrying out that important function. Before any new legislation is implemented—and given that we are to devolve more powers to local licensing boards—we must ensure that the board members are given the training and support that they require to discharge their functions and duties appropriately. It goes the other way, too. Licence holders might have a right to sell alcohol on the basis of their licence, but they also have a responsibility to ensure that they do so in a responsible manner. That is why we should ensure that there is also sufficient training provision for those who work in the licensed trade.

I have concerns about the proposed introduction of a national proof-of-age card. I understand the underlying principle behind the Nicholson committee's trying to establish such a card, but I am concerned that it might be a progression towards some type of national identity card for young people, and then for the rest of society. We would oppose that. A range of proof-of-age cards is available and the police are always saying that

the cards are easy to forge. Someone just has to go on to the internet and buy one; there is no checking of their date of birth. If a system is to be introduced, we have to have more detail on how it will be introduced and an assurance that we are not moving towards a national ID-card system.

A number of members have said that the Nicholson committee report is a step in the right direction. The key is to ensure that we frame legislation that achieves the committee's overall aims, once we have considered the areas of potential difficulty. We must also address the underlying unhealthy culture around alcohol in society. That will take more than a simple piece of legislation. I hope that members will support the amendment in Nicola Sturgeon's name.

16:50

The Deputy Minister for Justice (Hugh Henry): This afternoon's debate has been exceptionally good. It was well-informed, thoughtful and challenging and I hope that it was conducted without prejudice as to final conclusions. I detected from members of all parties a willingness to consider and reflect on what the Nicholson report said and to listen to the arguments that are being made, which I think is the right way to approach the issue.

The speeches this afternoon reflect just how important it is for us to get this right. We know the pleasure that alcohol can give, to which a number of members attested. However, we also know the damage that alcohol does to individuals, families and communities. It is therefore incumbent on us to reflect carefully and cautiously on how we will proceed. We all know that there is a need for change, but we need to get it right.

A point that came out of the debate is that it is important to proceed on the basis of proposals that command the respect and support of those who work in the industry, law enforcers and the wider community. We need to establish a partnership that ensures that we have public houses and hotels that are safe, welcoming places to drink in and which encourage people to behave responsibly.

Several members mentioned the need to change our culture. Michael Matheson certainly touched on that in his excellent summing-up speech. The Nicholson report makes specific proposals on regulation and administration. It does not necessarily take us into issues of cultural change, although it alludes to some of those issues and refers to some recognisable behavioural problems.

Michael Matheson, Christine Grahame and others mentioned the unwelcome, casual attitudes that we have towards drink and our tolerance of

unacceptable behaviour. Sandra White spoke about comatose youngsters not only being served in nightclubs but being allowed to lie about in the streets.

We are all part of the problem, individually and collectively, through the way in which we joke about drink and refer to it casually, and through the fact that we think that it is sometimes acceptable to behave in the ways that have been mentioned. Those attitudes would not be acceptable if we were talking about other areas of life, such as drug abuse.

As Christine Grahame said, we see unwelcome references to drink on television and in the newspapers. Recently, I listened to a couple of afternoon radio show presenters talking jokingly about how they could not remember what they had done the night before, as if that was somehow good fun and the right thing to do. I worry about the message that that gives young people and the way they respond to it. As a society, we think that such behaviour is the norm and that people should aspire to it.

Johann Lamont: Does the deputy minister agree that the abuse of alcohol is sometimes used as an excuse for intolerable behaviour? We must be careful when talking about issues such as domestic abuse, because we can allow the image to be created that domestic abuse happens because people have drink problems. Very often, people who are very controlled in the pub are totally out of control when they go home. Sometimes there are other underlying problems for which alcohol is a cover.

Hugh Henry: Johann Lamont is absolutely correct. Sometimes people use alcohol as their excuse for other forms of unacceptable behaviour. The point that I am trying to make is that we encourage a casualness in relation to alcohol. That casualness regards drunkenness and people being incapable through drink as somehow socially acceptable and to be welcomed. There are people in responsible positions who encourage and promote such attitudes. We should be concerned about that.

Johann Lamont referred graphically to the links between alcohol availability, alcohol consumption and antisocial behaviour. We have to take account of the research done for Nicholson that showed that purchasing alcohol illegally while under-age was strongly related to delinquent behaviour—the research found that those who purchased the alcohol were more likely to drink frequently. If one of our key principles is the protection of children, we need to take that finding to heart.

A number of speakers—including Nicola Sturgeon, Sarah Boyack, Kenny MacAskill and Pauline McNeill—raised the question of access to

pubs for children. We need to re-emphasise that the conditions under which children might be admitted to pubs would be tightly controlled. Applicants would have to say that they did not wish to admit children to, for example, a night club. They would also have to demonstrate the circumstances in which children would be allowed access. Access would not be granted willy-nilly.

Nicola Sturgeon: Having listened to the speeches today, would the deputy minister be prepared, when drafting the legislation, to consider rejecting the Nicholson recommendation of an opt-out system, under which people applying for licences would have to opt out of the presumption of access for children? Would he consider introducing an opt-in system, which might afford better protection for children?

Hugh Henry: That is exactly the kind of thing that we want to hear about during the consultation process. Like many speakers this afternoon, we have an open mind on many of the proposals. The minister made specific references to 24-hour drinking but beyond that, we genuinely want to hear from all interested parties about the best way to proceed. Whatever recommendations we come up with in relation to children, we must provide environments where children are safe, protected and encouraged to take a responsible attitude towards alcohol. Some of the traditional drinking dens and shebeens, with smoky atmospheres and uncontrolled consumption of alcohol, would not be good environments into which to allow children. However, I can think of other circumstances in which it would be very beneficial for children to be with their parents and not stuck away elsewhere. Such balances need to be struck.

I will not have time to deal with a number of points, but—

Jackie Baillie (Dumbarton) (Lab): Will the minister give way?

Hugh Henry: Certainly.

Jackie Baillie: A number of members have spoken about training for licensing boards. That issue has been raised with me by a local community council. People believe that training is key to the delivery of consistent decision making in the system. Will the deputy minister consider making training mandatory and the content of the training common?

Hugh Henry: I was just coming to that extremely important issue. Margaret Jamieson raised the issues of training, personal licences and the responsibility of licensees in trying to curb overindulgence. We will have to reflect carefully on the question of training and licensing. Following consultation, I hope that we can come up with recommendations that are widely accepted.

I want to deal with the consumption of alcohol at sports grounds, to which the minister referred. There is a strong lobby for change—a lobby that includes Kenny MacAskill and, especially, the Conservatives. Like most people in the chamber, we understand that alcohol controls were introduced for reasons of public order and safety. Before we reach any decision in that area, it will be fundamental for us to have regard to the views of the police and stakeholders and to the wider questions of public order and public safety.

I was puzzled, and somewhat worried, by the fact that some Conservative members seemed to want to move not just towards liberalisation, but towards a free-for-all in which people could drink as much as they wanted anywhere and at any time. Their argument was that it was all down to personal responsibility. In Scotland, all too often we have seen the consequences of irresponsible behaviour by people who have been allowed to drink too much.

The fact that the debate has been a good one reflects the importance of the issue for the people of Scotland and for the Parliament. I hope that it will lead to thorough consultation in communities. We should all encourage local organisations in those communities to participate. At the end of that consultation, I hope that we can introduce legislation that will not only liberalise and modernise, but make an important contribution to social improvement, health improvement and safety in the many communities that are ravaged by the consequences of alcohol misuse.

Business Motion

17:01

The Deputy Presiding Officer (Murray Tosh):

The next item of business is consideration of business motion S2M-357, in the name of Patricia Ferguson, on behalf of the Parliamentary Bureau, which sets out a business programme.

Motion moved,

That the Parliament agrees the following programme of business—

Wednesday 24 September 2003

2.30 pm Time for Reflection

followed by Parliamentary Bureau Motions

followed by Executive Debate on Better Behaviour – Better Learning

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

followed by Members' Business

Thursday 25 September 2003

9.30 am Scottish Conservative and Unionist Party Business

12 noon First Minister's Question Time

2.30 pm Question Time

3.10 pm Executive Debate on the Scottish National Theatre

followed by Motion on Executive's Nominations to the Committee of the Regions

followed by Business Motion

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

followed by Members' Business

Wednesday 1 October 2003

2.30 pm Time for Reflection

followed by Parliamentary Bureau Motions

followed by Equal Opportunities Committee 1st Report 2003 – Mainstreaming Equality in the Work of the Committees of the Scottish Parliament

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

followed by Members' Business

Thursday 2 October 2003

9.30 am Executive Debate on Anti-Social Behaviour

12 noon First Minister's Question Time

2.30 pm Question Time

3.10 pm Continuation of Executive Debate on
Anti-Social Behaviour

followed by Business Motion

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

followed by Members' Business.—[*Patricia
Ferguson.*]

Motion agreed to.

Parliamentary Bureau Motions

17:01

The Deputy Presiding Officer (Murray Tosh):

The next item of business is consideration of seven Parliamentary Bureau motions. I invite Patricia Ferguson to move motions S2M-350 through to S2M-355, on the approval of Scottish statutory instruments.

Motions moved,

That the Parliament agrees that the Draft Code of Recommendations for the Welfare of Livestock: Pigs (SE/2003/173) be approved.

That the Parliament agrees that the Draft Code of Recommendations for the Welfare of Livestock: Cattle (SE/2003/175) be approved.

That the Parliament agrees that the draft Welfare of Farmed Animals (Scotland) Amendment Regulations 2003 be approved.

That the Parliament agrees that the draft Housing Grants (Assessment of Contributions) (Scotland) Regulations 2003 be approved.

That the Parliament agrees that the draft Housing Grants (Minimum Percentage Grant) (Scotland) Regulations 2003 be approved.

That the Parliament agrees that the draft Civic Government (Scotland) Act 1982 (Licensing of Houses in Multiple Occupation) Amendment Order 2003 be approved.—[*Patricia Ferguson.*]

The Deputy Presiding Officer: I ask Patricia Ferguson to move motion S2M-356, on committee substitutes.

Motion moved,

That the Parliament agrees the following nominated committee substitutes, as permitted under Rule 6.3A—

Liberal Democrat Party

Communities Committee	Mike Rumbles
Education Committee	Mr Jamie Stone
Enterprise and Culture Committee	George Lyon
European and External Relations Committee	Nora Radcliffe
Environment and Rural Development Committee	Jeremy Purvis
Finance Committee	Iain Smith
Health Committee	Robert Brown
Justice 1 Committee	Mike Pringle
Justice 2 Committee	Margaret Smith
Local Government and Transport Committee	John Farquhar Munro
Procedures Committee	Mr Keith Raffan.— [<i>Patricia Ferguson.</i>]

Decision Time

17:02

The Deputy Presiding Officer (Murray Tosh):

There are 10 questions to be put as a result of today's business. The first question is, that amendment S2M-339.2, in the name of Nicola Sturgeon, which seeks to amend motion S2M-339, in the name of Cathy Jamieson, on the review of licensing laws, be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

FOR

Adam, Brian (Aberdeen North) (SNP)
 Baird, Shiona (North East Scotland) (Green)
 Ballance, Chris (South of Scotland) (Green)
 Ballard, Mark (Lothians) (Green)
 Canavan, Dennis (Falkirk West)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Curran, Frances (West of Scotland) (SSP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Ewing, Mrs Margaret (Moray) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Fox, Colin (Lothians) (SSP)
 Gibson, Mr Rob (Highlands and Islands) (SNP)
 Grahame, Christine (South of Scotland) (SNP)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Lochhead, Richard (North East Scotland) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 Martin, Campbell (West of Scotland) (SNP)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Mather, Mr Jim (Highlands and Islands) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 Maxwell, Mr Stewart (West of Scotland) (SNP)
 Morgan, Alasdair (South of Scotland) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 Robison, Shona (Dundee East) (SNP)
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)
 Scott, Eleanor (Highlands and Islands) (Green)
 Sheridan, Tommy (Glasgow) (SSP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinburne, John (Central Scotland) (SSCUP)
 Swinney, Mr John (North Tayside) (SNP)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)

AGAINST

Aitken, Bill (Glasgow) (Con)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Mr Richard (North East Scotland) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Davidson, Mr David (North East Scotland) (Con)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)

Douglas-Hamilton, Lord James (Lothians) (Con)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Fergusson, Alex (Galloway and Upper Nithsdale) (Con)
 Finnie, Ross (West of Scotland) (LD)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marlyn (North East Scotland) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Gorrie, Donald (Central Scotland) (LD)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Johnstone, Alex (North East Scotland) (Con)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lyon, George (Argyll and Bute) (LD)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 Maclean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 May, Christine (Central Fife) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McGregor, Mr Jamie (Highlands and Islands) (Con)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Milne, Mrs Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Mundell, David (South of Scotland) (Con)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland) (LD)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North East Fife) (LD)
 Smith, Mrs Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

ABSTENTIONS

Harvie, Patrick (Glasgow) (Green)

The Deputy Presiding Officer: The result of the division is: For 35, Against 79, Abstentions 1.

Amendment disagreed to.

The Deputy Presiding Officer: The next question is, that amendment S2M-339.3, in the name of Mr Brian Monteith, which seeks to amend motion S2M-339, in the name of Cathy Jamieson, on the review of licensing laws, be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

FOR

Adam, Brian (Aberdeen North) (SNP)
 Aitken, Bill (Glasgow) (Con)
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)
 Canavan, Dennis (Falkirk West)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Davidson, Mr David (North East Scotland) (Con)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Ewing, Mrs Margaret (Moray) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Fergusson, Alex (Galloway and Upper Nithsdale) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Gibson, Mr Rob (Highlands and Islands) (SNP)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Grahame, Christine (South of Scotland) (SNP)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Johnstone, Alex (North East Scotland) (Con)
 Lochhead, Richard (North East Scotland) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 Martin, Campbell (West of Scotland) (SNP)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Mather, Mr Jim (Highlands and Islands) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 Maxwell, Mr Stewart (West of Scotland) (SNP)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 Milne, Mrs Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Morgan, Alasdair (South of Scotland) (SNP)
 Mundell, David (South of Scotland) (Con)
 Neil, Alex (Central Scotland) (SNP)
 Robison, Shona (Dundee East) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)

AGAINST

Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Baird, Shiona (North East Scotland) (Green)
 Baker, Mr Richard (North East Scotland) (Lab)
 Ballance, Chris (South of Scotland) (Green)
 Ballard, Mark (Lothians) (Green)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)

Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Frances (West of Scotland) (SSP)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Fox, Colin (Lothians) (SSP)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marilyn (North East Scotland) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lyon, George (Argyll and Bute) (LD)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 Maclean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 May, Christine (Central Fife) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)
 Scott, Eleanor (Highlands and Islands) (Green)
 Scott, Tavish (Shetland) (LD)
 Sheridan, Tommy (Glasgow) (SSP)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North East Fife) (LD)
 Smith, Mrs Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Swinburne, John (Central Scotland) (SSCUP)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

The Deputy Presiding Officer: The result of the division is: For 42, Against 73, Abstentions 0.

Amendment disagreed to.

The Deputy Presiding Officer: The question is, that motion S2M-339, in the name of Cathy Jamieson, on the review of licensing laws, be agreed to.

Motion agreed to.

That the Parliament welcomes the opportunity to debate the Nicholson Committee's recommendations following the review of Scotland's liquor licensing laws and endorses the proposed legislative principles for a new licensing system, of the prevention of crime or disorder, the promotion of public safety, the prevention of public nuisance, the promotion of health and the protection of children from harm.

The Deputy Presiding Officer: If no member objects, I will put the question on all today's Parliamentary Bureau motions relating to the approval of Scottish statutory instruments en bloc.

The question is, that motions S2M-350 to S2M-355, in the name of Patricia Ferguson, on the approval of Scottish statutory instruments, be agreed to. Are we agreed?

Motions agreed to.

That the Parliament agrees that the Draft Code of Recommendations for the Welfare of Livestock: Pigs (SE/2003/173) be approved.

That the Parliament agrees that the Draft Code of Recommendations for the Welfare of Livestock: Cattle (SE/2003/175) be approved.

That the Parliament agrees that the draft Welfare of Farmed Animals (Scotland) Amendment Regulations 2003 be approved.

That the Parliament agrees that the draft Housing Grants (Assessment of Contributions) (Scotland) Regulations 2003 be approved.

That the Parliament agrees that the draft Housing Grants (Minimum Percentage Grant) (Scotland) Regulations 2003 be approved.

That the Parliament agrees that the draft Civic Government (Scotland) Act 1982 (Licensing of Houses in Multiple Occupation) Amendment Order 2003 be approved.

The Deputy Presiding Officer: The final question is, that motion S2M-356, in the name of Patricia Ferguson, on committee substitutes, be agreed to. Are we agreed?

Motion agreed to.

That the Parliament agrees the following nominated committee substitutes, as permitted under Rule 6.3A—

Liberal Democrat Party

Communities Committee	Mike Rumbles
Education Committee	Mr Jamie Stone
Enterprise and Culture Committee	George Lyon
European and External Relations Committee	Nora Radcliffe
Environment and Rural Development Committee	Jeremy Purvis

Finance Committee

Health Committee

Justice 1 Committee

Justice 2 Committee

Local Government and Transport Committee

Procedures Committee

Iain Smith

Robert Brown

Mike Pringle

Margaret Smith

John Farquhar
Munro

Mr Keith Raffan.

Elgin Bypass

The Deputy Presiding Officer (Murray Tosh):

The final item is a members' business debate on motion S2M-255, in the name of Margaret Ewing, on an Elgin bypass. The debate will be concluded without any question being put.

Motion debated,

That the Parliament considers that Moray Council should make full representations to the Scottish Executive regarding proposals for an Elgin bypass; notes the economic benefits to Elgin and the north-east of Scotland as a whole that a bypass would bring, and further notes the overwhelming public support for such a project.

17:06

Mrs Margaret Ewing (Moray) (SNP): I thank the members who have stayed behind for this important debate and all those who signed the motion.

As people will know, Elgin is a beautiful medieval city in which significant chapters of Scottish history have been written. It is also a commercial city, with world-renowned companies—such as Johnstons cashmere mill and Walkers of Aberlour—and, of course, many whisky distilleries in its environs. It is the home of the main office of Diageo and we have two neighbouring Royal Air Force bases, which are of significance to our communities. Elgin is also—this is a tourist-attraction plug—a city of good food, good shops and good recreational facilities. However, although Elgin possesses all those good aspects of food, fine Scottish wine and pleasant fowk, it lacks an essential ingredient: a transport system, fit for the century in which we now live, to connect it to Inverness and Aberdeen, to the north and to the south.

Since I was first elected in 1987 to serve the Moravians, I have had a constant flow of correspondence about the need for Elgin to have a bypass. I suspect that similar requests were made to my predecessor. The residents of East Road and West Road have been particularly vocal, but there has also been widespread support for a bypass from the two local schools and from Dr Gray's hospital, which is an excellent facility. There is no solution to the traffic on those two roads except to have a bypass. The ring road, which has a whole series of complex roundabouts, was designed some 20 years ago and was not planned to cope with the volume and nature of traffic that we now face.

The petition that was placed before the Parliament was launched by the *The Northern Scot and Moray & Nairn Express*, which regularly wins the Highland newspaper of the year award.

We collected 8,000 signatures for the petition within the space of a few weeks. The signatories included the local chamber of commerce, the Road Haulage Association, the Automobile Association and the local bus company. By any assessment, that is a strong volume of opinion but, in addition, we had the support of Moray Council and the local trades council. Ours is very much a community campaign that merits the support of the Parliament; the issue is not a party-political one.

All that we ask the minister for is economic, environmental and social inclusion in transport policy. The A96 from Aberdeen to Inverness is a key arterial route that should be regarded as vital. Bottlenecks in Elgin cannot be ignored, the A96 as a whole cannot be ignored and Moray's contribution to United Kingdom gross domestic product cannot be ignored.

So where do we go from here? Following the presentation of the petition to the Parliament, Moray Council, to its great credit, worked with the Babbie Group to undertake a survey of traffic management options in Elgin. The petition was presented by Pauline Taylor, the editor of *The Northern Scot*, and Larry Easton, of Moray trades union council. Unfortunately, no one from Moray Council could attend, due to the devastation caused by the severe flooding at that time. The report said that the through-volume of traffic did not justify a bypass, but I hope that no one in the chamber or anywhere else believes that traffic volume should be the sole criterion. As I have indicated, many issues that are important to local residents and to our local facilities and industries must be taken into account.

Today, the minister indicated further expenditure on our transport infrastructure. I have had an opportunity to examine carefully at least part of his announcement, but I saw no indication that the A96 was being regarded as a priority.

The report from the Babbie Group and Moray Council estimated that a northern route would cost approximately £15 million and that a southern route would cost £25 million. The council also provided detailed analyses of the options that are available and the engineering and technical issues that would need to be addressed. Is it too much to ask that a strategic transport policy should include the case for Elgin? We are not expecting an overnight miracle. We all realise that planning issues have to be considered and that appropriate procedures have to be taken into account, but I emphasise sincerely that we want the possibility of an Elgin bypass to be included in the Scottish Executive's planned expenditure programme.

The meetings of the steering group, which is convened by the convener of Moray Council, Mr Aldridge, have been well attended. We have

greatly appreciated the interest that list MSPs from across the Highlands have shown in the group. I hope that, having reflected on the strong body of opinion that exists in the area, the minister can give a simple and straightforward commitment to examine the case and to include it in future plans. A basic yes or no would be sufficient. At least then we would know what importance the Executive attaches to this productive area of the Highlands and the north-east.

Another issue is the type of traffic. More and more waste is being transported by road, some along the A96 and some along the A9, which we also want to be upgraded. Such transportation may be temporary, but in the meantime the roads are deteriorating and the fabric of buildings, be they private or public, are being seriously affected. Add to that the inconvenience that is faced by those who commute to and from Elgin—where my local office is—and we begin to see the whole picture.

There has been total silence on the possibility of establishing the Orton loop on the railway line between Keith and Elgin—there was no mention of it in the paper that the minister published today and I suspect that it is well down the Executive's list of priorities. We all want more freight and commuter traffic to switch to rail, but that seems as remote a possibility under this Administration as the dualling of the A96 all the way between Inverness and Aberdeen. As the road linking the oil capital of Europe and the Highland capital, the A96 is an absolute disgrace.

The minister announced today yet another body to oversee transport infrastructure. The proposals appear to have received a fairly lukewarm, even chilly, reception. I say to the minister that the people of Moray and the north and north-east of Scotland do not want yet another bureaucratic layer of administration. They need action.

On 26 April, during the election campaign, the First Minister was reported in *The Press and Journal* and other papers as vowing to make the north-east a priority. He admitted that voters in Grampian and the Highlands felt detached from the Scottish Parliament and said that he was determined to set things right. Well, this is the First Minister's chance. My message is straightforward: do not apologise to those people, but redress the balance. Do not base the case study solely on through traffic. Think also of the Government's national objectives of economy, safety, environmental impact, accessibility and integration. The slogan that we have adopted is, "Have a heart—give us a bypass". I ask the minister: what is the obstacle to delivery?

The Deputy Presiding Officer: As five members wish to speak, we can have four-minute speeches.

17:14

Maureen Macmillan (Highlands and Islands)

(Lab): I thank Margaret Ewing for giving us the opportunity to debate this issue, which is of great importance to the people of Elgin, Moray and beyond. I know from contacts that councillors and officials at Moray Council are adamant about the long-term need for the Elgin bypass, although their immediate concern is to relieve local congestion and to ensure that safety standards are improved. Although safety improvements have been made to the A96, which bisects the town, concerns still remain.

A week last Friday, I drove through Elgin at about 5 pm on my way from the Offshore Europe exhibition in Aberdeen to Inverness and was caught up in a horrendous traffic jam. That was not the first time that I had been caught up in a traffic jam on the A96 in Elgin. About 18 months ago, Peter Peacock and I were stranded in the middle of the traffic on one of the roundabouts on the road. We were there at the request of some Elgin councillors and had our photographs taken for *The Northern Scot*, which, as Margaret Ewing said, is a good campaigning newspaper—it has done much to highlight Elgin's traffic problems and it organised the petition that was recently submitted to Parliament.

The A96 through Elgin serves both as a local road with access to the town and as a through-road. Indeed, there are eight junctions off it as it passes through the town and, currently, no alternative route is available. I should stress that it is local traffic that predominates and causes congestion; as the Babbie report makes clear, the proportion is a third long-distance through traffic to two thirds local traffic.

As Moray Council has pointed out, Elgin is thriving and expanding and has legitimate aspirations to achieve city status. A bypass either to the north or to the south of the town cannot be ruled out. However, I feel that the projected costs of £15 million to £25 million—depending on the route that is chosen and environmental impacts—will need to be justified by improvements in traffic congestion.

As Nicol Stephen and Lewis Macdonald will testify, I have been writing to the Scottish Executive and lodging parliamentary questions for the past 18 months to elicit even a half-promise that the necessity for a bypass will be kept under review. On 29 August 2003, Nicol Stephen, the Minister for Transport, sent me a letter in which he said that the Executive would be responsive to changing traffic conditions in Elgin and would review the possibility of a bypass in such circumstances.

I cannot imagine that traffic in Elgin will lessen, even though the Executive intends to reduce the number of cars on the road by promoting public transport. Moray has already experienced a higher than average growth in car use and journey length. Moreover, as Margaret Ewing pointed out, plans to reduce the rail journey time from Inverness to Aberdeen look distinctly shaky. Indeed, the cost of the Orton loop at Forres is reported to have risen from £4 million to £28 million and the Strategic Rail Authority's proposal to pull back on track maintenance might lengthen rail journey times and put more cars on the A96 between Inverness and Aberdeen.

Meanwhile, the severe congestion needs to be addressed. I urge the Executive to support and contribute to Moray Council's efforts to find short-term to medium-term solutions to Elgin's traffic problems. I certainly ask the minister to repeat the assurance that he gave in his letter that he is committed to working with Moray Council on solutions to current and future traffic problems and to tell us how that work is progressing.

17:18

Mary Scanlon (Highlands and Islands) (Con):

I must first declare an interest—my son works for Babbie Group Ltd in Inverness as a civil engineer. As I will refer to Babbie in my speech, I feel that it is appropriate to mention him, even though he did not have anything to do with the Babbie report.

The Minister for Transport (Nicol Stephen):

That is what he told you.

Mary Scanlon: Yes, that is what he told me.

I very much welcome the fact that Margaret Ewing has secured this debate and I join Maureen Macmillan in congratulating *The Northern Scot*, which is an excellent campaigning newspaper, on its support for the Elgin bypass.

As a Highlands and Islands MSP, I know that the roads infrastructure is crucial to those who live and work in the area as well as to visitors. However, as an Inverness resident, I know that people prefer the much-discussed A9 Inverness to Perth road to the A96 Inverness to Aberdeen route, which is a similar length.

When we leave Inverness, a sign tells drivers that Aberdeen is 110 miles away. One could be forgiven for thinking that someone travelling at a reasonable speed could cover the distance in an hour and a half. However, the outskirts to the west of Aberdeen cannot be reached even in less than two hours and Aberdeen has its own congestion problems. I make that point because the relevant authorities should examine the full route of the A96, as well as the Elgin bypass. Prioritisation of upgrading the whole route could then be

timetabled into plans, in contrast to the constant consideration of which area has the best campaign. I say that although I support fully Margaret Ewing's motion and the Elgin bypass.

The motion says that Moray Council should make full representations to the Scottish Executive for an Elgin bypass. I support what Margaret Ewing said about the social, economic and environmental factors that must be taken into account. I go further than the motion and ask for an assurance that the Babbie report's recommendation that Moray Council should adopt a more radical approach to local traffic issues in Elgin will be addressed.

Maureen Macmillan and Margaret Ewing mentioned the workshop that Babbie and Moray Council arranged, which involved many local stakeholder groups. The report on the workshop said:

"A number of stakeholders felt that without complementary improvements to the town's road network, the benefits of a bypass would be short-lived, particularly given the substantial residential and business proposals for the town".

Mrs Ewing: Like Mary Scanlon, I have read Babbie's report from cover to cover. I accept that short-term and medium-term strategies for dealing with congestion can be adopted but, at the end of the day, we must have a bypass. Since the Forres bypass was constructed, the town has benefited substantially, because it is easier to enter Forres, find a parking space and go shopping or do whatever one wants to do. Elgin could benefit in the same way.

Mary Scanlon: I fully support that. I would not like the member to think that I am saying that improvements in the town of Elgin should be in place of a bypass. I am saying that, in considering the bypass, we should not forget that the report recommended a twin-track approach. It said that the town's infrastructure needed to be improved in addition to a bypass in the longer term.

Babbie recommended that the bypass should be pursued as a long-term objective, but it said that that should take place in the context of on-going policies and proposals to improve the efficiency of the road network in Elgin. Others have mentioned the need to carry more freight by rail. I understand that a large railway marshalling yard is located in Elgin and is woefully underused.

I fully support the Elgin bypass, but we should not adopt only a single strategy or allow the bypass to detract from the need to address local traffic problems in Elgin, particularly as the Babbie report estimated that 75 per cent of the traffic that uses the A96 is local traffic. Housing plans for the next 15 years should also be taken into account. I understand that more than 1,500 houses are

planned to be built in Elgin. The longer the bypass is put off, the greater the cost to Elgin. I support the motion.

17:24

John Farquhar Munro (Ross, Skye and Inverness West) (LD): I, too, congratulate Mrs Ewing on securing the debate on a long-standing issue in the Moray Council area. As we have heard, the A96 is the main arterial route between the ever-expanding cities of Inverness and Aberdeen. There is no doubt that the council and the Scottish Executive need to take urgent and immediate action to secure the required funding for the necessary Elgin bypass.

The A96 is considered by professionals to be one of the most difficult and accident-prone trunk roads in Scotland. It is a road on which a high incidence of serious road accidents is regularly recorded. Unfortunately, far too many of those contribute to our fatal road accident statistics.

As other members have said, the benefits of small town and village bypass routes are well recognised. Removing traffic from congested streets protects the built environment and encourages pedestrians to enjoy the new traffic-free areas. Anyone who is acquainted with the Elgin area will have seen the benefits of the construction of the bypass system that serves Forres and Auldearn, which are near neighbours to Elgin on the A96. I could cite many more such examples.

While I am on my feet, I would like to mention a near-related project. I refer, of course, to the newly constructed southern distributor road on the southern perimeter of Inverness.

Nicol Stephen: Of course.

John Farquhar Munro: Yes. It was intended to reduce town-centre traffic and create a free-flowing east-west road corridor. Although the bypass was constructed some two years ago, it has not reached its full potential. It terminates at the River Ness and cannot be accessed from the western approach road, the A82. It is a tremendous waste of effort and money to build a marvellous bypass but not to enable people to get on to it from the western approach to the city.

The missing link is the construction of a new crossing of the River Ness and the adjacent Caledonian canal. The link would join the two major trunk roads, the A9 and the A82. The Scottish Executive should be encouraged to support the valiant efforts of Moray Council and Highland Council to secure sufficient funding to complete the two projects at the earliest possible date.

The Deputy Presiding Officer: I assume that that bypass road would be an extension of the A96.

17:27

Eleanor Scott (Highlands and Islands) (Green): I have not heard what the minister has to say yet, so I do not know whether I am in a minority of one.

Twenty years ago, I worked in Elgin when the ring road was built. It was said that it would solve all the traffic problems in the high street. Like all new roads that are built to solve all problems, it did not. It might have appeared to reduce the problem for a few years, but the ring road is now part of the problem.

The problem is not an Elgin problem, but one of traffic on the A96. People in Nairn live on the same road and say that they suffer from the same traffic problems. Realistically, we are not going to be able to bypass every town or village on the A96. What we need is to reduce the traffic on the road. I suggest that any investment that is considered for bypassing places should be invested instead in rail. The rail network is underused and underdeveloped—much more could be made of it.

I know that traffic in the Elgin area has increased because of the refuse lorries that travel from Inverness to Peterhead. I hope that that is a temporary arrangement and that it will not continue for the time that it takes to get a bypass built, if one is ever going to be built.

Traffic reduction is the only way forward. When I worked in Elgin, I worked in the casualty department of the local hospital. I saw a lot of the accidents that came in from the A96, which is a road with a tragic history. Making traffic go faster past towns is not the way to make it a less tragic road. Speed was a factor in all those accidents.

Mary Scanlon said that, because Elgin is expanding outwards, if we wait any longer for the bypass, we will have to build it further out of the town. That is another problem with bypasses—eventually they cease to be bypasses. I know that people in Aberdeen are considering building close to the bypass because that is where the opportunity to develop greenfield sites is. The Elgin bypass could become a busy road through a suburban part of Elgin. We have never solved our traffic problems by building roads and we will not solve this problem by building our way out of it.

We are all aware of the contribution that road transport makes to climate change. Elgin has suffered flooding—of towns in Scotland, it is one that knows the effects of flooding. I suggest that we do not take the easy, obvious way out—the

way that has been tried in the past and has failed. We should examine alternatives that will reduce traffic on the road and through the town. We must find alternatives to travel or alternative ways to travel. That is the only sustainable solution for Elgin. The bypass represents, at best, an expensive, short-term solution.

Mrs Ewing: I hear what Eleanor Scott is saying, and I do not disagree with her arguments about protecting the environment. However, I would like to ask whether her party made a manifesto commitment to build the Orton rail loop between Keith and Elgin, which would do a great deal to take freight on to the railway line. Like the A96, the railway line between Aberdeen and Inverness is far from perfect.

Eleanor Scott: I support the need for investment in that rail link and any other investment in the railway that is required. Our manifesto said that we would support a bypass where a community was bisected by an arterial road. Maureen Macmillan said that that is the case in Elgin, but I am not convinced of that and I am not convinced that the proposed solution will stop the problem. It will simply shift it to another part of Elgin. I would rather see the investment go into rail, which is a sustainable way forward to meet the transport needs of the north.

17:31

Fergus Ewing (Inverness East, Nairn and Lochaber) (SNP): I wish to support the case made by my wife—not for the first time and, I am told, not for the last time either—and I do so first of all by arguing that the principle that major towns and cities on the A96 should be bypassed has already been accepted. There have already been three bypasses, as the minister will know. Huntly, Inverurie and Forres have all been bypassed, and I understand that Fochabers is further down the road—to stick to the same metaphor—in achieving its bypass. The principle that the A96 should be a continuous normal road has been accepted, and it would be good if that principle could include extension to two lanes. That has not been accepted, although I believe that that must be our long-term aim, and the sooner we accept it the better.

The traffic problems are acute. John Farquhar Munro was absolutely right to mention the real risk of driving on the A96, which has been exemplified by fatal accidents in Nairn. Following John Farquhar Munro's precedent, which I note was considered competent by the Presiding Officer, I would like to divert slightly from the Elgin issue and put on record the fact that there is a strong feeling in Nairn that Nairn, too, should be bypassed. There is absolutely no doubt that the A96 bisects Nairn, and the tragic incidents earlier

in the year made that matter the talk on the doorstep throughout the election campaign. Although that is not the topic of tonight's debate, I hope that the minister will take that on board.

As Maureen Macmillan rightly said, traffic levels are increasing, and it is not all traffic from Aberdeen. MacKellar Engineering in Grantown-on-Spey is operating as a subcontractor for the oil industry and sending huge vehicles up the A96. There are also waste vehicles going to Peterhead, although I was told just yesterday evening by somebody whose views are usually reliable that the waste now goes down to Perth. Perhaps the minister is better informed about matters of waste than SNP members are.

Of course, resources are an issue. I understand from recent intelligence that there is to be resurfacing of the A9 on the stretch heading down towards the Strathnairn turnoff. I am not convinced that that work is required, and I think that the money spent on it might well be wasted. According to the partnership agreement, the contents of which I presume to be true—it contains a photograph of the minister—we will be spending £1 billion a year. How much of that money is being spent on much-needed road improvements and upgrading and how much is being spent on other things, such as resurfacing, which seem to be of dubious relevance? To what extent is the minister in control of the expenditure in his own department? To what extent has that control been farmed out to private contractors? Will he say whether he was and is aware of the possible waste of the money that will be expended on the A9?

I want to say something about what the Greens have said. I am profoundly depressed that, once again, the Greens appear to reject the case that is supported by my wife's constituents—my wife has represented the area for an extended period. The Greens have a serious problem in the Parliament. They have been totally against road transport for dogmatic ideological reasons and seem to refuse to accept that road transport is the only real alternative in the north of Scotland for people who want to carry on with their daily lives and maintain their livelihoods.

Eleanor Scott: Will the member give way?

Fergus Ewing: In a minute.

The Greens must decide where they stand on the project. They must be for it or against it, or they will sit on the fence. I ask Eleanor Scott where they stand.

Eleanor Scott: Does the member agree that there is a perfectly good and potentially much better rail line that runs parallel with the road and that that rail line could take much of the freight that goes along the road, including rubbish that goes to Peterhead?

Fergus Ewing: I understand that the case for a loop at Orton has been rejected, although the Executive appeared to support it. There was interest back in 2000, at least to the extent that reports were being considered. I say to the minister that I have proof of that interest in a written answer that I have in my hand—perhaps the civil servants could pass it down to him.

Even if rail links exist, they would not be suitable, practical or usable for many people in the north of Scotland simply because they do not live near stations and cannot get to them if they live at a fair distance from them. Rightly or wrongly, roads for use by private car or public transport are a necessity in the north of Scotland. One benefit of having more Greens in the Parliament is that it is easier for us to get the message across that the Greens are not representing or serving the people of the Highlands well in that respect. I am sorry that Eleanor Scott has not supported the case—

Eleanor Scott: Will the member give way?

The Deputy Presiding Officer: No—there will be no more interventions. It is time for Mr Ewing to close.

Fergus Ewing: I will be happy to give way in the future.

I am delighted that the other parties have supported the case for the bypass and hope that the minister will accede to the request that it should be scheduled as a project that it has been agreed to do, even if it cannot be carried out as soon as we might like.

17:37

The Minister for Transport (Nicol Stephen): I, too, congratulate Margaret Ewing on bringing the motion before Parliament. She has campaigned on the issue for a considerable time and she, Maureen Macmillan and other members have made representations to me.

I have listened carefully to what she and other members said about Elgin. Successive ministers have met Moray Council representatives to discuss the road system and congestion problems in Elgin. Lewis Macdonald visited the town last year to see the situation at first hand and Executive officials have met the council to consider the detailed case for a new bypass road.

I know Elgin well—I was a colleague of Councillor Aldridge on Grampian Regional Council in my role as chair of economic development and planning on that council. I have worked closely with companies such as Johnstons of Elgin and Walkers of Aberlour, which are great companies that I strongly support.

With any proposed project of the kind in question, two main steps must be taken in the early stages. First, the case for the road must be established. Secondly, how the scheme fits within our wider investment priorities must be considered. A number of communities throughout Scotland want bypass roads to be built.

On justifying the case, all the earlier studies that have considered Elgin suggested that a bypass would not solve the congestion problems from which Elgin suffers. It has been mentioned that last year, Moray Council commissioned Babbie Group Ltd to undertake an independent up-to-date assessment of the case for a bypass and to report on how such a bypass would fit within a wider traffic strategy for Elgin. The assessment was undertaken as a part 1 study under the Scottish transport appraisal guidance—STAG—system.

The consultants reported earlier this year and the study confirmed that much of the congestion in Elgin is caused either by traffic movements that start and finish in Elgin or by journeys that either start or end in Elgin. According to the study, through traffic on the A96 trunk road is not the major contributor to congestion and it also found that a disappointingly small amount of traffic would be diverted from the town centre to use a bypass. That reinforces the earlier work that was done. The report concludes:

“a bypass would not provide any significant benefit to strategic through traffic nor to the inhabitants of Elgin”.

Mrs Ewing: Does that mean that the minister is considering only the issue of through traffic and not traffic as a whole? The issue is not solely about the volume of through traffic; it is also about congestion and safety issues in Elgin.

Nicol Stephen: I understand that, but it is important that we recognise that through traffic is a crucial element of the case for any bypass.

As Margaret Ewing knows, Babbie recommended that a bypass should be considered to be a long-term objective within a wider strategy of improvements within the town. I am happy to continue to consider the case for a bypass on that basis. I do not rule it out and we will keep the situation under review. Moray Council has formally accepted the conclusion in that report and has determined to work with the Executive to identify short and medium-term options to improve the situation along the A96 and in the town. We are, of course, happy to do that with the council. We are committed to finding solutions to Elgin's travel problems in both the short and the medium term, but I have not ruled out the long-term solution that the campaign group and Margaret Ewing seek.

The first step—examining the need for a bypass—has been carried out and all the evidence

has been assessed; it currently shows that a bypass is not the answer to the immediate problems.

I should point out that we are committed to a wide range of improvement schemes on trunk roads throughout Scotland. One of the major schemes includes the proposed Fochabers to Mosstodloch bypass on the A96; that proposal is currently at public local inquiry. Fergus Ewing has rightly pointed out that there has been investment in bypasses for Huntly, Inverurie and Forres. That does not mean that we will walk away and pretend that there is no problem in Elgin. I can well understand the frustration of people in Elgin whose journeys are delayed by traffic congestion.

I end by reinforcing the commitment that I have given to work closely with Moray Council, who are the best people to identify the improvements that can bring real benefits. We want to see what we can do together to improve traffic flows, reduce frustration for drivers and ensure safer journeys for all road users. We want to see better quality of life, a stronger economy and a safer, cleaner environment for everyone in Elgin.

Maureen Macmillan *rose—*

Mrs Ewing *rose—*

Nicol Stephen: I am in my final sentence, but I will be happy to take an intervention from both members—if I have the discretion of the Deputy Presiding Officer.

The Deputy Presiding Officer: Yes. The debate has been very relaxed. Maureen Macmillan can intervene first because she was on her feet first.

Maureen Macmillan: Can the minister tell us exactly what is happening rather than give us warm words? Is anything happening to improve the situation?

Mrs Ewing: My intervention is on similar lines. I have to say that there is quite a nice picture of Nicol Stephen in "Scotland's Transport - Proposals for a new approach to transport in Scotland".

The document states that £1 billion a year will be spent by the end of the current spending period in 2005-06. Within that expenditure, is there a plan to advance the case for an Elgin bypass? The minister has said that stage 1 has been completed through the STAG mechanism. Will a further survey take place as part of that expenditure plan?

Nicol Stephen: It is important to work with Moray Council to bring forward a package of proposals that will help to tackle the congestion problems that exist in Elgin. I am happy to ensure that that work is progressed and that we follow up on the suggestions in the Babbie report. However, we must rely on the best evidence.

In the light of the competing claims of other communities, it would be wrong to do anything other than to follow the STAG appraisal process and to consider the advice that we have received from the independent consultants. I certainly do not rule out the project in the long term, but in the short term, it does not pass the first stage of the test that I mentioned earlier.

My commitment is to ensure that we address Elgin's short-term needs through a package of measures which, given the right spirit of co-operation, can be developed with Moray Council. There is evidence that that spirit exists and I have no doubt that we will take steps in the short to medium term.

Mary Scanlon: Will the member give way?

Nicol Stephen: I do not think so. I am sorry, but I have been as helpful as I can.

I reiterate and underscore my commitment to work closely with Moray Council to improve Elgin's congestion problems. If Margaret Ewing or other members wish to debate Elgin's traffic problems further, I am sure that they will have the opportunity to do so on a similar occasion at a future date.

Meeting closed at 17:46.

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