

MEETING OF THE PARLIAMENT

Wednesday 22 June 2005

Session 2

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Scottish Parliament

Wednesday 22 June 2005

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

Time for Reflection

The Presiding Officer (Mr George Reid): Good afternoon. Our first item of business is time for reflection. We are delighted to welcome as our time for reflection leader the Rev Michael Lindvall, senior minister of the Brick Presbyterian Church in New York.

The Rev Michael Lindvall (The Brick Presbyterian Church New York): In January 1706—several months before the act of union—the Rev Francis Makemie, an Ulster Scot and graduate of the University of Glasgow, was arrested in New York and charged with “preaching without a license”. He was imprisoned for two months. The colonial governor of New York, Lord Cornbury, prosecuted the case relentlessly. After mounting his own eloquent defence, Makemie was acquitted by a jury of his peers. He was, however, required to pay the costs incurred in his prosecution—the then princely sum of \$300.

Francis Makemie had founded two Presbyterian congregations before that—the first presbytery in the new world. He is today regarded as the father of American Presbyterianism. But it is that trial of 1706 and Makemie’s convincing defence and surprising acquittal that came to mark a decisive turning point in the emerging doctrines of liberty in the new world.

Evidently, the fears of Lord Cornbury, that prosecutorial governor of New York, were well founded. Sixty years later, ideas espoused by Makemie and others would lead to the declaration of independence—the 1776 document that touched off the American war of independence.

A guiding light in the composition of that latter document was John Witherspoon, who was born in Gifford, Scotland, educated at St Andrews and the only clergyman to sign the declaration of independence. Indeed, at least a quarter of the signers of the declaration of independence were Scots or Ulster Scots. The war for American independence was often referred to in London in those years as “The Presbyterian Rebellion”. Horace Walpole quipped:

“Cousin America has run off with a Presbyterian parson.”

He meant Witherspoon, born in Gifford, Scotland, and educated at St Andrews.

This colonial is honoured to stand before this Parliament two centuries later and to thank you for

the intellectual and spiritual endowment that Scots bequeathed to American liberty. I simply invite you to remember what we struggle to remember in my corner of the world: the deepest source of the liberties that we share is rooted in a steadfast trust that human worth and dignity are transcendent in their source, given by God, and therefore inalienable.

I invite you to pray with me.

Almighty God, you have given us fair lands as our heritage. We humbly beseech you that you might always find us able to be people mindful of your favour and glad to do your will. Bless our lands with honourable industry, sound learning and pure manners. Save us from violence and discord. Defend our liberties and endue with the spirit of wisdom all to whom we have entrusted the authority of government, that there may be justice and peace at home and abroad. In times of prosperity fill our hearts with thankfulness and in the day of trouble do not let our trust in you fail.

Amen.

Oath

14:21

The Presiding Officer (Mr George Reid): The next item of business is the taking of the oath of allegiance by the new member for the South of Scotland, Mr Derek Brownlee. I invite Mr Brownlee to take the oath.

The following member took the oath:

Derek Brownlee (South of Scotland) (Con)

Licensing (Scotland) Bill: Stage 1

The Presiding Officer (Mr George Reid): The next item of business is a debate on motion S2M-2776, in the name of Tom McCabe, that the Parliament agrees to the general principles of the Licensing (Scotland) Bill, and one amendment to the motion.

14:36

The Deputy Minister for Finance and Public Service Reform (Tavish Scott): I begin by congratulating the new member on taking a place in this chamber. I notice that David Davidson arrived late, although I am sure that he was just waiting for Mr Brownlee to come in. I hope that Mr Brownlee will have many happy years in the Scottish Parliament—well, at least two; we shall see what happens after that.

Too many Scots are in denial about the impact of alcohol on our everyday lives and about the fact that our cultural dependence on drink is as advanced as it is. For too many Scots, drink is the lifeblood, the shield, the excuse.

It is this devolved Government's responsibility to propose licensing law reform. In the 30 years since Scottish alcohol legislation was last changed, society has changed. As the problems and challenges have altered, the need for reform has arisen. We need reform that allows Scotland's hospitality industry to invest and expand but which also allows us to control the misuse of alcohol and its unwelcome consequences for too many communities and local people. We need reform that can help to break the link between excessive drinking, binge drinking and crime.

Why, in Scotland—city and urban, rural and island—is the misuse of alcohol, getting drunk and getting drunk quickly, a growing issue, not a declining one? Today's evidence is that we are drinking harder, earlier and quicker than ever before.

What should Government's response be? Should we liberalise licensing laws, make alcohol more easily obtainable, endorse 24-hour drinking and encourage a continental, cafe society approach? Would that encourage more Scots, particularly young female Scots, to drink more responsibly? Given the national statistics on health, crime, the family and the social impact of alcohol, can we afford to test such a regime? The evidence suggests not. I will give just three illustrations of why that approach would not be right. We have rising levels of alcohol-related crime, an increasing amount of days lost at work through drink-related illness and higher levels of domestic violence, often involving children, caused by alcohol misuse at home.

Why is drinking—hard drinking, getting drunk—such a rite of passage for young Scots? Does alcohol break down one's inhibitions with the opposite sex? Do we need the buzz of drink to combat an acute lack of self-confidence? Perhaps those observations are too sweeping and general and do not reflect the modern, progressive Scotland of the 21st century—then again, perhaps not.

Let me begin with the evidence in favour of reform, an enduring principle of this Parliament's legislative process. The cost of alcohol misuse to the national health service in Scotland is £110.5 million per year. According to the 2000 Scottish crime survey, nearly three quarters of the assailants in violent crimes were reported by the victim to be under the influence of drink. Young Scots aged between 16 and 24 drink more than any other age group, and the majority of 13 and 15-year-olds have drunk alcohol.

That is the reality that we are absolutely committed to tackling. The Licensing (Scotland) Bill alone is not the answer. Legislation does not change culture, nor does it change attitudes. That is why ministers across portfolios—in the Health Department and in the Education Department—are working together on a plan for action on alcohol. However, the bill will contribute to our efforts to reduce underage drinking, tackle binge drinking and protect and involve communities and local people and it will reform an outdated system.

There is a strong consensus in favour of the bill, in favour of reform and in favour of action. I particularly want to mention the work done by the Nicholson committee, the Daniels working group and the expert reference group on licensing in building the evidence for reform. That consensus on the need for reform is also reflected in the Local Government and Transport Committee's report.

Dr Sylvia Jackson (Stirling) (Lab): Given the developments down south, what are the minister's plans for discussions with the United Kingdom Government?

Tavish Scott: Liquor licensing is very much a devolved matter. Although we are looking closely at what is being done in other parts of the United Kingdom, our approach—through the Nicholson committee, the Daniels working group and the expert reference group—has been to build the evidence for reform here in Scotland, based on the Scottish experience.

I am grateful to the Local Government and Transport Committee for the excellent work that it has done on the bill. It took evidence from a wide range of people and it has taken a sensible and thorough approach to the matter. It endorsed the general principles of the bill, and I am grateful for

its recognition of and support for the proposed new licensing framework, the balance between national and local controls, the single premises licence, the end of permitted hours and the right for any person to object to a licence application.

The committee made a series of recommendations, and I will respond to them this afternoon. First, it recommended that the proposed size and quorum of the licensing boards and the size of the proposed local forums should be increased. We are not persuaded that the maximum size of 10 for the boards should be increased. Councillors sit on licensing boards as part of a quasi-judicial tribunal, taking decisions based on detailed information from the clerk to the board, from objectors, from the police and, under the new system, from licensing standards officers. They will be fully equipped to take decisions using that wide range of information. We do not agree that increasing the size of boards would improve the decision-making process. However, we are happy to change the proposed quorum for boards. We will introduce amendments at stage 2 to allow a quorum of half the board's membership.

Fergus Ewing (Inverness East, Nairn and Lochaber) (SNP): The committee expressed concern that the role, function and salary of licensing standards officers are opaque. Will the Executive tell us how many officers there should be, what the total cost will be and who will pay?

Tavish Scott: I know that Mr Ewing followed closely the deliberations of the Local Government and Transport Committee and the evidence that I and Scottish Executive officials gave, so I am sure he is aware that those matters will be considered carefully by the national licensing forum. That is why it will be set up. We are aware of the cost issues, and those will be taken forward. I also assure Mr Ewing that, as he would expect, we will bring those matters back to the Parliament, which will be able properly to scrutinise them. There will be plenty of opportunities for him to scrutinise them, too.

We acknowledge the committee's concern that some local forums may need more than 10 members. We intend to lodge amendments at stage 2 to increase the maximum number of members to 15, with a new regulatory power to amend that later if required.

The committee also raised concerns about the restriction of the police's role in new applications to the reporting of convictions for relevant offences. The police will, of course, continue to play a full part in the review of licences and they will be able to initiate a review at any time. However, we are prepared to consider further the role of the police in relation to applications for premises licences.

Police evidence to the committee suggested that we should reconsider allowing licensing standards officers to enter unlicensed premises. The Association of Chief Police Officers in Scotland stressed the potential for licensing standards officers to become involved in dangerous situations that would be best left to trained police officers. I confirm that I am happy to lodge suitable amendments at stage 2 to deal with that issue.

The committee asked us to reconsider some issues for which there are no immediate answers. We will reconsider licensing arrangements for ferries and entertainment vehicles and home deliveries of alcohol, including dial-a-drink services. Those are particularly complex issues and we need more time to work through them.

A key concern in the committee's report is that the bill's proposed controls on irresponsible promotions do not extend to the off-sales sector. Most of the evidence that the committee took supported the extension of controls to off-sales promotions. We have discussed the matter further with the off-sales trade and Alcohol Focus Scotland and we considered the evidence on underage drinking, consumption trends and the misuse of alcohol. We also considered the committee's view that some controls could be imposed now on the basis of existing evidence.

In recognition of that consensus, we have decided that a modified version of the controls should be extended to off-sales. We therefore propose to amend the bill at stage 2 to deliver a ban on some promotions in off-sales premises. We wish to ensure that the extension covers promotions that relate to an alcoholic drink that is targeted at people who are under 18; that are based on the strength of any alcohol; that reward or encourage, or seek to reward or encourage, drinking alcohol quickly; and that offer alcohol as a reward or prize, unless the alcohol is in a sealed container and is to be consumed off the premises.

We also propose to amend the condition in the bill that requires on-sales premises to implement a non-differential pricing policy for 48 hours. We will extend the period to 72 hours, as recommended in some of the evidence that the committee heard. We intend to impose the non-differential pricing policy on the on-sales and off-sales sectors.

I announce progress on establishing the national licensing forum. Forum members have been appointed and the first meeting is to take place on Monday 4 July. The forum is built around the individual expertise that it needs to enable it to perform a specific role in its first two years, which will focus on training, licensing standards officers and overprovision. I am grateful to the highly experienced individuals who have agreed to offer their time to that important work and I look forward to working with them.

The bill adopts a balanced approach that was achieved after an open consultative process and considerable work. It balances the need for national consistency with local flexibility and the need to recognise and support Scotland's vibrant and innovative hospitality sector with the stark reality that we live in a hard-drinking culture that puts an enormous strain on public resources. It recognises that most Scots drink responsibly but, for those who do not, we must take action.

The Government cannot change Scotland's hard-drinking culture—people can. However, the Government can recognise what must be done. Licensing law reform is one part of that equation. The bill is not about liberalisation or deregulation and it will not allow 24-hour drinking. There is no evidence that such an approach would work.

The liquor licensing reforms go hand in hand with sustained long-term action on education about alcohol and health promotion. Because the measures are sustained, are for the long term and are reforming, I commend the bill to Parliament.

I move,

That the Parliament agrees to the general principles of the Licensing (Scotland) Bill.

14:47

Bruce Crawford (Mid Scotland and Fife) (SNP): I welcome Derek Brownlee to the Parliament. Not only policemen out there, but—unusually—members of the Parliament, are getting younger. I hope that he enjoys his time here.

I begin my discussion of the bill with praise for my colleagues on the Local Government and Transport Committee. The committee's pragmatic and sometimes challenging approach to its stage 1 report meant that it not only described well the bill's strengths but—crucially—examined the bill's weaknesses and provided potential solutions. I am glad that the minister, in what might be one of his last speeches on his current portfolio, responded to some of that positively.

I am also glad that the committee broadly welcomed and endorsed the bill's general principles. However, in welcoming the bill, we should not kid ourselves on that it will produce a cure-all for the alcohol abuse that—unfortunately—exists in Scotland. The bill can have an impact on underage drinking and binge drinking but, to tackle the underlying causes of alcohol abuse, we will need to foster a significant change in our culture, as the minister said.

Legislation on its own never has led and never will lead to a change in culture. It can help to usher in an improved framework and an environment that can set the right tone but, as the minister said, a much more significant initiative on public health

and a prolonged public awareness programme, perhaps over several generations, will be needed to change how Scotland sees its use of alcohol.

Even then, given the diversity of influences on our modern society, it will be difficult, in this age of global communication, for Governments to have an impact on their populations in the ways in which they might have in the past. A bevvvy culture afflicts Scottish society and that must change. Individuals must look to themselves, and Scotland as a society must examine itself, if we are to alter behaviour. We acknowledge that the bill is important and will help to improve Scotland's licensing law, but I hope that we do not raise the bar too high for what we expect it to deliver.

The national licensing forum, to which the minister referred, will be central in the plans to modernise Scotland's licensing laws, especially given the intention that it will act as the minister's group of expert advisers. As the forum will play a central and crucial role in helping to shape future licensing policy through the advice that it provides to ministers, its proposed make-up and specific role is an issue in which the Local Government and Transport Committee will rightly take an interest. Therefore, I am glad that the minister has confirmed that he intends to keep the committee informed about progress on that during the summer. That is helpful.

The role that the national licensing forum will play will be essential in winning over those who have expressed doubts about putting too much power into the hands of local licensing boards. Although it is right that licensing boards should be able to shape and decide policy based on local circumstances, it is also right that good guidance and advice will come from the centre to help to deliver a reasonable degree of consistency and equity of approach throughout Scotland.

Understandably, considerable concern was expressed about the potential increase in costs that might need to be borne by licensed business, especially given that the costs of operating the new regime are to be contained within a self-funding framework. The last thing that any business in Scotland needs is for costs that are not within its control to increase to a level that was not planned for and which cannot be absorbed. That is why the committee was right to call on the Executive to examine closely how we can keep to an absolute minimum any additional financial burdens that might be placed on the licensed trade, especially the costs of the licensing standards officers and the one-off start-up costs that will be associated with the new regime. That is also why the committee recommended that consideration should be given to introducing a variable fee scheme to take account of the different types and sizes of premises.

Many licensed premises that are at the margins of what might be considered a successful business are the very establishments that might have the most difficulty in adapting successfully to the proposed new licensing regime. That is one reason why the committee also asked the Executive to consider introducing an interim licence of up to three years. I will be interested to hear the minister's comments on that idea when he sums up. In my view, such a licence would recognise the fact that some long-standing businesses will experience difficulty in adapting their premises to comply with modern building standards. Some will need time to gather together the investment. If they are to get up to today's expectations, they will need time to support the investment levels that are required. However, the committee was right to recognise that premises that fall below expected standards cannot simply expect to continue regardless.

Similarly, we cannot allow the practice of irresponsible drinks promotions to continue unfettered. It is right that the bill seeks to control the periods during which promotions can be made available in the on-licence sector. I am glad that the committee was able to challenge the Executive over its failure—until today—to examine how irresponsible promotions in the off-licence sector might best be improved. I am happy at what the minister had to say about that, but I will be interested to see what the stage 2 amendments actually say when they are lodged.

However, we could have done more. This Parliament does not have control over issues such as advertising and labelling. Ironically, legislative competence still lies at Westminster—I think that this is what Sylvia Jackson was referring to earlier—for powers that could have a much greater impact on Scotland's drinking culture than the powers that are currently available to us. I am glad again that the committee accepted that point in its report.

The committee also expressed its disappointment about the level and extent of the enabling powers that are provided for in the bill. It is not helpful for the Executive to take so many enabling powers in the context of producing legislation that could have been both robust and well constructed had it been subjected to fuller parliamentary scrutiny by the committee and during the stage 1 debate before the full Parliament.

In conclusion, I say for the record that the Scottish National Party will support the bill at stage 1, but we believe that the Executive still has a bit to go to produce a bill that will deliver on expectations. There are many areas on which the committee reflected but which have still not been addressed by the minister.

In particular, the minister needs to take cognisance of the committee's criticisms of the lack of robust financial information and of the rather sketchy nature of the information that was provided. As the committee pointed out, details of the fee regime have not been developed sufficiently.

Tavish Scott: Mr Crawford is aware that a fees review is under way. That was flagged up well in advance and the committee was aware of it. Surely he is not suggesting that we cancel the fees review.

Bruce Crawford: No. The committee was saying that it would have preferred to have the information earlier, so that it could make decisions on that basis. If the committee had had the information, it would not have made the criticisms to which I have referred.

The costs of employing LSOs have been all but impossible to calculate, especially given that the number of LSOs is anything between 32 and 66 and that their salaries range between £15,000 and £30,000. Those are marked levels of potential variation. On that information alone, the costs of employing LSOs range from £480,000 at the low end to £1.98 million at the high end. The committee reflected on that point clearly in its report. That is why I ask the Parliament today to endorse the committee's position by supporting my reasoned amendment at decision time.

I move amendment S2M-2276.1, to insert at end:

"but, in so doing, notes the concerns expressed by the Local Government and Transport Committee in its Stage 1 Report on the Bill that, in respect of the Financial Memorandum, it considered that more robust financial details were required and as a result the committee was not in a position to determine whether the Financial Memorandum was adequate."

14:56

Mr David Davidson (North East Scotland) (Con): I welcome my colleague Derek Brownlee to the chamber and wish him a happy and contented time here—if that is possible in opposition.

I congratulate my colleagues on the Local Government and Transport Committee on a thorough piece of work that was well done. The questioning of witnesses was very good.

I believe that the reform of our licensing system is long overdue. However, like other members, I am deeply concerned about the fact that ministers have chosen to provide for enabling powers, instead of exposing the regulations in advance for real scrutiny by the chamber and the Local Government and Transport Committee. I also have concerns about the costs to the trade, which I think have been underestimated in the production

of the bill. I would like the minister to provide more clarification of what the trade will have to expect and what form of fees there will be, because that is a matter of extreme concern.

The minister spoke about the problems associated with alcohol. Some 225,000 Scots are labelled as problem drinkers, but there are others who are not known about.

At the beginning of the bill process, 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".

The Conservatives support those comments. We welcome the modernisation of the licensing scheme and the simplification of many parts of it. We called for that in our manifesto for the 1999 Scottish Parliament elections. However, we have given notice to the committee—and I give notice to the Executive—that we will lodge amendments at stage 2.

Underage drinking is an issue. Unfortunately, when we ask where young people get the alcohol, the word "off-licence" springs to mind. In the past, I have called in the chamber for a national proof-of-age card. When Mary Mulligan was the Deputy Minister for Health and Community Care, she welcomed that proposal, but there has not been much action. I hope that the minister will take on board a previous minister's comments.

The bill does not deal properly with the problems that arise from the off-sales sector. I welcome the comments that the minister made, and we look forward to hearing what he has to say in detail, but consideration needs to be given to the promotions system and the new problem of what is called front loading, which involves young people stocking up and drinking a lot before going out so that they do not spend money on controlled premises. Off-sales premises are not a managed environment and front loading causes problems out on the streets.

I would also like to hear what the minister has to say about personal licences. Unless there is full training, which he hinted would be available, there is not much point to them. We need a national registration scheme, so that we can identify easily who holds such licences. The register does not need to be expensive and could be attached to the driving licence database, for example.

Premises licences are based very much on business plans. I hope that they will be seen to be robust but flexible and that licensees will have an opportunity to cater for the needs of the community that they seek to serve. We would like closing times to be staggered, so that everyone does not pour out on to the streets at the same

time because a clock has ticked past a certain hour.

The minister made some comments about boards. We believe that there must be good local knowledge on a board. I welcome the proposal to increase the quorum, because in large cities such as Glasgow just a few people have far too much power.

As Bruce Crawford asked, who will employ the licensing standards officers? Will they work for the council, the board or for somebody else? What powers will they have and what will they cost? We need clarity about that.

We are disappointed by the apparent cutting back of the police's role. I am not reassured by what the minister has said so far, although perhaps he will do something further. We are also concerned about excluded premises in rural areas where often the only shop for miles happens to have a few petrol pumps outside. There is a concern about how we cover that issue.

I hope that the lack of appeals process for personal licence holders will be addressed at stage 2. There must also be flexibility in the granting of occasional licence extensions, because the planning of some sporting events, for example, means that such licences are required at short notice.

Boards should have some flexibility to use their local knowledge when dealing with overprovision. We do not want a centrally controlled system where one size fits all. We need community input and we need local, responsible people to sit on the boards to make those decisions.

As the committee heard in evidence, there is a perception that the bill will give rise to protectionism, with people saying, "We mustn't have any more new licences, because—" However, the "because"s are not always for the right reason. Different elements of the trade do not want competition, but competition improves service and raises standards. In considering grandfather rights, we have to recognise that people have made an investment in a business. However, we also have to ensure that there is opportunity for new businesses in the marketplace.

On the transitional arrangements, I welcome the fact that the committee pushed to extend the time allowed to upgrade premises to three years. I hope that some provision will be made for listed buildings, of which people cannot change the interior layout or the structure. We need some discretion over that.

On the sports ground issue, it is obvious that, because of the lack of opportunity for licences, the likes of Murrayfield have lost out on hosting very

large events, which might bring in £20 million a time. The police in Newcastle are happy with the scheme that operates at St James' Park, because they believe that it removes the problem of people coming drunk to the football ground. People can enjoy themselves at a sporting occasion and, as we see every time there is a rugby match at Twickenham, the situation does not get out of control. The police are in favour of that. I hope that ministers will abandon the idea of having a blanket ban on sports grounds and leave such decisions to local knowledge and discretion.

Bruce Crawford: Does the member believe that the bill contains the powers to enable that to happen?

Mr Davidson: Unfortunately not, which is why I was appealing to the minister. I thank the member for clarifying the matter for me.

There are good reasons to have a differential pricing policy where it can be seen to benefit public health and law and order, but there are difficulties with those provisions in the bill and I cannot support them—they are far too rigid, as I said when the committee considered the matter. What about the little promotions in which pensioners can have a nip and a pint in the middle of the afternoon? The proposed price list maintenance time of 72 hours—

Tavish Scott: If the Conservative party position is not to support our policy on tackling binge drinking, what is its approach to the problem?

Mr Davidson: I am talking about pensioners, who have neither the physical ability nor the cash to be part of that problem. We are saying that we need some flexibility so that responsible retailers can hold promotions that are within the spirit of the bill and that support the Nicholson principles of measured, controlled drinking. We must allow people some freedom.

We want to change the drinking culture to a family-friendly, continental, Mediterranean-style one in which people are educated in the family to be a bit more responsible in their drinking. As the minister said, legislation is not the only answer; there has to be education, too. More important, there must be a culture change. Regulations cannot deliver that.

The majority of people in Scotland are responsible and they should not be penalised by the action of the few. Equally, we must ensure that the police are given the power to deal with unruly behaviour. On law and order, I am concerned that people who become bouncers and doormen should be properly trained and that they should not resort to using unnecessary violence, as evidence shows happens.

The Conservatives support the general principles of the bill, but we will be lodging amendments at stage 2 to make it a much more practical arrangement for Scotland.

15:05

Bristow Muldoon (Livingston) (Lab): I will address some of the main points in the Local Government and Transport Committee's report, although, given the time constraints, I will not be able to cover all the important matters that the committee raised—I hope that my colleagues will be able to cover the issues that I cannot.

I welcome the fact that, in his speech, the minister responded to a significant number of the points that the committee raised in its report. There are other areas in which we look for further clarification, but today was a good start in terms of the Executive's response to the report. The committee welcomed the bill and endorsed the Executive's objectives to simplify and modernise the legislation; to balance the rights of the majority who drink responsibly with the need to protect communities from the nuisance and crime associated with alcohol; to provide strong monitoring and enforcement; to make the system more inclusive; to support responsible members of the licensed trade; and to allow local flexibility. The bill also provides an opportunity to reduce alcohol-related health problems in Scotland.

On the idea of a new type of licence in Scotland, we should recognise that there has been a significant growth in the number of licences over the past 30 years or so, as well as a change in the type of licensed premises. There are 15 per cent more pubs than there were 25 years ago and there are 25 per cent more off-sales. Moreover, there has been a 400 per cent increase in the number of entertainment licences.

Before I address the many problems associated with alcohol, I stress the importance of recognising that, consumed responsibly, alcohol can be an enjoyable part of many people's social lives. Through the provision of restaurants, pubs and clubs, the licensed and hospitality trade is an essential part of Scotland's economy. The production of alcohol, particularly whisky, is a major provider of employment and export income to Scotland. On the downside, alcohol is related to some serious social problems, ranging from homicide and deaths due to drink driving to assaults and much of the antisocial behaviour that afflicts many of our communities. The bill can contribute to addressing those issues. Like other members, including Bruce Crawford, I recognise that legislation alone will not resolve all those social problems or the health problems associated with alcohol. Due to lack of time, I do not intend to cover the health issues in great detail, but I know that my colleague Mary Mulligan will do so.

On the specifics of the report, the committee believes that local knowledge and expertise is essential in taking local licensing decisions. We consider that the most effective way of taking such decisions is through elected local councillors, although we recognise that councillors are acting in a quasi-judicial manner on licensing boards. The city of Glasgow licensing board and the city of Edinburgh licensing board called for an increase in the maximum size of the boards. That proposal was supported by Sheriff Principal Nicholson. I welcome what the minister has said on raising the quorum, but I urge him to consider further the size of boards and whether a membership of 10 is sufficient.

The committee felt that the proposed licensing standards officers could play an important role in the licensing process, especially in enforcement and the monitoring of licensing conditions. However, we were concerned about the precise nature of that role, on which we seek further information—we would like to know more about the powers and functions that the licensing standards officers will be expected to undertake. The minister mentioned the concerns of the police in that regard. If I had had more time, I would have said more about the powers and role of the police, but I understand that my colleague Paul Martin will be covering the issue in more detail.

The national and local forums have an important role to play. The national forum will have an essential role to play in providing a framework for the licensing system in Scotland and the local forums will give communities that host licensed premises a greater opportunity to have an impact on the decisions that the licensing boards make. I welcome the fact that the boards will have to give local licensing forums reasons for their decisions if they disagree with the position that the forums have encouraged them to take. I also welcome the minister's indication that the membership of local licensing forums will be increased to 15, which will enable a broader range of representation.

Given that I am running short of time, I turn finally to the issue of irresponsible promotions. The minister has indicated that there will be positive movement in response to the committee's comments.

The Deputy Presiding Officer (Trish Godman): Mr Muldoon, you have as much time as you want.

Bristow Muldoon: I have been misled about how much time was available, Presiding Officer. As I have more time than I thought I had, I shall continue a little further.

On differential pricing policies, I welcome the minister's indication that he is prepared to extend to 72 hours the time during which premises will

have to maintain a price. That reflects many of the representations that were made to the committee. With regard to the off-sales trade, the minister has responded positively to a couple of the points that the committee made about irresponsible drinks promotions, particularly of drinks with a high alcohol content and those targeted at young people.

Bruce Crawford: I do not know how much time Bristow Muldoon has left, but I hope that, in that time, he will reflect on what the committee said about the financial memorandum. It said:

“more robust financial details are required and as it stands the Committee is not able to determine whether the Financial Memorandum is adequate.”

Does he agree that members of the committee might find that that is close to the reasoned amendment that I have moved and does he believe that they will support my position?

Bristow Muldoon: I can respond to that point right now. I accept the committee's position and the criticisms that were made of the financial memorandum. At this stage, however, we are not voting on the detail of the financial memorandum. We are voting today on the general principles of the bill. I support the bill's aims and general principles, so I shall be voting for the motion in the name of the minister. It is unfortunate that Scottish National Party members have chosen to try to create division where little division exists. There has been a welcome degree of agreement among all political parties and, indeed, much of the licensed trade on the contents of the bill. I thought that this debate would be one of the occasions on which the Parliament comes together to endorse the general principles of a bill, so I find the SNP's approach disappointing.

We made recommendations on advertising and labelling, but we did not, as Bruce Crawford almost implied, regard independence as the solution to those problems. Labelling of products is probably a broader issue than can be dealt with by individual nation states. We are members of the European Union and many of the alcoholic products that are on sale in Scotland are produced by other member states. If we were to make statutory provision on labelling, we would need to do so in the context of EU law; the best way of making effective progress on the matter would probably be across the whole of the EU. However, irrespective of that, I want to put on record the fact that we recognise the good practice of retailers such as the Co-operative Group in putting more informative labelling on their own-brand products.

I welcomed the information that was recently provided to us by the British Beer and Pub Association, which showed that, by the end of this year, 85 per cent of beer sold in bottles and cans will carry information on the number of units of

alcohol in the bottle or can and messages to encourage responsible drinking. In addition to legislation, responsible activity by those involved in the licensed trade and the brewing trade can only help in achieving the Executive's aims.

Finally, the committee has raised the issue of test purchasing in order to try to ensure that the sale of alcohol to minors is more effectively controlled than is currently the case. Although we welcome the move towards a more robust proof-of-age scheme, my view remains that we should try to resolve some of the difficulties that the police face in utilising test purchasing. I look forward to the minister raising the issue with the Lord Advocate and I hope that the Lord Advocate will respond positively.

A broad consensus among the political parties and the key stakeholders in the industry underpins the modernisation of the system. On that basis, I encourage all members of the Parliament, in all parties, to unite behind the motion in the minister's name and to agree that the general principles of the Licensing (Scotland) Bill be approved.

15:15

Margaret Smith (Edinburgh West) (LD): On behalf of the Liberal Democrats, I welcome Derek Brownlee to his new position and wish him well in his new role. I hope that he will get support from members throughout the chamber, particularly in his first few weeks, when—like the rest of us when we first came to the building—he will probably lose his way several times.

I welcome the opportunity to speak in the debate. The Liberal Democrats support the bill, which represents a chance to introduce a licensing regime that is fit for the 21st century. The bill, which follows on from the excellent work that was done by the Nicholson and the Daniels committees, has attracted widespread support and it contains many proposals that we can all welcome. However, as Bristow Muldoon said, we do not have time to look at all the proposals today.

The bill provides for no-proof, no-sale measures; greater community involvement through licensing forums; a presumption against 24-hour opening; and a greater emphasis on training for all staff. In short, the bill includes a range of proposals that will revolutionise our licensing laws and, I hope, play a part in changing our drinking culture. Alcohol consumption is a crucial issue for the Parliament and it is clear that we need to change our culture—Executive figures suggest that alcohol cost Scotland £1.1 billion in 2002-03, if we take into account a wide range of impacts covering health, criminal justice and social issues.

Alcohol is associated with one in 30 of all deaths in Scotland. One in six deaths on our roads is

caused by drunk drivers and almost two thirds of victims of assault thought that their assailant was under the influence of alcohol at the time of the offence. However, we are regulating a legal drug and, in so doing, we come up against not only legal issues but cultural ones. The Executive rightly acknowledges that statute is only part of the picture and part of the solution in achieving the objectives of preventing crime and disorder, securing public safety, preventing public nuisance, protecting and improving public health and protecting children from harm.

We welcome the simplification of the licensing process through the abolition of the outdated system in which there were seven types of licence. The bill will introduce just two types: the personal licence and the premise licence. The new system will take a case-by-case approach that will be backed up by an operating plan approved by the licensing board, which consists of elected councillors. We feel that that system is better equipped to deal with the hybrid quality of many of our licensed premises these days, particularly in cities such as Edinburgh and Glasgow.

It is right formally to move away from permitted hours, particularly when, as the Scottish Beer and Pub Association tells us, 91 per cent of pubs and 88 per cent of hotels already have regular extensions to their hours.

We welcome many of the provisions to improve public involvement and consultation in the licensing process. Although some of those who gave evidence to the committee opposed those provisions, I certainly support the right of any person to object to a licensing application. I welcome the minister's comments about raising the quorum in licensing boards, but I believe that, for cities such as Edinburgh, the argument remains strong for having a greater number of people on the board.

The committee supports the proposal for local licensing forums and, crucially, for the national licensing forum, although we have concerns about the amount of detail that still needs to be fleshed out in relation to the forums' role. I certainly welcome plans to review progress after a couple of years.

The minister knows well that I have had real concerns about what is certainly perceived as a reduced role generally for the police and chief constables in the system of new applications. As a former member of the Edinburgh licensing board, I can only say that, in practice, I found the details that the police gave us about licence holders' convictions and about the functioning of their premises to be very useful. That contribution is of value in respect of both renewals and new applications. I am pleased that the minister said that he has had discussions with ACPOS and will

return to the issue at stage 2 proactively. The police will play a crucial role in improving the licensing regime as they work alongside the new LSOs and licence holders.

The bill presents us with an opportunity to improve the facilities and services that are available on licensed premises, which is why I support the proposal that there should be no automatic transfer of licences. A reappraisal should take place to ensure that everyone complies with the new requirements and can play their part in raising standards for locals and tourists. It is only fair that we do not set up a two-tier system, but we must ensure that there is a reasonable period of transition, as members have said.

It is also fair and necessary that we apply the same vigour to stamping out irresponsible drinks promotions in the off-sales sector as we apply to stamping them out in the on-sales sector. I welcome the minister's assurances that the Executive will lodge amendments at stage 2, as I suggested.

Pauline McNeill (Glasgow Kelvin) (Lab): What will happen in the period of transition that the member mentioned? Will there be winners and losers, who will have to get used to the new arrangements?

Margaret Smith: Some representatives of the trade argued for the automatic transfer of rights and licences to people who hold a licence under the current system. Committee members thought that that approach would be wrong and would create a two-tier system. We want the bill to raise standards, so we thought that a fairer approach would be to give people in the trade a fair interim period, perhaps by awarding them a three-year interim licence, during which they would have a chance to undertake work and take on board the changes in the regime. Such an approach would enable us to improve standards and is fair and positive.

We know from our experiences in our constituencies that many of the worst examples of antisocial behaviour take place around off-licences. Barnardo's tells us that most young people get their alcohol from local off-licences. Executive figures indicate that 11 per cent of 15-year-olds report that they buy alcohol from pubs, 7 per cent report that they buy alcohol from supermarkets and a staggering 24 per cent—no doubt they are literally staggering—buy alcohol from local shops and off-licences.

I accept that, as representatives of the trade and others argue, we might not be able to introduce the same restrictions for the off-sales sector as we can do for the on-trade sector in relation to immediate consumption and I accept that the bill

gives ministers the power to make orders to deal with the matter, but it is crucial that we tackle immediately an overwhelming problem that our communities face, by including in the bill whatever measures we can to restrict the sale of certain products, as the minister said. I particularly welcome the proposed restrictions on products that are aimed at young people and on products that are promoted because of their alcoholic strength. It is also right that we do all that we can to tackle irresponsible promotions such as happy hours, which encourage binge drinking and have a devastating impact on the criminal justice and health systems.

Someone who is more cynical than I am might think that David Davidson's opposition to those measures demonstrates that the Conservatives are more concerned about business than they are about public health. I am shocked and disappointed that there is a difference of opinion in the Parliament over the issue. The Executive is taking a reasonable approach to tackling what our local police and accident and emergency staff regard as a major problem.

I welcome the bill's approach to overprovision and the proposal to require pubs to opt in if they want young children to be allowed on the premises. I also welcome the minister's comments today, but there remains a lack of detail in many areas and I hope that we will return to those issues at stage 2.

I am disappointed that the SNP has lodged an amendment to the motion. Bruce Crawford must have thought that he was on a roll after the committee accepted his suggestions because we wanted to take a consensual approach in our report on the bill. However, he overstepped the mark when he lodged the amendment. I am content to do what we need to do at stage 1, which is to agree to the general principles of the bill. I think that the majority of members will do that, as it is the right thing to do.

15:24

Paul Martin (Glasgow Springburn) (Lab): I, too, welcome Derek Brownlee to the Parliament. I give him one warning: he should not allow his party leader to recruit him to the parliamentary golf team, which was soundly beaten 8-0 on Saturday. Derek Brownlee should stay away from the team if he can.

Like others, I think that we should welcome the bill. All too often, we are accused of not reflecting public opinion. This is a serious piece of legislation, which was launched in 2001. It has been long in coming to the Parliament, but it will genuinely make a difference not just in changing how we sell alcohol but in dealing with the most

appalling statistics, which have been the subject of great debate in the Parliament on a number of occasions. We do not always take direct action to deal with the appalling statistics that exist in my constituency and in many other parts of Scotland, but in this case, as well as talking about what we have got to do, we are taking direct action.

Bruce Crawford is being slightly disingenuous on the requirement for clarity. The committee sought further clarity, but that was no different from any other stage 1 report that has been produced in the Parliament. If there was absolute clarity, I would be concerned that the minister was not willing to show any flexibility in allowing the committee to develop what the licensing standards officers should be doing. An important part of the Parliament's work will be to develop what those officers should do. I am not here to decide what salary they should get; that issue should be developed by the civil servants. However, we should subject it to effective scrutiny.

A couple of issues, which are out there in the public domain, were the subject of great debate during the committee's evidence sessions in Glasgow and in other parts of Scotland. The first of those issues is the current police reporting mechanisms. I welcome the commitment that we will develop the police reporting role with ACPOS; however, crucial to those discussions will be our ensuring that there is absolute continuity and continued clarity with regard to how the police officers will report to the licensing committees. All too often, I hear of communities attending the licensing board or committee to be advised by the police authorities that there is nothing to report, although that has not been the local experience of the premises. There must be a standard format whereby all activities that take place in a certain premises are reported to ensure that the police report does not just say whether an offence has been detected, but creates a profile of a local facility in a community. I would welcome a commitment from the minister that whatever is developed will be developed effectively.

Another issue on which we received evidence, particularly in Glasgow, was the concern of communities about the pressures that they faced as a result of nightclubs. We heard about not only the pressures that nightclubs put on communities, but the pressures that they put on police authorities and council services. I do not believe that the tab should be picked up by the council tax payer, or by the taxpayer in the case of the police authorities; I think that the tab should be picked up by the nightclub facility or any other licensed premises that brings that additional pressure to a community. Will the minister ensure that the legislation will enable authorities to serve a levy on a nightclub or any other licensed premises that creates an additional requirement for services? All

too often, communities have been attacked as a result of the activities that take place and I do not see why they should pick up the tab for that. The committee received powerful evidence on that in its Glasgow session.

The issue of family-friendly premises was raised during evidence taking, particularly in the evidence that we received from Niall Stuart of the Federation of Small Businesses. I have been encouraged by the condition of a number of family-friendly premises throughout Scotland, which have developed their services very well. Niall Stuart said:

"From a practical point of view, a baby can be changed without the availability of baby changing facilities."—[*Official Report, Local Government and Transport Committee*, 3 May 2005; c 2456.]

If I had heard that before I became a father 15 months ago, I would have said that it was a possibility. However, I can now tell Niall Stuart that that is not the case. If we are to encourage a family-friendly environment, we must have a charter that delivers a basic standard. It was crass of Niall Stuart to suggest that that can be done in any other way. If we are to bring families into the licensed environment, that must be done responsibly and with commitment. I do not welcome Niall Stuart's statement. However, I must say again that licensed premises throughout Scotland have moved in the right direction on the issue.

On the ACPOS proposal for a database of licence holders, I was surprised that we did not already have a database to collect information on licence holders. It is a serious concern that no such database is in place. A number of opportunities in relation to databases that already exist in the justice system have been talked about, but we should ensure that there is a national database that allows information to be shared. I ask the minister to ensure that funding is made available at least to develop the opportunities.

I welcome the bill, subject to changes at stage 2. We can deliver legislation that will make a difference to communities throughout Scotland and will tackle the appalling health statistics in many parts of Scotland.

15:31

Brian Adam (Aberdeen North) (SNP): The Deputy Minister for Finance and Public Service Reform set us some interesting challenges as he opened the debate—indeed, the issue is a challenging one. Bristow Muldoon and Margaret Smith criticised members because the Parliament is not taking a unanimous view on the bill, but I have not heard a unanimous view even among members of the Executive parties. Paul Martin

rightly pointed out a number of issues on which the bill does not go far enough and he looked forward to making changes at stage 2. On some of those changes, he will certainly have my support, if not necessarily the support of his colleagues.

Bristow Muldoon: Mr Adam misunderstands me. I, too, mentioned issues on which the bill can be improved. Every bill that comes before the Parliament can be improved, but the question that should be before us today is whether we believe in the bill's general principles. As the vast majority of members believe in the general principles, we should all say so together.

Brian Adam: The slight problem with that is that bills normally come with a financial resolution. We may debate how robust such resolutions are, but we are missing one today. The point that my colleague Bruce Crawford makes in his amendment is well made and was also made by the Local Government and Transport Committee.

Tavish Scott: It is important that Brian Adam does not say that the Executive did not produce a financial resolution. The Parliament decided that it did not want one. We took advice from the Parliament on whether a financial resolution was necessary and the advice from the Presiding Officer's office was that we did not need such a resolution. We offered to have a financial resolution, but the Parliament decided that we did not need one. I hope that Mr Adam is clear about that.

Brian Adam: I must accept the minister's assurance that he was given advice on the matter, but it seems to me that the advice was fairly ill considered, given that the bill will have significant financial implications, not the least of which relate to the LSOs and the points that Mr Martin raised.

I move to the issues on which I want to focus. I, too, want to be a little more contentious than some members might like me to be. Some people suggest that health promotions are a good thing. I agree with that, but I do not necessarily agree that measures that relate to drinks promotions are a good thing, whether they are for happy hours or something else. The bill does not deal with the impact of alcohol on health. David Davidson rightly pointed out the scale of the present problem. Members who espouse the continental style of drinking ignore the fact that, in parts of the continent where total drinking is higher than it is here—the proportion of such places is becoming smaller—the health problems that are associated with alcohol are greater. The issue is about not just binge drinking or youth disorder, but the total health impact of increased alcohol consumption. If we cannot persuade society that it is not necessarily a good thing to drink in excess over either a short or a long period, we will guarantee that there will be even more health problems in the

future. As a result, I think that this is a question not of responsible drinking but of the amount that individuals consume.

Margaret Smith: I hope that the member agrees that the licensing system is the wrong place to look if we want to educate or re-educate people with regard to some of the issues that he has raised. Instead, we need a holistic approach that includes, for example, early intervention programmes in our schools to ensure that children and young people learn about drink in a responsible way and in a way that allows them to take a whole-life view of it. We should not address the matter simply by trying to stop them going into the local offie.

Brian Adam: I agree that we need to address the matter in as broad and as responsible a way as possible. However, I do not accept that having drinks promotions represents a responsible approach. The significant increase in the amount of drink that is consumed has been accompanied not just by the usual drunkenness and disorderly conduct that have an impact but by real health problems. The amount of money that is spent on health promotions on drinking, either in the field of education or by organisations such as Alcohol Focus that pick up casualties in the system, pales into insignificance when compared with the drinks industry's drinks promotion budgets and the support that the Scottish Executive and health authorities give—rightly, in my view—to tackling illicit drugs problems. We have not struck the right balance in that respect and we need to offer general help.

We must create a situation in which people are encouraged to drink less, not more. I realise that the drinks industry does not wish to hear that message. I have no problem with competition between drinks companies, but I do not want them to increase their market share or drinkers' overall consumption, because we will all pay for that.

On enforcement, concerns have been expressed that the roles of LSOs are ill defined. Paul Martin rightly referred to paragraph 36 of the report, which deals with

"Investment in areas surrounding licensed premises".

I share his view that the drinks industry should not escape the consequences of its consumers' actions. In the same way that we expect polluters to pay, those who sell the drink that leads to individuals' drunken actions ought to bear some responsibility for, and the costs associated with, that behaviour. I realise that it is not easy to tackle that problem or to apportion those costs. However, it is not right that there are fewer police in the communities that I represent, and in the peripheral and private housing estates on the edges of Aberdeen, because they are all in the city centre

dealing with overnight rowdiness. Moreover, I do not believe that business rates represent adequate compensation in that respect. However, I am happy to accept that the view that Mr Martin and I have expressed is not universally held. I hope that other members who share it will be able to persuade the minister of our argument between now and the debate's conclusion.

Paragraphs 72 and 73 of the report refer to advertising and labelling, which—as the report rightly points out—are reserved matters. However, other problems touch on matters that we do not, but should, have influence over. It is nonsense that we can deal with tobacco advertising but we cannot deal with alcohol advertising. Furthermore, I do not see the distinction that has been made between Europe, the United Kingdom and Scotland. If we can legislate on tobacco advertising, why can we not legislate on alcohol advertising?

Currently, alcohol taxation is nonsense. Alcohol ought to be taxed on the number of units that a person is buying, not on whether it is a spirit, beer, wine or any other concoction. That is fundamental to addressing the health issues, which are the main reason why I am trying to engage in the debate, but we do not have any control over it. If we want to tackle the health problems that are associated with alcohol, we need to be able to address taxation. Whether we have to do that in conjunction with colleagues south of the border or throughout Europe is perhaps a matter for another day.

We do not have everything right in the bill and we have not considered the matter holistically: the bill does not address health problems or community interests as fully as it should do. However, there are many good things in the bill, so I will support it, although I hope that we will be able to make some changes to it during its passage through the Parliament.

15:41

Bill Aitken (Glasgow) (Con): As I listened to the debate unfold, I was reminded of how the circle has turned. I was convener of the licensing committee of the City of Glasgow District Council in the late 1970s, and the licensing board upon which I sat implemented the Licensing (Scotland) Act 1976. In those days, we had a serious problem with drinking in Glasgow. In fact, the street cabaret that one could see was one of the most depressing aspects of my childhood. However, we adopted a fairly liberal approach towards the act and used the application of extension of permitted hours to force up standards. It worked: there was a fairly spectacular drop in the number of people who were arrested for being drunk and incapable and there was, for a time at any rate, an

improvement in street behaviour. As I said, the circle has turned and we now have a problem of binge drinking. The problem is generational to some extent, but it must concern us all deeply.

That being the case, there is no doubt that the licensing system in Scotland is in need of review. Some aspects of it are no longer working and there must be an enforcement regime to some extent. As my colleague David Davidson indicated, the Conservative party considers that the bill makes a positive contribution to those aims. However, he also rightly flagged up concern on a number of issues—for example, overprovision, differential pricing, 24-hour opening and the issues surrounding sports grounds.

I will concentrate my comments on issues that are more locally focused, as Paul Martin did. Living in and being an MSP for the city of Glasgow, I am no stranger to the consequences of irresponsible and excessive drinking. Equally, I freely confess to happily but, I hope, responsibly patronising certain Glasgow hostelrys and, having done that over a reasonable stretch of my adult life, I am perhaps in a position to speak with some authority and expertise.

Let us deal with the serious aspects of the matter and consider first the consequences of irresponsible and excessive drinking. They can include the nuisance problems of tiresome and unwelcome interference from people panhandling on the streets, people literally being ill in the street or people behaving in an annoying manner, all of which inconveniences and irritates law-abiding citizens. In that respect, I think particularly of tourists, who do not wish to see such behaviour when they come to Glasgow and Edinburgh. That behaviour also leads to a frenzied charge on fast-food outlets at closing time and a consequent discard of vast quantities of food containers and wrappers on our pavements, all of which makes the place look untidy and has to be cleaned up at public expense.

A more serious escalation of drunken behaviour leads to loss of temper, aggression, assault and, tragically, a regrettable deterioration of activity, sometimes into serious and fatal criminal conduct. In such instances, it is tempting to look at the individuals who are involved and come down on them like a ton of bricks, because everybody must bear personal responsibility for their own behaviour. However, at the same time, we must examine how the law enforcement agencies enforce the licensing regime.

No responsible licence holder wants to get a bad name with the police or the licensing authority, and the vast majority of licensees are responsible and do everything possible to co-operate with licensing boards and the wider community. However, they are not all paragons. The small minority of

licensees who are prepared to sell drink to those who should not be served it because of their drunken state, to sell drink to those who are underage and to conduct their premises in an unsatisfactory manner should be dealt with much more seriously by licensing boards than currently seems to be the case. Few members would disagree that any licensee who is convicted, over a period, of selling drink on more than two or three occasions to persons under the age of 16, never mind 18, is not a fit and proper person to hold their licence. However, as far as I can see, in few instances are licences actually forfeited and that is quite wrong.

I have said in the chamber before—I make no apology for repeating this—that law that is not enforced becomes bad law in its own right and meaningless in effect, and creates an unwelcome lack of confidence in the wider regime. We must consider the issue of enforcement. Unless the proper resources are focused and targeted at those who are the cause of the problem, I am not convinced that the bill will bring the result that we would all wish.

The Justice 2 Committee's report on the bill refers to the five licensing objectives under the proposed new regime. I remind members of those objectives, to which I am sure we could all sign up. They are:

“Preventing crime and disorder ... Securing public safety ... Preventing public nuisance ... Protecting and improving public health”

in order to deal with the questions that Brian Adam raised, and

“Protecting children from harm.”

In evidence to the Justice 2 Committee, community police officers indicated that

“while improvements have been made over the years, the current regime requires reform before these objectives can be met.”

Paragraph 19 of the Justice 2 Committee's report states:

“The Committee was concerned at the inability to gain a consistent picture of how Licensing Boards currently operate, and was surprised at the apparently low level of sanctions imposed under the current regime.”

We must send out the message loud and clear to the licensing boards that we are giving them the authority, and delegating to them the responsibility, to deal with those matters. They must deal with them adequately and on a much more robust basis than appears to be the case today.

Tavish Scott: I take Mr Aitken's point on the powers that licensing boards will have. Does he accept, however, that part of our approach is to give training to licensing board members, to

ensure that that training is up to date and to ensure that it relates in particular to the bill that we propose to pass?

Bill Aitken: Absolutely; I have no difficulty in recognising the minister's point. In riposte, however, I make the point that although board members can have as much training as they need—in some of the more enlightened authorities, among which Glasgow has been one, some of them frequently have such training—they must have the bottle, if I may use that term in this debate, to stand up firmly and state that those who conduct their premises in an unsatisfactory manner and who constitute a danger to the wider community will simply have their licences withdrawn. That is the issue to which we must return.

On behalf of the Conservative group, I thank members on all sides for their very kind welcome to Derek Brownlee. I am sure that, having heard this afternoon's debate, he might even come back tomorrow.

We do not seek to impede the progress of the bill today. As I have said, however, we shall be looking for some amendments at stage 2.

15:49

Mrs Mary Mulligan (Linlithgow) (Lab): I am grateful for the opportunity to speak in the debate, particularly as, not being a member of the Local Government and Transport Committee, I have not had the pleasure of taking part in its many discussions on the bill. The issues that are covered by the bill affect many of us as constituency MSPs.

I support the general principles of the bill and acknowledge the contribution of the Nicholson and Daniels committees to it. I accept that most adults in Scotland can and do drink sensibly, but because some do not or might be tempted not to, we must have a robust licensing system that seeks to regulate the use of alcohol.

I am sure that I am not the only member who is asked frequently, particularly by younger constituents, why some drug use is illegal while alcohol, which causes problems in relation to health and social order, is not. As the saying goes, we are where we are. Alcohol can be used safely and sociably, but we have a licensing system so as to reduce its possible ill effects.

I will concentrate my comments on three areas: involving communities, enforcement and health. I support the Executive's view that the licensing function should remain local, because local representatives are best placed to take on board local influences. However, it is right to remind licensing boards that they must look beyond

themselves to the communities that they represent. Many people have strong views, informed by their experience, which could be useful to licensing boards. People must feel that their views are listened to and not just dismissed as a form of nimbyism. I agree with the Local Government and Transport Committee that the establishment of statutory local licensing forums is a good thing. I see the forums as a good balance to the licensing boards, but I share the committee's concern that 10 members on a forum might not be sufficient to encompass all local interests.

I will use an example from my constituency to show how enforcement needs to be improved. The example also relates to community involvement, because the community was perhaps not taken seriously. A licence to sell alcohol was applied for in a premises that was sited within the former boundaries of a primary school—in fact, it had been the nursery. Many parents objected, as did neighbours. The licensing board refused the application, but, on appeal to the sheriff, it was referred back to the licensing board, which was left with no option but to agree to it. Here is the local involvement bit: the application was referred back to the licensing board because the objection had been made by a school board member—someone who was not considered an appropriate objector. I am sure that members will agree that that person was indeed an appropriate objector. I am pleased that, as the minister said in his opening statement, the Executive is discussing who is considered relevant in a discussion about a licensing application.

The applicant abused his licence. The police were called to witness and stop the abuse, but, as we will all appreciate, sometimes they had other priorities. I acknowledge the committee's concerns about police involvement, but I welcome the establishment of licensing standards officers, who I think will be a valuable addition in ensuring the enforcement of carefully thought-out licensing conditions. I look forward to hearing more detail on how LSOs will fulfil their duties.

To conclude my brief story, the case was finally taken to the procurator fiscal. The PF is to be commended because he acted to ensure that the licensee complied with his licence conditions. However, I am aware from previous cases that that does not always happen and sometimes, because of the PFs' workload, such cases get pushed down the agenda. I hope that the minister will recognise the ultimate role of the PF in the licensing system, which needs to be monitored continually.

My constituents have been left disappointed by their experience and, worse still, feeling that they have been ignored by those who are meant to

help them. I recognise that some of the changes in the bill might address their bad experience, but I hope that the minister will reflect on whether the bill goes far enough.

We hear frequently that Scotland has a culture of binge drinking and we have only to look at some of our high streets to see the proof of that. When the licensing hours were relaxed some years ago, the argument was made—Brian Adam referred to this—that if we gave people longer to drink, they would not binge and we would develop a more continental approach to alcohol. However, that has not been the reality and longer hours and the use of happy hours have resulted in some people drinking much more than they would otherwise have done. I do not advocate going back to shorter opening hours, but I welcome the Executive's attempts to stop happy hour promotions by prohibiting variations in drinks prices within a 48-hour period. In addition, we need better education by schools and parents. Young people need to be helped to understand how they can enjoy a social drink without bingeing.

Since 1980, the number of alcohol-related deaths in Scotland has risen from less than one in 100 deaths to one in 30 deaths—a 240 per cent rise. Of that number, deaths with a diagnosis of liver disease rose by 444 per cent. If we are serious about dealing with issues around social exclusion, the fact that people who live in the most deprived areas were nearly six times more likely to die from causes related to alcohol than people who live in more affluent areas were should concern us all.

One need only visit an accident and emergency department for a few minutes before a member of staff will mention that alcohol is a big factor in their workload.

My final point on health—and I make it as a committed feminist—is that women suffer disproportionately from alcohol misuse. Undoubtedly, men are still the big drinkers. In 2000, 41 per cent of men aged 16 to 74 were drinking at levels that were hazardous to their health, compared with 15 per cent of women. However, women's physiology can mean that the impact on them is greater.

I mentioned the health impact of alcohol to show that those who say that we regulate too much, or that we are becoming a nanny state, are wrong. I repeat that although many use alcohol responsibly, some do not, which is why we need licensing.

I welcome the Licensing (Scotland) Bill. I welcome the acceptance that we need a licensing system that will lessen the disadvantages of alcohol misuse. I welcome the fact that the bill will bring the licensing system into the 21st century. I

also welcome the minister's statement that licensing legislation is only part of the issue and that there is a need for a shift in culture in relation to alcohol. However, that is probably a debate for another day.

15:57

Patrick Harvie (Glasgow) (Green): Every other party has extended its welcome to Mr Brownlee and it would be rude if the Greens did not do the same.

On behalf of the Greens, I also welcome the Licensing (Scotland) Bill. Like Mary Mulligan, I am not a member of the committee, which has clearly worked hard on the bill. I hope, therefore, that members will forgive me if I am not completely up to speed on some of the finer detail. I will wait for the closing speeches before taking a final view on the amendment.

The values on which the licensing system is to be based are the first thing to welcome. Earlier, Bill Aitken talked about the five high-level objectives of the bill that are also intended to be the values of the licensing system. In welcoming those values, the only regret that I have is that alcohol is to be the only recreational drug to which we apply such a sensible approach. It would be beneficial if the same approach were taken to other recreational drugs that are currently illegal, many of which have higher social and health costs.

The bill's ideas about local forums are welcome. Not only do local people need a listening ear and the right to object, but they need a forum in which to participate. Perhaps, when he closes, the minister could tell us whether it is expected that those forums will meet in public. If they are in keeping with local authority committees, that would be expected. However, that is not made clear in the bill.

The right of local people to object is important and there is a clear parallel with the planning system, which we will debate at great length in the coming weeks and months. However, there is no point in empty consultation exercises that leave people feeling that their views and opinions have been ignored. There is no point in continually turning people off engaging with local authorities or the Executive on decisions that will impact on them. If people find that their views have fallen on deaf ears, they will be less likely to engage in the future. We need to have a listening ear, but we also need to give weight to communities' views and objections.

The simplification of licences is to be welcomed, as are the provisions on irresponsible drinks promotions and the Executive's confirmation that it will consider extending those measures to off-

sales in some way. However, we should ask whether the bill should also include provisions on the promotion of responsible drinking. Information about support services and problem drinking should be available at the point of sale, and I wonder whether that should be covered in the bill.

There are some reserved aspects—Brian Adam touched on them—including the wider use of the media and advertising to drive up consumption. The promotion of consumption by young people has changed slightly due to public pressure on the sale of alcopops and so on, but there are still many aspects of the way in which alcohol is promoted that we should address.

In the minister's policy document—and, I think, in his opening speech—he quite rightly dismissed the myth of 24-hour drinking. I have received e-mails and one or two letters from people who are concerned that there will be 24-hour drinking—that perception is still out there, and we need to challenge it. The presumption against 24-hour drinking is absolutely the right approach, but there is no reason why we should not welcome a premises-by-premises approach, with determination made locally.

The general approach on personal licences is welcome. Training will be a condition of personal licences but, having looked through the documentation, I am still unclear about what that training will cover. Will it simply be about the legal requirements of holding a licence or will it cover the more useful stuff, such as public health, conflict prevention and resolution and good practice?

I want to say something about access for under-18s. First, at the lower end of the age range, I completely endorse Paul Martin's insistence on proper baby changing facilities, although I am happy to admit that I do so from a far more selfish point of view. If people were expected to change their babies on tables in bars I would rapidly find myself uncomfortable drinking my pint there. It is clear that the provision on baby changing facilities is needed.

I am unclear about the rationale for the opt-in approach. It seems to me that, in the bill, we do not have something that is at one extreme or the other—purely opt in or purely opt out. There is some useful stuff about encouraging licensees carefully to consider the implications of allowing under-18s access to their premises, but I worry about the implicit acceptance in the committee's report of the idea that large numbers of establishments are simply inappropriate for under-18s. I wonder whether we should question that assumption rather than signalling approval of it.

Finally, I turn to some aspects that are not in the bill. There is a long-term trend away from locally

owned, independent establishments towards chain pubs and city centre megapubs. I walk home through Glasgow city centre quite late every Thursday night and I see the impact of city centre drinking. We should acknowledge that megapubs are a focus of social problems in some parts of the country. The way in which highly intensive, industrialised drinking establishments are run makes it more difficult for staff to get to grips with, for example, resolving conflict in a non-violent way and turning people away from the bar if they are already drunk.

Tavish Scott and Bruce Crawford mentioned the importance of culture change, which it is right to say will not result from legislation.

Brian Adam: Will the member give way?

Patrick Harvie: Do I have time?

The Deputy Presiding Officer (Murray Tosh) *indicated disagreement.*

Patrick Harvie: I am sorry; I have no time to give way.

In education, health and children and young people's services, and in the Development Department, the Executive can take action beyond legislation that will help to promote culture change. I draw members' attention to the Barnardo's briefing, which I am sure many have read. The argument is made that dealing just with price and access is more likely to lead people—particularly the minority of young people who misuse alcohol—to use cheaper, illegal drugs, which have greater health consequences. We must fundamentally examine culture change.

I add the Green party's endorsement of the bill's general principles.

16:06

Donald Gorrie (Central Scotland) (LD): The issue is certainly important. We must tackle the blight of binge drinking and the associated problems that it creates. One idea that we could consider is combining the anti-smoking campaign with the anti-excessive drinking campaign. They could rub off on each other and help to improve our social life. As other members have said, the bill alone will not solve the whole problem, but it can create the background against which we can have a successful campaign to reduce the scourge of bad, excessive drinking.

I very much welcomed the assurances in Tavish Scott's opening speech. It was a refreshing change that he accepted many of the Local Government and Transport Committee's points. Some ministers are fortified by their civil servants to resist anything that comes from committees as an evil that is to be kept at bay. The minister was remarkably forthcoming.

Mike Rumbles (West Aberdeenshire and Kincardine) (LD): Compliment.

Donald Gorrie: I am allowed to compliment Tavish Scott because he is one of my colleagues who is not seeking to become my party leader.

I do not know about other people, but when I see a report by a committee on a subject that I think I know something about, I read it eagerly to try to find faults so that I can stand up and say that it is all a load of complete rubbish. Therefore, I was extremely disappointed in the report on the bill, because it is excellent. It rings almost all the right bells, so I give credit to the committee.

We have come a long way. In the first year or two of the Parliament, I was seized with licensing and alcohol problems as an issue—not personal, but political—and lodged various questions to ministers. They said that they had no plans to do anything about licensing, so I said, “Right. I will propose a member’s bill.” Partly as a result of that—people’s opinions will depend on how cynical they are—the Executive hastily appointed a committee under Sheriff Principal Nicholson that produced an admirable report. On alcohol policy, I am now a member of the Sheriff Principal Nicholson party. I hope that members will lodge amendments that are based on his excellent critique of the bill. If they do not, I will. He hit many of the right points.

We must use the existing law and when we have the new law, we must use that. I discovered from asking questions previously that minimal use is made of the existing law that thou shalt not serve booze to somebody who is drunk. We have a nice law to which nobody pays attention. Overprovision is also a serious issue. I thought that we had to get stuck into that, but then I discovered that existing law gives licensing boards powers to deal with overprovision, although they never do anything about it.

I became interested in licensing and alcohol because of my interest in young people and the issue of young people getting drunk. The committee’s report mentions proof of age and the Young Scot card. I would strongly favour an official national proof-of-age card. I am told that, as a Liberal, I cannot propose that such a card should be compulsory, but even a voluntary card that provided the user with a big advantage would be helpful. Proof of age is an issue. Being an old fogey, I find it extraordinarily difficult to tell whether someone is 16, 17 or 18. We cannot blame the person at the checkout for rushing things through and for not querying people when they should. I believe that we should explore the idea of a more official proof-of-age card, which could be based on the Young Scot card.

I also support the recommendation in the committee’s report that the bill should make it

clear that there should be an opt-in scheme for pubs that cater for children rather than an opt-out scheme.

An important issue is training, which should be offered to those who make a career out of running pubs. As with any other activity, proper training and qualifications should be available to people along the way, so that they can build up from just serving at a bar to running a whole pub.

We also need proper qualifications for door stewards. I know that there is already English legislation on that. Perhaps—without offending people by using Sewels and other such naughty things—we can nick some of that legislation or even incorporate it into the bill. People who go to pubs much more often than I do assure me that the conduct of door stewards is a major issue, which we need to deal with strongly.

A good proposal in the bill is the introduction of licensing standards officers. The committee’s report has quite a bit about the role of licensing standards officers and the independence and powers that such officers will have. We need to clarify those issues, because licensing standards officers will be a key part of quality control, which is what we need if we are to improve the atmosphere of some of our less excellent pubs.

Another factor that will contribute to quality control is the establishment of local licensing forums, which are an excellent idea. It is good that we will also have a national licensing forum, but we need strong local licensing forums with wide representation. The number of such forums has been mentioned as an issue, but if they are genuinely representative of different parts of the community they will be able to do positive things about alcohol licensing, overprovision and so on.

The reports that the police give to licensing boards, the extent to which such reports are used and exactly what those reports say is another important issue that has been raised. I believe that the chief constable has a particular locus that should be recognised in the bill.

Not everything in the bill is excellent. I was delighted to find that the report suggests the need for a national register of licensees, which seems an excellent idea. However, it also mentions that the official reply to the suggestion was that it

“could be costly and might pose a range of other difficulties”.

That could have come straight out of my tapes of “Yes Minister”. Obviously, Tavish Scott blinked at that point—but so did Homer, so I guess that Tavish is allowed to blink as well.

The key issue is that we need licensing boards to show real backbone, which they have hitherto quite often failed to do. We need to give the

boards stronger powers, for example by allowing them to require attendance rather than just request it, by empowering them to consider the merits of applications for which no objections have been received and by giving board members proper training. Again, the number of members that boards will have is important. However, if the boards do not show backbone and get a real grip on the issue, this whole process will have been a waste of time. I am not sure that we can provide backbone by law, but we need to try to do so to ensure that the boards deliver the sort of social life in Scotland that we all want.

16:14

Pauline McNeill (Glasgow Kelvin) (Lab): It is always interesting to follow Donald Gorrie and to get an insight into his thinking. Those of us who got to know Donald a bit better from his participation in the Labour-Liberal review will know that he is anything but an old fogey. If members have not seen that, they can ask me about it later.

I congratulate the committee on its clear and easy-to-read report on an issue that is complex for those who have not had much prior experience of it. Like others, I record my thanks to Sheriff Principal Nicholson for his report.

I will support the general principles of the bill, subject to my getting some clarifications on the record this afternoon.

Ministers are right to be bold and up front about the consequences to all Scots of continuing to drink in line with past trends. To some extent, I beg to differ with Mr Aitken, who suggests that this is a generational issue. It is, in so far as we are trying to address problems relating to a particular age group, but drinking has been an issue for many years, certainly in my circles. When modernising our licensing laws, it is important that we set out the rules for sale, consumption and the pattern of licences. That should underpin the main ideals behind the reforms. It is for politicians to set out what they are and are not prepared to tolerate. We should not be shy about doing that. I agree that we should focus on the 16-to-24 age group, but none of us is suggesting that the bill should not also regulate the availability of alcohol for sale to adults.

I have followed the debate for some time and have had the opportunity to go out on to the streets of Glasgow with the minister and his team, to consider the impact of licensing on Scotland's largest city, part of which I represent. Glasgow has more licences than any city in the United Kingdom outwith London, which is an astonishing fact. Because of my experiences, I strongly support the committee's view that it is wrong to ignore the significant role that the police play in providing

intelligence to licensing boards. If it were not for the police, boards would not have the kind of intelligence that they do on how clubs and pubs operate their licences. I argue for strengthening, rather than reducing, the role of the police.

We need to respond to communities. I take heart from some of the principles that the bill is seeking to implement. We need to take heavier action when pubs and clubs fail to control violence. I represent part of the west end of Glasgow city, where there is a growing number of late licences. To some extent, we welcome that development, but we want to get the balance right. My constituents complain that that is not happening in some cases and that the peaceful enjoyment of where they live is being harmed. I want to know that the new system will equip my constituents with the ability to make the case for changes, so that they can show that there is overprovision or that we are not getting the balance right on late licences. I want to be reassured that the provisions in the bill will mean something and that my constituents will have redress.

I support the Local Government and Transport Committee's view that there is not enough detail in the bill for us to make judgments on some finer points. I highlight one technical point that has been raised with me. I think that objectors should have the right to have an applicant's full case sent to them, just as applicants have the right to see the objectors' full case.

I come to the main issue that I want to raise. I know that the minister has heard from me on the matter before, so I apologise for reiterating my point, but it is important that I get it on the record. I offer an alternative view to the one that Margaret Smith expressed. I am not saying that the committee is wrong, but we should get everything out in the open, so that we are clear about what we are signing up to. Glasgow's nightclubs have raised serious concerns with other members, the minister and me about their interpretation of the bill. I want to draw members' attention to those concerns. In the nightclubs' view, further work on the bill is needed to clarify the proposal to move away from the existing licensing regime, which may have some unintended consequences.

There is talk of abolishing a two-tier system. However, I suggest that we may want to retain elements of that. Many of the nightclubs that currently have an entertainment licence open very late. Generally, they offer a high quality of entertainment. They have invested heavily in high-quality stewarding systems and closed-circuit television, but I do not believe that that has been acknowledged. I would like it to be acknowledged. The clubs to which I refer tend not to open during the day. Broadly, a sensible distinction has been drawn between pub and club provision,

notwithstanding the emergence of hybrid pubs. However, it seems that under the bill it will no longer be possible for licensing boards to draw that distinction, so the abolition of a two-tier system has consequences for some clubs.

Bruce Crawford: Does Pauline McNeill accept that the hybrid scene in Scotland is very hybrid? There are some establishments that provide food, drink, sports entertainment, hotel facilities, restaurants and nightclub facilities. How can we have separate licences as far as that is concerned?

Pauline McNeill: I am coming to that. My central point is about the unintended consequences of not making a distinction. I do not support a particular view; I just want everyone to be clear.

The nightclubs are saying to me that in order to get access to the new licences, pubs that do not currently open late might offer entertainment that they did not before. The conditions of the new licence are not particularly onerous, so it is clear that new businesses will open. Nightclubs will have to reduce their levels of investment in order to compete, and they tell me that they will have to open during the day, which they do not currently do, because they will have to regain the money that they will lose when there is more competition. I do not argue for or against that. I am saying that we must be clear that the new system will have consequences that will impact on existing businesses. We do not want a system that creates so much competition that it reopens the debate about who competes with whom for the sale of alcohol. High-quality entertainment is important. I do not want the clubs to have such stiff competition that they reduce their investment in entertainment. We do not want to undermine the high quality of entertainment in Glasgow. As it is, I do not believe that licensing boards are able to make that distinction.

The industry feels that it is under attack; implementing the new anti-smoking legislation and a new licensing regime will be onerous. Let us be alive to all the consequences and if there are to be losers, let us address how the Parliament will deal with that.

16:22

Mr Kenny MacAskill (Lothians) (SNP): I apologise for not being here for the opening speeches. I was at a constituency engagement and I am grateful for members' indulgence. I also apologise to Mr Brownlee for not being here for his entrance to the chamber and I welcome him.

I welcome the long overdue debate, but I have one criticism. I wonder why, having appointed Sheriff Principal Nicholson, who recruited able

committee members and undertook adequate consultation—as Donald Gorrie commented—the Executive needed a further consultation. That said, we are where we are and progress must be made. I support the comments that we should be looking at Sheriff Nicholson's critique of the bill.

Although there were spats about various matters—on our side of the chamber and on others—it is clear that more unites than divides us. Almost every speaker made points about significant matters with which I fully concur. The fact is that we have a problem with alcohol in Scotland. I will not moralise about that because I have offended in spectacular fashion more than most and I fully accept my culpability. Although I seek to reform, I still transgress sometimes.

That the change in our approach to drinking must be both cultural and legislative was made clear by Mary Mulligan. We need new licensing legislation because the current system is not working and needs to be changed. The system comes to some extent from the early part of the 20th century and we need to recognise that society has moved on. There are worries about liberalisation, but we must accept that there has to be movement. That does not mean that there has to be a free-for-all and I concur with Mary Mulligan that we must set parameters and have rules—there can be no free market for alcohol.

That said, the society in which we find ourselves has moved on. I discussed recently with an expat Scot his reminiscences of Scotland and he spoke of the darker side of Lanarkshire, back when pubs were the forbidden fruit and one could not see into them. That was not a healthy atmosphere and it was contrary to our interests.

We should welcome any professionalisation of the trade. There was a myth that licences were held by wives, when we all knew that it was the husband who ran the pub; such mystique is fundamentally flawed. There should be openness and transparency. We should encourage and trust those who want to improve their businesses. There are concerns about how lager is promoted and sold, but there should be some trust in the licensee. We have to set parameters, about whether music can be played and about what licensees can do in the confines of their premises, to take cognisance of the people who live around licensed premises. At the end of the day, however, subject to rules about when they can open and what they can do within their premises, we should allow licensees to use their common sense.

We need to clamp down on promotions that encourage binge drinking by youngsters. However, we might at the same time clamp down on opportunities for licensees in some parts of Scotland to promote a free pie with a half for pensioners, as long as they leave their whippet

outside. What is the problem in allowing licensees to do that? We should keep it in mind that some promotions are perfectly viable and healthy—there should be some trust on that.

The fundamental problem with alcohol in this country is cultural and there is no easy way of changing a cultural problem. That applies as much to alcohol as it does to other matters that pervade our society, whether domestic violence or knife crime. Such problems have to be addressed using a legislative framework.

I do not see anyone in the chamber who is a member of the cross-party group on Scottish writing and publishing, but when Carl MacDougall talked to the group about society and the importance of literature he made a humorous remark of which we in Scotland should take cognisance. He asked us what the fact that the Eskimos have about 50 words for snow says about Eskimo culture, and we all laughed. Then he asked, “In Scotland, how many words are there for being drunk?” and he started off: fou; stotious; blootered; bladdered. The list goes on, but I am conscious of restrictions on language in the chamber. Carl MacDougall narrated 50 definitions of being drunk and each of us in that crowded room could probably have added at least 10 more. Carl asked, “What does that say about Scottish society?”

To be fair, other societies in northern Europe, such as Germany, Finland and Norway, could probably do likewise. However, we should not laugh at the Eskimos without considering what our list of words says about us and what it says about a problem that we should be addressing. As Bill Aitken said, individuals must consider their behaviour—some of us perhaps more than others—and recognise that, for their own benefit, never mind that of society, they have to change. Scottish society should take a look at itself, because there is a pernicious belief that, being Scots, we can drink everybody else under the table. That may be viewed humorously and used euphemistically but it is undermining and dangerous.

The change has to come from the top. It is easy to say that 16 to 24-year-olds should be targeted, although in some areas there is a problem of youngsters drinking Buckfast and young girls drinking alcopops, which we have to address. However, it ill befits anybody to say that it is a problem of the young, when the Christmas bash of every political party in the Parliament will involve copious consumption of red wine and other alcohol, and when every board of directors' reception in this country, from the Royal Bank of Scotland on, will involve the consumption of alcohol. We cannot simply pin it all on the younger generation, because it is not their fault. The fault

starts at the top, with adults and with the parents of those youngsters; therefore it is about each individual addressing their behaviour and Scotland addressing its culture.

It is true that there is a problem in northern hemisphere nations such as Finland and Norway, but that does not apply to our kinfolk in Canada. Toronto and Ottawa do not have the same drinking culture as us, yet arguably the weather and climatic conditions there are worse. We cannot make the excuse that it is something about the dark nights and the cold winters that makes us go to the pub.

There is an argument that alternatives, such as sporting facilities, amateur dramatics and music should be provided. There has to be a carrot as well as a stick. However, change has to come from within individuals as well as from within society. We should support legislative change, but recognise that it is just a prelude to cultural change.

16:29

Michael McMahon (Hamilton North and Bellshill) (Lab): Politicians are often accused of trying to be all things to all people. In relation to some issues that is unacceptable because, quite simply, we cannot have it both ways. However, when it comes to alcohol, it is difficult not to address competing positions and to give something to every side in the debate.

It appears to me that there are two distinct views of alcohol. Some people see it as the devil's brew. They see it as something that robs people of their brains, takes food from the mouths of babies and shoes from the feet of children; they see it as a substance that kills hundreds on the highways and through the ill health that it causes. They are right—it does. For other people, alcohol is a mild tranquiliser; it calms jaded nerves and is no more than a social lubricant. It is—those people are right, too.

Throughout the time that the Local Government and Transport Committee has considered the bill, I have often found myself trying hard not to look at it from one or other of those perspectives. As Margaret Smith said, there had from the outset to be recognition that, in assessing the use of a legal drug, we would have to consider social costs in terms of ill health, crime, public disorder and antisocial behaviour. We also heard from the business community and from health experts that the bill could have social, economic and health benefits. What made it easy to focus on what the bill was about was recognition that, whatever side one takes in the debate, the system by which we have hitherto regulated supply and use of alcohol is too complex and outdated and must be changed.

The bill seeks to simplify and modernise the licensing system in Scotland, and it addresses the cultural changes that have taken place in our country. As the minister said, Scotland has always had a problem with alcohol, but the manifestations of that problem are not what they were a generation ago, when licensing laws were last addressed. I remember clearly from my early days that my grandfather would bemoan how times had changed and recall the good old days when women did not go into pubs. Statistics have shown that one woman in four reported exceeding daily benchmarks; that one woman in seven drank alcohol hazardously; and that approximately one woman in every 21 in Scotland had a degree of alcohol dependence.

The situation has also changed for men and for young people, as Mary Mulligan said. As Pauline McNeill observed, things were never as good as my grandfather remembered them, but statistics show that the situation now is much worse than it was in his day. We have to deal with the modern reality of alcohol abuse and its social consequences, and I think that the bill gets the balance right between encouraging sensible alcohol consumption and addressing the effects of alcohol abuse.

A desire for more efficiency in the workings of licensing boards is a good idea, but we must be careful that, in moving towards that, we do not shortcut the assessment of licence applications. We must take time to use local knowledge and address local concerns, and I agree with David Davidson and Mary Mulligan, who highlighted that issue, although I do not agree with David about opening up alcohol sales in football grounds. To compare Newcastle with Glasgow does not work. Newcastle has one team; that team can meet its opponents at 3 o'clock on a Saturday afternoon with no problems, but the major rivals in Glasgow cannot do that. There is an added dimension in Scotland that makes the problem far more complex than David Davidson would have us believe, and I would be totally opposed to this or any other bill's being used to open up alcohol to sale in football grounds.

Mr Davidson: What I hope to get round to saying at the end of my wind-up speech is simply that there should be a bit more local discretion, and not just blanket opening. What has been shown to work in Newcastle is effectively supported by the police.

Michael McMahon: David Davidson completely ignores the fact that there is a social dimension in Scotland that makes the situation here entirely different, so the two examples are not comparable.

The development of licensing standards officers is something that we can all support, but we should not rush into that without considering the

specific functions and powers that those officers will be able to use in exercising their role. That concern was expressed by a number of members, so it is absolutely legitimate that we consider such matters further. We also generally support the establishment of a national licensing forum to provide good guidance to ministers on the regulations that would be required to support the new licensing system. However, we are right to be concerned that we still know too little about the composition and precise role of that body. I look forward to hearing from the minister about that in the wake of his announcement, and I agree with what Margaret Smith said on that.

The bill contains many good proposals on licensing, such as single premises licences, occasional licences, the ending of permitted hours, and other administrative arrangements, such as those for appeals and objections. To change the culture of drinking, we need more than legislation, but the foundations on which to build a cultural change are clearly contained in the ambit of the bill.

I agree with Paul Martin and Donald Gorrie about the need to educate young people. Paul Martin's comments about his experiences in respect of the importance of having the right environment into which to take a young person reminds me of the reality that I have faced in dealing with the bill. I have three children—one in their early 20s and two in their late teens—who think that I come to Parliament every week to consider how to ruin their social lives.

My colleagues on the Local Government and Transport Committee will be disappointed if I do not raise my pet subject. As I say, the use of alcohol in Scotland has changed over time; in fact, it has changed since Sheriff Principal Nicholson delivered his report. Because it has changed, he did not deliberate on the development of dial-a-drink services from our off-licences, a problem that has been raised with me by police. Such a service is not a bad thing, but it is evidently being used by young people to circumvent no-proof, no-sale initiatives. We must not overlook that.

I welcome the minister's comments on the matter and I am pleased that he shows willingness to listen to the good sense of the Local Government and Transport Committee across the range of issues that it raised in its report. I also welcome Donald Gorrie's support for the committee's report. The bill is worthy of our support and I encourage members to support its general principles.

16:36

Mr Davidson: We have had a debate in which most members could agree about the principles of the bill, and we are beginning to examine some of

the fine print for clarification. As one or two members have suggested, we also need to consider other matters.

Bruce Crawford talked about the need for a change in culture. We also heard about that from Michael McMahon, Kenny MacAskill and others. The need for education right through life as part of that process has been emphasised.

Margaret Smith accused me of being totally biased in favour of the business community; I point out that I was the member who talked about protectionism in the business community, which upset one or two members of that community quite nicely.

Margaret Smith: I prefaced my comments by saying that people who are a little bit more cynical than I am might think that. I will comment on the substantive point that David Davidson made. He used the example of pensioners, who were mentioned at committee and whom Kenny MacAskill also mentioned. How could we, in order to tackle irresponsible drinks promotions that are aimed particularly—but not totally—at young people, implement legislation that has some kind of age-discriminatory exemption that states that it is okay for pensioners to get blottoed?

Mr Davidson: I was not suggesting that, but it has been pointed out to all of us that certain sectors of the community feel that they are being got at. Michael McMahon mentioned his children's view of what he comes to Parliament to do to their social lives. I believe that there are responsible licence holders who could manage little promotions sensibly; there need not be a blanket approach that goes back to what we did in the old days. In fact, the British Beer and Pub Association has voluntarily moved to abolish happy hours and so on and is considering further exercises.

Bristow Muldoon talked about labelling, which is important, and test purchasing. Most people on the committee were supportive of the development of test purchasing and we would like to see proposals on that from the minister.

Bill Aitken and Mary Mulligan talked at some length about enforcement of a regime. If we put a regime in place, it must be applicable and it must be understood clearly so that people can deal with it responsibly.

As usual, Brian Adam raised a reserved matter, about taxation based on units of alcohol. Perhaps his colleagues at Westminster might like to raise that issue.

Patrick Harvie talked, as did Donald Gorrie and others, about training for personal licence holders. The matter exercised the committee during stage 1 and I hope that more clarification will be provided on it. Certainly, when the minister came

to the committee to give evidence, we got some clarification from him and I believe that he gave the committee the assurance that he would consider what it had said.

Like me, Donald Gorrie and others mentioned proof-of-age systems, because part and parcel of the problem is that it is very difficult to identify a person's age. In supermarkets and off-sales it is almost the case that we must have such a system. Donald Gorrie and I also mentioned the training and behaviour of door stewards, or whatever we want to call them. I know that the city of Aberdeen has a licence scheme for doormen and that there is some training available, but I am not sure how far it goes. We would all like to see something that goes a bit further.

Pauline McNeill and others talked about police intelligence and Paul Martin mentioned that the police reporting format could be a bit more straightforward, more easily understood and perhaps more easily applied, which comes back to the argument about enforcement of regimes.

The premises profile, which Paul Martin mentioned, is a new idea. The police would provide a profile to the licensing board when a licence was up for renewal, for example. I think that there is general support for a database and I would like the minister to say why there should not be a database of licence holders.

Kenny MacAskill talked about the need for "professionalisation of the trade", which should be part and parcel of modernising and improving career prospects in the trade so that we can have high-quality establishments that tourists want to use. Such an approach to the promotion of anything that has a potentially damaging effect is needed.

I am sure that the minister will talk about dial-a-drink services, in relation not just to Michael McMahon's comments, but to the problem of parents who hire large cars to take their children places, without realising that there is a bar in the vehicle that gives out free drink. Such issues were mentioned to the committee.

In general, the Conservatives support the bill's principles, although we have difficulties with one or two fine-print issues. I certainly have difficulty with the fact that the minister has not yet clarified issues that he assured the committee he would clarify. I remind him that on two or three occasions when he gave evidence he said that he was an advocate of free trade, so I would like him to go further on that issue. I also ask him to have more discussions with the police in Scotland. The police are the guardians of society and we must work closely with them and pay heed to their efforts and their assessment of the origin of problems. I think that all committee members supported such an approach throughout the process.

16:41

Fergus Ewing (Inverness East, Nairn and Lochaber) (SNP): Members of all parties welcome Derek Brownlee, the new Tory in the Scottish Parliament, so I begin by referring to an old Conservative. Winston Churchill suffered an enforced departure from the constituency that he held in Dundee when he was beaten—in 1923, I think—by a candidate for a party that I believe advocated temperance. We say that the drinking culture in Scotland is deeply ingrained, as indeed it is, but there was a counterpart to that culture, which approved of temperance and frowned on alcohol. It might no longer exist, except perhaps in pockets of Cathcart and the Western Isles and even in parts of the Highlands. The culture has changed.

I confess to having a particular interest in consumption of alcohol. When I am under the influence, the world seems to be a happier place, problems seem to have much simpler solutions and I am even capable of becoming dogmatic. Humphrey Bogart said that the source of many of the world's problems was the fact that other people are "three drinks behind". Although there is an element of truth in that, the serious point to which many members alluded is that too many people in Scotland are six, nine or 12 drinks ahead, which is a far greater problem.

The written submissions that Alcohol Focus Scotland and the Association of Chief Police Officers in Scotland provided to the Local Government and Transport Committee contained the most fundamental analyses of the problem. ACPOS said:

"Legislation, unfortunately, does not change ingrained culture".

Members made the same point in the debate. Drinking to excess is acceptable in Scotland.

ACPOS pointed out that in little more than two decades, from 1980 to 2003, the number of licensed premises in Scotland rose by a fifth—3,000 more pubs opened during the period. ACPOS argued that as drinking increased, licensed premises increased in number. The association found it difficult not to accept the proposition that the more licensed premises there are and the longer such premises remain open, the more drinking there will be. I find it hard to resist that logic, although I know that it can be challenged. However, for that to happen, the culture must change.

Cultures can change, of course. In evidence, Jack Law of Alcohol Focus Scotland compared Scotland with other countries; in his interesting speech, Kenny MacAskill stressed many of those points and therefore spared me the temptation to be dogmatic. Jack Law pointed out that over the

past 30 years other countries have succeeded in substantially reducing consumption of alcohol per head. I do not quite know how the statistics are calculated—other than through lengthy liquid research—but France, Italy and Spain have reduced consumption of alcohol per head by 47, 37 and 18 per cent respectively. A substantial culture change has clearly taken place in those countries.

I echo what Kenny MacAskill said: we should resist the temptation—a temptation that seems to exist in society—to blame young people and to say that they are the source of the problems. I am not saying that any particular member said that, but there is an underlying assumption that it is the case. It is not the case. Young people are not the problem; they inherited this Scotland from us. We, not they, created the problem.

The Local Government and Transport Committee did a good and thorough job. The SNP played a substantial part in that, just as we play a substantial part in all the work of this Parliament. Members know that, even though they may feel that we go on a bit from time to time—not me, obviously.

The minister has accepted many of the committee's recommendations, and we welcome that. However, we can go further. The police have stated that their advice on licensing applications used to be able to go beyond simply providing details of convictions. A senior officer in Lothian and Borders police has repeated that point recently and I hope that the Executive will accept it. The standard of proof that is required in matters relating to licences is a civil standard of proof. It comes down to the balance of probabilities, so further information from the police is essential.

I encourage members of the Local Government and Transport Committee to support our reasoned amendment because doing so would enhance the motion and would be entirely consistent with what committee members decided. We drew attention to the fact that the Finance Committee had said that more robust financial details were required. The Local Government and Transport Committee was therefore

"not able to determine whether the Financial Memorandum is adequate."

If he reads page 92 of the committee's report, the minister will see that Mr Crawford's reasoned amendment borrows the committee's wording. It is complete rubbish to argue that supporting the reasoned amendment means voting against the bill. The reasoned amendment can enhance and supplement the motion.

There is a serious problem in the lack of detail on licensing standards officers. As the committee found, we do not know what LSOs' functions will

be. We do not know what they are for, we do not know what they are to do, we do not know how many there will need to be and we do not know how much they should be paid. The police think that even the limited information that is available shows many defects. LSOs should not have the power to enter unlicensed premises, such as our homes. It seems to me that that particular part of the bill should not have been included until it contained much more detail. To say that LSOs should have a starting salary of £15,000 to £30,000 rather suggests that the Executive just has not worked things out.

Lack of forethought seems to be the hallmark of the Executive's approach to formulating legislation. If the Executive could take one lesson from me, I would suggest that the Executive should kick binge legislating.

16:49

Tavish Scott: Yes, I think that Fergus Ewing deserved only one clap for that.

It is a great pleasure to wind up the debate this afternoon. The debate has been informative and broadly consensual; there has been broad support for the principles of the bill.

I thank Pauline McNeill for reminding Parliament that she and I spent an enjoyable evening out looking at the nightclubs of Glasgow—purely in the interests of research, I add. I also thank Donald Gorrie for his praise, which was a surprise, although we are grateful for it. I noticed some eyebrows lifting when he mentioned his support for what sounded like a national identity card—Mr Rumbles certainly looked amazed at that point and I suspect that there are a few internal discussions to be had on that issue. I was disappointed that Paul Martin had to point out that we got thumped in the golf match on Saturday. I suspect that my non-attendance had nothing to do with that, one way or the other. I was grateful for Mr MacAskill's sinner-repenteth-nearly speech. He raised a number of serious points to which I will return.

At the outset, I recognise that, as many members said and as I tried to say in my opening speech, the bill is not the sole answer—I have never argued that. The Executive and all parties have rightly pointed out that, in the longer term, the issue is as much about cultural change in Scotland as anything else and it most certainly cuts across many portfolios, not least those of the Minister for Justice, the Minister for Education and Young People and the Minister for Health and Community Care. However, we must also recognise the importance of the hospitality industry to Scotland. We need a thriving, viable and attractive hospitality industry, not least for tourism, but also for local people in local communities. I believe that the balance in the bill

is right, on detailed issues and more broadly. For example, the personal licence could become a qualification for people who work in the trade. To pick up a point that many colleagues made about training and careers, why should people not have a career in the trade? We hope that, under the bill, we will make progress on such matters.

I will rush through the many detailed points that were raised. Bruce Crawford made the general point that there is not enough detail in the bill. We must consider the reality of the Nicholson and Daniels reports. As an aside, I point out that Mr MacAskill was wrong to say that nothing happened after Nicholson—of course, the Daniels report was specifically about the off-trade, which was a concern of members throughout the Parliament, although maybe not of Mr MacAskill. Mr Crawford must accept that the Nicholson report presented us with a framework and that it was Government's job to create legislation out of it. We have had to consult on many of the issues, simply because consultation is part of the Parliament's enshrining legislation and procedures, which is correct. The new national licensing forum will make progress on many of the details. As I have said repeatedly to the Local Government and Transport Committee and today, the Parliament will have many opportunities through the normal procedures to scrutinise the details of that work.

On local licensing forums, several members mentioned the importance of giving local people the ability to influence the process and the system. Mary Mulligan's constituency case was possibly the best illustration of that. I hope that, under the bill, the problem that she raised will not occur, simply because the bill will allow any person to object. The measure is a direct response to the sort of case that Mary Mulligan correctly mentioned. The local licensing forums can play an important role. Licensing boards will have to have regard to the forums' views in deciding on policy. We hope that the forums will contribute strongly to a new framework that gives local people a strong voice and the ability to influence, for which many members argued today. My mind is open on Patrick Harvie's specific point that the forums should meet in public. We will consider the specifics of how the forums will operate and come back to the committee on that.

Pauline McNeill rightly raised the broader issue of how the licences will interrelate. The proposed operating plan that we have put before Parliament strikes the balance that needs to be achieved between local policy and national guidance. The simplification of the current system of seven licences to a system of two licences is important. It will ensure that local licensing board policy determines the conditions that must be met. There is no reason why nightclubs cannot look closely at such conditions. Indeed, in our meetings with the

licensed trade, we have been very open to suggestions on how to take forward national or local conditions in order to address that point. I take Pauline McNeill's point that there may be an impact on competition. However, I am sure that Parliament would assume that high-quality premises in city centres competing to attract customers form a competitive marketplace. That is how the system will operate.

On the broader point of grandfather rights and transitional arrangements, which many members highlighted, I very much appreciate the licensed trade's concerns. I am not persuaded by Mr Crawford's proposal for the two-tier system that would result from granting wholesale grandfather rights. However, we will carefully examine all the options and I fully intend to make an early announcement on the matter.

Bruce Crawford: I should remind the minister that the proposal for an interim licence for up to three years, which would allow businesses to put in additional finance and resources in order to make the required changes, was suggested not by me alone but by the Local Government and Transport Committee.

Tavish Scott: As I said, we will look closely at the matter. However, during the debate, it became clear that not only do we need to simplify arrangements in order to move into the new regime but we must not cut across other appropriate legislative and regulatory fields. I am sure that Mr Crawford would agree that it would be wrong for the Government to use the bill's powers to take action over, for example, building control issues. We will not do so. It is clear that we need to strike a balance in that respect.

For the benefit of Margaret Smith and Paul Martin, I should reiterate that we are prepared to look further at the police's role with regard to applications for premises licences. I accept Mr Martin's point that the regime must be effective and appropriate. In fact, I have discussed that very issue with ACPOS and I know that we will come forward to Parliament with some proposals when the opportunity arises.

Bristow Muldoon: Under the proposal in England and Wales to introduce alcohol zones, licensees may contribute to the additional costs of policing. Does the minister intend to move in such a direction in Scotland?

Tavish Scott: We do not have any such plans and I do not want to give Bristow Muldoon any indication that we will move in that direction. We are always happy to consider examples of good practice in other parts of the United Kingdom. However, as I said in an earlier intervention, the framework and package of measures that we have proposed are appropriate to Scottish needs.

The role of LSOs was raised principally by the SNP. However, although I agreed with some of Fergus Ewing's remarks, I thought that he talked utter nonsense on that matter. It is extraordinary for him to suggest that the Government should tell local authorities what they should do about particular appointments to their staff—

Members: He did not say that.

Tavish Scott: Yes, he did. I find it extraordinary that we would tell local authorities how many people they would have and how much they would be paid. We are not going to do that. The SNP can take an approach based on centralisation if it wants to, but the Executive will not.

In that regard, I believe that Mr Crawford's amendment is wholly erroneous and does not address these serious issues. Indeed, its lodging has a slight element of opposition for opposition's sake, which contrasts with the serious look at these issues that we have all taken this afternoon.

I know that Mr Ewing is a great talker, but I also thought that he was a great reader. However, he clearly has not read the bill. For his benefit, I will point out that the bill says that the role of LSOs includes providing "advice and guidance" and mediation; supervising compliance; issuing written warnings in cases in which licence conditions have been breached; and initiating a review of the licence by the board. I suggest that the SNP reads that particular section, because it will certainly help the SNP to understand these matters.

A number of us were somewhat taken aback by the Tory approach to binge drinking. Apparently binge drinking is okay for pensioners, but not for the rest of society. To be frank, I find that position extraordinary.

I reiterate, not least for Brian Adam's benefit, that we will tackle binge drinking and irresponsible promotions. I said so in the debate and ministers have said so collectively over a considerable period of time. We will ban sales promotions for the off-sales and on-sales sectors, as we are clear that such promotions encourage more and quicker alcohol consumption at great cost to local people, local communities and society at large. It is right to take action on that. On that basis, I ask that Parliament reject the utterly pointless amendment from the Scottish National Party.

Business Motions

17:00

The Deputy Presiding Officer (Trish Godman): The next item of business is consideration of business motion S2M-3004, in the name of Margaret Curran, on behalf of the Parliamentary Bureau, on a meeting of the Parliament.

Motion moved,

That the Parliament agrees—

(a) that the meeting of the Parliament on Wednesday 29 June 2005 may continue until 7.00 pm, as permitted under Rule 2.2.4; and

(b) that Decision Time on Wednesday 29 June 2005 shall begin at 6.00 pm.—[*Ms Margaret Curran.*]

Motion agreed to.

The Deputy Presiding Officer: The next item of business is consideration of business motion S2M-3005, in the name of Margaret Curran, on behalf of the Parliamentary Bureau, on suspension of standing orders.

Motion moved,

That the Parliament agrees that—

(a) for the purposes of allowing the meeting of the Parliament on Thursday 30 June 2005 to continue beyond 5.30 pm, the word “Wednesday” in Rules 2.2.4 and 2.2.5(c) be suspended and that the word “Thursday” be substituted for it in each place, and that Rule 2.2.5(a) be suspended;

(b) under Rule 2.2.4 thus varied, the meeting of the Parliament on Thursday 30 June 2005 may continue to 7.00 pm; and

(c) Decision Time on Thursday 30 June 2005 shall begin at 6.00 pm.—[*Ms Margaret Curran.*]

Motion agreed to.

The Deputy Presiding Officer: The next item of business is consideration of business motion S2M-3018, in the name of Margaret Curran, on behalf of the Parliamentary Bureau, on suspension of standing orders.

Motion moved,

That the Parliament agrees that Rule 5.6.1(c) of Standing Orders be suspended for the purpose of Members’ Business on Thursday 30 June 2005.—[*Ms Margaret Curran.*]

Motion agreed to.

The Deputy Presiding Officer: The next item of business is consideration of business motion S2M-3019, in the name of Margaret Curran, on behalf of the Parliamentary Bureau, setting out a business programme.

Motion moved,

That the Parliament agrees the following programme of business—

Wednesday 29 June 2005

9.30 am Time for Reflection

followed by Stage 1 Debate: Housing (Scotland) Bill

followed by Financial Resolution: Housing (Scotland) Bill

12 noon Ministerial Statement: White Paper on Modernising the Planning System

2.00 pm Parliamentary Bureau Motions

followed by First Minister’s Motion to appoint Ministers

2.35 pm Stage 3 Proceedings: Transport (Scotland) Bill

followed by Business Motion

followed by Parliamentary Bureau Motions

6.00 pm Decision Time

followed by Members’ Business

Thursday 30 June 2005

9.15 am Parliamentary Bureau Motions

followed by Finance Committee Debate: 2nd Report 2005, Cross-cutting Expenditure Review of Economic Development

10.45 am Stage 3 Proceedings: Smoking, Health and Social Care (Scotland) Bill

11.40 am General Question Time

12 noon First Minister’s Question Time

12.30 pm Members’ Business

2.15 pm Themed Question Time—Health and Community Care; Environment and Rural Development

2.55 pm Parliamentary Bureau Motions

followed by Continuation of Stage 3 Proceedings: Smoking, Health and Social Care (Scotland) Bill

followed by Parliamentary Bureau Motions

6.00 pm Decision Time—[*Ms Margaret Curran.*]

Motion agreed to.

Parliamentary Bureau Motions

17:02

The Deputy Presiding Officer (Trish Godman): The next item of business is consideration of eight Parliamentary Bureau motions. I have been informed that motion S2M-3006 has been withdrawn.

Mike Pringle (Edinburgh South) (LD): On a point of order, Presiding Officer. Could we have some information about why motion S2M-3006 was withdrawn?

The Deputy Presiding Officer: That would be up the Minister for Parliamentary Business, if she wishes to reply.

The Minister for Parliamentary Business (Ms Margaret Curran): I had representations from other business managers who wanted information about the decision and I acceded to that request appropriately.

The Deputy Presiding Officer: I ask Margaret Curran to move motions S2M-2996 and S2M-2997, on the approval of Scottish statutory instruments; motions S2M-2998 to S2M-3002 inclusive, on membership of committees; and motion S2M-3003, on the designation of a lead committee.

Motions moved,

That the Parliament agrees that the draft Criminal Justice (Scotland) Act 2003 (Amendment of Police (Scotland) Act 1967) Order 2005 be approved.

That the Parliament agrees that the draft Fire (Scotland) Act 2005 (Consequential Modifications and Amendments) Order 2005 be approved.

That the Parliament agrees that Mark Ballard be appointed to replace John Swinburne on the Finance Committee.

That the Parliament agrees that John Swinburne be appointed to replace Shiona Baird on the Equal Opportunities Committee.

That the Parliament agrees that Shiona Baird be appointed to replace Chris Ballance on the Enterprise and Culture Committee.

That the Parliament agrees that Chris Ballance be appointed to replace Mark Ballard on the Procedures Committee.

That the Parliament agrees that Eleanor Scott be appointed to replace Robin Harper on the Audit Committee.

That the Parliament agrees that the Environment and Rural Development Committee be designated as lead committee in consideration of the Environmental Levy on Plastic Bags (Scotland) Bill at Stage 1.—[*Ms Margaret Curran.*]

Decision Time

17:03

The Deputy Presiding Officer (Trish Godman): There are five questions to be put as a result of today's business. The first question is, that amendment S2M-2776.1, in the name of Bruce Crawford, which seeks to amend motion S2M-2776, in the name of Tom McCabe, on the general principles of the Licensing (Scotland) Bill, 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)
 Brownlee, Derek (South of Scotland) (Con)
 Byrne, Ms Rosemary (South of Scotland) (SSP)
 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)
 Fox, Colin (Lothians) (SSP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Gibson, 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)
 Leckie, Carolyn (Central Scotland) (SSP)
 Lochhead, Richard (North East Scotland) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Mather, Jim (Highlands and Islands) (SNP)
 Maxwell, Mr Stewart (West of Scotland) (SNP)
 McFee, Mr Bruce (West of Scotland) (SNP)
 McLetchie, David (Edinburgh Pentlands) (Con)
 Milne, Mrs Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Morgan, Alasdair (South of Scotland) (SNP)
 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)
 Swinburne, John (Central Scotland) (SSCUP)
 Swinney, Mr John (North Tayside) (SNP)
 Tosh, Murray (West of Scotland) (Con)
 Turner, Dr Jean (Strathkelvin and Bearsden) (Ind)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)

AGAINST

Alexander, Ms Wendy (Paisley North) (Lab)
 Arbuckle, Mr Andrew (Mid Scotland and Fife) (LD)
 Baillie, Jackie (Dumbarton) (Lab)

Baker, Richard (North East Scotland) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Canavan, Dennis (Falkirk West) (Ind)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marlyn (North East Scotland) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, 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)
 McAveety, Mr Frank (Glasgow Shettleston) (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)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Scott, Tavish (Shetland) (LD)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Wallace, Mr Jim (Orkney) (LD)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

ABSTENTIONS

Baird, Shiona (North East Scotland) (Green)
 Ballance, Chris (South of Scotland) (Green)
 Ballard, Mark (Lothians) (Green)
 Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)
 Scott, Eleanor (Highlands and Islands) (Green)

The Deputy Presiding Officer: The result of the division is: For 45, Against 64, Abstentions 7.

Amendment disagreed to.

The Deputy Presiding Officer: The next question is, that motion S2M-2776, in the name of Tom McCabe, that the Parliament agrees to the general principles of the Licensing (Scotland) Bill, be agreed to.

Motion agreed to.

That the Parliament agrees to the general principles of the Licensing (Scotland) Bill.

The Deputy Presiding Officer: I now propose to ask a single question on motions S2M-2996 and S2M-2997, on the approval of Scottish statutory instruments. The question is, that motions S2M-2996 and S2M-2997, in the name of Margaret Curran, be agreed to.

Motions agreed to.

That the Parliament agrees that the draft Criminal Justice (Scotland) Act 2003 (Amendment of Police (Scotland) Act 1967) Order 2005 be approved.

That the Parliament agrees that the draft Fire (Scotland) Act 2005 (Consequential Modifications and Amendments) Order 2005 be approved.

The Deputy Presiding Officer: Again, I propose to ask a single question on motions S2M-2998 to S2M-3002, on the membership of committees. The question is, that motions S2M-2998 to S2M-3002, in the name of Margaret Curran, be agreed to.

Motions agreed to.

That the Parliament agrees that Mark Ballard be appointed to replace John Swinburne on the Finance Committee.

That the Parliament agrees that John Swinburne be appointed to replace Shiona Baird on the Equal Opportunities Committee.

That the Parliament agrees that Shiona Baird be appointed to replace Chris Ballance on the Enterprise and Culture Committee.

That the Parliament agrees that Chris Ballance be appointed to replace Mark Ballard on the Procedures Committee.

That the Parliament agrees that Eleanor Scott be appointed to replace Robin Harper on the Audit Committee.

The Deputy Presiding Officer: The next question is, that motion S2M-3003, in the name of Margaret Curran, on the designation of a lead committee, be agreed to.

Motion agreed to.

That the Parliament agrees that the Environment and Rural Development Committee be designated as lead committee in consideration of the Environmental Levy on Plastic Bags (Scotland) Bill at Stage 1.

Just Youth Intergenerational DVD

The Deputy Presiding Officer (Trish Godman): The final item of business today is a members' business debate on motion S2M-2703, in the name of Karen Whitefield, on the just youth intergenerational DVD.

Motion debated,

That the Parliament congratulates all those involved in the production of the Just Youth Intergenerational DVD, a project designed to challenge intergenerational stereotypes; congratulates, in particular, the young people and staff of the Just Youth Project in Airdrie, the community learning and development staff of North Lanarkshire Council and also the residents of Gartlea Gardens sheltered housing complex who participated in the DVD; commends North Lanarkshire Council for this innovative attempt to build stronger and more positive relationships between young and old, and further commends the Scottish Executive for funding this initiative through the youth justice fund.

17:08

Karen Whitefield (Airdrie and Shotts) (Lab): I am pleased to have this opportunity to talk about an exciting and innovative piece of work that has been carried out by some of the young people of Airdrie. I welcome them along to the Parliament, and I remind members that they will be showing their DVD directly after the debate in room Q1.03. They will also speak about the process of making the DVD and will answer questions.

My small part in the process of developing the DVD began during a visit to the Gartlea Gardens sheltered housing complex, whose residents complained about the behaviour of some young people. They were concerned about large numbers of young people hanging about, their noise and, sometimes, their conduct outside the @Home youth centre, which is next-door to the sheltered housing. I spoke to Jim Paterson, the project manager, and suggested that he might want to make contact with the residents, and even invite them to visit the centre to allow them to see what happened there. That was the beginning of the contact between the two places. The work was developed jointly by the staff of the @Home centre, the dialogue youth project, the youth united unit and Simon Knight, project manager of the just youth project.

The just youth project is run through North Lanarkshire Council's community learning and development section and is funded through the Scottish Executive's youth justice fund. One of its stated aims is to

"reduce fear through changing perceptions of youth through intergenerational work between children, young people, older people and other members of the community."

The project aims to work with young people who show signs of impending difficulty and to prevent

and offer alternatives to offending by re-establishing links between young people and the wider community. It uses a social capital model of working, attempting to build stronger social networks at a community level and between the young and old in particular.

I first saw the intergenerational DVD in February and I was struck not only by how professional it is but by the interesting story that it has to tell. The DVD was filmed and edited by local young people. In the film, young people interview the elderly residents of Gartlea Gardens. In creating the film, the young people appear to discover that the older people in Gartlea Gardens are not quite as different from them as they first thought. That works both ways: the older people in the film change their preconceptions about the young people from the @Home centre. One touching moment in the film is when the young people make tea for the residents of the sheltered housing complex and serve them in their lounge.

As well as helping to break down intergenerational barriers, making the video also provided the young people with a range of practical skills in sound recording, filming and editing, for example. Since the release of the DVD, the young people involved have presented it to the local area committee of North Lanarkshire Council and the Scottish forum of community learning and development managers. Such public presentations can be daunting for the best of us and the fact that the young people performed with confidence and assurance is a tribute to them and shows how far they have come.

The next step in the process is to roll out the DVD to local high schools in Airdrie and throughout North Lanarkshire, and a pack is being developed to accompany it. The young people involved in the project will present the DVD to their peers, pupils will be asked to develop their own intergenerational projects and the DVD team will return to the school six weeks later to exchange ideas. The idea is to encourage young people to become more active citizens and to participate more in their communities. I believe that it is an excellent example of positive, proactive youth justice work. We do not have to wait until young people become problems in their communities; the project proves that we can take steps to build and nurture our communities and involve young people in that process.

The project proves that, with a little effort, we can build relations between young and old. We can demonstrate that different generations have much more in common than they have things that separate them. From the reminiscences of the elderly residents of Gartlea Gardens in the DVD, it is clear that when they were children they got up to similar pranks to those that today's kids get up

to. That is an important point from which we can all learn.

This seems an obvious thing to say, but the young people who interviewed the residents of Gartlea Gardens and who made tea for them are not only less likely to cause them problems in the future but much more likely to challenge other young people who cause problems for them. Equally, the residents of Gartlea Gardens are probably more likely to give and take a bit more with the young people whom they have come to know.

I congratulate everyone involved in developing the just youth intergenerational DVD. First, I congratulate all the young people involved in the project, who should be very proud of their achievements. I also congratulate Kirsty and James, who were the key workers who supported the young people during the making of the DVD. Jim Paterson of the @Home centre and Colin Coupar of the community learning and development team have played a key role in progressing the project. Last, but by no means least, I congratulate Simon Knight, the just youth project manager, who had the idea of using the DVD project as a way of challenging the mistrust that sometimes exists between generations.

The youth justice fund was a pathfinder fund that aimed to develop innovative ways of dealing with youth crime and antisocial behaviour. I am convinced that the work carried out by both the just youth project and the other partner organisations is of the highest quality. I am similarly convinced that we can learn valuable lessons from that work and I hope that the minister will examine closely the benefits that have accrued from this Executive-funded piece of work and will ensure that the rest of North Lanarkshire and Scotland can benefit from this innovative and creative approach to youth justice.

17:15

Donald Gorrie (Central Scotland) (LD): The project that we are discussing sounds interesting. I congratulate Karen Whitefield on helping to start the thing off and on the speech that she has made about it.

All too often in our society, some young people and old people in general are seen as a problem, but they are not a problem; they are a resource and have a great capacity for improving the community in which they live if they are allowed to. Having participated in the cross-party group on older people, age and ageing earlier today, I am mindful that, if we can engage older people more in their community and use their talents and experiences at all sorts of levels, that will be beneficial to them. Well into his 80s, my late

brother-in-law was listening to children reading at the local primary school and was telling them stories and so on. Young and old can benefit from being in contact with each other. In many families, the children get on better with their grandparents than they do with their parents. Links can be made between younger people and older people.

When we started to research the background to the Antisocial Behaviour etc (Scotland) Bill, we saw that there was often a lack of dialogue between the generations. For example, we saw older people in residential accommodation and groups of younger people who, in the eyes of the older people, misbehaved in the surrounding area. There was a failure to bring them together in the way that Karen Whitefield has described happening in the project in Airdrie. The project that we are discussing is a welcome development and I hope that we can learn from it. One of the failures of the Executive is that we fail to learn from successful projects or to encourage similar ones elsewhere. We keep on reinventing the wheel. What we are discussing today is a very good wheel and we need more like it. I hope that the minister will facilitate other councils who want to develop the same sort of project.

17:17

Scott Barrie (Dunfermline West) (Lab): I congratulate Karen Whitefield on securing the debate, although, as people know, I had something to do with that on the Labour side.

As the motion says, the congratulations should really go to the young people and staff of the just youth project in Airdrie and the residents of Gartlea Gardens. Members will know that I have no direct constituency interest in North Lanarkshire, but I believe that the issues that have been raised by Karen Whitefield in her speech and in the DVD are important. I have had the pleasure of watching the DVD and I hope that those who have not had a chance to do so will take the opportunity that Karen Whitefield has offered them.

The underlying issue that the DVD deals with is that of intergenerational mistrust. I believe that a common aspect of our contemporary society is a growing intolerance of other people's lifestyles. As we have become more of a 24-hour society, difficulties have emerged in relation to how one person's lifestyle adversely impacts on someone else's quality of life and lifestyle. That is at the root of many of the difficulties that we have in places where groups of older people and groups of younger people live cheek by jowl but do not get on in the way that we would hope.

The mistrust and dislike between those groups must be broken down and the project that we are

discussing has, apparently, been able to do that successfully, which is what makes it important. It gives the lie to the stereotype that young people and older people have interests so diverse that they have nothing in common and cannot get on because the mistrust is too great. Clearly, the work that has been done over the past year or so has broken down the mistrust that exists on both sides. It is important to realise that there are difficulties on both sides.

I was struck by Karen Whitefield's comments about the preventive nature of the project. That is fundamental. In my previous job, in social work, the frustrating part was taking care of things when they had gone too far and broken down. At that stage, the difficulties had become so great that statutory intervention was necessary. The most rewarding part of social work was preventive work, which aimed to prevent things from happening in the first place. The just youth project will be successful if it helps people to see that they can do things before authorities have to intervene on a statutory basis.

It is important that we acknowledge not only the work that was done on preparing the DVD but all the other work that went on behind the scenes. The project is worth while and is worthy of replication not just in North Lanarkshire but in the rest of Scotland.

17:21

Christine Grahame (South of Scotland) (SNP): I, too, congratulate Karen Whitefield, the young people and staff of the just youth project and, perhaps most important, the residents of Gartlea Gardens who took part in the DVD. I regret that I have not seen it yet—I have been whirling about the Borders today—but I intend to see it and to bring it to the attention of the director of education at Scottish Borders Council. I was sitting on a panel with him this afternoon and I will tell him all about it.

The title of the DVD is, "Age: It's Just a Number". I like that idea, because that is how I look on myself, and I intend to do so for a very long time. As someone who is now a pensioner, I am annoyed by the stereotypes that exist of older people and young people. I know that I look my age, but I do not think that I look like a pensioner. What does a pensioner look like? We are all different. We have different personalities, and it is the same with young people. They are all different; they look different, they have different attitudes and they are individuals.

Older people and young people have much in common. Older people are thought of as dodderly people who do not have much to contribute to society. Young people are thought of as a pain in

the neck—people think that their heads are full of nonsense, that they play loud music and that they do not have much to contribute to society. In that sense, older people and young people have something in common, and they can have a dialogue straight away.

Of course, younger people often get on well with their grandparents and bypass their parents and talk to their grandparents about things. When my sons were going through the pimply, difficult stage—they are still doing that and they are older now, but never mind—it was my mother or father who would have a word in my ear and say, "I think I should have a wee word with you about so-and-so. He was just telling me such-and-such." I had to be terribly discreet; my sons would not tell me things, but they knew that they would come back to me via their grandparents. Older people and young people have an awful lot to say to each other and an awful lot to learn from each other. I am sure that that is proved by the just youth project.

I make a tiny plug for the up to you project in the Borders, in which the Deputy Minister for Justice might be interested too. In that project, young people from Peebles High School go out not to visit older people but to communicate with the younger generation at primary schools about the temptations of alcohol, drugs, casual sex and all that stuff. They are listened to because they can enter into a dialogue in a way that middle-aged people perhaps cannot.

I say to the young people who are here that my only difficulty is that I do not know how to work a DVD. I could have a dialogue with them about that straight away. I do not have a DVD player at home, and I do not know whether my office computer plays DVDs.

Karen Whitefield: It does.

Christine Grahame: I have learned something from being at the debate. I look forward to somebody coming to show me how to work it so that I can watch the DVD and publicise it in the Borders.

17:24

Lord James Douglas-Hamilton (Lothians) (Con): Any of my interests that could conceivably be relevant are listed in my entry in the register of members' interests.

I warmly congratulate Karen Whitefield on her success in securing this debate on the just youth project in Airdrie. I note with interest that she has kindly organised a showing of the DVD after the debate. I hope that the reception will be well attended. Having seen the DVD this afternoon, I am well aware of its great value and of the

contribution of the young contributors, which Scott Barrie highlighted. Initiatives that seek to foster stronger community spirit should be strongly supported. Regrettably, recent images in the media have not always portrayed young people in a positive light. The stereotype of gangs of youths who loiter at bus shelters, wearing the ubiquitous hooded top, has done nothing to improve the image of young people and has intimidated some members of the community.

In contrast, projects such as "Age: It's Just a Number" help to address the fear of crime that is eroding the cohesion of many communities in Scotland. If adults see young people as strangers or adversaries, they are more likely to fear and suspect them. It is hoped that developing stronger links between members of the community will increase young people's awareness of their rights and the responsibilities that they owe others and will greatly reassure older people.

The supported outreach team that has been piloted in Airdrie appears to provide particularly valuable support for young people who are not in mainstream education, some of whom may be at risk of engaging in activities that might get them into trouble. Supporting such young people and involving them in mainstream activities in the community are good preventive measures that might easily help to break the cycle of crime. Such an approach is in the public interest.

If my memory serves me correctly, some years ago, when I was a minister, I had a trial scheme for closed-circuit television in Airdrie that worked so well that it now operates throughout Scotland. Such schemes create a much greater risk of detection and so are believed to act as a deterrent that reduces rather than displaces the incidence of crime, because much crime is opportunistic and committed by people who do not want to be caught.

If we are to tackle the causes of crime and disorder, we must deal effectively with the background and particularly with those who are persistently in trouble. That requires early intervention and identifying parents who may be struggling to cope and whose children are therefore most at risk of becoming involved.

Karen Whitefield's motion is timely and she is much to be thanked for lodging it. Such community-based projects develop effective approaches to keeping young people on the straight and narrow and so benefit the whole community. They are worthy of the Parliament's strongest support.

17:27

Cathie Craigie (Cumbernauld and Kilsyth (Lab)): I congratulate Karen Whitefield not only on securing the debate, but on being instrumental in

bringing together the people who could make the project a reality. Strong and safe communities are essential for a good quality of life. Communities start to break down when members of the community mistrust and fear one another. Sadly, that is too often the case between older and younger people.

I do not claim that the fear and mistrust are disingenuous, but much of the time they are based on misconceptions and a fear of the unknown. Projects such as "Age: It's Just a Number", which was funded by the Scottish Executive and co-ordinated by North Lanarkshire Council with the community's support, are crucial in bringing down barriers between generations and creating respect. They go hand in hand with building better communities, as the Scottish Parliament and the Scottish Executive want to do.

Families come in all shapes and sizes these days. One positive aspect of projects such as "Age: It's Just a Number" is that they may give the valuable input of an older person to young people who might not have experienced that.

In a discussion with a group in my constituency of Cumbernauld and Kilsyth, some elderly women told me that, although they often feel intimidated by groups of young people in the street, they are not really scared. One elderly woman told me of the relationships that she built up with a group of boys who gathered at the bus stop that she used regularly. Those older women want to see the good in young people. That woman built up a relationship and now, when she leaves the bus on a dark evening, some of the boys walk her home. That shows the informal relationships that can be built between young and old. That elderly lady can now change the opinions of some members of her group.

Older people need to remember that some of the young people of whom they are scared could easily be their grandchildren and young people need to remember that they would not like it if their grandparents were frightened by what was happening outside their front door. The just youth project has allowed the young and the old to see things from each other's point of view.

I praise all those, both young and elderly, who were involved in the project. It is not always easy for people to face up to their fears or to try something of which they might be frightened. Each of those young persons and older people should be congratulated. We should also acknowledge the work of the professionals in the team.

I look forward to seeing the just youth video and speaking with the young people later tonight. I may just have given away my age by referring to the just youth video, which is actually a DVD. I know that my constituency of Cumbernauld and

Kilsyth would benefit very much from projects such as "Age: It's Just a Number". As Christine Grahame said, that is exactly what age is.

Under the Scottish Executive, we have been trying to rebuild communities that were devastated during the 1980s. In some communities, people have lost respect for one another, so we should encourage any measure that will build respect between generations. The just youth project has my full support.

I hope that the success of the project will allow the Executive to promote it as a pattern that can be used throughout Scotland. As I said, my constituency would certainly benefit from such a project, but such projects are not able to go forward without Executive support. I am sure that North Lanarkshire Council would like to be able to hold up the just youth project as an example that can be rolled out, given the experience that the council now has. I hope that the project will receive the backing of the Scottish Executive.

17:31

Fiona Hyslop (Lothians) (SNP): I, too, congratulate Karen Whitefield on securing what is quite a refreshing parliamentary debate. Too often, our debates in the chamber have been about young people's criminal and offending behaviour, so it is fit and proper that we should also spend time congratulating young people on the positive things that they contribute. I thank Karen Whitefield for giving us that opportunity.

I also thank the young people who produced the DVD, of which I saw only 30 seconds, because, for some reason, it would not work on my computer. Unfortunately, as I need to attend another event tonight, I will not be able to see the showing later on, but I hope to see more than just the first 30 seconds of the DVD at some point.

As someone who is subject to the conspiracy of the ages, I can testify that the ganging up of grannies and children is alive and well. That perhaps reflects the fact that, in reality, more common cause exists between the generations than one might expect.

However, the issue is what happens in our communities. As Cathie Craigie said, it is also about perceptions and fear of the unknown. We live in a society in which we engage less in collective activity than people used to. People now have fewer opportunities in which to carry out the same social activities together. Indeed, we live in a world where there is so much selection of social activities that, perhaps, never the twain shall meet. I might be wrong on that, but I think that I am simply reflecting where we are.

I also congratulate North Lanarkshire Council. I understand from my colleague Linda Fabiani—unfortunately, she cannot be here today—that that tribute should be paid to the work that the council has done. Linda Fabiani attended a 50:50 event in Motherwell, where 50 per cent of the audience was composed of young people, with the other 50 per cent being composed of older people. Issues of the day were discussed and voted on with a hand-held voting device. Linda Fabiani was particularly impressed by how close the views and opinions of the two sides in the audience were. However, that probably reflects the perception of the middle generation, which assumes that young and old will have differing views, with no connections between them on issues. She also mentioned that the young people were, if anything, slightly more conservative than the older people. I am not sure whether that means that older people who live in Motherwell live long, bad and dangerously or whether it just reflects a change in society's perceptions.

I believe that young and old can make common cause on many issues. In my constituency work, I am often struck by the common concern among young people and older people about issues such as the lack of availability of buses and other means of public transport in the evenings. Making common cause on such issues is an approach that needs to be developed. As others have mentioned, so much resource can be gained from that exchange. I am aware of projects in West Lothian that take that approach, but they mainly involve older people going into schools to talk about poetry and games, for example. However, the more often that such connection work can be started, the better.

As has been mentioned, the problem is that we engage in crisis management so often that such projects are not seen as valuable or important. When politicians and ministers have to allocate budgets, things that are perceived to be soft work are not placed higher up the agenda.

We should probe the connection with the justice agenda. I agree with Cathie Craigie that such work is about fostering a sense of community and belonging, so one would expect it to be supported by a communities budget line. Increasingly, there are parallels between the targets and aims of the communities and justice budgets. I would be interested to know whether the older people at Gartlea Gardens sheltered housing complex ever stood around chatting to one another at street corners and, if so, what view they take of dispersal orders, for example. Perhaps the issue is debated on the DVD.

Anything that can be used to generate and foster mutual respect and understanding is greatly to be welcomed. I hope that in future debates in

the Parliament—during both Executive and other time—we can reflect on some of the things that bring people together. We hear too often about divisiveness in society. Perhaps we do not spend enough time reflecting on the commonality between generations and the common cause that they can make. I am pleased to have taken part in today's debate and thank Karen Whitefield for initiating it.

17:36

The Deputy Minister for Justice (Hugh Henry): The Parliament has been right to focus in recent years on the problems that exist in many communities throughout Scotland. What some people have to suffer is, frankly, intolerable, and it would be remiss of us not to address their concerns. We were right to consider what legislation was required to ensure safer and more secure communities and to invest in bringing peace and security to people throughout Scotland.

However, sometimes there has been a loss of perspective in the debate. Certain sections have concentrated on the negatives, instead of considering the wider policies that we are pursuing. The Executive has been at pains to stress at every turn that the vast majority of young people in Scotland are decent; that they are a credit to their families, to themselves and to the wider community; that they have much to contribute; and that they have a great deal of potential. We have also recognised that sometimes, through no fault of their own, young people suffer in a way that leads them into unacceptable behaviour. We know that we must work with those young people to help them through difficult times.

We have tried to strike a balance in the way in which we approach such matters, because we know that if we invest in young people we are investing in the future. We know that if we help to develop confident young people, they will help to develop confident communities. That is why, as well as taking legislative measures and introducing neighbourhood wardens, we have invested in a number of schemes that promote the positive side of things and develop the potential and capacity of young people throughout Scotland.

The project that is at the centre of tonight's debate is an example of how the Scottish Executive is providing positive support and encouragement to young people. The specific focus of the project is on building bridges between generations.

Christine Grahame: I am interested in what the minister is saying, but how can young people put in bids for project funding? If the minister cannot tell us now, perhaps he can let us know in writing,

because it would be worth while for projects similar to the just youth project to be run in other areas.

Hugh Henry: I was about to describe how the project came about. It is not the way forward for the Executive to take responsibility for funding projects throughout Scotland. It would be wrong for Government to be involved in that and we do not have the capacity to do it. However, in the years 2004 to 2006 we have provided around £10 million for diversionary projects for young people, through the local action fund. North Lanarkshire Council received £700,000 over two years from the local action fund.

That brings me to the crux of tonight's debate: how do young people and communities become beneficiaries? A number of factors come into play. Cathie Craigie mentioned the congratulations that are due to Karen Whitefield, because we had a local member who was alive to the possibilities, was aware of a problem, sought a solution and tried to bring both sides together. In an imaginative way she approached both sides, but also approached the local council, to which I pay credit. Yes, we funded North Lanarkshire Council with £700,000 over two years from the local action fund, but it was the council that decided to use that money in an imaginative way to support 49 local projects, including mobile climbing walls, video equipment, youth services for people with autism, skateboard parks and a number of other things. A local decision was taken based on local needs and working imaginatively.

The DVD was produced with limited funding—for something like £7,000—and is to everyone's credit. One of the remarkable things about it is not just that it has helped to bring together two groups in a community who were ignorant of each other's views, feelings, needs, anger and frustrations, but that it has produced an asset that I hope will be used throughout North Lanarkshire. Cathie Craigie might want to persuade North Lanarkshire Council to consider what can be done in Cumbernauld and Kilsyth. The DVD might have been produced in Airdrie, but it has applicability in Cumbernauld and Kilsyth, Paisley, Peebles and anywhere else in Scotland. Its quality is remarkable, as is its humanity and the humour with which it gets its message across.

I do not mean this to be a backhanded compliment, but the DVD is probably better than some of the things that we see on television. If TV producers and schedulers want to look at something that resonates with people, helps them to understand issues and stimulates debate, they could do no better than watch the DVD that was produced by the just youth project in Airdrie. It is a credit to everyone concerned. It is quality and it is effective.

Karen Whitefield said that the DVD was touching. I, too, found it touching. It was interesting to see older people's ignorance of what young people feel, and young people's ignorance of what older people feel. However, the way in which they went about changing that was commendable. It was touching to listen to the personal comments that were made. It was moving and emotional to see how the barriers were overcome, suspicion was broken down and people engaged with one another. At the end of it, some older people who had been critical of young people said, "Aye, they need this and they need that, and we need to understand the next thing about them."

Fiona Hyslop asked whether older people ever hung about street corners. Older people condemn young people for truancy, vandalism, graffiti, stealing, crime and all the rest of it, but one of the older women said in a jokey aside that when she was young she used to go into shops and steal from them. Of course, if older people saw a young person doing that now they would be outraged. It was interesting to see that context.

The DVD is a remarkable production. It is well produced, quality and thoughtful. I recommend that those who have not seen it take time to consider how they can use it in their communities. I will examine how we can use it beyond Airdrie and North Lanarkshire. The project is an excellent example of how funding from the centre can stimulate action in the locality—action that has resonance not only for the immediate problem, but for the wider community.

I thank Karen Whitefield and North Lanarkshire Council. A debt of gratitude is also owed to the older people who, despite their suspicions, took the risk of becoming involved and who, like Cathie Craigie and others, were a bit unfamiliar with the technology. Their humour, warmth and compassion came across strongly. I also give my thanks and gratitude to the young people who have invested their time in the project; despite perhaps being a bit worried about how the project might affect their credibility, they engaged in it with enthusiasm. They have made a positive contribution, which I hope will be watched much more widely. I thank the production team, who helped them in the process. They have produced something that stands comparison with the work of so-called professionals.

Meeting closed at 17:46.

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