

MEETING OF THE PARLIAMENT

Wednesday 28 February 2007

Session 2

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Scottish Parliament

Wednesday 28 February 2007

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

Time for Reflection

The Presiding Officer (Mr George Reid): Good afternoon. The first item of business is time for reflection. Our time for reflection leader today is the Rev Andrew Hill, who is the minister of St Mark's Unitarian church in Edinburgh.

Rev Andrew Hill (Minister of St Mark's Unitarian Church, Edinburgh): Good afternoon. In less than a week from now, I shall become an old age pensioner, and in less than a month, I shall be retiring from my work as the Unitarian minister here in Edinburgh. I came to Scotland from England almost exactly half my life ago and it is to England that my wife and I shall return in order to be near other members of our family. I have been here in Scotland through all the stages of devolution and the birth of the new Scotland.

So, what shall I tell the people of England about Scotland today? I shall tell them that Scotland today is a diverse and energetic community whose citizens are the people who live here now. I shall tell them that devolution has brought government far closer to the people than ever it is at Westminster. I shall tell them that this is a magnificent and beautiful building that was nowhere near as overbudget as London's Wembley stadium is going to be. I shall tell them about the four qualities that are engraven on the mace of this Parliament—justice, compassion, wisdom and integrity.

In my spare time, one of the things that I sometimes do is write hymns. These are the words of one of them, which I dedicate to you and to the people of Scotland and which I shall continue to use even when, shortly, I return to England:

Justice for persons and for different nations,
respect for diverse species in our care,
community of life on earth sustaining,
love for a planet which we all must share.

Compassion is the strength of love and sympathy
letting us share another being's pain;
creature or human, loving friend or stranger
care for each other is the whole world's gain.

Wisdom is insight clear precise and thoughtful
searching for truth and human law refined;
guidance from past, made ready for the future
by the best reasoning of the human mind.

Integrity, with honour and uprightness:
these are the qualities which form and make
women and men, citizens for tomorrow
those who serve others for another's sake.

Justice, compassion, wisdom and integrity,
these are the virtues which our poor world needs.
They'll flower tomorrow, fruit in glorious splendour
if we today, go out and plant the seeds.

Justice, compassion, wisdom and integrity: may
those qualities always guide your work.

Point of Order

14:35

Fergus Ewing (Inverness East, Nairn and Lochaber) (SNP): On a point of order, Presiding Officer. I gave notice of this point of order yesterday evening. I understand that ministers are currently considering the business case that was submitted to them in respect of the Edinburgh trams scheme. Page 11 of the draft business case states:

"It is a fundamental assumption that TEL bus and tram will both participate in the national concessionary ticketing scheme."

The business case, therefore, assumes that revenue of 73.6p in the pound compensation would accrue to the tram operators and that 20 per cent of the passengers would be concessionary passengers. Therefore, a substantial proportion of the income to the trams—the revenue—would come from public money, under the concessionary travel scheme.

However, the concessionary travel scheme requires to be approved by Parliament and the existing scheme, which was approved by Parliament, applies not to trams but only to buses. Therefore, if the ministers approve the business case—and I am informed that a decision is imminent—they will be taking a decision on which Parliament should be consulted but on which Parliament has not been consulted. Indeed, if the minister makes the decision, a statutory instrument would require to be made under the Transport (Scotland) Act 2005 in order to extend the concessionary scheme. At the same time, the ministers have stated, in a parliamentary answer, that the scheme will be reviewed in a year or so. Therefore, if the business case for the trams is approved, it will rely on public money, the spending of which has not been approved by Parliament.

I seek your guidance in two respects, Presiding Officer. First, would it not be appropriate—and, indeed, necessary—for there to be a ministerial statement on this issue to make clear whether ministers are prepared to expend public money in a way in which Parliament does not approve? Secondly, is it not outwith the powers of the Scottish Executive to act in this way, as its actions would bypass Parliament on an issue on which Parliament should, clearly, be consulted?

The Presiding Officer (Mr George Reid): I thank the member for giving me advance notice of his point of order. Although I have not had time to gain a detailed knowledge of the concessionary scheme and the business case to which the member has referred, my understanding is that

parliamentary approval would have to be sought under the relevant legislation in order to extend the national scheme to trams.

Ministerial statements are a matter for the Scottish Executive, not for me. If you wish to pursue the point about a statement, Mr Ewing, I direct you to your business manager, Mr Morgan, who is sitting beside you and will be able to pursue the issue in the Parliamentary Bureau.

Business Motions

14:38

The Presiding Officer (Mr George Reid): The next item of business is consideration of business motion S2M-5664, in the name of Margaret Curran, on behalf of the Parliamentary Bureau, setting out revisions to this week's business programme.

Motion moved,

That the Parliament agrees the following revisions to the programme of business for Wednesday 28 February and Thursday 1 March 2007—

(a) Wednesday 28 February 2007

delete,

5.00 pm Decision Time

and insert,

5.30 pm Decision Time

and;

(b) Thursday 1 March 2007

after,

2.55 pm Stage 3 Proceedings: Aquaculture
and Fisheries (Scotland) Bill

delete,

followed by Procedures Committee Debate: 10th
Report 2006, Scottish Commission
for Public Audit.—[George Lyon.]

Motion agreed to.

The Presiding Officer: The next item of business is consideration of business motion S2M-5667, in the name of Margaret Curran, on behalf of the Parliamentary Bureau, setting out a timetable for stage 3 consideration of the Prostitution (Public Places) (Scotland) Bill.

Motion moved,

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

Group 1: 15 minutes

Group 2: 40 minutes.—[George Lyon.]

Motion agreed to.

Prostitution (Public Places) (Scotland) Bill: Stage 3

14:39

The Presiding Officer (Mr George Reid): The next item of business is stage 3 consideration of the Prostitution (Public Places) (Scotland) Bill.

Members should have before them the bill as amended at stage 2; the marshalled list containing all the amendments selected for debate; and the groupings. The division bell will sound and proceedings will be suspended for five minutes before the first division this afternoon and the period of voting will be 30 seconds. Thereafter, I will allow a voting period of one minute for the first division after a debate and 30 seconds for all other divisions.

Section 1—Offences relating to prostitution

The Presiding Officer: Group 1 is on offences involving the use of a motor vehicle. Amendment 1, in the name of Fergus Ewing, is grouped with amendment 3.

Fergus Ewing (Inverness East, Nairn and Lochaber) (SNP): I hope that, this afternoon, we will make a welcome change to the law. At present, a prostitute can be a criminal but the man who uses the services is not. That double standard is hypocritical and wrong, and I am sure that we will vote to end it later this afternoon.

In the evidence that the Local Government and Transport Committee received at stage 1, the most compelling was from ladies who live in a community in Glasgow where, at all hours of the day, they are subjected to kerb-crawlers driving round their area seeking to purchase sex. The evidence of Jennifer McCarey was particularly compelling. She said:

"men—middle-class men, working-class men and upper-class men—come into our community looking for street sex. They think that that is acceptable behaviour ... Our community group says that that is unacceptable ... There is a whole layer of dangerous men who partake in that activity for their own reasons. The women and children in our community are more likely to be exposed to those dangerous men."

Jennifer McCarey then described what kerb crawling is like:

"It is a car slowly following you and creeping along beside you. Often you are the only person in the street. The car stops until you catch up, then it drives slowly beside you and stops. It is tremendously intimidating behaviour, which does not involve rolling down a window and talking to you."—[Official Report, Local Government and Transport Committee, 24 October 2006; c 4148-49.]

The purpose of the amendments is to introduce sanctions that would be an effective deterrent to

the men in question. They would bring down the full force of the law on those men in order to tackle the behaviour, to reduce it and, as much as possible, to stamp it out.

The Scottish National Party believes that two particular measures should be taken. At stage 1, I raised them with many of the witnesses—members of the community, representatives of Glasgow City Council and senior representatives of the police—and almost every witness agreed. The first sanction is that a punter should face disqualification from holding a driving licence. Secondly, if a burglar's tools can be confiscated because they assist him in committing crime, I would argue that for persistent offenders—men who continually kerb crawl and abuse women in this way, often using violence—the sanction of confiscation of motor vehicle should also be applicable.

Margo MacDonald (Lothians) (Ind): Will the member make it plain that the abuse to which he refers is not on the part of the kerb-crawler against women unconnected with selling sex? Is he confusing the prostitute with the passer-by?

Fergus Ewing: Margo MacDonald is quite wrong. If she had heard the evidence that I read out, she would know that it was from a lady who is not a prostitute but who simply lives in a certain part of Glasgow. Like the rest of the women in that community, she has to put up with that behaviour. On the committee, members from all parties took the view that that was entirely wrong, so the measures of disqualification and confiscation are appropriate.

When I raised the matters in committee, the minister stated:

"we are considering seeking an order at Westminster that would make disqualification available to the Scottish courts. We are in active dialogue with Home Office officials about that."—[*Official Report, Local Government and Transport Committee*, 6 February 2007; c 4546.]

That does not constitute an assurance; it simply states that the matter is under consideration. Therefore, we have not had any clear assurance from the minister that the sanction of disqualification will be available to the courts to use as they think appropriate.

14:45

If the minister can provide a categorical assurance that disqualification will be available and if he can explain when it will be available and whether the Scottish courts will have the power to disqualify from driving punters who are convicted of the offences in the bill, I will consider whether to press the amendment. However, my first point is that the minister has not given us an unequivocal assurance, which I would welcome in his response.

My second and last point is that I would like the provision of forfeiture to be used where appropriate. It would be appropriate only for a repeat offender—someone who had not learned a lesson, having been convicted. I make that clear in case it was not made clear at the committee. I would welcome assurance from the minister that the sanction of forfeiture—of confiscation of a punter's car—will be available to the Scottish courts to tackle this appalling crime and to deter men from committing it.

I move amendment 1.

Margo MacDonald: I appreciate that it is a great invasion of the privacy and well-being of a woman who is entirely unconnected with prostitution that someone who seeks to purchase sexual services should stalk or follow her in a car, but Mr Ewing referred to the violence that the car driver perpetrates. In intervening, I wanted to make it plain that few—if any—cases of violent attacks on such women have occurred.

I appreciate—and the expert group on prostitution, of which I was a member, appreciated—why we should do whatever we can to ensure that people who are unconnected with the sale of sex on the streets should not be offended or alarmed or have nuisance caused to them by it. However, I suggest that the unforeseen consequence of these amendments, which I have no doubt are well intentioned, would be to drive prostitution further underground and therefore put at risk vulnerable women. I am sure that he does not intend that. However, if he can show that in other places where his measure has been put into effect, prostitution has reduced, I may think again.

David McLetchie (Edinburgh Pentlands) (Con): The Conservatives are sympathetic to amendment 1, which would increase the penalties that are attached to kerb crawling to encompass the possible loss of a driving licence, as Mr Ewing said. The Local Government and Transport Committee discussed such an amendment at stage 2, when the minister advised us that it was not competent to incorporate such a penalty in the bill, as disqualification is a matter for road traffic acts, which are reserved to Westminster. Mr Ewing knows that perfectly well, but he is never one to miss the opportunity to highlight a power that is not the Scottish Parliament's prerogative—Scottish National Party members are entitled to do that.

The minister undertook to consult the Home Office on the matter. I hope that, in the debate, he will give us further information on the progress of his discussions because, like Mr Ewing and his colleagues, the Conservatives would welcome modification of the road traffic legislation as it applies to Scotland to deal with the matter.

As for amendment 3, I understand from the minister's advice to the committee that a vehicle that is involved in kerb crawling may be the subject of forfeiture as the law stands. The amendment would require a prosecutor to give reasons for not seeking a forfeiture order in a particular case. By placing such a responsibility on prosecutors and thereby influencing their decisions, the amendment would make forfeiture the norm rather than the exception. That is unreasonable. If we believe as a matter of law that all cars that are involved in kerb crawling should be the subject of forfeiture, we should make that mandatory in law on the conviction for kerb crawling of the vehicle's owner or driver. However, if we do not make it mandatory, an application for forfeiture must remain at the discretion of the prosecutor in any case and set of circumstances. I do not believe that we should seek to fetter the discretion of prosecutors.

Margo MacDonald: I agree with the legal points that the member makes. Does he agree that the unforeseen consequence of the power in amendment 1—should the Parliament decide to agree to it—could be to further endanger women, given that prostitution would be driven out of sight and out of the control of police forces?

David McLetchie: I just want to conclude my points on amendment 1. I do not think that we should fetter the discretion of prosecutors in the manner that Mr Ewing proposes, which is why we will be voting against the amendment.

On Mrs MacDonald's point, we are here to deal with the narrow issue of street prostitution and the nuisance that it causes in communities. We need an effective set of laws to deal with that public order problem. Given the evidence that was presented to the Local Government and Transport Committee and the many representations that Mrs MacDonald has made on the subject, I acknowledge fully that there are much wider issues to do with street prostitution.

However, I do not believe that the way to tackle street prostitution is to allow it to be conducted in a controlled environment under police supervision. To my mind, that is institutionalising the problem, rather than solving it. I would much prefer us to find other strategies for dealing with the problem of street prostitution. We should concentrate first on dealing with the public nuisance aspect, then carry out a wider programme of work directed towards trying to assist women out of prostitution generally.

Mike Rumbles (West Aberdeenshire and Kincardine) (LD): Members who did not participate in the committee proceedings might not be aware that the penalty for the offence has already been doubled from a maximum fine of £500 to a maximum fine of £1,000. I find myself

agreeing with David McLetchie—which is amazing—

Mr Jamie McGrigor (Highlands and Islands) (Con): You will have to resign.

Mike Rumbles: I hear calls for my resignation, but I will go on.

I agree that we are dealing with the nuisance that is caused by street prostitution. We are talking about the discretion of the prosecutor and the courts in relation to forfeiture of vehicles. The provisions in amendments 1 and 3, which Fergus Ewing wants us to agree to, would be totally out of proportion to the offence committed.

Tricia Marwick (Mid Scotland and Fife) (SNP): Will the member take an intervention?

Mike Rumbles: I have finished.

The Presiding Officer: I call Tricia Marwick.

Tricia Marwick: I was going to intervene, but I think that Mr Rumbles has finished.

The Presiding Officer: Mr Rumbles has sat down. I am sorry, but you missed the bell, Ms Marwick.

The Deputy Minister for Finance, Public Service Reform and Parliamentary Business (George Lyon): Amendment 1 seeks to empower courts to disqualify offenders from driving. Of course, as others have said, Mr Ewing lodged a similar amendment at stage 2. As I explained during the debate on that amendment, we support the principle of empowering courts to disqualify offenders from driving where they use a motor vehicle to engage in kerb crawling. We agree that the threat of such a sanction could have a deterrent effect on those who seek to purchase sex in public places. However, as I stated at the time, the authority for the court's power to disqualify offenders from driving comes from and forms part of the road traffic regime that is set out in the Road Traffic Act 1988 and the Road Traffic Offenders Act 1988 and, as such, is reserved to the Westminster Parliament—a point that I suspect is not lost on Mr Ewing.

Amendment 1 therefore falls outwith the legislative competence of the Scottish Parliament and, as such, we cannot support it. However, I can confirm that, following stage 2, I wrote to Baroness Scotland at the Home Office to seek her view on whether United Kingdom ministers would support an order at Westminster that would provide Scottish courts with the power to disqualify those convicted of kerb-crawling offences from driving. I do not foresee difficulties in securing their agreement to bring the powers of the Scottish courts into line with those in England and Wales.

Fergus Ewing: The minister stated that, after stage 1, which was a considerable time ago—

[*Interruption.*] I meant stage 2—sorry. After stage 2, which was some time ago, he wrote to Baroness Scotland and asked whether Westminster will change the law so that disqualification can be imposed. Can he tell us what response he received from Baroness Scotland and whether she has agreed to do that?

George Lyon: First, I clarify that it was after stage 2 that I wrote the letter. We await Baroness Scotland's response. However, I reassure the Parliament that the officials who are in discussion with Westminster believe that we will secure its support. We do not envisage that there will be a difficulty with securing agreement to bring the powers of the Scottish courts into line with the powers of the courts in England and Wales. I hope that the Parliament will accept my assurance about that.

Mr Ewing asked me to confirm that the courts, on application from the prosecutor, already have the power to seize property that has been used to facilitate the commission of an offence, including vehicles used by kerb-crawlers. I am happy to put that on the record.

Margo MacDonald: Will the minister give way?

The Presiding Officer: Members should note that we are now very tight for time in group 1.

Margo MacDonald: I ask the minister to state on the record exactly what the offence would entail. Would someone who was found driving slowly in a known red light area be supposed to have committed an offence, or must they make contact with a seller of sexual services? If the person is to lose their means of livelihood, it is important for us to work out exactly what they would be losing their livelihood for.

George Lyon: The offence of loitering within a vehicle will, of course, be an offence where the evidence would lead one to infer that the person was in the area for the purposes of procuring the services of someone who was involved in prostitution.

I will deal with the second part of Margo MacDonald's intervention in my comments on amendment 3. I hope that she will listen carefully.

Amendment 3 would require the prosecutor to state their reasons for not seeking a suspended forfeiture order under section 21 of the Proceeds of Crime Act 1995 on each and every occasion on which they were entitled to do that but elected not to do so. That is the position that David McLetchie outlined in his comments.

We believe that such a provision would represent a substantial erosion and fettering of the independence and discretion of prosecutors. In no other situation is the prosecutor required by law to tell the court their reasons for a decision. It is for

the prosecutor to determine—in the public interest—whether to apply for forfeiture in each case. It is the prosecutor who has the full range of information to allow them to decide whether the penalty is proportionate and, if so, whether to seek it from the court. Their decision is made independently of the court. Therefore, the Executive cannot support amendment 3.

Given the assurances that I have given the Parliament today, I ask Fergus Ewing to withdraw amendment 1.

The Presiding Officer: We are considerably over our time limit for group 1, but I was anxious not to curtail the questioning, so I exercised my discretion under rule 9.8.4A(c) to extend the time limit.

I call Mr Ewing to wind up. You have no more than two minutes, Mr Ewing.

Fergus Ewing: The purpose of these amendments is to deter men from going to prostitutes. Margo MacDonald says that the amendments would drive the problem underground, but is she really saying that we should not have effective sanctions, so that prostitution can just continue? That is an extremely odd argument, and not one that she put at stage 1, when she said:

"I agree with the analysis that if we can bring about a drop in demand, supply will drop off, too."—[*Official Report*, 31 October 2006; c 4184.]

How can we reduce demand if men are not sufficiently deterred by the sanctions from committing the crime in the first place?

Mike Rumbles: Does the member think that a fine of £1,000 for the offence of causing nuisance is reasonable? Is a fine of £1,000 on every occasion not a deterrent?

Fergus Ewing: That fine might not be imposed. I hope that it will be a deterrent, but I do not believe that it will be an effective one, particularly for well-heeled men who drive around in Jaguars or other expensive cars—[*Interruption.*] Members think that what I have said is funny, but the witnesses who came to the committee did not think that the matter was funny. We can see that the Liberal Democrats are soft on crime and soft on the causes of crime.

In response to David McLetchie, I say that no attempt is being made to fetter the discretion of prosecutors. Agreeing to amendment 3 would simply mean that the procurator fiscal would have to make a statement in which he explained why he was not using a power. How would that fetter a prosecutor? Surely it is about time that our prosecutors gave more explanations to ensure that the public see that criminals get the sentences that they deserve. Such explanations are important.

Finally, the minister assured us that there have been discussions with officials. That is some assurance.

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

Members: No.

The Presiding Officer: There will be a division. I suspend the meeting for five minutes.

15:01

Meeting suspended.

15:06

On resuming—

The Presiding Officer: We will proceed with the division.

FOR

Adam, Brian (Aberdeen North) (SNP)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Curran, Frances (West of Scotland) (SSP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Grahame, Christine (South of Scotland) (SNP)
 Hyslop, Fiona (Lothians) (SNP)
 Kane, Rosie (Glasgow) (SSP)
 Lochhead, Richard (Moray) (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)
 Morgan, Alasdair (South of Scotland) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 Robison, Shona (Dundee East) (SNP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Watt, Ms Maureen (North East Scotland) (SNP)
 Welsh, Mr Andrew (Angus) (SNP)

AGAINST

Aitken, Bill (Glasgow) (Con)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Baird, Shiona (North East Scotland) (Green)
 Baker, Richard (North East Scotland) (Lab)
 Ballance, Chris (South of Scotland) (Green)
 Ballard, Mark (Lothians) (Green)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Brownlee, Derek (South of Scotland) (Con)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Canavan, Dennis (Falkirk West) (Ind)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Davidson, Mr David (North East Scotland) (Con)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Eadie, Helen (Dunfermline East) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallie, Phil (South of Scotland) (Con)

Gillon, Karen (Clydesdale) (Lab)
 Glen, Marlyn (North East Scotland) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Gordon, Mr Charlie (Glasgow Cathcart) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Paisley South) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Johnstone, Alex (North East Scotland) (Con)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lyon, George (Argyll and Bute) (LD)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 MacDonald, Margo (Lothians) (Ind)
 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)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McLetchie, David (Edinburgh Pentlands) (Con)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Milne, Mrs Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 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)
 Petrie, Dave (Highlands and Islands) (Con)
 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)
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)
 Scott, Eleanor (Highlands and Islands) (Green)
 Scott, Tavish (Shetland) (LD)
 Sheridan, Tommy (Glasgow) (Sol)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Swinburne, John (Central Scotland) (SSCUP)
 Tosh, Murray (West of Scotland) (Con)
 Wallace, Mr Jim (Orkney) (LD)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

The Presiding Officer: The result of the division is: For 24, Against 85, Abstentions 0.

Amendment 1 disagreed to.

Amendment 3 moved—[Fergus Ewing].

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

Members: No.

The Presiding Officer: There will be a division.

FOR

Adam, Brian (Aberdeen North) (SNP)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Curran, Frances (West of Scotland) (SSP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Grahame, Christine (South of Scotland) (SNP)
 Hyslop, Fiona (Lothians) (SNP)
 Kane, Rosie (Glasgow) (SSP)
 Lochhead, Richard (Moray) (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)
 Morgan, Alasdair (South of Scotland) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 Robison, Shona (Dundee East) (SNP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Watt, Ms Maureen (North East Scotland) (SNP)
 Welsh, Mr Andrew (Angus) (SNP)

AGAINST

Aitken, Bill (Glasgow) (Con)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Arbuckle, Mr Andrew (Mid Scotland and Fife) (LD)
 Baillie, Jackie (Dumbarton) (Lab)
 Baird, Shiona (North East Scotland) (Green)
 Baker, Richard (North East Scotland) (Lab)
 Ballance, Chris (South of Scotland) (Green)
 Ballard, Mark (Lothians) (Green)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Brownlee, Derek (South of Scotland) (Con)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Canavan, Dennis (Falkirk West) (Ind)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Davidson, Mr David (North East Scotland) (Con)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Eadie, Helen (Dunfermline East) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marlyn (North East Scotland) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Gordon, Mr Charlie (Glasgow Cathcart) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Paisley South) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)

Johnstone, Alex (North East Scotland) (Con)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lyon, George (Argyll and Bute) (LD)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 MacDonald, Margo (Lothians) (Ind)
 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)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McLetchie, David (Edinburgh Pentlands) (Con)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Milne, Mrs Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 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)
 Petrie, Dave (Highlands and Islands) (Con)
 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)
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)
 Scott, Eleanor (Highlands and Islands) (Green)
 Scott, Tavish (Shetland) (LD)
 Sheridan, Tommy (Glasgow) (Sol)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Swinburne, John (Central Scotland) (SSCUP)
 Tosh, Murray (West of Scotland) (Con)
 Wallace, Mr Jim (Orkney) (LD)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

The Presiding Officer: The result of the division is: For 24, Against 87, Abstentions 0.

Amendment 3 disagreed to.

After section 2

The Presiding Officer: Group 2 is on the use of drug treatment and testing orders. Amendment 4 is in the name of Tommy Sheridan.

Tommy Sheridan (Glasgow) (Sol): First, I thank the clerks of the Local Government and Transport Committee for drafting amendment 4 at relatively short notice. I had hoped that the Executive parties would have lodged an amendment like this at stage 2 to take cognisance of the very persuasive evidence that the

committee heard about the interconnectedness of drug abuse and addiction and prostitution. Ruth Morgan Thomas, the manager of SCOT-PEP in Edinburgh, made the point that there are

“major implications for women who are drug dependent—and we know that more than 95 per cent of women who are involved in street prostitution are drug dependent”.

Anne Fallon of the Routes Out partnership in Glasgow said:

“The fundamental point is that women prostitute themselves in order to survive. For example, 90-odd per cent of the women involved in street prostitution in Glasgow do it to fund not only their own drug habit but the drug habits of their partners or other people.”

During his oral evidence, Alan Beatson of Leith Links residents association said:

“We do not take a moral stance on this at all—far from it. We want to support the women because they are members of the community and we have obligations to them. It is in everyone’s interests to sort out the problem, but we think that it ought to be done with proper policies to help people to get out of prostitution, particularly through drug support ... Drugs are the central issue here. We think that a lot of resources ought to be put in to helping the women to get out of drugs.”

When Senga Bethune, also of Leith Links residents association, was asked whether antisocial behaviour orders could deal effectively with street prostitution, she said:

“I do not think that such orders are a way of tackling the issue. I listened to what the experts said earlier and I think that it is about time that the whole business of street prostitution was treated as a drug problem. ... Basically, women sell themselves to pay for either their drugs or someone else’s drugs.”—[*Official Report, Local Government and Transport Committee*, 24 October 2006; c 4122-53.]

Ann Hamilton, who is a principal policy officer for Glasgow City Council, said:

“One of the reasons for the establishment of management zones and tolerance zones was to provide services to the women. We all struggle with that because they are probably the most vulnerable of any group. They have the highest drug use of any group, certainly in Glasgow.”—[*Official Report, Local Government and Transport Committee*, 31 October 2006; c 4182-83.]

When George Lyon gave evidence to the committee on behalf of the Executive, he told us:

“The issue is complex and very difficult. It involves very unfortunate females who are driven into prostitution through a need to feed their drug habits or raise money for partners or other individuals who have control over them because they are vulnerable adults. ... We need to provide proper support to give those people an opportunity to find a way out of that life. I hope that that will be the committee’s overriding concern.”—[*Official Report, Local Government and Transport Committee*, 28 November 2006; c 4359.]

That is the overriding concern of amendment 4, which seeks to ensure that more resources will be committed to drug treatment, testing and rehabilitation. The committee was told frankly that

not enough resources are dedicated to tackling the drug problem, which is integrally linked with street prostitution. Amendment 4 seeks to force extra resources into tackling street prostitution such that, for anyone who is convicted of street prostitution, drug treatment and rehabilitation and counselling must be made available. Sadly, with the way things are just now, far too many of those who are convicted of street prostitution have no access to such essential support, which is why I recommend that members support amendment 4.

I move amendment 4.

The Presiding Officer: Four members have asked to speak. If I am to allow all of them to speak, they will need to keep their speeches to two minutes.

Margo MacDonald: I seek clarification on whether drug treatment and testing orders can be handed down from a district court as well as a sheriff court. Under the current legislation on soliciting and loitering with intent, prostitutes can end up before a district court. If Parliament were to support amendment 4, would not that require a further change in the law? I think that only sheriff courts can hand out that sort of remedy. Perhaps Tommy Sheridan can respond to that question.

The Presiding Officer: Mr Sheridan will have a chance to respond at the end of the debate.

David McLetchie: From all the evidence that was presented to us in the committee, there is no doubt that drug abuse and drug addiction are among the major drivers of street prostitution, as Tommy Sheridan said. If we are to assist women out of prostitution, that process will inevitably involve dealing with the drug habit that leads them to prostitute themselves in the first instance. Accordingly, I can see the rationale behind and some merit in amendment 4, by which Tommy Sheridan seeks to require the courts to make drug treatment and testing orders in respect of persons who are convicted of prostitution.

It is worth noting in this context, however, that the extension of drug treatment and testing orders would need to be accompanied by a significant increase in drug rehabilitation facilities, without which there will be no routes out of addiction for prostitutes or anyone else whose criminal behaviour is driven by drugs. That is one reason why my party is committed to a significant investment in drug rehabilitation facilities throughout Scotland. I very much welcome the leadership that Annabel Goldie has shown in Parliament on that issue.

That said, it is fair to say that amendment 4 has come to us out of the blue today. The committee heard plenty of evidence about the link between prostitution and drugs at stage 1, as Tommy Sheridan mentioned, but his specific proposal

about drug treatment and testing orders was not the subject of the evidence that we took or of detailed discussion.

Amendment 4 is well intentioned, but it would be wrong to incorporate the provisions into the bill at this late stage in our deliberations and without fuller analysis. The subject is well worthy of consideration, but that should be done as part of a wider strategy for assisting women out of prostitution. I trust that that will be taken on board by the Executive. For the reasons that I have given, the Conservatives will not support amendment 4.

15:15

Stewart Stevenson (Banff and Buchan) (SNP): It is relatively easy to agree with Tommy Sheridan's analysis and with the information that he has sought out and brought to the debate. Nonetheless, and for a number of reasons, I disagree with his conclusions.

I agree that the huge majority of prostitutes are in prostitution because of their drug habit or, as Tommy Sheridan said, the drug habit of someone else. First, amendment 4 does not address that "someone else". Secondly, the fact is that, overwhelmingly, addicts want to get clean—very few of them want to get on to methadone programmes or to reduce the harm. Thirdly, it is clear that no additional resources will be created under the provisions in the amendment. When I say "resources", I do not simply mean money. I am referring also to trained counsellors and nurses—we know that such trained people do not appear overnight.

The effect of agreeing to amendment 4 would be to transfer resources from people who go to their doctor or a clinic and say, "I want to get clean", to people who would come to such treatment through the criminal justice system. One thing we know about the people inside the system who are trying to get clean is that they have a lower success rate. If Scotland has a constant pool of resources and we put more people from the criminal justice system into treatment, we will reduce the number of people who will get clean of drugs.

I say to Tommy Sheridan that I have sympathy for the idea, but before the SNP would support amendment 4, a much more fundamental look at the issue would need to be taken.

Frances Curran (West of Scotland) (SSP): I speak to oppose amendment 4. We know, because the figures and research are well documented, that the vast majority of women who are involved in street prostitution abuse drugs and/or alcohol. Section 43 of the Civic Government (Scotland) Act 1982 criminalises soliciting and the effect of amendment 4 would be

to encourage mandatory drug treatment and testing orders for women who are involved in prostitution and who are convicted under section 43. The effect of introducing mandatory drug rehab orders would criminalise more women.

Many women's groups are absolutely opposed to amendment 4. They oppose it because breach of a drug rehab and testing order would carry a heavier penalty than the original offence under section 43 of the 1982 act. No one is arguing that the women who are involved in street prostitution do not need access to services, including drug rehabilitation and many other services, but such services must be accessible voluntarily.

Yet again, in these stage 3 amendments, we are focusing on the behaviour of the women who are involved in prostitution. Tommy Sheridan said that the central problem is drugs. I say to him that the central problem is men. It is men who use the women who, in turn, are forced to take drugs and alcohol to blot out what they are involved in.

I am unclear about the thinking behind amendment 4. If it is that women should have mandatory drug treatment and testing orders in order to encourage them to come off drugs as a route out of prostitution, that view is very naive. Of course, a by-product of getting street prostitutes and other women who are involved in prostitution clean would be that men would be protected from infection with any one of a variety of diseases that they might expect. If Tommy Sheridan is serious about harm-reduction measures, he should be putting the spotlight on the men who use prostitutes, not on the lives and behaviour of the women who are involved in prostitution.

The Deputy Presiding Officer (Trish Godman): Before I call the minister, I intend to exercise my power under rule 9.8.4A(a) to extend the time limit for the debate to allow the minister to speak and Mr Sheridan to wind up. The extra time will need to be gained from the debate on the bill. I give the minister a tight three minutes.

George Lyon: Amendment 4 would, in effect, require courts to issue drug treatment and testing orders to sellers who were convicted of an offence under the Civic Government (Scotland) Act 1982, as long as certain conditions were met. The conditions are that the court is satisfied, based on a local authority report, that the offender

"is dependent on, or has a propensity to misuse, drugs"

and is likely to be susceptible to treatment and is a suitable person to be subject to such an order.

I am afraid that the Executive cannot support amendment 4 for two reasons. First, the amendment would interfere unduly with the independence of the courts to determine what sentence is appropriate in each case by requiring

that they issue DTTOs. Secondly, a DTTO is a high-tariff penalty that is intended as an alternative to a custodial sentence and is therefore not appropriate for a section 46 offence. In addition, breach of a DTTO is a significant offence in itself and, as Frances Curran pointed out, can result in imprisonment. Members will agree that that would achieve little in relation to such offenders and it would not be appropriate.

I accept that in Mr Sheridan's motivation in lodging amendment 4 is to try to ensure that people who are trapped in prostitution receive the necessary support to address their underlying problems and, ultimately, to help them leave prostitution. A number of sentencing options are already available to the courts to facilitate that—all courts have the power to impose probation with a condition of drug treatment, for example. Courts may also defer sentence to allow work to be done on substance-misusing problems. Where appropriate, procurators fiscal may divert offenders away from the courts entirely.

A scheme has run in Edinburgh for some time that can divert from prosecution people who are charged with section 46 offences and instead give them an opportunity to address the underlying reasons for their involvement in street prostitution, whether the reasons are related to drugs or other problems. It is important that women in prostitution be given access at any time to support and assistance to help them leave, not only when they have been charged with or convicted of an offence. That is why the work of the Routes Out partnership in Glasgow, for example, is so important.

The Executive recognises that more needs to be done to support such vulnerable individuals. For that reason, we will make available an additional £1 million to prevent involvement in prostitution, to reduce demand, to reduce harm to those involved and to help individuals find a route out of prostitution. That is the correct approach to beef up services that are available to those who are trapped in prostitution, either through drug dependency or abusive partners. Such people must have the services that enable them to choose to find a way out of prostitution.

With the assurance that we will invest more in services, and for the reasons that I have given, I hope that Mr Sheridan will seek to withdraw his amendment.

Tommy Sheridan: The problem with the minister's comments, well intentioned and sincere though they are, is that all the witnesses from Routes Out in Glasgow and SCOT-PEP in Edinburgh from whom we took evidence told us that over the years of their existence—eight years in the case of Routes Out—the problem has been increasing, not decreasing. The problem is getting

worse, not better. The evidence that we heard from those witnesses was that drug abuse is at the heart of the problem and that when people seek help to deal with their drug addiction, the resources are not available.

I think it was Stewart Stevenson who suggested that my proposal might shift the availability of drug treatment from general practitioners' offices to the criminal justice system. Stewart Stevenson knows that the reality is that many people are getting drug addiction treatment via the criminal justice system. When people seek assistance in the first instance, no places are available and there are not enough resources in rehabilitation.

David McLetchie said that my proposal in amendment 4 is a good idea, but that it had come "out of the blue". He knows, however, that it has not come out of the blue because he heard the evidence in committee. If it is a good idea, his having just heard it does not mean that it is not worthy of support.

Frances Curran said that we should shine the spotlight on the men who use the services of prostitutes, but that is what the bill proposes. Parliament should be very proud that for the first time it is shining the light on the users of prostitutes and proposing to criminalise them. If Frances Curran had attended the Local Government and Transport Committee's meetings, she would know that I and others wanted the fines for men who are found using prostitutes to be double what was originally proposed in the bill.

The Deputy Presiding Officer: You should be finishing now, Mr Sheridan.

Tommy Sheridan: I know that we must shine the spotlight on the men, but the problem is that there are many women who simply cannot get access to the necessary resources. I think that the Executive opposes amendment 4 because it is a resource-laden suggestion. Rather than just lead to commitments that might not be forthcoming, it would make more investment mandatory. I will press amendment 4.

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

Members: No.

The Deputy Presiding Officer: There will be a division.

FOR

Sheridan, Tommy (Glasgow) (Sol)

AGAINST

Adam, Brian (Aberdeen North) (SNP)

Aitken, Bill (Glasgow) (Con)

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)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Curran, Frances (West of Scotland) (SSP)
 Davidson, Mr David (North East Scotland) (Con)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Eadie, Helen (Dunfermline East) (Lab)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Finnie, Ross (West of Scotland) (LD)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Gibson, Rob (Highlands and Islands) (SNP)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marlyn (North East Scotland) (Lab)
 Gordon, Mr Charlie (Glasgow Cathcart) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Grahame, Christine (South of Scotland) (SNP)
 Henry, Hugh (Paisley South) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Hyslop, Fiona (Lothians) (SNP)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Johnstone, Alex (North East Scotland) (Con)
 Kane, Rosie (Glasgow) (SSP)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lochhead, Richard (Moray) (SNP)
 Lyon, George (Argyll and Bute) (LD)
 MacAskill, Mr Kenny (Lothians) (SNP)
 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)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Mather, Jim (Highlands and Islands) (SNP)
 Maxwell, Mr Stewart (West of Scotland) (SNP)
 May, Christine (Central Fife) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McFee, Mr Bruce (West of Scotland) (SNP)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McLetchie, David (Edinburgh Pentlands) (Con)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Milne, Mrs Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Morgan, Alasdair (South of Scotland) (SNP)
 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)
 Neil, Alex (Central Scotland) (SNP)
 Oldfather, Irene (Cunninghame South) (Lab)

Peacock, Peter (Highlands and Islands) (Lab)
 Petrie, Dave (Highlands and Islands) (Con)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Radcliffe, Nora (Gordon) (LD)
 Robison, Shona (Dundee East) (SNP)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Scott, Tavish (Shetland) (LD)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinburne, John (Central Scotland) (SSCUP)
 Swinney, Mr John (North Tayside) (SNP)
 Tosh, Murray (West of Scotland) (Con)
 Wallace, Mr Jim (Orkney) (LD)
 Watt, Ms Maureen (North East Scotland) (SNP)
 Welsh, Mr Andrew (Angus) (SNP)
 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)
 MacDonald, Margo (Lothians) (Ind)
 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 1, Against 100, Abstentions 8.

Amendment disagreed to.

Iain Smith (North East Fife) (LD): On a point of order, Presiding Officer. When you used your discretion to extend the debate on group 2, you indicated that you would take the time back from the debate on the motion to pass the bill. I hope that you will consider taking the time from the following debate, which is on organic farming, because legislating is the most important thing that Parliament does and we should not curtail debates on the passing of bills when there are other items of business from which time could be recovered.

The Deputy Presiding Officer: I will do what Presiding Officers normally do—I will look at matters over the piece. I am sure that everyone who wishes to be called will be called.

Prostitution (Public Places) (Scotland) Bill

The Deputy Presiding Officer (Trish Godman): The next item of business is a debate on motion S2M-5629, in the name of Tom McCabe, that Parliament agrees that the Prostitution (Public Places) (Scotland) Bill be passed.

15:27

The Deputy Minister for Finance, Public Service Reform and Parliamentary Business (George Lyon): The Prostitution (Public Places) (Scotland) Bill is an important bill that will address an imbalance in the current law on street prostitution. At present, only people who sell sex in public places can be prosecuted for soliciting or loitering. There is no equivalent statutory offence for the people who are at the root of the problem—the kerb-crawlers. [*Interruption.*]

The Deputy Presiding Officer: Order. I ask members who are leaving the chamber to do so quietly.

George Lyon: I am sure that members will agree that it cannot be right that the law criminalises sellers while remaining silent on the purchasers who exploit them and who cause disruption and alarm to our communities. That is why, in 2003, we made a partnership commitment to make kerb crawling a criminal offence in Scotland. The bill will deliver on that commitment. For the first time, we will have specific offences that will bring to bear the full force of the law in tackling kerb crawling.

During the bill's passage, we have worked closely with the Local Government and Transport Committee—I thank its members for their thorough scrutiny of the bill and their detailed stage 1 report. We acknowledged the committee's concerns about the bill as introduced and, in order to address them, we worked with it to amend it at stage 2. Our amendments have strengthened the bill by increasing the maximum penalty that will be available to the courts; by applying the offence to purchasers only; by removing the requirement for the behaviour to be likely to cause alarm, offence or nuisance; and by strengthening the loitering offence.

The bill will provide Scotland with the toughest legislation in the United Kingdom on tackling kerb-crawlers. It will send an unequivocal message to those who purchase sex on our streets that their behaviour will no longer be tolerated. We believe that it will act as a deterrent to those who seek to do so.

The criminal law has an important role in tackling street prostitution, but everyone—not least the Association of Chief Police Officers in Scotland and the expert group on prostitution—agrees that the criminal law on its own cannot address this complex problem. It requires a holistic approach that addresses all aspects of the problem. It is for that reason that we also, when we introduced the bill, issued draft guidance for local authorities and their community planning partners—including health boards, police forces and local community and voluntary groups—to help them tackle street prostitution. The guidance identifies five essential components for any local strategy: challenging demand; preventing vulnerable individuals from becoming involved; reducing the harm that is experienced by those who are involved; assisting them to leave; and protecting communities from the nuisance and disturbance that are associated with street prostitution.

Fergus Ewing (Inverness East, Nairn and Lochaber) (SNP): Can the minister give a little more detail about the announcement this afternoon of the additional £1 million? Can he say in what financial year it will be available and give some detail about how it will be spent and who will receive the funding?

George Lyon: If the member waits, I will come to that as I go through my speech.

I am aware that there has been some concern about whether the resources are in place to enable local authorities and their partners to implement the strategy that is outlined in the guidance. I indicated at stage 2 that both Mr McCabe and I would be willing to reflect on those concerns.

Local authorities and health boards are funded to meet the social, educational and health needs of all people—including those who are vulnerable through prostitution. However, the bill provides a fresh impetus to address street prostitution. That is why we will provide an additional £1 million to help fund work to challenge demand, to prevent exploitation and to assist people to leave prostitution.

Margo MacDonald (Lothians) (Ind): I appreciate the Executive's intention, but how does the minister think the third objective that he outlined will be achieved unless direct contact can be made with people who are selling sex?

George Lyon: Clearly, as the member is well aware, it is important that services are available to those who are involved in prostitution. Indeed, much work goes on in all our major cities to ensure that services are available to them. On a visit to Glasgow during the passage of the bill, I saw for myself the good work that goes on there. The police and the local authority work with

colleagues from the health service to ensure that such services are available to individuals who are involved in prostitution and who wish to find support and a route out of prostitution. The extra money that we have made available today will help to strengthen that work and ensure that better services are available to the victims of prostitution and that they have access to better services to assist them in trying to find a route out of prostitution. I am sure that that is what all of us want.

In conclusion, the bill will not, on its own, eradicate street prostitution, but it is an important step forward in changing attitudes and challenging demand by giving the police new powers to tackle kerb crawling on Scotland's streets. It will bring, for the first time, the purchasers within the full force of the law.

I urge members around the chamber to vote for the bill at decision time.

I move,

That the Parliament agrees that the Prostitution (Public Places) (Scotland) Bill be passed.

15:34

Fergus Ewing (Inverness East, Nairn and Lochaber) (SNP): The bill will end the double standard whereby a prostitute can be charged with a criminal offence but the man who purchases sex cannot. We all welcome that. I am particularly pleased that the Executive changed tack significantly during the passage of the bill, in a way that I recommended on numerous occasions—on 3 October, 31 October and 7 November 2006, to be precise.

In the bill as introduced, section 1(1) provided that men who buy sex would commit an offence only if their activity was

“likely to cause alarm, offence or nuisance”.

During stage 1, I argued that the nuisance test should not be included and that there is a strong moral case for making the purchase of sex a criminal offence in itself. The Executive changed tack on that, which I welcome.

George Lyon: Does the member acknowledge that the bill as introduced created an offence of kerb crawling, whereby men driving in their cars could be prosecuted and convicted of soliciting, which is the same as the offence of kerb crawling in England and Wales? The approach in England and Wales has secured 800 prosecutions. We have strengthened the bill by providing that people who loiter in vehicles can be prosecuted if there is evidence that they were in the area for the purpose of soliciting, so we have gone way beyond the approach in England and Wales. The bill as introduced created an offence of kerb

crawling, but we have strengthened it—I hope Mr Ewing accepts that.

Fergus Ewing: Under the provisions on kerb crawling in the bill as introduced, it would have been a defence that the person was driving in a car, whereas a person on a bus could commit an offence of kerb crawling. That was nonsense, as all members of the Local Government and Transport Committee pointed out. I am pleased that the nonsense has been removed from the bill and that the nuisance test has gone.

However, I am slightly concerned that the Executive did not act on the advice of the Association of Chief Police Officers in Scotland, which was mentioned in the committee's stage 1 report. ACPOS was concerned that there is no definition of “loiter” in the bill—there is no definition of “solicit”, either. We hope that the absence of such definitions will not pose a problem, but it remains to be seen whether it will do.

Sanctions such as disqualification from driving and, in some cases, forfeiture of the vehicle, are necessary. Police and community witnesses agreed with me on that, so I am disappointed that other parties in Parliament did not support the Scottish National Party's stage 3 amendment on the matter. The Conservatives like to pontificate about being tough on crime, but when they had an opportunity to be just that, they shied away, for the technical reason that they do not want to interfere with the powers of the imperial Parliament in Westminster and because they have accepted a half-baked assurance from officials about the possibility of legislation in the future. That is not good enough for the people from whom we heard evidence. The minister has given no clear position about when such sanctions will be introduced, if at all.

In evidence, we heard that only four out of 383 kerb-crawlers who were arrested in Hampshire reoffended, so there is welcome evidence that the rigorous enforcement of a strong regime can significantly reduce kerb crawling.

During stage 1, my colleague Maureen Watt asked the minister why the bill would not apply to saunas and brothels. The bill will tackle only part of the problem. We were told that we should not postpone an attempt to deal with street prostitution. That is correct and I welcome the fact that the bill addresses street prostitution to some extent. However, I hope that we will tackle the wider issue of prostitution in saunas and brothels.

The SNP is pleased to have played an important part in persuading the Executive to change tack significantly. It could be argued that the bill is the first one that has been passed by the Scottish Parliament in eight years that is not politically correct. That might be so, but it is right that we

seek to protect women from the violence from dangerous men and drug dealers to which they are exposed daily and it is right that we will make the purchase of sex by men a crime in this country.

15:40

David McLetchie (Edinburgh Pentlands) (Con): I was interested in Mr Ewing's remarks about our imperial Parliament, as he called it. I simply point out that the present emperor is Scottish, that the next emperor, albeit for a short time, is likely to be Scottish and that the institution is held in such regard by Mr Ewing's party leader that he deserted this establishment to spend more time in it—and long may he remain there.

I agree with Mr Ewing that the bill at stage 3, which I trust we will approve at decision time, is immeasurably superior to the bill that saw the light of day at stage 1. In two important respects, it has been recast fundamentally. First, we will now retain the existing law on the sellers of sex in section 46 of the Civic Government (Scotland) Act 1982. That is the correct decision, because, as was apparent from the evidence that the police and others gave to the committee, the proposal in the bill at stage 1 would have weakened the existing law and made it more difficult to secure convictions. Secondly, the bill now contains a more effective provision to tackle kerb crawling. As Mr Lyon described, we have extended the bill to cover loitering in a car and not simply soliciting from a car. Those changes should be welcomed. The minister's and the Scottish Executive's willingness to work with the committee, in light of the evidence, to modify the bill is commendable. We can be proud of the fact that, for the first time in Scotland, we will criminalise the behaviour of those who seek to buy sex on our streets.

In the interventions that Ms MacDonald has made during our discussions today, she has expressed the concern that women who are engaged in street prostitution will be driven underground. However, if women are driven underground, that will in a sense be testimony to the effectiveness of the measure, albeit the limited measure, that we are discussing. If the police enforce the law and prosecutions are carried out properly, the bill gives us the prospect of ridding the communities who gave evidence to the committee of the plague of street prostitution.

Margo MacDonald: Will the member be of the same opinion as to the validity of driving street prostitution underground if women are killed and more women are beaten up and violently attacked?

David McLetchie: I certainly do not want that to happen. We await the information that may

come—for example from the case involving the horrific murders in Ipswich—about the extent to which tolerance or management zones provide opportunities for men with assault and murder on their minds to pick up women in that environment. Women who are picked up in a management zone and then driven furth of the zone by their client are not particularly safe. That seems to be what occurred in Ipswich and what has occurred in other places. The sexual act is not necessarily conducted within the safe environment of such zones, which the member thinks should exist.

If we can achieve the limited objective of the bill, we will have achieved the worthy objective of helping communities that are plagued by prostitution. It is perfectly correct for Margo MacDonald and others to refer to the wider issue of how we create routes out of prostitution for women who are involved in it. We should move on to tackle that, but that issue should not deflect us from considering the achievement of the bill in tackling one specific aspect of the problem.

I welcome the minister's announcement of additional funding for work to tackle prostitution. Mr Lyon ended up conducting the bill in its passage through the Parliament because of the pressure of work on the justice committees. In commending the bill to members, I point out that there is a great deal of merit in ensuring that, in such situations, a finance minister steps into the breach to conduct the passage of a bill, as that is one way of ensuring that additional funding is made available for issues of concern.

15:45

Bristow Muldoon (Livingston) (Lab): In my speech at stage 1, I indicated to Parliament that I believed that the bill as initially drafted had major problems, many of which were highlighted in the Local Government and Transport Committee's stage 1 report, for which Mr Ewing wants to take credit. Although Mr Rumbles was not fully convinced of the case for there being a higher penalty for the purchaser, the committee agreed unanimously on the vast majority of the recommendations.

I also welcomed the commitments that had been given, in writing by the deputy minister, George Lyon, and in the debate by the minister, Tom McCabe, that many of the committee's concerns would be addressed in amendments at stage 2. In my view, that duly happened. The amendments that the Executive lodged were widely welcomed by committee members and were agreed to. Furthermore, I pointed out that the bill is not a comprehensive attempt at addressing all the problems associated with prostitution. After the election, Parliament should give more consideration to a range of issues associated with

prostitution, and in particular to two issues: how we best support women in exiting prostitution; and what more can be done to change attitudes among men who become involved in buying sexual services.

Where the bill can have a positive effect is that, for the first time in Scotland, kerb crawling for the purposes of soliciting for prostitution will be criminalised. Until now, the law applied only to the person selling sexual services in the street—usually a woman. It is only right from the point of view of equity that men should be brought within the remit of the law. The police will be able to use that new provision in supporting communities affected by prostitution, and I hope that it will act as a deterrent to men in the first place. The original wording, which exempted someone loitering for the purposes of soliciting for prostitution if they did so while in a private car, has gone—that is welcome, as it was a bizarre concept.

The penalties available to the courts have been increased, which is welcome in relation to the purchaser of sexual services. A higher penalty may act as a deterrent to men, in particular, becoming involved in those activities and I hope that it will reduce demand. The wider penalties of seizing licences or vehicles should be available to the courts. I welcome the minister's indication that he has been in discussions with the United Kingdom Government over that. Mr Ewing was trying to grandstand with his amendment today. If it had been agreed to, the whole bill would have been incompatible with the Scotland Act 1998 and could have been struck down. I welcome the minister's response to Mr Ewing.

Diversionary services and support services, including drug rehabilitation, are important. The minister's announcement of additional resources in that regard is welcome. I encourage the Executive to work with the major city authorities to support those services that have a record of success in enabling and supporting women to exit prostitution. The bill is not a comprehensive attempt to resolve all the problems associated with prostitution, but it provides a potential means of protecting communities from the nuisance and alarm caused by street prostitution. By introducing new offences aimed at the person purchasing or seeking to purchase sexual services, the bill removes the inequality whereby men were not criminalised while women were. I support the passage of the bill.

15:49

Margo MacDonald (Lothians) (Ind): The bill should be quietly voted down. The Executive admits that the bill in front of us is radically different from the one bearing the same name,

introduced last year and based on the report produced by the expert group convened by Sandra Hood. The group produced a balanced, sensible approach to the management of street prostitution. It was even-handed in exercising a duty of care towards vulnerable sex workers and towards the general community, particularly those people whose privacy or sense of well-being and security is adversely affected by the behaviour of either the buyers or the sellers of sex. I put that on record because that was the original intention—certainly, my original intention—but as I have only two minutes, I must answer some of the points that have been made.

The Hood group report also advised that the Executive should require councils to produce a local plan to ensure that support and services were accessible for street sex workers, including advice and help to exit prostitution. That would have allowed the councils in Aberdeen, Glasgow, Edinburgh and Dundee, in partnership with the police, health authorities, voluntary organisations representing sex workers, drugs services and residents, to produce a local plan to manage prostitution according to the different situations in our four big cities.

David McLetchie said that that would simply institutionalise prostitution. I think not. We had a tolerance zone, as it was called, in Edinburgh for almost 20 years and it did not institutionalise prostitution. We can point to statistics that show that the number of prostitutes working on the streets in Edinburgh fell during the period of the tolerance zone. The same cannot be done in Glasgow, where Routes Out is quoted as providing instances of best practice. Yesterday, my office tried to obtain up-to-date statistics from Routes Out on how many women had exited prostitution using the money that had already been made available by a previous minister. As always, we were given no figures at all.

Therefore, although I welcome the proposed funding, I am concerned about how the money that is going to be spent on helping vulnerable women will be apportioned and how the services will be delivered. I ask the minister to take into account what Ewan Aitken, the leader of the City of Edinburgh Council, said this week. He said that it is better to manage prostitution in a humane and sensible way, trying to moderate the harm that is done by it, than to adopt the sort of measures that are proposed in the bill.

I am convinced that we will put the safety of the women in jeopardy by driving prostitution underground. The examples in England show that violence has risen in areas where strict kerb-crawling measures have been introduced. It is not that I oppose measures against kerb crawling, but the bill does not meet the needs as regards how

kerb crawling is affected by changes such as those that are proposed. I ask members not to pass further bad legislation today, but to vote against the bill.

15:52

Mr Frank McAveety (Glasgow Shettleston) (Lab): I understand Margo MacDonald's passion and commitment, but I disagree profoundly with her analysis of and perspective on the issue.

When I first became an MSP in 1999, one of the central issues in the inner east end of Glasgow was the emotional issue of how the community around Glasgow green, the Gallowgate and the Calton area had to deal with street prostitution not just at night time, but even during the daytime. In visiting the community, an Executive minister at that time encountered the same problem that people in the area encounter day in, day out at 11 o'clock in the morning. That is the reality that those neighbourhoods face. Individuals taking their children to primary schools and nurseries encounter that problem. Clearly, the Parliament had to listen to their concerns.

There are many complex debates around the issue of street prostitution and any form of sexual services. The debates on those topics will take place over the next period. Centrally, the bill is a welcome development. The powerful evidence that was provided by local residents shifted the perspective of the members of the Local Government and Transport Committee, and I commend the committee members for listening to the evidence from the Calton for all group, in particular. Most neighbourhood surveys in my constituency focus on other issues, but street prostitution was central to their experience in three ways. First, there has been a sexualisation of the neighbourhood, especially in the evenings. Secondly, that has led to young women and children encountering predatory men in the area. Thirdly, because of the high incidence in that part of Glasgow, over the years, of hostels and various other dependent venues, a culture and climate have been created in which street prostitution has been able to occur.

The bill recommends a way forward, although I recognise that the concerns that have been expressed by Margo MacDonald still need to be addressed. I also welcome the additional resources that the Executive has committed to providing pathways out of prostitution. Even if one or two women benefit from that, it is money well spent. On behalf of my constituents in the east end of Glasgow, I acknowledge the influence that the bill will have in ensuring that Calton for all genuinely means that, and that everybody can make a positive contribution to their community. I welcome the support that the Parliament will give to that community through the legislation.

15:55

Frances Curran (West of Scotland) (SSP): The amended bill is a vast improvement on its original form and is moving in the right direction.

Society's attitude to prostitution and the definition of it that we now have—which is that it is a form of violence against women—is where we were 20 years ago on the issue of domestic violence. When I was growing up in the east end of Glasgow 20 years ago, domestic violence was prevalent and there was a view in society that it was a private matter that was nothing to do with anyone else and that it was something that a couple had to sort out in their marriage. Now, 20 years later, as a result of the zero tolerance campaigns and the activism of women's groups, there is a widespread acceptance that men who are violent against women should be criminalised. That is a massive change and those of us who have been involved in the women's movement need to mark that success. We are not at the end of the road yet—indeed, we have a long way to go—but there has been a welcome change in people's attitudes. Now we need to start the debate on prostitution and find the legislation that will ensure a similar change in people's attitudes.

Although I will support the bill, I think that it started in the wrong place. I agree with Margo MacDonald that, if prostitution is happening in someone's street, that is a problem. However, the bill completely ignores the harm and offence caused to women. The definition of prostitution that the expert panel arrived at is one of the best things that we can work on in that regard.

I also welcome that, in today's proceedings, there was—with the exception of Tommy Sheridan's amendment—a lot less focus on the behaviour and the lives of women and a much greater emphasis on the behaviour of men who abuse women through prostitution. That is a sign of progress. I am not sure that, even in the stage 1 debate, we had reached that consensus—perhaps it is not a consensus, but it is where we are at now. I would like the Executive to return to that issue.

The bill does not go far enough. Sweden has a zero tolerance approach. I remember the BBC news programme that showed condoms on tissue, lined up and ready to go to the police for analysis that would help with prosecutions. That is zero tolerance.

15:57

Iain Smith (North East Fife) (LD): I welcome the opportunity to explain why I cannot support the bill.

Before voting on the bill, members need to ask themselves some key questions. Is the bill likely to

reduce the ability of women involved in prostitution to access services such as drug counselling, sexual health services and those providing routes out of prostitution? Is the bill likely to increase the exploitation of women, the number of underage prostitutes or the trafficking of women for prostitution? Is the bill likely to increase the risk to street prostitutes of being seriously injured or killed by their clients? If, like me, members think that the answer to those questions is yes, they should not support the bill.

The bill is not likely to reduce the number of women who are involved in prostitution but it is likely to change the way in which they operate. I was a member of the Local Government Committee, in the first session of the Parliament, when it considered Margo MacDonald's first member's bill on prostitution tolerance zones and I was a member of the Local Government and Transport Committee, in the second session of the Parliament, when it considered her second member's bill on the subject. I pay tribute to the work that she did to raise awareness of this difficult issue. I was struck by the evidence that I heard during our consideration of those bills. Many women who are involved in street prostitution are the victims of violence or abuse and are still in abusive or exploitative relationships. Further, as somebody said, the funding of drugs habits—those of their partners as well as their own—was a major reason for women being on the streets. It was also clear that the practice of arresting women, fining them and, effectively, forcing them back on to the streets in order to raise the money to pay the fines makes no sense. That will not be changed by this legislation.

I recognise that, while the informal tolerance zone operated in Edinburgh—and also, in reality, in Glasgow—those women were offered greater access to health and social services and were able to protect themselves and help one another look out for the dangerous clients who they knew posed risks to them and keep an eye on things such as underage prostitution. However, those things were lost when the zone was lost.

The road to hell is paved with good intentions. As the policy memorandum says, this bill started out with the aim of protecting communities from

“the nuisance, alarm or offence arising from street prostitution-related activities in or near public places”

and of redressing the balance between the purchaser and the seller.

Unfortunately, as amended at stage 2, the bill goes well beyond that policy intention and into the area of moral condemnation. I do not dispute that, at present, the balance is wrong. Indeed, I would go so far as to say that it is on the purchaser—the man—that the law should normally focus.

However, the bill retains section 46 of the Civic Government (Scotland) Act 1982.

We should be primarily concerned with the issue of the causing of nuisance, alarm or offence rather than the issue of soliciting or loitering.

The expert group on prostitution that was set up by the Executive stated in its report that criminalising soliciting, of itself, does not contribute to protecting vulnerable people or addressing community concerns. We should bear that in mind and reject the bill, which goes down the wrong road.

16:00

Mark Ballard (Lothians) (Green): This is now a little bill with a very big title.

I join in the tributes paid to the expert group and its work to examine how we can provide genuine solutions to the damage that street prostitution causes to those involved and the harm to the communities affected by it.

How does the bill propose to deal with that concern? We heard David McLetchie and Bristow Muldoon talk of the bill as tackling a public order and nuisance problem. I do not deny that that nuisance is a huge problem for the communities that face it, but the bill is capable of another interpretation—one that Margo MacDonald, among others, has argued. That interpretation is that it is okay for someone to buy sex as long as they do not cause a nuisance by doing so—it is okay to buy sex by mobile phone, over the internet or in a sauna.

The bill considers only the nuisance that buying sex causes, and I agree with Iain Smith and Margo MacDonald that that is the wrong approach to dealing with prostitution. Iain Smith is right to note that section 46 of the Civic Government (Scotland) Act 1982 will be retained.

I am afraid that the bill is a quick legislative fix. The idea seems to be that we have to do something about street prostitution and that, if we pass the bill, we will have been seen to do something. However, the bill will take nothing forward. Legislation should focus on the harm and exploitation that surround prostitution, but the bill will not do that. Indeed, as we have heard, it is liable to exacerbate the problem by driving prostitution further underground.

Fergus Ewing: Will the member give way?

Mark Ballard: I do not have enough time.

Although the bill may deal with red light districts, will it deal with or simply move street prostitution? It will make it more difficult for groups such as SCOT-PEP to offer advice, help and support and to deal with the minister's welcome £1 million funding.

The Greens cannot support such a flawed bill and will again abstain. I urge others to do the same.

16:02

Mike Rumbles (West Aberdeenshire and Kincardine) (LD): I had always thought that kerb crawling was already a statutory offence in Scotland. It is not, but the bill will close the gap in our legislation. Until now, kerb crawling has been tackled by the police under the wide-ranging breach of the peace rules. It has not been a statutory offence, so it is right that the bill corrects the situation. It is also right that the sellers and purchasers of sex on the street will both commit a criminal offence.

I turn to the contributions to this afternoon's debate. I listened with great interest to Fergus Ewing, and if we all listened with such interest, we might think that he had single-handedly changed the bill and the mind of the Scottish Executive and that there were no other committee members at all. I think that I am correct in saying that, apart from perhaps Margo MacDonald, Fergus Ewing had more amendments rejected than anyone else. Great influence there, Fergus.

Those amendments included the draconian proposals to increase the penalties facing offenders. Bristow Muldoon commented earlier about my contribution to that part of the debate. I felt that the Executive was right when it initially proposed a fine of £500 for the offence. That is a significant sum of money to anyone and would be appropriate. The committee decided, and the Executive agreed, to raise the fine to £1,000, but that is still a significant sum in anybody's book. No one can tell me that £500 or £1,000 is not a significant fine.

Margo MacDonald: Does the member agree with Fergus Ewing that the purchase of sex should be a crime? I quote exactly.

Mike Rumbles: No.

Bristow Muldoon said that Fergus Ewing was trying to grandstand, which I thought was unfair. He was not trying to grandstand—he was grandstanding.

Fergus Ewing: Will the member give way?

Mike Rumbles: Yes—grandstand again, Fergus.

Fergus Ewing: I am curious about whether Mr Rumbles will explain why it is wrong for a man to purchase sex on the street, but right for him to do so in a sauna.

Mike Rumbles: I do not think that we want to ban the purchase of sex, per se, across the country in all circumstances.

Stewart Stevenson (Banff and Buchan) (SNP): We have already done that for 16 and 17-year-olds.

The Deputy Presiding Officer (Murray Tosh): Order.

Mike Rumbles: If Stewart Stevenson will listen—

Stewart Stevenson: The member voted for it.

The Deputy Presiding Officer: Order.

Mike Rumbles: It is clear that the bill is about street prostitution. Read the bill.

Margo MacDonald, Iain Smith and Mark Ballard oppose the bill because they prefer an entirely different approach. That is fair enough. Margo MacDonald has consistently raised management zones, which are not within the bill's scope. She said that the bill would be bad legislation, but I disagree: it will be good legislation that puts the situation right.

16:05

Mr David Davidson (North East Scotland) (Con): The bill is vastly different from the version that was introduced. As a result of the work of the Local Government and Transport Committee, on which I congratulate it, we will have practical and pragmatic legislation. However, I agree with the comment by Bristow Muldoon, for example, that the Parliament must return to the major problem of prostitution and to what happens after the bill is passed.

Members: Yes.

Mr Davidson: I hear yesses across the chamber. Some time must be spent on the issue eventually.

It was interesting that the minister made an announcement about routes out but, as was said later, he gave no details or statistics, of which it is important for the Parliament to have sight. I very much welcome the money that he is providing. The bill may deal with kerb crawling and street prostitution, but we still have the problem of the people who are involved in the trade. Their safety and health and why they are involved are issues. Much of that is down to drug addiction. I welcome any moves that will get people out of drug addiction in whatever form, whatever the reason they have become involved in or been forced into it.

It was also interesting that the minister is in contact with Westminster. I look forward to hearing what we will have from Westminster on licences and motor vehicles.

Fergus Ewing talked about the imperial Parliament. That term is always hilarious, because

I thought that we in Scotland were not conquered and were not a defeated nation. Perhaps that is his version of what we will be if people vote for the SNP. If that happens, Scotland will certainly become defeated. However, Fergus Ewing is right to talk about ending the double standard. It was staggering that he took the credit again, but I acknowledge that he lodged many amendments that were agreed to.

David McLetchie talked about the changes to the bill and said that the provisions must be more effective. The measure is limited, but if it is enforced, it will rid communities of the nuisance that they suffer, about which Frank McAveety talked. I have received complaints from different parts of the north-east from people who were innocently going about their daily business and trying to go home when they were followed along streets and pestered, because it was assumed that anything with a skirt on in the area was definitely a prostitute. That situation is ridiculous.

Margo MacDonald: In which areas did that occur? Aberdeen has a management zone. People know it well and know its perimeters well. I am interested in whether people are being accosted in other areas.

Mr Davidson: Such areas exist in Aberdeen city and in Dundee. I will not go into the details of the individuals who complained.

The Hood group—the expert group—did a good job and the Parliament must re-examine some issues that arise from its work.

It is fair to say that not every member is for the bill. Iain Smith is concerned that the trade will be driven underground and that the bill will not remove people from prostitution. I have some sympathy with that view and with Mark Ballard's views, but we must start somewhere. The bill is about protecting communities. Addressing the issues that Iain Smith, Mark Ballard and Margo MacDonald have raised is a separate matter. We will support the bill at decision time.

16:09

Ms Maureen Watt (North East Scotland) (SNP): We need to remember that the bill has been introduced from the perspective of helping communities that are blighted by those who loiter on the street or kerb crawl in a vehicle. The Scottish Parliament information centre briefing stated:

"The aim of the Bill is to make it an offence to cause 'alarm, offence or nuisance' through soliciting or loitering to sell or buy sexual services. The purpose of the Bill is to deal with the negative consequences of street prostitution for communities."

Iain Smith: Will the member take an intervention?

Ms Watt: Let me get started.

As others have said, although the bill was introduced by the Executive, it has ended up as a committee bill. Initially, the bill did not do what it was intended to do, and only as a result of significant amendments and recommendations by the Local Government and Transport Committee has it got to the stage where it will help communities such as those in Calton and Leith.

Leslie Brown, a community safety strategist from Aberdeen City Council, said in evidence to the Local Government and Transport Committee:

"Unless we witness the sea change that Fergus Ewing talked about and make a quantum leap to the criminalisation of the purchase of sex, so that we can tackle demand, we must be realistic about the situation on the ground."—[*Official Report, Local Government and Transport Committee*, 31 October 2006; c 4182.]

The bill is the start of that sea change.

I echo what Fergus Ewing said: my huge disappointment about the bill is that it is not broader and more encompassing, and it does not cover sex parlours, international sex trafficking and, more pressingly, the abuse of women by their so-called partners, who are better known as pimps. The harrowing story of a young woman who moved to Aberdeen from Elgin drug-free and met a drug dealer who befriended her, offered her accommodation and, having hooked her on drugs, put her on the streets shows just what the situation can be like. The story was told as a result of said man being found murdered in his house. That area of crime is hugely underreported, not only by sellers of sex but by purchasers who experience theft and violence at the hands of the sex workers' minders. In my view, the minders exploit women as much as, if not more than, the purchasers.

I hope that the bill is seen only as an important first step that shows a sea change in attitudes, as Frances Curran and others have said. There should be more legislation in this area.

David McLetchie is quite wrong about management zones: they work because women look out for other women. It is important that more women come forward and use the management zones.

Mike Rumbles: I am a little confused by Maureen Watt's speech. In committee and in this debate, she said that she was in favour of management zones or tolerance zones—whatever one calls them—but she has just said that she wants all exchanging of money for sex to be made illegal. She cannot take both positions, surely.

Frances Curran: Yes she can.

Stewart Stevenson: Yes she can.

The Deputy Presiding Officer: Let the member respond.

Ms Watt: I can take both positions. I said that we cannot just tackle street prostitution; we have to see the problem in the round and tackle other violence against women. Mike Rumbles might not see the purchasing of sex as violence against women, but I do.

Margo MacDonald: Will the member explain what the purchasing of sex entails? Does money always have to change hands? Would jewellery suffice? How about a nice night out at the casino followed by a few drinks? Would that do? How are we to make that illegal? How stupid!

Ms Watt: By passing the bill, we will send out a strong signal that we in Scotland do not tolerate the use of women by others as sex objects. The bill is an important first step.

I am glad that the minister has promised extra funding. I hope that it will reach out to more women and perhaps even provide safe houses for women who are experiencing sexual exploitation by their partners, including drug-addict partners. I hope that the bill will be passed.

16:15

The Minister for Finance and Public Service Reform (Mr Tom McCabe): The passing of the Prostitution (Public Places) (Scotland) Bill is significant for a number of reasons. As a number of members have said, the interaction between the Local Government and Transport Committee and the Executive showed the Parliament working at its best. We should be pleased about that, quite apart from the effect that the bill will have. I take the opportunity to say a sincere thank you to the members of the committee for their thoughtful and constructive contributions, for the helpful amendments that they lodged and for the help that they gave the Executive in shaping the bill in the best possible way.

I was disappointed by Fergus Ewing's contribution today. No matter what we discuss in the Parliament, the SNP always tries to bring in a constitutional reference. Today, we heard the implication that Westminster is somehow dragging its feet and that we did not know how it would react to our request for an order in council. Prostitution is an important matter. Sometimes, we need to concentrate on the subject that is before us without trying to score ancillary points.

Fergus Ewing: Will the minister take an intervention?

Mr McCabe: No. Fergus Ewing said enough earlier, so I will not give way to him.

The bill is significant because, for the first time, it will criminalise kerb crawling, which has blighted our communities, has scared women and has rightly been regarded as obnoxious and offensive.

We want the bill to send to women in Scotland the powerful message that their voice can make a difference and that, if they encounter kerb crawling, they now have a remedy. The bill sends to communities the powerful message that they now have more power and that one more thing has been done to make them more cohesive. The bill also sends a significant message to men, which is, "If you engage in kerb crawling, you will be criminalised and stigmatised. Your vehicle could be seized and, before long, you might be disqualified from driving."

The bill is not a moral crusade against prostitutes. Street prostitution is an abuse of those who are forced into it through coercion, poverty or drug addiction. Legitimate concerns were raised at stage 1 about the services that can redirect women to a more dignified and fulfilling life. That is why Mr Lyon announced additional funding of £1 million, which will be directed to the services that help women who are involved in prostitution. I was disappointed by Mr Sheridan's response. The funding is a genuine attempt to respond to the legitimate concerns that were expressed as the bill went through Parliament.

Some members asked how the money will be spent. We will spend it after receiving the best advice from those who are experienced in helping women who are involved in the tragedy of prostitution. We will ensure that the money is spent in the best way and for the right reasons, not just for the sake of making an announcement during the passing of a bill.

Susan Deacon (Edinburgh East and Musselburgh) (Lab): I welcome the resources that have been announced today, but with reference to a number of colleagues' comments, will the minister assure us that, given the particular focus of those resources, the Executive will continue to address the far wider range of services and support that are also required? Will he assure us that the Executive—depending on its complexion, obviously—will continue to address the wider range of issues that are associated with prostitution?

Mr McCabe: I am more than happy to give those assurances.

Prostitution is, of course, an incredibly complex issue, and it would be wrong to think that we could now simply leave it, because the bill is only a first step. We will return to the issue, as it requires serious consideration by the Parliament. Women are involved in this extremely damaging and dangerous activity for complex reasons, and it is important that the Parliament does all that it can to understand those reasons and react appropriately.

I ask members to endorse the bill in order to send a strong and unequivocal message to those

who attempt to purchase sex on our streets that kerb crawling will no longer be tolerated in a modern Scotland. The bill will help people to see the relevance of a Scottish Parliament, because it demonstrates that we listen and act on community concerns. Again, I urge members to support the bill.

Organic Farming

The Deputy Presiding Officer (Murray Tosh):

The next item of business is a debate on motion S2M-5655, in the name of Sarah Boyack, on the future of Scotland's organic farming.

16:21

The Deputy Minister for Environment and Rural Development (Sarah Boyack): I was keen to secure a parliamentary debate on progress on the organic action plan. The Parliament was keen to support that plan in the first session, and I give credit to Robin Harper for pushing the issue up our agenda then. I wanted to restate the Executive's continuing commitment to organics and to enable colleagues in all parties to air their views about how we can progress and to add insights from their work as members in their constituencies and regions.

Christine May (Central Fife) (Lab): Will the minister also pay tribute to the many farmers in Scotland who, while they are not certified as organic, nonetheless use responsible farming methods and produce good and healthy food?

Sarah Boyack: Obviously, I pay tribute to them. Environmentally friendly conventional farming can make a strong contribution to our country's biodiversity and landscapes. I acknowledge its importance and its contribution. Environmentally friendly conventional farming is one of the issues that we want to progress through the new land management contracts, by which we can further encourage environmental stewardship in the conventional sector.

All members know about the strong demand from our constituents for organic produce. Last year, estimated United Kingdom sales of organic produce increased by more than 30 per cent to £1.6 billion. The Soil Association estimates that Scotland's share of that figure is £140 million and growing. The demand is prompting supermarkets to increase their organic ranges and encouraging the expansion of farmers markets, box schemes and other local food initiatives.

This debate is taking place in fair trade week. Consumers are expressing a preference for produce that brings social and environmental benefits to producers in developing countries. We all know that consumers are increasingly keen to buy food that they know has been locally produced or that meets fair trade standards.

From the Executive's perspective, organic farming brings several benefits. It provides a range of environmental benefits and contributes to Scotland's reputation for producing good-quality food in an environmentally friendly way; it

minimises the use of non-renewable resources; it avoids pollution by minimising the use of artificial fertilisers and pesticides; it aims to build up soil fertility by enhancing the natural biological cycles in the soil; and it demands high animal welfare standards. Studies over the years have shown that organic farming brings significant biodiversity, pollution control, energy efficiency and soil protection benefits.

As my colleague Christine May said, environmental standards are rising in the conventional farming sector. Organic farming plays an important role in setting environmental standards for farming and demonstrating the benefits that farmers can gain by providing produce that meets the growing demand for high-quality, environmentally sustainable food with an assurance about its standard and the farm in Scotland from which it came.

Many members will be aware that converting to organic production can be a difficult and expensive process, and that the market returns in that relatively small and segmented market sector can be variable. Therefore, our agricultural industry requires support to achieve the benefits that organic farming can provide. That is why I was keen to have this debate today. Our third annual report on the organic action plan gives us a good platform to debate how far we have come during the past few years and enables colleagues to think about where we should be going next. It is not enough for the Executive to say that it supports organic farming; we have to think through the mechanisms and take a sustainable approach. We also have to help farmers respond to the challenges that they face, and remember that conventional farming faces similar challenges as we move towards modulation and common agricultural policy reform.

There are things that the Executive can do. We can help farmers to get over the initial hurdle of organic conversion, when costs are higher and returns will not come for two to three years. We can help the industry to identify and tackle weaknesses in the supply chain that prevent producers from accessing the market—smaller producers often face such difficulties. We can also provide advisory and research support so that farmers can make the transition to organic production as easily as possible.

We expressed our commitment by including two specific undertakings in our partnership agreement. The first was to implement the organic action plan to develop the infrastructure that is needed to increase Scotland's share of the organic food market and the proportion of organic food that is available in Scotland. The second was to increase the finance that is available to farmers who wish to convert.

In the run-up to the 2003 election, we saw a dramatic increase in the area of organic land in Scotland, but that concealed deficiencies in the operation of the organic market and the infrastructure that was needed to deliver to consumers. For example, it led to large quantities of organically reared livestock that could not be sold into the organic market ending up on the conventional meat market at lower prices.

After consultation with a wide range of industry stakeholders, and pressure from this Parliament, the organic action plan was developed. I would like to take that set of stakeholders into the future, to ensure that people continue to work together and think not just about the Executive's agricultural policies but about our general policies on food and drink, so that we can take a joined-up approach to supporting the organic sector.

It is fair to say that we now have the conditions in which Scottish producers can meet 70 per cent of the demand for indigenous organic produce. That is double the percentage that pertained before the organic action plan existed.

Mr Mark Ruskell (Mid Scotland and Fife) (Green): Will the minister give way?

Sarah Boyack: I will finish my point first.

Of course, if we look behind those figures we can see that most sectors meet more than 70 per cent of demand, particularly the beef, lamb, table birds and fish markets. There are, however, other areas where we need to do better, particularly the fruit and dairy product markets, where we still have to reach 70 per cent.

We have significantly increased the amount of finance that is available to enable conversion. Further rate rises were introduced in 2005—as much as fourfold in some cases—and we are now spending significantly more on the organic aid scheme. A record £11.7 million was committed in 2006, which is double what was committed the previous year.

However, we need to do a lot more. I hope that this afternoon's debate will focus on where we should go next, whether that is promoting good-quality and local food, working with and supporting farmers so that they can get to markets and market their goods, or ensuring that we support projects that link our primary producers to processing so that they can access new markets. We also have to think about the food service sector, so that we can help producers to gain access to it, particularly through public procurement and access to markets in schools and hospitals. A lot more can be done on that, and we should look to the East Ayrshire procurement pilot scheme to see how we can do that while staying within European rules.

The agenda is an exciting one. We have made progress by working with the industry. We have a lot to do, and the new Scottish rural development programme will help us to work together to take the organic action plan forward. I am keen to hear members' views on the future and, in moving my motion, I would welcome the Parliament's commitment to continue to support the organic sector to enable it to meet the aspirations of Scottish consumers who want local food that is produced in an environmentally sustainable way.

I move,

That the Parliament acknowledges the progress made to date in implementing the Organic Action Plan; welcomes the increasing consumer demand for Scottish organic produce, the contribution of organic producers in improving the availability of good quality local food at local markets and the contribution of organic producers to sustainable development, and commits to continue to support the organic sector in the future.

16:29

Richard Lochhead (Moray) (SNP): The Scottish National Party very much welcomes today's debate. It has been a long time since we debated agriculture in the chamber. It was debated many times during the first session of Parliament, but the current Government—which controls more than 80 per cent of parliamentary time—has not brought the issue up all that often in the past few years.

I recently tasted a lovely dram of Benromach malt whisky, which was distilled in my constituency at the Forres-based Benromach distillery, which is owned by the Elgin-based company Gordon & MacPhail. Of course, it was a dram from the first bottle to be certified organic by the Soil Association. I know that other malt whisky distillers in Scotland, such as Springbank in Campbeltown and Bruichladdich in Islay, have also produced organic whiskies.

I was interested to note that Celtic Football Club was in the news yesterday because its restaurant is converting to healthy menus that will include organic produce. That has led to panic in the ranks of the club's fans, because the humble Scotch pie, which is eaten at half-time during matches, might now be at risk.

Those two anecdotes show that many people in Scotland are responding to the new demands of consumers, who are now insisting on more organic food. Therefore, there is huge potential for the sector to boom. As the minister said, sales of organic produce throughout the United Kingdom expanded by more than 30 per cent over the past year. That is a great sign. Consumers are now asking for more locally produced nutritious food that has a lesser impact on the environment. That

provides the organic sector in Scotland with a massive opportunity.

As the original organic action plan stated, the production of organic food in Scotland meets many of the objectives of "A Forward Strategy for Scottish Agriculture". On the objective of producing food for the market, our organic farmers certainly produce food for a growing market. The objective of protecting the environment is also fulfilled by organic farmers. Another objective was that farmers should embrace change—organic farmers operate in a changing market. The strategy also included the objective of promoting human health and well-being, to which organic farmers certainly contribute.

This is an unusual debate, in that the SNP agrees with all the amendments that have been lodged by members of other parties. We do not even see anything to disagree with in the Executive's motion. It is an unusual circumstance that we should agree with the motion and all the amendments. We hope that the other parties will agree with the SNP's amendment as well.

However, not all is rosy. The subject of today's debate is the Government's "Third Organic Annual Report", which was published earlier today. It would have been useful to have had a bit more time to read the report in full and to discuss it with the industry before today's debate but, unfortunately, we got the usual short notice. Having had a quick look at the report, we have two or three points of concern that I will highlight in my remaining two or three minutes.

First, table 4 on page 10, which is entitled "Hectares under organic aid scheme agreements as at 31 March each year", shows that the total number of hectares included in the organic aid scheme declined from 342,142 hectares in 2002 to 126,746 hectares in August 2006. That represents a drop of 63 per cent, which is a pretty substantial decline in anyone's book. That must give cause for concern. I appreciate that the minister partly explained the reasons for that in her opening remarks, but perhaps she can provide further details in her closing speech on how the Executive intends to reverse that trend.

Secondly, table 5 on page 11, which is entitled "Applicants for organic aid scheme", shows that only 162 of the 314 applicants in 2006 were approved. Barely half of the applicants to the scheme were successful, which highlights the financial predicament that the sector faces because of the limited budgets that are available.

Mr Andrew Arbuckle (Mid Scotland and Fife) (LD): Is the member aware that the fact that applicants are not admitted to the organic aid scheme does not prevent them from going organic on their own?

Richard Lochhead: I appreciate that, but I wanted to highlight the statistic, because it highlights the wider issue that faces farmers who are seeking financial support.

The situation is complicated by the on-going negotiations in Europe over the budget for the rural development programme, which is not yet settled. Given that the ability of the Government to provide more financial support to organic farmers and other farmers under the schemes will depend on the outcome of the Brussels negotiations, we need to ensure that such factors are taken into account.

Thirdly, page 29 of the report refers to the Soil Association's report "Market research study into the market penetration of Scottish organic produce", which highlighted further concerns. As the minister briefly alluded to, we have exploited only some areas of the organic market, but many more areas have potential. For example, the Soil Association report mentions organic eggs and organic horticulture. We also know that Scotland's arable sector has much more potential to meet the demand for organic produce. We need to ensure that we have a wide-ranging basket of organic produce rather than just the two or three areas in which we have achieved the target of meeting 70 per cent of indigenous demand in Scotland.

Finally, the Soil Association's food for life initiative, which is also referred to in the annual report, has led to an increase in uptake of school meals at the schools that were involved in the pilot project. That is good news. It shows that our schools want more local produce and organic food. We need to support that.

That brings me to the issue of public procurement. One of the main ways in which we can support the organic sector in Scotland is by using our massive public procurement budgets. If the Government wants to help achieve the targets, it could, in part, use that public procurement opportunity. In the annual report, the Government states:

"many producers do not compete for public contracts as they perceive they will be unsuccessful."

The Deputy Presiding Officer: You should be winding up now, Mr Lochhead.

Richard Lochhead: It is clear that we have to send out better signals to the organic sector in Scotland. The sector needs to know that it can compete for public procurement contracts and that it has a chance of being successful. Public procurement is an issue that crops up time and time again in terms of promoting local food and giving farmers new economic opportunities. I ask the minister to address that in her closing remarks.

Finally, the new action plan, which the SNP will support in the next session of the Parliament, should examine communicating the message of organic farming to the buying public in Scotland and beyond. At the moment, we are getting mixed messages. A range of bodies certify organic farming, which is complicated and confusing. We should address that.

I also want to mention David Miliband, who put his foot in his mouth when he spoke about organic food, and the Manchester business school report.

Consumers deserve accurate and up-to-date information on organic food. That must be part of a new action plan. On that point, I will close, Presiding Officer.

The Deputy Presiding Officer: Thank you.

Richard Lochhead: I commend the SNP amendment to the chamber.

I move amendment S2M-5655.2, to insert at end:

"but believes that, as many of the targets in the current Organic Action Plan have only been partially met, it is time for a new updated organic action plan that encourages a more balanced basket of healthy, locally grown organic produce, and pledges to use public procurement to promote organic produce, to communicate the benefits to consumers and to minimise the bureaucracy associated with organic production."

16:36

Alex Johnstone (North East Scotland) (Con):

I welcome the publication of the "Third Organic Annual Report", which is a document about which I take rather a more positive view than the previous speaker did. I will explain why. The organic action plan was designed to cater specifically for a match-up in supply and demand, which is crucial to the future of the organic sector in Scotland.

The organic sector in Scotland is a success story, but it is not the only one. As a premium marketing strategy, organics are right at the top of the list of possibilities. That said, organics are not the only possibility. In Scotland, we are very lucky to have a wide range of environmentally friendly and welfare-friendly production techniques—many of which are very traditional—that are employed in the production of high-quality food that can, ideally, be marketed on a local basis. Those techniques are worthy of pursuit even if they do not meet the rigorous standards that are applied by the organic agencies. I welcome the fact that, even before I could get that out in the debate, Christine May intervened to make exactly that point. I agree with her on that.

If we are to have a successful organic industry, it is very important that Government continues to

ensure the match between supply and demand. A moment ago, Richard Lochhead asked us to consider some of the figures in the report. I agree that they indicate that a large number of applicants are unlikely to be successful in the current year. However, it is important to ensure that those who have made the huge financial commitment to becoming organic farmers—and who, of course, have had Scottish Executive investment to support them in that conversion—are not faced with a flood of other organic produce. That would leave them unable to achieve the premiums in the marketplace that they sought to attract by becoming organic in the first place.

It is therefore essential that the Government takes a balanced approach to supply and demand. The figures that the Executive has published today indicate that it has almost achieved the target that it set out in 2003 to get the proportion of organic production in Scotland up to 70 per cent of consumption—a figure that would match that of non-organic production. The figures indicate that the organic action plan is achieving what it set out to achieve.

Mr Ruskell: The table on page 54 of the Soil Association's "Market research study into the market penetration of Scottish organic produce" shows that only 50 per cent of market penetration of indigenous organic food has been achieved. The member is talking about the potential, not what is happening on the ground.

Alex Johnstone: We are making radical progress. The danger in failing to match supply and demand is a collapse in prices. We have avoided that so far. In fact, the Executive, particularly through its support of marketing, has managed to balance up the market significantly.

The minister mentioned the production of organic beef and its having to go into the non-organic market. In 2003, I remember debating the issue of organic dairy farmers getting no premium at all—they simply had to sell at the pool price. Following the adoption of a proper marketing strategy, organic milk producers in the north-east are now able to achieve that premium.

I hope that the minister will take into account a number of points. First, I realise that the problem of supermarket mark-ups affects almost every sector of agricultural production, but I believe that supermarkets are not only putting artificial mark-ups on organic products but, worse still, are importing and selling—without making any distinction—products from overseas that do not meet this country's rigorous standards for organic produce.

One major problem is that organic and other high-quality locally produced food is not available to the less well-off in our society. There is no

reason why such produce should be so expensive, and wholesalers and retailers should be able to supply it at reasonable prices and still achieve a premium. In fact, if they had the will, they could make their margin slightly smaller to ensure its popularity.

The report is an indication that the organic action plan is striking the necessary balance, and my message to the minister is steady as she goes.

I move amendment S2M-5655.1, to insert at end:

"but also recognises the high quality, environmental and welfare standards achieved by most Scottish farmers using a range of traditional methods."

16:41

Eleanor Scott (Highlands and Islands) (Green): Our amendment echoes the terms of Sarah Boyack's motion on organic food fortnight, which was debated last September and which called on the Scottish Executive to step up its support for Scotland's organic movement. I hope that Ms Boyack, in her ministerial role, will continue to show her support for the issue and will provide the leadership that has so far been lacking in the implementation of the first organic action plan.

We welcome the progress that has been made in implementing some elements of the action plan. However, the NFUS was right to describe last year's organic aid funding as "shocking", while the Soil Association used the word "dismal". An apparent improvement in the proportion of arable organic land has been achieved mostly because the overall land area has fallen. That has boosted the percentage of good land, but it is hardly something for ministers to highlight confidently in press releases.

This afternoon, the Executive trumpeted the increase in organic aid scheme and maintenance payment rates over the past four years. However, it again focused on details, and did not mention the fact that since 2003 the overall budget has remained static. As a result, last year, a third of applicants to the organic aid scheme for conversion payments and two thirds of the applicants for maintenance payments were turned down. The Executive is acting as a brake on further growth, rationing out payments from a tiny budget and keeping organic farming in a niche box instead of encouraging new entrants and paying existing organic farmers for the public goods that they deliver.

How will we make genuine progress on this matter in the Parliament's next session? First, we must ensure that the organic action plan does not simply get lost amid fears of reduced overall agri-environment funding. We must remember that only

a modest increase in support is needed. Expenditure on organic support is likely to total £5.5 million in 2007, which is the same as the figure in 2003. To set that figure in context, I point out that more than £388 million in single farm payments has already been paid out in 2006-07.

Mr Arbuckle: By how much would the Greens increase the organic support budget?

Eleanor Scott: We think that about £23 million would meet the true demand. As for Mr Arbuckle's intervention on an earlier speaker, saying that people can farm organically without the organic aid scheme is like saying that people can farm conventionally without single farm payments.

Further expansion of support under land management contracts should be funded by increased modulation and should extend to all agri-environment measures, including both the organic aid scheme and the rural stewardship scheme. In that respect, will the minister, in summing up, give us a progress report on the Scottish rural development plan?

Organic farming delivers public goods to which the Executive is committed, such as biodiversity, sustainability and the reduction of food miles; moreover, locally sourced organic produce can improve our national diet. At the moment, there are weaknesses in the areas of research, advice, supply chain development, public communication and public procurement. In particular, page 22 of the organic action plan contains a promise to tackle procurement policies, but that promise has not yet been delivered in any meaningful way.

As other members have pointed out, rolling out the food for life programme will help to put sustainable, healthy food into Scotland's public sector organisations. After evaluating East Ayrshire Council's pilot scheme to introduce food for life standards for the procurement of foodstuffs supplied to primary schools, the Scottish Executive concluded that the pilot provided evidence of improvement in the quality of ingredients, a reduction in waste and a reduction in the distances travelled by foodstuffs. Such public benefits need to be supported and rolled out across Scotland.

Organic food sales in the United Kingdom rose by a massive 30 per cent in 2005 and the indications are that that growth is likely to continue. Failure to meet such demand represents not only a lost opportunity for the environmental and health benefits of organic food, but significant lost business opportunities for Scottish farmers. We should move ahead by establishing organic farming as the centrepiece of food and farming in Scotland, and we should begin by producing a reinvigorated organic action plan in the next session.

I move amendment S2M-5655.3, to insert at end:

"and further commits to the production of a revised and strengthened organic action plan to include ambitious targets for increased land area and market penetration, prioritised support for the organic sector through land management contracts, grants and support for local supply chain development, including a review of barriers to further growth across the sector, an organic public procurement strategy adopting the successful "Food for Life" standards across the public sector, a communication strategy to engage with the public about the benefits of organic food and farming, strengthened advisory support and a review of SEERAD's research and development strategy."

16:45

Mr Andrew Arbuckle (Mid Scotland and Fife) (LD): I point out to Ms Scott that a fair proportion of the agriculture sector operates on an unsupported basis—the producers of pigs, poultry, potatoes and soft fruit are all highly market orientated and extremely progressive.

The big problem with any debate on organic farming is that there is a tendency for some people to regard it as the only true path. That opinion is fostered by trendy food writers and celebrity chefs, who tend to think that organic produce is all that there is in the world. I congratulate the minister on pointing out in her response to Christine May that a large proportion of Scottish agriculture is involved in conventional farming. I do not intend to move over to the Tory party, but Alex Johnstone and I are the only two members in the chamber who have had mud on our boots as farmers and I agree with him that it is important that conventional farming should be mentioned in any debate on agricultural produce.

Rob Gibson (Highlands and Islands) (SNP): Does the conventional farming that the member talks about use a lot of nitrate fertilisers? Is that a traditional form of Scottish farming? Can the use of such products be equated with organic activities?

Mr Arbuckle: Conventional farmers do not use a lot of nitrate fertilisers, although they use them. Organic farmers use copper sulphate solution, which is pretty noxious, on their potato crops. I have seen a flock of organic sheep that was carrying a heavier disease burden than would normally be the case if conventional shepherding were used. Not everything is beautiful in the organic garden.

As Richard Lochhead mentioned briefly at the end of his speech, last week academics at the Manchester business school produced a report that said that there was no certainty about how environmentally friendly organic farming was. Their exact words were:

"There is no clear cut answer as to whether purchasing an organic or a conventional trolley of foods has more or less impact on the environment."

It is important to remember that. Their finding that more land is needed for organic farming because, in general, it has lower production levels was already well known by all farmers and people who live by the land. The report also found that the carbon footprint of chickens that are produced by organic means was higher than that of conventionally produced chickens.

We should not get carried away with organic farming; it should be promoted as just another option for our agricultural industry. Let us not vilify the vast majority of our producers whose production is traditional, whose inputs are careful and costed, and who supply the largest percentage of the food that Scotland produces. Organic farming is an important and growing part of farming, but it is still only a small part of it.

Through the organic action plan, which has the twin aims of increasing both the acreage that is committed to the organic sector and the amount of organic produce that is grown in this country, organic farming has been well supported by the Executive but, as Alex Johnstone said, it is important that we keep supply and demand in balance because, ultimately, a premium needs to be achieved in the marketplace to compensate for the additional costs that are incurred in the system.

I agree with the positive sentiments in the motion and express my support for the organic sector within the wide range of agricultural production in this country.

16:49

Pauline McNeill (Glasgow Kelvin) (Lab): I welcome the "Third Organic Annual Report". It seems a long time since I last spoke on the subject, when I supported the aims of Robin Harper's Organic Farming Targets (Scotland) Bill, but I recognise that the Executive has made steady and important progress.

My colleagues raised an eyebrow at my bid to speak in the debate. As a city MSP I am not well known for my expertise on farming, but in fairness I know quite a lot about eating—I certainly have more restaurants in my constituency than any other MSP; they can challenge me on that one.

Unashamedly, I want to talk about the farmers market in Partick, the politics of the food chain and where I think organic farming fits into that. I strongly support the Executive's organic targets, because I believe that there is a growing demand for that choice. Organics is more than a valid niche in the market; it is a legitimate choice for those who believe that food choice is instrumental to

improving health. As other members have said, it is a question not of making a judgment on what is best, but of ensuring that choice is available and accessible.

Our task is to ensure that all consumers can make that choice. To that extent, I agree wholeheartedly with Alex Johnstone and Andrew Arbuckle about making the option truly accessible. Prices are still too high and organic food is still seen as an option for the wealthy. We must change that. It is not only the price that gives the impression that organic produce is exclusive; people just get the impression that it is not for them. We can assist in the process of change by continuing to support organic farming to make it rewarding and worthwhile to make the conversion.

In parts of the constituency that I represent, Glasgow Kelvin, a large number of people who shop for fresh produce value the small greengrocers and the fruit and vegetable shops. Partick market, which I mentioned, sells a range of produce that has been produced using different farming methods. Recently, I asked Andy Kerr to visit the market with me so that I could demonstrate the value of a small market that sells Scottish produce, which helps to reduce our environmental footprint. I also highlighted the contribution that the market can make to good health. The market was packed not only with local people, but with those who had travelled miles to come to the farmers market in Partick. They, too, are demanding a market of their own.

I cannot resist mentioning the pending application in my constituency for a huge Tesco store in the west end. That is giving people cause for concern, because they are worried that the small shops that provide them with fresh produce may not survive if such a supermarket is established.

Choice in the food chain is a fundamental right. The right to know how food is produced and what goes into it is a basic demand of most Scottish citizens, and it is growing. The Scottish Executive is helping citizens to make that choice by taking organic farming seriously. Therefore, encouraging and supporting organic farming have an important part to play. Food labelling must be easy to read and understand to allow consumers to make the choices that they want to make.

Shopping has always been a political issue. My husband complains that I make it more complicated than it needs to be. I still boycott some products of certain countries, make healthy choices where I can, buy low fat and low sugar products, and there is a bit of organic produce thrown in. Shopping is definitely getting more complicated, but we have to make those choices easier for people because that is what they demand.

Recently, the fresh produce was moved around in my local supermarket—people are demanding more fresh produce, so frozen food is taking up a smaller section of the shop. The trends are changing, which is why the debate is important. The contribution that the Scottish Executive is making by having targets for organic farming is very important. I look forward to the fourth report on organic farming next year.

16:53

Stewart Stevenson (Banff and Buchan) (SNP): There has been a fair degree of change in the period of just more than four years since we last had a debate on organic farming—most of it has been for the better.

Having heard Andrew Arbuckle's less than enthusiastic support for organic farming, I understand why Iain Smith suggested, during a previous debate, that this debate should be truncated. He obviously wanted to avoid Liberal embarrassment, given that a Liberal minister is responsible for farming.

At the end of the debate, there is likely to be substantial consensus. We may come to similar conclusions for a variety of different reasons, but I suspect that we will all feel that the niche product that is organic farming—a niche product it is likely to remain more or less indefinitely—has an important contribution to make to farmers' profitability, to the good health of people in Scotland and, perhaps, if it is used in an appropriate way, to enable our children to understand better where their food comes from and make appropriate choices. Organic farming touches on many things beyond the farm gate.

The Executive's "Third Organic Annual Report", which I saw for the first time today, is interesting in its way. For example, it confirms that there are substantial problems in the pork industry. Under figure 6, it is noted that we cannot measure the amount of organic pork that is produced in Scotland. Because of the diktats of the processing industry and supermarkets, Scotland-produced pork goes elsewhere and we find it difficult to count it when it is returned for sale in Scotland.

The problem illustrates the fact that we must give further consideration not just to primary producers but to the chain from primary producers to the plate, which includes added-value processors who are able to deliver ready meals to appropriate organic standards. Ready meals are an increasingly important component of many people's diet—I plead guilty to buying them when I am in Edinburgh on parliamentary duty, when I cannot spend much time cooking, much as I would like to cook.

The report notes on page 8:

"The total of in conversion and fully organic land in Scotland has decreased by over 100,000 hectares".

However, the decrease has come about primarily because hill farmers have chosen not to remain registered as organic farmers, because of increased costs, which rather blurs our understanding of what is going on. It would be useful if the minister could enlighten our darkness on the matter.

Andrew Arbuckle talked about nitrates, which is an important subject throughout the farming sector. Were we to have a less blunt-instrument approach to our nitrate-vulnerable zones, we could farm in a more sustainable way in relation to nitrates. Instead of being driven by an arbitrary calendar that is probably appropriate in only one or two places in Scotland, seasons for spreading nitrates, which are largely a by-product of the milk industry, could be locally determined.

Mr Arbuckle: Will the member give way?

Stewart Stevenson: I am sorry, I am in the last minute of my speech.

I have difficulty with the claim that we are on target. According to the minutes of the 23rd meeting of the organic stakeholders group, which took place on 4 May 2006, the point was made that

"Data collection is going to prove very difficult".

Can the minister assure us that we are making the progress that she claims we are making? I am always suspicious when we are told that we are exactly on target.

16:58

Karen Gillon (Clydesdale) (Lab): Like other members, I welcome the progress that has been made in moving organic produce up the agenda in Scotland and in taking the issue more seriously than has happened in the past.

I find myself in the strange position of agreeing with Alex Johnstone—

Mr Jamie McGrigor (Highlands and Islands) (Con): Is that why you are sitting behind him?

Karen Gillon: Jamie McGrigor can see that I am far enough away not to be part of his group.

Like many members, I recognise the quality of what is produced throughout the farming sector in Scotland, whether through conventional or organic methods. It is important that we tackle issues that farmers face getting their goods to market and securing a fair price for them. Although this is not the subject of the debate, I hope that the minister will continue to consider the campaigns by dairy and beef farmers about the unfair prices that those

key sectors of the Scottish agriculture industry receive from supermarkets.

The minister asked what lessons we might learn and where we should go from here. Affordability is a key issue for the organic sector. How do we ensure that organic food is not just the preserve of the better off and people who can put more of their disposable income towards the purchase of organic food? I have always been conscious that organic food is far more expensive than conventionally produced food. How can we make it possible for people at the lower end of the income scale in Scotland to choose organic food? If we accept, as many of us do, that organic food brings health benefits, we should ensure that those health benefits are available to those who are not so well off as well as to those who are slightly better off.

Members have mentioned public procurement. We must learn from the East Ayrshire pilot in schools and roll such schemes out throughout Scotland so that all our children and young people benefit from locally sourced produce, whether it is produced conventionally or organically, and can learn where their food comes from.

The Parliament's procurement practices are another issue. It is for all members, through our parties' representatives on the Scottish Parliamentary Corporate Body, to influence those practices. Surely the Parliament should set a good example by using, labelling and marketing Scottish produce, including organic produce, far more effectively than we do in the Parliament's restaurant, the staff canteen and the public cafe at the front of the building. We must consider our role.

Andrew Arbuckle was slightly too negative about the role of organic farming, but I acknowledge the tensions that exist. I will highlight to the minister one example that was made known to me today. Farmers in my constituency have got together in a co-operative to sell their produce locally. They are trying to get their lamb into the local market through local shops and a farmers outlet, to ensure that people have access to lamb that is reared on the hills around them. What support can the Executive give to that sort of initiative, which is positive and well thought out and which ensures that farmers get a better deal for the food they produce and that people can access local produce?

I support the increased use of organic produce in Scotland. I look forward to hearing more from the minister about how we can make progress on the issue in the coming months.

17:02

Mr Mark Ruskell (Mid Scotland and Fife (Green)): I was a bit concerned, at the beginning of the debate, that it would be about motherhood and organic apple pie, albeit laced with finest Benromach malt whisky, but I am glad that some interesting issues have been raised during such a short debate.

One lesson that we can learn from the annual report that the Executive published today is about the need for statutory targets. Although such targets would not in themselves deliver change, they would force ministers to take action to make changes to try to meet the targets. One primary action that the Executive has failed to take in the past four years is that of setting an adequate budget for the organic aid scheme.

In October 2005, in the Environment and Rural Development Committee, I asked the Minister for Environment and Rural Development, Ross Finnie, whether he believed that there would be

"enough money in the pot to deliver"

his targets

"on organic farming and to get the required conversion rates for arable land and improved grassland".—[*Official Report, Environment and Rural Development Committee Committee*, 26 October 2005; c 2304.]

His answer was an emphatic yes; there was enough money—but, one year on, a third of applicants to the organic aid scheme and two thirds of applicants for maintenance payments were rejected. It was clear that there was not enough money in the pot.

We talk about the need for organic farmers to be competitive in Europe, but organic farmers throughout Europe receive maintenance payments. They receive those payments because they deliver a public good. It is important that we provide that competitive basis in Scotland, too.

Mr Arbuckle: Will the member take an intervention?

Mr Ruskell: I need to continue, as I do not have much time.

The rural development plan in Scotland has a budget of around £130 million, so using £23 million of it would not make a massive impact, yet that is what we need if, by 2012, at least 10 per cent of Scotland's land area is to be organic. We do not want competition between agri-environment schemes such as the rural stewardship scheme and the organic aid scheme, so we must ensure that there is an adequate budget for such schemes in the next session of Parliament. That will need a minister who stands up for modulation. This is not about robbing Peter to pay Paul; it is about keeping the money in the farming sector but shifting the subsidy so that we create a new

contract between consumers and farmers that delivers public good and what consumers want.

I was interested to hear Sarah Boyack set out her stall, albeit at the fag end of this second session of the Scottish Parliament. The Executive needs to be a little more honest with the figures in its press releases. Market penetration is described in a press release today as 70 per cent, but according to page 54 of the Soil Association's market research study into the market penetration of Scottish organic produce, it is only 50 per cent. I agree to a certain extent with Alex Johnstone's point about supply and demand, but we are not there yet; we are achieving only 50 per cent market penetration in Scotland.

Where do we go from here? We have had interesting contributions. As Karen Gillon and Richard Lochhead mentioned, the public procurement agenda has moved on immeasurably in the past few years—and there is the issue of supermarket pricing. We need to see fair trade in our supply chain—an aspiration that a number of members included in evidence to the Competition Commission's inquiry into the groceries market. As Pauline McNeill outlined, the supermarkets act as a complex monopoly and drive down the prices that are paid to farmers. We need to ensure that we have fair trade at home as well as in markets in developing countries.

Stewart Stevenson mentioned other key aspects that should be addressed in a future organic action plan, such as processing—and indeed processed—foods, and data collection. We need to move forward now. The centrepiece of any future organic action plan must be an adequate budget—something that the Executive has failed to provide. The organic action plan has been a farce. When she was the Environment and Rural Development Committee's convener, the minister sat there and heard Ross Finnie's answers. She knows that they do not add up. In the remaining time that she has as a minister, we are looking to her to make sense of the action plan. In the next session of Parliament, we are looking to a minister who can give meaningful direction to the organic sector. Organic farming is the gold standard for agriculture. It is what consumers increasingly want. It is what is good for our environment, good for our economy and good for health. We need more of it.

17:07

Nora Radcliffe (Gordon) (LD): This has been a short debate on an important agricultural sector. I am sure that Sarah Boyack's restatement of Executive support for the sector will be widely welcomed; her clear-sighted appraisal of the issues in the sector and how they can be met even more so. We noted the organic dram

recommended by Richard Lochhead, but perhaps we need to look a little more deeply at the statistics, some of which can be partly accounted for by the large number of farmers who are now reaching the end of their five-year agreements.

Alex Johnstone made pragmatic points about balancing supply and demand to avoid price collapse and validation of the credentials of imported organic food.

Richard Lochhead: Andrew Arbuckle asked the other parties for a specific figure for what they would invest in organic farming. What is the Liberal Democrat figure?

Nora Radcliffe: As much as is needed, in light of experience. Shall I reply in writing to the member?

Although Eleanor Scott took a gloomy view of the statistics, funding allocation through the organic aid scheme has doubled since 2005. Andrew Arbuckle flew the flag for conventional farming and urged a realistic view of organic farming, while recognising that it is an important and growing sector that merits support. Pauline McNeill upheld consumer choice and consumers' entitlement to protection from overpricing and inaccurate labelling. It is good to be reminded that town and country are interdependent. I say to Stewart Stevenson that I prefer a Lib Dem reality check to some of the Scottish National Party's flights of fancy. The remainder of his speech was constructive, even if his personal food purchasing in Edinburgh is not.

The nitrate vulnerable zone regime is being argued as we speak, to arrive at a more sensible arrangement for the 15 to 16 per cent of the land area in Scotland concerned. We have avoided 100 per cent coverage, unlike countries such as Ireland. However, that is by the by.

Karen Gillon made the good point that we should lead by example. As a member of the Scottish Parliamentary Corporate Body, I take that on board. I totally disagree with Mark Ruskell about statutory targets, but I do not have time to argue the case on that. The budget was reduced because it was not fully taken up in previous years. If it has to be revised upwards again, it should be. The United Kingdom organic market has increased 10 times in the past 10 years, so there are clear opportunities for Scottish organic producers and processors, who will, I hope, benefit from the work of the new industry-led food and drink body recently announced by Ross Finnie—Scotland food and drink—which has been tasked with helping Scottish farmers to focus on what customers want and to meet market demand.

Organic food and farming can make a major contribution to key Executive environmental, sustainability and healthy diet objectives. The

Executive has committed to continuing support for the organic sector, and I encourage the chamber to support Sarah Boyack's motion.

17:10

Mr Jamie McGrigor (Highlands and Islands) (Con): I declare an interest, as I have had a sheep and cattle farm in Argyll for some 30 years. I say to Andrew Arbuckle that, during that time, I have accumulated a lot of mud but, luckily, it has not all stuck.

The Scottish Conservatives acknowledge the growing interest in organic produce. We welcome new products such as the organic whiskies of Islay, Campbeltown and Moray, and the organic smoked salmon of Loch Duart. As David Cameron said recently, we need to take a balanced approach for a thriving agriculture industry, ensuring that both organic and traditional farming play a big part in providing our population with high-quality produce.

I believe that any nation—especially an island nation—should keep its barns full and never rely too much on imports. Not only is it wise to be self-sufficient in food; it is wise to use farming methods that encourage wildlife and help the environment. More and more, farmers are being requested to steward the countryside, and no group of people are better equipped to do that, but it is essential that they are given a fair field of play to continue to produce food—organic or conventional—for our nation and other nations. That is especially important in the light of predictions of global warming and climate change that point to countries in southern Europe becoming arid deserts. It is, surely, up to the northern regions—which, it is hoped, will still have the rain and water—to ensure that they are prepared to produce the food that may be needed for the whole of Europe and elsewhere.

Farming requires a long-term policy, and no sector more so than the organic sector. For example, for livestock farmers and crofters in the area of the Highlands and Islands that I represent to be persuaded to go organic, they need assurances that their store market products will gain a premium for being organic and that there is a buoyant market in which to sell. I spoke to United Auctions today. It told me that the deadweight price for organic lamb is 40 per cent above the price for non-organic lamb and that the deadweight price for organic beef is 35 per cent above the price for non-organic beef. That price is being paid to organic finishers, but many of the producers in the hills of the Highlands and Islands cannot finish their products. That is why I am asking the Executive for a long-term policy to couple primary organic producers with organic livestock finishers—it is vital if we are ever to

inspire real confidence in a prosperous future for organic livestock store farmers.

Where better to grow organic produce than in the heather-clad, unfertilised hills of the Highlands and Islands, but as anyone who has eaten good Scottish lamb, beef or venison will know, it does not have to be labelled organic to taste delicious or to be extremely nutritious. Although we are prepared to support organics as a choice—albeit, dare I say it, a choice for the better-off among us—I am wary of demonising other types of production provided that they follow best farm practice. Like Karen Gillon, I would rather see Scotland's children eat local, healthy food and be thrilled by the unmistakable taste of freshly grown potatoes and other vegetables than get hung up on whether they are organically grown. Freshness is what really matters in fruit and vegetables.

Alex Johnstone is right to recognise the high quality and the environmental and welfare standards that are achieved by most Scottish farmers. Although I wish in no way to denigrate organic production, it should be pointed out that a recent report by the UK Government noted that organic milk production requires 80 per cent more land and creates almost double the amount of substances that could lead to acidic soil.

Nevertheless, bearing in mind the fact that we strongly support organic farming as part of a healthy agriculture industry, we believe that we should address the greatest concern among organic producers—the potential undermining of their produce and reputation by the presence of genetically modified organisms. We think that the Lib-Lab pact's line on GM is a bit of a fudge. They seem to be happy that the trigger point for GM labelling of a product should be a GM content of 0.9 per cent. The Conservatives do not believe that that properly protects organic farmers, especially as scientists tell us that they can trace the GM content of a product to 0.1 per cent. We have, therefore, taken the position that 0.1 per cent—not 0.9 per cent—will be the trigger point for GM labelling. We hope that that will be welcomed by organic growers and producers when we get into power.

We want to encourage organic produce but also to give consumers the choice when it comes to purchasing. We want to see local food economies. We especially want the Executive to lobby the European Union on the many benefits that can be derived from local procurement.

17:15

Rob Gibson (Highlands and Islands) (SNP): The experience of taking part in this debate, which is pitched in terms of increases and improvements in organic food, is positive and I want to add some

more positive items and make it possible for us to see the way forward a little more clearly.

People find targets difficult to deal with, but recognising that it is possible to increase the basket of foods that are available is the first target that we can all agree on. We have plenty of organic beef, lamb, table birds and aquaculture produce, but horticulture, arable farming, eggs and dairy production could contribute a lot more to the organic market. We have to find ways of bringing more producers in those areas into the scheme. We could agree on such a target and I hope that the Government will set its cap at it to show that it is committed to ensuring that people can buy organic produce across the board.

Perhaps the answer is to have a target of 20 per cent growth every year—that would be slightly less than the growth rate between 2005 and 2006, as the Soil Association has pointed out. Such a growth rate would lead to about 1,800 organic farmers instead of the 1,200 that there are at the moment, and it would represent about 8.75 per cent of farmers and around 12.4 per cent of Scotland's agricultural area.

Wales's organic action plan aims to increase organically managed land to 15 per cent, from 10 per cent, by 2010. If Wales can do 15 per cent, there is no reason why we cannot. The arguments about organic food being a niche market do not stand up. We must recognise that people can meet those kinds of targets.

I would like to reassure members, particularly Mr McGrigor, about tighter EU regulations. Yesterday, the European Parliament's Committee on Agriculture and Rural Development adopted a report recommending tighter proposals for labelling organic food. The report recommended that the regulations should be extended to the whole catering sector, including takeaways, canteens and restaurants, and that products such as wool, food wrapping, essential oils and food supplements should be included. That committee hopes that the European Parliament will accept its recommendations and I hope that members of the parties opposite me in this chamber will not water down the recommendations when they are debated in the plenary session of the European Parliament. The key aim of that report is to preserve consumer confidence.

Stricter standards for the use of plant health and veterinary products and stronger guarantees against contamination by genetically modified organisms are among the priorities of MEPs. When we talk about GMOs, we are talking about the dangers of having a sectorised agriculture policy. In this country, we have not dealt with separation distances between conventional and organic produce, and genetically modified produce. The consultation about that is critical.

The future of organic produce and the saleability of conventional produce rely on our being able to prove that there is a low contamination rate. I agree with Jamie McGrigor that the Government has a challenge to meet in relation to achieving as low an infiltration of GM into food as possible. That is what the consumer wants.

More than 700 Scottish consumers answered the Food Standards Agency survey. We should be aware that healthy eating is their biggest concern, that they are concerned about fat, sugar and salt in food, and that most people want food labelling using a red, yellow and green system. As someone said downstairs, we could use brown to show that something is organic and perhaps purple if there is far too much GM in it. I am sure that people could understand a traffic-light system in labelling healthy food and that organic food should be towards the green end.

More and more people are eating out, so Scottish consumers are also concerned about being able to identify how fast-food outlets, restaurants and cafes maintain hygiene and the quality of their products. Our debate is about organic farming, and that can fit into restaurants' attempts to have the best quality and meet consumer needs.

Several members have mentioned competition for the small amount of cash that is available in the rural development programme. The rural stewardship scheme and the organic aid scheme should not be in competition; we must find means to support both. I hope that the minister will take on board the fact that, to achieve more for organics, the ministers with responsibility for health, agriculture and transport must all work together to ensure that people around the country who produce organic food can sell it to a growing market.

17:21

Sarah Boyack: I want to echo the positive nature of many of the comments made by colleagues. In my opening speech, I was keen to be positive and upbeat and to give credit where it is due for the big improvements that there have been in the organic sector. I was not trying to say that we have delivered perfection; I was trying to get underneath some of the statistics and talk about some of the challenges in achieving the targets that we set. I was also trying to debate the way forward and consider where we might go next.

There have been some good achievements. There has been vastly increased support to farmers to enable them to convert to organic or to maintain their organic status. We have been particularly successful in awarding processing and

marketing grants. We have awarded more than £10 million, but that has levered in an additional £56 million in investment.

We heard members—Conservative, Scottish National Party and Liberal—talking about the importance of working with farmers and, in particular, considering the processing chain so that we examine not just the primary producers but where they sell their produce. That has been a key issue in ensuring that we get the important match-up that Alex Johnstone talked about.

Karen Gillon's suggestion about farmers co-ops was important. When farmers can work together, they get a better price and the opportunity to share marketing costs. I am keen for us to enable farmers who work together locally to bid for major contracts. They clearly cannot do so on their own, but if they work together and we support them with grants and advice—through, for example, the Scottish Agricultural College's dedicated organic advisory and market information services—that would be a good way forward.

We have made a lot of progress in the past few years, and it has been interesting to hear colleagues reflect on progress in their local areas. One key question is where we go next in designing new organic support measures. They will clearly be delivered through land management contracts, and I am keen to consider with stakeholders—with input from colleagues—how best to target the resources to meet the needs of the organic market and ensure that the whole organic sector is addressed.

One interesting point made by several colleagues, including Mark Ruskell, is that we need to develop a range of organic produce. If we are looking at local produce, we need to ensure that different types of produce are available across Scotland.

The organic action plan has been an effective focus for the development and co-ordination of our support mechanisms. Given how the industry has developed in the past four years, I am very optimistic about our ability to work with it in future.

As for the amendments, I am happy to acknowledge, as I did in my opening speech, that conventional farmers can achieve high environmental and animal welfare standards. I have been impressed by the growing awareness of the contribution of farmers—particularly those who follow the Linking Environment and Farming principles. Much is to be welcomed in the conventional sector. However, I particularly wanted the debate to focus on organic farming, to enable the Parliament to support that. For that reason, I am keen not to support Alex Johnstone's amendment. However, I understand the principles that lie behind it.

Richard Lochhead's amendment starts from a false premise, so it would not be right to support it. I am keen not to overstate our success, but I am equally keen not to underplay it and to dismiss the success of the past few years.

Richard Lochhead's amendment asks us

"to minimise the bureaucracy associated with organic production."

Of course I am absolutely in favour of reducing bureaucracy—

Stewart Stevenson: Will the minister take a brief intervention?

Sarah Boyack: No, thanks.

The bureaucracy that organic producers face stems from the need to be properly certified. In his speech, Rob Gibson gave us useful feedback from Brussels. It is important to have a level playing field. Consumers who buy organic produce want to know that it is organic produce. That means that, regardless of where produce comes from—whether it comes from the UK, elsewhere in Europe or further afield—we want to ensure that it is genuinely organic. That is why we have standards and need effective mechanisms to monitor those standards. I am sure that the certification bodies would not welcome calls from us to reduce the measures that they take to safeguard their organic standards. The consumers to whom Pauline McNeill referred want to know what they are buying and do not want to be sold short with weaker standards.

I have said that I am keen to work with the industry to ensure that the next organic action plan lets us move significantly forward. I reject Mark Ruskell's amendment not because I disagree with all its content—

Stewart Stevenson: Will the minister take a 12-word intervention?

Sarah Boyack: No. I have done that before, and it was a big mistake.

I very much support much of what is in Mark Ruskell's amendment. Like the current plan, the new plan must be ambitious and must reflect many of the issues that colleagues have raised. However, I do not want to pre-empt that discussion with colleagues and the discussion that we will need to have with stakeholders in the organic sector, with people in the agricultural sector more widely, with people in rural communities, who have a role to play, and—crucially—with consumer organisations.

I am happy to take soundings from the organic sector about the Executive's future research policies, which I would be keen to examine. That involves challenges. As Andrew Arbuckle said, some inaccurate research that damaged the

organic sector was published recently. It was not rigorous research, because it did not consider all the issues that needed to be considered.

On Monday, I attended an excellent conference that brought together local authorities and non-governmental organisations to consider what we can do throughout Scotland to reduce our carbon footprint. One way to do that is to promote the sourcing of much more local produce for our schools and hospitals and to enable smaller producers to compete. We need more marketing and we need to grow the sector sustainably.

As for the points that Karen Gillon and Pauline McNeill made about affordability, the best way to achieve affordability is for the public sector to work to create the market. That will enable organic producers and high-quality local food producers to compete for the public purse. The schools projects under hungry for success have been massively successful and the food for life programme provides another way to proceed. Hospitals also represent a huge market.

There is a challenge for the organic sector. My message is that the Executive is with that sector and supports it in meeting that challenge. The next organic action plan will have to be radical and ambitious and I hope that the whole Parliament will support it.

Stewart Stevenson: On a point of order, Presiding Officer. I seek your guidance on what the correct procedure might be when a report about which we seek to lodge amendments is issued after the deadline for our submitting amendments, as with the debate that has just concluded. Within the rules, how can we ensure that our amendments reflect what will be in a report that is issued after the deadline for submitting amendments has passed?

The Presiding Officer (Mr George Reid): But the amendments are to the motion, not to the report.

Business Motion

17:29

The Presiding Officer (Mr George Reid): The next item of business is consideration of business motion S2M-5665, 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 7 March 2007

10.00 am	Time for Reflection
<i>followed by</i>	Parliamentary Bureau Motions
<i>followed by</i>	Stage 3 Proceedings: Christmas Day and New Year's Day Trading (Scotland) Bill
2.30 pm	Parliamentary Bureau Motions
<i>followed by</i>	Scottish National Party Business
<i>followed by</i>	Business Motion
<i>followed by</i>	Parliamentary Bureau Motions
5.00 pm	Decision Time
<i>followed by</i>	Members' Business

Thursday 8 March 2007

9.15 am	Parliamentary Bureau Motions
<i>followed by</i>	Stage 3 Proceedings: Protection of Vulnerable Groups (Scotland) Bill
11.40 am	General Question Time
12 noon	First Minister's Question Time
2.15 pm	Themed Question Time— Finance and Public Services and Communities; Education, Tourism, Culture and Sport
2.55 pm	Conclusion of Stage 3 Proceedings: Protection of Vulnerable Groups (Scotland) Bill
<i>followed by</i>	Legislative Consent Motion: Serious Crime Bill – UK Legislation
<i>followed by</i>	Standards and Public Appointments Committee Motion on Breach of the Code of Conduct for Members of the Scottish Parliament
<i>followed by</i>	Parliamentary Bureau Motions
5.00 pm	Decision Time
<i>followed by</i>	Members' Business

Wednesday 14 March 2007

10.00 pm	Time for Reflection
<i>followed by</i>	Parliamentary Bureau Motions

followed by Stage 3 Proceedings: Schools
(Health Promotion and Nutrition)
(Scotland) Bill

2.30 pm Parliamentary Bureau Motions

followed by Final Stage: Edinburgh Airport Rail
Link Bill

followed by Standards and Public Appointments
Committee Debate: Report on Code
of Conduct for MSPs

followed by Business Motion

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

followed by Members' Business

Thursday 15 March 2007

9.15 am Parliamentary Bureau Motions

followed by Stage 3 Proceedings: Custodial
Sentences and Weapons (Scotland)
Bill

11.40 am General Question Time

12 noon First Minister's Question Time

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

2.55 pm Conclusion of Stage 3 Proceedings:
Custodial Sentences and Weapons
(Scotland) Bill

followed by Procedures Committee Debate: 10th
Report 2006, Scottish Commission
for Public Audit

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

followed by Members' Business.—[George
Lyon.]

Motion agreed to.

Parliamentary Bureau Motions

17:30

The Presiding Officer (Mr George Reid): The next item of business is consideration of four Parliamentary Bureau motions. I ask George Lyon to move motions S2M-5658 to S2M-5661 inclusive, on approval of Scottish statutory instruments.

Motions moved,

That the Parliament agrees that the draft Budget (Scotland) Act 2006 Amendment Order 2007 be approved.

That the Parliament agrees that the draft Regulation of Care (Scotland) Act 2001 (Minimum Frequency of Inspections) Order 2007 be approved.

That the Parliament agrees that the draft Mental Health (Safety and Security) (Scotland) Amendment Regulations 2007 be approved.

That the Parliament agrees that the draft Transfer of Functions, Property, Rights and Liabilities from the Strathclyde Passenger Transport Executive to the Strathclyde Passenger Transport Authority Order 2007 be approved.—[George Lyon.]

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

Decision Time

17:30

The Presiding Officer (Mr George Reid):

There are six questions to be put as a result of today's business.

The first question is, that motion S2M-5629, in the name of Tom McCabe, that the Parliament agrees that the Prostitution (Public Places) (Scotland) Bill be passed, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

Adam, Brian (Aberdeen North) (SNP)
 Aitken, Bill (Glasgow) (Con)
 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)
 Brownlee, Derek (South of Scotland) (Con)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Byrne, Ms Rosemary (South of Scotland) (Sol)
 Canavan, Dennis (Falkirk West) (Ind)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Curran, Frances (West of Scotland) (SSP)
 Davidson, Mr David (North East Scotland) (Con)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Eadie, Helen (Dunfermline East) (Lab)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Fox, Colin (Lothians) (SSP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Gibson, Rob (Highlands and Islands) (SNP)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marlyn (North East Scotland) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Gordon, Mr Charlie (Glasgow Cathcart) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Grahame, Christine (South of Scotland) (SNP)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Hyslop, Fiona (Lothians) (SNP)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Johnstone, Alex (North East Scotland) (Con)
 Kane, Rosie (Glasgow) (SSP)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lochhead, Richard (Moray) (SNP)
 Lyon, George (Argyll and Bute) (LD)

MacAskill, Mr Kenny (Lothians) (SNP)
 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)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Mather, Jim (Highlands and Islands) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 Maxwell, Mr Stewart (West of Scotland) (SNP)
 May, Christine (Central Fife) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McFee, Mr Bruce (West of Scotland) (SNP)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McLetchie, David (Edinburgh Pentlands) (Con)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Milne, Mrs Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Morgan, Alasdair (South of Scotland) (SNP)
 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)
 Neil, Alex (Central Scotland) (SNP)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Petrie, Dave (Highlands and Islands) (Con)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Radcliffe, Nora (Gordon) (LD)
 Robison, Shona (Dundee East) (SNP)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Scott, Tavish (Shetland) (LD)
 Sheridan, Tommy (Glasgow) (Sol)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Tosh, Murray (West of Scotland) (Con)
 Wallace, Mr Jim (Orkney) (LD)
 Watt, Ms Maureen (North East Scotland) (SNP)
 Welsh, Mr Andrew (Angus) (SNP)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

AGAINST

MacDonald, Margo (Lothians) (Ind)
 Monteith, Mr Brian (Mid Scotland and Fife) (Ind)
 Smith, Iain (North East Fife) (LD)
 Turner, Dr Jean (Strathkelvin and Bearsden) (Ind)

ABSTENTIONS

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

The Presiding Officer: The result of the division is: For 103, Against 4, Abstentions 8.

Motion agreed to.

That the Parliament agrees that the Prostitution (Public Places) (Scotland) Bill be passed.

The Presiding Officer: The second question is, that amendment S2M-5655.2, in the name of Richard Lochhead, which seeks to amend motion S2M-5655, in the name of Sarah Boyack, on the future of Scotland's organic farming, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

Adam, Brian (Aberdeen North) (SNP)
 Baird, Shiona (North East Scotland) (Green)
 Ballance, Chris (South of Scotland) (Green)
 Ballard, Mark (Lothians) (Green)
 Byrne, Ms Rosemary (South of Scotland) (Sol)
 Canavan, Dennis (Falkirk West) (Ind)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Curran, Frances (West of Scotland) (SSP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Fox, Colin (Lothians) (SSP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Grahame, Christine (South of Scotland) (SNP)
 Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Hyslop, Fiona (Lothians) (SNP)
 Kane, Rosie (Glasgow) (SSP)
 Lochhead, Richard (Moray) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Mather, Jim (Highlands and Islands) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 Maxwell, Mr Stewart (West of Scotland) (SNP)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McFee, Mr Bruce (West of Scotland) (SNP)
 Morgan, Alasdair (South of Scotland) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 Robison, Shona (Dundee East) (SNP)
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)
 Scott, Eleanor (Highlands and Islands) (Green)
 Sheridan, Tommy (Glasgow) (Sol)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Turner, Dr Jean (Strathkelvin and Bearsden) (Ind)
 Watt, Ms Maureen (North East Scotland) (SNP)
 Welsh, Mr Andrew (Angus) (SNP)

AGAINST

Aitken, Bill (Glasgow) (Con)
 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)
 Brownlee, Derek (South of Scotland) (Con)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)

Davidson, Mr David (North East Scotland) (Con)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marlyn (North East Scotland) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Gordon, Mr Charlie (Glasgow Cathcart) (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)
 Johnstone, Alex (North East Scotland) (Con)
 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)
 McGregor, Mr Jamie (Highlands and Islands) (Con)
 McLetchie, David (Edinburgh Pentlands) (Con)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Milne, Mrs Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Monteith, Mr Brian (Mid Scotland and Fife) (Ind)
 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)
 Petrie, Dave (Highlands and Islands) (Con)
 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, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Tosh, Murray (West of Scotland) (Con)
 Wallace, Mr Jim (Orkney) (LD)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

ABSTENTIONS

MacDonald, Margo (Lothians) (Ind)

The Presiding Officer: The result of the division is: For 38, Against 76, Abstentions 1.

Amendment disagreed to.

The Presiding Officer: The third question is, that amendment S2M-5655.1, in the name of Alex Johnstone, which seeks to amend motion S2M-5655, in the name of Sarah Boyack, on the future of Scotland's organic farming, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division:

FOR

Adam, Brian (Aberdeen North) (SNP)
 Aitken, Bill (Glasgow) (Con)
 Brownlee, Derek (South of Scotland) (Con)
 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)
 Fabiani, Linda (Central Scotland) (SNP)
 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)
 Johnstone, Alex (North East Scotland) (Con)
 Lochhead, Richard (Moray) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Mather, Jim (Highlands and Islands) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 Maxwell, Mr Stewart (West of Scotland) (SNP)
 McFee, Mr Bruce (West of Scotland) (SNP)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McLetchie, David (Edinburgh Pentlands) (Con)
 Milne, Mrs Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Monteith, Mr Brian (Mid Scotland and Fife) (Ind)
 Morgan, Alasdair (South of Scotland) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 Petrie, Dave (Highlands and Islands) (Con)
 Robison, Shona (Dundee East) (SNP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Tosh, Murray (West of Scotland) (Con)
 Turner, Dr Jean (Strathkelvin and Bearsden) (Ind)
 Watt, Ms Maureen (North East Scotland) (SNP)
 Welsh, Mr Andrew (Angus) (SNP)

AGAINST

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, Frances (West of Scotland) (SSP)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)

Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Fox, Colin (Lothians) (SSP)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marlyn (North East Scotland) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Gordon, Mr Charlie (Glasgow Cathcart) (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)
 Kane, Rosie (Glasgow) (SSP)
 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)
 McMahon, Michael (Hamilton North and Bellshill) (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, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Wallace, Mr Jim (Orkney) (LD)
 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)
 Byrne, Ms Rosemary (South of Scotland) (Sol)
 Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)
 MacDonald, Margo (Lothians) (Ind)
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)
 Scott, Eleanor (Highlands and Islands) (Green)
 Sheridan, Tommy (Glasgow) (Sol)

The Presiding Officer: The result of the division is: For 39, Against 66, Abstentions 10.

Amendment disagreed to.

The Presiding Officer: The fourth question is, that amendment S2M-5655.3, in the name of Mark Ruskell, which seeks to amend motion S2M-5655, in the name of Sarah Boyack, on the future of Scotland's organic farming, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

Adam, Brian (Aberdeen North) (SNP)
 Baird, Shiona (North East Scotland) (Green)
 Ballance, Chris (South of Scotland) (Green)
 Ballard, Mark (Lothians) (Green)
 Byrne, Ms Rosemary (South of Scotland) (Sol)
 Canavan, Dennis (Falkirk West) (Ind)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Curran, Frances (West of Scotland) (SSP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Fox, Colin (Lothians) (SSP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Grahame, Christine (South of Scotland) (SNP)
 Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Hyslop, Fiona (Lothians) (SNP)
 Kane, Rosie (Glasgow) (SSP)
 Lochhead, Richard (Moray) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 MacDonald, Margo (Lothians) (Ind)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Mather, Jim (Highlands and Islands) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 Maxwell, Mr Stewart (West of Scotland) (SNP)
 McFee, Mr Bruce (West of Scotland) (SNP)
 Morgan, Alasdair (South of Scotland) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 Robison, Shona (Dundee East) (SNP)
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)
 Scott, Eleanor (Highlands and Islands) (Green)
 Sheridan, Tommy (Glasgow) (Sol)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Turner, Dr Jean (Strathkelvin and Bearsden) (Ind)
 Watt, Ms Maureen (North East Scotland) (SNP)
 Welsh, Mr Andrew (Angus) (SNP)

AGAINST

Aitken, Bill (Glasgow) (Con)
 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)
 Brownlee, Derek (South of Scotland) (Con)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Davidson, Mr David (North East Scotland) (Con)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallie, Phil (South of Scotland) (Con)

Gillon, Karen (Clydesdale) (Lab)
 Glen, Marlyn (North East Scotland) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Gordon, Mr Charlie (Glasgow Cathcart) (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)
 Johnstone, Alex (North East Scotland) (Con)
 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)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McLetchie, David (Edinburgh Pentlands) (Con)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Milne, Mrs Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Monteith, Mr Brian (Mid Scotland and Fife) (Ind)
 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)
 Petrie, Dave (Highlands and Islands) (Con)
 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, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Tosh, Murray (West of Scotland) (Con)
 Wallace, Mr Jim (Orkney) (LD)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

The Presiding Officer: The result of the division is: For 38, Against 77, Abstentions 0.

Amendment disagreed to.

The Presiding Officer: The next question is, that motion S2M-5655, in the name of Sarah Boyack, on the future of Scotland's organic farming, be agreed to. Are we agreed?

Members: Yes.

The Presiding Officer: The motion is agreed to. [*Interruption.*] I am sorry. Members must shout if they are going to object, particularly in small numbers. Did I hear a no?

Members: Yes.

The Presiding Officer: In that case, in the interest of fairness, there will be a division.

FOR

Adam, Brian (Aberdeen North) (SNP)
 Aitken, Bill (Glasgow) (Con)
 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)
 Brownlee, Derek (South of Scotland) (Con)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Byrne, Ms Rosemary (South of Scotland) (Sol)
 Canavan, Dennis (Falkirk West) (Ind)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Curran, Frances (West of Scotland) (SSP)
 Davidson, Mr David (North East Scotland) (Con)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Eadie, Helen (Dunfermline East) (Lab)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Fox, Colin (Lothians) (SSP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gibson, Rob (Highlands and Islands) (SNP)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marlyn (North East Scotland) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Gordon, Mr Charlie (Glasgow Cathcart) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Grahame, Christine (South of Scotland) (SNP)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Hyslop, Fiona (Lothians) (SNP)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Johnstone, Alex (North East Scotland) (Con)
 Kane, Rosie (Glasgow) (SSP)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lochhead, Richard (Moray) (SNP)
 Lyon, George (Argyll and Bute) (LD)
 MacAskill, Mr Kenny (Lothians) (SNP)
 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)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Mather, Jim (Highlands and Islands) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 Maxwell, Mr Stewart (West of Scotland) (SNP)

May, Christine (Central Fife) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McFee, Mr Bruce (West of Scotland) (SNP)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McLetchie, David (Edinburgh Pentlands) (Con)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Milne, Mrs Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Morgan, Alasdair (South of Scotland) (SNP)
 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)
 Neil, Alex (Central Scotland) (SNP)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Petrie, Dave (Highlands and Islands) (Con)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Radcliffe, Nora (Gordon) (LD)
 Robison, Shona (Dundee East) (SNP)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Scott, Tavish (Shetland) (LD)
 Sheridan, Tommy (Glasgow) (Sol)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Tosh, Murray (West of Scotland) (Con)
 Turner, Dr Jean (Strathkelvin and Bearsden) (Ind)
 Wallace, Mr Jim (Orkney) (LD)
 Watt, Ms Maureen (North East Scotland) (SNP)
 Welsh, Mr Andrew (Angus) (SNP)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

AGAINST

Gallie, Phil (South of Scotland) (Con)
 Monteith, Mr Brian (Mid Scotland and Fife) (Ind)

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)
 MacDonald, Margo (Lothians) (Ind)
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)
 Scott, Eleanor (Highlands and Islands) (Green)

The Presiding Officer: The result of the division is: For 105, Against 2, Abstentions 8.

Motion agreed to.

That the Parliament acknowledges the progress made to date in implementing the Organic Action Plan; welcomes the increasing consumer demand for Scottish organic produce, the contribution of organic producers in improving the availability of good quality local food at local markets and the contribution of organic producers to sustainable

development, and commits to continue to support the organic sector in the future.

The Presiding Officer: The next question is, that motions S2M-5658 to S2M-5661 inclusive, on approval of Scottish statutory instruments, be agreed to.

Motions agreed to.

That the Parliament agrees that the draft Budget (Scotland) Act 2006 Amendment Order 2007 be approved.

That the Parliament agrees that the draft Regulation of Care (Scotland) Act 2001 (Minimum Frequency of Inspections) Order 2007 be approved.

That the Parliament agrees that the draft Mental Health (Safety and Security) (Scotland) Amendment Regulations 2007 be approved.

That the Parliament agrees that the draft Transfer of Functions, Property, Rights and Liabilities from the Strathclyde Passenger Transport Executive to the Strathclyde Passenger Transport Authority Order 2007 be approved.

Energy Debt

The Deputy Presiding Officer (Trish Godman): The final item of business today is a members' business debate on motion S2M-5525, in the name of Scott Barrie, on switching off energy debt. The debate will be concluded without any question being put.

Motion debated,

That the Parliament expresses concern at the high level of energy debt in Scotland; notes from the most recent figures published by Ofgem that 343,617 customers in Dunfermline and elsewhere owe their energy supplier an average of £181; further notes that energy prices remain high, with Scottish consumers typically paying more than £1,000 per year for their gas and electricity; is concerned that, according to Ofgem, the number of disconnections from energy supply has risen by 285% between September 2005 and September 2006, and believes that all energy suppliers should take urgent action to address the burden of debt on Scotland's most vulnerable households.

17:38

Scott Barrie (Dunfermline West) (Lab): I thank all the members who supported my motion, and I thank energywatch Scotland, which provided all MSPs with a comprehensive briefing for tonight's debate.

In 1942, a seminal report on poverty identified five great social ills: want, squalor, idleness, ignorance and disease. The wartime Beveridge report formed the blueprint for the creation of Britain's welfare state after our victory in the 1945 general election. Our welfare state is a lasting tribute to the Atlee Labour Government, but as great as that legacy is, it did not eradicate fuel poverty or fuel debt, which is the subject of tonight's debate.

The rough and ready definition of someone who is in fuel poverty is someone who has to spend more than 10 per cent of their income on keeping themselves warm. Fuel poverty and fuel debt are modern social ills. They are not just about low incomes but are part of a complex social and financial picture. They are linked to multiple deprivation, unaffordable fuel prices and poor housing stock that is characterised by insufficient insulation and inadequate heating systems.

The Scottish Executive not only recognised that complex picture, but acted. The warm deal and central heating programmes have made an invaluable contribution to combating fuel poverty. Some £300 million has been spent, free central heating has been provided to more than 74,000 homes, more than 250,000 homes have been improved under the warm deal and a commitment has been made to eradicate fuel poverty by 2016. However, rising fuel prices over the past three

years have begun to put fulfilling that commitment at risk.

Some 37.5 per cent of our electricity supply is generated by gas and 70 per cent of our homes are heated by gas. Gas is therefore fundamental in providing electricity and direct heating. Our gas originates almost entirely from the North sea, although some of it comes through the interconnector from Belgium. The extraction rate from the North sea peaked in 2000 and has fallen ever since. The dash for gas that was initiated under Thatcher has left us short of our own supply and increasingly dependent on foreign sources.

Our appetite for gas is immense. The United Kingdom uses approximately 100 billion cubic metres of gas a year, which is 10 billion cubic metres more than Germany uses, 30 billion cubic metres more than Italy uses and double what France uses. As the wholesale price of gas increased in Europe in 2003, 2004 and 2005, prices for gas and electricity rocketed throughout the United Kingdom. Domestic fuel prices had been falling, but they suddenly shot up and energy debt became an ever-increasing concern for large numbers of consumers in Scotland.

Figures that were published by the Office of Gas and Electricity Markets at the beginning of this year show that in September 2006, nearly 350,000 customers were in debt to their energy supplier and that they owed on average £181. Since 2003, energy consumers have seen huge rises in their energy bills, with average gas bills increasing by 94 per cent and average electricity bills increasing by 60 per cent. Since I lodged my motion four weeks ago, three energy suppliers have announced that they will reduce their prices. If only I had lodged the motion sooner.

However, the price reductions that have been announced have been significantly less than the price increases since 2003. Wholesale prices have dropped 50 per cent in the past nine months, but fuel price reductions have averaged only 33 per cent. Customers are not seeing wholesale price drops reflected in their bills, and it is questionable whether low-income consumers—particularly those who pay for their fuel through prepayment meters—will benefit from those price drops.

Many prepayment meter customers use meters to help them manage their household budgets. Companies also use them to recover arrears. In Scotland, a fifth of all electricity consumers use them. They are useful, but they come at a price: the cost per unit for gas or electricity is higher than for customers who use other payment methods, particularly direct debit. Those of us who are in the fortunate position of being able to pay by direct debit will get our gas and electricity at reduced rates compared with those that other consumers must pay. The people who are on the lowest

incomes and who do not have bank accounts therefore pay more for their gas and electricity.

Having a prepayment meter does not mean that a person will not fall further into debt. Following a price rise, further debt will accrue to consumers with meters that must be reset manually if the meter is not reset immediately. Constituents of mine have thought that they had paid for their fuel as they had used it only to find that they had massive arrears when the meter was subsequently recalibrated. That is not fair and no company should take such an approach. Customers end up in debt or further in debt by using a payment method that they thought would avoid such an outcome. There is truly a double whammy.

If power companies do not reduce the price of fuel to their prepayment customers—and there is little evidence that they will—the gap between the costs of gas and electricity via prepayment meters and the costs for those who pay for their gas and electricity by direct debit will increase. I draw members' attention to energywatch Scotland's briefing, which shows that 29 per cent of prepayment meter users have long-term illnesses or disabilities, 33 per cent are lone parents who have dependent children and 36 per cent are unemployed and claiming benefits. Often, the people who are least able to pay are those who pay the highest tariff. Increasing fuel costs affect us all, but they disproportionately affect those who are least well-off.

It is essential that fuel companies operate on a level playing field and that, as a start, tariffs are equalised. If we do not have a level playing field, the debt will continue to make people unable, or afraid, to heat their homes. Our message to the energy companies should be that, as a first step, they must set a level playing field and that their second step must be to give discounted energy packages to low-income and vulnerable customers.

17:45

Dave Petrie (Highlands and Islands) (Con): I congratulate Scott Barrie on bringing this debate to Parliament.

Energy debt and fuel poverty continue to be important, and recent statistics reveal that an alarming number of Scots are struggling with such issues. It is now estimated that more than 100,000 children are living in fuel poverty in Scotland. Recent energywatch statistics have shown that electricity and gas prices increased by 61 per cent and 97 per cent respectively between 2003 and 2006. Low-income families have been hit hard because of that.

According to Energy Action Scotland, a low disposable household income and a high price for domestic fuel are two of the main contributors to fuel poverty in Scotland. Furthermore, low-income families continue to pay an average 10 per cent more for gas and 8 per cent more for electricity than energy customers who pay by direct debit. The majority of low-income households use prepayment meters to pay for their energy. They also do not generally have access to information technology so that they can check the competition.

Rising energy costs, coupled with low incomes, have led many families to make increasingly tough decisions about how to spend their money. In many cases, those decisions have caused sharp increases in debt. The detrimental effects of fuel poverty cannot be stressed enough. Heating a home is often done at the expense of other needs, such as healthy and plentiful food.

Despite the recent introduction of social tariffs by energy companies to help low-income families with their energy debt, serious problems still exist. We support financial initiatives to promote energy efficiency in Scotland, including grants for home-improvement endeavours that will make more homes more cost and energy effective. We also support the installation in homes and businesses of microrenewables generation such as solar panels and wind and tidal power, all of which will help to alleviate fuel poverty, supply shortages and the lack of materials.

We also look to schools to encourage the positive effects of energy efficiency and renewables in the home. The only way to influence the community widely is to start early and to educate our children on how to promote environmentally sound ways of heating our homes and running our businesses.

We need to run public-awareness campaigns—many people are not aware of their options. We support initiatives for community education on energy efficiency. In 2005, Ofgem research found that 75 per cent of vulnerable customers were not aware of the help that was available to them to assist in easing fuel poverty. The Energy Retail Association's home heat helpline was designed to address that problem; in the first year alone, it received an incredible 38,000 calls, almost all of which were from people who were seeking help with energy debt and fuel poverty.

Although such progress is certainly a step in the right direction, more must be done. We look towards a review of the renewables obligation certificate, which would encourage entrepreneurs to develop new forms of renewable energy such as biomass and fuel cell technology, which would boost the energy efficiency market. We also support the Royal Society's emphasis on energy

efficiency as a way to combat Scotland's climate-change problems.

This plague on our society must be tackled with the utmost urgency, and we in the Conservative party will do everything we can to help.

17:49

Patrick Harvie (Glasgow) (Green): Scott Barrie began by mentioning the recent slight reduction in prices. I am not sure whether he is influential, timely or prescient, but it is a welcome debate and Scott Barrie is to be thanked for bringing it to Parliament.

In addition to the energywatch briefing that Scott Barrie mentioned, I was pleased to see that we received briefings from a number of other organisations, including Barnardo's and Capability Scotland, which want Parliament to understand the impact that energy debt has on a range of different people in diverse family situations.

Energy debt needs to be considered in the context of other debt issues in our society. I think that we are seeing an unhealthy trend towards social acceptability of large amounts of debt, whether it be the immense mortgages that some people are taking on or other forms of debt such as credit cards and student debt. There are also issues with illegal lending—which we will debate tomorrow—and, indeed, legal lending, which is often quite predatory. That trend is bad for our society and our economy as well as for the individuals concerned, who are often among the most vulnerable individuals in our society.

Energy suppliers will always have a problem with billing systems for the most vulnerable people, but some of their practices, as Scott Barrie mentioned, hit the poorest households and families hardest. For example, the fact that prepayment meters have a different tariff is an issue and some providers have been unwilling to write off the debt that has accrued when there has been a delay in resetting meters. As Scott Barrie rightly pointed out, people accept a prepayment meter partly because of the expectation that they will pay their bills as they go along and will not be hit with a bill for a single lump sum. It is entirely right that a cross-party group of MSPs joined Jackie Baillie in a delegation to Scottish Power on that issue—I am sure that Jackie Baillie will mention that.

In the case of Scottish Power's practices, what has shocked me most is that, although the company's representatives spoke with us civilly and were quite willing to meet us to discuss the issue, they had not even calculated what it would cost Scottish Power to change the policy by writing off such debt. I suspect that the cost would be a drop in the ocean for Scottish Power, but it would

be very significant for many families. I urge Scottish Power to reconsider the matter.

Energy debt will continue to be a problem because it is a consequence not only of fuel poverty but of price fluctuations. Price fluctuations will not go away. All suppliers must ensure that the most vulnerable people are not placed in the situation of having an ever-greater debt burden. The role of politicians is not just to engage with suppliers on the issue but to look at public policy. Scott Barrie explained the historical situation in terms of the welfare state but, as we move further into the 21st century, the job for politicians is to prepare all citizens and households in Scotland for the period after cheap energy. Cheap energy belongs to a period in human history that is over. Whether we use fossil fuels—which are fast dwindling—or the mineral fuels such as uranium that will fuel any new nuclear power plants that might be built, those fuels will dwindle and run out, so energy prices will continue to fluctuate and energy debt will continue to be a problem.

It falls on all suppliers, including Scottish Power, to adjust their systems to ensure that the most vulnerable people are not placed in further debt.

17:54

Karen Whitefield (Airdrie and Shotts) (Lab): I congratulate my colleague Scott Barrie on securing tonight's debate.

Fuel poverty is an important issue that, unless it is properly addressed, will serve only to undermine all the other efforts that are being made to eradicate poverty and social exclusion in Scotland. Much has been done by the Scottish Executive to tackle fuel poverty and energy inefficiency, so Scott Barrie is right to highlight the need for the utility companies to play their part in the effort to eradicate fuel poverty in Scotland.

The Scottish Executive introduced a range of measures to tackle fuel poverty. Those measures are complemented by United Kingdom policies such as the winter fuel allowance. The Executive has a clear policy objective of eliminating fuel poverty by 2016. Towards that end, it has introduced a range of measures that include the central heating programme and the warm deal initiative. Since its inception in September 2001, more than 65,000 central heating systems have been installed across all sectors. The warm deal has also ensured that more than 230,000 homes in Scotland have been insulated. The programme is the biggest investment that has ever been made in home energy efficiency in Scotland. It is important that it is aimed at Scotland's most vulnerable households—those whose health or general well-being may be at risk from the cold or dampness.

I am pleased that, late last year following a parliamentary question, the Executive announced that it would allocate an additional £5 million to help an additional 5,000 households that were waiting for central heating installations and warm deal measures. From visits to my constituents in council, housing association, private sector and owner-occupied housing, I have seen the very real difference that the two programmes have made to the quality of their lives.

It is worth noting that the measures that the Executive has taken to tackle fuel poverty are good news not only for my constituents and the people of Scotland as a whole, but for the environment. The combination of modern, efficient heating systems and good insulation means that less energy is burned in heating our homes.

However, it is now becoming apparent that those measures are helping to alleviate only some of the misery that is caused by fuel price increases. There is no doubt that that situation has to be addressed. The statistics on fuel price increases in recent years are staggering. From January 2003 to January 2007, we saw an average rise in the price of gas across the United Kingdom of 94 per cent. Over the same period, we saw a rise of 60 per cent in electricity costs. Some energy suppliers have done very well out of the situation. That is demonstrated by the relatively large variances in cost increases between suppliers. Whereas customers of Scottish and Southern Energy have seen a rise of 86 per cent in the cost of gas during that period, Powergen has passed on an increase of 107 per cent to its customers. Of course, even though wholesale fuel prices have fallen, we have seen no commensurate decrease in consumer prices. The energywatch briefing points out that, although in recent weeks some suppliers

"have dropped their prices ... the reductions have been significantly less than the increases since 2003. Indeed wholesale prices have dropped 50% over the last nine months. The two reductions so far represent only about one third of this year's wholesale reduction. Customers won't see these savings being reflected in their bills and it is questionable whether low income consumers will benefit, particularly those paying for their gas and electricity by prepayment meter."

Clearly, the level of price increase to which I have referred must impact on fuel poverty.

Although I do not have time to speak about the specific problems that are associated with prepayment meters, I want to make two specific points. First, it is time that the fuel companies recognise that the poor people in our communities who are trying to make ends meet are our most vulnerable citizens. Those people do not want to run up huge fuel bills. They are trying to manage their money wisely by choosing to pay for their electricity and gas by means of a prepayment

meter and they should not have to pay excessively for their supply. Those people should be on the lowest tariffs, which are often reserved for those who choose to pay by direct debit. Secondly, it is right that the companies should recalibrate their meters and write off any debt that has accrued.

I urge the major energy companies to take those steps to support those who are most in need in Scotland. They need to ensure that people are not faced with the stark and brutal choice between paying for food and paying for heat.

17:59

Frances Curran (West of Scotland) (SSP): I thank Scott Barrie for bringing the debate to the chamber.

I remember the time way back, when, under the Thatcher Government, we were debating the privatisation of the gas and electricity companies. At the time, the mantra was, "The market is more efficient. The market will make things cheaper. The market will bring cheap prices for everybody." The system, which has been in place now for decades, has simply created huge private monopolies that make astronomical profits very much at the expense of the less well-off in our society.

The big problem for the Parliament as a result of that policy decision is how it can get any control over these multinational companies. Despite Scott Barrie's valiant attempts and the attempts that Jackie Baillie and her delegation have made with Scottish Power, political pressure has simply not been heavy enough. Karen Whitefield says that we should apply political pressure to persuade and urge these companies to lower prices; however, the only tool that has been left to us after privatisation is regulation.

Why has the recent 50 per cent fall in wholesale gas prices not been passed on to customers? What on earth is Ofgem waiting for? When wholesale prices go up, the companies go on television either overnight or within days to announce, "Your electric bills are going up by 17 per cent and your gas bills are going up by 15 per cent". They are not shy; they immediately raise prices. However, they always get the benefit of the doubt when prices come down. Why does no one put them under pressure with regulation and tell them, "You have 10 days to change your pricing policy and to ensure that these reductions are passed on to consumers"? Ofgem needs to get off its backside and represent people. After all, that is why it was set up in the first place; it is the only regulatory framework that we have.

It is simply not good enough. If the Government—including the Scottish Executive—is happy to accept privatisation with regulation, it

should be making all these noises. In fact, it should be having urgent meetings with the companies and writing to them to urge them to lower prices. I know that Ofgem is an independent body, but we have an opinion about how the gas and electricity sector should be regulated.

Furthermore, why has Ofgem not ruled on prepayment meters? As for the claim that the market is efficient and that companies know exactly how much they are owed by those who have such meters, we have anecdotal evidence that—as we told Scottish Power at our meeting—the companies have all the systems in place, are sitting with all the facts and figures and know immediately when they recalibrate a meter how much the debt will be. Indeed, we asked for those figures—and I wonder why we have not yet received them. It would not cost the companies that much to supply them.

If someone with a prepayment meter wants to mount a legal challenge against, for example, Scottish Power when they see that other companies are not clawing back the debt, how can they do so when their meter gets recalibrated? Can they just say that the company cannot reclaim the debt? Because I get a monthly bill, I can go into dispute with the company; however, people on pre-payment meters simply have to pay up. Politicians should be applying pressure on Ofgem to regulate in this area.

As I said, it is not good enough. We need regulation, and we need Ofgem to impose the same timescales on companies to reduce prices that they impose on customers when they raise them.

18:03

Christine Grahame (South of Scotland) (SNP): I congratulate Scott Barrie on securing this debate and want to narrow the focus to highlight the injustice of the direct debit system. Frances Curran will be pleased to know that I, too, will have a go at Ofgem.

Energy companies are making a financial killing on the back of the less well-off. Figures that I have obtained show that some companies are charging customers who will not pay by direct debit almost £300 a year more. That said, I know that when prices go up, the amount that people pay by direct debit also goes up. Indeed, my own direct debit went up, despite the fact that, in December, I was £300 in credit. Not only are the companies overcharging people who are not on direct debit, but they must be making tens of thousands of pounds from the interest on the thousands of people who are in credit to them. When I asked Ofgem for those figures, it said that it did not have

them. The companies have a banking system, so they are making a double killing.

With regard to the overcharging of non-direct debit customers for gas and electricity combined, the worst offenders—I will name and shame them—were npower, Powergen and Scottish Power. The companies who penalised customers who took only gas the most for not paying by direct debit were Scottish Gas/British Gas, npower and Atlantic Electric and Gas. The worst companies for customers who required only electricity and who chose not to pay by direct debit were npower, Powergen and Scottish Power.

I thought that I would find out what Ofgem does about that. According to its website,

“Protecting consumers is Ofgem’s first priority.

We do this by:

- promoting effective competition, wherever appropriate, and
- regulating effectively the monopoly companies which run the gas pipes and the electricity wires”.

Ofgem also says that it takes account

“of the needs of vulnerable customers, particularly older people, those with disabilities and on low incomes”.

Frankly, I do not think that it is doing that.

I was interested to find out that

“Ofgem is funded by the energy companies who are licensed to run the gas and electricity infrastructure.”

That immediately suggested to me that there might very well be a conflict of interest, so I wrote to Ofgem. In the reply that I received just this week, it said:

“You ask what Ofgem is doing to ensure that customers who pay by cash or cheque, as opposed to those who pay by other methods, i.e. direct debit, are not penalised and for details of the amount of credit held by energy suppliers in relation to consumers who pay by direct debit.”

I got the usual spiel:

“Ofgem’s principal duty is to protect the interests of consumers by promoting competition.”

That is fine for people who are on the internet and who can go to uSwitch, but most vulnerable people are not doing that. The letter went on to say:

“We do not think it unreasonable that energy suppliers offer better deals on price to consumers who are able to pay by direct debit, as this reflects the lower costs they have incurred in dealing with this payment consequent savings are therefore passed on to the consumer.”

Ofgem is saying that people who are rich and who can pay by direct debit will get the benefits. I do not see how that is protecting vulnerable customers, which is supposed to be one of the organisation’s principles.

Ofgem also told me:

“We would encourage consumers who pay by cash or cheque to consider switching to a supplier who offers a prompt payment discount”,

but not many vulnerable people are able to make prompt payments. It said:

“Ofgem does not collect information about the total amount of money held by utility companies belonging to customers or the amount owed by customers to those companies.”

I think that it should find out. I would like to know how much of people’s credit the utility companies have in their accounts.

Let me tell members what it costs to run what I think is a pretty useless organisation. In 2005-06, Ofgem’s income was £52.4 million—that could do a lot for people who cannot pay their bills. It received £46.7 million in licence fees from the suppliers and £13 million from the Department of Trade and Industry. I pose the question: what is Ofgem doing to protect the vulnerable consumers who so badly need its protection? I do not think that it is protecting them.

18:07

Jackie Baillie (Dumbarton) (Lab): I join other members in congratulating Scott Barrie on securing the debate, not least because politics is all about timing and fuel bills have been dropping through people’s doors over the past few weeks. I am sure that members will agree that nothing concentrates the mind more than the realisation that one’s income may be insufficient to cover one’s debts.

I want to focus almost entirely on prepayment meters. I will consider who opts for such meters and why the cross-party group in the Scottish Parliament on tackling debt, along with members of all parties, is so agitated about back-charging. Finally, I will turn to tariffs.

I do not want to overgeneralise, but the majority of prepayment meter users are on low incomes. Indeed, some of them could be considered to be vulnerable because they happen to be pensioners, disabled or unemployed. They opt for prepayment meters for the sensible reason that doing so allows them to budget. By paying for their fuel in advance, they are able to manage their money and their fuel consumption at the same time.

That is precisely why back-charging leaves such a bad taste in my mouth. People are ending up in debt through no fault of their own. We know that there have been something like 13 price rises in as many months, but the practical problem that arises with prepayment meters is that engineers are unable to recalibrate them quickly enough. When they do, potentially vulnerable households on low incomes find themselves in debt. Through energywatch, I have heard that someone in

Edinburgh owes £200 as a result of that. They do not know how they got into that debt because the money is unaccounted for and they are unable to pay. I welcome the fact that not all energy companies operate in the same way. Scottish and Southern Energy and EDF Energy do not apply price rises until meters have been reset.

Following political pressure at Westminster and in the Scottish Parliament, Scottish Gas also ended the practice of back-charging in December. Members might therefore ask: who is left? Who is out of step? One of the major suppliers in Scotland is Scottish Power. So far, it has not agreed to end the practice. I acknowledge that it has the most meters and that it is moving as quickly as it can to smart meters, which do not require to be reset manually, but it will be approximately two years before that programme is complete. Come on, Scottish Power—stop back-charging customers and stop back-charging the people who are potentially the most vulnerable customers.

If people are in any doubt about the scale of the problem, higher prices have led to many more disconnections. In 2005, there were 65 disconnections for debt, but in 2006 there were 250—four times more. I shudder to think what the current figures are as bills are dropping through people's doors.

Scott Barrie was right to say that people who use PPMs face a double whammy. They pay more for the privilege of paying for their fuel in advance. He is right to challenge the energy companies to equalise their tariffs.

Let us take a closer look at some of the recent price reductions. Scottish Gas prices are down by 17 per cent for gas, but it is not the same for their prepayment meter customers—the price is down by only 10 per cent for them. Another example is Scottish and Southern Energy. Prices are down by 13.5 per cent for their direct debit customers, but—this is to be welcomed—they are down by 13.8 per cent for their prepayment meter customers. I look forward with bated breath to the other companies, including Scottish Power, announcing reductions. I note, as did Karen Whitefield, that the cost to the energy companies of purchasing fuel has dropped by 50 per cent, which is considerably more than the percentage that has been passed on so far.

I echo the call for Scottish Power to end immediately its practice of backdating and to acknowledge that prepayment meter tariffs are a mess. Like other members, I think that Ofgem has a remit to protect vulnerable customers, so I call on it to take on board the need for a wholesale review of the use of prepayment meters and their impact. I call on all suppliers that are installing prepayment meters for debt to offer a full package of measures, which should include energy

efficiency and money advice as well as offering the user a tariff that is discounted, based on their circumstances.

I congratulate Scott Barrie. I hope that the energy companies and Ofgem are listening—I know that if they are not, we will be back.

18:13

The Deputy Minister for Communities (Des McNulty): Like all members who have spoken, I sincerely congratulate Scott Barrie on securing the debate. Some excellent speeches have been made by members around the chamber.

Everyone has expressed their deep concern about the high level of fuel debt. I agree with Patrick Harvie that we should not forget that another aspect of the issue is the high level of unmanaged debt, from a variety of sources, that some households face.

To tackle the problem of debt in general, the Executive has put in place a number of measures to help prevent people from falling into debt and to help those who do. One example of that is our support for the development of credit unions through the capacity fund and the assistance fund. Another is our £10.6 million financial inclusion fund, which is helping to extend money advice, increase the availability of financial products and services and develop financial education. The new debt arrangement scheme helps people to repay multiple debts and protects them from bankruptcy and court enforcement while they do so. Those are all valuable and useful initiatives.

However, fuel debt is a particularly pernicious sort of debt. Keeping our homes warm and having fuel for cooking and lighting are among the basic requirements of a society that, as Scott Barrie said, has since 1945 claimed to be a modern welfare state. We should not need a rescue package for people in fuel debt. Safeguards should be in place to prevent people from getting into debt in the first place so that they have those basic essentials.

That is one of the reasons why Executive officials have been in constant dialogue with energy companies and why Malcolm Chisholm, when he was the Minister for Communities, met fuel company chief executives on a number of occasions. Rhona Brankin and I will keep up that dialogue.

Fuel prices are a matter for the companies and for the markets. However, as responsible politicians, we must all bring our influence to bear on companies, to protect vulnerable people and to ensure that everything possible is done to prevent them from falling into debt. As Scott Barrie pointed out, such work might already have had a positive

impact, because there have been some price reductions. However, we should not discontinue the pressure that Jackie Baillie and others have been very active in applying, which is beginning to produce a response. Scottish Power has just said that it will be the first company in the United Kingdom to align prepayment meter charges for electricity with tariffs for customers who settle bills in cash quarterly—I understand that the company is about to announce the same approach to charges for gas. That is a positive step from Scottish Power.

Jackie Baillie: It is indeed, but does the minister acknowledge that it probably amounts to a difference of only £10 to £15, which is not significant for a person who faces a debt of £200 because of the companies' practice of back-charging?

Des McNulty: I accept that point, but I am sure that the member accepts that her efforts and those of others have delivered the beginnings of change. However, we should not be satisfied with the current situation; we must keep pressurising Scottish Power and other companies to do more.

Many suppliers offer a variety of special tariffs and rebate schemes to assist low-income customers, which is good. Some suppliers have set up trust funds to help pay off debts or provide measures to reduce debt, such as assistance with the purchase of energy-efficient appliances.

The recent announcement of a reduction in retail prices in response to the fall in wholesale prices is welcome. However, as members said, price rises have been passed on to customers much more quickly than price reductions. We must put pressure on companies to treat customers fairly.

Christine Grahame: Does the minister share my concern that Ofgem supports discounts for direct debit customers, while saying that its duty is to protect vulnerable customers? Can it do both?

Des McNulty: We must engage in dialogue with Ofgem on a number of matters. Prepayment meters are probably the most significant issue.

Licence conditions now include a ban on disconnecting elderly people in winter and there is a voluntary ban by the six big suppliers on disconnecting a home in which a child or someone who is disabled or chronically sick lives. However, as Jackie Baillie said, disconnections have increased from 65 in the first three quarters of 2005 to 250 in the first three quarters of 2006. Companies tell us that they are not disconnecting vulnerable customers, but I want to be convinced that that is the case. I want to be sure that companies are working to ensure that disconnections do not creep up to the levels that they reached a few years ago. I want to be sure that companies are disconnecting only as a last

resort and that they never disconnect a vulnerable household.

I turn to the direct actions of the Executive to assist the fuel poor. While we have been exhorting companies to do everything in their power to assist families on low incomes, we have taken significant steps with our own schemes to alleviate fuel poverty. Bills can be reduced and debt prevented if we ensure that houses are as energy efficient as possible. So far, we have invested £300 million in our central heating programme and warm deal scheme, which have saved customers money. We have put in some 78,000 central heating systems and insulated more than 315,000 homes. Almost 9,000 of the systems installed have been upgrades to partial or inefficient systems for the over-80s. In January, we extended eligibility for upgrading of partial or inefficient systems, to include people on the guarantee element of pension credit, giving initial priority to the over-75s.

We have also improved our programmes in other ways. We are working in partnership with the Pension Service in Scotland to provide benefits health checks to all pensioners who apply for either programme up front, at the point of application.

We know that income maximisation is an important part of reducing fuel poverty and helping to prevent people from falling into fuel debt or other kinds of debt. We have extended the warm deal to families with disabled children.

What of the future? We all know about the potential that renewable technologies have to reduce fuel poverty as well as to reduce carbon emissions. We have therefore set up a pilot to install renewable technologies in approximately 170 households throughout Scotland. We have dedicated £1 million to that scheme for the period from 2006 to 2008. We want to assess the impact of the technologies on fuel poverty and find out how people respond to using them in their homes.

It is unlikely that the problem of rising fuel prices will ever be eliminated entirely. However, we need to meet the challenge head on. We must improve the energy efficiency of properties, as that has been shown to benefit the inhabitants significantly. Homes that are more energy efficient, which our programmes are helping to deliver, are more affordable to heat. The energy efficiency of new homes must be improved through building standards. The local authorities' work on the Scottish quality housing standard will help to improve the quality of people's homes, particularly in relation to their energy efficiency.

We have made it clear that we are determined to do what we can to end fuel poverty by 2016. The substantial investment that has been put into that in Scotland is probably significantly greater than

the investment in the issue down south. We acknowledge that there are issues and we are taking the appropriate steps to deal with them.

Meeting closed at 18:21.

We will continue to put pressure on the fuel companies with the aim of ensuring that people, particularly those who are vulnerable, do not suffer.

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