

# **MEETING OF THE PARLIAMENT**

Wednesday 7 March 2007

Session 2

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## CONTENTS

Wednesday 7 March 2007

### Debates

Col.

<b>TIME FOR REFLECTION</b> .....	32775
<b>BUSINESS MOTION</b> .....	32777
<i>Motion moved—[Ms Margaret Curran]—and agreed to.</i>	
<b>CHRISTMAS DAY AND NEW YEAR'S DAY TRADING (SCOTLAND) BILL: STAGE 3</b> .....	32778
<b>CHRISTMAS DAY AND NEW YEAR'S DAY TRADING (SCOTLAND) BILL</b> .....	32801
<i>Motion moved—[Karen Whitefield].</i>	
Mrs Mary Mulligan (Linlithgow) (Lab) .....	32801
The Minister for Justice (Cathy Jamieson) .....	32803
Jim Mather (Highlands and Islands) (SNP) .....	32805
Murdo Fraser (Mid Scotland and Fife) (Con).....	32806
Margaret Smith (Edinburgh West) (LD) .....	32808
Cathy Peattie (Falkirk East) (Lab) .....	32809
Mark Ballard (Lothians) (Green).....	32811
Cathie Craigie (Cumbernauld and Kilsyth) (Lab).....	32811
Fergus Ewing (Inverness East, Nairn and Lochaber) (SNP).....	32813
Mr Charlie Gordon (Glasgow Cathcart) (Lab) .....	32815
Colin Fox (Lothians) (SSP).....	32816
Mr David Davidson (North East Scotland) (Con).....	32818
Mr Stewart Maxwell (West of Scotland) (SNP).....	32819
Cathy Jamieson .....	32821
Karen Whitefield (Airdrie and Shotts) (Lab).....	32823
<b>SMALL BUSINESS</b> .....	32826
<i>Motion moved—[Jim Mather].</i>	
<i>Amendment moved—[Allan Wilson].</i>	
<i>Amendment moved—[Murdo Fraser].</i>	
Jim Mather (Highlands and Islands) (SNP) .....	32826
The Deputy Minister for Enterprise and Lifelong Learning (Allan Wilson) .....	32829
Murdo Fraser (Mid Scotland and Fife) (Con).....	32831
Mr Andrew Arbuckle (Mid Scotland and Fife) (LD).....	32835
Stewart Stevenson (Banff and Buchan) (SNP) .....	32837
Malcolm Chisholm (Edinburgh North and Leith) (Lab) .....	32838
Shiona Baird (North East Scotland) (Green) .....	32841
Fergus Ewing (Inverness East, Nairn and Lochaber) (SNP).....	32842
Frances Curran (West of Scotland) (SSP) .....	32844
Marilyn Livingstone (Kirkcaldy) (Lab) .....	32846
Mike Rumbles (West Aberdeenshire and Kincardine) (LD) .....	32848
Derek Brownlee (South of Scotland) (Con) .....	32849
Allan Wilson .....	32851
Alex Neil (Central Scotland) (SNP).....	32853
<b>ALCOHOL MISUSE</b> .....	32856
<i>Motion moved—[Mr Kenny MacAskill].</i>	
<i>Amendment moved—[George Lyon].</i>	
<i>Amendment moved—[Mrs Nanette Milne].</i>	
Mr Kenny MacAskill (Lothians) (SNP) .....	32856
The Deputy Minister for Finance, Public Service Reform and Parliamentary Business (George Lyon) .....	32858
Mrs Nanette Milne (North East Scotland) (Con) .....	32861
Richard Baker (North East Scotland) (Lab).....	32864
Mr Stewart Maxwell (West of Scotland) (SNP).....	32865
Euan Robson (Roxburgh and Berwickshire) (LD) .....	32867
Stewart Stevenson (Banff and Buchan) (SNP) .....	32869
Patrick Harvie (Glasgow) (Green) .....	32870
Campbell Martin (West of Scotland) (Ind) .....	32871
Scott Barrie (Dunfermline West) (Lab) .....	32873

Mr David Davidson (North East Scotland) (Con).....	32874
George Lyon .....	32876
Shona Robison (Dundee East) (SNP) .....	32878
<b>POINT OF ORDER</b> .....	32881
<b>BUSINESS MOTION</b> .....	32882
<i>Motion moved—[Ms Margaret Curran]—and agreed to.</i>	
<b>PARLIAMENTARY BUREAU MOTIONS</b> .....	32884
<i>Motions moved—[Ms Margaret Curran].</i>	
<b>DECISION TIME</b> .....	32885
<b>FOOTBALL (SECTARIANISM)</b> .....	32897
<i>Motion debated—[Mr Alasdair Morrison].</i>	
Mr Alasdair Morrison (Western Isles) (Lab).....	32897
Mr Kenny MacAskill (Lothians) (SNP) .....	32899
Donald Gorrie (Central Scotland) (LD) .....	32901
John Swinburne (Central Scotland) (SSCUP).....	32902
Dave Petrie (Highlands and Islands) (Con).....	32903
Bill Butler (Glasgow Anniesland) (Lab).....	32904
The Deputy Minister for Justice (Johann Lamont).....	32906

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## Scottish Parliament

*Wednesday 7 March 2007*

[THE PRESIDING OFFICER *opened the meeting at 10:00*]

### Time for Reflection

**The Presiding Officer (Mr George Reid):** Good morning. Our first item of business is time for reflection, for which our leader today is Rabbi David Rosen, who is president of the International Jewish Committee for Interreligious Consultations.

**Rabbi David Rosen (President of the International Jewish Committee for Interreligious Consultations):** It is my honour to offer this meditation, on the heels of the Jewish festival of Purim, which recalls the events that are recorded in the biblical book of Esther. The book introduces us to what may well have been the first planned genocide on the basis of religion and culture, which is providentially thwarted and quashed. The book is also notable in that the name of God is not mentioned in it—for it is enough to describe the triumph of good over evil to sense the presence of the divine in our world.

The fascinating narrative also reveals the bigoted mind, as evidenced in the Persian empire's grand vizier, Haman—the devil of the piece—who finds the idea of cultural diversity to be intolerable. His bigotry is inevitably wrapped up with animus and avarice: indeed, his argument to the king in advocating the genocide of the Jewish people and confiscation of their properties is that it will serve the national or, rather, the imperial, interests.

Ironically—or poetically—the predominant tolerance of Persian rulers towards their Jewish subjects not only facilitated the re-establishment of the second Hebrew commonwealth and the return of the exiles to their ancestral homeland to rebuild the second temple in Jerusalem, it also facilitated an enormous contribution of the Jewish community to Persia politically, culturally and economically.

On the festival of Purim, Jewish tradition adjures us to recall and learn the moral lessons of the past and to celebrate divine deliverance in the triumph of good over evil. According to Jewish tradition, we are also required to give special gifts to our friends and—above all—to the poor. The message is that hostility and alienation are overcome through friendship, and that social cohesion is brought about through caring for those who are vulnerable and marginalised.

I am privileged to come from a family that has strong connections to Scotland that precede my birth. My late father and my elder brother led Scottish Jewish communities. Thus, I am familiar with the remarkable degree of hospitality, acceptance and integration that Scotland provides for its Jewish citizenry, and with the impressive contribution that the latter have made to Scotland as loyal and productive members of society at large.

Allow me to bless this Parliament and all who constitute it with the prayer that this spirit of true good will towards all loyal communities will always prevail, especially over those whose view of culture and the national interest may be blinkered by intolerance and insularity. May Scotland's heritage of acceptance and compassion continue to be a blessing for Scotland and all her citizenry, and may that example inspire other countries around the world to promote the welfare of humankind as a whole. Thank you. [*Applause.*]

## Business Motion

10:03

**The Presiding Officer (Mr George Reid):** The next item of business is consideration of business motion S2M-5711, in the name of Margaret Curran, on behalf of the Parliamentary Bureau, setting out a timetable for stage 3 consideration of the Christmas Day and New Year's Day Trading (Scotland) Bill.

*Motion moved,*

That the Parliament agrees that, during Stage 3 of the Christmas Day and New Year's Day Trading (Scotland) Bill, debate on groups of amendments shall, subject to Rule 9.8.4A, be brought to a conclusion by the time limit indicated, that time limit being calculated from when the Stage begins and excluding any periods when other business is under consideration or when the 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: 45 minutes.—[Ms Margaret Curran.]

*Motion agreed to.*

## Christmas Day and New Year's Day Trading (Scotland) Bill: Stage 3

10:04

**The Presiding Officer (Mr George Reid):** The next item of business is stage 3 of the Christmas Day and New Year's Day Trading (Scotland) Bill. In dealing with amendments, members should have copies of the bill—SP bill 59—the marshalled list, which contains all the amendments that I have selected for debate; and the groupings that I have agreed.

The division bell will sound and proceedings will be suspended for five minutes for the first division. The period of voting for the first division will be 30 seconds. Thereafter, I will allow a voting period of one minute for the first division after a debate. All other divisions will last 30 seconds.

### Section 1—Large shops not to open on Christmas Day or New Year's Day

**The Presiding Officer:** Group 1 is on the application of the bill to new year's day. Amendment 1, in the name of the minister, is grouped with amendments 2 and 3.

**The Minister for Justice (Cathy Jamieson):** The bill is an important measure that sets out to prohibit large shops from making retail sales on our two traditionally most important public holidays. There is no doubt that the bill is motivated by the desire to keep Christmas and new year special. In these materialistic times, it is important that those annual celebrations are kept special and that most people can take time off to be with their families. It is also important to bear in mind that at stage 1 and since then, no one has desired that either of those days become general trading days in Scotland.

The bill is about trading and not about employment rights, which are reserved to the Westminster Parliament. Legislation cannot cover every eventuality. For example, many people who are involved in essential services need to work or to be on call on public holidays, which include Christmas day and new year's day. Some people choose, for a variety of reasons, to work on those days and to take holidays at other times. As members throughout the chamber will acknowledge, some trade union members—including Union of Shop, Distributive and Allied Workers members—work well behind the scenes in the retail and distribution sectors. The bill would not necessarily cover them.

As we said at stage 1, we agree broadly with the bill's purposes. However, in debate at stage 1 and

subsequently, it has been clear that a range of views exists in Parliament. Some concerns were expressed at stage 1 and a range of views continues to exist in Parliament and, I suspect, within political parties. Some members wish to reject the bill entirely and prefer a more free-market approach, to which I do not subscribe. Others argue—mainly on economic grounds—that Christmas day and new year's day should not be treated in the same way. We have debated that. Others feel that the bill should be passed and that it might not go far enough.

The Executive's job is often to weave its way through the intricacies and complexities of the arguments to find the right balance of views, to establish a consensus—if possible—and to find common ground and agreement about how to enact Parliament's will. In this instance, the question is how to protect the special nature of Christmas day and new year's day without unnecessary regulation.

At stage 1, cross-party support was expressed for action in relation to Christmas day—no one would argue about that. However, as I said, the debate about new year's day was unresolved, which is why the Executive made it clear at stage 1 that it would lodge amendments to allow the debate to take place, which we have done.

The Justice 2 Committee acknowledged at stage 1 that both sides' evidence on the impacts on enterprise and on tourism had weaknesses. Another new year's day has taken place since the bill was introduced, which has added a bit to our knowledge, but the evidence is still incomplete and that is why it is important to conduct a full assessment of the economic and social impacts of banning opening on new year's day, and of the impacts on family life of opening shops on that day. I want to do that properly and thoroughly.

My commitment, on the Executive's behalf, is to proceed with that work in conjunction with all the relevant interests. Amendments 1, 2 and 3 spell that out. Organisations that have interests include trade unions, the Scottish Retail Consortium and local authorities—particularly those in Glasgow and Edinburgh, which have expressed concerns. Amendment 2 says that all councils—all have an interest—will be consulted.

**Jeremy Purvis (Tweeddale, Ettrick and Lauderdale) (LD):** I acknowledge the minister's constructive comments. At stage 1, the Executive presented evidence that about 80 per cent of all shop workers will not fall within the bill's scope. Is that still the Executive's view?

**Cathy Jamieson:** As Mr Purvis has suggested, many shop workers will not be covered by the bill, such as those who work in small shops. That is a given and we understood that at stage 1.

However, I state clearly that that does not mean that we should do nothing with the bill. Amendments 1, 2 and 3 are designed to ensure that further work will be done. I make it clear that they come as a package. Although we want to gather further information, to analyse it and to report back to Parliament before taking a final view, the amendments are designed to enshrine in statute both Christmas day and new year's day.

We are sending out a clear message that we expect the retail industry to heed what Parliament is saying about its having a social as well as an economic responsibility. We expect the trade unions and various other interests to work with us to gather information. If it appears to the Executive that people are defying the will of Parliament, there is no doubt that we will use the powers that we will take in the bill. If amendments 1, 2 and 3 are agreed to, Parliament will send out a message today that further work will be done and that, if it seems to us that any sector of the industry intends to flout the will of Parliament, we will use the powers in the bill.

It is important to recognise that amendments 1, 2 and 3 come as a package, so it is important that both amendment 1 and amendment 2 be agreed to this morning. Amendment 3 will make a consequential change to the long title of the bill. Parliament should note that the amendments will require ministers to give reasons for concluding that an order to enact the powers for which the bill provides is necessary. It is important to point out that those could be reasons of principle, as well as reasons deriving from empirical evidence regarding the economic impact and the social impact on family life of trading on new year's day.

We have before us a package of amendments that represent the best possible way forward to protect everyone's interests, to keep Christmas and new year's day special and to give the trade unions and business an opportunity to work together to ensure that our aspirations are put into practice. Amendments 1, 2 and 3 will ensure that, if those aspirations are flouted, we can use the powers for which the bill provides without introducing further primary legislation.

I move amendment 1.

**Mr Stewart Maxwell (West of Scotland) (SNP):** No one wants Christmas day and new year's day to become general trading days, and I agree with much of what the minister said in her opening remarks. The Justice 2 Committee accepted that there was a complete lack of robust evidence for the assertions that were being made about the bill's economic impact, its impact on tourism, the number of people who will be affected by it and almost every other point. Some committee members took one view of that, but others took a

different view—that is why the committee split 4:3 on the bill.

Amendment 2 is the crux of the matter because it deals with the basic problem at the heart of the bill, which is the lack of robust evidence. Given the differences of opinion that exist regarding new year's day, the only sensible option is for us to pause to gather evidence before legislating. To go ahead without evidence and to legislate in a vacuum would be a mistake that we could regret in the future, and it would take primary legislation to rectify that mistake. Amendment 2 will allow us to do the research, to be sure that we agree that the provisions relating to new year's day should be enacted and to have Parliament decide whether it wants to do that, based on both the principle and the evidence.

The Scottish National Party will support amendment 2 and the other two amendments in the group.

**Mrs Mary Mulligan (Linlithgow) (Lab):** I still have concerns about the proposed voluntary code. Although I am not a member of the Justice 2 Committee, I sat through the evidence on the bill. The Scottish Retail Consortium was unsure about how the code would pan out. It has member organisations in the retail sector, but will it be able to persuade them to sign up to the code? There are stores that do not want to open on new year's day, but want to keep it a special day, just as Christmas day should be. They want well-rested and happy staff who are much more productive. However, we know that if other stores start to open, they will follow suit. It is much like the smoking ban in that voluntary schemes will not work and we need a level playing field. We owe it to the responsible and caring retailers to provide them with legislation that gives them reassurance.

10:15

We know that pressure can be put on staff, as happened this year at Debenhams. We know that staff are told that if they do not work on new year's day they will not get promotion, days off when they want them, the holidays that they want or the jobs in the store that they want. That is unfortunate, so how do we protect those people?

We also know about the subtle pressures that are put on people. A staff member may be told that if he or she does not work, Mrs Smith who has three children—a bigger family—will have to work in his or her place. I have seen that happen and know about the pressures to which shop workers are subject.

Shops are not essential to tourism in Scotland. People may go into the shops when they come here, but ultimately that is not what they come for. If it is the reason that they come here, we have

real problems. People do not come to Edinburgh or even to Glasgow to shop, because there are bigger and better shopping centres elsewhere.

People come to Scotland, especially at hogmanay, because of the atmosphere, the events and the tradition that is behind them, and they want to see that in action. Does the economy or tourism collapse in England because shops are shut at Easter? I do not think so. We are seeking equality. In England shops shut on Christmas day and Easter Sunday. We want a Scottish day—new year's day—to be recognised in Scotland. People come to Scotland for its hogmanay celebrations. The events that are held in Edinburgh are world renowned. Are those events to be for everyone except shop workers in Edinburgh and elsewhere in Scotland? The minister still has much to do to convince me that the voluntary agreement will hold, and that I will be able to say to shop workers that they have our protection and we will be able to defend them against bosses who put them under pressure to come in to work against their will. Today we have an opportunity to help to establish a real life-work balance. We should take that opportunity.

**Murdo Fraser (Mid Scotland and Fife) (Con):** The Scottish Conservatives' position on the bill has been clear from the outset—I made it clear when Parliament debated the bill at stage 1. We do not have difficulty with the provisions relating to Christmas day, although there is no evidence that there is demand for shops to open on that day and the case for legislation has not been made. However, we have a specific problem with the proposal to ban shops above a certain size from opening on new year's day, for the simple reason—as members of the Justice 2 Committee heard in evidence—that there is a developing trend, especially in Edinburgh and other large cities, for shops to open for part of new year's day.

The Scottish Retail Consortium made it clear in its evidence that it sees the opening of shops on new year's day as an important part of the economy. The city authorities think that it is important to the development of the tourism trade around hogmanay and new year's day. As I said at stage 1, I can remember no more depressing place in previous years than Princes Street, Edinburgh, on the afternoon of new year's day, with all the shops shut and tourists wandering up and down looking forlornly in the windows. Parliament should not be in the business of closing down the economy, especially when steps are being taken to expand it.

I listened with great interest to what Mary Mulligan had to say. She asked why shop workers should be the only people who are excluded from participating in the Christmas and new year's day holidays, but we should remember that many other



people have to work on new year's day; for example, new year's day is one of the busiest days of the year in the hospitality industry. Why should only workers in large shops be given a protection that will not be given to people who work in the hospitality industry or other industries? There is clearly inconsistency in the bill.

**The Deputy Minister for Enterprise and Lifelong Learning (Allan Wilson):** Does Murdo Fraser agree that there is a difference between a person who works in an essential service or a continuous manufacturing process being contractually required to work on new year's day and a person who is coerced—sometimes subtly—against their wishes by a bad employer into working that day?

**Murdo Fraser:** The minister makes the argument for extending the bill to cover shops of all sizes and other industries. Why does the bill restrict trading only in particular shops and not in the hospitality industry? The bill is flawed.

We support amendment 1, which makes it clear that the bill will not apply to new year's day. However, amendment 2, which will keep the door open to a future ban on new year's day trading, is a fudge and represents a feeble attempt to find a compromise and spare the Executive's blushes by postponing a decision on new year's day trading, perhaps until after the election. We need legislation that is clear and not confused. Amendment 1 meets that test, but amendment 2 does not and we will not support it.

**Margaret Smith (Edinburgh West) (LD):** I pay tribute to Karen Whitefield. The Liberal Democrats in Parliament share her desire to keep Christmas day and new year's day as special days that are not general trading days.

There is a range of views about the bill. Some Liberal Democrats think that the bill goes too far while others think that it does not go far enough, but the vast majority of members of our group do not—for a number of reasons—favour the inclusion of new year's day in the bill. We think that there should be a choice for consumers and employees and we think that the bill's approach is inconsistent in that it would not provide a level playing field for shop workers or other people who have to work on new year's day. We prefer the voluntary approach, so we welcome amendments 1 to 3.

I am an Edinburgh member of the Scottish Parliament and I argue against the inclusion of new year's day in the bill predominantly because I want Edinburgh's winter festival, which has suffered setbacks in recent years, to prosper and to go from strength to strength. I would be unhappy about being party to a legislative change that contributed to sending a message that

Edinburgh is closed for business at one of the most popular times of year for people to visit the city. My view chimes with comments that were made by VisitScotland and other tourism bodies.

I welcome amendment 2, which would allow us to consider the issue in greater detail. When the Justice 2 Committee considered the bill, it was clear that there was a lack of robust data on both sides of the argument. As the minister and other speakers have acknowledged, there is a need for more work.

Amendments 1 to 3 offer a commonsense approach, which acknowledges that in Scotland Christmas day is special for families—people of faith and people of none. That is a view that a clear majority of members support. Amendment 2 will allow Parliament to move forward and to acknowledge the rights of shop workers and the needs of business. I congratulate the Scottish Retail Consortium on engaging in serious and meaningful discussion on the possibility of a voluntary code that would mean that no shop workers in certain types of premises were forced to work on new year's day. We are putting the ball back in the employers' court; they can voluntarily end pressure on, and coercion of, workers in the retail industry—subtle or otherwise. I worked in the retail industry in my younger days and have family members who work in the retail industry, so I can assure members that the pressure that I am talking about is not imaginary.

The Liberal Democrats think that there are good reasons for pursuing a voluntary approach with businesses and unions, instead of legislating needlessly in respect of new year's day. A worker should be able to choose to say, "I do not want to work on new year's day" and workers should also not be compelled to work. The range of views in respect of retail mean that there would be great merit in further investigation of the impact on the economy and on family life of extending the provisions in section 1 to new year's day.

We are content that amendments 1 to 3 offer a way forward for people on all sides of the argument. The approach acknowledges the importance of a work-life balance—although many MSPs' families might think that we are the last people who should be lecturing anyone about that. The approach gives businesses the opportunity to voluntarily treat their staff fairly and it guarantees a Christmas day holiday for shop workers and the possibility of fairer arrangements for new year's day. Under the provisions of amendment 2, ministers could come back to Parliament if voluntary schemes do not materialise or work, or if reports suggest that a restriction of new year's day trading would benefit family life and would not have a negative economic impact. There would be full and proper consultation, not only of councils,

businesses and workers, but of the tourism industry. Ministers could make an order on the matter if they thought that was necessary, without having to introduce primary legislation. The Liberal Democrat group supports amendments 1 to 3. I hope that all other members will do so.

**Mark Ballard (Lothians) (Green):** It is clear that the case has not been made that Scotland will miss out on income if the largest stores cannot open on new year's day.

Mary Mulligan clearly described the dangers of coercion of employees and of the creeping commercialisation of Christmas day and new year's day. Those days are the most important traditional holidays and we should not allow their status as holidays to be undermined. That is why the Greens supported Karen Whitefield's bill at stage 1. We acknowledged the breadth of support that the bill had attracted.

The Scottish Grocers Federation said that people should have the opportunity to buy bread, milk and batteries for children's toys on Christmas day and new year's day, but asked why the larger shops should stay open—[*Interruption.*] I am being accused of talking "populist rubbish". The Scottish Trades Union Congress was right to set out shop workers' concerns.

We are debating the principle behind the bill, which generated a great deal of discussion in the Justice 2 Committee during the proper bill process. The lodging of amendment 2, which would confer on ministers the power to make a statutory instrument, does not improve the quality of the debate.

**Karen Gillon (Clydesdale) (Lab):** Why does the member think that it is okay to work in a small business but not in a big business on new year's day? I am in a quandary about that, because the work-life balance is important.

**Mark Ballard:** The Scottish Grocers Federation clearly pointed out the difference between a family shop and a big business in which there is the potential for employees to be coerced into working, as Mary Mulligan said. We are talking about very different situations.

This debate is about the principle of how we want to treat new year's day and Christmas day. The process envisaged in amendment 2 is not the right one; why should there be primary legislation for Christmas day but secondary legislation for new year's day? Murdo Fraser said that there is an issue of principle. I urge members to reject the uneasy compromise in amendments 1 to 3 and to support or reject the principle behind the bill. If we do that, we will have clarity instead of an unnecessary fudge involving secondary legislation, which might be an abuse of the parliamentary process.

**Colin Fox (Lothians) (SSP):** The Executive is in an utter mess over the bill. The minister told us that the bill is important in that it will prevent trading on Christmas day. She said that she has no desire for there to be general trading on new year's day and that she broadly agrees with the purpose of the bill. However, as all members know, her problem is that big business disnae agree.

Quite frankly, in lodging amendments 1 to 3, the Executive has sold its jerseys. What is the point of amendment 1? Parliament agreed to the bill's general principles at stage 1. At stage 2, the Executive lodged an identical amendment to amendment 1, which the Justice 2 Committee unanimously rejected—indeed, the Executive had so little faith in that amendment that it did not move it. Amendment 1 is nothing more than a wrecking amendment, which makes a laughing stock of Parliament. It will delete the only part of the bill that has any meaning or effect and will leave us in a position where we might ban something that nobody is likely ever to see. The Executive knows full well that evidence that we have heard in Parliament over many years has shown that nobody is interested in opening on Christmas day. The bill is about new year's day, or it is about nothing.

10:30

Murdo Fraser spoke on behalf of the business community: it might want a laissez-faire attitude and to send the message that we should leave it alone and let it trade when it wants. I reject that attitude. The attitude of people in big business is that they want to avoid any interference from the state—they want to be left to do what they want and to trade when they want and how they like. They are wrong. The evidence shows us that far too many owners who are opening, or who want to open, big shops are involved in coercing their employees, not just on Christmas day and new year's day but throughout the month of December. They ignore the impact that the bill would have on wider Scottish society.

Members will highlight the important part that the tourism industry plays in Scotland—they have not done that much so far in the debate, but I am sure that they will later. That it plays such a part is, of course, the case, but that is not all that is at stake. As Karen Whitefield's bill and what she has said about it have made clear, the hogmanay niche market, as it has been called, has thrived in Edinburgh and elsewhere in Scotland and the shops have not been open. The idea that that market is going to go away unless we open the shops is ridiculous.

The minister tells us that the three amendments come as a package. Amendment 1 is an insult to

Parliament. If we have to reject amendment 1, we have to reject all the amendments—and we should reject them all.

Amendment 2 is a move from a bill to a ministerial order. The member in charge has spent two years on the bill, and Parliament has examined it, but amendment 2 would toss aside its provisions aside in favour of a ministerial order, which Mary Mulligan described as a “voluntary code”. I have no faith in such a voluntary code. The Executive had years to analyse the information, years to produce a report and years to come forward with a statement of view. Amendment 2 mentions the Scottish ministers setting out a statement of their view. The Executive has still not presented its view on the bill to Parliament—we could be waiting for another two years.

The minister is saying that the package includes amendments 1, 2 and 3—we take them all or we take nothing. In that case, I will have none of the three. The position that the Executive has taken is a disgrace and amendment 1 makes Parliament a laughing stock. Here we are at stage 3—we should be passing the bill in its entirety because it means something, but amendment 2 will reduce this member's bill to something far less meaningful. Amendments 1, 2 and 3 are a sell-out for USDAW and the people who had faith in Parliament to protect them from trading on new year's day. The Executive has let them down badly.

**Mr David Davidson (North East Scotland) (Con):** It would have been nice if Mary Mulligan had attended the Justice 2 Committee and laid before it the evidence that she claims she has, identifying all the intimidation that she mentions on a factual basis. If people had such evidence, they could have gone to court. I find it strange that the issue has just been brought up this morning.

The USDAW representatives who came along to give evidence to the committee claimed that the Christmas Day and New Year's Day Trading (Scotland) Bill was their bill. They spoke about employment, but the bill is about a restraint on trade. One of the biggest restraints on trade is the marketplace itself. Businesses will not spend money trying to meet a demand that does not exist. Many people—we took evidence from them—would like to be able to get work on new year's day for an additional fee. We heard no evidence whatever at the committee about trading on Christmas day, and I think that all members agree about that. New year's day is a different animal, however.

The bill is an attack on the freedom to trade and on the freedom to work for those who choose to work. People are not intimidated into turning up. If there was evidence of that, it should have been

laid before the Justice 2 Committee. That was not done, however.

As for the size limit on premises, it was plucked from the air. Why was it not 5ft<sup>2</sup> more or 5ft<sup>2</sup> less?

**Mrs Mulligan:** If Mr Davidson sees the bill as an infringement on trade, why is he happy to accept the measures for Christmas day, but not those for new year's day?

**Mr Davidson:** Very simply, we do not think that there should be a bill at all. There was no evidence that anybody, at this stage, wants to trade on Christmas day. The retailers more or less said that there is no demand for that.

I find it staggering that the Deputy Minister for Justice lodged amendments at stage 2 so that we could have a debate, but then failed to move the lead amendment at the Justice 2 Committee's meeting. The Executive cannot have it both ways. I moved the lead Executive amendment at stage 2 so that we could have a debate—although I voted against the Executive amendments—simply because the Executive did not have the courage to do so at the time.

**Karen Whitefield (Airdrie and Shotts) (Lab):** Is it Mr Davidson's viewpoint that people do not want to trade on Christmas day, or are the Tories playing to the church vote that they think they might get and appeasing one or two of the elders among their members?

**Mr Davidson:** I am sorry, but given that I ran retail businesses that had to operate on Christmas day to provide a public service, I think that that comment is a wee bit misplaced.

**Members:** That is not the same thing.

**Mr Davidson:** I hear members shouting from a sedentary position, but what is the difference between somebody who works to meet a public need, whether related to health or otherwise, and someone who works to meet public demand for something sold by the retail trade? Mark Ballard spoke about batteries. A battery bought from a small shop is obviously very green and very nice, but a battery bought from a big shop is apparently a bad thing. Come on—members must be consistent. If the bill was to achieve anything, it should have been about the range of products that may be sold on the days concerned. We license the retailing of alcohol—there will be a debate about that later—but the bill is not about that at all. The debate has been about people jumping up and down without any real arguments.

I liked Colin Fox's comment about a “lassie fair”. I have not seen one of those. I have been to horse fairs over the years, but not a lassie fair.

The bill is a serious attack—it is an infringement—and I am not a believer in ministers reserving powers that they may or may not use.

**Mike Rumbles (West Aberdeenshire and Kincardine) (LD):** How can the bill be a restraint on trade? The bill prevents large shops from opening on Christmas day, when they do not open anyway; the amendments would let large shops stay open on new year's day if they wanted to. Where is the restraint on trade?

**Mr Davidson:** Restraint on trade is the principle of the bill.

**Mike Rumbles:** It does not restrain—

**Mr Davidson:** I did not introduce the bill; Karen Whitefield did. The point is that, if there is no market, people will not open their premises. People should be left to run their businesses in co-operation and consultation with their staff. That is how the retail trade has been run for years and years, and it will not change.

I am astounded by the Executive's response. During the stage 1 debate, the Deputy Minister for Justice said that she would lodge some amendments. They were lodged, but the Executive refused to move them. That is an embarrassment for the First Minister and his Government.

**Karen Whitefield:** It is important to concentrate on the real issue before the Parliament this morning: the needs and rights of many of Scotland's shop workers, both those who work in large stores and many who work in smaller stores, who will also be protected under the bill because, if larger stores do not open, smaller stores will not open either. That is one of the important reasons why the Scottish Grocers Federation so strongly supports the bill. I point out that the federation is a member of the Scottish Retail Consortium.

I appreciate that the minister has lodged the three amendments before us in good faith. We have come some way—I have been progressing these issues in the Parliament for three and a half years, and I am grateful to the Executive for being able to reach the position that it has reached today. However, I have some reservations about what will happen if the amendments are agreed to.

If the amendments are agreed to, there is a possibility that the ban affecting new year's day could be introduced at some point in the future. Scotland's shop workers, their families and the many people from across civic Scotland who have supported the bill believe that Christmas day and new year's day are equally important. Therefore, the rationale behind the arguments on Christmas day is the same as that behind the arguments on new year's day.

I appreciate and understand the concerns that have been expressed at various points about the possible damage that the bill may do to Scotland's tourism industry. Let me say at the outset that I have no desire to do anything that would damage that industry, and it is important to remember that in the past three and a half years there has been ample opportunity for us to hear evidence from the tourism industry and for people to put across their point of view.

One reason why I referred to the damage that "may" be done is because we have pleasingly seen tourism in Scotland grow in recent years. Indeed, in its evidence, the Edinburgh Chamber of Commerce pointed out that the high numbers of tourists who are attracted to our cities at new year visit when the vast majority of our large retail stores are not open. The bill would change nothing in effect, but it would reinforce the status quo. I do not believe that one non-shopping day in the new year period would put people off coming to Scotland.

We should recognise the importance of the safeguard that not trading on new year's day gives Scotland's shop workers. For many, new year's day is a celebration. It is also a collective breather from the stresses and strains of everyday life. That is one reason why the Scottish Trades Union Congress has reminded us all in its briefing that the widespread opening of shops will have an impact on not just shop workers but all non-retail workers too.

For shop workers, new year's day is an important break in the busy Christmas and new year sales period. To meet our insatiable demand to shop during the winter festivals, they are generally not allowed to take holidays between the beginning of December and the middle of January and it is often expected that they will work long hours and not take rest days.

I understand the tourism industry's concern that a message might be sent out that Scotland is closed. However, I do not agree. It is important that we send out the strong message that, with our hotels, pubs and other visitor attractions open, Scotland certainly is not closed for business.

I read with some interest an article in the *Edinburgh Evening News* yesterday claiming that, if the Parliament passes the bill, whether amended or unamended, we would send out the message that Scotland is closed to tourists and that they would go elsewhere: Dublin, Barcelona and Amsterdam were the examples that were cited. I should point out, however, that the shops in Barcelona are closed on new year's day. In Dublin, they are closed because it is a bank holiday, and I am also told that Amsterdammers likewise take their holidays seriously. Perhaps we in Scotland need to do the same. We need to give

our shop workers protection and the right to be able to spend that day at home.

**John Swinburne (Central Scotland) (SSCUP):** Does Karen Whitefield agree that everyone who votes for ordinary working people going to work on new year's day should be prepared to come in here on the same day for a plenary session and a full day's work?

10:45

**Karen Whitefield:** I have some sympathy with that argument. It is unlikely that anyone in the chamber works on new year's day or Christmas day. We take that for granted, as do many other non-essential workers in Scotland. The bill was introduced to recognise the hard work and contribution of many low-paid women workers who have to manage not only the normal, everyday stresses and strains of family life but the additional pressures that increasing consumerism brings during the festive period, with long working hours in the run-up to Christmas.

**Allan Wilson:** As a lifelong trade unionist, I agree entirely with that perspective. Does Karen Whitefield agree that, contrary to what Mr Fox said, the prospect of a statutorily underpinned code of practice that would prevent the compulsion of workers to work on new year's day against their wishes will extend rights to a range of people who either are not covered by trade union agreements or are the subject of victimisation by bad employers?

**The Presiding Officer:** Karen Whitefield has about one minute left.

**Karen Whitefield:** At this point, I should get on to my specific questions for the minister.

Will the Executive immediately introduce legislation to cover new year's day if there is any breach of the voluntary code? As Mary Mulligan rightly pointed out, many of us who have supported and had close associations with the retail industry and those working on the front line understand the silent coercion and the loyalty of workers who do not have children and who support colleagues who do. I would like some assurances from the minister.

I want also to know whether, irrespective of what happens today, the Executive will immediately initiate a study into the Scottish retail industry in the festive period. In any work that the Executive does, will USDAW and other representatives of Scotland's shop workers be involved? It would be helpful to have some assurances on those points.

The bill has been a long time in coming to fruition today, and I hope that we can get some assurances. It seeks to protect some of Scotland's lowest-paid workers, who deserve some

recognition for the work that they do throughout the year.

**The Presiding Officer:** I will use my discretion to extend the debate by up to five minutes, which will allow the minister up to eight minutes for her reply.

**Cathy Jamieson:** Thank you for extending the debate, Presiding Officer. A number of important points have been raised, and I want to take some time to go through them.

I first refer to the fact that both Karen Whitefield and USDAW have acted responsibly throughout the process. There is no doubt that they have shifted a number of views and opinions during the debate, as well as raising general awareness. For example, the Conservatives have now come to the conclusion that they can accept the notion of putting in statute provisions on Christmas day.

I want also to set out clearly the fact that I see the amendments as a package and not, as the Conservatives have suggested, as a way of simply decoupling Christmas and new year's day and unpicking the clear will of the Parliament at stage 1, when we saw an argument for covering both Christmas day and new year's day in statute. However, there were some caveats on which the Parliament wanted us to do some work, and simply to follow the view that the Conservatives have suggested would not adequately reflect the will of the Parliament or put in place adequate safeguards in the way that Karen Whitefield and others have outlined.

As Allan Wilson said in reference to Colin Fox's speech, the bill is about being absolutely clear to the industry and to employers that, although we as a Parliament expect them to take account of the economic issues—and we need to consider the tourism and other industries that people have expressed concern about—equally we expect them to take their social responsibilities seriously. We expect them to take into account the impact on family life of people working on days during which other workers are traditionally at home with their families. As Karen Whitefield said, many workers have to work extended hours in the run-up to the festive season in situations that take them away from their families. I expect such matters to be considered.

I turn to the questions that Karen Whitefield asked. It is important to put on the record that we are not suggesting that the bill should simply be passed and things left to a voluntary code. Colin Fox was wrong to suggest that, because there will be a statutory underpinning of the code.

I understand the trade unions' reservations about voluntary codes. In the past, people have thought that they had an agreement, but have then felt let down for one reason or another. That is

why having a voluntary code that is simply left on its own is not enough, and it is not what we have proposed.

I stress the importance of amendment 2 in that context. I say to Karen Whitefield that amendment 2 will provide an opportunity for us to begin work immediately and ensure that we bring together the industry, the trade unions, the local authorities and everyone else who has an interest in making what has been proposed work. It will ensure that work is under way for the coming festive season. People should have no doubt that our amendments will allow us to use statutory powers to introduce legislation if there is a breach in the spirit or practice of what should happen on new year's day. I hope that Karen Whitefield hears the strong guarantees that I have given.

It is important to recognise that an opportunity will exist to consider the wider implications of what has been proposed. Again, I want to be clear about what we have in mind with respect to a code of practice or protocol. I recognise that it can sometimes be hard for many people in a workforce—particularly those on low pay or those who depend on flexible working hours—to say no to working on a particular day. They may fear that their shift pattern will change, their promotion prospects will be altered or that the number of contracted hours that they must work will be reduced. That is why it is important for the amendments to be agreed to and for USDAW and the trade union movement to be involved in the monitoring process. The amendments will give us a basis on which to move forward.

**Karen Whitefield:** Does the minister agree that, although it is important that the trade unions be involved in monitoring, their involvement should not be seen to undermine the position of USDAW or other trade unions, which is that they do not, as a rule, support or agree with trading on new year's day?

**Cathy Jamieson:** I am aware of and understand USDAW's position. USDAW does not believe that the trading that we are discussing should take place on new year's day. It has made that position clear in the course of the debate. However, the trade unions and the Scottish Retail Consortium have a vital role to play in helping us to progress matters. The Executive is making a commitment to put in train work immediately to assess matters and involve everyone in the process. There would be a gap if USDAW could not be involved in that process. Members have expressed concerns about low-paid workers feeling coerced. We want to send a clear message to industry that such coercion is unacceptable. We do not want such coercion to happen: we want people to work on a voluntary basis and we want responsible trade unions to help us monitor things. There is no doubt

in my mind that USDAW has been a responsible trade union throughout this process. Responsible trade unions will help us to monitor the situation and gather evidence. I repeat: if we thought that the industry was abusing its position with respect to people working voluntarily or the impact of working on individual workers' family lives, we would do something about that abuse. I accept the unions' position, but I hope that the guarantees that I have provided will give members the confidence to accept that amendment 2 is necessary to ensure that we can progress matters as planned.

The debate has highlighted the range of views and opinions in the chamber. The process has been difficult. Moving to the right position has not been easy, but we did not want to move to the wrong position. We have tried to build consensus around the issues that matter most to people—namely, keeping Christmas day and new year's day special and preventing staff from being coerced into being involved in retail trading in large stores if doing so does not fit with their working patterns or family lives. The industry should be given the clear message that social responsibility as well as economic impact is important. It is important for the Executive to work with everyone, but members should have no doubt that, if anyone abused their position, the statutory underpinning in the legislation would allow us to act quickly.

**The Deputy Presiding Officer (Murray Tosh):** The question is, that amendment 1 be agreed to. Are we agreed?

**Members:** No.

**The Deputy Presiding Officer:** There will be a division. The division bell will now sound and there will be a five-minute suspension before the division takes place. The division will last for 30 seconds.

10:56

*Meeting suspended.*

11:00

*On resuming—*

**The Deputy Presiding Officer:** I ask members to take their seats as I am about to call the division, which will be a 30-second division.

I would be obliged if Mr Fox would switch off his mobile telephone.

We will proceed with the division.

**FOR**

Adam, Brian (Aberdeen North) (SNP)  
Aitken, Bill (Glasgow) (Con)  
Alexander, Ms Wendy (Paisley North) (Lab)

Arbuckle, Mr Andrew (Mid Scotland and Fife) (LD)  
 Baker, Richard (North East Scotland) (Lab)  
 Barrie, Scott (Dunfermline West) (Lab)  
 Boyack, Sarah (Edinburgh Central) (Lab)  
 Brankin, Rhona (Midlothian) (Lab)  
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)  
 Brown, Robert (Glasgow) (LD)  
 Brownlee, Derek (South of Scotland) (Con)  
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)  
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)  
 Crawford, Bruce (Mid Scotland and Fife) (SNP)  
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)  
 Davidson, Mr David (North East Scotland) (Con)  
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)  
 Douglas-Hamilton, Lord James (Lothians) (Con)  
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)  
 Fabiani, Linda (Central Scotland) (SNP)  
 Ferguson, Patricia (Glasgow Maryhill) (Lab)  
 Fergusson, Alex (Galloway and Upper Nithsdale) (Con)  
 Finnie, Ross (West of Scotland) (LD)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gibson, Rob (Highlands and Islands) (SNP)  
 Gillon, Karen (Clydesdale) (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)  
 Hyslop, Fiona (Lothians) (SNP)  
 Ingram, Mr Adam (South of Scotland) (SNP)  
 Jackson, Dr Sylvia (Stirling) (Lab)  
 Jackson, Gordon (Glasgow Govan) (Lab)  
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)  
 Johnstone, Alex (North East Scotland) (Con)  
 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)  
 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)  
 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)  
 Milne, Mrs Nanette (North East Scotland) (Con)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Morgan, Alasdair (South of Scotland) (SNP)  
 Morrison, Mr Alasdair (Western Isles) (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)  
 Robison, Shona (Dundee East) (SNP)  
 Robson, Euan (Roxburgh and Berwickshire) (LD)  
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)  
 Scott, John (Ayr) (Con)

Scott, Tavish (Shetland) (LD)  
 Smith, Iain (North East Fife) (LD)  
 Smith, Margaret (Edinburgh West) (LD)  
 Stephen, Nicol (Aberdeen South) (LD)  
 Stevenson, Stewart (Banff and Buchan) (SNP)  
 Sturgeon, Nicola (Glasgow) (SNP)  
 Swinney, Mr John (North Tayside) (SNP)  
 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

Baillie, Jackie (Dumbarton) (Lab)  
 Ballance, Chris (South of Scotland) (Green)  
 Ballard, Mark (Lothians) (Green)  
 Butler, Bill (Glasgow Anniesland) (Lab)  
 Canavan, Dennis (Falkirk West) (Ind)  
 Eadie, Helen (Dunfermline East) (Lab)  
 Fox, Colin (Lothians) (SSP)  
 Glen, Marilyn (North East Scotland) (Lab)  
 Harper, Robin (Lothians) (Green)  
 Harvie, Patrick (Glasgow) (Green)  
 Hughes, Janis (Glasgow Rutherglen) (Lab)  
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)  
 Maclean, Kate (Dundee West) (Lab)  
 Muldoon, Bristow (Livingston) (Lab)  
 Mulligan, Mrs Mary (Linlithgow) (Lab)  
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)  
 Murray, Dr Elaine (Dumfries) (Lab)  
 Peattie, Cathy (Falkirk East) (Lab)  
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)  
 Scott, Eleanor (Highlands and Islands) (Green)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Swinburne, John (Central Scotland) (SSCUP)  
 White, Ms Sandra (Glasgow) (SNP)

**The Deputy Presiding Officer:** The result of the division is: For 86, Against 23, Abstentions 0.

*Amendment 1 agreed to.*

#### After section 1

*Amendment 2 moved—[Cathy Jamieson].*

**The Deputy Presiding Officer:** The question is, that amendment 2 be agreed to. Are we agreed?

**Members:** No.

**The Deputy Presiding Officer:** There will be a division.

#### FOR

Adam, Brian (Aberdeen North) (SNP)  
 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)  
 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)  
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)  
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)  
 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)  
 Gibson, Rob (Highlands and Islands) (SNP)  
 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)  
 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)  
 Ingram, Mr Adam (South of Scotland) (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)  
 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)  
 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)  
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)  
 McMahon, Michael (Hamilton North and Bellshill) (Lab)  
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)  
 McNeill, Pauline (Glasgow Kelvin) (Lab)  
 Morgan, Alasdair (South of Scotland) (SNP)  
 Morrison, Mr Alasdair (Western Isles) (Lab)  
 Muldoon, Bristow (Livingston) (Lab)  
 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)  
 Pringle, Mike (Edinburgh South) (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)  
 Sturgeon, Nicola (Glasgow) (SNP)  
 Swinney, Mr John (North Tayside) (SNP)  
 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

Aitken, Bill (Glasgow) (Con)  
 Ballance, Chris (South of Scotland) (Green)

Ballard, Mark (Lothians) (Green)  
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)  
 Brownlee, Derek (South of Scotland) (Con)  
 Butler, Bill (Glasgow Anniesland) (Lab)  
 Davidson, Mr David (North East Scotland) (Con)  
 Douglas-Hamilton, Lord James (Lothians) (Con)  
 Fergusson, Alex (Galloway and Upper Nithsdale) (Con)  
 Fox, Colin (Lothians) (SSP)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Goldie, Miss Annabel (West of Scotland) (Con)  
 Harper, Robin (Lothians) (Green)  
 Harvie, Patrick (Glasgow) (Green)  
 Johnstone, Alex (North East Scotland) (Con)  
 McGregor, Mr Jamie (Highlands and Islands) (Con)  
 McLetchie, David (Edinburgh Pentlands) (Con)  
 Milne, Mrs Nanette (North East Scotland) (Con)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Mulligan, Mrs Mary (Linlithgow) (Lab)  
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)  
 Petrie, Dave (Highlands and Islands) (Con)  
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)  
 Scott, Eleanor (Highlands and Islands) (Green)  
 Scott, John (Ayr) (Con)  
 Swinburne, John (Central Scotland) (SSCUP)  
 White, Ms Sandra (Glasgow) (SNP)

**The Deputy Presiding Officer:** The result of the division is: For 83, Against 27, Abstentions 0.

*Amendment 2 agreed to.*

#### Long Title

*Amendment 3 moved—[Cathy Jamieson].*

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

**Members:** No.

**The Deputy Presiding Officer:** There will be a division.

#### FOR

Adam, Brian (Aberdeen North) (SNP)  
 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)  
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)  
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)  
 Crawford, Bruce (Mid Scotland and Fife) (SNP)  
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)  
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)  
 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)  
 Gibson, Rob (Highlands and Islands) (SNP)  
 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)  
 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)  
 Ingram, Mr Adam (South of Scotland) (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)  
 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)  
 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)  
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)  
 McMahon, Michael (Hamilton North and Bellshill) (Lab)  
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)  
 McNeill, Pauline (Glasgow Kelvin) (Lab)  
 Morgan, Alasdair (South of Scotland) (SNP)  
 Morrison, Mr Alasdair (Western Isles) (Lab)  
 Muldoon, Bristow (Livingston) (Lab)  
 Mulligan, Mrs Mary (Linlithgow) (Lab)  
 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)  
 Pringle, Mike (Edinburgh South) (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)  
 Sturgeon, Nicola (Glasgow) (SNP)  
 Swinburne, John (Central Scotland) (SSCUP)  
 Swinney, Mr John (North Tayside) (SNP)  
 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

Aitken, Bill (Glasgow) (Con)  
 Ballance, Chris (South of Scotland) (Green)  
 Ballard, Mark (Lothians) (Green)  
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)  
 Brownlee, Derek (South of Scotland) (Con)  
 Butler, Bill (Glasgow Anniesland) (Lab)  
 Canavan, Dennis (Falkirk West) (Ind)  
 Davidson, Mr David (North East Scotland) (Con)  
 Douglas-Hamilton, Lord James (Lothians) (Con)  
 Fergusson, Alex (Galloway and Upper Nithsdale) (Con)  
 Fox, Colin (Lothians) (SSP)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)

Goldie, Miss Annabel (West of Scotland) (Con)  
 Harper, Robin (Lothians) (Green)  
 Harvie, Patrick (Glasgow) (Green)  
 Johnstone, Alex (North East Scotland) (Con)  
 McGrigor, Mr Jamie (Highlands and Islands) (Con)  
 McLetchie, David (Edinburgh Pentlands) (Con)  
 Milne, Mrs Nanette (North East Scotland) (Con)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)  
 Petrie, Dave (Highlands and Islands) (Con)  
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)  
 Scott, Eleanor (Highlands and Islands) (Green)  
 Scott, John (Ayr) (Con)  
 White, Ms Sandra (Glasgow) (SNP)

**The Deputy Presiding Officer:** The result of the division is: For 84, Against 26, Abstentions 0.

*Amendment 3 agreed to.*

**The Deputy Presiding Officer:** That concludes consideration of amendments.

## Christmas Day and New Year's Day Trading (Scotland) Bill

### **The Deputy Presiding Officer (Murray Tosh):**

The next item of business is a debate on motion S2M-5436, in the name of Karen Whitefield, that the Parliament agrees that the Christmas Day and New Year's Day Trading (Scotland) Bill be passed.

I call Karen Whitefield to move the motion. She will be followed by Mary Mulligan, who will speak in support of it.

### **Karen Whitefield (Airdrie and Shotts) (Lab):**

Presiding Officer, I have great pleasure in moving the motion in my name. With your permission, Mary Mulligan, who is a supporter of the bill, will make the opening speech.

I move,

That the Parliament agrees that the Christmas Day and New Year's Day Trading (Scotland) Bill be passed.

11:05

### **Mrs Mary Mulligan (Linlithgow) (Lab):**

I congratulate my colleague Karen Whitefield on introducing the bill, which will provide support for people throughout Scotland. I know that Karen Whitefield might not have taken on the issue if she had realised how difficult it would be to bring about that support, but we can now be positive about the protection that the bill will offer to Scotland's shop workers and the improvement that it will bring to their quality of life. I am sure that shop workers throughout Scotland will thank Karen Whitefield for the efforts that she has made on their behalf.

Presiding Officer, I should probably have declared an interest at the beginning of my speech as a member of the Union of Shop, Distributive and Allied Workers.

**The Deputy Presiding Officer:** Just do it now.

**Mrs Mulligan:** I have done so.

When I first came to Scotland many years ago to work in retail, stores closed for two days at Christmas and two days at new year. We always sought to give an extra day with either of those holidays. How times have changed. Today, we need legislation to protect even one or two days. That shows the changing society in which we live, where shops are now very much 24/7 operations. The people who work in retail have been at the sharp end of that change.

I recognise that there have been many views on the bill from different groups, including businesses, shop workers and those who look at the way in which the economy as a whole is being developed. I must say that I was somewhat reassured to see the Conservative party return to

its true roots. Despite David Cameron's leadership in trying to present his party with a softer and family-friendly face, the Conservatives are really the same old Tories who support the bosses and ignore the rights of the workers.

### **Murdo Fraser (Mid Scotland and Fife) (Con):**

Would Mary Mulligan extend that criticism to her Liberal Democrat coalition colleagues?

**Mrs Mulligan:** I would extend that criticism to any Liberal Democrat who held the same views as the Tories.

As Karen Whitefield said earlier, the Conservatives have, as ever, tried to play both ends. Although they have frequently made such a criticism against our Liberal Democrat colleagues, on this occasion it applies to them. They agreed to the Christmas day holiday, but they could not agree to a new year's day holiday. Despite the economic arguments that they used, they recognised that if they were to vote against a Christmas day holiday, they would face flak from their members, especially—I notice that the Conservative leader is not in the chamber at the moment—from their church-going members. In that sense, today's debate has been quite revealing.

Some 250,000 people are employed in the retail industry in Scotland. They deliver a service that is first class, courteous and professional. Their work adds to Scotland's reputation and, by encouraging people to return to Scotland, they boost our tourism trade. As John Swinney said in the stage 1 debate—I am sorry to see that he is not present at the moment—tourism in Scotland will not collapse because the large stores are closed on Christmas day and new year's day. He was right on that. However, the bill will improve the quality of life for many shop workers.

This is not a shopaholics anonymous meeting, but I feel the need to confess. I like shopping. However, I do not feel that it is essential to shop 365 days a year; 363 days a year will do. I know that many essential workers work on Christmas day and new year's day and I offer my heartfelt thanks to them. However, big shops such as Marks and Spencer and Tesco do not provide essential services. In response to Mr Davidson's earlier comments, I recognise that those who work in the pharmaceutical industry are involved in work that is probably essential, but that is not a good comparison. Let us compare apples with apples.

If stores start to open, other services will be needed—refuse collectors and public transport providers, to name but two. Without legislation, Christmas day and new year's day risk becoming just like any other day. That would be a sad thing and I do not think that many people want it.

The Scottish Executive will be held to account to ensure that the voluntary code is kept to. I do not doubt the genuine reassurances that the Minister for Justice has given us this morning about how we will proceed if people do not adhere to the code. I believe that she recognises the difficulties in enforcing the voluntary code and I hope that she will look at measures to ensure that we overcome the subtle pressures that are put on workers at Christmas and new year. For the sake of shop workers in Scotland, I hope that her confidence in the voluntary code can be carried forward.

I understand that we need a strong economy in Scotland and much has been said about the risk that we would run if we support the bill today. I understand that a strong economy is for the benefit of everybody in Scotland, but more particularly for the most vulnerable in our communities. That is probably why I am in the Labour Party and not the Scottish Socialist Party. I recognise that shop workers are among the more lowly paid workers and more vulnerable people in our community. Anything that we can do to protect them is right. Karen Whitefield's bill goes some way to offering them protection, which I hope will apply to both Christmas day and new year's day.

11:12

**The Minister for Justice (Cathy Jamieson):** I congratulate Karen Whitefield on all the work that she has done on the bill over an extended period and in putting the case for how we should protect vulnerable retail staff from having to work on both Christmas and new year's days. We heard from Mary Mulligan about the important principles that underpin the bill and its aim to prohibit large shops from making retail sales on what I have described today as two of our most important public holidays in order to protect the special nature of those holidays in the Scottish calendar and to promote family life.

As I said earlier, we did not hesitate to support the proposals as they concern Christmas day. Many retail staff already work long hours at that time of year. We know that many retail staff, not just those who work in the shops but those who work in distribution and behind the scenes, have to work at weekends when their children and other family members are at home and increasingly, many of them have to work late into the evening or indeed during the night. Christmas is a precious time that is set aside for spending with their family and friends, rather than with their colleagues or boss, however much they might get on. We already have what could be described as pretty liberal trading hours. The vast majority of large retailers close on Christmas day and there has been no indication that people want to move away

from that position. The Parliament need not hesitate in formalising that position through the bill.

I have outlined some of the issues about new year's day. I welcome the fact that the Parliament has expressed clearly that it accepts our amendments to the bill that will ensure that we develop the work that I promised. Karen Whitefield and Mary Mulligan have recognised the issues for Scottish tourism and hogmanay in particular, and I know that they will want to work with us as we develop the research and other assessments that require to be done. We need to balance Scotland's wider economic interests with the need to look at the social impact of trading hours.

I restate what I said when we debated the amendments—I do not think that anyone should be coerced or pressurised into working on new year's day. I expect those in the retail sector to take the appropriate steps to ensure that if they decide to open—the vast majority of the large stores have no intention to do so and do not wish to open at this stage—nobody will be coerced to work; if there is any evidence that that has happened, we will certainly want to know about it.

The Parliament has amended the bill to give us time to explore the matter further before enforcing a ban on new year's day trading. It is important to make it clear again that it is our intention to report to Parliament on the impact of new year's day trading on 1 January 2008. That report should contain whatever evidence independent researchers are able to obtain, a report on the consultation and a recommendation on whether a ban on new year's day trading is required to be commenced. We would have to report back to Parliament our reasons for that recommendation, which could and should be about issues of principle as well as of perception; it will not be a simple arithmetical exercise. I expect and hope that USDAW will be involved in that, as well as the Scottish Retail Consortium and the various other players in the industry, to ensure that we get the right mix of information so that those who might be vulnerable to being put under pressure are protected.

Everyone involved in raising awareness of the issue and in campaigning for it can be proud of what they have achieved. At decision time, we will pass a very important bill that not only adds value and protection in certain circumstances for some of our workers, but highlights some of the other issues about social responsibility, in both the retail sector and wider industry, that this Parliament and future Parliaments would do well to consider in more detail. We have heard some impassioned speeches and contributions on that subject.

We must ensure that we balance the needs of families—the work-life balance—that are important to everyone with the wider needs of industry. That

message has come through loud and clear and I am sure that those in the retail sector who run the large stores will hear it. I hope that they hear being expressed very clearly today the will of Parliament on what is expected; that they will comply with it; and that we will be able to gather positive evidence that they have actively involved their workers in reaching solutions rather than creating problems.

11:17

**Jim Mather (Highlands and Islands) (SNP):** The SNP intends to support the bill as amended by the Executive and we echo much of what the minister has said. However, we recognise that the amended bill is a compromise that seeks to balance family and cultural values, modern employment terms and conditions and economic reality. The bill recognises the interests of employees, visitors, business, Government and the brand image of Scotland as the new year capital of the world, in Edinburgh, Glasgow and the Highlands and Islands, especially when we are on the cusp of the 2009 year of homecoming, which I hope that the Parliament and this country will seek to make an annual event rather than just a one-off.

We believe that the amended bill deserves our support. We are particularly persuaded that the bill and its amendments offer an opportunity to ensure a sensible balance between the competing pressures of spending time at work, enabling people to earn and trade, and having the time to celebrate and relax with family and friends.

We recognise that the bill is far from perfect and look forward to a time when Scotland has the power to create more economic vibrancy, increased job opportunity and higher living standards. However, the bill and the amendments bank the status of the Christmas day holiday, protect our tourism economy and bring important issues into clearer focus.

The bill exposes our lack of economic powers and our lack of power over employment law, which could make Scotland a better place and give us the makings of a social contract that would see issues such as those in the bill fed into a wider framework such as has rewarded countries such as Ireland over the piece. In addition, the bill process has established that the Parliament cannot solve the problem of workers' rights, low pay and poor terms and conditions by damaging our tourism sector and giving comfort to our international competitors, especially in the absence of evidence. Such a strategy or law would send the wrong signals about Scotland internationally. It would be the wrong solution, because it would risk bringing to bear many adverse unintended consequences on Scotland.

**Jeremy Purvis (Tweeddale, Ettrick and Lauderdale) (LD):** If Scotland and the Parliament had those powers and if Scotland found itself in the unfortunate position of having Mr Mather responsible for such decisions, would he make more holidays legally enforceable? Would he increase the minimum wage?

**Jim Mather:** The member would find that there would be an enlightened social contract. For example, we are watching with great interest what is happening in Ireland, which has just announced "Towards 2016", an update of the social contract on which its success since 1986 has been based. That framework is backed by real money, and the Irish are putting in place a national development plan that works in concert—

**Bristow Muldoon (Livingston) (Lab):** Will the member give way?

**Jim Mather:** Let me answer the first question. Under the national development plan that the Irish are putting in place, and which forms the physical framework for delivering the social contract, €184 billion will be spent over a six-year period.

**Bristow Muldoon:** Will the member give way?

**The Deputy Presiding Officer:** No. The member is in his final minute.

**Jim Mather:** That is equivalent to £20 billion a year—or two thirds of the money available under the Barnett formula—for six years. Having that kind of proper structure and framework will build Ireland's economic muscle, make the social contract real and meaningful and allow the country to move forward with genuine cohesion without needing Elastoplasts such as this bill. It will also deliver long-term economic growth that far surpasses ours; after all, while we express delight at 2.3 per cent economic growth, Ireland this year is sitting with 6 per cent. In the midst of the current global boom, even 6 per cent is pretty mediocre. Accession states such as Estonia are scoring 11.6 per cent.

We in Scotland have to get real and work together to lift living standards. It is an absolute disgrace that a third of people in work in this country earn less than £6.50 an hour. We will be able to fix that only by creating an economy that runs itself effectively.

We support the amended bill.

11:21

**Murdo Fraser (Mid Scotland and Fife) (Con):** I will try to return to the subject that we are supposed to be debating. I commend Karen Whitefield for her efforts on this member's bill; even though I disagree with much of its content, I

know that she has put a lot of work into it and that it has taken up a lot of her time.

However, the bill's passage through Parliament has been a sorry tale of Executive confusion. It is clear that, from the outset, the Executive has been in difficulty, and it has simply failed to provide leadership or set a clear line. That was summed up in the bizarre and sorry situation of amendments being lodged, but not moved, by the Executive during stage 2 consideration of the bill by the Justice 2 Committee, convened by my colleague Mr Davidson.

Today the Executive has lodged a number of manuscript amendments, presumably because it cannot agree what position to take, but its sorry compromise is simply a fudge designed to win support from Labour back benchers. We are left with the rather unfortunate impression of an Executive that is in the pocket of the trade union lobby.

**Jeremy Purvis:** Will the member clarify a point? Mr Davidson had to move certain Executive amendments at stage 2, but it was not incumbent on him then to vote against them. However, the Conservatives voted for those very amendments this morning. Mr Fraser talks about bizarre events during the committee's stage 2 consideration, but why did the Conservatives oppose those amendments then and support them at stage 3?

**Murdo Fraser:** If the Executive is not even prepared to move its own amendments, it can hardly expect other members to support them at committee.

**Jeremy Purvis:** I am talking about the way that the Conservatives voted.

**Murdo Fraser:** I am sorry, but Mr Purvis should not try to shift the blame for the situation.

The trouble with the bill is that it tries to deal with two separate and distinct issues. I have no problem with the principle of protecting Christmas day—although, as I have pointed out before, there is no evidence base to suggest that we need legislation to do that at this stage. I accept that legislation might be required on this issue in future, but at the moment there is no evidence that shops are prepared to open on Christmas day.

The position with new year's day is quite different. As we heard, there is clear demand from the retail industry and bodies such as VisitScotland for shops to open on new year's day. That is part of the tourist market. Simply to pass the bill without amendment, which would have prevented large shops from opening on new year's day, would have had a detrimental effect on the economy.

The bill is inconsistent. For example, although the member intends the legislation to protect

workers' rights, it does nothing of the sort. All it does is to prevent shops above a certain size from opening their doors to the public. Of course, many people work in shops when they are not open to the public. Moreover, why should those who work in small shops not have the same protection afforded to those who work in large shops? Why should we offer protection only to shop workers in large shops and not to those who work, for example, in the hospitality industry, for which Christmas day and new year's day are among the busiest times of the year? The bill is arbitrary, not properly thought out and riddled with flaws and inconsistencies.

The Executive keeps telling us that its top priority is growing the economy. However, this bill is a test of the balance between economic growth on the one hand and the lobbying power of the trade unions on the other. In deciding to lodge its compromise amendment, which puts the interests of the trade union lobby before the interests of economic growth, the Executive has made the wrong choice and come down on the wrong side of the debate. This is a sad and sorry tale, and we will not support the bill.

11:26

**Margaret Smith (Edinburgh West) (LD):** I thank Karen Whitefield and Mary Mulligan for their work on the bill. The fact that we have reached this point is a testament to their hard work and dogged determination. I also thank the convener, members and clerks of the Justice 2 Committee for their work; all those who gave evidence to the committee; and the many hundreds of members of the public and USDAW members who have done a good job of contacting MSPs and drawing their attention to this very important issue.

I am sorry that John Swinburne has left the chamber, because I want to respond to his intervention on Karen Whitefield. As some members know, I was working on new year's day; I was raising money for local charities by madly throwing myself into the River Forth. I should take this opportunity to thank everyone in the chamber who sponsored my efforts. I am happy to do the same again next year and, indeed, members might give me even more money if I drag John Swinburne in with me.

**Cathie Craigie (Cumbernauld and Kilsyth) (Lab):** I acknowledge the member's point—and appreciate her cheek at attempting to raise funds for charity at such an early stage. However, I am sure that she will agree that her efforts were voluntary and could hardly be called work.

**Margaret Smith:** Well, they felt like work.

I welcome the position that we have reached with the bill and, for the reasons that I mentioned

earlier, I am pleased that the amendments on new year's day have been agreed to.

This is all about choice. I accept that many retail workers, many of whom are women, receive low pay. However, I feel that workers have the right to choose to work if they might get time and a half, double time or triple time for doing so. Indeed, they might well feel that it is the right thing to do for their family or their circumstances. Other members have highlighted certain inconsistencies about the new year's day issue, but I have already expressed my views on the matter, which concern the tourism industry.

Murdo Fraser cannot say that the bill puts the Executive in the pocket of the trade unions. This is not about being in anyone's pocket; it is about trying to balance the views, needs and rights of various interests, including workers, employers, the tourism industry, the retail sector—and, indeed, Scotland's public—to find the best way forward. One constant problem in dealing with the bill has been the lack of data, and it would have been a leap in the dark to have gone forward with the new year's day proposals.

That said, the Parliament is sending out the important message that we feel it is important for shop workers to spend time with their families. As I said earlier, I know from members of my family that there is pressure on workers to work over Christmas and new year, and it is not always easy for someone to say no to an employer.

The bill seeks to give statutory underpinning to a voluntary approach. We can introduce legislation in the future if we decide that that is necessary. The amendments to the bill are based on a commonsense and fair approach and they demand and deserve a fair, commonsense response from key players, particularly those in the retail industry. The way forward is in their hands. The message is clear: the Parliament can and will move to act if they do not take seriously their social responsibilities in respect of new year's day.

We believe that the amended bill is the right way forward and I hope that the Parliament will support it.

11:30

**Cathy Peattie (Falkirk East) (Lab):** I thank Karen Whitefield and all the folk who have supported the bill, organisations such as USDAW and the Scottish Trades Union Congress, and the hundreds of shop workers who have written to me and to members of all parties.

The arguments against the bill are short sighted, particularly those that are motivated by profit. People have only so much money to spend and if

they do not spend it all in the January sales—which, of course, start on boxing day—I am sure that they will manage to save it until a few days after new year. People do not want to shop on Christmas day or new year's day. We need only remember the seasonal siege mentality that takes hold of people on every shopping expedition just before Christmas or new year, when they fill up their trolleys with enough to keep their families going for at least a month so that they do not have to go back out to the shops.

If one big store opens, it puts pressure on other stores to open, on workers to work and on consumers to consume. Surely it is not too much to seek to allow people to have a day off at Christmas and a day off at new year. The bill is about giving shop workers—who are mainly low-paid women—a day off. To the big stores that want to open, I say, "Give it a rest."

The tourism argument has been made but, frankly, we have heard a lot of nonsense on that subject. Do people honestly think that visitors come to Scotland for new year to go shopping? People come to Scotland for hogmanay to experience our culture and our music and to enjoy simply being in the country over new year. Our celebrations are famous throughout the world. We have given the world a theme song for new year—"Auld Lang Syne"—and the wee dram, which is also associated with the event. Many people come to Scotland to join in the festivities. At that time of year, our hotels are full of people who want to experience new year.

In 2006, many members of my family came up from Manchester to see Scotland at new year. I can tell Margaret Smith that Princes Street gardens were hotchin with people. As we walked round Edinburgh, we came across loads of families. One shop was open, but when I looked through the window, I saw that there were only two people in it. People did not want to shop; they wanted to enjoy Scotland at new year. We have something very special.

**Jeremy Purvis:** What protection would it be appropriate to give to all the hotel workers who work over that busy period?

**Cathy Peattie:** It is important that no workers should be forced to work. The Parliament could perhaps think about how to protect hotel workers and so on in the future, but it is clear that the bill is about shop workers and the people who support them. It is an important bill.

Christmas and new year are part of our culture and a time for families and friends to come together. The Parliament supported the creation of a public holiday on St Andrew's day. The fact that some members cannot defend the right of workers to have new year's day off makes me almost lost

for words. I ask all members to support the bill at 5 o'clock and to send out the message that Scotland respects the workers who keep our trade going every day of the year.

11:33

**Mark Ballard (Lothians) (Green):** I join other members in commending Karen Whitefield and Mary Mulligan for all the work they have done to progress the bill through the parliamentary process. We will certainly support it tonight. However, I am disappointed that, at this late stage, we have ended up with only half a bill. I agree strongly with Colin Fox that it is in relation to new year's day that the immediate threat lies. We have missed an opportunity to draw a legislative line in the sand. Secondary legislation, which is what agreement to amendment 2 has left us with, is a poor way to draw such a line in the sand.

We cannot bind the hands of any future Executive, but I hope that any expansion of new year's day trading will be met with a statutory instrument, as laid out in the amended bill. The STUC was right to highlight in its evidence that there is genuine danger that new year's day and Christmas day will develop into normal trading days. Cathy Peattie was correct to say that we should give consumerism a rest for at least a few days a year.

The exemption for small-format stores is crucial to ensure the availability of items such as bread, milk and batteries, which are essentials for beleaguered parents on Christmas day, but the same argument does not apply to large retail stores such as those on Princes Street and it applies even less to out-of-town shopping centres.

**Mr Stewart Maxwell (West of Scotland) (SNP):** Will the member give way?

**Mark Ballard:** No. I am sorry, but I am just coming to the end of my speech.

There is a clear difference between small-format stores and large retail outlets and I think that the bill strikes the right balance on that. Despite the last-minute amendments, which will stop the bill doing much of the important work that it could have done, we will support it.

11:36

**Cathie Craigie (Cumbernauld and Kilsyth) (Lab):** I am pleased to have the opportunity to express my support for Karen Whitefield's bill. Like other members, I congratulate her on all the hard work that she has put in over the past three and a half years, in which she has been ably supported by her USDAW colleague Mary Mulligan.

I am sure that Karen Whitefield will not mind if I say that the bill belongs to a much wider group of people—the thousands of shop workers throughout Scotland who have offered their support for it. I have no doubt that many members have been contacted through the postcard campaign. The bill has been adopted by many church groups and voluntary organisations, which have supported Karen Whitefield's call for the special nature of Christmas day and new year's day to be preserved in a small way by ensuring that large stores are not allowed to trade on those days.

The criticism has been made that the bill suggests that we are in the pocket of the trade unions, but USDAW should be held up as an example of a trade union that works actively for its members and which promotes their interests. That is something that we should all be willing to support.

The consultation process provided strong evidence of widespread support for the proposed measure.

**Ms Sandra White (Glasgow) (SNP):** Cathie Craigie says that the evidence shows widespread support for the bill. Will she clarify why, under amendment 2, more evidence taking will be necessary, which I assume is the position that we will all vote for at decision time at 5 o'clock?

**Cathie Craigie:** I refer Sandra White to the Justice 2 Committee's report, in which it acknowledged that more evidence might need to be taken. I am happy to accept that.

Although members of different parties have different views on whether the bill is necessary, it has received huge support from ordinary members of the public. Shoppers—including Karen Whitefield, who has publicly admitted to being a shopaholic—feel strongly that shop workers, who are mainly low-paid women, deserve to have a guarantee that they can have off the two days in question. With the exception of a minority of members, that is something we all support.

We have heard that the Scottish Retail Consortium and retailers in general oppose the bill, but that is not true. Many large retailers have offered their support for the bill because they want there to be a level playing field on Christmas day and new year's day. They do not want other large companies to pressure them into breaking their code and opening on new year's day.

Do I have four minutes for my speech, Presiding Officer?

**The Deputy Presiding Officer:** As Mr Ballard took only two minutes, I will give you another minute.

**Cathie Craigie:** Thank you.

The key issue about the bill is that it does not seek to revolutionise what we do over the festive period. It does not seek to put restraints on the retail sector; it seeks to protect the convention that we have had for a number of years—that large stores should not open on Christmas day and new year's day. In fact, as Karen Whitefield said in speaking to the amendments, the bill seeks to retain the status quo.

I ask all members to consider, when they vote at 5 o'clock, the positive impact that the bill would have on the quality of life of shop workers and their families during Christmas and the festive period. I also ask members to consider the impact there would be on other services if new year's day became just another day. If that happened, we would need all the workers who are out on the other days of the year to provide the real services—to provide bus services and to pick up litter in the streets. We would also need more emergency service workers on duty, who give their time at Christmas and new year when we are enjoying ourselves. I ask members who have said that they might not support the bill to have another think and to consider the wider implications that not passing the bill would have.

11:41

**Fergus Ewing (Inverness East, Nairn and Lochaber) (SNP):** I am pleased to support the bill, and I am pleased that more shop workers will be able to enjoy new year's day as a holiday. I recognise the great amount of work that members from all parties have put into the bill. We have had an extremely interesting debate this morning.

I will make one specific suggestion to the minister, which I do not think has been made thus far. When he spoke to the amendments, Stewart Maxwell focused on the need to obtain evidence to inform the decision that ministers will make, as is referred to in amendment 2. The minister has said that, as part of that evidence-taking process, there shall be consulted large shops, their representatives and

“such other persons as the Scottish Ministers think fit.”

Many members have alluded to the fact that pressure on workers can come in subtle forms. Pressure can be exerted without any explicit statement being made that a worker should work at a particular time on a given day. To get full evidence, would it be appropriate for the workers in shops that are open on new year's day to have the opportunity anonymously to provide a statement of how they feel about working on that day? I think that that would be a method by which genuine evidence could be obtained.

Like other members, I believe that the vast majority of people would like to enjoy new year's day as a family day and a holiday, away from the commercial pressures that put so much strain on families, especially families who do not have very much money coming in. I think that the vast majority of shop workers want the day as a holiday, but there may be a small minority who might like to work for, perhaps, a half day. I am thinking of younger people.

**Cathie Craigie:** Some of my colleagues were nodding in agreement when Fergus Ewing was commenting on the commercial pressures. If we gave in to what he suggests, the pressure would be on the people who say that they do not want to work. The pressure on the work force to work and on companies to open their stores would continue.

**Fergus Ewing:** I have a lot of sympathy with that view. My main point is that, as part of the evidence-taking process, we should ensure that we do not omit to consult the workers as well as the representatives of the businesses. In consulting them, it is right that we ensure that they have the opportunity to give their views under the cloak of anonymity. Perhaps they can do so directly to the minister, rather than through their employer. I think that that would be sensible.

Nevertheless, a small minority of people may want to work at a time when they would be paid overtime or double pay. We should recognise that.

**Karen Whitefield:** Will the member give way?

**Fergus Ewing:** I have only one minute left. I am sorry.

Many arguments about tourism have been put forward. I agree with what John Swinney said in the debate on the amendments. The tourism industry will not collapse if shops are closed on new year's day—but I want to know the views of those in the tourism industry. They need to be more specific and give more evidence than they have so far on the impact of the bill on tourism.

There are also inconsistencies in relation to the hospitality and retail industries. In the Aviemore centre, for example, a retail unit is part of a complex of hotel premises. What is the difference between a worker in the retail premises and a worker in the hotel? I want to know the impact of the bill on the Aviemore centre, which offers an all-round facility for tourists who come to Scotland for many reasons, one of which might be to do a little bit of shopping. We must hear to what extent there is evidence that that is an important factor.

For those reasons, I welcome the minister's approach. I hope that she will respond to my suggestion in her closing remarks.



11:46

**Mr Charlie Gordon (Glasgow Cathcart) (Lab):**

Having had to work on Christmas day in the construction industry and, later, on Christmas day and new year's day in the railway industry, I identify with workers who do not want to be forced to work on those days. The bill is well intentioned, and I congratulate Karen Whitefield on the way in which she has pursued the issue.

The United Kingdom has a culture of long working hours compared with other countries, and I am pleased that the Labour Government at Westminster is currently consulting on a proposal to increase the number of public holidays from 20 to 28, benefiting some 400,000 workers in Scotland. I am sorry if Mr Mather finds that fact confusing. I am taking the opportunity of the consultation around that proposal to advocate personally that employers in all industries should show that voluntary rostering of staff has been tried first when trading on any public holiday is regarded as necessary.

When I was a shop steward in the railway industry, I helped to persuade local management to arrange rosters of volunteers on Christmas day and new year's day when there was a service. There was usually no shortage of volunteers. People had a variety of reasons for volunteering, but there were obvious incentives in the form of an enhanced pay rate and time off in lieu.

**Karen Whitefield:** I wonder whether Mr Gordon is aware of the understandable concern among many shop workers, who have seen their terms and conditions change, that, if new year's day is just like any other day, they will not get an enhanced rate of pay. That is what has happened on Sundays—the offer of enhanced pay has not been followed through.

**Mr Gordon:** Yes. If that trend continues, it will be outrageous. The Westminster Parliament, as well as the Scottish Parliament, has a responsibility to protect workers' rights from erosion. It is absolutely clear to me that, not just on Christmas day and new year's day, but on any public holiday, voluntary rosters are preferable and practicable. I say that from my own experience.

I accept and agree that most people should have the day off on Christmas day. Those who must work on that day should, preferably, be volunteers. There is no desire among retailers to trade on Christmas day, and the level of tourism on that day is negligible. Hotel occupancy in the city of Glasgow on Christmas day is around 18 per cent.

There are some 19,000 tourists in the city of Glasgow on new year's day and hotel occupancy is around 90 per cent. The most recent survey, in 2004, indicated that 56 per cent of those 19,000

tourists cited shopping as the main reason for their visit. Glasgow city centre is not just a shopping mall; it is an interesting place with lots of interesting architecture and excellent restaurants. Given an average spend of £116 per head, the potential loss of trade to Glasgow retailers would be about £1 million.

There is therefore some, although not much, evidence from Glasgow to justify the Executive's precautionary approach in its amendments and its desire to leave the door open for more evidence gathering. The issue is not about being pro shopping per se—personally, I regard the term “leisure shopping” as an oxymoron—and neither is it about being pro business per se. We should be pro workers and pro jobs, because full employment is our overarching objective.

11:50

**Colin Fox (Lothians) (SSP):** Like other members, I congratulate Karen Whitefield on her bill and on raising important issues in the Parliament in the past couple of years.

We are discussing the bill today because our biggest department stores have for the past three years opened on new year's day—because there is money in it for them. We are here because there is clear evidence that their staff—the vulnerable retail staff so many members like to talk about when we discuss the issue—are being coerced into working on new year's day. I predict that, as a result of the Executive's amendments today, not only will that continue, but new year's day 2007 will be far busier than it was this year and far more stores will be open. In effect, the Executive has given the green light to employers that want to open.

When retail traders open on new year's day, that puts pressures on other sectors to open. Who here has not noticed that the tourism industry has been desperate for our tourist attractions to open, for the same reasons as it wants our department stores to open? The industry wants Edinburgh Castle and other attractions in Edinburgh to be open. Pressure will be brought to bear on public transport. Charlie Gordon rightly talked about trains. There will be a need for more buses and trains, so more bus and train drivers will have to work to get people to and back from the stores. Local authority staff, such as parking attendants and car park workers, will also be required to work. In other words, the retail sector will become the Trojan horse for a wider cultural change.

The impact on Scottish cultural life of new year's day becoming just like any other day will be widespread. In its evidence, the tourism industry overlooked the grave danger of strangling the goose that lays the golden egg. People come to

Scotland for a unique experience at new year and hogmanay. By making the experience the same as what they can get in New Orleans, Beijing or Auckland, we will lose the imperative for people to come here.

The Scottish Socialist Party has supported Karen Whitefield's bill throughout the process. We are proud to work with USDAW and the Co-operative movement in supporting it. I fear that the amendments that were passed earlier this morning have rendered the bill, on which Karen Whitefield has worked for four years, absolutely meaningless. The minister made a plea to employers to consider their corporate social responsibility, but if employers took their social responsibility seriously we would not need a trade union movement. The fact is that employers do not take their corporate responsibility seriously. That is why we are considering the bill. The minister should not talk to us about employers' social responsibility just weeks after the debate on Farepak. The minister should tell that to the workers who used to work at Solelectron or NCR, or to those who have lost their jobs in Irvine. The Employers' interest is to make profit. The minister's threats to employers and all she says about a code are so much hot air.

Murdo Fraser could not have been more wrong when he said that Labour and the Executive are in the pocket of the trade unions. I do not know whether his tongue was in his cheek, as he sits a long way from me in the chamber but, to be frank, the reverse is true. The Labour Party has not been comfortable with the bill from the beginning, which is why it has taken a view on it only this morning. It is trying to face two ways at once—it is electioneering and appealing to vulnerable retail workers, but it jumps to attention when the Confederation of British Industry speaks.

After the stage 1 debate on the bill, a representative of the CBI appeared quickly on television to say that it did not like the bill and did not want it as it would restrict trading. As far as I am concerned, the CBI's complaint that trade will be restricted is behind the amendments that the Executive lodged for stage 3.

During the debate on the amendments, one Labour member—I think it was Susan Deacon—expressed her discomfort, which I am sure other Labour members share, about the fact that we are considering an employment bill that is dressed up as a trading bill. They know fine well that the bill deals with a Westminster issue—employment—but that if it were considered at Westminster it would not have a chance in hell of being passed because Westminster would not support improved employment rights for trade unionists.

Cathie Craigie let the cat out of the bag when she warned Jim Mather that the big retailers are

not against the bill—they are not against it now, because they are behind the Executive's amendments. Those amendments are a sell-out of vulnerable trade union members and vulnerable retail staff, who looked to the member's bill in the Parliament for help and assistance, but who have been left standing on their own.

11:55

**Mr David Davidson (North East Scotland) (Con):** Members seemed to have forgotten that nobody is forced to go shopping and that it is a matter of choice for individuals. It should also be a matter of choice for business owners to decide whether there is a market or public demand. They would then have to negotiate with their staff, as they do currently.

**Bristow Muldoon:** Will the member give way?

**Mr Davidson:** Not at this time.

Jeremy Purvis asked why I moved the minister's amendments at stage 2 and then voted against them. As I said earlier, the answer is simple: I voted against them because the minister did not have the courage to support her own amendments.

**Cathy Jamieson:** I was not there.

**Mr Davidson:** Sorry. The deputy minister would not move them on the minister's behalf. The Scottish Executive fudged the issue and left it to the last minute—today—to produce something.

As Jim Mather and Murdo Fraser said, the issue is about a compromise. Good legislation often is a compromise, but the bill will not do anything at all if it is passed with the amendments that have been approved today. Colin Fox was right that the tourism industry wants facilities to open when people are here and wish to use them. It is strange that we have had a debate about protecting workers in shops of a certain arbitrary size and in a certain arbitrary type of business when there is no protection at all for the vast majority of people who work on new year's day, such as hospitality workers. I could go on and on, without even mentioning those who do essential work, such as people in the health service. The bill is flawed in principle, because it cherry picks one type of business to get the measure agreed to.

The minister talked about retailers' social responsibility. Is that not proof that it should be for employers to trade and to deal favourably with their staff, in consultation with them? The evidence that the Justice 2 Committee received was clear that some people want to work. For example, many students want to work because of the extra money. If people want to work, why should they be deprived of that opportunity? Why should a business be denied that opportunity if it thinks that

a market exists? As Charlie Gordon rightly said, the issue is about employment and job creation. Our economy needs to grow, because it is not doing terribly well and has not done so for the past eight years under the Liberal-Labour pact.

Cathie Craigie said that some stores support the bill. That is their choice. All that I have ever argued is that businesses should have choice. If stores support the bill, they do not have to open, because nobody will force them. However, if they want to open, they should have that choice.

Cathy Peattie said that we need to expand the measures in the future. She seems happy to go down the route of not allowing hospitality workers to work on new year's day, which I find staggering, when the hospitality industry is part of the attraction of coming to Scotland.

Many issues have been discussed today, but the bill fails to grasp one point, which is that if there is no trade, no businesses will want to open. Businesses respond to public demand. The minister is allowing that to carry on, which in a sense I welcome. However, I would like the minister to tell us how she will use her powers if she gets them today. Trade is about satisfying public demand and wealth creation. Wealth creation leads to taxation, without which we would not have public services.

11:59

**Mr Stewart Maxwell (West of Scotland) (SNP):**

The debate has been interesting. It was certainly interesting being a member of the Justice 2 Committee as it considered the bill, given the competing demands and views of the large number of witnesses from whom we heard.

I will talk about workers being coerced into working. I used to work on Christmas day because my father coerced me into working in his small business—so the issue of whether workers are coerced into working is not always as black and white as we sometimes think. That may be a tangential and amusing point, but the important point is that workers in small stores often have fewer rights and less opportunity to defend themselves than do workers in large stores. The bill refers only to large stores, but there are issues to do with the rights of workers in small stores and their ability to defend themselves against employers who can be keen to exploit their workers to the n<sup>th</sup> degree.

I do not believe that people have any appetite for shops to open on Christmas day. Despite its flaws, the bill has been improved by the amendments that we have agreed to this morning. I do not want either Christmas day or new year's day to become normal trading days, and I do not believe that anybody really does. However, we

now have a much more sensible balance between the competing demands on those days.

Murdo Fraser and Colin Fox cannot both be correct in their respective assertions that the trade unions and big business have won. Either only one of them is correct or, more likely, neither of them is correct.

Christmas day and new year's day are very different. Throughout the passage of the bill, Karen Whitefield has asserted that the days are similar, but there is a big difference. Although, like many others, I feel that business should be allowed to trade as freely as possible, it should not be allowed to do so at the expense of workers' rights—which brings me on to one of the biggest problems with the bill. Had this Parliament had powers over employment rights, I do not think that anybody would have introduced a bill on trading.

In effect, Karen Whitefield has spent a long time building a square peg before trying to ram it into a round hole. We all know the advert about the product that

“does exactly what it says on the tin.”

That claim cannot be made for the bill. It is not the member's fault—she has done as much as is possible using trading laws—but, given normal circumstances and normal powers, I am sure that she would have used employment laws.

The bill will ensure that certain shops in certain circumstances will not be open for business on Christmas day—and perhaps new year's day, depending on the evidence. Shops do not open on Christmas day. I do not believe that they want to open, and nobody would expect them to. New year's day, however, is different. In some parts of the country, a limited number of shops open. They do so because there is demand, and that usually occurs in tourist centres. A reasonable argument can be made for allowing that to continue, but only if workers are willing to go in and work. I accept all members' comments about asserting the right of workers to have those two days off if they so wish. Fergus Ewing's point about workers being able to give evidence anonymously was worth while and should be considered.

Tourist centres must be allowed to grow and thrive, and we must not put unnecessary obstacles in the way of economic growth. I am, therefore, pleased that, at this late stage, we agreed to amend the bill this morning. We can now pause and consider the evidence relating to new year's day.

It has been claimed that the bill will guarantee days off, but it will not really do that; it will only stop trading. It has been claimed that the bill will keep the days special for workers, but that is true only for a minority of workers, and certainly not for

those in small shops, in railway stations or in airports, and not for workers in smaller Tesco stores, although it is true for workers in larger Tesco stores. Other members have pointed out other anomalies.

The biggest problem from the start has been the lack of robust evidence on both sides. However, we can now move forward and consider evidence on new year's day trading. We can consider whether trading will have an impact on our tourist centres, on our economy and, in particular, on the right of workers to have the day off and spend time with their families. Today's amendments have inserted important provisions into the bill, and we will support it at decision time.

12:03

**Cathy Jamieson:** I will start by referring to Colin Fox's speech. To suggest that the bill is meaningless in the form that will be put to members at decision time is to do a great disservice to Karen Whitefield, to Mary Mulligan, to USDAW members throughout the country, to the Scottish Retail Consortium and to the industry. Those people have worked to put forward the case and arrive at a solution. Colin Fox should not underestimate what we are doing in this bill. Both Christmas day and new year's day will be covered in statute and there will be a real power.

The question was rightly asked about how the minister would use that power. I hope that the minister would use the power in the same way as they would use any other power. If I were the minister, I would—like any other minister—use the power wisely. The minister would use the power after taking into account the evidence that was brought before them, and they would use the power to advance the will of Parliament. Today, we have heard clearly what the will of Parliament is.

It was difficult to arrive at a consensus, because there is a range of views. I see that David Davidson has not managed to stay in the chamber to hear my response to his comments. The reason why the Executive did not argue a firm position at stage 2 was, quite simply, because one had not been arrived at. It is far more honest to say, "We haven't arrived at a firm position. There is still work to do. Let's go and do that work and come to a conclusion," than to pretend otherwise.

I heard Murdo Fraser's suggestion that various members were in the pockets of the trade unions. That is quite an outdated view of the world, and outdated language.

**Cathy Peattie:** On that point, does the minister agree that it is important that the Scottish Executive works alongside the trade unions in Scotland and that the trade unions have just as

important a role as the Confederation of British Industry Scotland or any other stakeholder?

**Cathy Jamieson:** I absolutely endorse that view. Throughout the bill process and the debate, I have been at pains to recognise the work of USDAW and the wider trade union movement in introducing, supporting and helping us to refine the bill and making the case for their workers. Murdo Fraser and others talk about workers in the hospitality sector and other industries. I might have had a bit more sympathy with that if the Tories had any track record of considering low pay and of supporting workers in any industry, but they do not.

It is important to recognise that we will put in statute the fact that we can consider the legislation in future on the basis of the evidence. I gave a commitment earlier that the Executive will consider new year's day 2008—I appreciate that Colin Fox was perhaps a year behind us when he mentioned 2007. I want to consider the impact of 2008 and introduce a suitable report to Parliament.

One or two members seem to have a cosy view of what it is like to work in a family business. I am the only person in my family who has not worked in the family business at some stage, and I know that many of them work as many hours in the week as I do as an MSP and a minister. We have heard some strange views of the world from members who have not had to deliver in that context.

I am sorry that Fergus Ewing is not here to listen to my response to his comments on anonymity. He raised a point that has been raised directly with me by USDAW members during the passage of the bill. It is important that we gather evidence in a way that allows people to remain anonymous, so that they do not fear for their position in the workplace. It is also important that we are both proactive and reactive. We could simply sit and wait for the evidence to come in, but that would not be good enough. In order to assess the economic and social impact, we must be proactive and find a way of working with the trade unions and the retail sector. I have been at pains to point that out today.

USDAW has a strong record of campaigning. Its influential freedom from fear campaign highlighted the need to stand up for the workers in the retail sector. I hope that everyone remembers that the next time they go into a shop. They may be a bit hard-pressed, they may be in a hurry and they may not be all that pleasant to the shop worker who serves them. As well as the people who choose a professional career in retailing, many shop workers are students or people who will move on to other things. Everyone should remember that the person they are not being particularly pleasant to might be their dentist, their

child's teacher, their financial adviser or maybe even their MSP in future.

12:08

**Karen Whitefield (Airdrie and Shotts) (Lab):** I have a number of people to thank. The title "member's bill" is a bit of a misnomer, because it takes a lot more than one MSP to take a bill through the Parliament.

I offer my sincere thanks to those people who have helped to get us to the point at which the Parliament is ready to vote on the bill. I begin by thanking all the staff and activists at USDAW for their unflinching support. In particular, I thank John Hannett, who has provided me with support and guidance at all stages of the bill. Most important, I thank the individual members of USDAW, because they are who the bill is about. I thank those members of the retail trade who are not members of a trade union who campaigned, took the time to contact their local MSPs and played their part in the democratic process, which, after all, is the reason the Parliament was established.

I also give special thanks to the members of the non-Executive bills unit, particularly Rodger Evans, whose knowledge and understanding of the parliamentary procedures for members' bills proved invaluable.

I thank the members of the Justice 2 Committee, even those I did not always agree with, for their close scrutiny of the bill. I also thank all those who gave evidence and ensured that all the arguments were fully debated.

I should add my thanks to the Justice 2 Committee clerks, who ensured the smooth and efficient passage of the bill through stages 1 and 2. Thanks also go to the clerks of the Finance Committee, which also played an important part in the process.

So many of my colleagues on the Labour back benches have to be thanked, but I give particular thanks to Mary Mulligan, a fellow USDAW member, for her support and for the vital points that she has made today and throughout the process in supporting the bill and reminding us all of the importance of promoting the protection of Scotland's shop workers and the special nature of Christmas day and new year's day. I cannot mention every member of the back-bench Labour group who supported me—there are too many of them—but their support has been invaluable.

It is important to acknowledge where we have come from. Colin Fox suggested that the bill is in some way meaningless, and I take issue with that. It is simply not the case. We might not be where we wanted to be when we started this process, but there was no consensus in the Parliament. If Mr

Maxwell had had his way, the Parliament would have voted down the general principles of the bill. We made this happen and we made sure that, while we might not have got everything that we wanted, we have delivered for shop workers. I assure the chamber and Scotland's shop workers that I will work with them and USDAW to hold the Scottish Executive to account. They need be under no illusion about that.

I should mention a couple of the contributions that have been made. I am not surprised that Jim Mather wanted to talk about other things. The nationalists will take any opportunity to talk about independence rather than concentrating on the powers that we have today and the difference that we can make to ordinary people's lives.

I say to Murdo Fraser that I am not in the pocket of any trade union, but I am proud to stand shoulder to shoulder with any trade unionist in this country, to work for the people who elected me and to represent them by ensuring that this Parliament delivers legislation that protects them. I will never be ashamed of that.

This bill has come about because of the hard work and campaigning of individual shop workers. We are not on the wrong side of the argument. Although the Executive might not have been as quick to understand the issues as I would have liked, it has finally come down on the right side. Today, the Tories will be on the wrong side if they vote against the bill.

Mark Ballard has been very supportive of the bill and I am grateful to the Greens for their support. However, I do not believe that because we have not got everything that we wanted the position has not changed. We have more than half a bill. It might not be everything, but it is more than half a bill.

As I have already said, I assure members that I will work to ensure that the commitments given by Cathy Jamieson are followed through. It is important that the study begins now and that we work together to examine what will happen next new year. It is important that the Executive will work with unions—USDAW in particular—in doing that work. We should be constantly vigilant to ensure that it is not tolerated or accepted for any shop worker in Scotland to be coerced into working, no matter how subtle the coercion, even when it is done not by employers but by colleagues who workers do not want to let down. We need to be aware of the different forms that subtle coercion can take and the need for the Executive to take an innovative approach to monitoring such difficulties.

We have moved some way and there is a choice to be made, but it is not a choice between doing good for business and doing harm, nor is it a

choice between growing tourism and holding tourism back. We have a choice between the precious time that is spent with family and friends and an unwelcome shift on the shop floor, which is what we will get if we do not support the bill. We also have a choice between preserving the essence of two special days and creating another two standard shopping days to add to the other 363.

I have said all along that the bill is a modest ambition—it does not ask the earth of retailers. By working in partnership, we can deliver for Scotland's shop workers. I hope that the bill will retain the special nature of the two days. I hope that tonight I can go out and celebrate not by raising a glass in toast but by shopping—as many members know, I like nothing more. I will be able to do that because of the hard work and efforts of Scotland's shop workers.

I do not think that it is too much to ask that the Parliament support the bill.

12:17

*Meeting suspended until 14:30.*

14:30

*On resuming—*

## Small Business

**The Presiding Officer (Mr George Reid):** The next item of business is a debate on motion S2M-5690, in the name of Jim Mather, on the economy and small business.

14:30

**Jim Mather (Highlands and Islands) (SNP):** Members will know that we in the Scottish National Party want to create the conditions that will make Scotland more populous and more prosperous. Members of other parties will no doubt claim that that can be achieved by sticking to the current constitutional settlement, but we know that to be a false hope. We believe that those objectives can be achieved only through independence, which has energised and enriched many other small countries. It is our absolute conviction that such a resurgence is impossible in this union and that the proof of that is there for all to see.

Those who attended last night's meeting of the cross-party group on Scotland's financial future heard Professor Robert Wright show us the challenge that we face in relation to our population decline. He characterised the input of people from the European Union accession states as a blip and told us that the issue is urgent and that, if we do not do something about it, the solution will be neither easy nor obvious. However, he outlined a path that we can take, which involves economic powers and immigration powers.

More important than those issues, at least in the short term, is the need to focus on Scotland's economic growth. Even a poor measure such as gross domestic product, which overstates wealth retained in Scotland, shows us an interesting picture, especially when we cut through the deceit.

At the moment, the Executive indexes Scotland and England's GDP to equal 100 points as at 2003. It does not show much of a difference just now: the United Kingdom is at 105.3 points and Scotland is at 104.4 points. But if we clock the base back to 1998 and calculate it forward, the difference is six points; if we clock it back to 1985 and calculate it forward, the difference is 14 points; and if we clock it back to 1975, we see that Scotland is at 170 points and the UK is at 198 points, which is a difference of 28 points. That understates the position, as can be seen by examining other supportive data, such as VAT registrations.

Between 1999 and 2006, Scottish VAT-registered businesses grew at a level of 4 per

cent, compared with 9.5 per cent in England, 7.1 per cent in Northern Ireland and 4.4 per cent in Wales. During that same period, Scotland's share of the UK population of businesses dropped to 7 per cent, even though we have 8.5 per cent of the population.

The Scottish people have a compelling rationale for putting the SNP in power to sort that out and to get Scotland back on the right track.

**Mike Rumbles (West Aberdeenshire and Kincardine) (LD):** The problem is that people do not know which SNP to put into power. Is it the SNP of Jim Mather, who wants to cut taxes, or the socialist republic SNP of Christine Grahame, who said:

"We need to raise taxes and redistribute the wealth in Scotland"?—[*Official Report*, 19 January 2005; c 13601.]

**Jim Mather:** We will raise taxes by growing the economy. The member should read his newspapers. If he had read *The Scotsman* five months ago, he would have seen the editorial that said that the SNP's blend of enterprise and social democracy could be a winning formula. I would go further and say that it will be a winning formula. We should not take lessons from the Liberal Democrats, who dot around the political spectrum.

**The Deputy Minister for Enterprise and Lifelong Learning (Allan Wilson):** Jim Mather talks about raising taxes by growing the economy. By how much will he grow the economy to fill the £11 billion gap that is the differential between the taxes that are raised in Scotland and the amount that is spent on public services in Scotland? How will he fill that black hole?

**Jim Mather:** The minister wears his fantasy like a badge of pride, which it is not.

If the calculations included our oil, a proper allocation of civil service jobs and defence spending, and the fact that people are cross-border trading into Scotland with no corporate representation or headquarters here, we would see that Scotland's economic growth can exceed that of any of the small countries around about us.

A native of Edinburgh, Professor John Kay, who wrote "The Truth About Markets: Why Some Countries are Rich and Others Remain Poor", tells us that countries that have embedded institutions, legal systems, banking, local government, good infrastructure, health and education are predisposed to be wealthy, especially if they share borders with other wealthy countries and do the right things. The Executive has been doing the wrong things. We are going to do the right things. We will take things forward.

**Murdo Fraser (Mid Scotland and Fife) (Con):** Will the member tell us how the SNP's plans for a local income tax of 6.5 per cent, which would be

paid on the profits of every unincorporated small business in Scotland, would help to grow the economy?

**Jim Mather:** If the member listened to the Institute for Fiscal Studies, which tells us that the rate will be about 3 per cent, he would perhaps copy our policy on that, just as he copied our small business policy.

We intend to give Scotland a unifying worthy aim that will link everyone in Scotland, including Scottish Water, the Scottish Environment Protection Agency and the rest of them. Our objective is to have an ever-increasing number of working people in fulfilling and rewarding work in Scotland. We think that that will unify Scotland, and the big token that we are putting down now is the practical step of our small business bonus scheme, which will take 120,000 businesses out of the rates net—those with a rateable value of less than £8,000—and give graduated relief for those with rateable values up to £15,000. It will invigorate the quiet parts of our towns and cities and provide a lifeline and an important sign of hope to rural Scotland.

That step, like our other practical steps on procurement and more cohesive support for small businesses, is a signal of what else we will do when the Scottish people enable the Parliament to claim more powers and roll back the adverse trends. We will adopt and customise good ideas from elsewhere. That will encourage co-operation and competitiveness in Scotland in pursuit of our worthy aim. After all, Jean-Philippe Cotis, the chief economist of the Organisation for Economic Co-operation and Development says that a failure to converge is a failure to learn. Scotland and its people have some rewarding and life-enhancing converging to do.

We will aim to achieve a 4 per cent growth rate. We will do that by being empowered. We will follow the lines of John Kay and his advice and we will make the *Scotsman* editorial come true by delivering enterprise and social democracy in taking Scotland forward.

I move,

That the Parliament recognises the need to make the Scottish economy and hence Scottish businesses increasingly competitive and therefore welcomes the SNP's Small Business Bonus Scheme, which will remove 120,000 small businesses from eligibility to pay business rates and reduce the rates burden on a further 30,000 small businesses by either 25% or 50%, thereby increasing small business viability and bringing increased vibrancy and job opportunity to cities, towns, villages and rural Scotland.

**The Presiding Officer:** I call Allan Wilson, to speak to and move amendment S2M-5690.3. [*Interruption.*]

14:37

**The Deputy Minister for Enterprise and Lifelong Learning (Allan Wilson):** The fact that I am being attacked before I have said anything is a badge of pride that I wear in the chamber.

In the five minutes that are available to me, it would be impossible to scotch all the myths that we have just heard on the Scottish economy and, indeed, the United Kingdom economy. Today's debate should focus on small businesses. I thought that its purpose was to focus on the importance of small businesses to Scotland's growing economy. It is important to have the debate in the wider context in which the Scottish economy is set. I do not dispute that for a minute. It is important to have a stable environment in which Scottish businesses, large and small, can thrive.

After decades of instability, we have achieved sound economic management, which has brought us unprecedented stability against which we can pursue the necessary changes that are critical to Scotland's success. Gone are the previous Administration's days of boom and bust, which afflicted so many of our communities in the 1980s and 1990s. The Scottish economy is now in a strong position.

**Jim Mather:** We are in a global boom at the moment, but all Scotland can muster is 2.3 per cent, so yet again we are working on low growth. Does the minister equate low growth with stability?

**Allan Wilson:** What I equate with stability are the fundamentals of economic growth. That view is held not simply by the Labour and Liberal Democrat Scottish Executive but, more important, by the business community. If the member asks any business, large or small, anywhere in Scotland, what the business community thinks is critical to economic growth in this country, he will receive a one-word response: stability. With all due respect to Jim Mather, businesses do not want the instability that he promotes at every cut and thrust.

**Alex Neil (Central Scotland) (SNP):** Will the minister give way?

**Allan Wilson:** No. I will carry on, if the member does not mind.

We have almost the lowest unemployment since quarterly records began—the rate is below the UK rate for the first time for generations. The most recent GDP data indicate that during the year to the third quarter of 2005, the Scottish economy grew by 2.3 per cent. Growth has been above the long-term annual average for nine successive quarters. Growth in gross weekly earnings is higher than the UK rate as a whole in three of the past four years and productivity growth is above

the UK rate in each of the past three years. Who can dispute that the Scottish economy is strong and growing?

**Alasdair Morgan (South of Scotland) (SNP):** The minister is fond of saying that Scotland is being subsidised by the rest of the UK to the tune of £11 billion. I do not accept that figure, but the minister clearly does, so will he say whether that gap is being closed as a result of the economic success that he describes? When will his policies bring the gap down to zero?

**Allan Wilson:** Unlike Mr Morgan, I am not a nationalist who thinks that the gap necessarily requires to be closed—[*Interruption.*] Members of the Scottish National Party are laughing, but Scotland benefits from the devolution dividend that the £11 billion expenditure represents. SNP members are fond of promoting the idea that taxes are too high and should be cut so that we can match Irish levels of social services spend, but do the Scottish people want the levels of spend that exist in Ireland, where people have to pay to see their doctor? Do they want to follow the Norwegian example, in which the basic rate of income tax is well beyond the rate in Scotland? SNP members cannot have it both ways: they cannot promote a low-tax economy and high social services spend. The £11 billion that they regard as a drag on economic growth benefits this country, because it helps to fund the levels of social services that we require. We are able to provide a free health service out of the UK Exchequer as a whole. That is the devolution dividend.

We want to—and we can—do more. We want to help Scottish business achieve the competitive edge that is necessary to succeed in an increasingly dynamic global economy. That is why we took the decision to halve the rate poundage gap with England this year, which benefits not only small businesses, but all businesses, in Scotland. We are determined to build on that, which is why we announced our intention to go further and cut the poundage to the level in England on 1 April 2007. The new rate for Scotland represents a full 2p cut in rate poundage since 2005-06. The average non-domestic ratepayer in Scotland will pay around £800 less in 2007-08—a reduction of around 9 per cent—as a result of our policy of equalisation with England. That will give Scottish businesses a competitive edge.

I noticed recently that the SNP proposes to shelter small and medium-sized enterprises from open and genuine competition for public procurement contracts. The SNP set a target of 20 per cent. That would represent a cut in the current level of participation by Scottish SMEs in public procurement. It demonstrates the level of the SNP's ambition in relation to public procurement contracts for small and medium-sized



enterprises—the SNP actually wants to cut their rate of participation in public procurement.

As part of our on-going work, the Executive is gathering data on procurement spend on goods and services across the public sector. That data-gathering exercise is far from complete, but preliminary analysis indicates that spending with SMEs in Scotland is well in excess of the SNP's proposed target. I suggest that SNP members send their researchers back to think again.

Far from being complacent, we believe that the decisions that we have taken are vital to growing a successful, dynamic and stimulated economy. When we are returned after the election, as we undoubtedly will be, we will make further proposals for growth in the SME sector, to build on the economic growth and the success that has already been achieved here in Scotland.

I move amendment S2M-5690.3, to leave out from “to make” to end and insert:

“to continue to grow the Scottish economy and to support the competitiveness of Scottish businesses; welcomes the steps that the Scottish Executive has taken to achieve that by listening to business and reducing the level of business rates; supports measures to encourage innovation, including supporting links to Scotland's science and research base and easing access by business to public sector contracts; welcomes support from Scottish Enterprise and the Business Gateway through investing in a highly skilled workforce in Scotland, such as through the modern apprenticeships scheme, and increasing investment in the infrastructure necessary to build a modern competitive economy.”

14:46

**Murdo Fraser (Mid Scotland and Fife) (Con):** I welcome this afternoon's opportunity to debate the future of the Scottish economy and, in particular, support for small businesses. The debate is timely as, only on Monday, I launched our Scottish Conservative business manifesto, which proposes a range of measures to benefit small businesses in particular. We have produced a fully costed package for annual business rates reductions of £150 million, aimed at small businesses. A small business with a rateable value of £7,000 or less would receive a 100 per cent discount on its rates. It would pay nothing at all. There would be a sliding scale of discounts for businesses with rateable values up to £15,000.

I know that such measures would deliver a real saving to more than 100,000 small businesses across Scotland. Small businesses have been struggling with the weight of business rates, water charges and overregulation over the past 10 years of Labour government at Westminster and over the past eight years of the Lib-Lab pact in Edinburgh. We should never forget that it was Jack McConnell who, when he was Minister for Finance, raised the business rate in Scotland

above the rate that was payable south of the border—a measure that has cost Scottish businesses more than £900 million in additional taxation.

Our proposals do not stop there. We are also planning a £20 million annual town centre regeneration fund, which would be available for local communities throughout Scotland to bid into to pay for much needed improvements to, for example, car parking, signage or toilet facilities—or to pay for a shop-front scheme, for instance. We all know that many of our traditional town centres are suffering because of the growth in out-of-town retail parks and the construction of many new supermarkets, which are cheap and convenient and have free parking on their doorstep. We have to start levelling the playing field and breathing life back into our traditional town centres. That is exactly what our policies will do.

There are many communities in my region—towns such as Kinross, Crieff, Blairgowrie, Brechin and Kirriemuir—where a package of business rates cuts for small businesses and a town centre regeneration fund would go a long way to reduce the number of empty properties and “to let” signs, which seem to be a feature of too many small town centres.

Our proposals go even further. We are determined to tackle red tape and to bring in sunset clauses on new legislation. We will charge all quangos such as SEPA and Scottish Natural Heritage with an overriding obligation to promote economic growth. All too often, it is the actions of those quangos that hold up and hinder businesses that are trying to grow.

**Fergus Ewing (Inverness East, Nairn and Lochaber) (SNP):** If the Conservatives are so against quangos, why does Murdo Fraser's amendment propose a new quango—a dedicated skills agency? How much would it cost? How many employees would it have?

**Murdo Fraser:** It will have a budget of £170 million. We are proposing to transfer away from Scottish Enterprise—which is a largely discredited organisation that deals with economic development—its remit for skills and training. We propose also to take Careers Scotland, which is currently an orphan organisation that nobody wants to have, and create a new skills agency that is focused on upskilling the economy. The current Scottish Enterprise budget for dealing with skills and training would be transferred over to that new agency. That is a sensible suggestion that I hope the Scottish National Party will be prepared to support—if it gets round to costing its own manifesto.

We will bring in new procurement rules to create a single point of entry to the public sector for businesses, and we will examine the application of European Union tendering rules to ensure that small businesses and social enterprises get a fair slice of the cake.

One key difference between our plans and those put forward by the SNP is that, unlike it, we would not penalise small businesses with the introduction of the ludicrous local income tax. We need to remember that the vast majority of small businesses are unincorporated, so they pay income tax rather than corporation tax on their profits. Every penny of their profits is taxed at income tax rates and would be subject to the 6.5 per cent local income tax proposed by both the SNP and the Liberal Democrats.

**Alex Neil** *rose*—

**Murdo Fraser:** Mr Neil is now going to justify that outrageous tax grab against small businesses.

**Alex Neil:** Not at all—Mr Neil is simply going to ask two straightforward questions. First, how are the Conservatives going to fund the council tax rebate to pensioners that they have promised? What are they going to cut to fund it? Secondly, in the Conservatives' fund for roads—a key part of their regeneration package—they have set aside £15 million to take out bends and straighten roads. How many bends will they be able to straighten for £15 million?

**Murdo Fraser:** We have made it perfectly clear where the money to fund our pensioner council tax discount will come from. When we move Scottish Water out of the public sector and create it as a mutual company, we will save the revenue subsidy that is currently paid. It is interesting that we have talked about mutualising Scottish Water for years and that we have been derided for being out of touch and extreme in proposing it, yet we now hear that the Liberal Democrats are joining us and support our policy. Is it not reassuring that Ross Finnie—the Scottish Executive minister responsible for Scottish Water—has now adopted our policy on Scottish Water? That proves that the Conservatives are the trendsetters in Scottish politics.

Mr Neil did his best to deflect us from talking about the local income tax, but he is not going to get away with it. The SNP is proposing uncoded plans for rates cuts for small businesses and proposing to take the money back through imposing a local income tax. The SNP and the Liberals would clobber small businesses with tax rises. They cannot be trusted.

**Jeremy Purvis (Tweeddale, Ettrick and Lauderdale) (LD):** Will the member give way?

**Murdo Fraser:** Do I have time, Presiding Officer?

**The Presiding Officer:** You have a maximum of about two minutes.

**Murdo Fraser:** I will happily give way.

**Jeremy Purvis:** Have the policies that Mr Fraser is outlining been met by an explosion of indifference across the country because the Tories have said that they have no desire to implement any of them after the election in May? They do not want any role in government.

**Murdo Fraser:** Nobody can prejudge the outcome of the election. Who knows where we will be after it? The Conservatives may be sitting here with a much expanded group and—as everybody is starting to accept—holding the balance of power. Let us not rule anything out. Who knows what may happen?

We already see other parties taking their lead from us. I am pleased that Mr Purvis and his party have taken our lead on Scottish Water, and I am pleased to see other parties reacting to the lead that we have given on drugs policy. The Conservatives are setting the agenda. Even the SNP is following, with Alex Salmond talking about procurement on Monday. I am delighted that he has read our manifesto on procurement and is taking some lessons from us. It is encouraging to see that; it is just a shame that he will not be here after May to implement any policies.

Small businesses in Scotland have been neglected by government at all levels for too long. It is time to give them a boost. They are the backbone of our economy. For too long they have borne the brunt of high rates, high water charges, poor transportation and excessive regulation. It is time to redress that balance, which is exactly what the Scottish Conservatives will do. I have pleasure in moving my amendment.

I move amendment S2M-5690.1, to leave out from “welcomes” to end and insert:

“condemns the proposals put forward by the SNP and the Liberal Democrats for a local income tax which would represent a significant new financial burden for the many small businesses that are unincorporated; further condemns the policies of the Lib-Lab pact which have done so much to harm business, especially the decision taken by Jack McConnell MSP to abolish the uniform business rate in 2000 which has cost Scottish businesses an extra £900 million, and welcomes the fully coded proposals put forward in the Scottish Conservatives' business manifesto, including the abolition of business rates for all firms with a rateable value under £7,000, a tiered rates cut for all firms with a rateable value of between £7,000 and £15,000, a £20 million annual town centre regeneration fund, a dedicated public procurement unit to cut through the bureaucratised process of approval when businesses are tendering for public contracts, five-year sunset clauses on all primary legislation, a presumption against gold-plating of EU regulation, a new dedicated skills agency to work with

business, schools and colleges to tackle the skills shortage, extra investment in the road network to prioritise improvements on key links such as the A9, A75, A96 and A82, and the building of a new Forth crossing, a package which will deliver real benefits to Scotland's small business and lead to higher economic growth."

14:54

**Mr Andrew Arbuckle (Mid Scotland and Fife) (LD):** I find it interesting that the SNP motion is on small businesses rather than the large business sector and that Jim Mather provided a pretty rosy-eyed romp through the few statistics that suit the SNP vision but ignored the multitude that pick up on the big holes in the SNP view.

We know that big business has seen through the SNP hype. When the SNP could not answer the simple questions about the economic impact of Salmond's separate state, the Confederation of British Industry was understandably as dissatisfied as the rest of us. Alex Salmond's response was that the CBI should butt out of politics. As the representative organisation of some of the most influential companies in Scotland—indeed, some of the most influential companies in the world—the CBI has every right to seek information and state its views on how a supposedly prospective Government wants to direct the economy in which companies work.

**Jim Mather:** Will the member take an intervention?

**Mr Arbuckle:** No. If the SNP had not shoehorned two debates into the time that is normally allowed for one, we would have had more time to debate the issues properly.

Of course, if the CBI had agreed with the SNP on the creation of a separate state, we would never have heard the end of it. Alex Salmond is fond of name dropping the Royal Bank of Scotland as a former employer, to try to boost his economic credentials, but the SNP accuses that bank of mounting a conspiracy as soon as it points out that his sums do not add up. Basically, the SNP's economic policies do not stand up to scrutiny, and its reaction in attacking the CBI was unacceptable and immature. That is no way in which to debate the future of Scotland's economy.

The unanswered questions on the economy are not just questions for big business. Increases in personal and business taxation, the level interest rates are set at, by whom they are set and the costs of a new pay-as-you-earn system will affect all businesses. It is interesting that Jim Mather did not answer the minister's question about the funding gap.

I am surprised that the Conservatives have at last come out in favour of the small business rate relief fund. When the rate relief package was

announced back in 2000, Annabel Goldie pledged to abolish it. She said that it was no more than

"an exercise in gloss and spin"

and that

"Scottish Conservatives are strongly opposed to any divergence away from the principle"

of the unified business rate. The Conservatives are U-turning yet again—although, because they are opposed to being in government, as Mr Purvis pointed out, there is little point in noting their policies on business.

In government, the Liberal Democrats have made a difference for Scottish business. As the minister said, Scottish business rates and English business rates have equalised. A further cut in business rates to below English levels would give Scottish business a real competitive edge. Liberal Democrats want to make that happen.

**Fergus Ewing:** Will the member take an intervention?

**Mr Arbuckle:** No. As I explained, SNP members should not expect to make interventions if they limit the time for their debates.

The Liberal Democrats will maintain the very successful small business rate relief scheme.

Cutting business costs is vital. Energy costs can be significant for small businesses. When a business installs microgeneration, which is supposed to cut its costs, its rateable value goes up, so it loses some of the money it might have saved. We would end that anomaly. Small businesses, which are the life-blood of local rural communities and were once a feature of every town and village in the country—the local corner shop, the post office, the butcher, the baker and the chemist—now battle to survive. We want to support those crucial local shops by allowing them to be exempt from business rates. That could make a huge difference to their overheads and give them a chance to invest in improvements and survive. Local authorities would be given the power to exempt essential local shops such as post offices from paying business rates. The Liberal Democrats will tackle excessive costs, regulation and inspections without introducing any of the uncertainty that is associated with separation and independence. That package of support would make a difference for Scottish business.

**The Presiding Officer:** We move to the open debate. There is a bit of time in hand, so members may add a minute to their four-minute speeches if they take interventions.

14:59

**Stewart Stevenson (Banff and Buchan) (SNP):** I want to be parochial and talk a little about my constituency of Banff and Buchan. It is approaching 20 years since Scottish National Party parliamentarians began to represent Banff and Buchan. The constituency provides a micropicture that illustrates what can be done when people put their trust in the SNP as a party and in SNP parliamentarians.

I will start with unemployment. In the first quarter of 1987—the last quarter in which the Conservative party represented the constituency—116 out of every 10,000 unemployed people in Scotland were in the constituency that is now Banff and Buchan. That figure is according to the offices that measure unemployment in Banff, Fraserburgh and Peterhead. Today, the equivalent figure is 92, which represents a 20 per cent drop in unemployment in Banff and Buchan relative to the rest of Scotland. I express the unemployment figures in that way because to do so takes account of the change in unemployment levels in Scotland as a whole and the change in the way in which unemployment is measured. The improved employment levels are the first indication of the success that Banff and Buchan has enjoyed since moving from Conservative to SNP representation.

**Mike Rumbles:** Will the member take an intervention?

**Stewart Stevenson:** Yes—unlike the Liberals, I will accept an intervention.

**Mike Rumbles:** I point out that the SNP was not in government at any level during that period. Aberdeenshire Council is run by the Liberal Democrats, the Scottish Executive is run by a Liberal Democrat and Labour coalition, and the UK Government is run by Labour. The SNP has had nothing to do with that success.

**Stewart Stevenson:** I am extremely grateful to Mike Rumbles for making my point for me. In the two other seats in Aberdeenshire—which were not represented by the SNP but were subject to exactly the same local council, Scottish Executive and Westminster Government regimes—unemployment relative to the rest of Scotland has risen rather than fallen. Therefore, the distinguishing feature of Banff and Buchan is its SNP parliamentary representation; the distinguishing feature of Mr Rumbles's constituency is its Liberal representation.

Similarly, although we are told that a deficit economy is good for Scotland because our good old pals in the south will bail us out, Banff and Buchan has moved to a position in which the average wage in the constituency is above the Scottish average. Previously, our average wage was below the Scottish average. We also have the

second highest level of self-employment, whereas our levels of self-employment used to be much lower than those for the rest of Scotland. Finally, VAT registration in Banff and Buchan has not fallen at the same rate as it has in the rest of Scotland. The bottom line is that, in the most entrepreneurial constituency in Scotland, people have confidence that the SNP will represent them, promote their interests and deliver for small businesses as well as big businesses.

Banff and Buchan now has businesses that did not exist when SNP representation of the constituency commenced: for example, we have 650 people who work in the offshore oil industry for Score Limited, and 180 apprentices are being trained there. Our problem—which we would love to see in the rest of Scotland—is that we, in our SNP-represented area, do not have enough people to fill those good-quality jobs, which are paying the wages of people across Scotland.

I promised that I would be parochial and I have delivered on the first promise that has been made in this debate.

For VAT registrations, between 1999 and 2006 Scotland had a 4 per cent increase whereas England had a 9.5 per cent increase. That picture is repeated across our whole economy.

When the SNP runs things, things are run better—as in Banff and Buchan, so would it be in Scotland.

15:04

**Malcolm Chisholm (Edinburgh North and Leith) (Lab):** I apologise for being two minutes late for the debate, which I had thought would begin at the usual Wednesday afternoon starting time of 2.35.

However, I managed to get the general drift of Jim Mather's opening speech, which Stewart Stevenson tried to back up. Their speeches showed three characteristics: first, they displayed the usual doom and gloom about the current state of the economy; secondly, they ignored all the action that is currently being taken to support small businesses in Scotland; and thirdly, they were completely silent about all the negative features of the SNP's economic policy and constitutional position.

In relation to so-called doom and gloom, this very week, as it happens, the Committee of Scottish Clearing Bankers' quarterly statistics were released. They show that the number of new business start-ups last year was up from 21,383—in itself a significant figure—to 23,468. In fact, over the past seven years the stock of small businesses in Scotland has risen by more than 33,000, which is in keeping with the general

economic good news that we have experienced during the years of the Scottish Parliament.

More than 210,000 people have entered employment since 1999, which gives us the second-highest level of employment in the European Union. Growth is significantly above the long-term average and above that of the United Kingdom in the past nine quarters. I hope that that serves at least partially to redress the general analysis of the situation that we had from the SNP and, to a considerable extent, from the Conservatives.

The Opposition parties were silent about the action that is being taken. I cannot go into the detail of all the support schemes that are available to small businesses, but among the grant schemes that we have are, for example, the small firms merit award for research and technology, or SMART, support for products under research, or SPUR, and SPUR plus, which are being improved and extended. Those schemes have already helped hundreds of small businesses over the past few years.

Partly on the back of the debacle of the SNP's public procurement announcement a couple of days ago, we know that 22 per cent of public contracts already go to small businesses. I am not sure where that puts the SNP commitment to reduce to 20 per cent the award of such contracts to small businesses.

We have a new model for the business gateway, a key principle of which is change that will make business support accessible to a larger number of businesses. We have a robust better-regulation agenda, which Scottish businesses are working in partnership with the Executive to deliver. I remind members that we will from April have a competitive advantage over English small businesses because of a change in the rate poundage. That is over and above the existing small business rate relief scheme, which is generous and is already helping nearly three quarters of small businesses.

**Jim Mather:** If everything is so rosy, will Malcolm Chisholm explain why in the middle of a global boom, Scotland is forecast to grow at 2.3 per cent while Ireland grows at 6.6 per cent?

**Malcolm Chisholm:** As I said, the Scottish growth rate in the past nine quarters has been above the long-term trend. Even in an extended speech, I would not have time to go into all the obvious differences between the backgrounds of the Irish economy and ours.

I am the last person to stand here and say that everything is rosy. I want to do better. Of course we want to do better, so I will describe how we intend to do that. My party has robust policies for the election that will build on existing success, but

it is not just the Government that must take responsibility. I was shocked by the news this morning—I am sure that members who saw it were, too—that women who start up small businesses appear to be charged higher rates of interest than men who start up small businesses. I was pleased that my Westminster Government colleague, Margaret Hodge, has said that she will address that issue vigorously in the next few days and weeks. We have to deal with various problems.

Small businesses have flagged up the key issue of skills shortages. That is why that is at the heart of our election proposals. We recognise that Scotland's top economic priority has to be learning and skills, which is why investment in schools and colleges is at the top of our agenda. There will be 100 skills academies, regional science centres and more flexible modern apprenticeships to meet the needs of small and medium-sized businesses. Skills do not seem to be a priority for the SNP; it makes the wrong things its priorities.

Were we to go along with the SNP proposal to offer further help with non-domestic rates to small businesses, that would cost £180 million. No doubt arguments can be made for that proposal, but we must again ask the SNP where, on top of all its other spending pledges, it will find that £180 million.

The success of the Scottish economy depends on greater openness, improved competition and more flexibility, but very many SNP policies run counter to those objectives. For example, Murdo Fraser was quite right to point out the effect that a local income tax would have on unincorporated businesses. Moreover, if the SNP wants to start talking about a tax of 3p in the pound, it will have to explain where the corresponding £1 billion of cuts will have to be made. In any case, its stated plans for a local income tax of 6.5p in the pound would be bad for small businesses and worse for all the individuals who work for or use them.

If the SNP believes in a competitive economy, why is it proposing to cancel the Edinburgh airport rail link and the Edinburgh tram project, which are fundamental to the city's economy? Why was it so opposed to planning reform, in spite of the fact that, before the Planning etc (Scotland) Bill was passed, its front-bench spokesperson was telling business groups something different? Why is it proposing in the long term a different regulatory regime for businesses in Scotland from the regime in England? Finally, why is it presenting policies that pose a direct threat to fundamentally important Scottish sectors such as financial services and life sciences, which are directly embedded in the UK market?

The choice before us in this debate—and, more fundamentally, in the coming election—is between

maintaining stability and creating instability, between investing in skills and investing in statehood, and between building up Scotland and breaking up Britain.

15:11

**Shiona Baird (North East Scotland) (Green):** I am grateful to the SNP for spending part of its debating time on a discussion of the role of small businesses in Scotland's economy.

We feel that it is impossible to overstate the economic and social importance of small businesses. Economically, the figures speak for themselves. The vast majority—98 per cent—of Scottish businesses employ fewer than 50 people, and small to medium-sized enterprises account for 41 per cent of business turnover and 52 per cent of all private sector employment. These businesses are at the base of the economic pyramid, so we ignore them at our peril.

Statistics apart, there is a very good reason for taking our small businesses seriously: most are firmly rooted in their local communities and have a vested interest in the long-term viability of the local economy as well as the larger Scottish economy. If a supermarket is not making money, it is closed down. Head offices do not care about the local area; all they care about is making money. However, a small business cares about the community and small businesses in many areas play an absolutely essential role in holding communities together.

How do we give small businesses the support they need and deserve? I agree that the system of business rates needs to be overhauled, but instead of supporting the solution in the SNP's motion, I argue that small businesses would benefit from a shift towards a more sustainable tax base, which is why we support a move away from business rates to land value taxation. Such an approach would immediately level the playing field between large and small businesses. Not only would LVT stop the practice of land banking—which might be why it has never received a fair hearing—it would also tackle the inequalities that flow from out-of-town developments with free parking and ensure that town-centre landlords make the most efficient use of their properties. There would be no more empty shops on the high street.

We can support our small businesses by ensuring that they receive a fair share of the public sector pie. The current public procurement system discriminates against small operators, many of whom do not even bother to tender for public contracts because they know that they have next to no chance of success. Under our proposed sustainable communities bill, the Greens would

ensure that sustainable procurement was mandatory, which would help to support small local businesses that have a stake in Scotland's sustainable future.

We can also help small businesses by making the regulation that they work under fitting and appropriate to the size of business. For example, a waste management licence fee is petty cash for a large waste company, but for a community recycling organisation it represents the difference between staying in business and going bust. All companies need to be governed and regulated effectively, but the current one-size-fits-all system is not doing our small businesses any favours.

**Mike Rumbles:** The member keeps talking about sustainable business. Does that mean that she is in favour of economic growth?

**Shiona Baird:** We have always maintained that economic growth is essential, but that it must be sustainable. When I say that, I am referring to the terms of the Brundtland definition of sustainability. If Mike Rumbles looks that up, he will find out exactly what we mean.

**Mike Rumbles:** Tell us.

**Shiona Baird:** Does the member not know the Brundtland definition of sustainability? I am sorry. *[Interruption.]*

**The Deputy Presiding Officer (Trish Godman):** You should be finishing now, Ms Baird.

**Shiona Baird:** It is desperately disappointing that none of those members seems to know the Brundtland definition of sustainability, when the Scottish Parliament is supposed to be mainstreaming sustainability.

**Mike Rumbles:** The member does not know it.

**Shiona Baird:** Of course I do.

Scotland's future sustainability will rely on the ability of our small businesses to meet the challenges of a world that is scarred by climate change and hampered by resource depletion. In the future, local economies will be more important than national economies. Increasingly, we will turn to small businesses. We must acknowledge that and put in place measures that will ensure their long-term survival.

I will meet Mr Rumbles outside for a cup of coffee, when I will tell him what he wants to know.

15:16

**Fergus Ewing (Inverness East, Nairn and Lochaber) (SNP):** In the intervening period, before the Greens take power in Scotland, when we are still able to use the internal combustion engine to drive up the A9, I urge members to visit the Tomatin distillery in my constituency, which is

located conveniently off that road, 15 miles south of Inverness. I recently had the pleasure of visiting the distillery. At a meeting of Inverness churches thereafter, I was asked by constituents the question that is most frequently asked about independence and which is, I believe, the key question as far as a great many people are concerned. Can Scotland afford independence? Having just visited the distillery, I was able to give a different answer because I had found out that the value of the stock—including its value to the Exchequer—that is held in storage at that distillery alone is £640 million. The distillery is just off the A9, which will be lucky to have received 1 per cent of that figure for improvements, even though it is one of the most dangerous roads in Scotland, on which many people lose their lives. That sends a stark message—which the minister will now explain to us.

**Allan Wilson:** I am interested in the analogy that is being drawn. Can we assume from it that an independent Scottish currency would be tied to the whisky standard rather than to the gold standard?

**Fergus Ewing:** That is one of the minister's many suggestions that we will not take up.

Can members think of any other country in the world that has a sustainable industry, such as the whisky industry, which produces so much wealth, which is exported throughout the world and which has almost unparalleled opportunities for growth in the century ahead, as the people of the world become more able to afford our national product? Every country in the world would give its eye teeth for such a product.

The point that I am making is that Scotland has wealth in abundance, both in natural and human resources. At the beginning of this century, as we look forward to the next 100 years, we must ask ourselves what the nation most values. The answer is not oil—even though we still have it in abundance, to the tune of £6 billion or more a year—which was the gift of the last century, but it might well be water, natural resources or renewable energy, all of which Scotland has in abundance.

I turn from Tomatin to Trident, which, surprisingly, Mr Chisholm failed to mention in his tour de table, although he spoke about the alleged financial deficit that there would be under the SNP. Of course, the UK runs a deficit every year. If we take Scotland's share of it and then add back the oil revenues, there is either no deficit or it is very small. The deficit argument is simply an attempt to scare the Scottish people out of their birthright, which is independence. We hear about the deficit—as members know, we hear about it all too frequently—because it is designed deliberately and calculatedly to scare Scotland out of the

birthright that every other country in the world takes for granted.

One of the benefits of independence will be that we will be able to make the right choices. I have always thought that tolerance is among the many pleasing qualities of the good people of England. They have a lot to tolerate, given the number of Scots members in the Cabinet who are misgoverning their country, as they have in the past and will do in the future. No doubt, Mr Chisholm will agree that, instead of spending money on a replacement for the Trident system, we could spend it on all kinds of alternatives. The Trident costs were originally estimated at £15 billion; now, the figure is over £100 billion. The Government at Westminster is also considering investing £9 billion in the London Olympics—originally, the figure was £3 billion. We can see that the choices that Scotland will have made for it if we remain in the union will be simply the wrong choices. With independence, we will have the ability to decide how our money will be spent.

**Karen Gillon (Clydesdale) (Lab):** Does the member agree with the choice that was made by his SNP colleague, Angus Robertson MP, that any money that is saved from Trident should be spent on conventional defences?

**The Deputy Presiding Officer:** You should be finishing, Mr Ewing.

**Fergus Ewing:** I think that I have another minute, Presiding Officer. Mr Reid said that I would have six minutes.

**The Deputy Presiding Officer:** He said five minutes, and you are at five minutes and 14 seconds. Please start to wind up, Mr Ewing.

**Fergus Ewing:** I will wind up. The savings from not having Trident and the Olympics would be so large that they would, to be frank, more than cover any fiscal problems that we may have.

The SNP's plans for business rates will end eight years of complete hypocrisy from both Labour and the Liberals—a period in which we have had higher business rates than England, despite the minister's having talked in his opening remarks about a "policy of equalisation". If the Executive's policy was about equalisation, why have we had higher business rates for the past eight years? It is bare-faced hypocrisy and the minister knows it. When we take power in May, we will bring that to a close.

15:22

**Frances Curran (West of Scotland) (SSP):** I am a believer in honesty in politics, so I would not pretend that the Scottish Socialist Party's manifesto has been drawn up with the interests of small businesses at heart. Nevertheless,

Parliament may be surprised to learn—as I was surprised to learn—that a number of the Scottish Socialist Party's policies chime with those that have been put forward by the Federation of Small Businesses. A number of our policies would benefit small businesses, but before I come to that I will say something about the emphasis on growing the economy.

I welcome the fact that Murdo Fraser has come round to our previous manifesto commitment to abolish Scottish Enterprise and to spend that £450 million better—although perhaps we will disagree about our priorities. However, there is a strategic problem with the debate on growing the economy, which is a question that nobody has answered. For whose benefit is that growth? The reality of globalisation of the world's economies means that the whole economy is skewed towards benefiting the big transnational corporations. The lack of regulation of those companies, which trample the planet, means that—not just in Scotland and the UK, but in many other countries—small businesses are held to ransom.

There is no better example of that than the stranglehold that the big supermarkets have over local producers. Property developers have a similar stranglehold in our town centres. It is almost as though every spare part of our cities and towns is being gobbled up by big companies for retail development or housing. That is capitalism—if we go along with untrammelled free-market capitalism, that is what we will get. Every other party here is in favour of deregulation and wants more deregulation of the big companies.

HBOS and the Royal Bank of Scotland continue to post record profits and cannot provide a bank in every town in Scotland, but local banks are one of the big priorities for small businesses—74 per cent of them say that a local branch is a priority, because otherwise they have nowhere to bank their cash and cheques. I would force banks to provide that service. Banking should be a social service; it should not just be about international free-market capitalism with its teeth bared. Local branches benefit local businesses enormously, so the question that members must answer is how we provide that for small businesses throughout the country. The vast majority of small businesses rely on their local area for sales. Only 13 per cent derive the majority of their sales from regional markets.

Internationally, the G8, the European Union, the World Trade Organisation and other bodies take the view that we need to prise open public services, because the public sector is an enormously lucrative market in which a lot of money is spent. A conscious decision has been taken, particularly by the WTO, to open up that market. Given that public services are local and

are delivered locally, we might think that small businesses would have access to some of that money and some of those contracts, but although the Government's policies are prising open the public sector and those services, local businesses and local economies do not benefit because only 9 per cent of them can tender for public sector contracts. The other 91 per cent must give up that opportunity to multinationals and big business. They benefit from opening up the public sector—none of those policies benefits small local businesses.

My final point is on the Scottish Socialist Party's free public transport policy. I could not agree more with the policy of the Federation of Small Businesses, which has stated:

“A modern and integrated transport system fit for the 21<sup>st</sup> century is a prerequisite for economic growth.”

I hope that many FSB members will vote for us on the basis of our policy of introducing free public transport throughout the country, which would benefit workers and businesses through reduced congestion. We have not given up on that sector yet and we will campaign for the votes of people in it during the election by explaining how our policies will benefit them.

15:27

**Marilyn Livingstone (Kirkcaldy) (Lab):** I am pleased to take part in this debate on the economy and small businesses. Small businesses need a strong and stable economy to thrive. Working with the UK Government, we have delivered and are continuing to do so. We have made growing Scotland's economy our top priority. For more than half a century, our biggest economic challenge has been unemployment, but that is being tackled. More Scots are in work today than ever before and Scotland is second top in the European employment league. Population decline is being reversed and the growth in Scottish standards of living is outpacing the average for all OECD countries and the average for the EU 15 countries.

**Bruce Crawford (Mid Scotland and Fife) (SNP):** Will the member give way?

**Marilyn Livingstone:** I want to make my points.

Since the creation of the Parliament, 160,000 Scots have entered employment. Full employment is now not just a vague aspiration, but a realistic target that is within our grasp. Of course, small businesses play their part in that. Compared with 1999, an additional 19,000 people were employed in small businesses in 2006.

**Bruce Crawford:** Does Marilyn Livingstone agree that it is entirely unacceptable that, in the past 25 years, Scotland has had the lowest growth rate in the European Union?



**Marilyn Livingstone:** I am setting out the progress that Scotland has made. We are now second top in the employment league.

We must continue to make progress by investing in our key sectors, including life sciences, financial services and energy, all of which are strongly integrated in the UK market. We must move further and faster together. We are committed to ensuring that the conditions for business are fit for purpose, which is why we are investing in the necessary infrastructure and why we have made a commitment to a new crossing across the Firth of Forth—I am not being parochial when I talk about that.

The regeneration of our town centres is an imperative and members should look out for our manifesto commitment on that. Forty per cent of people in Scotland live in towns that have populations of between 20,000 and 100,000. The Executive has done well on the regeneration of our cities, but it is now time to work on our towns.

Our commitment to skills and training is important. I am passionate about that issue. We must ensure that businesses can employ appropriately trained and skilled workers to meet their needs. As convener of the cross-party group in the Scottish Parliament on construction, I know that that message is coming out loud and clear from the construction industry.

In the short time left to me, I will talk about the excellent contribution of the skills and learning agenda to our economy. We should celebrate that contribution. The modern apprenticeship programme is making a real difference. More than 17,500 businesses are involved in the programme; that is a record number since the programme began and represents a 36 per cent increase over the past two years. In my constituency, I have seen at first hand how modern apprenticeships are making a difference. Only last week, I visited BiFab to speak to engineering apprentices, who are being given an opportunity and are helping the business in the success that it has achieved. Recent research has shown that 70 per cent of businesses participating in the programme show improvements in productivity.

All businesses begin life as small businesses, when one person invents or develops an idea for a new product. Only by supporting such businesses will we give them a chance to develop into Scotland's major employers of tomorrow. We can support them by providing grants, by investing in innovation, by embracing science and technology, and by investing in skills and training to ensure that businesses have ready access to the skilled workforce that they will need if they are to grow.

Do we want to trade in a track record that has been built on strength, on certainty not risk, and on

stability not instability? Or do we want to build up Scotland? I will support the Executive's amendment to the motion this evening.

15:31

**Mike Rumbles (West Aberdeenshire and Kincardine) (LD):** The problem facing the SNP in this debate, and in wider debates across Scotland, is that people do not know which SNP they might be voting for. Is it Jim Mather's pro-business party, or is it Christine Grahame's Scottish socialist republican party? Socialist republican Christine Grahame disappeared from the chamber as soon as I made that point earlier.

**Alex Neil:** Will the member give way?

**Mike Rumbles:** In a moment. Come on—I am only 30 seconds into my speech.

**Alex Neil:** I only want to ask a question.

**Mike Rumbles:** Okay, go on.

**Alex Neil:** Is Mike Rumbles speaking for Charles Kennedy's Liberal party or Menzies Campbell's Liberal party?

**Mike Rumbles:** Nice try, but be serious. I will come back to the SNP later, but I turn to the Conservatives first because I do not have a lot of time.

Murdo Fraser outlined the Conservative party's plans for business very well. Unfortunately—and it is unfortunate—I am astonished that anybody would be interested in the plans of the Conservative party. Why? Because the Conservatives have gone out of their way to make it absolutely clear that they have no intention of entering a coalition with anyone else after 3 May. They do not want to work in Government with anybody else to implement any of their proposals. The message is clear: "Don't bother voting Tory, because they're not really interested in Government."

**Murdo Fraser:** Perhaps Mr Rumbles will enlighten us on Liberal Democrat policy. Is it still the policy of the Scottish Liberal Democrats to propose a 2p tartan tax cut, or has that now been ruled out?

**Mike Rumbles:** We have never proposed a 2p tartan tax cut.

**Murdo Fraser:** Yes they have.

**Mike Rumbles:** I want to move on.

My friend and colleague Andrew Arbuckle spelled out clearly what the Liberal Democrats have done for business and pointed out that we want to go further and reduce business rates. We want to go further and gain a competitive edge for businesses here in Scotland.

I am glad that Stewart Stevenson has returned to the debate, because he made his most bizarre speech yet—and that is saying something. As MSP for Banff and Buchan, he praised the Liberal Democrat-run Aberdeenshire Council's help for Banff and Buchan; he praised the Liberal Democrat and Labour Scottish Executive's help for Banff and Buchan; and he even praised the Labour Government in London's help for Banff and Buchan. He claimed that Banff and Buchan was SNP run. The fact is that the SNP runs absolutely nothing—no administrations that impact on Banff and Buchan, not the council, not the Executive, not the UK Government. In fact, I cannot think of any reason why the good people of Banff and Buchan voted for Stewart Stevenson in the first place. He has no influence on Government whatsoever.

I am conscious of time—I am in my last minute. However, I cannot miss out the Green contribution. It was interesting that Shiona Baird could not give us a definition of what she meant by being in favour of economic growth. It seems to me that the Greens are completely against growing Scotland's economy—that is a real tragedy.

Frances Curran outlined a Scottish socialist view of growing the economy; I wonder whether it is a bit like that of the Greens. At one point, after saying that transport in Scotland should be absolutely free, she said that banking should be a social service. She should realise that this is a joke, but I felt that she might be advocating free money for all from the local hole in the wall. I might have misunderstood her. In contrast to Frances Curran, Marilyn Livingstone gave a strong exhibition of Scotland's vibrant economy—an economy that can of course be improved and expanded, which is exactly what the Liberal Democrats are committed to doing.

We have seen Scottish business rates equalised with those of England, but we want a further cut in business rates to below the English levels; from our perspective, that would give Scottish business a real competitive advantage. We will maintain the successful small business rates relief scheme; cutting business costs is vital. That is what the Liberal Democrats want to do for Scottish business.

15:36

**Derek Brownlee (South of Scotland) (Con):**

The debate has been interesting, albeit rather brief. The minister's amendment to the SNP motion is rather self-congratulatory, which is what we are used to from the Executive. It talks about the Executive's record of

"listening to business and reducing the level of business rates".

The Executive did not listen to business when it put those rates up in the first place, did it? It did not appear to listen to business in relation to the much-trumpeted but now quietly forgotten research and development business rates cut, which has vanished from the utterances of any Executive minister. In fact, the Executive will not even tell us in Parliament how much it cost to break business rates parity with the rest of the United Kingdom. We know that the figure is £900 million only because the Government had to answer freedom-of-information requests on the matter. It is ridiculous that the Executive, having imposed a burden of an additional £900 million on Scottish business over the past eight years, turns up today and tries to pretend that it is the champion of Scottish business.

Members might remember Henry McLeish, when he was First Minister, launching the improving regulation in Scotland unit with some fanfare. It is worth speculating on just how important the burden of regulation is to the Executive, because we hear a lot of warm noises about it. In April 2006, unable to find a copy of the IRIS annual report because it had not emerged, I decided to ask the Minister for Enterprise and Lifelong Learning a series of questions about its effectiveness. As Stewart Stevenson has recently demonstrated, that is not always a quick or even a fruitful process, but I asked the minister what I considered to be a relatively simple question, which was how many calls the IRIS hotline had received in 2005. That was on 11 April 2006. On 12 May, the minister promised to reply as soon as possible. Six months later, a relentless enterprise minister had finally finished totting up all the calls to the reducing business red tape hotline. There were four calls in 2005, none of which was substantive. That demonstrates the Executive's record on regulation.

Of course, there are other ways of tackling the burden of regulation. Some might say, for example, that we should set deregulation targets. The Liberal Democrats say that—they passed a motion on it at their October conference—so I asked Nicol Stephen whether the Executive supports deregulation targets. Mr Stephen replied:

"The Scottish Executive does not set deregulation targets."—[*Official Report, Written Answers*, 28 August 2006; S2W-27534.]

What a bizarre attitude to deregulation from a party that talks about deregulation.

As the Burt report revealed, local income tax would be 6.5p in the pound on the basic rate of income tax. The tax burden of a small business that pays the basic rate of income tax would increase by a third. That is supposed, in some way, to help small businesses. At a time when the rest of the world is reducing the tax burden on

businesses, a local income tax would increase it. In the debate on the SSP's service tax, we heard from the Deputy Minister for Finance and Public Service Reform—also a Liberal Democrat—that if we put up taxes in Scotland above the level in England, there would be fiscal flight out of Scotland. He does not seem to have considered that when it comes to local income tax.

Of course, we also have the statement on the tartan tax. Mr Rumbles says that there are no Liberal Democrat plans to reduce the tartan tax. Perhaps Mr Stephen should not have told *Scottish Business Insider* that there were.

In the final few seconds of my speech, I turn to the Executive's record and that of the Westminster Government. Much has been made of economic stability. This country has seen continual economic growth since the second quarter of 1992. However, as anyone who checks the records of the Finance Committee will find—and according to Professor Brian Ashcroft, no less—since 1996 there has been economic decline in Scotland relative to the rest of the United Kingdom. The question for the Executive is how effective stability has been and how much more the Scottish economy could have grown had the Executive not pursued the policies that it has.

15:40

**Allan Wilson:** I, too, am grateful to Stewart Stevenson for his valuable contribution to today's debate. Let no one be in any doubt that the key to our future prosperity is a successful Scottish economy populated by successful businesses that drive economic growth. As Stewart Stevenson testified, we have in place an excellent business environment and support framework that works for Scottish businesses in Banff and Buchan as it does for those throughout the country.

**Stewart Stevenson:** Why is the success in Banff and Buchan, which is represented by the SNP, not replicated in Mr Rumbles's seat, which is represented by the Liberals?

**Allan Wilson:** Obviously that is down to Mr Stevenson's astute leadership of the good people of Banff and Buchan, as it is undoubtedly down to the astute leadership of Mr Rumbles that his constituency has the lowest unemployment rate of any in Scotland.

With all due respect to Mr Stevenson, he knows that that is bunkum, as was most of Mr Mather's predictable doom-and-gloom speech. I was shocked and appalled to be accused by the nationalists of promoting doom and gloom when I was, in fact, pointing out how successful the Scottish economy had been by saying why Scotland was performing well during Mr Mather's global boom.

To answer the questions that were posed by the Conservatives, in quarter 3 of 2006, Scotland's growth was well above the G7 average. It was above that of Japan and France and it was equal to that of the United States of America and OECD average. That does not suggest in any shape, manner or form an economy that is performing below average.

Scotland is one of the richest countries in the world. Based on the OECD definitions, it would fit comfortably into the category of high and middle-income groups along with the likes of Japan, Sweden and Australia.

**Mr Andrew Welsh (Angus) (SNP):** Will the minister give way?

**Allan Wilson:** If the member does not mind, I would like to make my point.

Not being a nationalist, I am accused of negativity in relation to nationalism but if I could see anything positive about it, I would be positive about it. It is just so destructive and divisive. If I was going to be positive about nationalism, I would be a nationalist.

The Government expenditure and review in Scotland statistics are not misleading; Jim Mather refused to answer that question. Nor are they inaccurate. The existence of a fiscal transfer, or the union dividend as I like to call it—

**Stewart Stevenson:** It is the subsidy of a failing economy.

**Allan Wilson:** That is where Stewart Stevenson is wrong, for the second time this afternoon. It is part of a resource, risk and revenue sharing that provides the economic rationale for the union. Derek Brownlee referred to it.

In the 1980s, Scotland was in technical surplus—I remember it well. We were also in the midst of recession and mass unemployment. Scotland receives greater value as a consequence of the union dividend and its population share of expenditure for legitimate geographical and social reasons. A growing UK economy, of which Scotland is a fundamental part—we are part of the second most successful global economy—along with Government policy has led to a rapid increase in Government expenditure and, as such, the union dividend has grown in recent years and will continue to grow. That is why we are able to enjoy low relative taxation and increasing public expenditure.

We have the best of both worlds. We have US-style low levels of taxation and Scandinavian levels of expenditure on health and social services. I say to Jim Mather that that is why not only the business community but the people of Scotland will return us on 3 May, when we put that

rationale before them and they are asked to choose between us.

15:46

**Alex Neil (Central Scotland) (SNP):** The minister argues that Scotland is doing very well under the union and after 10 years of a Labour Government. If that is the case, why is the level of child poverty in Scotland 10 times that in Denmark and—this is based on the Scottish Executive's official statistics—two and a half times what it was 40 years ago under Harold Wilson? The minister should go and tell the children of Scotland, in particular the quarter who are living on or near the poverty line, that we are doing well.

An Executive, like any Government, has to be judged by its actions in relation to policy—in this case, on business. Let us consider recent examples of where the Scottish Executive has utterly failed the business community in Scotland. One such example, which is close to your heart, Presiding Officer, is that, at the stroke of a pen, by making a ship a grey ship, the Executive could award a contract to Ferguson's shipyard and save the 99 jobs that are under threat there.

Today we learned that the Executive has wasted £15 million—apparently, the BBC's figure was out by £2 million—on a tendering process for Caledonian MacBrayne services, whereby we have ended up with the status quo. That £15 million would have been better spent on creating jobs and tackling poverty or invested in education.

I turn to some of the other aspects of Executive policy. The finances of Scottish Water have been engineered to ensure that businesses have to face the highest water charges in the whole of the UK. High water charges, which are a tax on business and jobs, have been a mainstay of the Executive's policy.

The minister said that we have to stay part of the union with Britain and referred to the false black hole of £11 billion. The Executive does not mention that, according to its UK Government's figures, Scotland loses out to the tune of £550 million a year in what we pay towards the running of the UK Government, which is spent south of the border, not north of the border. If that money, which has already been paid for by the Scots, was spent in Scotland, an additional £550 million would be brought into the Scottish economy, with all the jobs that that would entail.

The Executive then paraded its expensive private finance initiative programme—the biggest backdoor privatisation programme in Europe—in relation to schools and hospitals. By a simple switch from PFI funding to bond funding, which an SNP Government will introduce, for the projects in the pipeline, we will save £106 million a year. That

money could be invested in schools and hospitals, which would ensure that the taxpayer not only got a good deal but would own the asset that they had paid for at the end of the period.

As Fergus Ewing pointed out, Malcolm Chisholm did not mention the reason for his resignation from the Scottish Executive—a very principled resignation that was based on his quite correct belief that neither the UK nor Scotland requires Trident or the son of Trident. If we remain part of the union with England, we will have to pay our share of the £100 billion that the son of Trident will cost over a 30 or 40-year period. If our share of that money, about £10 billion, was invested in transport, education, housing and the health service, it would create far more jobs and be of far more benefit to the people of Scotland. If the Government spends £100 billion buying a system from America, it will create a lot of jobs in America but not many in Scotland or the rest of the UK. Does the Executive not understand basic, year one economics?

The Executive tries to tell us that it is financially competent. However, let us remember that this is the Executive that announced a new policy on business rates one week, telling us that it could give breaks to companies that were doing research and development work, but which had to withdraw the policy the next week because it had not checked its facts. This is the Executive that presided over the financial fiasco at Scottish Enterprise and the fiasco of the CalMac tendering process. It has no claim to financial or fiscal competence.

The reality is not that which is painted by the minister; it is that a quarter of our children and a fifth of our pensioners are living in dire poverty and that 150,000 of our people are willing to work but cannot find a job. That is the union dividend. That is the result of 10 years of Labour misgovernment. That is why, on 3 May, the Scottish people will turf out that lot and put people in place who will put Scotland first.

**Fergus Ewing:** On a point of order, Presiding Officer.

I have just received further information about a serious matter that arose during this debate. During his speech, Mr Arbuckle made a claim about the views of the Royal Bank of Scotland, asserting that the Royal Bank of Scotland has expressed a view that the SNP's sums do not add up.

I want to make it clear that the position of the Royal Bank of Scotland is that it categorically denies that that is the case. It has not expressed any view on the sums or policies of any political parties. I seek your guidance on whether such a serious misrepresentation of a leading Scottish

institution should be dealt with by the member concerned withdrawing the accusation and issuing an apology to the Royal Bank of Scotland.

**The Deputy Presiding Officer:** As I am sure you know, Mr Ewing, that is not a point of order. However, your point is now on the record.

## Alcohol Misuse

**The Deputy Presiding Officer (Trish Godman):** The next item of business is a debate on motion S2M-5692, in the name of Kenny MacAskill, on tackling alcohol misuse.

15:55

**Mr Kenny MacAskill (Lothians) (SNP):** The Scottish National Party's motion seeks to express the concern that is shared throughout the Parliament—and increasingly throughout the land—that Scotland has a significant problem with alcohol. The problem has been with us not just in recent years, but through the centuries. We must now face up to it and address it.

We accept that there is no simple solution to the problem that we face and that we need to tackle a multitude of factors. The Deputy Minister for Finance and Public Service Reform is right to point out, in his amendment, the need for individual responsibility. Our position is clear. We need Executive action, but we also need culture change throughout Scotland. That will involve enforcing and extending existing legislation and changing the attitudes of all Scots. Our motion focuses on misbehaviour, often by young people in housing schemes in Scotland, but alcohol misuse is not restricted to the young or to those in marginalised areas. It is found among people of all ages and classes. The Government needs to act on the problem of alcohol misuse, but each and every Scot needs to look at his ways. As someone who offended in the past, I recognise the error of my ways and the requirement to address my consumption.

The figures on alcohol misuse that the Office for National Statistics published recently are frightening and shocking. We should be concerned that alcohol misuse costs our country more than £1 billion. The health service will struggle to cope, not just to provide liver transplants, but in other ways. There are also clear correlations between alcohol misuse and violent crime, and between youth disorder, including antisocial behaviour, and the availability of cheap alcohol throughout the land. We need to address those correlations.

Problems do not occur only on Friday and Saturday nights. Sadly, many communities are blighted by misbehaviour throughout the week. It is clear that we need to tackle the availability of cheap drink to youngsters—and, sadly, children—who are a danger to others and to themselves as they drink themselves towards oblivion.

Our position on the Tory amendment is that we would, of course, welcome additional police officers on the beat. It is clear, and we have argued, that a visible police presence reassures

communities and deters crime. However, there is a time and a place for simply chanting a mantra and a time and a place for recognising that we have to target matters. That is why we will not support the Tory amendment.

We readily accept and support a great deal of the minister's amendment. Over the years, we have supported what the Executive has done to tackle alcohol misuse, including its work with the industry, which plays an important role. However, we believe that there has been a significant change in Scotland that, to date, has not been tackled. That change is the growth of the off-sales trade. There has been a significant shift in the sale and consumption of alcohol away from on-sales and towards off-sales—that is, a shift away from people accessing drink in pubs and clubs and towards people buying drink from supermarkets and off-sales. Almost 50 per cent of the alcohol that is sold in Scotland is sold by the off-sales trade. We need to ramp up the action on that.

The Executive is to be supported—and has had our support—in the action that it has taken against the on-sales trade. It is also fair to say that the trade has tidied up its act. There are still recalcitrant traders, but the licensed trade in Scotland has done remarkably well, and further measures are being introduced.

We must now tackle the off-sales trade, because in many instances the people—youngsters, in particular—who are causing problems are obtaining their alcohol through the off-sales trade. They are not stumbling out of pubs and clubs after buying pints of lager or whatever; they are obtaining bottles of cheap cider and other drinks from supermarkets and off-sales premises. They are causing mayhem and carnage in our communities and are a danger to themselves.

**Richard Baker (North East Scotland) (Lab):** Does the member welcome the alcohol test purchasing scheme that is being rolled out, after being piloted in Fife, whereby retailers who sell alcohol to underage consumers are identified? Does he acknowledge that there is an issue to do with young people's access to drink at home and that there is a job to be done to educate parents too?

**Mr MacAskill:** The test purchasing scheme is welcomed in the motion, and the member's comment about education for parents and children brings us back to the culture change that is required, so I have no hesitation in agreeing whole-heartedly with him.

There is irresponsible promotion and pricing in the off-sales trade. It is perverse that a person in Scotland can buy a bottle of cider that is cheaper than a bottle of water, although we are a nation surrounded by water and quite often deluged by

rain. The price of alcohol in pubs is being tackled. We are outlawing two-for-one offers and irresponsible promotions that encourage people to consume as much drink as they can as cheaply as possible. A measure on two-for-one offers in pubs should surely apply to such offers in supermarkets. If it is wrong to encourage someone to buy two pints of lager for the price of one, it is equally wrong to promote the sale of two cases of lager for the price of one. We must tackle irresponsible pricing and promotion by extending the Licensing (Scotland) Act 2005 to cover not just the on-sales but the off-sales trade and we must then enforce the law.

Under the law of the land, alcohol should not be sold or supplied to minors. However, communities throughout Scotland know that the law is routinely abused. The sale of alcohol to minors is not always deliberate—people can be leaned on and threatened—but it is unacceptable. We need a proof-of-age card, because there is clear evidence from Canada and the United States of America, for example, that such an approach works and supports licensees who want to abide by the law. We must ensure that people who sell or supply alcohol to minors are prosecuted and have their licences revoked.

The action that we need to take is widespread and is not limited to the measures that the motion and amendments describe. We must tackle the problem, because it is growing. We must tackle not just the on-sales trade but the off-sales trade. We must address the irresponsible sale and promotion of alcohol and the provision of cheap drink, in particular in supermarkets. We must stop the sale of alcohol to minors, for their benefit and for the benefit of communities.

I move,

That the Parliament notes with concern the recent alcohol statistics published by the Office for National Statistics which show that men and women in Scotland are twice as likely to die an alcohol-related death as people in the United Kingdom as a whole; recognises the huge cost of alcohol abuse to the health service and the economy and its impact on families; further recognises the clear links between alcohol abuse and crime and antisocial behaviour; further notes that youth disorder and violence in many communities throughout Scotland are often fuelled by cheap and easily available alcohol; welcomes measures such as test purchasing and calls for the strict enforcement of existing licensing legislation to prevent the sale or supply of alcohol to those under age, and calls for the powers contained within the Licensing (Scotland) Act 2005 to be extended to off-sales premises, thus stopping irresponsible drink promotions in off-sales premises and the practice of deep discounting of alcohol by supermarkets.

16:02

**The Deputy Minister for Finance, Public Service Reform and Parliamentary Business (George Lyon):** I welcome the opportunity to talk

about an important subject and describe actions that we have taken as part of a long-term process of changing culture—I am glad that Mr MacAskill acknowledged that we need to change the culture. There are no short-term fixes that can immediately change behaviour in relation to the misuse of alcohol.

We are all too aware of the damage that excessive drinking can cause to our communities, our economy and our way of life. The statistics speak for themselves. We acknowledge that action is needed to tackle binge drinking and underage drinking and to change the culture in Scotland.

**Bruce Crawford (Mid Scotland and Fife) (SNP):** Will the minister give way?

**George Lyon:** I have quite a bit to say and I want to make progress, but I will give way to the member soon.

We cannot have a short-term approach that targets one issue but ignores others. Unfortunately, the approach that the Scottish National Party has taken today tends to target just discount pricing.

The Executive has taken action, through the Licensing (Scotland) Act 2005. It is worth restating what that act does and the measures that are being taken to crack down on a wide range of irresponsible promotions in on-sales and off-sales premises.

**Bruce Crawford:** Yesterday, the Local Government and Transport Committee considered a statutory instrument that will allow clubs to open to the public and sell cheaper drink, 52 weeks a year. I do not think that the instrument's implications were entirely clear to members of the committee. Extensive lobbying is going on. Will the minister consider the instrument's implications?

**George Lyon:** As Mr Crawford will remember from discussing the matter in committee, the occasional licences provided for by the regulations that we dealt with yesterday are for boards to give to clubs for one-off extensions for special occasions. They are not expected to be used on a wide scale. It is for the local licensing board to decide when that is appropriate. That is the context that members must understand in relation to those regulations.

For all premises, both on-sales and off-sales, we are banning promotions that encourage people to consume a larger measure than they had intended; promotions based on the strength of the alcohol; promotions that reward or encourage drinking alcohol quickly; and promotions that offer alcohol as a reward or prize.

**Margo MacDonald (Lothians) (Ind):** Will the member give way?

**George Lyon:** I do not have a lot of time, but yes.

**Margo MacDonald:** It is just a quick question. Will the Executive ban drink that is considered to be too high in its alcoholic content?

**George Lyon:** I am just coming to that matter.

For on-sales premises, we are banning promotions that offer alcohol free or at a reduced price on the purchase of another drink. We are also requiring that free tap water and reasonably priced soft drinks must be available. We are banning promotions that involve unlimited amounts of alcohol for a fixed price, and we are requiring that prices be maintained at the same level for 72 hours, so as to ban happy hours. That package of measures represents tough action, which will have a significant effect on the way in which alcohol is promoted.

We are also taking measures to tackle underage drinking. The 2005 act has already been used to pilot the test purchasing of alcohol, and Fife constabulary's work has been extremely successful. We have decided that test purchasing should be rolled out to all police forces on 1 May, subject to parliamentary approval. That is another example of tough action being taken to tackle underage drinking and those who sell alcohol to under-18s. Licensing boards will have the power to take away individuals' licences if they are caught under the test-purchasing rules.

**The Deputy Presiding Officer (Murray Tosh):** You have one minute left.

**George Lyon:** We will shortly publish the outcome of research that examined issues around off-sales promotions and antisocial behaviour, as we promised during the stage 1 debate on the Licensing (Scotland) Bill. We will consider that work very carefully and then decide whether we need to go further. In considering whether other sorts of promotion need to be restricted, we will take an evidence-based approach to developing further policy. We must be careful not to go for the headline-grabbing gimmick approach, which does not deliver real results. I welcome the significant progress that is being made by many retailers to roll out the challenge 21 scheme, which is a valuable tool in tackling underage drinking.

The effect of alcohol and antisocial behaviour on our communities is key, and we need to break the link. There are now about 1,500 more police officers in Scotland than there were in 1999 to prevent and detect crime—and preventing crime and disorder is a key principle of the 2005 act.

It is easy to say that more legislation is needed and that, somehow, that will be the magic bullet that solves Scots' love affair with the booze. That is a blinkered attitude that will achieve nothing. A

focused and comprehensive approach to achieving a long-term culture change is needed and we are in this for the long term. It is about changing culture and behaviour over the coming decade.

**The Deputy Presiding Officer:** Quickly.

**George Lyon:** We can change culture, as the smoking ban shows. It is about creating a society where alcohol misuse is no longer acceptable.

**The Deputy Presiding Officer:** You must close.

**George Lyon:** That inclusive approach is the right way to tackle Scotland's love affair with the booze.

I move amendment S2M-5692.2, to leave out from "with concern" to end and insert:

"the damage excessive drinking can cause to physical and mental health, our communities, our economy, and our way of life; notes the success of the Fife test purchasing pilot and welcomes its proposed rollout to all police forces; welcomes that the vast majority of licensed retailers in the Fife pilot refused to sell alcohol to those under age; believes that the provisions of the Licensing (Scotland) Act 2005 provide a solid foundation for future action to combat problem drinking; notes that this Act already sets out a range of irresponsible drinks promotions in both on-sales and off-sales that will not be permitted when the Act replaces the current licensing regime; welcomes the publication of the updated *Plan for Action on Alcohol Problems* and the industry partnership agreement, the actions from which represent a significant programme to reduce alcohol misuse; supports the Executive's commitment to extend the Keep Well initiative as a way of ensuring that those most at risk from the effects of excessive drinking in our deprived communities are offered advice and support; recognises that the problems associated with excessive drinking require action from industry, government and individuals, and notes that changing culture and behaviours will require a long-term collaborative approach where everyone takes responsibility for our society's excessive consumption."

**The Deputy Presiding Officer:** I call Nanette Milne to open for the Conservatives. You have four minutes.

16:08

**Mrs Nanette Milne (North East Scotland) (Con):** Alcohol misuse is one of the most serious public health problems facing Scotland. Long gone are the days of my youth, when alcohol was available at home only during the festive season. Friday and Saturday evenings saw the occasional drunk, usually middle-aged and male, staggering out of the pub at the 9.30 closing time. Pubs, with their sawdust-strewn floors, were not where respectable women would be seen, of whatever age.

Contrast that with any city centre today, with hordes of young men and women spilling out of nightclubs as late as 3 or 4 o'clock in the morning in a sorry state of inebriation. Girls as young as 15

boast of having no recollection of what took place on a night out, and many young people of both sexes end up in accident and emergency departments, which struggle to cope with the influx of drunk patients, particularly at weekends. It is small wonder that there is an increase in antisocial and violent behaviour, in road accidents, in sexually transmitted disease, in unwanted pregnancies and, ultimately, in the onset of alcohol-related liver disease at an alarmingly early age.

Every six hours someone in Scotland dies from alcohol abuse—a stark statistic that masks the misery, pain and suffering of lives destroyed, relationships ruined and the devastation of grieving families. I am glad that the SNP has brought the debate to Parliament today because we must find some way of changing today's binge-drinking culture into one in which alcohol is enjoyed by the majority of people at a level that is safe and, indeed, can be beneficial to our health.

There is no quick fix to culture change, but it can be achieved, as we have seen with drink driving, smoking and the wearing of seat belts. It takes years of education, hard-hitting public broadcasting and often, ultimately, legislation. We have a long way to go in the battle against the misuse of alcohol.

We must start by curbing underage drinking. Young people and their parents must be made aware of its serious consequences, and parents must learn that it is unacceptable to turn a blind eye to their teenage children's activities. My local community policeman tells the story of an irate, well-to-do, west-end parent claiming back a bottle of vodka confiscated from her 14-year-old son, because she had given it to him. Such irresponsible behaviour simply cannot be condoned.

Retailers must play their part in enforcing the law. It can be difficult to judge the age of a teenager, and I commend the social responsibility of retailers who voluntarily refuse to sell alcohol to people under the age of 21 and ask for proof of age. Community police have a good record of locating and dispersing underage drinking groups, but sadly, too few of our communities benefit from a police presence at night.

The new licensing legislation approved in 2005 is meant to end the happy-hour culture and stamp out speed drinking in pubs and clubs, but ahead of its implementation in 2009 some licensees are already replacing happy hours with rolling promotions of cheap drink and spirit prices as low as 50p.

**George Lyon:** I hope that the member will recognise that we can amend the schedule to the Licensing (Scotland) Act 2005 to deal with the



situation if we think that on-sales are trying to circumvent the promotional bans that we have introduced.

**Mrs Milne:** Yes, I appreciate that, minister.

**The Deputy Presiding Officer:** You have one minute, Mrs Milne.

**Mrs Milne:** There are so many licensed premises today that competition for custom is fierce, and licensing boards should be seriously considering the proliferation of alcohol licences and their effect.

Although I welcome test purchasing, I hesitate to support the SNP's call for the powers of the 2005 act to be extended to off-sales premises, because I am assured that there is there no hard evidence to date that deep discounting actually leads to an increase in alcohol consumption. Research is under way into the relationship between off-sales and problem drinking in Scotland, and I think that we should await its findings before considering any further changes to the law.

I am pleased that the alcohol industry is taking very seriously the need to promote responsible drinking, and I welcome the recent partnership set up among the Executive, the Scotch Whisky Association and eight other trade associations to tackle alcohol abuse.

**The Deputy Presiding Officer:** I must hurry you, Mrs Milne.

**Mrs Milne:** The Conservatives have previously called for a crackdown on owners of licensed premises that sell to underage drinkers and for businesses to become more involved in responsible drinking initiatives. It is good to see that once more, where we lead, the Lib-Lab pact follows.

There is a long way to go, but we are waking up to the serious scourge of alcohol misuse in Scotland and taking early steps to tackle it.

**The Deputy Presiding Officer:** You really must close.

**Mrs Milne:** We must support all initiatives to safeguard our society against alcohol abuse.

I move amendment S2M-5692.1, to leave out from "and calls" to end and insert:

"recognises that an increase in the number of police walking the streets would help to enforce the law, and welcomes the recent partnership between the Scottish Executive, the Scotch Whisky Association and eight other trade associations representing alcohol producers and retailers to tackle alcohol abuse."

**The Deputy Presiding Officer:** I must stress to members that four minutes means four minutes—not four and a half, or four and three quarters. The

rest of the speeches will have to be timed accurately.

16:13

**Richard Baker (North East Scotland) (Lab):** I welcome this afternoon's debate on tackling alcohol misuse. In the north-east, we are acutely aware of the significance of the problem. It is certainly not one that will be solved over the course of such a short debate, but it is nevertheless important that we take opportunities to discuss an issue that pervades not just Scotland's health but the fabric of our communities, as it affects problems such as crime and antisocial behaviour.

Last summer, *The Press and Journal* ran a campaign to highlight the impact of excessive drinking on crime in the north-east. It was a successful campaign, and I was aware of its importance from my experience of joining Grampian police on a tour of Aberdeen city centre one Friday night into Saturday morning. People should be able to enjoy a pint on a night out and to socialise through drinking sensibly, but I was struck by the sheer number of people pouring out on to Union Street at 3 am. It seemed to me busier then than during some daytime hours. I hope that the Licensing (Scotland) Bill, which we passed earlier in this parliamentary session, will help the situation.

What was even more striking was that the people who were detained by the police that night—through what I must say were rapid police responses—were clearly driven to their offending because of binge drinking. Once apprehended, they were understandably contrite. They were asked what jobs they did, and they were often in good employment. When I viewed the process, it seemed clear to me that binge drinking had turned reasonable people into people who were capable of offending.

Of course, problems relating to alcohol misuse do not occur only in busy town centres. I know from the too many complaints that I still receive from communities throughout Aberdeen and in rural areas that alcohol misuse blights the lives of too many people. In particular, there is concern about young people drinking, or underage drinking, which even happens in public. The British Medical Association's briefing contains worrying statistics relating to that problem. It is clear that too many young people get access to alcohol at home. We must continue to urge parents to be vigilant about that, but it is also an issue for retailers. The vast majority of retailers sell alcohol responsibly, but I am pleased that the Executive has taken action in the area. When I heard about the test purchasing pilot in Fife that aims to identify retailers who sell alcohol to underage people, I

immediately called for the scheme to be rolled out to the north-east if it proved successful. I am glad that it has now been rolled out nationwide, as it will be valued throughout Scotland.

It is important to acknowledge that the Executive has acted to discourage alcohol misuse. The new licensing laws focus on doing so. The Executive has already awarded the relevant powers to local licensing boards in some of the areas that the SNP has mentioned so that the right decisions can be made at the community level. It is important that licensing boards make such decisions. The Executive is, of course, promoting prevention and education through advertising campaigns and through working with organisations such as Alcohol Focus Scotland and with the industry, which has an important role to play. Indeed, the industry is treating its role seriously. At the local level, alcohol and drug action teams are working to help people who are suffering because of their alcohol misuse.

The Executive is therefore taking national initiatives and enabling local action to address alcohol misuse, which has blighted our society for far too long. Members should be united in their determination to address the issue. I welcome the tone of Kenny MacAskill's speech in that context, and am confident that the Executive will not relent in continuing to consider new ways to tackle alcohol misuse. I am sure that no serious party will say in the election that the Parliament and the Executive have not addressed the issue.

No one should pretend that there are easy or quick fixes to such a long-standing problem for Scottish society. However, concrete measures to tackle alcohol misuse have been taken in this session, and I am sure that more action will be taken to tackle it in the next session.

16:17

**Mr Stewart Maxwell (West of Scotland) (SNP):** I agree with Richard Baker: a multifaceted approach must be taken to address the problem of alcohol misuse. There must be cross-party support for action, as my colleague Kenny MacAskill and the minister said.

I want to discuss the four As of alcohol abuse: affordability, availability, advertising and acceptability. I will deal with affordability first. Members are probably aware that alcohol was 54 per cent more affordable in 2003 than it was in 1980. In a recent Asda promotion, two litres of cider cost 69p. Alcohol Focus Scotland has stated:

"We have spent time collecting information about the price that alcohol is available at from supermarkets and off-licence outlets. We have been dismayed to find some cans of beer cost less than cans of cola".

**George Lyon:** The member has made a valid point. However, alcohol is even cheaper in many southern European countries than it is here, but they do not have the cultural problems with alcohol that Scotland has. They do not have binge drinking problems and do not experience the after-effects of such drinking that we see in our communities. What is his view on that?

**Mr Maxwell:** There are as many levels to the problem as there are to the solution. However, it is clear from all the research—I am sure that the minister is not trying to contradict the research—that the cheaper the alcohol, the more of it is consumed and the greater the problem is, certainly in northern European countries. That is a fact.

I turn to the availability of alcohol. Between 1980 and 2003, the number of off-sales licences increased by 25 per cent in Scotland. In East Renfrewshire, where I live, the number of off-sales licences rose by 27.6 per cent over that period. There are more outlets for selling alcohol, which makes it easier to access it.

Society must ask itself striking questions about advertising. Do we want to allow alcohol to be advertised on television and radio before the watershed? Alcohol is a product for adults, so why should it be advertised in the middle of the afternoon? What about removing logos and brand names associated with alcohol from children's clothing, particularly sports shirts? I am glad that we are making progress in that respect. Such things should have been removed from children's clothing long ago, and I commend the Executive for taking action.

Supermarkets, of course, use alcohol as a loss leader and heavily advertise how cheap their drinks are. That must be controlled. For example, in late 2006, one advert from a well-known supermarket featured two men who were unable to get any more drink into the back of their hatchback car because it was so stuffed full of alcohol. Also in late 2006, another supermarket advertised the fact that its alcohol was extremely cheap by showing a man with crates of alcohol next to him and a large white van, which he was about to stuff full of alcohol. I believe that those are examples of irresponsible advertising on the part of the supermarkets and in no way reflect the kind of television advertising that we want to see for what is, for many of us, a difficult product.

Acceptability is an issue that we tend to ignore. Formerly, it was socially unacceptable for a man to be drunk in public, but that has changed. More recently, drunkenness among women has become more socially acceptable among some sections of society, in particular among younger people. That cultural shift, which should concern us all, has been encouraged and promoted by many so-

called personalities. People used to go out to socialise and to have a drink at the same time. Unfortunately, many people now go out with the specific intention of getting drunk as quickly and as cheaply as possible.

The effects of drink becoming cheaper, more widely available and heavily advertised are increased consumption—consumption has risen by 23 per cent in the United Kingdom in the past 10 years—binge drinking and increased long-term problems. Many of the health statistics that have been published in the past week are very frightening. Over and above that, not only does alcohol have costs for health but it is a factor in crime. It costs us as a society more than £1 billion a year—

**The Deputy Presiding Officer:** You must close, Mr Maxwell.

**Mr Maxwell:** We must face up to those problems by enforcing the current laws and extending them to off-sales.

16:21

**Euan Robson (Roxburgh and Berwickshire) (LD):** I want to concentrate on health issues. Many statistics on alcohol have been published recently. As Stewart Maxwell mentioned, alcohol misuse now costs the economy more than £1 billion per annum. However, the statistics also show that there has been a 72 per cent increase in alcohol-related deaths since 1995 and, since 1990, a 54 per cent increase in reported drinking by 15-year-olds and a 100 per cent rise in drinking by 13-year-olds.

It is good that we have an updated action programme from the Scottish Executive, but I agree with Kenny MacAskill that we need a culture change. I welcome the spirit of his remarks. We need to adopt what the British Medical Association has described as a multilayered approach. I believe that we can change behaviour in society. That is what happened when the wearing of seat belts was made compulsory some years ago and when the recent ban on smoking was introduced.

The Liberal Democrats believe that an extension in alcohol services can be achieved through the provision of additional community health facilities. I welcome the piloting of a telephone-based intervention service under the keep well initiative, as set out in the Executive's updated plan. However, alcohol abuse is manifest in more than just deprived communities. We need to roll out the anticipatory care concept across the whole of Scotland. Early intervention where harmful and hazardous drinking is identified is as important as early intervention where disease is found in an individual. Faster diagnosis leading to faster

intervention and/or treatment will yield both short-term and long-term health improvements.

**John Swinburne (Central Scotland) (SSCUP):** Will the member take an intervention?

**Euan Robson:** No.

We agree with the extension of the alcohol test purchasing pilot to all of Scotland in 2007. That is an important development in the updated plan. We also wish to see the progressive roll-out of bottle tracing schemes such as the one that was successfully piloted in the Tweeddale, Ettrick and Lauderdale constituency of my colleague, Jeremy Purvis. As the BMA has said, the existing legislation on the sale of alcohol to young people ought to be more rigorously enforced.

The Executive's action plan rightly supports the further development of youth community alcohol-free environments—CAFES—but a number of such projects have serious problems with core funding. I see that in my constituency, where youth clubs have been unable to continue at their previous operating levels. If we really believe in curbing excessive alcohol consumption, we ought to defer and deflect the recruitment of young drinkers. Accordingly, the Liberal Democrats believe that it will be particularly important for the next Scottish Executive to address, with local government, the core funding issues for youth club and youth CAFE provision.

On the issue of recruitment, I believe that Westminster ought to talk directly to the drinks industry about sugary, fizzy alcoholic drinks. The clear intention behind so-called alcopops seems to be the recruitment of a generation of drinkers. Limiting the sugar content of alcoholic drinks could be beneficial not only because high sugar content is unhealthy, but because it might contribute to deferring recruitment to alcohol consumption.

The stocktake of drug and alcohol action teams that is proposed in the updated plan will be a welcome opportunity to assess their individual and collective performance. It should also ensure that best practice is disseminated among the teams. I believe that DAATs ought to continue, but if the focus needs to shift, the sooner that is done, the better.

In particular, we see DAATs helping the public to understand alcohol consumption more—to understand what the safe level of alcohol consumption per day is by unit and to know how many units each drink contains. I suspect that vast numbers of people have little or no idea on either account.

I commend efforts to establish the impact of alcohol on the number of incidents that accident and emergency departments deal with and on the entirely unacceptable level of violence against

health care staff in those departments that persists despite recent legislation. I endorse the work that is being done to improve the recording and reporting of information on drug and alcohol use during pregnancy, which is important.

It is important that NHS boards enhance services to deal with alcohol misuse and do so soon. If we are serious about reducing alcohol misuse, three further actions need to be taken. The first is to find out more about waiting times, and to reduce them, for access to alcohol services—a parallel exists with healthy eating campaigns.

**The Deputy Presiding Officer:** I am afraid that you must close, Mr Robson.

**Euan Robson:** We need to ensure that the public sector promotes the sensible use of alcohol.

16:26

**Stewart Stevenson (Banff and Buchan) (SNP):** My colleague Christine Grahame told me that she first highlighted alcohol as a greater problem than drugs in 1999, when she asked the Executive to hold a debate on the problem of alcohol, which it duly did in spring 2000, so we have discussed the subject for a considerable time.

In my brief speech, I will focus on

“the ... links between alcohol abuse and crime and antisocial behaviour”,

to which Kenny MacAskill refers in his motion. Like Richard Baker and others, I have been out with the police. Last weekend, I was out with the police van between 11 o'clock on Saturday night and 4.30 on Sunday morning. No issue that we met in those five and a half hours was other than related to drink—none at all. No shout that the van dealt with and no incident that we encountered ad hoc was other than alcohol related.

I will give two brief examples from that evening to illustrate the effect of alcohol on people, which I guess will chime with others. The first is of an adult who, having drunk an excessive amount of alcohol, was asked to leave licensed premises. On the way out, the adult decided that revenge was appropriate, so he picked a fight with the glass door of the licensed premises and charged into it head first. The door won that battle. The individual ended up with about 8 square inches of skin hanging off his skull and blood was to be seen everywhere. The person was so inebriated that he was barely conscious of the damage that he had done to himself. He fought the Scottish Ambulance Service staff to prevent them from taking him to hospital; six policemen had to take him there to have his wound attended to.

The second example is of a 17-year-old youth who was drunk out of his mind. The police with whom I was out on patrol offered him the choice of being taken home to his mother or spending a night in the cells. It was a tribute to his mother that his first preference was a night in the cells. However, the police persuaded him that his mother would still be rather irritated with him in the morning and that he might as well get it over with. In the back of the van, he was so agitated that he sought to destroy the cage in which he was being held. He then lowered his trousers and urinated in the back of the van precisely to cause the maximum irritation. He was correct to fear his mother. We met his mother, and I have every confidence that she was going to deal with him.

Access to drink is a huge social ill when that drink is abused excessively. The problem is not new and we should not pretend that it is. In one of his books, T C Smout described a village in East Lothian in the mid-1800s that had one pub for every 14 people. In 1916, David Lloyd George introduced legislation that restricted drinking in the dockyards by ensuring that distilled liquors were held in bond, first, for two years and, later, for three years. When I first entered work in 1964, it took me 22 minutes to earn the money to buy a pint of beer; today it takes people on the minimum wage only 15 minutes.

We need to address a huge range of problems, and I support my colleague's motion.

16:30

**Patrick Harvie (Glasgow) (Green):** I welcome this timely debate on an issue to which members in the next session of Parliament will have to return. Most members' speeches have contained points with which I agree and comments with which I disagree, but I do not think that we are that divided over this issue.

I am not wild about any of the positions set out in the SNP motion and the amendments. In time, the measures called for in the motion might well be needed, but I would want to wait and see the impact of the Licensing (Scotland) Act 2005 in practice before I could feel able to support its stance.

The weakness of the Executive amendment lies largely in its reference to

“the damage excessive drinking can cause”,

while at the same time seeking to delete from the motion the fact that the statistics are getting worse. This is not something that should simply be noted; this damage is being caused right now.

The Conservative amendment deals with the issue through the very narrow filter of crime and disorder. Clearly there are connections between

alcohol and such matters, but this is first and foremost a public health issue that cannot be dealt with simply by putting police officers on the streets.

**Margo MacDonald:** Rather than being a public health issue, is binge drinking not a matter of fashion? How do we change such attitudes?

**Patrick Harvie:** The member certainly has a point. Members in the next session of Parliament who take the time to carry out more substantial work on this matter will need to identify some of those trends. The problem has got worse because of changes in the sector over the past 50 years that have led to the monopolisation of the industry by huge conglomerates. The previous model of a much more local and independent retail sector and more local production was, I think, healthier.

We should listen to what young people say on this matter. When Scotland's commissioner for children and young people asked young people how we could prevent unhealthy attitudes towards alcohol from developing, their suggestions did not necessarily focus on drink alone. For example, they pointed out that, for many young people, going out and having a drink is the cheapest, easiest and nearest means of enjoying themselves socially. We need to provide and talk up positive alternatives that are cheap or, where possible, free.

We need to avoid certain dangers. For a start, hitting small independent retailers too hard can damage rural and urban communities. Moreover, we should avoid doing the easy bits first. For example, it is easy to introduce measures such as those on off-sales opening hours that were agreed a while ago, but doing so ignores very difficult problems related to health inequalities and culture change that will take a lot longer to deal with and for which we have as yet no coherent solutions.

We must avoid any accusation of hypocrisy. After all, I recall the day of the stage 3 debate on the Licensing (Scotland) Bill when, after the chaos in the chamber, many MSPs trooped out having spoken and heard words of Puritanism to enjoy the trays of free booze that awaited us.

16:34

**Campbell Martin (West of Scotland) (Ind):** I am glad that everyone who has spoken in this debate has acknowledged that alcohol misuse affects every part of and every social class in Scotland. I am sure that we would all acknowledge the great work done by many people in voluntary organisations, the health service and certain parts of Government.

However, a degree of hypocrisy permeates all the arguments about alcohol misuse, even those

that take place in the Parliament. We are here today to say what needs to be done to tackle alcohol misuse outside the Parliament, but I am sure that there are very few MSPs who have not, on occasion, found themselves bloated; Mr MacAskill has already admitted to a small indiscretion, which resulted in his being a guest of the London polis. I accept that that applies to some members more than to others, but it is a reality. The degree of hypocrisy that exists among members permeates every strand of the argument about how to tackle alcohol misuse.

It is extremely difficult to tackle people's drink problems because all the good work, campaigns, assistance and support will be useless until the people concerned decide for themselves that they have had enough and that they want to stop. That is accepted by the professionals who are involved in caring for people who have alcohol problems. I speak as someone who has some knowledge on the subject. I have a friend whom I have known since I was at school who is now permanently hospitalised as a result of the consequences of excessive drinking. We can do our best, but the reality is that until a person who has a drink problem faces up to it and seeks help for themselves, all the good will and help in the world will not tackle the problem.

The problem that we face has two strands: preventing people from getting to a stage at which they drink too much and need help; and supporting people who find themselves in that position. If legislation is to be effective, we must work hand in hand with the drinks industry and with bar managers. I have spoken about hypocrisy and although I do not mean that in a terribly bad way, it is true that it exists. According to figures for 2005-06, the Government raked in around £14 billion in tax from the drinks industry in that year alone. I do not know how much money is being allocated to campaigns to prevent people from drinking too much or to helping people with drink problems, but I venture to suggest that the figure is not £14 billion. There is also a degree of hypocrisy among bar managers and staff, whose representative organisations regularly tell us that they endorse responsible drinking, but who are happy to line up the shots and rack up the profits. There needs to be less hypocrisy.

It is clear that, in certain areas, the Executive does good work to tackle such problems. However, we hear from councils across Scotland that cuts in Executive funding have meant that they have had to cut their budgets and their spending, which has had a knock-on effect on organisations that seek to support people with drink problems. For example, North Ayrshire Council completely stopped its allocation of £20,000 a year to the Ayrshire council on alcohol, which means that the organisation can no longer

provide the services that it used to. Indeed, an office in Kilmarnock may now have to close. That is the reality. Perhaps we should stop the hypocrisy and help the people concerned.

16:38

**Scott Barrie (Dunfermline West) (Lab):** Alcohol consumption is on the increase, as are violence and health-related alcohol problems. That we must address the situation is not in doubt, but what we must do is far harder to determine. Prohibition is not the answer, as we all know from the experience in the United States. It is clear that the growth in organised crime was related to the passing of the 18<sup>th</sup> amendment and that the social benefits claimed by prohibitionists were never realised.

Simply increasing the price is not the answer, as the experience in Scandinavia—where high alcohol prices have not led to a reduction in health and social problems—has shown. Last year, I was a member of a parliamentary delegation to Iceland. When we met representatives of the Icelandic Ministry of Health and Social Security, we learned that although alcohol is considerably more expensive in that country, the number of referrals to the acute alcohol unit at Reykjavik general hospital ran at 10 times the rate of admission to similar facilities in Scotland. Sweden and Denmark also have substantial problems with alcohol misuse. There seems to be a huge cultural difference between countries in the south of Europe and those in the north, into which category the UK and Scotland fall. Many of our problems are shared by our northern neighbours. There are no easy answers—we recognise the problem and its difficulties—but that does not mean that we should do nothing.

In tackling underage drinking, not for the first time Fife is leading the way. Test purchasing of alcohol, which was piloted in Fife, is to be rolled out throughout Scotland. Up to the middle of last month, 810 on and off-sales premises in Fife had been tested, with 17 per cent failing. Those that failed were split equally between on and off-sales, giving the lie to the belief that only off-sales are the problem with underage sales, as Kenny MacAskill seemed to suggest. The Fife pilot showed that, if licensees are found to be flouting the law and selling alcohol to kids, licensing boards must use their powers to take away their licences.

I am glad that Kenny MacAskill called for a proof-of-age scheme. I think that an identification scheme would provide that. I am glad that the SNP seems to be moving, at least slightly, in that direction.

I agree with everyone who has said that we need a culture change. We must aim to create a

society in which the safe and sensible consumption of alcohol is recognised as being compatible with a healthy lifestyle. Perhaps if we were to educate our youngsters and adults in the delights of drinks other than cheap, fizzy, chemically produced lagers with a high alcohol content we would go some way towards educating our palates, which is a point that other members have made.

Kenny MacAskill made a fair point regarding off-sales promotions. He said that two-for-one promotions were wrong in on-sales premises and suggested that the same was true of off-sales premises. Nevertheless, I think that there is a slight difference. If someone buys alcohol in on-sales premises, they need to drink it at some point; they cannot take it with them. Those who buy cheap alcohol from supermarkets may not drink it straight away, therefore the two situations are not exactly the same. We should bear that in mind.

We all have a responsibility in the area of alcohol abuse, but let us not pretend that there are easy answers. I am glad that there seems to be a degree of consensus this afternoon. We must ensure that there is not just one solution but many solutions to the problem.

16:42

**Mr David Davidson (North East Scotland) (Con):** This has been a consensual debate, and I am glad that the SNP raised the subject this afternoon. As has been said by many members, we must take a multifaceted approach to the problem. It is not a single issue and, as Nanette Milne said, there is no quick fix. We must examine all the issues. The current licensing law needs to be reviewed at the earliest opportunity by the next Parliament. It cannot be postponed much longer. We must also do some research on off-sales, as there has been a huge shift to off-sales. We need more information on whether people make large purchases and take them home or consume them as quickly as possible.

Yesterday, along with other MSPs, I attended a hustings hosted by the Grampian joint branch board of the Scottish Police Federation. One issue that the police raised with us was the problem of alcohol fuelling crime—not just antisocial behaviour but other crime as well. They saw that as a bigger issue than the drugs situation, which is a major problem in their area.

Last Friday, I visited Albyn House in Aberdeen, just outside the city centre, which is run by a charitable organisation. Over the previous year, the police in Grampian delivered into its care 800 people who were incapable of looking after themselves. There are special rooms there in

which people's breathing and so on is monitored, and emergency care is available. The police joined me on that visit. They are putting in place a liaison officer, as alcohol misuse is now a major issue for Grampian police. Organisations such as Albyn House need funding to continue to deliver that type of care.

We have an issue with rogue traders selling alcohol to underage people, but we also have an issue with adults purchasing alcohol and passing it to young people. I recently saw that being dealt with in England through the use of closed circuit television to check whether alcohol that was purchased by an adult was passed on to young people in the locality. That project is receiving police support.

What about parents? The police tell me that parents give their children alcohol and we have heard about experiences of that. Do those parents not understand? I have always believed that the issue is cultural and will not be dealt with by legislation—the legislative approach certainly has not worked in other countries in northern Europe. If we are going to educate young people, we must educate parents, too. I go further and say that we must educate young people at school, before they become parents, about what alcohol can do to them, their future and the children that they may have.

We need better dialogue with the trade. I congratulate the Scottish Beer and Pub Association on its challenge 21 exercise, which is taking place in various forms throughout Scotland. There is a voluntary scheme in Portlethen Village, near where I live. The two off-sales premises in the village—a supermarket and a small convenience store—have come to an agreement and are now rigorous about to whom they sell alcohol.

Way back when Mary Mulligan was the Deputy Minister for Health and Community Care, she agreed with me in a debate in the Parliament that there should be a national proof-of-age scheme. I am disappointed that ministers recently turned that down, because there is an appetite for such a scheme. It would be much simpler to operate than requiring people to carry a collection of bits and pieces to prove their age.

We welcome measures such as the test purchasing scheme. However, there is no single answer to the problem. A lot of good work is going on, but we need to co-ordinate it and ensure that everybody does their bit to solve what is becoming a generational issue.

16:47

**George Lyon:** There is a consensus among members about the importance of the subject.

Several important issues have been raised during the debate, but every one of us acknowledges that achieving the aim of changing Scotland's attitude to alcohol is not an easy proposition. There is a deep-seated culture in Scotland of people being unable to enjoy a night out unless it involves copious or at least moderate amounts of alcohol. As a parent, I am concerned that the culture has changed, and I am sure that many members share those concerns.

When I was younger, people's objective was not to get out of their face before they went out. Unfortunately, from my experiences as a parent—I am sure that many members are in the same predicament—it seems that that is exactly what kids want to do nowadays. They want to buy booze, get out of their face and then go out and enjoy themselves. That is a difficult cultural shift that we must try to reverse. All members who have spoken acknowledge that that is not easy to overcome and that there are no easy answers to the difficult challenge that faces us all.

**John Swinburne:** Does the minister agree that a total ban on advertising alcohol would be a gigantic step in the right direction?

**George Lyon:** I am not convinced that that would be the magic bullet that would cure everything, but I am sure that that proposal, among others, will continue to be discussed as we consider what further action we need to take.

I will deal with a couple of issues that have been raised. Several members mentioned proof-of-age schemes. The new Licensing (Scotland) Act 2005 requires off-sales premises to obtain proof of age before a sale takes place. The test purchasing powers are meant to ensure that that is happening throughout Scotland.

Stewart Maxwell raised concerns about the increasing number of outlets. The measures on overprovision in the 2005 act should help local licensing boards to tackle that.

Nanette Milne rightly highlighted the crucial role of parents. If they do not ask questions about where their kids are, where they are purchasing drink or accessing alcohol and what they are up to at night, we will have little opportunity to tackle and overcome the problem.

**Mr John Swinney (North Tayside) (SNP):** Does the minister agree that, as part of the range of approaches that could be taken, there should be an increase in the number of places where byelaws on the consumption of alcohol in public places can be applied? In my constituency, the application of such byelaws has been successful in reducing the consequences of alcohol consumption. The measure could be used in other areas.

**George Lyon:** That is certainly one approach. Local authorities have powers to ban the consumption of alcohol in public places. In my constituency, those powers have been used in Dunoon, where a huge problem of alcohol abuse and drinking in the streets was associated with the Cowal games. The situation has certainly improved.

The Executive has a long-term vision for changing culture and behaviours over the coming decade. We are working in partnership with the medical profession, the alcohol industry and others to achieve that change. Where statutory measures are necessary, we have put them in place. Tough restrictions on promotions are contained in the Licensing (Scotland) Act 2005. It will be another couple of years before those restrictions come into force, so it will take some time to establish their impact.

**The Deputy Presiding Officer:** You have one more minute, minister.

**George Lyon:** I assure the chamber that, where further statutory measures are necessary, we will bring them before Parliament.

As many members have said, this debate is about changing culture and behaviours over the coming decade, pursuing a collaborative approach with the alcohol industry and creating a society where alcohol misuse is no longer acceptable. Of course, Government has a role to play, but personal responsibility is also crucial. We must examine critically our own behaviour and think about the long-term consequences of drinking too much and the problems that it stores up for us, for our children and for society in general. It is time for us to take responsibility for our own drinking habits and to set an example for our young people to ensure that they are well educated about responsible moderate consumption and are empowered to make the right decisions.

We are in this for the long term. We want to change Scotland's culture with alcohol, and I believe that that is a realistic goal. The smoking ban is a case in point.

**The Deputy Presiding Officer:** Quickly.

**George Lyon:** If anyone had suggested 10 years ago that the Scottish Parliament would introduce a smoking ban to widespread acclaim, many would have doubted their sanity and their grip on reality. Nevertheless, the culture has shifted.

**The Deputy Presiding Officer:** You must close, minister.

**George Lyon:** On this issue, we can make progress and change Scotland's culture. An inclusive approach is—

**The Deputy Presiding Officer:** Minister, you must close now. I have switched off your microphone. In any event, you were repeating yourself.

16:52

**Shona Robison (Dundee East) (SNP):** It is not like George Lyon to repeat himself, is it?

This has been a good debate, with a large degree of consensus on what needs to happen. That is positive.

One issue that we all agree on is cultural and relates to Scotland's unhealthy relationship with alcohol. In that relationship, we are by no means unique in northern Europe, but we certainly have a binge-drinking culture. No one is arguing that there is a single solution.

A number of issues have been raised, such as the need for education and the need to enforce existing legislation. However, we also have to consider where the gaps are. I will come back to that point in a moment.

We must have an honest debate about the consequences of what we see happening in our communities, and we must consider where young people are accessing alcohol. One large supermarket was recently selling packs of 18 440ml cans of Strongbow cider on a two-for-£16 deal. That works out at a mere 44p for a can, or 19p for a unit of alcohol. Unfortunately, such offers are within the reach of too many young people. I will come back to the evidence on the link between price and the abuse of alcohol.

As Kenny MacAskill said, we have to tackle the off-sales trade. A total of 50 per cent of all alcohol sold is now sold in the off-sales trade, where a bottle of cider is often cheaper than a bottle of water. The price of alcohol is an issue. As he said, a lot of progress has been made in the on-sales trade, with happy hours being curtailed. That applies in the pubs, but why are measures not being applied in the supermarkets where the same sort of two-for-one offers are rife?

George Lyon quite rightly said that no one has the easy answers, which is why the SNP has highlighted a number of solutions that need to be introduced. However, he said very little about the off-sales trade. Yes, test purchasing is important—we have supported it—but it is not the only issue that must be addressed. We should consider the research on off-sales and whether we need to go further. There is already a lot of evidence about the link between off-sales and youth drinking and disorder. We only need to speak to the police in whichever force we choose and they will tell us about the clear link between cheap off-sales and youth disorder and violence on our streets.



**George Lyon:** I listed four or five measures to ban promotions in off-sales. Clearly, they will not happen until measures in the Licensing (Scotland) Act 2005 come into force. I argue that we need to determine the impact of those measures before we decide to go further. Research has been done to establish the link between off-sales and antisocial behaviour and drunkenness outside off-sales premises. On the basis of that research, we will consider whether we need to go further.

**Shona Robison:** I suppose that we are just anxious for change—and quick change. There is already enough evidence for us to take action. However, I am sure that we will continue to debate that.

George Lyon mentioned headline grabbing. Singling out for attention just one product—Buckfast—is a cul-de-sac debate. We need a sensible debate about all the measures that need to be taken. We believe that tackling the off-sales trade is one of those.

Nanette Milne talked about the proliferation of licences and the role of the licensing boards in curtailng that, and she is right. In considering licence applications many licensing boards are already paying careful attention to what is already available in an area. She said that no evidence is available to link the off-sales trade's discounting of alcohol with excessive drinking. I refer her to a British Medical Association briefing, which states:

"There is evidence that increasing the price of alcohol may be an effective method of reducing use by adolescents."

That evidence is in the BMA board of science and education document "Adolescent health" and elsewhere. There is already enough evidence for us to take action.

Stewart Maxwell talked about irresponsible advertising by supermarkets. He also mentioned the social acceptance of drunken behaviour, which he said has to change—given the 23 per cent rise in consumption in the past 10 years, I agree.

Euan Robson talked about early intervention. That is an issue. We need to ensure that the next generation of Scots has a different relationship with alcohol. That is important for all of us who are parents and who worry about what the future holds for our teenagers. The funding of youth alternative activities programmes should also be addressed. We need to ensure that there are other activities for our young people so that they do not just hang out with the crowd that is drinking down the park.

Stewart Stevenson talked a lot about the evidence that he had seen on the links between alcohol abuse and crime. He was the only person to raise the important issue of violence against our health service workers, some of which is driven by alcohol abuse. Appalling behaviour is dealt with

day in, day out in our accident and emergency departments and our community health services. Drink is an important factor. The SNP will not tolerate such behaviour. We need a zero-tolerance approach to any violence or aggression towards our health service staff.

Rather surprisingly, given the Greens' approach to supermarkets, Patrick Harvie does not believe that the large supermarkets should be tackled on deep discounting.

Campbell Martin made some important points, which we should take on board. Although we may not always have the best relationship with alcohol—we are perhaps as guilty as the rest of society—as legislators we are in the position to do something about it. The SNP wants the Parliament to tackle an important area that has not been tackled to date—the off-sales trade.

This has been a good debate, and we thank everyone for their contributions.

## Point of Order

17:00

**Stewart Stevenson (Banff and Buchan) (SNP):** On a point of order, Presiding Officer. I wish to raise the issue of an answer to my written question S2W-31895.

I received an answer yesterday, but it emerged today, in response to a media inquiry, that the Scottish Executive has disowned the information in the answer thus given. I am delighted to be able to say that because the answer was quite horrific, but I see from the rules governing written questions that I cannot submit another question within six months, and only 12 days remain for written questions during this parliamentary session.

Although I believe it is a discourtesy that I have not been told that the answer is wrong while the media has, what remedy do I have that lies within your competence? What can you do to ensure that I get a proper answer to my question?

**The Presiding Officer (Mr George Reid):** I had no notice of the point of order, and members will accept that I will have to consider it in detail. Mr Stevenson, I will come back to you at the earliest possible opportunity.

## Business Motion

17:01

**The Presiding Officer (Mr George Reid):** The next item of business is consideration of business motion S2M-5710, 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 14 March 2007

10.00 am Time for Reflection

*followed by* 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: 2nd Report 2007, Code of Conduct

*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

Wednesday 21 March 2007

2.30 pm Time for Reflection

*followed by* Parliamentary Bureau Motions

*followed by* Stage 3 Proceedings: Rights of  
Relatives to Damages

(Mesothelioma) (Scotland) Bill

*followed by*

Business Motion

*followed by*

Parliamentary Bureau Motions

5.00 pm

Decision Time

*followed by*

Members' Business

Thursday 22 March 2007

9.15 am

Parliamentary Bureau Motions

*followed by*

Executive Business

11.40 am

General Question Time

12 noon

First Minister's Question Time

2.15 pm

Themed Question Time—  
Enterprise, Transport and Lifelong  
Learning  
Justice and Law Officers

2.55 pm

Executive Business

*followed by*

Parliamentary Bureau Motions

5.00 pm

Decision Time

*followed by* Members' Business.—[Ms Margaret Curran.]

*Motion agreed to.*

## Parliamentary Bureau Motions

17:02

**The Presiding Officer (Mr George Reid):** The next item of business is consideration of nine Parliamentary Bureau motions. I ask Margaret Curran to move motions S2M-5701 to S2M-5709 inclusive, on approval of Scottish statutory instruments.

*Motions moved,*

That the Parliament agrees that the draft Police, Public Order and Criminal Justice (Scotland) Act 2006 (Modification of Agency's Powers and Incidental Provision) Order 2007 be approved.

That the Parliament agrees that the draft Sexual Offences Act 2003 (Notification Requirements) (Scotland) Regulations 2007 be approved.

That the Parliament agrees that the Licensing (Scotland) Act 2005: Draft Guidance for Licensing Boards and Local Authorities (SE/2007/9) be approved.

That the Parliament agrees that the draft Advice and Assistance (Financial Limit) (Scotland) Amendment Regulations 2007 be approved.

That the Parliament agrees that the draft Advice and Assistance (Financial Conditions) (Scotland) Regulations 2007 be approved.

That the Parliament agrees that the draft Civil Legal Aid (Financial Conditions) (Scotland) Regulations 2007 be approved.

That the Parliament agrees that the draft Town and Country Planning (Fees for Applications and Deemed Applications) (Scotland) Amendment Regulations 2007 be approved.

That the Parliament agrees that the draft Town and Country Planning (Marine Fish Farming) (Scotland) Order 2007 be approved.

That the Parliament agrees that the draft Housing Support Grant (Scotland) Order 2007 be approved.—[Ms Margaret Curran.]

## Decision Time

17:02

### **The Presiding Officer (Mr George Reid):**

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

In relation to this afternoon's debate on the economy and small business, if the amendment in the name of Allan Wilson is agreed to, the amendment in the name of Murdo Fraser will fall.

In relation to this afternoon's debate on tackling alcohol misuse, if the amendment in the name of George Lyon is agreed to, the amendment in the name of Nanette Milne will fall.

The first question is, that motion S2M-5436, in the name of Karen Whitefield, that the Parliament agrees that the Christmas Day and New Year's Day Trading (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)  
 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)  
 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)  
 Curran, Frances (West of Scotland) (SSP)  
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)  
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)  
 Eadie, Helen (Dunfermline East) (Lab)  
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)  
 Fabiani, Linda (Central Scotland) (SNP)  
 Ferguson, Patricia (Glasgow Maryhill) (Lab)  
 Fergusson, Alex (Galloway and Upper Nithsdale) (Con)  
 Finnie, Ross (West of Scotland) (LD)  
 Fox, Colin (Lothians) (SSP)  
 Gibson, Rob (Highlands and Islands) (SNP)  
 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)  
 Grahame, Christine (South of Scotland) (SNP)  
 Harper, Robin (Lothians) (Green)  
 Harvie, Patrick (Glasgow) (Green)  
 Henry, Hugh (Paisley South) (Lab)  
 Home Robertson, John (East Lothian) (Lab)  
 Hughes, Janis (Glasgow Rutherglen) (Lab)  
 Hyslop, Fiona (Lothians) (SNP)

Ingram, Mr Adam (South of Scotland) (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)  
 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)  
 MacDonald, Margo (Lothians) (Ind)  
 Macintosh, Mr Kenneth (Eastwood) (Lab)  
 Maclean, Kate (Dundee West) (Lab)  
 Macmillan, Maureen (Highlands and Islands) (Lab)  
 Martin, Campbell (West of Scotland) (Ind)  
 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)  
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)  
 McMahon, Michael (Hamilton North and Bellshill) (Lab)  
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)  
 McNeill, Pauline (Glasgow Kelvin) (Lab)  
 McNulty, Des (Clydebank and Milngavie) (Lab)  
 Morgan, Alasdair (South of Scotland) (SNP)  
 Morrison, Mr Alasdair (Western Isles) (Lab)  
 Muldoon, Bristow (Livingston) (Lab)  
 Mulligan, Mrs Mary (Linlithgow) (Lab)  
 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)  
 Radcliffe, Nora (Gordon) (LD)  
 Robison, Shona (Dundee East) (SNP)  
 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, John (Ayr) (Con)  
 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)  
 Sturgeon, Nicola (Glasgow) (SNP)  
 Swinburne, John (Central Scotland) (SSCUP)  
 Swinney, Mr John (North Tayside) (SNP)  
 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**

Aitken, Bill (Glasgow) (Con)  
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)  
 Brownlee, Derek (South of Scotland) (Con)  
 Davidson, Mr David (North East Scotland) (Con)  
 Douglas-Hamilton, Lord James (Lothians) (Con)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Goldie, Miss Annabel (West of Scotland) (Con)  
 McGrigor, Mr Jamie (Highlands and Islands) (Con)  
 McLetchie, David (Edinburgh Pentlands) (Con)

Milne, Mrs Nanette (North East Scotland) (Con)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)  
 Petrie, Dave (Highlands and Islands) (Con)  
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)  
 Smith, Iain (North East Fife) (LD)  
 Tosh, Murray (West of Scotland) (Con)  
 White, Ms Sandra (Glasgow) (SNP)

#### ABSTENTIONS

Gallie, Phil (South of Scotland) (Con)  
 Pringle, Mike (Edinburgh South) (LD)

**The Presiding Officer:** The result of the division is: For 100, Against 17, Abstentions 2.

*Motion agreed to.*

That the Parliament agrees that the Christmas Day and New Year's Day Trading (Scotland) Bill be passed.

**The Presiding Officer:** The second question is, that amendment S2M-5690.3, in the name of Allan Wilson, which seeks to amend motion S2M-5690, in the name of Jim Mather, on the economy and small business, be agreed to. Are we agreed?

**Members:** No.

**The Presiding Officer:** There will be a division.

#### FOR

Alexander, Ms Wendy (Paisley North) (Lab)  
 Arbuckle, Mr Andrew (Mid Scotland and Fife) (LD)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Richard (North East Scotland) (Lab)  
 Barrie, Scott (Dunfermline West) (Lab)  
 Boyack, Sarah (Edinburgh Central) (Lab)  
 Brankin, Rhona (Midlothian) (Lab)  
 Brown, Robert (Glasgow) (LD)  
 Butler, Bill (Glasgow Anniesland) (Lab)  
 Canavan, Dennis (Falkirk West) (Ind)  
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)  
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)  
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)  
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)  
 Eadie, Helen (Dunfermline East) (Lab)  
 Ferguson, Patricia (Glasgow Maryhill) (Lab)  
 Finnie, Ross (West of Scotland) (LD)  
 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)  
 Kerr, Mr Andy (East Kilbride) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Livingstone, Marilyn (Kirkcaldy) (Lab)  
 Lyon, George (Argyll and Bute) (LD)  
 Macdonald, Lewis (Aberdeen Central) (Lab)  
 Macintosh, Mr Kenneth (Eastwood) (Lab)  
 Maclean, Kate (Dundee West) (Lab)  
 Macmillan, Maureen (Highlands and Islands) (Lab)  
 Martin, Paul (Glasgow Springburn) (Lab)  
 May, Christine (Central Fife) (Lab)

McConnell, Mr Jack (Motherwell and Wishaw) (Lab)  
 McMahon, Michael (Hamilton North and Bellshill) (Lab)  
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)  
 McNeill, Pauline (Glasgow Kelvin) (Lab)  
 McNulty, Des (Clydebank and Milngavie) (Lab)  
 Morrison, Mr Alasdair (Western Isles) (Lab)  
 Muldoon, Bristow (Livingston) (Lab)  
 Mulligan, Mrs Mary (Linlithgow) (Lab)  
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)  
 Murray, Dr Elaine (Dumfries) (Lab)  
 Oldfather, Irene (Cunninghame South) (Lab)  
 Peacock, Peter (Highlands and Islands) (Lab)  
 Peattie, Cathy (Falkirk East) (Lab)  
 Pringle, Mike (Edinburgh South) (LD)  
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)  
 Radcliffe, Nora (Gordon) (LD)  
 Robson, Euan (Roxburgh and Berwickshire) (LD)  
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)  
 Scott, Tavish (Shetland) (LD)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Smith, Iain (North East Fife) (LD)  
 Smith, Margaret (Edinburgh West) (LD)  
 Stephen, Nicol (Aberdeen South) (LD)  
 Swinburne, John (Central Scotland) (SSCUP)  
 Wallace, Mr Jim (Orkney) (LD)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)  
 Wilson, Allan (Cunninghame North) (Lab)

#### AGAINST

Aitken, Bill (Glasgow) (Con)  
 Baird, Shiona (North East Scotland) (Green)  
 Ballance, Chris (South of Scotland) (Green)  
 Ballard, Mark (Lothians) (Green)  
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)  
 Brownlee, Derek (South of Scotland) (Con)  
 Byrne, Ms Rosemary (South of Scotland) (Sol)  
 Curran, Frances (West of Scotland) (SSP)  
 Davidson, Mr David (North East Scotland) (Con)  
 Douglas-Hamilton, Lord James (Lothians) (Con)  
 Fergusson, Alex (Galloway and Upper Nithsdale) (Con)  
 Fox, Colin (Lothians) (SSP)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallie, Phil (South of Scotland) (Con)  
 Goldie, Miss Annabel (West of Scotland) (Con)  
 Harper, Robin (Lothians) (Green)  
 Harvie, Patrick (Glasgow) (Green)  
 MacDonald, Margo (Lothians) (Ind)  
 Martin, Campbell (West of Scotland) (Ind)  
 McGregor, Mr Jamie (Highlands and Islands) (Con)  
 McLetchie, David (Edinburgh Pentlands) (Con)  
 Milne, Mrs Nanette (North East Scotland) (Con)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Petrie, Dave (Highlands and Islands) (Con)  
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)  
 Scott, Eleanor (Highlands and Islands) (Green)  
 Scott, John (Ayr) (Con)  
 Sheridan, Tommy (Glasgow) (Sol)  
 Tosh, Murray (West of Scotland) (Con)

#### ABSTENTIONS

Adam, Brian (Aberdeen North) (SNP)  
 Crawford, Bruce (Mid Scotland and Fife) (SNP)  
 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)  
 Ingram, Mr Adam (South of Scotland) (SNP)  
 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)  
 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)  
 Turner, Dr Jean (Strathkelvin and Bearsden) (Ind)  
 Watt, Ms Maureen (North East Scotland) (SNP)  
 Welsh, Mr Andrew (Angus) (SNP)  
 White, Ms Sandra (Glasgow) (SNP)

**The Presiding Officer:** The result of the division is: For 66, Against 29, Abstentions 24.

*Amendment agreed to.*

**The Presiding Officer:** The amendment in the name of Murdo Fraser falls.

The third question is, that motion S2M-5690, in the name of Jim Mather, on the economy and small business, as amended, be agreed to. Are we agreed?

**Members:** No.

**The Presiding Officer:** There will be a division.

#### FOR

Alexander, Ms Wendy (Paisley North) (Lab)  
 Arbuckle, Mr Andrew (Mid Scotland and Fife) (LD)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Richard (North East Scotland) (Lab)  
 Barrie, Scott (Dunfermline West) (Lab)  
 Boyack, Sarah (Edinburgh Central) (Lab)  
 Brankin, Rhona (Midlothian) (Lab)  
 Brown, Robert (Glasgow) (LD)  
 Butler, Bill (Glasgow Anniesland) (Lab)  
 Canavan, Dennis (Falkirk West) (Ind)  
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)  
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)  
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)  
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)  
 Eadie, Helen (Dunfermline East) (Lab)  
 Ferguson, Patricia (Glasgow Maryhill) (Lab)  
 Finnie, Ross (West of Scotland) (LD)  
 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)  
 Kerr, Mr Andy (East Kilbride) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Livingstone, Marilyn (Kirkcaldy) (Lab)  
 Lyon, George (Argyll and Bute) (LD)  
 Macdonald, Lewis (Aberdeen Central) (Lab)  
 Macintosh, Mr Kenneth (Eastwood) (Lab)  
 Maclean, Kate (Dundee West) (Lab)  
 Macmillan, Maureen (Highlands and Islands) (Lab)  
 Martin, Paul (Glasgow Springburn) (Lab)  
 May, Christine (Central Fife) (Lab)  
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)

McMahon, Michael (Hamilton North and Bellshill) (Lab)  
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)  
 McNeill, Pauline (Glasgow Kelvin) (Lab)  
 McNulty, Des (Clydebank and Milngavie) (Lab)  
 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)  
 Swinburne, John (Central Scotland) (SSCUP)  
 Wallace, Mr Jim (Orkney) (LD)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)  
 Wilson, Allan (Cunninghame North) (Lab)

#### AGAINST

Aitken, Bill (Glasgow) (Con)  
 Baird, Shiona (North East Scotland) (Green)  
 Ballance, Chris (South of Scotland) (Green)  
 Ballard, Mark (Lothians) (Green)  
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)  
 Brownlee, Derek (South of Scotland) (Con)  
 Byrne, Ms Rosemary (South of Scotland) (Sol)  
 Curran, Frances (West of Scotland) (SSP)  
 Davidson, Mr David (North East Scotland) (Con)  
 Douglas-Hamilton, Lord James (Lothians) (Con)  
 Fergusson, Alex (Galloway and Upper Nithsdale) (Con)  
 Fox, Colin (Lothians) (SSP)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallie, Phil (South of Scotland) (Con)  
 Goldie, Miss Annabel (West of Scotland) (Con)  
 Harper, Robin (Lothians) (Green)  
 Harvie, Patrick (Glasgow) (Green)  
 Kane, Rosie (Glasgow) (SSP)  
 MacDonald, Margo (Lothians) (Ind)  
 Martin, Campbell (West of Scotland) (Ind)  
 McGrigor, Mr Jamie (Highlands and Islands) (Con)  
 McLetchie, David (Edinburgh Pentlands) (Con)  
 Milne, Mrs Nanette (North East Scotland) (Con)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Petrie, Dave (Highlands and Islands) (Con)  
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)  
 Scott, Eleanor (Highlands and Islands) (Green)  
 Scott, John (Ayr) (Con)  
 Sheridan, Tommy (Glasgow) (Sol)  
 Tosh, Murray (West of Scotland) (Con)

#### ABSTENTIONS

Adam, Brian (Aberdeen North) (SNP)  
 Crawford, Bruce (Mid Scotland and Fife) (SNP)  
 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)  
 Ingram, Mr Adam (South of Scotland) (SNP)  
 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)  
 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)  
 Turner, Dr Jean (Strathkelvin and Bearsden) (Ind)  
 Watt, Ms Maureen (North East Scotland) (SNP)  
 Welsh, Mr Andrew (Angus) (SNP)  
 White, Ms Sandra (Glasgow) (SNP)

**The Presiding Officer:** The result of the division is: For 65, Against 30, Abstentions 24.

*Motion, as amended, agreed to.*

*Resolved,*

That the Parliament recognises the need to continue to grow the Scottish economy and to support the competitiveness of Scottish businesses; welcomes the steps that the Scottish Executive has taken to achieve that by listening to business and reducing the level of business rates; supports measures to encourage innovation, including supporting links to Scotland's science and research base and easing access by business to public sector contracts; welcomes support from Scottish Enterprise and the Business Gateway through investing in a highly skilled workforce in Scotland, such as through the modern apprenticeships scheme, and increasing investment in the infrastructure necessary to build a modern competitive economy.

**The Presiding Officer:** The fourth question is, that amendment S2M-5692.2, in the name of George Lyon, which seeks to amend motion S2M-5692, in the name of Kenny MacAskill, on tackling alcohol abuse, be agreed to. Are we agreed?

**Members:** No.

**The Presiding Officer:** There will be a division.

**FOR**

Alexander, Ms Wendy (Paisley North) (Lab)  
 Arbuckle, Mr Andrew (Mid Scotland and Fife) (LD)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Richard (North East Scotland) (Lab)  
 Barrie, Scott (Dunfermline West) (Lab)  
 Boyack, Sarah (Edinburgh Central) (Lab)  
 Brankin, Rhona (Midlothian) (Lab)  
 Brown, Robert (Glasgow) (LD)  
 Butler, Bill (Glasgow Anniesland) (Lab)  
 Canavan, Dennis (Falkirk West) (Ind)  
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)  
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)  
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)  
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)  
 Eadie, Helen (Dunfermline East) (Lab)  
 Ferguson, Patricia (Glasgow Maryhill) (Lab)  
 Finnie, Ross (West of Scotland) (LD)  
 Gillon, Karen (Clydesdale) (Lab)  
 Glen, Marilyn (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)  
 Kerr, Mr Andy (East Kilbride) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Livingstone, Marilyn (Kirkcaldy) (Lab)  
 Lyon, George (Argyll and Bute) (LD)  
 Macdonald, Lewis (Aberdeen Central) (Lab)  
 Macintosh, Mr Kenneth (Eastwood) (Lab)  
 Maclean, Kate (Dundee West) (Lab)  
 Macmillan, Maureen (Highlands and Islands) (Lab)  
 Martin, Paul (Glasgow Springburn) (Lab)  
 May, Christine (Central Fife) (Lab)  
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)  
 McMahon, Michael (Hamilton North and Bellshill) (Lab)  
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)  
 McNeill, Pauline (Glasgow Kelvin) (Lab)  
 McNulty, Des (Clydebank and Milngavie) (Lab)  
 Morrison, Mr Alasdair (Western Isles) (Lab)  
 Muldoon, Bristow (Livingston) (Lab)  
 Mulligan, Mrs Mary (Linlithgow) (Lab)  
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)  
 Murray, Dr Elaine (Dumfries) (Lab)  
 Oldfather, Irene (Cunninghame South) (Lab)  
 Peacock, Peter (Highlands and Islands) (Lab)  
 Peattie, Cathy (Falkirk East) (Lab)  
 Pringle, Mike (Edinburgh South) (LD)  
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)  
 Radcliffe, Nora (Gordon) (LD)  
 Robson, Euan (Roxburgh and Berwickshire) (LD)  
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)  
 Scott, Tavish (Shetland) (LD)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Smith, Iain (North East Fife) (LD)  
 Smith, Margaret (Edinburgh West) (LD)  
 Stephen, Nicol (Aberdeen South) (LD)  
 Swinburne, John (Central Scotland) (SSCUP)  
 Wallace, Mr Jim (Orkney) (LD)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)  
 Wilson, Allan (Cunninghame North) (Lab)

**AGAINST**

Adam, Brian (Aberdeen North) (SNP)  
 Aitken, Bill (Glasgow) (Con)  
 Baird, Shiona (North East Scotland) (Green)  
 Ballance, Chris (South of Scotland) (Green)  
 Ballard, Mark (Lothians) (Green)  
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)  
 Brownlee, Derek (South of Scotland) (Con)  
 Byrne, Ms Rosemary (South of Scotland) (Sol)  
 Crawford, Bruce (Mid Scotland and Fife) (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)  
 Fergusson, Alex (Galloway and Upper Nithsdale) (Con)  
 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)  
 Harper, Robin (Lothians) (Green)  
 Harvie, Patrick (Glasgow) (Green)  
 Hyslop, Fiona (Lothians) (SNP)  
 Ingram, Mr Adam (South of Scotland) (SNP)  
 Lochhead, Richard (Moray) (SNP)  
 MacAskill, Mr Kenny (Lothians) (SNP)  
 MacDonald, Margo (Lothians) (Ind)  
 Martin, Campbell (West of Scotland) (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)  
 McGrigor, Mr Jamie (Highlands and Islands) (Con)  
 McLetchie, David (Edinburgh Pentlands) (Con)  
 Milne, Mrs Nanette (North East Scotland) (Con)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Morgan, Alasdair (South of Scotland) (SNP)  
 Neil, Alex (Central Scotland) (SNP)  
 Petrie, Dave (Highlands and Islands) (Con)  
 Robison, Shona (Dundee East) (SNP)  
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)  
 Scott, Eleanor (Highlands and Islands) (Green)  
 Scott, John (Ayr) (Con)  
 Sheridan, Tommy (Glasgow) (Sol)  
 Stevenson, Stewart (Banff and Buchan) (SNP)  
 Sturgeon, Nicola (Glasgow) (SNP)  
 Swinney, Mr John (North Tayside) (SNP)  
 Tosh, Murray (West of Scotland) (Con)  
 Watt, Ms Maureen (North East Scotland) (SNP)  
 Welsh, Mr Andrew (Angus) (SNP)  
 White, Ms Sandra (Glasgow) (SNP)

#### ABSTENTIONS

Curran, Frances (West of Scotland) (SSP)  
 Fox, Colin (Lothians) (SSP)  
 Kane, Rosie (Glasgow) (SSP)  
 Turner, Dr Jean (Strathkelvin and Bearsden) (Ind)

**The Presiding Officer:** The result of the division is: For 66, Against 50, Abstentions 4.

*Amendment agreed to.*

**The Presiding Officer:** Amendment S2M-5692.1, in the name of Nanette Milne, therefore falls.

The fifth question is, that motion S2M-5692, in the name of Kenny MacAskill, on tackling alcohol abuse, as amended, be agreed to. Are we agreed?

**Members:** No.

**The Presiding Officer:** There will be a division.

#### FOR

Adam, Brian (Aberdeen North) (SNP)  
 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)  
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)  
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)  
 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)  
 Gibson, Rob (Highlands and Islands) (SNP)  
 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)  
 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)  
 Ingram, Mr Adam (South of Scotland) (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)  
 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)  
 Matheson, Michael (Central Scotland) (SNP)  
 Maxwell, Mr Stewart (West of Scotland) (SNP)  
 May, Christine (Central Fife) (Lab)  
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)  
 McMahon, Michael (Hamilton North and Bellshill) (Lab)  
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)  
 McNeill, Pauline (Glasgow Kelvin) (Lab)  
 McNulty, Des (Clydebank and Milngavie) (Lab)  
 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)  
 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)  
 Sturgeon, Nicola (Glasgow) (SNP)  
 Swinburne, John (Central Scotland) (SSCUP)  
 Swinney, Mr John (North Tayside) (SNP)  
 Wallace, Mr Jim (Orkney) (LD)  
 Watt, Ms Maureen (North East Scotland) (SNP)  
 Welsh, Mr Andrew (Angus) (SNP)  
 White, Ms Sandra (Glasgow) (SNP)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)  
 Wilson, Allan (Cunninghame North) (Lab)

#### AGAINST

Aitken, Bill (Glasgow) (Con)  
 Baird, Shiona (North East Scotland) (Green)  
 Ballance, Chris (South of Scotland) (Green)  
 Ballard, Mark (Lothians) (Green)



Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)  
 Brownlee, Derek (South of Scotland) (Con)  
 Byrne, Ms Rosemary (South of Scotland) (Sol)  
 Davidson, Mr David (North East Scotland) (Con)  
 Douglas-Hamilton, Lord James (Lothians) (Con)  
 Fergusson, Alex (Galloway and Upper Nithsdale) (Con)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallie, Phil (South of Scotland) (Con)  
 Goldie, Miss Annabel (West of Scotland) (Con)  
 Harper, Robin (Lothians) (Green)  
 Harvie, Patrick (Glasgow) (Green)  
 McGrigor, Mr Jamie (Highlands and Islands) (Con)  
 McLetchie, David (Edinburgh Pentlands) (Con)  
 Milne, Mrs Nanette (North East Scotland) (Con)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Petrie, Dave (Highlands and Islands) (Con)  
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)  
 Scott, Eleanor (Highlands and Islands) (Green)  
 Scott, John (Ayr) (Con)  
 Sheridan, Tommy (Glasgow) (Sol)  
 Tosh, Murray (West of Scotland) (Con)

#### ABSTENTIONS

Curran, Frances (West of Scotland) (SSP)  
 Fox, Colin (Lothians) (SSP)  
 Kane, Rosie (Glasgow) (SSP)  
 MacDonald, Margo (Lothians) (Ind)  
 Martin, Campbell (West of Scotland) (Ind)  
 Turner, Dr Jean (Strathkelvin and Bearsden) (Ind)

**The Presiding Officer:** The result of the division is: For 89, Against 25, Abstentions 6.

*Motion, as amended, agreed to.*

*Resolved,*

That the Parliament notes with concern the damage excessive drinking can cause to physical and mental health, our communities, our economy, and our way of life; notes the success of the Fife test purchasing pilot and welcomes its proposed rollout to all police forces; welcomes that the vast majority of licensed retailers in the Fife pilot refused to sell alcohol to those under age; believes that the provisions of the Licensing (Scotland) Act 2005 provide a solid foundation for future action to combat problem drinking; notes that this Act already sets out a range of irresponsible drinks promotions in both on-sales and off-sales that will not be permitted when the Act replaces the current licensing regime; welcomes the publication of the updated *Plan for Action on Alcohol Problems* and the industry partnership agreement, the actions from which represent a significant programme to reduce alcohol misuse; supports the Executive's commitment to extend the Keep Well initiative as a way of ensuring that those most at risk from the effects of excessive drinking in our deprived communities are offered advice and support; recognises that the problems associated with excessive drinking require action from industry, government and individuals, and notes that changing culture and behaviours will require a long-term collaborative approach where everyone takes responsibility for our society's excessive consumption."

**The Presiding Officer:** The final question is, that motions S2M-5701 to 5709 inclusive, in the name of Margaret Curran, on approval of Scottish statutory instruments, be agreed to.

*Motions agreed to.*

That the Parliament agrees that the draft Police, Public Order and Criminal Justice (Scotland) Act 2006

(Modification of Agency's Powers and Incidental Provision) Order 2007 be approved.

That the Parliament agrees that the draft Sexual Offences Act 2003 (Notification Requirements) (Scotland) Regulations 2007 be approved.

That the Parliament agrees that the Licensing (Scotland) Act 2005: Draft Guidance for Licensing Boards and Local Authorities (SE/2007/9) be approved.

That the Parliament agrees that the draft Advice and Assistance (Financial Limit) (Scotland) Amendment Regulations 2007 be approved.

That the Parliament agrees that the draft Advice and Assistance (Financial Conditions) (Scotland) Regulations 2007 be approved.

That the Parliament agrees that the draft Civil Legal Aid (Financial Conditions) (Scotland) Regulations 2007 be approved.

That the Parliament agrees that the draft Town and Country Planning (Fees for Applications and Deemed Applications) (Scotland) Amendment Regulations 2007 be approved.

That the Parliament agrees that the draft Town and Country Planning (Marine Fish Farming) (Scotland) Order 2007 be approved.

That the Parliament agrees that the draft Housing Support Grant (Scotland) Order 2007 be approved.

## Football (Sectarianism)

**The Deputy Presiding Officer (Trish Godman):** The final item of business today is a members' business debate on motion S2M-5596, in the name of Alasdair Morrison, on celebrating success.

*Motion debated,*

That the Parliament welcomes the substantive progress being made in tackling sectarianism in Scotland; commends the initiatives undertaken by Scotland's largest football clubs, Rangers FC and Celtic FC, to counter sectarian attitudes; congratulates the football clubs on their initiatives, Pride over Prejudice and Bhoys Against Bigotry; notes the success of their highly commendable joint educational programme, the Old Firm Alliance, within Glasgow schools; recognises that the significant progress achieved in tackling sectarianism represents a continuing determination by both clubs to help eradicate the problem, and also commends the informal arrangements between old firm supporters in the Western Isles as an example for the rest of the country.

17:10

**Mr Alasdair Morrison (Western Isles) (Lab):** I extend a warm welcome to representatives of Rangers Football Club who are in the public gallery.

The twin evils of bigotry and racism blight many societies around the world and, sadly, Scotland is no different. Bigotry and racism are major societal challenges but they are challenges that are being addressed with vigour and determination. I want to focus my attention, as the motion suggests, on the positive impact that football, footballers and their clubs have in that regard.

It is customary for members to declare at the beginning of a debate any relevant interests. I would like to declare an interest that does not appear in my entry in the register as it is not a pecuniary one: I am a fan of football and a life member of the Lewis and Harris Rangers supporters club, which regularly hosts football fans whose allegiances are not in Govan.

For the decent fan, it is beyond comprehension that there are people who believe that the best way of manifesting support for their team is by launching into a sectarian tirade.

Rangers and Celtic have initiatives that are aimed at dealing with and challenging unacceptable behaviour. The pride over prejudice and bhoys against bigotry campaigns are initiatives that should rightly be commended.

I can talk with reasonable authority about the initiatives with which Rangers is involved and which it promotes. Unfortunately, my friend and colleague Frank McAveety, who represents the Glasgow Shettleston constituency and works

closely with Celtic Football Club, cannot be with us this evening as he has succumbed to the flu. He has asked me tender his apologies.

A few months ago, Rangers Football Club invited me, Charan Gill, a Glasgow businessman, and Harry Reid, the former editor of *The Herald*, to join its sectarianism and racism monitoring committee as advisers. I know that I speak for Mr Gill and Mr Reid when I say that we are all impressed and encouraged by the determination of everyone at Rangers to help eradicate unacceptable and inappropriate behaviour.

Rangers is a multicultural, multid denominational and non-political organisation. The chairman, Sir David Murray, has clearly expressed his views. From the chairman down, Rangers is focused on creating an environment at Ibrox that leaves no room for the bigot or the racist. Those who bring the club into disrepute are dealt with through ejection from matches, forfeiture of season tickets without compensation and so on. The old firm is united in the commitment to help eradicate sectarianism.

However, this is not just a challenge for football; it is a challenge for all in society. The First Minister has rightly staked this issue out as territory on which we legislators will act. That has already happened and further measures will be implemented if required.

There has been a seismic shift in behaviour by football fans. Even though, sadly, there are some who, with their cretinous and moronic outpourings, let not only themselves down but the clubs that they claim to support, it is still true to say that a massive attitudinal behavioural change has taken place. The next step will be the good policing of our football grounds. I am talking about policing not by the forces of law and order and the stewards in stadiums, but by the vast majority of decent fans. Increasingly, fans now appreciate that the good name and reputation of the club that they support is in the hands of each individual fan. More and more, fans appreciate that they have an ambassadorial role with regard to the reputation of the club that they support.

I want to pay tribute to the old firm alliance, a collaborative venture involving both clubs and Glasgow City Council's education services. The programme has played a key role in tackling health, education, antisocial behaviour and sectarianism and issues relating to diversity and equality in the city of Glasgow, and the outcomes are striking. Some 97 per cent of teachers said that the initiative led to children appreciating and embracing lifestyle changes.

Yesterday afternoon, I had the pleasure of visiting the Rangers study support centre at Ibrox, where children from Glasgow schools have access

to a range of motivational learning activities through the ready to learn programme. I listened to a group of children interview Mark Hateley, an accomplished internationalist who spends hours giving of his time at the study support centre. He is a shining example of the former old firm players who give so much back to our children with little if any external recognition.

In an independent analysis of the study centre's work, 80 per cent of teachers thought that pupils' self-esteem and confidence improved after their visit and 70 per cent thought that it helped to improve pupils' literacy and numeracy. I asked a few of the children from Battlefield primary school to tell me one thing that they learned from their day. A young lad named Ross said that he had learned that Mark Hateley was "dead tall". That insight was quickly followed by a girl's emphatic statement that we must never judge someone by the colour of their skin.

Football clubs are in the leisure industry. That is their primary function, and it is fanciful to expect them to eradicate sectarianism and racism on their own. However, they have a role, and in my view they are more than playing their part. It takes courage and leadership to state the unpleasant realities about some aspects of Scottish life.

Scotland has a proud history and a strong culture. Irrespective of where our life's journey finds us, and irrespective of our role or vocation in life, collectively people can change a nation for the good. That is why, without hesitation, I lodged my motion, which congratulates both Rangers Football Club and Celtic Football Club on the part that they continue to play in tackling the twin evils of racism and sectarianism.

17:16

**Mr Kenny MacAskill (Lothians) (SNP):** I congratulate Alasdair Morrison on bringing forward this debate, which is timely and appropriate. It is clear that, in Scotland, we have a significant problem with sectarianism, but as the member pointed out, there has been a seismic shift. It is also fair to say that sectarianism is a deeply rooted problem that does not appear only in football. It is a social problem, but it manifests itself in football grounds and in the behaviour of those who support or claim to have an allegiance to a particular club.

Football clubs play an important role. We must pay tribute to them and give credit where it is due, because they have significant involvement in work to combat sectarianism. Alasdair Morrison mentioned the work that is being done in Glasgow and elsewhere, which must be built upon. As he said, sectarianism is a social problem, but there is an opportunity for football to play its role and, at

the same time, to improve the environment for genuine football fans and change the nature of grounds, which themselves have changed substantially for the better in recent years.

It is ironic and perhaps rather tragic that tonight's debate comes shortly after recent events in which the problem of racism manifested itself. Racism is also a growing problem in Scotland and a spectre that we have to address. The recent problem did not occur in the grounds of the old firm teams that are perhaps seen as the principal protagonists. We must address both sectarianism and racism because they are both manifestations of disorder in our society and of bigotry and prejudice, which we must tackle.

In the past, we have perhaps perceived that racism is not a problem in Scotland, but sadly it seems that it is a problem, and it must be tackled. Sectarianism has been with us for far too long. It is a cancer that has been referred to by the First Minister and we are appropriately addressing it. It is deeply rooted, but address it we must. In the past, I have criticised the actions that the old firm teams have taken to tackle the problem, but in recent years I have taken my criticisms back because they have taken action that is to be commended and supported.

As was said in relation to Motherwell Football Club and racism, the problems are not restricted to the old firm teams. The problem is that, because of their size and their history, they have a significant role to play, but as someone who grew up in the east of Scotland, I know that there are also religious differences there. They do not exist to the same extent as is the case down the M8 corridor, but all clubs must consider the ways in which they tackle sectarianism and racism. It is to the credit of Motherwell Football Club that it took instant action on the disgraceful events there.

We should give credit to the old firm for the constructive and sensible work that it is doing. Rightly or wrongly, footballers are role models and have great influence. We have to ensure that that influence is for the better. Footballers have an opportunity to change the culture of Scottish society, whether by trying to improve diet, as we all know has happened recently in Glasgow, or by tackling matters such as alcohol abuse, which we debated today, so that people drink less, eat better and are part of a healthier environment. Similarly, racism and sectarianism can be tackled if people see that everyone is on the same side and that footballers can be friends, whichever team they play for.

I congratulate Alasdair Morrison on securing this timely debate. I pay tribute to the great progress that clubs are making, but I acknowledge that a significant journey remains to be made. As I have said in other debates, in Scotland we frequently

think that the glass is half empty when we should regard it as half full. We are on a journey and things are getting better. If we work together and support what the clubs are doing, we can eradicate the spectre of sectarianism.

17:20

**Donald Gorrie (Central Scotland) (LD):** I congratulate Alasdair Morrison on securing the debate and on his speech, which covered the ground well. Kenny MacAskill also made many good points.

We are all subject to prejudices. Considering a sport that involves a ball of a different shape, I think that many Scottish rugby supporters who were rather bruised after our appalling performance against Italy took great comfort in the fact that the Irish thrashed the English—even though that might have been rather an un-Christian response. We all have prejudices, but we should not demonstrate them in unacceptable ways.

As Alasdair Morrison and Kenny MacAskill said, we have made much progress. Rangers FC and Celtic FC in particular have tackled the issue seriously. I have seen their good educational programmes in operation. The clubs are making serious efforts to improve behaviour in the grounds and to co-operate with the police.

As I understand it from press reports of the incident that Kenny MacAskill mentioned, it was significant that the bulk of Motherwell FC supporters took a serious view of the minority of fans who were misbehaving and helped to get them under control. Attitudes are changing, and we must encourage people to stand up for good behaviour, even though it is difficult. Many Scots find it easier to pretend that nothing has happened.

Attitudes in Rangers, Celtic and other football clubs are changing for the better and must continue to do so. Clubs often have a good grip on season ticket holders and other fans at matches in their own grounds, but people often misbehave at away matches, and the local police force does not know where they are sitting and cannot control them.

The motion mentions the informal arrangements between old firm supporters in the Western Isles. I have often heard of supporters of both clubs sharing a bus to travel from a distant part of Scotland. Much civilised human behaviour goes on. It is unfortunate that that is spoiled by a minority, but the minority is dwindling and supporters and other decent people in society must stand up and be counted and ensure that the minority do not misbehave and let them down. In particular, the major clubs must pay attention to

the fact that incidents in which supporters step out of line are seen on television and can cause serious trouble with the European football authorities.

I encourage Rangers and Celtic to carry on their good work. We should not be complacent about sectarianism, but there has been a material improvement in Scottish life in that regard over the past few years as a result of the efforts of the Scottish Parliament and Executive, which we must applaud.

17:24

**John Swinburne (Central Scotland) (SSCUP):** I thank Alasdair Morrison for securing today's debate.

People do not realise how much progress has been made. When I went to Ibrox and Parkhead just after the war, there were problems with sectarianism. I started working in the Glasgow shipyards in 1947. One day, this little rivet catcher came over to me and asked, "Football man?" I said, "Aye." "Rangers?" "No." "Celtic?" "No." "Are you an atheist?" It was that deeply ingrained in the culture: people had to be either a Rangers supporter or a Celtic supporter.

I declare an interest, as a director of the finest exponents of football in Scotland: Motherwell FC. I was very pleased at the attitude of the fans last week when—putting this in the proper context—four or five yobs among a group of about 20 made racial chants at a St Johnstone player. All the Motherwell fans around them stood up and pointed at that group. Unfortunately, the police could not pick out exactly who were the three or four people who had caused the upset.

Before our game against Hearts, everyone going into the ground got a "Kick racism out of football" sticker, and the players stood around the centre circle and waved red cards saying, "Show Racism the Red Card." The behaviour that was displayed a week ago should be dealt with. It is totally foreign to Motherwell Football Club. Eliphas Shivute, Benito Kemble and Don Goodman—good players for Motherwell Football Club—are some of my best friends in football. Racism was never a problem for them.

Sectarianism used to be very bad but, on the last two occasions when I went to Ibrox and Parkhead, I noted that the fans applauded good moves. It is quite unusual for a packed house of rabid football fans to applaud a good move rather than get into the usual chants.

Jack McConnell should be congratulated on his initiative to wipe sectarianism out of football, and Celtic and Rangers should be congratulated on the excellent progress they have made. When my

team plays at Ibrox or Parkhead now, there is never any sectarian influence at all. The fans go to see a football game, and they enjoy it. That is the way it should be, and it is down to the excellent initiatives that both old firm clubs have started up. Long may it continue.

17:27

**Dave Petrie (Highlands and Islands) (Con):** I thank Alasdair Morrison, as well as other members, for bringing up this important issue.

I recall with horror my only visit—in the early 1970s—to an old firm match, when the legendary Jim Baxter returned to Ibrox. I found the atmosphere of hate between the supporters electrifying and horrifying. Thankfully, things are now moving on. Bigotry, racism and discrimination in any form are completely out of step with Scottish traditions and a modern 21<sup>st</sup> century society. As my party's communities spokesman, I have been involved in many equalities issues, and the passion of people's negative convictions towards a perceived other and many of the misguided perceptions that go along with that never fail to amaze me.

With the focus of the sectarian divide in Scotland centred around the old firm football culture, it is important that the clubs involved take a role in dealing with the issue. That is why I am pleased that Celtic and Rangers Football Clubs are doing just that, and I congratulate them on many of the initiatives and programmes that they have set up. Like Donald Gorrie, I am a rugby man, but football is a fantastic game, and we need to ensure that it stays a game. It should be about the football, not the bigotry. I am convinced that the majority of alleged supporters who chant party songs do not have a clue what they are singing about, which makes the situation even more tragic. I congratulate the pride over prejudice and boys against bigotry groups on the work that they do in schools. If we can use such opportunities at school to root out this blight on our society, we are half way to solving the problem.

As is the way with communities that exist separately, suspicions and perceptions about the other side can grow. It is important that we bring together children from different communities and demonstrate to them what they have in common, rather than what separates them. That must be applied beyond the traditional sectarian divide to the growing racial divide in parts of Scotland.

Although bigotry can manifest itself in violence, it must not be forgotten that violence is not always its natural progression.

**Margo MacDonald (Lothians) (Ind):** I do not disagree with many of Dave Petrie's assertions, and I support the moves to end sectarian and

racist behaviour that Alasdair Morrison spoke about. However, has Dave Petrie given any thought to the fact that there are club groupings all over Europe—never mind South America—that kick one another to death if they can get away with it? That has nothing to do with either religion or racism.

**Dave Petrie:** I take Margo MacDonald's point, but I do not think that it is directly related to the debate.

We need to look at the issue of more police on the streets. As recently as last Sunday, I was confronted with a mob of supporters at Meadowbank prior to the Hibs v Rangers match. They were causing public fear and havoc until they were dispersed belatedly by one solitary police vehicle. Police at a local level have the potential to root out gangs and troublemakers who are connected with and integrated into the old firm culture. Instead, police officers are hampered and controlled by red tape, forms and bureaucracy, which are taking them off the streets and away from the communities that need their protection. That will not help to tackle old firm violence, and we need to use the full resources of law enforcement agencies to help combat it.

As Kenny MacAskill mentioned, with violent crime in general on the rise throughout Scotland and regrettable racist incidents in the recent St Johnstone v Motherwell cup tie, it is really no wonder that sectarianism surrounding the old firm institutions is still rife. However, I feel that never before has there been the appetite to tackle sectarianism as there is now. All community sides are taking firm action and developing pragmatic strategies. We must now proceed with a greater contribution from the Government to demonstrate that violent crime will not be tolerated in modern Scotland.

In conclusion, I join Alasdair Morrison in commending the responsible actions of supporters in the Western Isles, who set a salutary example to us all.

17:32

**Bill Butler (Glasgow Anniesland) (Lab):** I congratulate my colleague Alasdair Morrison on securing the debate. It is especially timely, given that an old firm derby is to be held this weekend and watched by religious leaders, including the moderator of the General Assembly of the Church of Scotland, the Right Rev Alan McDonald, and Cardinal Keith O'Brien.

I join members in praising the work that is being carried out by both sides of Glasgow's old firm. I have witnessed first hand the innovative work being carried out by both the old firm alliance and Glasgow City Council's sense over sectarianism

campaign, most recently as a guest at the launch of a joint event between Blairdardie and St Ninian's primary schools in my constituency. It is heartening to see football being used as a means to bring young people together, not just to learn about other traditions but to gain a fuller, more rounded understanding of their own.

There can be no doubt that the Glasgow clubs have taken significant strides in attempting to deal with the sectarian element that has attached itself to them. I welcome the steps that have been taken in providing positive educational messages through their learning centres, the attempts to stop the singing of songs that could be seen as hurtful to others and the clubs' strong support for the sense over sectarianism campaign.

However, we should not kid ourselves that those steps are anything other than a good start on which to build. I want the clubs, the Scottish Football Association and the Scottish Football League to engage fully with the Scottish Executive, police, anti-sectarian organisations such as Nil by Mouth and the supporters to ensure that we continue to make tangible progress.

Nevertheless, although it may be true that sectarianism is at its most visible in and around our football stadiums, we should not fall into the trap of dismissing it merely as a football problem. It runs much deeper than that. I was struck by the comments last week of the Celtic manager Gordon Strachan, when he was asked about the disgraceful abuse aimed at Jason Scotland by a tiny section of the crowd at a Scottish cup game a few days earlier. Strachan said that racism was not just a football problem. In truth, there are racists who go to football games and behave appallingly, and the same could be said of those who use football as an excuse to peddle sectarian hatred. Football does not breed those attitudes; rather, they are merely a symptom of a more entrenched problem affecting communities across Scotland.

Sectarianism is still a real problem in Scottish society. I would go so far as to call it a cancer, which is why I praise the leadership shown by both the First Minister and the Executive in acknowledging the problem and having the courage to tackle it.

The Executive drew up Scotland's first national action plan aimed at tackling sectarianism directly. The action plan highlights 18 key action points that the Government continues to work on in relation to sport, education and marches and parades.

As politicians, we have a duty not to shy away from acknowledging the existence of the problem of sectarianism and a duty to do all that is in our power to come up with ways of tackling it.

It should not be said that sectarianism can be defeated by Governments or legislation alone. Each part of Scottish society has a role to play in stamping out sectarian behaviour. I am heartened that, in recent years, the debate on sectarianism has been treated responsibly by sections of the media, including the *Glasgow Evening Times*, trade unions, many employers and faith leaders, who have shown leadership and a willingness to sit down together to discuss the issues on an ecumenical basis. Those are examples of steps that have been taken to move forward.

In my remaining time, I want to pay tribute to the work of the Nil by Mouth charity, which was set up as a result of the brutal sectarian murder of 16-year-old Mark Scott, in keeping the issue in the public eye and challenging sectarian attitudes. Nil by Mouth offers a wide range of services, including workshops that focus on raising awareness of issues relating to sectarianism. Later this month, it will launch its manifesto for the Scottish Parliament elections. I hope that every party and every candidate will seriously consider that document's recommendations.

Sectarianism did not appear in our society overnight. Its origins are deep rooted and complex. Therefore, we cannot expect it to disappear suddenly. We must continue to invest in educational initiatives and awareness-raising campaigns. Football clubs, politicians, trade unionists and employers must play their parts in taking effective action against those who refuse to accept that sectarianism in any shape or form is anathema to 21<sup>st</sup> century Scottish society.

I support the motion in the name of my colleague Alasdair Morrison and I again congratulate him on securing the debate.

17:37

**The Deputy Minister for Justice (Johann Lamont):** I, too, congratulate Alasdair Morrison on securing this important debate. In particular, I thank him for recognising the Executive's efforts and those of our partners in tackling bigotry and sectarianism in Scotland. I also welcome what other members have said. Their speeches have given us pause for thought. We should acknowledge the importance of the debate.

Change has occurred, but we should recognise that change does not happen by accident; it requires political will and determination, and a commitment by our communities to take action.

People have had to put up with sectarian attitudes at our sporting grounds and beyond them for far too long. The venomous and spiteful behaviour of some people ends too often in violence. Scotland has had to face that problem as a society, and it is right that we should lead the

way in tackling sectarian attitudes and behaviour wherever they occur.

Part of the problem with sectarianism is that people have thought that it is somehow a bit of a joke. They have thought that it ought not to be taken too seriously. I support what Bill Butler said about Nil by Mouth, which is an example of an organisation that developed out of tragedy. In the depths of the tragedy, friends and family were willing to put their energies into ensuring that something good would result from it and that we would be confronted by what the murder signified. Not only was it an individual family's tragedy, it was a terrible statement about our society.

Understanding the seriousness of sectarianism is important. Alasdair Morrison was right to connect it to racism. Both things say something about our society. Sectarianism is a blight on Scottish society, and those who still harbour sectarian attitudes must learn that there is no place for sectarianism in Scotland.

Members have been right to say that sectarianism is exhibited not only at football matches—we know that it runs deeper than that—but football is a powerful vehicle for emotions and commitments. It gives people a powerful feeling of togetherness and belonging. People can express their sectarianism and racism at football matches, but we can also begin to challenge those attitudes at football matches, as football is so powerful. Our football clubs must be commended for understanding that they can engage with people in a way that perhaps mere politicians cannot. Football has the capacity to unite people, and we recognise what football clubs have done in that regard. We must harness what they have done and move forward by working with fans, clubs, religious leaders, schools and the police.

Much has been achieved in the battle against sectarianism. The launch of the calling full time on sectarianism strategy at the reconvened summit on sectarianism in December 2006 provides a strong example of how we can work together and deal with sectarianism head on.

Singing and chanting at football matches are a particularly visible manifestation of sectarian behaviour that cannot be ignored. However, I agree with John Swinburne that there has been change. Over the years that I have attended football matches—at the other end of the city from the club that Alasdair Morrison follows—an evident change has taken place in how people sing. The place is not the same as it was 10 or 15 years ago. Alasdair Morrison was right to emphasise the power that fans have in policing themselves to make such behaviour unacceptable.

**John Swinburne:** Does the minister agree with me that the Criminal Justice (Scotland) Act 1980,

which banned alcohol from football grounds, was a gigantic step forward in controlling sectarianism?

**Johann Lamont:** I understand that alcohol can fuel sectarianism and cause difficulties, but alcohol is also sometimes used as an alibi. As with other forms of violence, people say that the drink caused their behaviour, but no, whatever was in them caused their behaviour and perhaps they were just liberated by alcohol. The deeper issue needs to be challenged.

On sectarian singing, we must all take responsibility for our actions and challenge those who peddle hatred and intolerance. We welcome the recent statements from Celtic and Rangers requesting their supporters to refrain from chanting such songs. We commend those fans who have made it their responsibility to police themselves.

Clubs need to recognise that sectarian behaviour brings them into disrepute. They need to take action against such behaviour. In particular, clubs should take a much stronger line on banning abusive individuals and should work with the police to ensure that those who cause trouble outside grounds are also banned from attending matches and any social events that are associated with the club. In addition, clubs should work with supporters groups to ensure that those who behave in a sectarian way also have their supporters club membership revoked. Clubs should be ready to take whatever action they can against supporters groups that fail to address the sectarian element in their membership.

I welcome the old firm's on-going approach to tackling the problem by working with fans, stewards and the police to help to eradicate sectarian behaviour from football matches. However, as has already been alluded to, sectarianism is not confined to Rangers and Celtic. A number of football clubs in Scotland have recognised that they have a hard-core sectarian element in their fan base.

Sectarianism is a problem not just in sport but in many different areas of Scottish life, and our work to tackle sectarianism reflects that. I welcome the establishment of the new body called Football for All, which will deliver a focused anti-sectarianism awareness campaign early in the new football season. The initiative will send out a strong message to the people of Scotland that the ending of vile sectarian singing and chanting at football matches has an important part to play in eradicating sectarianism from Scottish society.

We have introduced powerful new laws. Measures have been introduced under section 74 of the Criminal Justice (Scotland) Act 2003 to deal with religiously aggravated crimes. We also introduced football banning orders in September 2006. They are a particularly powerful tool, as they

allow the police and the courts to take action to ensure that anyone who indulges in abusive, violent or bigoted behaviour can be banned for up to 10 years from attending matches in Scotland, the rest of the United Kingdom and overseas. In addition, banning orders can also exclude such individuals from going to town centres, railway stations and bars on match days.

Working in partnership with the Association of Chief Police Officers in Scotland, we have already delivered the first phase of the straight red football banning orders awareness campaign. The campaign, which was very successful, made it clear that we are getting tough on the abusive bigots who bring our national sport into disrepute and that there will be no second chances for those who indulge in such mindless behaviour. I am pleased to announce—I am sure that Alasdair Morrison will welcome this—that a further £30,000 is being provided to run a second phase of the campaign to drive the message home. The message is loud and clear: abusive or violent behaviour will not be tolerated in Scottish football.

We have amended the laws on marches and parades and we have issued guidance to Scottish local authorities on how the new procedures will be expected to work when they come into force from 1 April. Last May, we joined march organisers—the Orange order, Cairde na hÉireann and the Scottish Trades Union Congress—local authorities and police forces to sign a joint statement pledging to unite to tackle abusive behaviour at marches and parades.

We know that churches and faith groups have also taken forward anti-sectarian work independently by developing a charter on the principles of religious freedom, which provides a strong anti-sectarian message. We are working with the broader voluntary sector to bring together those organisations that are involved in tackling sectarianism.

We have made huge strides, but the Government does not have all the answers. That is evident on this issue as on many others. We need to work with those who have shown themselves to be willing to make a commitment to real change.

We believe that the tide of public opinion is turning against the bigots. People who would in the past have put up with sectarianism or joked about it in their communities are starting to speak out. That broad partnership approach is the right way to tackle sectarianism.

We should all be proud of the way in which we in Scotland have taken the issue forward. Our goal is to create a Scotland that, at its heart, is free from sectarianism, racism and discrimination. We have real hope for the future. I have no doubt that our

efforts and those of our partners in driving the anti-sectarian agenda further forward will bring about the Scotland in which we all want to live and prosper. Football clubs are rising to that challenge and, as citizens of Scotland, we must rise to it, too. We must recognise such behaviour for what it is, confront it when we see it and ensure that Scotland is a better place in which to live.

*Meeting closed at 17:45.*



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