

MEETING OF THE PARLIAMENT

Wednesday 25 June 2008

Session 3

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Scottish Parliament

Wednesday 25 June 2008

[THE PRESIDING OFFICER *opened the meeting at 14:00*]

Time for Reflection

The Presiding Officer (Alex Fergusson):

Good afternoon. As always, our first item is time for reflection. Our time for reflection leader today is Rabbi Nancy Morris from the Glasgow Reform synagogue.

Rabbi Nancy Morris (Glasgow Reform Synagogue): Everyone knows that the Scots invented the modern world. So asserts Arthur Herman in his book “How the Scots Invented the Modern World”. The Scots formed the first literate society and invented our modern ideas of democracy and free-market capitalism. Their

“contributions to the world’s list of great names in literature, science, art, music, finance, medicine, and abstruse learning are also away out of proportion to the weakness of”

their

“numbers.”

Is that not true? Herman puts forth good arguments for all those assertions—but that previous sentence was actually a quotation from Mark Twain, in the article “Concerning the Jews”. Such statements about literate culture, democracy and capitalism have been made by many people with regard to Jews as well. Undoubtedly, both Scots and Jews have much to be proud of.

In our cycle of scriptural readings this past week, we read chapters of the book of Numbers that describe how Moses, still wandering with his people in the desert, moving towards a land promised to them, sends out a group of 12 spies to scout out this promised land. Ten of them come back afraid of what they have observed and lacking in any confidence in their own strength or resources. Because of them, the Israelites are condemned to wander the desert a full 40 years.

The spies had been terrified of the fortifications surrounding cities such as Jericho. Because of the walls, they concluded that opposition was massive, and that, because the cities were strong, the people were strong. In fact, Jewish tradition concludes that the truth was the opposite: the cities were strong because the people were weak.

We Jews, as a wandering, exiled people, have had many historic challenges to face in a world without walls to protect us—external challenges such as anti-Semitism, but also internal ones such as assimilation, lack of confidence and even loss

of faith. It is only firm belief in our own inner strength, great culture and tradition that permits us to be at home in a world without walls—a diverse world, a world that can at times be scary and threatening. It is powerful self-belief and rejection of fear that allows us not only to survive but to become a positive moral and spiritual influence on the societies of which we form a part. Let us understand how much we Jews and Scots are well suited to living in a world without segregating walls.

By not giving in to tribalism or triumphalist nationalism, nor retreating to a seemingly safe but constricting place, we can teach the world that true liberty requires a sense of personal obligation as well as individual rights. We can show that modern life can be spiritually, as well as materially, fulfilling. We can demonstrate that

“private affluence can enhance a sense of civil responsibility”

and, finally, that

“confidence in the future depends on a reverence for the past”

—a true past. Are those the aspirations of a Moses, or are they more admiring words from Mark Twain? No. They form the conclusion of Herman’s book about the Scots.

Business Motion

14:04

The Presiding Officer (Alex Fergusson): The next item of business is consideration of business motion S3M-2257, in the name of Bruce Crawford, on behalf of the Parliamentary Bureau, setting out a revised business programme for today.

Motion moved,

That the Parliament agrees the following revision to the programme of business for Wednesday 25 June 2008—

after

followed by Scottish Government Debate:
Alcohol Misuse

delete

followed by Business Motion

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

followed by Members' Business

and insert

followed by Ministerial Statement: Scottish
Ambulance Service Contact
Information

followed by Business Motion

followed by Parliamentary Bureau Motions

5.30 pm Decision Time

followed by Members' Business.—[Bruce
Crawford.]

Motion agreed to.

Housing

The Presiding Officer (Alex Fergusson): The next item of business is a statement by Nicola Sturgeon on housing. The cabinet secretary will take questions at the end of her statement, therefore there should be no interventions or interruptions during it.

14:04

The Deputy First Minister and Cabinet Secretary for Health and Wellbeing (Nicola Sturgeon): Last October, in the consultation paper "Firm Foundations: The Future of Housing in Scotland", the Government set out its vision for the future of housing in Scotland. It is a vision of more houses of all tenures, that are built to higher environmental and design standards, that meet the needs of those on lower incomes, and that contribute to the creation of sustainable, mixed communities. Our proposals are ambitious and radical. They have to be if they are to tackle the problems that afflict housing in Scotland—problems that, as we all know, result in too many people failing to find homes that meet their needs and which they can afford.

"Firm Foundations" generated an enormous amount of interest, and I am pleased to say that there has been huge support for many of our key proposals. Given the critical role of local government in taking forward so much of our agenda, I am particularly pleased by the extent to which the Convention of Scottish Local Authorities and the Government agree on the priorities for action, which include increased supply throughout all tenures, the creation of mixed communities, and joint working between councils. In my statement, I will set out the Government's plans to build on that support in the coming months and to work with our partners in local government and throughout housing to translate our vision into delivery on the ground for the people of Scotland.

"Firm Foundations" recognised that improved supply is the key to achieving our vision for the sustainable economic growth of Scotland. Our proposal to set ourselves, as a country, the goal of increasing the rate of house building to 35,000 new houses a year by the middle of the next decade was strongly supported and endorsed by stakeholders. In proposing that goal, we recognised that making the supply of houses more responsive to demand is a long-term challenge that requires both reform of the planning system and a change in cultural attitudes towards the building of new houses.

In recent months, it has become clear that developments in the credit markets will have a significant adverse effect on house building in the

short to medium term. As we all know, the situation is fluid, and the Government will require to be flexible in its response. However, we all understand that the root cause of the situation is not reduced demand for housing but reduced liquidity in the market. The underlying long-term requirement for more housing remains. People continue to need homes that they can afford and which meet their needs. Accordingly, I confirm our commitment to that goal. We will work to ensure that house building is best placed to grow again when market conditions recover.

Today, as part of our drive to improve the operation and responsiveness of Scotland's housing system, we are publishing, jointly with COSLA, new guidance that enhances the role of local housing strategies. Next month, we expect to publish the revised Scottish planning policy on housing. Taken together, those will create a stronger national framework for housing and planning to ensure that the right number of houses can be built in the right places.

I said a moment ago that the credit crunch will not deflect us from the long-term goal of increasing the supply of new housing, yet we cannot and must not ignore the impact that the credit crunch might have on some households in the short to medium term. I confirm that the Scottish Government will press the United Kingdom Government to do everything possible to restore normality to the operation of credit markets and to improve its financial regulatory arrangements to encourage more responsible lending. We will also press the UK Government to make good on its promise to reform the income support mortgage interest scheme so that it can help a much wider range of people.

As a Government—and, I am sure, as a Parliament—we recognise the significant effort and sacrifice that people have made to buy their own homes. For that reason, I want our Government to take some direct action in the coming months. I want to encourage anyone who is facing difficulties in paying their mortgage to take action as soon as possible and to get advice on their options from both their mortgage lender and independent agencies. We will also provide additional specific support and training for money advisers, and later this year we will produce revised standards for money and housing advice and consult on a new lighter-touch accreditation scheme.

Together, those measures will help us to ensure that home owners can obtain high-quality advice, without charge, that will help them to make the best choice possible in their circumstances. In addition, to ensure that people do not slip through the net, we will develop legislation to ensure that

lenders that intend to repossess notify local authorities.

I can also announce that we intend to launch a home owners support fund to help those who cannot obtain help from elsewhere to remain in their homes if possible. The new fund will include and build on the existing mortgage to rent scheme. To support the fund, we will increase in the first instance the resources that currently are available to the mortgage to rent scheme. Over the next two years, we will make available £25 million to help home owners who face the repossession of their homes.

In developing that approach, we will work with lenders and social landlords to extend the options that are available to home owners who face repossession, beyond the single option that currently is available under mortgage to rent. We want specifically to include the option of shared equity and shared ownership, which allows people to retain ownership of their homes instead of giving up home ownership completely.

When first-time buyers who have bought their homes as part of the Government's shared equity schemes find themselves in difficulties in meeting mortgage payments, we will explore with social landlords how those first-time buyers might be allowed to adjust their stake in accordance with household circumstances rather than give it up altogether or face repossession.

Those measures demonstrate that we understand the sacrifice that those who have struggled to buy their own home make and that we are prepared to target support wherever we can. Last year, we announced the low-cost initiative for first-time buyers—LIFT. As part of that, we launched the revised open market shared equity pilot scheme. We are committed to helping more people to achieve their home ownership aspirations when that is sustainable for them. We have taken on board the views expressed in the responses to "Firm Foundations", and we have assessed the changing credit situation, which has meant that first-time buyers have to find ever larger deposits.

Following its recent assessment of the changed housing market, the Council of Mortgage Lenders said that an expansion of the shared equity schemes would

"help underpin confidence at this uncertain time".

I can confirm today that we intend to expand our shared equity schemes, backed by investment of £250 million over the next three years. It is our judgment that, in the current market climate, that approach offers more effective help to first-time buyers than direct grants.

It is also important in the current climate that first-time buyers and others have good information about the condition and value of houses before they make what for many is the biggest financial commitment of their lives. We were pleased that the regulations to introduce the home report into the Scottish housing market received strong, if not unanimous, support from across Parliament earlier this year. The surveying profession and others in the market are making good progress in their preparations for the new system, which will come into force on 1 December this year.

An important feature of “Firm Foundations” was its recognition that not everyone is able, or wishes, to own their own home. Consequently, it gave equal weight to proposals on renting in both the private and social sectors. That included a review of the private rented sector, which is under way, to ensure that the sector is capable of delivering the right types of housing in the right places to help to meet housing need. A consultation launched earlier this week on proposals to give local authorities more scope to use the private rented sector to house homeless people when that is appropriate also has an important role to play.

At the same time, we are continuing our important work to improve standards in the sector through measures such as the mandatory private landlord registration scheme—which, I am pleased to say, has an approval rate of 78 per cent compared with just 15 per cent in May 2007—and the new repairing standard, which came into force last September. In April, we launched the national landlord accreditation scheme. Part funded by the Government, it promotes best practice in the sector through training and advice for landlords and agents.

I turn to the social rented sector. Responses to our proposal to end the right to buy for new social housing were almost universally positive, so I confirm today that we will legislate to implement that commitment at the earliest opportunity.

What struck me about the responses was the impassioned pleas for us to consider further restrictions. Social housing landlords have given us the clear message that they want to protect their stock, which will help them to meet pressing housing need and assist them on the road to the 2012 homelessness target. I make it clear that we will not remove an existing right-to-buy entitlement but, having listened to respondents, we remain committed to reviewing the policy further in line with our manifesto commitment. Therefore, through working with key stakeholders to examine a range of options, we will conduct a short-term review over the summer and draw up detailed proposals for public consultation.

Support for our proposal to kick-start a new generation of council house building was also

extremely strong. In April, I announced that £25 million of Government funding would be provided over the next three years to support that initiative. I have discussed with COSLA the principles that will underpin how we allocate that money. Our aim is to secure the maximum number of extra homes in the right places for the minimum outlay per home. To achieve that, we will focus our investment on councils that are well placed to progress new-build programmes. Those councils will have resources from prudential borrowing or other sources, well-developed plans for building quality houses that meet local need, and the necessary infrastructure to manage such homes effectively. We will also focus our investment on places with housing need and where the homes will help the council to meet the 2012 homelessness target.

We are developing the detail behind those principles with COSLA to make the final process as transparent and non-bureaucratic as possible. In addition, so that councils that are just beginning to consider building new houses have time to develop their plans, we will allocate the £25 million in more than one tranche.

I acknowledge that some councils have a limited ability to borrow because of high debt, so the scheme might not benefit them, but it is right to concentrate our resources where they will have the greatest impact. We will, of course, continue to work with all councils on ways to address their affordable housing need and the long-term sustainability of their housing business.

“Firm Foundations” described the imperative to make our investment in new social housing more efficient, which is why, last month, we changed the assumptions that underpin awards of housing association grant so that they are more realistic and at the same time secure better value for the taxpayer. The next stage will be to reform the investment processes to permit a more strategic and competitive approach. As members have said before, that could be done in a variety of ways. We need to explore all the options before deciding on the form that the new system will take. I make it clear that we intend to work with the Scottish Federation of Housing Associations, COSLA and other housing stakeholders to develop specific proposals on which we will consult in the autumn.

Procuring new stock efficiently is critical to our aim of delivering more and better-quality social housing. However, I want to be sure that the new stock—and all our existing stock—is managed and maintained to deliver improving value for tenants and the taxpayer. Local authorities and housing associations are responsible for delivering that value. To ensure that they do so, we have the Scottish Housing Regulator. “Firm Foundations” proposed a series of reforms to modernise the regulator’s powers and duties by making it more

explicitly focused on protecting and promoting current and future tenants' interests, reducing the burden of regulation on landlords, and concentrating its efforts on assessing and improving the value that landlords provide.

Those proposals attracted widespread support during the consultation on "Firm Foundations". I can confirm that, in consultation with COSLA, the SFHA, tenant groups and lenders, we intend to develop detailed proposals for ensuring that tenants and taxpayers receive the value that they have a right to expect. Just as important, given the vital role of private lenders in supporting the delivery of new social housing, the modernised regulator will continue to perform the important role of reassuring lenders by keeping governance and sustainability under constant review and by being empowered to act decisively whenever governance or sustainability are at risk.

I turn to the city of Glasgow, which is very close to my heart. Protecting and promoting the interests of tenants and taxpayers are the twin aims that are at the heart of my approach to the challenging issues in Glasgow. A few months ago, I promised a review of grant arrangements with Glasgow Housing Association. That review is now under way. I am confident that the new arrangements that flow from it will deliver transparency and accountability and show a clear link between the money that the Government invests and the positive outcomes that are delivered for tenants. As part of the review, I am considering ways in which the arrangements can better support regeneration. I have asked the council and Glasgow Housing Association to make proposals for the transformational regeneration areas that are ready to go, and I expect to see progress on that front very soon.

The Minister for Communities and Sport and I have made it abundantly clear that we want to see second-stage transfer delivered where it can be sensibly achieved, therefore I welcome the real progress that has been made over the past few months. Five transfer business plans have been submitted and another five are due to be submitted this week. It gives me particular pleasure to announce that two housing associations have now set dates for second-stage transfer ballots. Subject to agreement on the detailed proposals and the necessary approvals, Parkhead Housing Association and Cassiltoun Housing Association in Glasgow are aiming for ballots to take place on 17 November. I am delighted to say that they and the GHA are committed to ensuring that that aim is met.

To be working towards a date for the first second-stage transfer ballots after so long is a sign of real progress. Tenants in Glasgow will be given the chance to have their say at long last.

However, let me be clear: I expect to see even more progress in the months ahead. I have made it plain to the GHA that I see it as a transitional organisation. *[Applause.]* To that end, I expect to see more ballots and, in areas in which transfer cannot sensibly be achieved now, I expect realistic proposals from the GHA to empower tenants. *[Applause.]*

The Presiding Officer: Order. I asked for no interruptions. That includes clapping.

Nicola Sturgeon: I have outlined a substantial programme of work that will deliver lasting improvements to all aspects of our housing system. It is a challenging programme for challenging times. It is aimed at getting the fundamentals right over the medium to long term, and I am pleased to say that it commands extensive support among stakeholders. We have made a good start with stakeholders in taking the programme forward, and it is important that we pursue it consistently while, of course, continuing to respond to the impact that the current credit crunch is having on households and the housing system as a whole. I look forward to working closely with all stakeholders and members in developing and implementing all our initiatives over the coming months.

The Presiding Officer: As I intimated earlier, the cabinet secretary will take questions on the issues raised in her statement. We have around 40 minutes for such questions, after which we will move on to the next item of business. The times for this item of business and the next debate are tight.

Johann Lamont (Glasgow Pollok) (Lab): I thank the cabinet secretary for early sight of her statement. I recognise that there was a lot in it, particularly about people who face repossession and so on, with which we can all agree. I look forward to further debate in committee on some of the detailed issues of the housing policy, including homelessness, that the statement could not address.

I recognise, as the cabinet secretary said, that "Firm Foundations" secured support for some of its proposals, but ultimately it did not secure support for its key proposals. The document is troubling because, despite assertions, it did not respond to the coherent opposition to the central proposition around the role of housing associations in particular and developing that agenda. "Firm Foundations" was unconvincing when it was first published, and the changing context of the current housing circumstances means that it is now well past its sell-by date. The current housing circumstances present a huge challenge to the United Kingdom Government and the Scottish Administration, to which I hope that the cabinet secretary will rise.

I note in passing that the £2,000 grant for first-time buyers is now officially dead, and that the cabinet secretary has had sufficient sense to back off slightly from the single developer model and will consult further on it. I urge her to hold on to the option of jettisoning that model altogether. Regrettably, the key notion of driving efficiencies into housing associations remains, despite the strongly expressed views of housing associations and others that that will expose them to risk in the financial markets, will result in increasing rents and potentially will involve a raid on their reserves, which we all know should be used for the good maintenance of properties and to ensure that they meet the Scottish housing quality standard.

I have three specific questions for the cabinet secretary. First, she said:

"We will work to ensure that house building is best placed to grow again when market conditions recover."

Does she acknowledge that private sector house builders and housing associations now argue that housing associations have a critical role to play as an anchor for the whole housing sector, in order to sustain the house building sector while conditions remain as they are? I urge her to reflect on how she might use the housing associations creatively—giving them more resource, not less—in order to provide that anchor.

Secondly, what targets has the cabinet secretary set for social rented housing in different areas of Scotland? Given the fact that home ownership is not now going to be an option, the fact that repossession is a genuine possibility for some, and the level of homelessness, I am interested to know what her targets are.

Thirdly, does the cabinet secretary recognise the disappointment that many housing associations in Glasgow feel because her signalled commitment to independent scrutiny of the Mazars report—which would give confidence to the GHA and to those housing organisations—has not been honoured? Does she acknowledge the significance of having public confidence in that matter? Given the role of public moneys in the work of the GHA, will she at least take responsibility by convening the meetings between the GHA and housing associations?

The Presiding Officer: You really must close now, Ms Lamont.

Johann Lamont: I have said elsewhere that they require supervised contact. Will she consider convening those meetings to ensure that the progress on which she is insisting is realised?

Nicola Sturgeon: I genuinely thank Johann Lamont for her questions, which, in the main, were expressed constructively. I hope that we can continue in that tone this afternoon.

David McLetchie (Edinburgh Pentlands) (Con): No.

Nicola Sturgeon: David McLetchie says no. I will cross that bridge when I come to it. For the moment, I will continue in a constructive tone.

I said in my statement that I want to work with the SFHA, COSLA and other housing stakeholders as we take forward our proposals for further reform of the affordable housing subsidy regime. That is right and responsible. I hope that Johann Lamont is not suggesting that we should not look critically at those matters. I hope that she is not suggesting that, for example, this year we should not have taken decisions to bring some of our assumptions around HAG into line with the assumptions that housing associations already make. In a tight financial climate, that is the responsible thing to do, to ensure that we get the maximum bang for our buck—to build as many houses as possible with the investment that we have. Moreover, I believe that further reform is necessary. In challenging times, further reform becomes more rather than less necessary. I also recognise the need to work with key partners to find the way forward that is right for them and for the overall conditions of the housing market.

I will answer Johann Lamont's three specific questions as briefly as I can.

I agree that there might be creative roles for housing associations in the current climate. The Minister for Communities and Sport and the Cabinet Secretary for Finance and Sustainable Growth recently met Homes for Scotland, the umbrella body that covers private house builders, to discuss some of the issues that they are currently facing. I know that housing associations believe that they might have roles as the situation develops. I assure Johann Lamont that we will stay close to both parties to ensure that if we can face up to some of those challenges creatively, we will not lose the opportunity to do so. I know that members who have an interest in the situation will want to continue to discuss that.

I have been very clear about our target for house building. We remain committed to a long-term target of 35,000 new houses per year. I want that to include increases across all tenures, because that is essential if we are to create the kind of mixed and sustainable communities that we want.

We are going to have to face up to more challenging circumstances than we thought when "Firm Foundations" was launched, but it is right to remain focused on increasing the rate of house building as much as we can—I hope above the rates that we have seen in the past few years. We will focus our attention on doing that as successfully as possible.

On the GHA, I had hoped that Johann Lamont would find it within herself to welcome the date for the first two second-stage transfer ballots, progress towards which was not delivered under the previous Administration, but it is now being delivered under the Scottish National Party Administration. I know that people throughout Glasgow will welcome that progress.

I have two things to say about the Mazars report. First, it has been independently reviewed, and I caution Johann Lamont and any other member against calling into question the independence of the Scottish Housing Regulator, because that could have quite serious implications. I hope that no responsible member of Parliament would do that.

Secondly, I have said very clearly that the book is not closed on the Mazars report. I have urged the GHA and the Glasgow and west of Scotland forum of housing associations to get around the table and discuss some of the issues that the report raised. I am pleased to say—more optimistically than I dared to hope—that they had a meeting last week and both sides said that it was constructive. I encourage them to continue to talk and to find solutions that both sides want.

Jamie McGrigor (Highlands and Islands) (Con): I thank the cabinet secretary for early sight of her statement. I welcome the dropping of the £2,000 grant to first-time buyers in favour of expanding the funding for shared equity schemes. Another bad SNP policy has been dropped in favour of a good Conservative one.

However, I am disappointed that the Government intends to further restrict the right to buy, and my party will oppose any legislation that the Government introduces to do that. The right to buy has enabled 480,000 Scottish households to buy their own homes. Why is the cabinet secretary so determined to remove the right to buy from one group of tenants and so take home ownership out of their grasp?

In addition, housing associations have been expressing to me their concerns about future funding. Will the cabinet secretary today guarantee that she will not reduce the level of housing association grant in future?

The cabinet secretary will be aware that the chief executive of Homes for Scotland said earlier this week that the number of new houses being built in Scotland this year could be down no less than 20 per cent on last year. What impact does the cabinet secretary think that that will have on plans to boost the number of affordable homes?

Nicola Sturgeon: I thank Jamie McGrigor for his questions and for his enthusiastic support for our plans to expand shared equity schemes to further help first-time buyers. That is a very

important step to take in the current climate; the Council of Mortgage Lenders has been clear that it thinks that it is an important step that will help to sustain confidence.

I accept that there is a difference of opinion between my party and Jamie McGrigor's on the right to buy. David McLetchie made that very clear when I appeared before the Local Government and Communities Committee to discuss the issue; it has been made abundantly clear. We will have to agree to differ.

I have said repeatedly that, as someone who grew up in a house that was purchased under the right to buy, I accept that the right to buy has helped many people to aspire to home ownership who would not otherwise have been able to do so. However, we are in different circumstances and every Government has a responsibility to respond to the circumstances in which it finds itself. Given the shortage of affordable homes to rent, it would seem crazy to spend lots of taxpayers' money incentivising local authorities to build more affordable housing only for that stock to be sold off under the right to buy. Indeed, local authorities have made it clear that they are not prepared to build new stock if it can be sold off in that way. I have made it clear that we will not take away the existing right to buy—although we intend to review it further—but those who struggle to find housing perhaps have a legitimate expectation that they should have a right to rent. We must not lose sight of that.

On the housing association grant, I can scarcely believe that a Tory is asking me to guarantee that I will not try to deliver further efficiencies in the use of taxpayers' money. Even if we take into account all the legitimate differences between Scotland and England, levels of subsidy are higher in Scotland than they are elsewhere in the United Kingdom. We need to address that issue, particularly in the current financial climate, if we are to ensure that the desired number of houses is built. We will continue to do what we can to drive through efficiencies, but we will do that by working with housing associations, as I indicated in my statement.

On Homes for Scotland's point about the situation now facing private developers, of course I accept that that is serious. As I said, we have had discussions with Homes for Scotland and we are aware that the arrangements for some private developments mean that the situation will have an impact on the availability of affordable housing. Of course we need to be very aware of that issue and be prepared to respond to it.

The Presiding Officer: The cabinet secretary thanked Mr McGrigor for a number of things; let me add that I thank him for his brevity, which I recommend to other members as an example.

Jim Tolson (Dunfermline West) (LD): I will try to take that on board, Presiding Officer.

I, too, thank the cabinet secretary for the advance copy of her statement, which includes aspects that the Liberal Democrats can support, such as the extension to the mortgage to rent scheme to give home owners the opportunity to retain ownership of their homes.

Before last year's election, the Government made its great promise that it would give all first-time buyers a £2,000 grant. I am glad that the Government has finally decided to listen to all the stakeholders and Opposition members who warned about the folly of such a pledge by abandoning the first-time buyers grant. I welcome today's announcement that that will be scrapped.

The Liberal Democrats welcome the Government's announcement on ending the right to buy for new build, but precisely when will the Government introduce legislation to change that? Has the Government considered the Liberal Democrat policy of devolving powers to give local authorities more control of their housing supply? Under our plans, councils would be able to take the key decisions on the right to buy in their area. That means that a council could decide to abolish the right to buy altogether, to vary the discounts, to change the qualification period or, indeed, to apply pressured area status for up to 10 years to either a specific geographic area or a particular housing type. Key housing stakeholders such as Shelter support our policy. Will the Government's summer review include such an option to protect existing stock?

Nicola Sturgeon: I thank Jim Tolson for those comments. I think that there is much common ground between my party's position on such issues and the position of the Liberal Democrats. I also thank him—and other members in the chamber—for the warm support for our plans to help first-time buyers. That support is gratefully received.

Jim Tolson rightly raised some important points about the right to buy. We have made it clear that we intend to legislate at the earliest opportunity—which, if memory serves me correctly, will be later next year—to remove the right to buy for new-build houses. I think that the many issues that Jim Tolson raised about giving local authorities greater flexibility, such as by allowing further variation of discounts and the extension of pressured area status, need to be further considered. I assure him that all the issues that he has raised today will be up for discussion in the short-term review and the subsequent consultation that we intend to conduct.

The Presiding Officer: We come to questions from back-bench members. I repeat my plea for

brevity. A large number of members would like to ask questions, and I would like to fit all of them in.

Kenneth Gibson (Cunninghame North) (SNP): I warmly welcome the many excellent provisions in the cabinet secretary's statement, especially with regard to second-stage transfer. Does she agree that, if communities are truly to thrive and to transform themselves, it is fundamental that they should be able to take housing decisions about matters that impact directly on them? Will she work to ensure that the Parkhead Housing Association and Cassiltoun Housing Association ballots are followed by many others in the months and years ahead, to ensure that the GHA gradually fades into history?

Nicola Sturgeon: The announcement today of the date for the first two ballots is important both in its own right and symbolically, because it signals clearly to tenants throughout Glasgow that the dam on the issue has broken and that they have the prospect of having a say in their futures. That is incredibly powerful for them, especially after the long years of frustration in which it seemed not only that no progress was being made but that no progress was in prospect.

I made it clear in my statement—and am happy to do so again—that I see the ballots as a first step. I want second-stage transfer to happen where it can sensibly be achieved. That is why I said that I want further ballot dates to follow. In those areas where second-stage transfer cannot sensibly be achieved—at least not now—the GHA has a responsibility to come forward with plans and proposals for empowering tenants. I have asked the GHA to do that and expect that it will. The end result of the process will be much more control and empowerment for Glasgow tenants. Labour said that it wanted to deliver that through stock transfer in Glasgow; I am glad to say that it looks like the SNP will deliver that.

Sarah Boyack (Edinburgh Central) (Lab): Will the cabinet secretary confirm that, on the basis of the criteria that she has set out in her statement today, Edinburgh will not benefit from the £25 million that she has allocated to new council housing? Given the current state of the housing market, would it not be better for her to use some of the new £0.25 billion that she is allocating to shared equity schemes to meet the demand for new social rented housing? Is she aware that Edinburgh housing associations are deeply worried about their ability to build new social housing, given the standstill in the budget for housing associations and current inflation pressures? Is she aware that, unless there is a rethink, housing associations will have to increase rents, lose wardens or not build as many houses as they planned? That is what housing

associations are saying. Will she have a rethink on the HAG support that she is offering?

Nicola Sturgeon: I knew that it would not take long for scaremongering about issues such as lost wardens to appear in the chamber. I thought that we were managing at long last to have a constructive, sensible debate that focused on the issues, but I will answer Sarah Boyack's questions.

Sarah Boyack asked whether Edinburgh would be able to share in the £25 million that has been provided to kick-start new council house building. I have made clear what the criteria for that investment will be; those criteria were discussed with COSLA. If she had listened to my statement, she would have heard me accept that some local authorities may not be able to take advantage of the money that has been allocated. It is right that we should use the £25 million to best effect, to ensure that it builds as many houses as possible, in the right places.

If Sarah Boyack had listened to my statement, she would also have heard me say that, nevertheless, the Government intends to work with all local authorities to assist them in confronting the challenges that they face, such as meeting the Scottish housing quality standard and tackling debt. Assistance will be available to councils such as the City of Edinburgh Council and Renfrewshire Council. The Government will not shy away from such challenges.

I will not repeat what I have already said about housing association grant. We want to work with housing associations, which are vital partners in achieving the aims that we have set. However, it is important that we trade in reality, rather than myth. Over the comprehensive spending review period, the affordable housing investment programme budget will increase by 19 per cent compared with planned expenditure over the past three years. That is the reality, so let us not talk about budgets being at a standstill or being cut.

I have made it clear that we have taken what I think are sensible decisions on housing association grant this year. It would have been negligent of us not to take those decisions and bring our assumptions into line with housing associations' assumptions so that we and they can get maximum value for taxpayers from the money that we invest. As I have said repeatedly, we will continue to discuss, liaise and work with housing associations as the situation that we face develops so that we get the right solutions for all of us.

Stuart McMillan (West of Scotland) (SNP): When does the cabinet secretary expect to introduce legislation to ensure that lenders notify local authorities when they intend to repossess properties? What discussions have ministers had

with private landlords? What support will be offered to homeless people taking on private lets to enable them to settle in new accommodation?

Nicola Sturgeon: I thank Stuart McMillan for that question, which goes to the heart of the important issue of the prevention of homelessness and meeting the 2012 homelessness target. It is especially important in the changed financial climate that we ensure that people who might face the prospect of homelessness get access to support and advice. That is why I outlined today the measures that we intend to take and why we intend to use legislation to ensure that not only landlords but creditors notify local authorities if they are considering repossession, which will add an important protection for people facing that situation. Those regulations will be consulted on shortly.

Using the private sector to assist local authorities in meeting the homelessness target was a key proposal in "Firm Foundations". Albeit that members have expressed legitimate questions and concerns about using the private sector, I think that most of us accept that it is the right thing to do, as long as the appropriate protections are in place. The consultation document on that talks about what those protections might be. I hope that all members take the opportunity to read the consultation document and respond to it, if they feel that to be appropriate.

Patricia Ferguson (Glasgow Maryhill) (Lab): I invite the minister to be clear today and confirm that she has dropped the lead developer model. Will she acknowledge that, particularly in the present financial climate, housing associations have a particularly valuable role to play? I welcome the focus on regeneration that she has indicated for the GHA, but will she acknowledge that housing associations other than the GHA are also often well placed to be partners in regeneration and will she encourage that role for them?

Nicola Sturgeon: I am not signalling that we have dropped the lead developer proposal. I am saying that we want to consult partners in the housing association movement on what the right way forward should be. A range of options is available to us to achieve the objectives that we have set. That is why, as we draw up proposals for consultation, it is important that we have a discussion in which everything is on the table—that is what we intend to do.

On housing associations more generally, I am glad that Patricia Ferguson welcomed the progress with GHA. She is right that housing associations are much more than landlords. She has made that point before in the chamber, and I have concurred with it before. Good housing

associations should be much more than landlords. I have used examples of housing associations in my constituency that perform that wider role exceptionally well, and I know that Patricia Ferguson will have similar examples in her constituency. Housing associations have a vital part to play in regeneration. That is a message that I am delighted to continue to convey because it is one that I believe passionately.

David McLetchie: In the section of her statement dealing with the council house building programme, the cabinet secretary acknowledged that some councils have limited ability to borrow because of high debt and that the house building scheme will not benefit them—quite so. Will she acknowledge that, with stock transfer, the high debts of those councils that will not benefit from her scheme would be written off by the Treasury, thereby facilitating new investment in new homes by new social landlords? Why does she refuse to encourage positively first-stage stock transfers in those areas as a way of generating new social housing across Scotland?

Nicola Sturgeon: Whether local communities decide to go down the stock transfer route is not up to me; it is up to local communities. That option is not closed to any community in Scotland. If my memory serves me correctly, when the City of Edinburgh Council's tenants were asked about the option they rejected it. Their democratic right to make that choice should be respected by members—

David McLetchie: Who advised them to make that choice? The Scottish National Party and the Scottish Socialist Party.

Margo MacDonald (Lothians) (Ind): And me.

The Presiding Officer: Order.

Nicola Sturgeon: I would like it not to be the case that tenants are in effect blackmailed over the debt and told, "Go down the stock transfer route and get the debt written off; don't go down that route and the debt stays." I would like there to be other options for considering how to remove the debt burden from councils. That is why the Government has vigorously lobbied the United Kingdom Government to put other options on the table. It is unfortunate that to date the UK Government has responded with a flat no, and I would welcome support from all parties in our quest to make it change its mind.

In the meantime, we will continue to work with local authorities to help them to manage debt and to help them to meet the Scottish housing quality standard and the homelessness target. Discussions on such matters are not always easy, because the solutions are not always easy, but I am committed to working with local authorities, so

that by working together we can find a way through the issues.

Ross Finnie (West of Scotland) (LD): I make a different point about council house building, which is related to the point that Sarah Boyack made. In her statement, the cabinet secretary said that her aim is to secure the maximum number of extra homes in the right places, where there is housing need. Will she explain the connection between housing need and the state of a council's finances? By saying that the councils that will have the maximum access to resources will be those that are able to secure resources through prudential borrowing, she is setting as a criterion the financial status of councils, which is not necessarily related to need.

Nicola Sturgeon: That was a perceptive and legitimate question, as I have come to expect from Ross Finnie—[*Interruption.*] If Labour members stop heckling, I might be able to answer the question.

As I said in my statement and as I explained in detail when I appeared before the Local Government and Communities Committee—I appreciate that Ross Finnie is not a member of the committee—in partnership with COSLA we have developed key principles around which decisions will be taken about the allocation of the £25 million. Some councils will satisfy some principles but not others, and I accept that some councils that have housing need might not be able to access the £25 million, because of their lack of prudential borrowing capacity. That is why it is so important to reiterate that we will continue to work with such councils, to help them to find other solutions to the circumstances in which they find themselves. Ross Finnie made an important point, to which I was glad to try to respond.

Bob Doris (Glasgow) (SNP): I hope that the cabinet secretary agrees that the proposed housing transfer ballots on 17 November represent significant progress, in that they will present the first opportunity for GHA tenants to move to proper community-based social landlords. That is something that the Labour Party failed to achieve when it was in power.

I welcome the cabinet secretary's assurance that more GHA tenants will move to community ownership if they choose to do so. Does she agree that the GHA, as a transitional organisation, must implement effective proposals to ensure that it downsizes its organisation, whether that happens voluntarily or otherwise?

Nicola Sturgeon: I repeat what I said about SST ballots. The two ballots represent progress but not enough progress; I want there to be more progress. I know that Bob Doris and other members accept that not every area of Glasgow is

able to pursue SST at this stage. That is why it is important that, in the interests of community empowerment if not community ownership, the GHA makes proposals that will deliver such empowerment. That is what I have asked the GHA to do and it is what the GHA will do. I am sure that all members will take the opportunity to scrutinise those proposals and comment on them in due course.

David Whitton (Strathkelvin and Bearsden) (Lab): The cabinet secretary says that she wants to secure the maximum number of homes for the minimum outlay per house. I understand that the new housing association grant level for new house building will be set at around £75,000 per unit. In my constituency, the housing association in Hillhead in Kirkintilloch has just completed phase 1 of a four-stage development. The unit cost for that first phase was £127,000, as a result of preparatory works, demolition and so on. The unit cost for phase 4 is projected to be £78,000.

The Presiding Officer: Question, please.

David Whitton: How is the housing association to find the difference, when money that is held in reserve is for planned maintenance of the older housing stock that it took over?

Nicola Sturgeon: I am sure that David Whitton knows that grants for new builds by housing associations have never equalled the total unit cost of building those houses. That has never been the intention. The subsidy that is paid in Scotland is considerably higher than it is elsewhere in the UK. There are some legitimate reasons for that—in some cases, for example, one would expect the subsidy to be higher because of differentials in rent levels—which must be factored into the equation. Nevertheless, there is a disparity. If the Parliament is serious—the Government certainly is—about ensuring that we get maximum benefit from the taxpayers' money that we spend on affordable housing, we need to tackle those inefficiencies. We are trying to do that without threatening the ability of housing associations to continue to build houses.

Members of all parties rightly talk about the need to increase the rate of building of affordable housing but, frankly, I have more respect for those members who do so while not simultaneously undermining our attempts to achieve that. Labour members cannot have it both ways—they cannot say that they want more houses but be unprepared to take the hard decisions that will allow us to deliver those additional houses in a tough financial climate. They should decide which side of the fence they are on because, frankly, it is not possible to straddle it.

Patrick Harvie (Glasgow) (Green): I am grateful for the advance copy of the statement, elements of which I welcome.

The cabinet secretary mentioned the Government's vision of building more houses of all tenures to higher environmental and design standards. Does she recall the existing commitment to consult on measures to improve the environmental performance of existing housing across all tenures? The timescale for that consultation appears to be in some doubt. When will it be published?

Nicola Sturgeon: The framework document for the Scottish sustainable communities initiative—which was also mentioned in "Firm Foundations"—will be published later this week. Patrick Harvie's point about the need to ensure the environmental quality of both new and existing stock is well made. With his permission, I will be more than happy to come back to him in writing with detailed timescale information on the work on existing stock.

Margo MacDonald: In her statement, the cabinet secretary said that she intends to introduce legislation that will ensure that lenders who intend to repossess properties notify local authorities. Why? Is it an attempt to ensure that local authorities have enough houses to give to homeless people? What is the reason for that proposal? Perhaps the home owners support fund that the cabinet secretary mentioned is meant to be an advocacy service, because her statement made no reference to how people who are threatened with homelessness and who obviously do not have the money to pay a mortgage could find the money for an advocate.

Finally—

The Presiding Officer: Very briefly, please.

Margo MacDonald: The cabinet secretary made conflicting statements. As has been mentioned, she said that the Government would focus investment on meeting need, but—

The Presiding Officer: Could you come to a question, please, Ms MacDonald?

Margo MacDonald: She also said that the Government would concentrate resources where they would have the greatest impact. Those appear to be contradictory statements, certainly in relation to Edinburgh. Will she explain that apparent contradiction?

Nicola Sturgeon: I have already indicated our keenness to continue to work with councils such as the City of Edinburgh Council to assist them in addressing the challenges that I recognise they face.

On Margo MacDonald's earlier questions, the reason why we want to change the law to place an obligation on lenders to notify local authorities if they are considering repossession is to allow local authorities to ensure that the person who is facing repossession has access to the advice and support that they need to consider the options that they might have, which will vary depending on the circumstances.

I refer Margo MacDonald to my statement, in which, before I spoke about the home owners support fund, I said that we intend to provide specific support and training for money advisers to ensure that home owners can obtain, without charge, high-quality advice that will help them to make the best choice in their circumstances. One of the choices and options that may be open to home owners in that circumstance is to access the home owners support fund. Under the present mortgage to rent scheme, in particular circumstances, home owners who face repossession can choose to switch to rent. We want to expand the options so that, for example, consideration can be given to home owners retaining a share in their home and moving to shared equity, rather than just moving to rent. We want high-quality and free advice to be in place and to lead to some of the options that will open up for home owners who are in that position.

Sandra White (Glasgow) (SNP): I thank the cabinet secretary for her statement, particularly the points on Glasgow and the GHA. She spoke about regeneration and pilot schemes. Will the joint forum involving Glasgow City Council, the GHA and Government officials report regularly—for example, monthly—to the Parliament or to ministers? Will the minutes of the forum meetings be made available?

Nicola Sturgeon: I thank Sandra White for her support for the commitments that I made on the GHA. In respect of the transformation of regeneration areas in Glasgow, just as I and other members have been rather frustrated by the lack of progress on SST, we have been frustrated by the lack of progress on the transformational areas. In recognition of the fact that the GHA cannot deliver regeneration on its own, I have asked it to work with Glasgow City Council to produce proposals for those transformational areas that are ready to go now. That is not a forum. I have asked both parties to have discussions, meetings or whatever and to come up with joint proposals. I am sure that, when those proposals are produced, the Parliament will have an opportunity to consider them properly.

Richard Baker (North East Scotland) (Lab): In light of the minister's reaffirming of the 2012 homelessness target, what dialogue has she had with Aberdeen City Council? She has assured us

that the situation is being monitored but, with added pressure on council services following cuts to homelessness charities, and with that 2012 goal in mind, can she assure me that there will not be a diminution of services in Aberdeen?

Nicola Sturgeon: As the member will perhaps be aware, the Scottish Housing Regulator will reinspect Aberdeen City Council's housing function later this year. The Government is in regular discussions with all local authorities on their progress towards the homelessness target. The target is challenging, but we are all committed to meeting it and those discussions will continue.

Alcohol Misuse

The Deputy Presiding Officer (Alasdair Morgan): The next item of business is a debate on alcohol misuse.

15:03

The Minister for Public Health (Shona Robison): The Government is ambitious for Scotland, which is why, last week, we launched “Changing Scotland’s relationship with alcohol: a discussion paper on our strategic approach”. The document outlines a comprehensive package of measures for tackling alcohol misuse in Scotland. The Government is not anti-alcohol, but we are anti-alcohol misuse. The stark truth is that our relationship with alcohol is holding us back, as individuals, families and communities and as a nation.

The statistics make sobering reading. More than 40,000 people are hospitalised each year with an alcohol-related illness, and Scotland has one of the fastest-growing rates of alcohol-related liver disease and cirrhosis in the world. An audit of Scottish emergency departments found that at least 70 per cent of assaults may be alcohol related.

Alcohol misuse does not affect only the misuser; it costs us all dearly. Recent figures suggest that the total cost to Scotland of alcohol misuse is a staggering £2.25 billion a year. However, the personal cost to shattered families and individuals is unquantifiable. In one in three divorces, excessive drinking by a partner is cited as a contributory factor; around 65,000 Scottish children live with a parent whose drinking is problematic; and a quarter of children on the child protection register are there because of parental drug or alcohol misuse. Many of us experience the effects of alcohol-related violence and antisocial behaviour in our communities, and almost half of prisoners report being drunk at the time of their offence.

We have to dispel the myth that alcohol-related harm affects only people with chronic alcohol dependency or so-called binge drinkers. Anyone who is regularly drinking too much can be putting their health and wellbeing at risk and affecting the lives of people around them. This is not a marginal problem. The uncomfortable truth is that many of us—and probably many of us in this chamber—fall into that category. Up to 50 per cent of men and 30 per cent of women are regularly drinking more than the amount specified in guidelines on sensible drinking. Those people place themselves at increased risk of being involved in accidents, of becoming a victim or a perpetrator of a crime, of

contributing to family break-up, and of developing cancer or liver disease.

We believe that something has to change. We want to put an end to the daily deluge of reports telling us about the negative impact of alcohol misuse on Scots and Scotland. We want to foster a self-confident Scotland where alcohol can be enjoyed sensibly as a pleasurable part of life, and we want to stimulate discussion and debate across the chamber and across Scotland about how we can best achieve that. I think it is fair to say that we have already been quite successful in kick-starting the debate. I am sure that we will hear more about that today. We welcome all views on the package of measures that we have proposed, which, taken together, can begin to change our relationship with alcohol for the better.

There are those who suggest that taking action to tackle alcohol misuse is somehow at odds with support for our indigenous alcohol industry. That is certainly not the case. We will continue to champion the Scottish drinks industry and we recognise the valuable contribution that it makes to Scotland’s economy. Indeed, last week we launched our national food and drink policy to champion the best of Scottish produce. Our national drink is a key element of the year of homecoming 2009 celebrations.

However, the evidence is clear: if we are to fulfil our ambitions as a country, we must rebalance our relationship with alcohol. It is clear that no single, simple solution exists. We do not believe for a moment that simply raising the purchase age is a solution to all Scotland’s alcohol problems.

Murdo Fraser (Mid Scotland and Fife) (Con): Will the minister take an intervention?

Shona Robison: I will in a moment.

Alcohol misuse is a complex problem, and an effective alcohol policy is one that encompasses a range of interventions designed to support a fundamental shift in culture. That idea is supported by the international evidence base. For example, the World Health Organization recommends adopting a package of measures—including policies controlling the price and availability of alcohol; drink-drive measures; and brief interventions for those who are drinking at harmful and hazardous levels.

Murdo Fraser: I want to ask about the age at which people can purchase alcohol in an off-sales. The minister will know that the Government’s policy is to reduce the voting age in Scotland to 16, and I therefore presume that she supports the proposition that, at 16, children become responsible adults. Does she not see the illogicality of increasing to 21 the age at which young people can buy alcohol? It would be five

years before those supposedly responsible adults would be able to purchase alcohol in an off-sales.

Shona Robison: There are already different ages at which people can do certain things. For example, people can get married at 16 but they cannot drink alcohol or buy cigarettes at 16. I believe that people should have the vote at 16, as that would allow them a say in what their Government decides to do on these or any other measures. That is democracy. We believe that 16-year-olds should have the right to have a role in deciding the Government of their choice.

Our package on alcohol misuse is bold, and we make no apology for that. The response must be proportionate to the scale of the problem.

Patrick Harvie (Glasgow) (Green): Will the minister take an intervention?

Shona Robison: Not just now.

Our consultation paper seeks views on whether the minimum legal age for off-sales purchases should be raised to 21. We accept that, for many people, that is a controversial issue, but we are asking an open question and we will listen to all views. In Scotland, the short-term harms associated with alcohol misuse are higher among young people and the impact of their drinking in public is felt by the communities in which they live. International evidence shows that raising the minimum age can reduce alcohol sales and problems among young drinkers. Alcohol is much cheaper and more widely accessible in off-sales. Raising the age in relation to off-sales should reduce the amount of alcohol being purchased by young people and should act as a particular deterrent for those under 18 who are more likely to purchase their alcohol from off-sales.

I commend the responsible attitude of local retailers in Armadale, West Lothian, who—recognising the problems of alcohol-fuelled antisocial behaviour in their community—agreed to take part in a trial to limit the sale of alcohol at weekends to those aged over 21. The success of the pilot in reducing antisocial behaviour, youth drinking and vandalism is encouraging and cannot be ignored by any member.

We strongly believe that the scale of the problem is such that we need to have a mature and constructive debate about the age at which alcohol can be purchased. We are seeking views and we are prepared to listen, but we must not forget that alcohol is an age-restricted product with the potential to cause great harm.

We are, of course, doing all we can to ensure that the existing licensing laws are more effectively enforced. For example, we are already reaping the benefits of the roll-out of alcohol test purchasing. Figures obtained from the Crown Office suggest

that the number of reports has increased significantly since October 2007, which we can safely assume is the result of the roll-out of alcohol test purchasing. That may lead to an increased number of prosecutions, but, more important, it is already resulting in licences being suspended, which, as we know from the pilot evaluation, is a much greater deterrent for licence holders than prosecution. Here in Lothian, for example, where the first phase of alcohol test purchasing began in West Lothian in December, 71 premises have been tested to date, of which 17 failed the first test. Three of those failed for a second time, resulting in all three having their licences suspended. Moreover, we are considering giving local authority trading standards officers an enforcement role in relation to off-sales and, more specifically, allowing them to assist the police in the conduct of test purchasing operations. That will greatly increase enforcement capacity.

The evidence base tells us that levels of alcohol consumption are closely linked to the retail price of alcoholic drinks. As alcohol becomes more affordable, consumption increases, and as it becomes less affordable, consumption decreases. When Finland cut tax on alcohol by a third, in one year alcohol consumption increased by 10 per cent, and liver cirrhosis deaths were found to have risen by 30 per cent. Alcohol is 62 per cent more affordable today than it was in 1980, which is why we have included further proposals to take action to end three-for-the-price-of-two type promotions, which encourage impulse buying of extra alcohol that consumers were not intending to buy. If we buy more drink, the consequences are there for all to see.

We are consulting on the principles of a minimum pricing scheme for alcohol products. We believe that it is unacceptable that alcohol is often sold more cheaply than water. I ask members to consider whether they believe that the price at which some alcohol is sold is acceptable. In some cases, cut-price selling means that strong cider can cost 16p per unit and vodka can cost as little as 24p per unit. Any system of minimum pricing that is introduced needs to be clear, fair and transparent. We believe that a system that relates the price of an alcoholic drink to its relative alcohol content is the best way to achieve that. Any such system would have the benefit of encouraging the greater promotion of low-alcohol products.

I will leave Kenny MacAskill to deal with other elements of the plan. In addition to our record £85 million increase in funding for alcohol prevention, treatment and support services, ours is a package that is designed to begin to turn around our unhealthy relationship with alcohol. As I said, there is not one magic bullet; this is a package of measures on which we want to consult. We hope

that we will hear constructive proposals from members.

15:15

Pauline McNeill (Glasgow Kelvin) (Lab): In government, the Labour Party helped to change the country's mood by asserting that too many Scots had an unhealthy relationship with alcohol. We also helped to change the terms of the debate by identifying the fact that our culture is too tolerant of excessive drinking. As we know, alcohol misuse is an issue of the greatest magnitude; it is a social ill that cuts across all ages and classes.

Labour brought in the Licensing (Scotland) Act 2005 and started down the road of taking tough measures. We took a tough stance on changing attitudes to alcohol misuse. Now, in 2008, it is time to review the act to determine which measures in it are working and which are not working. The Parliament must decide whether it is necessary to toughen up further, and the Labour Party is up for that. We will participate fully and constructively in the consultation and will give the Government a serious debate about alcohol misuse. We will support action that can be shown to work and which is truly evidence based, workable and practical.

However, we note that there have been no pre-consultation discussions with the Opposition parties and no attempts to achieve consensus on the subject beforehand, as happened in the drugs debate. We can live with that, but we ask that the Government climb down from the crusade mode that some ministers were in at the weekend. It does not help the tone of the debate; neither do analogies with child pornography. We ask that the Government get down to the serious business of convincing the country on its proposals for changing attitudes to alcohol misuse and demonstrating why they will make a difference. The tone of the debate matters; we want to be part of a debate that has the proper tone, not a crusade against alcohol. Some of the Government's proposals are in danger of being seen as extreme and not evidence based; one or two of them are considered a bit of a gimmick. We want to hear what the Government thinks of its suggestions. Will it defend them? Is its strategy to throw out every available idea simply to get a reaction? We hope not.

Alcohol consumption is linked to harm—not only individual harm, but harm that has an impact on communities. We know that it affects levels of violence, crime, antisocial behaviour and illness, to mention a few of the things about which the minister talked. We agree that there is no single solution, and it goes without saying that we must

change attitudes with a comprehensive and coherent strategy.

However, we must make a concerted effort to tackle underage drinking and, indeed, problem drinking in every other age group. We need to enforce existing laws before we make new ones. I am interested in the figures that the minister announced today. Young people under 18 are a key target group and we support alternatives to alcohol, but the Government promised and voted for a summit on underage drinking, and we want to know when that will happen.

Labour members are concerned about the lack of emphasis on enforcement in the discussion paper. We draw attention to page 21, which seems to say that the enforcement role in relation to off-sales licences will switch to trading standards officers. In our opinion, that would take us in the wrong direction. Government backtracking from a strong enforcement agenda on antisocial behaviour is a recurring theme. Labour believes that, if we are serious about stopping underage drinking, we must be tougher on people who knowingly sell to, or purchase alcohol for, under-18s. Labour is concerned about the poor levels of prosecution and proposes that, if licensees break the law, they should risk losing their licences for up to three months in the first instance, for up to six in the second and possibly for life thereafter.

Bill Aitken (Glasgow) (Con): If Ms McNeill is looking for a fight with me on that issue, she will not get it, because I largely agree and, as she will confirm, I suggested similar measures some time ago. However, under the Licensing (Scotland) Act 1976 and the 2005 act—which, in part, has not yet been implemented—there is a facility for permanently withdrawing the licence of a licensee who has sold drink to an underage person for the first time. Therefore, her proposal does not toughen the law but, arguably, dilutes it.

Pauline McNeill: We think that the 2005 act needs to be reviewed. We want to toughen the law. There are indeed measures in the act that still need to be implemented, but the low level of prosecutions suggests that the law is not being taken seriously. If, as ministers say, the Government wants to have a constructive debate, I hope that it will consider our proposals for tougher measures involving the removal of licences from people who sell to underage drinkers.

Before we create another set of underage drinkers, new offences and new offenders, an effective critique of the proposal to raise the purchase age for off-sales to 21 as a public health message is that it does not pass the test of being evidence based. The general restriction of a minimum drinking age of 21 in the United States

does not provide a direct comparison for Scotland. Other countries that are used for the purposes of comparison in the consultation document have completely different cultures from that of Scotland, and such comparisons do not inform us—that is not an evidence-based approach.

If the public health message is that Scots of all ages misuse alcohol, targeting only the 18 to 21 age group sends out the wrong message. There is no evidence that that age group presents the most significant problem. Most of the references in the consultation document concern 15-year-olds. It strikes me that, although there are problems with younger people drinking to excess, that is not confined to the 18 to 21 age group. There is a danger that, if we bring in new laws to control the drinking environment for people aged 18 to 21, that might send the wrong public health message, given that we are trying to promote such a message to people of all ages.

Shona Robison: I am a little confused: Pauline McNeill's initial comments seemed to be fairly supportive of the proposal, but she seems to have changed her mind. More specifically, what does she have to say about the evidence from Armadale that has been brought to light?

Pauline McNeill: We have had a chance to examine the detail of the consultation, and I have said where our concerns lie. I will come on to the Armadale project.

A bad law will be ignored if people think that it is unfair, and they might feel justified in getting round it. There are serious questions to be asked about the proposal.

Given that the minister asked, I advise her that we are keen to examine in detail the pilot project in Armadale in West Lothian. The Government is selling that project as part of a different message about antisocial behaviour. We want to hear what lessons can be learned by giving local licensing boards more control in the context of antisocial behaviour. It must be borne in mind, however, that the six-week pilot project had significant resources to help bring about the results that were achieved. We do not think that a blanket approach will work. We would like the Government to come back to us when it has assessed the pilot project.

We should of course consider pricing policies, although there are real inconsistencies in the arguments that have been voiced so far. Alcopops and Buckfast would not be covered by the proposals, yet those products play a significant role—they are the drink of choice for many young people. That could drag down a pricing policy, and ministers will have to think about that. We need to ensure that the measures that we finally adopt provide the right balance. If we do not carry the support of the people whom we represent, the

message will be lost. There are detailed questions to be asked about whether the right message is being given out on pricing policy.

I do not have enough time to discuss the question of separate alcohol checkouts, but the idea seems a bit of a gimmick. I would like to hear more about the Northern Ireland experience. It seems that shoppers could end up queuing three times, if they are also asked to queue up for tobacco. There needs to be credibility around the proposals, or the message simply will not get across.

Finally, we seek clarity on the Government's legal advice on pricing policy, before it takes us down that road.

15:24

Mary Scanlon (Highlands and Islands) (Con):

I am pleased to discuss Scotland's relationship with alcohol. The Scottish Conservatives have no doubt that the issue should be a priority on the political agenda. Some months ago, we addressed the drugs issue in Scotland. That debate was broader than the norm, leading to Audit Scotland's investigation into what works and the drugs strategy "The Road to Recovery". We seek an evidence base to support the proposals for the alcohol plan, following the present consultation.

Alcohol is, of course, a legal substance for people over the age of 18, which often means that the intervention points become quite blurred.

There is an important factor that is rarely highlighted when we consider alcohol misuse. It was brought to my attention this week that there are huge costs to the fire service, both in lives and in financial terms. Those are, of course, included in the criminal justice costs, but I was told at a meeting in Tain on Monday night that alcohol is a large contributory factor in up to 90 per cent of deaths from house fires. We think about alcohol misuse in connection with health and justice, but we should also focus attention on the fire service and what can be done there.

The majority of people in Scotland drink responsibly. It should not be assumed that, if three bottles of wine are sold for the price of two, people will drink three times as much. The truth is that, for most people, the wine purchase will simply last three times longer.

I highlight some of the mixed messages that were raised by children in Scotland earlier this week. One of them is the advice to pregnant women. The Government advice from Health Scotland is that drinking one or two units once or twice a week is unlikely to do any harm. I welcome the survey of the incidence of foetal alcohol syndrome, but we have to be clear about the

matter. Some will think, "If people are saying one or two units once or twice a week for nine months, well, that's probably the minimum. I can probably take a bit more." I ask the minister, in developing the strategy, to look at the websites and the advice that is given.

We are told that red wine is good for the circulation, and on a recent visit to the University of Stirling, Jackson Carlaw and I were told that red wine can prevent and delay dementia as well. There are a lot of mixed messages out there.

Shona Robison: The important point is that the discussion paper is about the misuse of alcohol. We are not saying that alcohol is dangerous in itself. It is the misuse that is dangerous. I do not think that there is any contradiction in that.

Mary Scanlon: Either we say to people, "Alcohol is dangerous, and this is the minimum amount," or we do not. Especially in the case of pregnant women, we have to be careful. That is what I was referring to.

Rather than just noting the 1.5 million accident and emergency attendances, we could take advantage of people's presentation at A and E to give brief interventions of advice. That idea is mentioned in the discussion paper, and we support it. We should make such interventions available systematically and routinely throughout the national health service, with possible support and follow-up advice through NHS 24. That is one of the most sensible proposals because it addresses the issue at the time of the problem.

Paragraphs 112 to 115 of the discussion paper mention designated places of safety for people who are in a drunken state. Such places have been tried and tested and there is an excellent evidence base for them. Beechwood house in Inverness and Albyn house in Aberdeen, which are run by the Church of Scotland, provide exactly the brief interventions that are needed. Any repeat visits from clients give staff the opportunity to address the persistent drinking of people who are becoming a risk to themselves and others.

Annabel Goldie has raised the issue of parental support, which is much needed, particularly given that more than 19,000 referrals to the children's hearings system last year were due to a lack of parental care, and more than 4,500 of those were partly or mainly due to alcohol abuse. Investment in that area would benefit not only the current generation but future generations and the wider community. Again, we would like to know what works and we would like to see the evidence base, but we are certainly committed to progress in that area.

The Deputy Presiding Officer: One minute.

Mary Scanlon: Gosh. I wanted to say a few words about people of different ages. The discussion paper seems to be about targeting young people, as Pauline McNeill said, but the statistics show that six times as many 40-year-olds visit their general practitioner compared with under-40s, and that nine times as many women in their early 40s visit their GP compared with younger women. In communities in the Highlands where there is a problem with drink, it tends to affect 12 to 15-year-olds and not 18 to 21-year-olds.

Finally, the group I met in Tain raised what it considered to be the main issue: why people drink to excess. It had its own answers from years of experience, but one that ranked highly was the low self-esteem of many people—low confidence and a low feeling of self-worth. As that was being discussed, one lady described how she had been told at her grandson's school that he was hopeless and would not go far in life and that teachers could see no future for him. When it comes to promoting a consistent message, we need to be sure that teachers and schools are playing their part.

15:30

Ross Finnie (West of Scotland) (LD): I am pleased to take part in this debate on alcohol. We welcome the Government's taking the issue seriously.

Alcohol misuse is significant, and there are clearly different aspects to it, many of which are set out in the Government's discussion paper. Some of what the Government has included in that document is not new or original, but it has been collated in a reasonably coherent fashion and much of it is supported by the Liberal Democrats. We are very supportive of the two large sections of the report that deal with support for individuals, families and communities, and with additional investment in support for those who have become addicted to alcohol. That is all welcome.

We also welcome the sections on education. If we agree that alcohol misuse is, as is generally acknowledged, a cultural problem, then education must be at the heart of our attempts to turn the culture round. The drink-driving limit is not within the competence of the Scottish Parliament, but we support calls on the Westminster Government to change it.

In the brief time that is available to me, I want to concentrate on pricing, retailers' sales practices and underage drinking. On pricing, there is no question but that deep discounting and offers are important. We can point to who buys the alcohol and their responsibility, but medical evidence and the evidence that is adduced in the report are clear that pricing has a significant impact in terms

of increased alcohol consumption. We welcome the prospect of doing something about that, of using the existing powers in the law and, if need be in relation to off-sales, of extending those powers. I would also like longer to consider the detail of the proposals for minimum pricing, although there is some merit in that idea, especially when it relates to alcohol strength.

There are two groups that we need to bring onside. First, supermarkets are enormous organisations that by and large make great efforts to act responsibly, for example to improve the quality and nutritional value of food, but I find it disappointing that those big organisations, which claim to have corporate social responsibility, appear to ignore the fact that they sell alcohol. I hope that the Government will take more seriously the idea of trying to bring the supermarkets onside.

I have looked at supermarkets' corporate social responsibility reports over the past year or so. I found only one major supermarket that even acknowledged that it sold alcohol. That supermarket said:

"Our approach to healthy living also encompasses the responsible retailing of alcohol".

However, on reading a *Daily Mail* article with the headline, "When £20 buys you 60 bottles of strong lager, how can we take a crackdown on drinking seriously?", I found that the same supermarket was selling another brand of beer at 60p per pint and its own brand at 30p per pint. If any supermarket believes that that is corporate social responsibility, it is not good enough. However, we must bring the supermarkets onside—we should not simply castigate them or paint them into a corner. I urge ministers to try to bring them on board as they could play a significant role if they took their corporate social responsibility more seriously.

I turn to retailers and the sale of alcohol to under-18s. I understand perfectly the point that we must use the current legislation: Bill Aitken's intervention on Pauline McNeill was telling in that he pointed out properly that two existing provisions in the current legislation are not properly deployed. As the Cabinet Secretary for Justice is here, we hope that he will say in his closing speech that much more effort will be made to use the law as it stands. There is merit in what Liberal Democrats north and south of the border have proposed, which is to be far tougher on those who break the law on selling alcohol.

Liberal Democrats want to bring the supermarkets onside—the same applies to under-21s. To react to a problem in a progressive society by saying that we do not want to transform young people who might be part of the problem into part

of the solution is misguided. The evidence on 18 to 21-year-olds is flimsy at best. The Liberal Democrat approach is to appeal to that age group to be part of the solution rather than to castigate it as being part of the problem.

Stuart McMillan (West of Scotland) (SNP): Will the member take an intervention?

Ross Finnie: Yes.

The Deputy Presiding Officer: I ask Stuart McMillan to be quick, as Ross Finnie is in the last minute of his speech.

Stuart McMillan: Last week, pupils from St Stephen's high school in Port Glasgow visited the Parliament. When I spoke to them about the proposal to increase the purchasing age to 21, they agreed that it is good. Does Ross Finnie agree?

The Deputy Presiding Officer: Ross Finnie must wind up now.

Ross Finnie: I disagree with that proposal. I have received lots of e-mails and correspondence on the matter. I understand that some evidence was adduced from an experiment, but we have also experimented previously with curfews. The reaction of 18 to 21-year-olds as a whole was that such measures castigated them and did not address the problem. I and other Liberal Democrats appeal to 18 to 21-year-olds to improve the campaign for responsible drinking and to bring onside their peers and under-18s. The Government should not introduce legislation to raise the purchasing age.

The Deputy Presiding Officer: The member must conclude.

Ross Finnie: Presiding Officer—

The Deputy Presiding Officer: No, the member must conclude now; I am sorry.

Ross Finnie: I apologise.

15:37

Christine Grahame (South of Scotland) (SNP): The debate is important. We are aware of the shocking statistics which, as we all appreciate, severely underestimate the reality of the problem. I am pleased that the debate is open, so that free individual contributions are allowed. I have not been whipped, so members will know that the views that I express are my own.

The proposals are bold—indeed, they are controversial—but we must robustly test proposals for legislation. Many measures in the consultation paper are worthy of consideration. We all appreciate that no single, simple solution exists. There is no road map, or we would use it, and we cannot simply transplant from other cultures and

countries a single solution. Scotland has different problems, of which we are aware.

Measures such as reducing consumption through tackling loss-leading prices and introducing a minimum retail price are certainly worthy of consideration. I support what Ross Finnie said: if people go home with crates of beer or many bottles of wine, many of them—but not all—will be more likely to reach for the corkscrew and take that extra drink because it happens to be to hand.

I welcome the survey of the incidence of foetal alcohol syndrome. The chief medical officer has made it plain that we must start with the state of our children in the womb.

I also welcome support for some third-sector organisations. The Up2U project in Peebles is worthy of a ministerial visit. It involves fourth, fifth and sixth-year pupils at Peebles high school going into primary schools to talk about matters such as sensible drinking of alcohol and sexual activity. That project is successful. Members will all know about such initiatives in their patches.

It is high time we considered the role of trading standards officers, which I have pursued. It is illogical that it is trading standards officers who look for underage tobacco sales, but it is the police who look for underage alcohol sales. The shops are generally the same shops, so combining those activities would be a worthy use of trading standards officers' time and would release police for other duties.

So far, so good. However, I am not persuaded that we should raise to 21 the minimum age for purchasing alcohol. I ask what principle is in operation, because law should be based on principle. We propose a voting age of 16—I heard the minister's response about that—and the age for marriage is 16, which is a historic point. People must be 16 to join the armed forces, but 18 to serve in combat. We have just raised to 18 the age at which cigarettes can be purchased, and a proposal has been made to raise the age at which alcohol can be purchased to 21, but what principle is in operation? What is the age of civic responsibility? I would like members to think more widely in this debate—which should be open—than about alcohol misuse only, and to consider the age of civic responsibility. I think that I am correct in saying that, in criminal law, there is a presumption that a person can be criminally responsible at the age of eight. We have accepted that presumption, so perhaps we should consider an age of civic responsibility.

People may say that the end of reducing underage drinking justifies the means—I expect that response—but that is not happening now. Half of all 15-year-olds who have been drinking in the

past week have deliberately tried to get drunk, as has already been mentioned. I can merely suspect, so I may be wrong, that raising the age at which alcohol can be purchased will not change the attitudes of 15 and 16-year-olds. There is something else going on out there in this complex issue.

There are practical issues. If there is only one sales point, I presume that some people could not be employed to serve there because one must be over 21 to serve alcohol in a supermarket. I agree with Pauline McNeill that there might have to be three tills in some places.

I have not been won over by the broad-bush approach that has been taken. There are rural areas in my constituency that have only one shop attached to a post office, 20 or 30 miles away from a supermarket. Such shops sell cat meat, wee bottles of wine and so on. A couple aged 20 with children would not be able to buy a bottle of wine from such shops to sit down with after their kids have at last gone to bed and the last whimper has been heard from upstairs. They would not be able to share in a glass of wine. Such issues exist in rural areas.

Evidence exists, but it is in bits. The West Lothian experiment was grand, but short lived. One thing that the Health and Sport Committee has learned from various witnesses is the need for extensive and robust research before social legislation is proposed. Anyone who tries to engineer social change should do their research first.

I hope that other members will be as open in their speeches as I have been, as I suspect that there is a diversity of views across the parties in the chamber. The issue is not party political and deserves robust consideration.

15:43

Mr Frank McAveety (Glasgow Shettleston)
(Lab): I thank Christine Grahame for her honest appraisal of the issues that we are discussing.

I am known as someone who does not normally take a drink, but the debate might eventually drive me to it. I was frustrated by some of the language that was used in last week's debate, particularly about the concern that members of all political parties and none have about antisocial behaviour. We need first to address fundamental questions about the terms and tone of the debate before we go into the details, which members have rightly said we need to do.

I am concerned about the right of 18 to 21-year-olds to make informed health choices. Rhetoric has been utilised in the chamber on the subject of men and women choosing whom to have on

health boards, for example. Lowering the age at which people can participate in direct elections to health boards has been recommended. If young people are informed, articulate and able enough to choose who should sit on a health board, I would like to think that they are informed, articulate and able enough to make choices that relate to their health.

I read that the minister said at the weekend that

"Sometimes you have to take actions that do impact upon people who have not done anything untoward."

I do not think that such action necessarily has to be taken. The cabinet secretary will have a chance to respond to what I am saying. There are fundamental issues to do with tackling alcohol misuse. I represent an area that is well up there in statistical terms with respect to foetal alcohol syndrome problems, underage teenagers consuming alcohol and violent incidents resulting from that consumption. Members might, therefore, have thought that I would say that what is proposed is the right course of action.

I also have personal experience of alcohol misuse in my family and know the challenges that it presents to people's development and life experiences. However, even with all that knowledge of alcohol as a brutalising influence in people's lives, I am not persuaded of the approach that the minister has articulated over the past week. The minister tried to qualify that approach in an interview in one of the Sunday papers. However, if he is going to compare the consumption of alcohol to access to porn—involving children or whoever—at home and say that the two might be equivalent, he needs to think carefully about the language that he uses.

We should examine the evidence base for the group that could be most affected by the proposals—the 18 to 21-year-olds. The American evidence from Wechsler seems to indicate that binge drinking is not predictable on the basis of access to alcohol at a certain age. We need to interrogate the evidence base rigorously, as members have said. If we do that, we might begin to address the fundamental issue in Armadale, the east end of Glasgow and other parts of small-town Scotland, of the excessive misuse of alcohol by a small minority of people. Interestingly, recently published statistics from Dumfries and Galloway show that people who leave hospitals with alcohol-related problems are mostly over the age of 21.

Let us also talk about another issue, which I know affects Glasgow—city-centre drinking. That is not about off-sales or alcohol that is bought from the supermarkets on Saturday evenings; it is about licensees, pubs and clubs engaging with young people and making alcohol available to them through promotional offers. I welcome the

debate about how we can tackle such promotions, but I regret that that is being conflated with arguments against the legitimate choices that should be available to individuals in an open and pluralist society.

I will conclude with two points that Pauline McNeill, among other members, touched on. First, we already have powers to tackle some of the problems that we face. I have listened carefully to what Kenny MacAskill has said over the past week and all the issues about which he has expressed concern—about which I have similar concerns—can be addressed under existing legislation through more effective enforcement and policing. That has been proven through the example of what has happened in Armadale. By using the police more effectively, targeting individuals more effectively and working with retailers more constructively, we can address the issues. However, can the cabinet secretary give us a guarantee that the same level of resource will be made available throughout Scotland? I would like that to be part of the debate, as well.

The debate is not about saying that everyone over the age of 18 and under the age of 21 is likely to exhibit the behaviours that we all know are problematic in our communities. In fact, the evidence suggests that it is people under the age of 18 and adults over 21 who engage in excessive and persistent daily misuse of alcohol.

I hope that the debate is an open and honest one, and I hope that the door is not closed on any constructive proposals that are made in the Parliament. I remind the cabinet secretary that there is a minority Government, and that Parliament is made up of 129 members who have the chance to scrutinise that Government's proposals. I hope that the eventual proposals will be markedly different from what is being put to us at the moment.

15:49

Michael Matheson (Falkirk West) (SNP): So far in the debate, there is consensus that Scotland needs to change its relationship with alcohol. As Shona Robison said in her opening speech, that relationship with alcohol is holding back our country. It will probably take at least a generation to change Scotland's cultural associations with alcohol—it takes a considerable time effectively to change a society's culture. We have to ask whether we are the generation that is prepared to take the action that will start that culture change and allow it to take place. The consultation document has certainly stimulated the debate that is necessary for engagement in that process.

I turn to the issue that has drawn most of the media attention and has caused quite a bit of

today's debate: increase of the minimum age for purchasing alcohol from an off-licence. The cabinet secretary is aware that I raised that issue with him almost a year ago, because I support increasing the minimum age for the purchase of alcohol from an off-licence from 18 to 21. I recognise that some members oppose that idea as a matter of principle because they believe that there should be an age of civic responsibility.

I can see where Christine Grahame is coming from, along with others who argue that the minimum age should not change because there should be a single universal age of civic responsibility. That would mean that we would have to consider whether we should raise the age of consent for sexual activity, to drive a car and so on. I am comfortable with the idea that we accept that people are given different responsibilities at different ages.

Mike Rumbles (West Aberdeenshire and Kincardine) (LD): Will the member take an intervention?

Michael Matheson: Mike Rumbles did not bother to come in for the earlier part of the debate, so I am certainly not going to take his intervention.

Mike Rumbles: I missed one speech.

Michael Matheson: He missed three speeches, actually.

I do not accept that there being different minimum ages for different responsibilities creates confusion. We have always had different ages for different things. We should also acknowledge that a number of supermarkets currently have a minimum age for purchase of 21; some in my constituency have a minimum age of 25. Those who are protesting about the possible change should be protesting outside the supermarkets, where they will see a very different reaction from the communities that support the initiatives that I am talking about and that are now being taken in my constituency. We must change the minimum age because we must tackle the antisocial behaviour that is fuelled by alcohol. We must ensure that where people are consuming alcohol, they have that experience in a supervised setting in a pub, as they can do at the age of 18, before they can do so outwith the pub.

Mr McAveety: Could the member elaborate on why there is a difference between being able to purchase alcohol at a local supermarket and being able to consume it at the age of 18 or 19 in a city centre?

Michael Matheson: I fully accept that point. The best bar none initiative in my constituency has several bar owners using a minimum purchasing age of 21 because of the problems that they have

experienced. We need to look at more such initiatives for tackling the problem in town centres.

We have heard a lot about the Armadale experience. The public relations machine for Lothian and Borders Police must be given some credit for the way in which it has gone about pushing that pilot. The first pilot was in Larbert and Stenhousemuir in my constituency. It has been running for three months and will run for a further three months.

Today, I got an e-mail from the sergeant who is running that initiative for Central Scotland Police, and he said:

"I can say that there has been a reduction in Antisocial behaviour crime types and calls received concerning such matters over the 3 month period so far. Vandalism occurring between the specified times has also reduced."

One of the most interesting things that he said was that none of the participating off-licences has said that it has experienced any loss of income, but they are advocating that the initiative be rolled out in other parts of the area. That evidence demonstrates that progress has already been made through that initiative. We have a responsibility to listen and act upon that evidence, rather than to ignore it, as some individuals would like to do.

During the course of the consultation exercise, we must ensure that the voices of those who suffer from the problems that are associated with antisocial behaviour fuelled by alcohol are not drowned out by sophisticated campaigns that are organised by interest groups and other organisations that want their views to be heard and carried. Communities' views must be heard during the consultation.

On enforcement, members will recognise the frustrations that are caused by the problems that we have with our licensing boards accepting that they have a role to play in taking robust action against those who breach the terms of their licences. It is an issue that causes frustration in communities and in the police, who, when they take complaints to the licensing boards, find that the boards are not prepared to take action. They must recognise that they have a clear responsibility to take action where it is merited.

15:55

Mary Mulligan (Linlithgow) (Lab): Like other members, I welcome today's debate. From all the statistics that we have heard, it is quite clear that misuse of alcohol is causing problems not only in our families and communities but to people's health. The problem concerns not only those whose health suffers because of such misuse: as I will discuss, children and young people, even including unborn babies, are affected.

A key issue that is not suitably covered by the strategy on alcohol is the effect of alcohol abuse on children who grow up in households where it is an issue—children's charities are concerned at their lack of involvement in drafting the strategy. Government reports estimate that about 65,000 children are in that position, but many children's organisations put the number between 80,000 and 100,000. Whatever the number, such figures are shocking, given that the effect on each young life can be devastating. When children and young people live in households in which alcohol is misused, their education can be affected, their social and emotional development may be hindered and their life chances and experiences can be seriously diminished.

Much is said about how we should support the alcohol abuser, but we must also identify children who are affected and support them. I accept that that is not as easy as it might sound, because we do not have good data on where those children and young people are. Health professionals may be unaware of them and teachers and social workers who may be aware might be unsure how to intervene. Alcohol's status as a legal substance can also make any such intervention challenging.

One of the most shocking statistics that I have heard recently is that, of 9,000 calls that ChildLine received, 31 per cent raised concerns about alcohol misuse. By comparison, 10 per cent of callers raise concerns about domestic abuse and 7 per cent mention drugs. Clearly, alcohol misuse is a huge issue for many of our children. There are also clear indications that alcohol misuse contributes to physical abuse.

The minister and other members will also be aware—Mary Scanlon mentioned this—of the problems that are associated with misuse of alcohol by pregnant women. The most extreme resulting problem is foetal alcohol syndrome, but foetal alcohol spectrum disorder can also be debilitating for the child. It would be helpful for the Scottish Government to collect data on the incidence of FAS and FASD. The Government should co-ordinate a strong message and ensure that training is available so that health professionals and others can identify problems. Perhaps the minister will say a little about how the Government will do that.

The Armadale pilot in my constituency has been mentioned again today. I referred to the pilot in some detail in last week's youth justice debate, but let me add another couple of comments. First, the pilot was an antisocial behaviour measure and, as such, has been successful. However, it was not intended—and never will be—to be a health measure and it does not address the culture of drinking. The best that can be said is that such

restrictions might delay young people drinking, but they do not go further.

Secondly, as I mentioned last week, a good thing about the pilot was that it ensured that young drinkers were referred to West Lothian Drug and Alcohol Service for counselling. However, because of funding problems, some staff at WLDAS have been issued with redundancy notices and others are leaving before theirs are issued. This is not the first time I have raised the issue in Parliament. If ministers are serious about addressing alcohol problems, perhaps they can tell us how they will resolve the problem that faces the very people on whom we depend.

Shona Robison: I accept what Mary Mulligan is saying, and that we need to work through the problem. However, will she also accept that we have made record investment in tackling alcohol misuse?

Mary Mulligan: I accept that the minister mentioned £80 million today, but I am not sure against what criteria it will be spent. It is unworthy of the minister to pass the buck—as, it seems, is probable yet again—to local authorities.

Last week I also mentioned that students at Armadale academy are supportive of the pilot, because they see it as reducing the availability of alcohol. Clearly, they feel pressured to drink on some occasions. As Pauline McNeill and others have said, let us use existing powers and let us use the test purchasing scheme more. When stores fail under the scheme, we should remove their licences, which means that we must ask licensing boards to act appropriately. Let us also review how many licences are issued in the first place. Finally, let us get tougher with public houses that sell alcohol to people who are obviously drunk. I accept that that can sometimes be difficult for bar staff, but proper support and training would help.

Parliament has consistently set aside time to debate concerns about alcohol abuse, but the frustration for many of us is that we do not appear to be making significant progress. I ask the Scottish Government to resource solutions properly when problems are identified, to use the powers that are available to enforce laws and regulations, to take seriously the effect of alcohol abuse on children and young people who are living with it, and to act accordingly.

16:01

Jackson Carlaw (West of Scotland) (Con): I would be very surprised if any contributor to this afternoon's debate had not acknowledged in some way not only that Scotland has a problem with alcohol, but that Scotland's problem runs deeper than that of its partners in the union. Moreover,

although many will note that Scotland's relationship with alcohol is as old as Scotland, the stark fact with which our political generation must wrestle is that the problem has escalated dramatically in the past 15 years or so—in terms of consumption, incidence of chronic liver disease, mortality generally, drink-related offences and hospital admissions, and with the young.

How do we account for what has happened? A generation ago, that would have been simple for many members in the chamber—it would all have been Mrs Thatcher's fault. Indeed, I imagine that for some that explanation will still do perfectly well. The Government has published a timely and worthwhile consultation that draws together in its presentation some of the harsh reality that often appears in a more piecemeal format in different political disciplines—health, justice and education. The document was long rumoured, and some speculated that it was subject to indefinite delay. In the event, it is not an easy read and is not lacking in political courage. Whatever fate may befall some of the proposals that it contains, both the Minister for Public Health and the Cabinet Secretary for Justice deserve to be congratulated unreservedly on initiating this substantive consultation.

Two proposals have attracted widespread attention and have been commented on this afternoon. The first is the proposal to increase to 21 the age at which it is legal to purchase alcohol from an off-sales, which many have castigated for various reasons. Although the argument that refers to the contradiction between the ages at which different things become legal is important and was well made by my colleague Murdo Fraser with respect to the Government's proposal to reduce the voting age to 16, I do not find it compelling in itself. No party is proposing to standardise the age at which people can marry, drive, smoke or drink, and why would it? There may be anomalies, but so what? We have all lived with such anomalies, and although they may make for an amusing debate, no practical difficulty has arisen in understanding or living with them. To me, age consistency is less pertinent than the merit of the suggestion.

Although I do not dismiss out of hand the notion that at some point I could be persuaded that the legal age for purchasing alcohol from an off-sales should rise, that will happen only after it has been demonstrated convincingly that all other measures have been tried and existing laws have been enforced properly.

Mike Rumbles: There is a different inconsistency. The issue is not the age at which people can drink. Twenty-year-olds would be able to buy drink in pubs and clubs, but a 20-year-old father with a child would not be able to have a tin

of beer in the safety of his home. Surely that is wrong.

Jackson Carlaw: A 14-year-old may sit in the back seat of a car but not in the front—they are still allowed to sit in the car. There are age inconsistencies on a range of issues. That point in itself does not undermine the argument for raising the age at which alcohol may be purchased. However, given that in 2005-06 proceedings for purchasing alcohol were commenced against only seven people under the age of 18 and that only 86 proceedings were commenced for proxy purchasing, it is plain that the existing legislation is not being enforced.

Mike Rumbles: The member will not listen.

The Deputy Presiding Officer (Trish Godman): Mr Rumbles, you may not intervene from a sedentary position.

Jackson Carlaw: From September 2009, the sanction of removing the licence from a premises rather than an individual will be available; if that is enforced, it will surely have an impact.

The seat belt legislation of the 1970s was introduced to combat fatalities and injuries, many of which were avoidable, particularly among young children; it was not proposed simply that individuals be banned from sitting in cars until they were 21. No: a legislative requirement to wear a seat belt was established, then the legislation was rigorously enforced. Before we consider altering age limits, we should be completely satisfied that the existing laws and those that are pending are being, or will be, rigorously enforced. For the present, I believe that the proposal to raise the age limit is counterproductive. It will initiate a campaign that, over the summer, might overwhelm the broader issues that the Government is trying to have discussed.

The second proposal relates to pricing. Again, I have some sympathy with the Government because undoubtedly the increase in consumption has been matched by an increase in the relative affordability of alcohol as a product. Compelling as that is, I do not see how the Scottish Government's proposals could be implemented, even if they were appropriate. We acknowledge that pricing is a factor, and Conservatives at Westminster have made detailed proposals—costed and evaluated by Grant Thornton—for a restructuring of duty, which would see increased duty on alcopops and super-strength ciders and beers, with reductions on lower-strength varieties. However, such changes would be made within the United Kingdom marketplace and would not be prejudicial to Scotland in particular, which I fear the Scottish Government's proposals are. In any event, how would cross-border shopping sprees, or internet or telephone sales by companies based

in England, be avoided? It is also true that we share commercial pricing points with supermarkets in England, but that Scotland has a bigger alcohol abuse problem than anywhere else in the UK, so pricing on its own is not the issue.

One of the features of research on this subject is that it shows how countries across the world have and deal with alcohol problems in a hugely variable and contradictory way. Again, this is a bit like the inconsistency in age limits to which I referred earlier and I am tempted to ask—regarding the experience of other countries with the social impact of alcohol—so what? The French and the Italians are, after all, French and Italian. Other countries have a different climate, history, social environment and daylight hours. Although I am agnostic, I am aware that, in many of those countries, the church continues to have a far more profound influence than it has in the UK, where I fear the church has lost much of its moral resonance, especially with the young.

Compare the attitudinal differences to drink of the young generally with young Moslems, for example, or with a more church-attending continental or American youth. All of that points to the deep-seated nature of the historical Scottish cultural relationship with drink. Scotland's relationship with alcohol is not maturing; it is deteriorating and we all have a stake in the outcomes. The libertarian refrain, "Leave them to it," is woefully misplaced. We are all paying a price, directly or indirectly. One way or another we must engage the will of Scots generally and not just that of politicians, professionals and health boards. We should commend the Government for having started this conversation afresh.

16:07

Margaret Smith (Edinburgh West) (LD): Everyone agrees that tackling alcohol misuse is a difficult and complex challenge that requires a comprehensive strategy and an holistic approach, because there is no magic bullet or simplistic solution. While there are a number of proposals in the consultation paper that we can welcome, I believe that other elements are misguided and unworkable, and several do not appear to be particularly evidence based.

We must always remember that alcohol is a legal substance that the majority of people partake of without getting into any trouble. However, it is also true that the damaging effects of alcohol are wide ranging and affect people across all age ranges and social groups. We need to change Scotland's drinking culture to encourage people to think more about alcohol and to educate them to make better choices about their health and lifestyles. We need to increase awareness of the

content of, and potential harm caused by, alcoholic products.

The Scottish Government must not allow itself to be tempted by ideas that will make headlines but achieve little. Separate displays for alcohol products in supermarkets are a good way to reinforce in people's minds the difference between alcohol and other groceries. We have supported that approach to date. However, having a separate queue for purchasing alcohol will be unworkable and costly for many retailers and is likely to be ineffective in reducing consumption. People will not be put off buying alcohol by the introduction of separate tills. That indiscriminate measure will inconvenience the majority who drink sensibly and buy alcohol as part of their weekly shop.

The consultation paper says:

"Excessive consumption is not limited to particular sections of society but is common across different age and socioeconomic groups."

In fact, the paper goes on to say that consumption is greatest among middle-aged men. However, we are confronted with plans not to stop middle-aged men buying beer but to raise the minimum age for purchasing alcohol in off-sales, which discriminates against young people between 18 and 21 as a whole. That measure is not targeted to impact on those young people who engage in antisocial behaviour or other criminal activity; it is designed to hit each and every young person between 18 and 21. Not only will it penalise and demonise a whole group of young people, worsening their relationship with government and the police, but it could lead to increased alcohol misuse among some young people.

Dr Richard Simpson (Mid Scotland and Fife) (Lab): Will the member give way?

Margaret Smith: No, I want to make progress.

It has been said before, but it is worth saying again that it cannot be right that a 20-year-old can get married, vote, serve and die in the armed forces but cannot buy a bottle of wine at the off-licence to take to their mother's for dinner. Where will it end? If the Government is motivated by a belief that the end justifies the means, is the next step to prevent all pregnant women from buying alcohol?

Constituents have asked me about the impact on young people who work in shops of increasing the purchasing age for alcohol. I am keen to have clarification on whether the minimum age for checkout staff who sell alcohol would have to be raised. The Wine and Spirit Trade Association thinks that the measure could result in a number of young people losing their jobs.

We are convinced that, instead of introducing new legislation that will impact on young people and the retail industry, it is time properly to enforce the laws that we currently have. Answers to parliamentary questions that I asked recently revealed that only 70 out of 357 licence holders who were caught selling alcohol to minors were prosecuted in 2006-07. The Scottish Grocers Federation said that in 2005-06 only 86 people were proceeded against in the courts for proxy purchasing and only seven people under 18 were taken to court for purchasing alcohol—that is not to mention the derisory number of licensees who lose their licences for selling alcohol to underage drinkers or to people who are already totally inebriated.

Shona Robison: Does the member accept that, as I said, test purchasing was rolled out properly only towards the end of last year and the figures that are emerging demonstrate that we are moving in the right direction? The figures to which she refers are fairly old.

Margaret Smith: The minister is perhaps relying a little too much on very new figures. I do not disagree that there is a direction of travel with test purchasing, which we have advocated and supported for some time.

The Government must focus on enforcement of the age restrictions and other laws that we have, instead of dreaming up new ways to demonise and discriminate against young people. It is vital that irresponsible retailers are forced to face the consequences of their actions and that they lose their licences when that is necessary. The Liberal Democrats propose bottle marking schemes, to help to identify and punish retailers who sell alcohol to children and to help to reduce antisocial behaviour. We welcomed the recent extensions to test purchasing schemes that identify people who sell to underage purchasers.

There is a lack of detail in much of the consultation document. For example, it is not clear how the social responsibility fee, the purpose of which would be to compel some alcohol retailers to pay for the damage that misuse causes, would work. We see some merit in the comments about pricing, because it is widely accepted that increased prices can discourage alcohol consumption, but it is not clear how we can increase prices, given the legislative framework in which we operate.

Alcohol misuse is a serious public health issue in Scotland and a comprehensive range of measures is needed to tackle its impact. Ill-thought-out solutions cannot be the answer. We urge the Scottish National Party to take on board the concerns that have been expressed in the debate and to remember this key question: why do people misuse alcohol in the first place? I echo

Christine Grahame's comments about research, which must be at the heart of our approach. Good though the figures from Armadale are, we need much more evidence before we decide that discriminating against an entire group of young people is the way forward.

16:14

Kenneth Gibson (Cunninghame North) (SNP):

Like 95 per cent of Scots, I acknowledge that alcohol is a problem for Scotland. I welcome the Scottish Government's evidence-based proposals. The complexity and sensitivity of the issue are such that it has often been swept under the rug in the past, so I applaud the Government for taking important steps in the right direction.

It was established recently that every day in Scotland 18 young people below the minimum age for alcohol purchase are hospitalised for alcohol-related problems—that is 6,500 young people every year. It is unfortunate that in our culture the younger a drinker is, the more likely they are to drink with the intention of getting drunk, which is evidenced by the fact that a fifth of 15-year-olds attempted to get drunk during the past week. Such indulgence leads to dependence and other alcohol-related problems later in life. As is the case with smoking, the earlier that a person starts to drink, the earlier they become addicted.

I disagree with Mary Mulligan's comments about delaying the age at which people start to drink. I acknowledge that people in their 40s are nine times more likely to go to their doctor as a result of alcohol problems, but that is often because the problem has built up over a period of many years, if not decades, and it has taken a long time for its existence to be recognised. I acknowledge, too, the comments that Mary Mulligan and Mary Scanlon made about foetal alcohol syndrome, which represented a positive contribution to the debate.

Everyone would accept that alcohol abuse has significantly hindered Scotland's fulfilling of its potential. In a 2007 National Statistics report on alcohol-related death, 15 of the 20 worst-performing local authority areas in the UK were in Scotland. In my area of North Ayrshire, there have been 218 such deaths over the past five years. In addition, there have been numerous reports of Scotland's sub-par performance against other indicators—often those that have a positive correlation with alcohol consumption.

I will not go into the results of the Armadale study, which has been done to death already. As Michael Matheson mentioned, a similar trial began recently in Falkirk. Thus far, as was the case in Armadale, licensees have responded to the proposals and citizens have noted a significant

decrease in antisocial behaviour. We accept that it is early days, but things are moving in the right direction. That is not surprising, given that the Scottish Government's proposals are backed by years of extensive research, as well as by independent professional bodies.

Strong evidence has come from the United States, where raising the age of purchase reduced consumption levels in young people and all levels of alcohol-related problems. Over the past 25 years, since the age at which alcohol can be consumed was raised to 21, consumption has decreased in every age group. It is interesting that the US introduced such legislation not to tackle antisocial behaviour, but to reduce the number of deaths on the road.

Alcohol-related road deaths are a subject that has not yet been mentioned. Since 1982, the number of 16 to 20-year-olds in the US who are killed in drink-driving accidents has decreased by a whopping 63 per cent. Even just reducing the permitted blood alcohol limit from 80mg to 50mg, as my SNP colleague Dave Thompson proposes, would prevent an estimated 65 deaths a year. Alcohol is a multifactorial problem. A conservative extrapolation of the results of the Armadale trial suggests that if the minister's proposals were implemented throughout Scotland, there would be an annual reduction of 3,700 in the number of reported assaults and of 62,000 in the number of cases of vandalism.

It is easy to see how much alcohol abuse costs Scotland in cash terms, but we cannot possibly measure the human impact. We cannot afford to watch as more people's lives are ruined. That is especially true of young people, whom we have a duty to protect. It has been interesting that different age limits have been mentioned for different activities. I might be wrong, but I understood that in Louisiana, certainly until recently, someone could get married at 14 but could not have a drink until they were 21. I might be wrong about that, but there are wider variations in other societies than there are in ours.

The Scottish Government estimated recently that last year alcohol was a key factor in 449 rapes or attempted rapes, 1,200 fires, 55 homicides and 31,267 minor assaults. In total, alcohol has been identified as a key factor in at least a quarter of all crime.

The youth of Scotland has suffered most from the abundance and accessibility of alcohol—6 per cent of 15-year-olds report that they have had unprotected sex as a consequence of alcohol consumption and 7 per cent of them report that they have tried drugs while under the influence of alcohol. Those teenage drinkers are much more likely to develop a dependency later in life, whether on alcohol or other drugs, and to suffer

serious alcohol problems. I have three young children, the oldest of whom is 15, and I care very much about that age group. My children are coming to an age at which they will experiment with drink.

The Scottish Government's proposals will have a proportionately large effect on the number of young people who are injured in drink-driving accidents. Among the 17 to 19-year-old age group, there is an average of 24 drink-driving accidents per 100 million miles driven. That figure is 50 per cent higher than that for the age group that suffers the second highest number of such accidents, and 600 per cent higher than the average figure. In the UK, members of that age group accounted for one ninth of all casualties who sustained injuries as a consequence of alcohol consumption. If applied to Scotland, that would imply that there would be 110 casualties and three fatalities in that age group each year.

Excessive consumption of alcohol is not limited to particular sections of society, but its effects are most visible among younger people. Since 1994, there has been a 50 per cent increase in the incidence of drinking by 13-year-olds and a 33 per cent increase in the incidence of drinking by 15-year-olds. Those trends are unacceptable and comprehensive action is required now. It must be admitted that the Government's proposals are hardly a vote winner, and the Government must be commended for having the courage and determination to make progress on the issue. That is necessary if we are to take a stand for Scotland's youth and to build and sustain the future of our country.

16:19

David Whitton (Strathkelvin and Bearsden (Lab)): I, too, welcome the debate. Alcohol misuse and abuse is a major problem in Scotland and action is needed. Like other members, I have seen at first hand the effects on society of alcohol misuse in my community. Only a few weeks ago, I had the opportunity, along with local councillors, to accompany the police on a Friday night patrol. Time and again, we came across the effects of alcohol misuse by young people. Groups of youngsters, many of them 16 to 18 and even younger, were caught drinking. In many cases, it was difficult to tell the ages of the young girls who were involved in the drinking, so I have sympathy with shopkeepers on that. The police told me that, on one prior occasion, they had stopped 90 youngsters and taken 30 litres of alcohol from them. That was in the town of Kirkintilloch, which used to be dry only 30-odd years ago.

I am not sure what purpose the SNP hopes that the strategy will fulfil. Is it working towards improving public health, or is it attempting to

reduce crime and antisocial behaviour? If it is both, I welcome that. However, if the strategy is a public health measure and the SNP wants to reduce alcohol consumption, it should target everyone, not just 18 to 21-year-olds, as we have heard from other members. There is no evidence that simply raising the minimum purchase age to 21 will in itself improve public health. The strategy simply attempts to link alcohol misuse in the general public and its public health implications with the antisocial behaviour that results from underage drinking.

That brings me to tackling underage drinking and the irresponsible retailers who sell to underage drinkers. I remind Mr MacAskill of a comment that he made in *The Herald* in August 2005, when he stated:

"We don't want to criminalise 17 year olds having a surreptitious drink on the way to the school dance".

From reading the discussion paper, it seems that things have moved on apace since 2005. Nowadays, it is 13, 14 and 15-year-olds who take a few drinks prior to going out on the town. Figure 8 in the paper shows the scale of the problem, with 40 per cent of 15-year-olds in 2006 having sampled alcohol.

Pauline McNeill mentioned Labour's call for action against irresponsible retailers, with our three-strikes-and-you're-out policy.

Shona Robison: I ask the member to clear up a bit of confusion in my mind. As I understand it, with licensing boards' new powers, they will be able to take a one-strike-and-you're-out approach if they so wish and if that is deemed appropriate. I cannot understand how the member can argue that his suggestion would be a stronger measure. Will he explain that?

David Whitton: I will do my best. I was trying to do that by explaining that even I found it difficult to say whether a certain girl was 14 and not 18, because she looked 18. I sympathise with a shopkeeper who finds himself in the same situation—he could make a mistake. Under our proposal, if he did that once, his licence would be taken away for three months; if he persisted, it would be taken away for six months; and if he did it again, his licence would be gone.

I fully support the views that Michael Matheson expressed about the need for licensing boards to take tougher action. A shopkeeper in Bearsden in my area persistently sold cheap alcohol to underage drinkers. No matter how many complaints residents made to the police, he maintained his licence, until action was eventually taken against him last year and his licence was taken away. The situation was so bad that he was even selling pre-mixed vodka in 2 litre cola bottles—after closing time, he would drive to

where kids were hanging out to sell the bottles from his van. Eventually, he was shut down, but that took time. Not all alcohol retailers are like that. The new owner of that shop regained the licence for the premises, with the blessing of the community. Cheap alcopops have been removed and there is no more Buckfast, Mad Dog or whatever the latest fashionable drink is. The owner imposed a minimum purchase age of 21, which made a difference to the selling of alcohol in the area.

I listened with interest to Christine Grahame's comments about the experience in rural areas, where there may be only one shop. However, my question is why we have so many licensed premises in urban areas. Why do so many chip shops and even garages sell alcohol? There is simply no need for anyone to be able to buy a bottle of Buckfast with a haggis pudding supper and there is certainly no need for them to be able to buy 2 litres of cider with 20 litres of unleaded. Mr MacAskill may be interested to know that a garage close to the former Low Moss prison had a licence and that that was the first place that prisoners headed to when they were released.

The SNP has taken no action to enforce the current minimum purchase age of 18. The Parliament must start with greater enforcement of existing laws. However, we need to consider the strategy that the Labour Party has proposed, with careful scrutiny of the three-strikes-and-you're-out policy. Given the consensus in the debate so far, I hope that the minister will consider that point carefully.

16:25

Ian McKee (Lothians) (SNP): So far in the debate, we have dealt with this subject mainly as a law and disorder problem, but I ask the Presiding Officer's indulgence in allowing me to draw on my experience of caring for people who are affected by alcohol—the drinkers themselves, and the people around them whose lives are blighted.

As I see it, there are three main fields in which alcohol affects people's health. Each has its own particular hazards and each requires entirely different management techniques. First, there are the binge drinkers—often young or very young people. Those are the people we have mainly been talking about. I do not want to get into the technicalities of defining a binge drinker; I refer to the people we see staggering around our streets, getting into fights, vomiting in shop doorways and walking in front of passing cars. They are a public nuisance; they are at risk of accidents, injury, rape, unprotected casual sex, sexually transmitted diseases and other hazards.

Next there are the people who are alcohol dependent. Often, a single drink will set them drinking non-stop for days. Getting the next drink becomes a major obsession. Perhaps with fate genetically determined, the individual risks job loss, marital breakdown, poverty, homelessness and death. We have not talked much about those people today.

Finally, we come to the regular heavy drinkers. They may seem perfectly normal to the outsider, with only a few tell-tale signs being apparent to the trained observer. They can hold down jobs and lead normal family lives, and they can be the pillars of their local communities or even members of the Parliament, yet they regularly drink more than is healthy for their bodies. The sort of people I am talking about are those I used to see when I was canvassing in the evenings in middle-class housing estates—people slumped in front of television sets with a takeaway and a bottle of chardonnay within easy reach. Such people use alcohol to relieve stress or to gain social confidence, or simply out of habit. As time goes by, the amount of alcohol that is needed to achieve the desired effect steadily rises.

So how do we tackle those problems? Most young people will get drunk at some time or another—that is a fact of life. We need to have the means of protecting them from harm, and in that regard a service such as a designated place of safety at the likes of Albyn house in Aberdeen seems a much better way of coping with the problem than flinging people into a police cell and giving them a criminal record.

Dr Simpson: Albyn house was threatened with closure but was saved. However, staff there have now been told by the national health service in Grampian that their funding is temporary and that the situation is being reassessed. Is the member aware that, although the service seems to be very successful, the local NHS does not seem to be offering the staff any sense of permanence?

Ian McKee: I spoke to the staff of Albyn house yesterday and I am pleased to say that they seemed proud that the future of their service was secure. I cannot say any more than that, but I spoke to the staff yesterday.

A service such as that which is offered at Albyn house is well placed to detect a chronic drink problem before the pattern gets too established. As far as prevention is concerned, education obviously has a place. I am impressed by the statistics showing the relationship between price and availability on the one hand, and levels of consumption on the other.

Chronic alcohol dependence poses an entirely different problem. The frustration that I felt when in practice—it was felt by relatives, too—was when

someone with that problem decided that the time had come to seek help but all I could offer was an appointment with an alcohol specialist nurse some weeks hence. Moreover, of course, the patient had to turn up sober. Voluntary organisations do a marvellous job, but what is needed is a strategy to provide immediate grass-roots support at primary care level so that help can be given when the person needs it and is prepared to accept it, not later when the opportunity has been lost. I hope that some of the new money flowing into alcohol management will find its way to where it is desperately needed.

The regular heavy drinkers are the least obvious, but paradoxically they pose the greatest public health risk. Initially, excess alcohol makes the liver inflamed and swollen. A period of abstinence will settle things down again, but if drinking continues some liver tissue dies and becomes scarred. The liver is a versatile organ—severe damage can take place without any obvious effect—but one day so much scar tissue may be formed that the picture changes. The natural progression of a scar is to shrink; if there is enough of it, the process will actually strangle what remaining healthy liver there is. That condition is what we call cirrhosis, which is irreversible, always expensive to manage, and often deadly. In Scotland, cirrhosis mortality has increased by more than 100 per cent in the past 10 years—the steepest increase in western Europe—and our mortality rates are now among the highest in western Europe. Unless action is taken, those figures will deteriorate still further.

What action should we take? The initiatives that we are discussing today may help, and the Scottish Government is to be congratulated on focusing the debate, but this is not just a matter for the Government. Everyone in Scotland needs to be aware of what is happening in our society and the danger we face. It is for families, friends and individuals, as well as Government, to take on board that message and to act before more damage is done to our health and to our society.

16:30

Jamie Stone (Caithness, Sutherland and Easter Ross) (LD): I congratulate Dr Ian McKee on a thoughtful contribution to the debate. I sincerely hope that he will be involved in the Government's deliberations.

It would be unlike me not to mention a headline in *The Press and Journal* this week:

“Drams may be banned on tours of distilleries”.

To be fair, I realise that the Scottish Government says that that is not the intention. However, it is necessary to protect the practice of handing out

little 5ml samples of whisky at Highland games and other such events all over the Highlands.

Shona Robison: I say for the record that those practices will not be affected by the proposals. I am glad that Jamie Stone recognises that.

Jamie Stone: The devil will be in the detail of the Government's plans to design a net that will allow those practices to be protected while at the same time addressing the core of the problem.

Culture has been mentioned. The word whisky comes from the Gaelic uisge-beatha, which means the water of life. That illustrates how much drink is part of our culture. I have lived and worked in two other cultures: Italy and the Faroe Islands. Italy and France have already been mentioned and there is no doubt that a liberal regime prevails in Italy. Although alcoholism is a problem there, it is on nothing like the scale that we face in Scotland. In the Faroes, there may be a connection between drinking and the amount of daylight—that issue has been mentioned—which in turn is a result of the latitude. When I lived there, one of the most draconian regimes I have ever known was in place. One could not buy alcohol under the age of 21, and even then one could buy it only quarterly, when one paid one's taxes. When the booze came in from Copenhagen—the Carlsberg Elephant and the aquavit—I saw people I worked with get not just drunk, but deadly blind drunk for days on end, until the booze was finished. I have seen people walking, yet nearer to death than I thought was possible. The draconian regime did not work and a different regime prevails today. My plea to ministers is to consider closely what happens in the Faroes and in Sweden, Norway and Finland, because it is relevant to our discussion in Scotland.

As my colleague Ross Finnie said, we support a great deal of what the minister said. Alcohol can result in individual and family breakdown, and we particularly welcome support in that area. I echo my colleague Ross Finnie's plea about the supermarkets. It is crucial that we have them on board in this endeavour and that we appeal to their sense of corporate social responsibility. That way, we will advance together.

I have two examples on age and alcohol, one from my life and one from my constituency. There are two elderly gentlemen in my constituency who live next door to each other in council houses. For donkey's years, they have regularly got drunk and thumped each other in their gardens. It would be funny if it was not so tragic. They are gradually killing themselves with drink. That is an example of drinking among old people.

I will probably be killed for saying this, but at the age of 15 my son woke up in Raigmore hospital having had his stomach pumped. He had fallen

over after taking too much drink. I ask members not to mention that to my son and perhaps to destroy all copies of the *Official Report*. I would rather he did not know that I mentioned that episode. In the past three days, I have been on the north coast of Caithness and Sutherland. At Invergordon academy, the fifth and sixth-year higher modern studies class took grave exception to the idea of raising the age at which alcohol could be purchased from 18 to 21.

The points about age have been raised, particularly by my colleague Margaret Smith. It is about soldiers going abroad and dying, about lowering the voting age to 16 and about ordinary people—not drunks, just ordinary people—going about their working lives.

Christine Grahame is right about the rural issue. One of my constituents told me that she had had both her children by the time that she was 19. She and her partner are under 21 and the only shop is in town, far from where she lives on a croft. Are we seriously saying that she cannot go and get a bottle of wine or that her mum, who lives far away in Wick, has to go and get it for her?

Jackson Carlaw mentioned seat belts and Kenneth Gibson rightly said that the Government might be unpopular for its proposals. The great danger is that the Government will not take the people with it. Instead of working with the 18 to 21-year-olds, as Ross Finnie said, the Government could end up alienating that generation, which would be entirely counterproductive and could put back what we are trying to do by many years.

Kenneth Gibson: Will Jamie Stone give way?

Jamie Stone: I apologise to Kenny Gibson, but I am in my last minute.

We must take people with us. If we do not, it will be counterproductive. Issues come and go but, if my radar is switched on properly, this is a big issue in my constituency. If we get it wrong, it will hang around not only the Scottish Government's but the Parliament's neck for many years to come.

16:36

Bill Aitken (Glasgow) (Con): The fact that this debate is taking place indicates that there is agreement throughout the Parliament that we have a problem. As the minister said, something must change, although it will not be easy.

I will be philosophical for a moment. In a couple of weeks, I will go on holiday to one of the Greek islands, where one can frequently see families—the youngest members are 16 and the oldest are in their 80s—out having a drink and nobody seems to want to fight. Perhaps there is something different in the Scottish psyche, but it is

disappointing that so many of our people are unable to use alcohol responsibly and moderately.

However—I say this as courteously as I possibly can—the Government has got it wrong under a number of headings. Its approach to age is inconsistent, and Margaret Smith and Christine Grahame articulated that well. I like and respect Christine Grahame, although we seldom agree, and some of the points that she made today were certainly worthy of consideration.

The Government has also got it wrong in taking a scatter-gun approach, which will not resolve the difficulty. One does not introduce new measures until one has absolutely exhausted the possibilities of the existing measures working, but—I say this with the greatest respect—that has not happened and other members were correct to highlight the difficulties.

Leaving aside the legal niceties, Pauline McNeill has seen where the problem is and, to some extent, the Government has seen it too. The main problem of underage drinking does not come from public houses, or even clubs, but from off-sales and off-licences. Therefore, it is important that the enforcement of the law on the sale of drink to underage people be stepped up. The sanctions exist, but they are not being used. We really must consider that.

Christine Grahame: Would Bill Aitken support the proposal that trading standards officers should police the sale of alcohol as they do the sale of tobacco? Would that introduce a measure of greater enforcement?

Bill Aitken: That is one of the proposals that Christine Grahame made in her speech that is worthy of further inquiry, and we will no doubt undertake that inquiry as the debate widens in the months ahead.

The Government should appreciate that considerable difficulties confront it on alcohol. I am a politician; if the Government wishes to do something that makes it unpopular, I should encourage that, but we will get nowhere if we alienate sections of society. Although the Government is attempting to introduce a measured debate, what it proposes will alienate 18 to 21-year-olds, who will have something taken away from them. The proposal has not been thought through.

The Government is also alienating business—I accept that there might be a vested interest there. It is alienating old-age pensioners, for example, who might take advantage of three-for-two offers and of the cheap drink that is available. The existence of such offers does not mean that people will drink more. If they buy, say, 12 cans for the price of six, that does not mean that they will actually drink the 12 cans in the same time that it

would take them to drink six. That simply does not happen.

Shona Robison: Does the member accept the link between price and consumption?

Bill Aitken: That is worthy of further inquiry. Clearly, if drink is cheap, people will buy more. I suggest, however, that there is no evidence at all that price impinges upon the habits of people who drink moderately. For those people who are prepared to drink irresponsibly, perhaps it does. The evidence is fairly mixed.

Shoppers who look for cheap deals will not be best pleased to have that possibility taken away from them, nor will those who buy a normal supply of drink be particularly impressed by the hassle of having to queue at a separate purchase point. That is where the proposals are going wrong: everybody is being punished for the actions of a few irresponsible drinkers.

There are things that can be done on the health side. Let us have counselling, and let us get hold of those people who are admitted to accident and emergency with drink-related injuries and tell them that they will have to get a grip on things, and that we can offer them assistance. I am afraid that the cabinet secretary's policies in other directions simply do not provide a suitable deterrent against people who cause trouble through drink-induced behaviour. It is only when we consider the comprehensive measures that will be necessary that we appreciate the need for a much tougher approach in certain directions and a more realistic and interventionist approach under a health heading. We would certainly support that.

The Government's approach, well intentioned as it undoubtedly is, will not achieve what we all seek to achieve.

16:42

Dr Richard Simpson (Mid Scotland and Fife (Lab): The Parliament has welcomed and supported the main thrust of the discussion paper, which is that Scotland faces an almost unique alcohol problem. The measures of harm from alcohol and the associated numbers, to which many members have referred, are generally moving in the wrong direction. Although there are some exceptions, the speed at which those figures are moving in the wrong direction is worrying.

There are a number of elements to the discussion, including affordability, availability, licensing law and its enforcement, and education, information and advertising—strangely, advertising has not been referred to, but that is perhaps because it is a reserved matter. There is the question of the culture of drinking, to which Bill

Aitken referred, and there are also the matters of diagnosis, treatment and support.

Specific groups of people have been referred to in the paper and in members' speeches, including pregnant women in connection with foetal alcohol syndrome. How children are affected by alcohol has been raised, as has adolescent and young adult alcohol misuse. Ian McKee mentioned hazardous, harmful and dependent consumption and the question of how we tackle it, and there are issues around offenders.

In an eight-minute speech, it is not possible to do justice to the subject—its complexity makes that impossible—but I will try to deal quickly with some of the issues that I have mentioned. First, there is the question of affordability. The one thing on which there is clear international evidence that we must accept, is the fact that price and consumption are inextricably linked. Given that the evidence on the policy is clear, we must support a close examination of the concept of minimum pricing.

I would like to know what the legal advice is, but the idea of a unit pricing system is worthy of consideration. It has been considered in other areas. Personally, I believe that it should be considered on a UK and European Union basis, but if that cannot be done, we should certainly consider it. Pretty much all members agree that minimum pricing, which is associated with unit pricing, should be considered.

The banning of loss leaders and the gifting of free alcohol with other products that are on sale are covered in the provisions on irresponsible drinks promotions in schedule 3 to the Licensing (Scotland) Act 2005. The powers exist for the Government to deal with the issue. I am sure that it will gain general support in dealing with deep discounting and the inappropriate promotion of alcohol, which needs to be tightened up. There are still some problems with sales, particularly in relation to internet sales, but that is perhaps a matter for another day.

I have discussed affordability, but what about availability? Licensing boards have new powers, and I do not think that the importance of the licensing forums was fully brought out in the debate. They are crucial to the delivery of what communities want, as Jamie Stone said. What we do must be effective, but it must also be acceptable, and we can ensure that that is the case by fully empowering the licensing forums. They have been established, but the Government has not re-established the national licensing forum. A number of people in the field are calling for it to be re-established and I hope that when he sums up the Cabinet Secretary for Justice will accept that that should happen.

The concept of requiring all alcohol to be in one section of a supermarket seems sensible, and we could support that. The introduction of standard measures will be slightly more difficult, but the idea has merit in relation to the educational aspect of people knowing what they are drinking. People assume that a glass of wine is one unit, whereas even the standard, old-fashioned, 125ml glass is now 1.5 units. Understanding what one is drinking is crucial to being able to deal with it.

In part, availability will be better managed by the roll-out of the ServeWise training programme. Indeed, some student unions have received awards for their training and delivery on the matter.

The proposal that grabbed the headlines is the banning of off-licence sales to under-21s. Labour has taken the initial position that we want to examine the idea. We do not want to give an immediate reaction to it because we want to consider why and on what basis the proposal has been made. We were unclear about whether it was a public safety issue, a community safety issue or a public health issue. Having read the documentation and considered the Cleveland and Armadale experiments, we are still unclear about the wisdom of imposing a national ban on one particular aspect of purchasing, based on what were experiments in community safety. We also heard about the examples in Falkirk and elsewhere.

The licensing forums and licensing boards, supported by public health bodies and the police, should discuss with local retailers the imposition of specific bans in specific areas as part of measures to tackle antisocial behaviour, but the step should not be taken as a public health measure. As many speakers said, the problem is not specifically about 18 to 21-year-olds. It is about the drinking of all adults. That is the difficulty.

What about licensing and enforcement? Implementation of the 2005 act is moving forward, but we are not there yet. The figures that the Government has given are welcome, but people have the general impression that we do not yet have tough enough enforcement in relation to illegal sales. We need to ensure that there is a clear, strong public message on the matter. Labour has spelled out what it thinks should happen, and that will now be a matter for discussion. However, we are pretty much agreed that the existing provisions need to be enforced.

Other measures that are relevant include antisocial behaviour orders, dispersal orders and the use of community wardens. Indeed, dispersal orders, the taking home to their parents of intoxicated youngsters and arrest referral were important aspects of the Livingston experiment. Perhaps the banning of drinking in public places

should be covered in a national law rather than just in bylaws. I will not discuss the drink-driving issue, which Kenneth Gibson mentioned, because it is a UK issue, but there is merit in the proposal.

Education, information, advertising and culture are difficult areas, but they are important. Universal education does not work, except perhaps by creating a general atmosphere in which other policies can be introduced.

On workplace involvement, the report does not mention the Scottish centre for healthy working lives, or what used to be SHAW—Scotland's health at work. Engagement with the centres would be important.

I will not deal with treatment because I do not have time, but I will make one comment, and my earlier intervention may indicate where I am coming from. There is an absolute need to consolidate existing alcohol services: too many are hand-to-mouth and temporary.

There are two areas in which the report is weak, and we should revisit them. First, as Mary Mulligan mentioned, the only reference to children affected by alcohol misuse is to a survey on foetal alcohol spectrum disorder—and I am not sure how that will work. There is a need to spell out more specifically and widely the effects of alcohol misuse on children. That may be done in other areas, but we need clarity. Secondly, the report is weak on the question of prisoners and offenders. There are only two or three paragraphs on that and criminal justice needs to be covered in greater depth.

In conclusion—this is my last sentence, Presiding Officer—everything that we do must be evidence based, but it must also be based in our culture, not that of other countries, so there is a need for pilots and research before we introduce substantial new policies, and what we do—

The Deputy Presiding Officer: How many clauses does this sentence have?

Dr Simpson:—must be clear in purpose, enforceable, practicable and acceptable.

16:51

The Cabinet Secretary for Justice (Kenny MacAskill): This has been a wide-ranging and thoughtful debate, with some excellent contributions, in particular from Ian McKee, who brought home the fact that alcohol misuse raises health issues and is not simply a question of antisocial behaviour. Jackson Carlaw also made a thoughtful contribution. It did not necessarily support the Government line, but it indicated the complexity of the issue, and I welcome that.

At the outset, let me restate the Government's position, which was put by my colleague Shona Robison earlier. We are not anti-alcohol. As a Government and as a country, we are proud of our fine whiskies and brews and we recognise that the pub culture in Scotland is there to be enjoyed. Pubs have improved immeasurably over the years, and they are part of the social fabric of our communities, both large in urban areas and smaller in rural Scotland. We recognise the importance of alcohol and the fact that the problem is not alcohol itself but, sadly, how far too many Scots have abused it.

Alcohol misuse is most certainly one of the major issues of our time. I do not think that the Government should have continually to restate the motion, but it is appropriate that we point out the problems. Mr Aitken may feel that we should have tough enforcement; we believe that we should have tough measures to address problems before they arise.

Let me restate for Mr Aitken's benefit that 50 per cent of those who commit a murder or are murdered are under the influence of alcohol at the time. The true figure is probably greater than that as many assailants are not apprehended and bodies are not discovered until the alcohol is out of their system. More than 40 per cent of those in our prison system admit that they were under the influence of alcohol when they committed their offence. We do not need to bang people up for three days, three weeks or three months; we need to stop the availability of cheap alcohol. That will address many of the underlying problems. As well as ensuring that those who commit crimes are suitably punished, we must address the root problems.

It is not simply a question of antisocial behaviour, as Ian McKee correctly pointed out. The problem will overrun our health service—indeed, it is already affecting it. Alcohol misuse is detrimental not simply on a Friday and Saturday night, when those who have suffered a heart attack or serious injury in a road traffic accident face accident and emergency departments that are awash with people who are drunk and incapable, but across the spectrum of the health service. That cannot go on without undermining the NHS that we cherish and which has delivered for our people for 60 years. It will not be able to function properly because it is drowning under the problems that are caused by the abuse of alcohol.

As the Cabinet Secretary for Health and Wellbeing notes in the foreword to the discussion document, alcohol misuse costs us more than £2 billion as a nation. It is affecting our ability to function as a viable economy in the modern world. As we face times of economic turbulence, we cannot have people who are unable to turn up for

their work on a regular basis because they have been abusing alcohol. From the perspective not simply of criminal justice but of health and the economy, we must tackle alcohol misuse.

We must address several matters. Mary Scanlon was correct to say that we must be clear about the problem of alcohol and pregnancy. The chief medical officer's advice is that alcohol should be avoided by women who are pregnant or who are trying to conceive and the advice is the same throughout the UK.

I say to Pauline McNeill that we propose to hold a youth summit, to which a commitment has been given. That will be part of the consultation process and will be held in early September.

Mary Scanlon: The chief medical officer's advice might be not to drink alcohol during pregnancy, but I quoted advice from the NHS Health Scotland website that was given to those of us who attended a briefing by Children in Scotland earlier this week.

Kenny MacAskill: I am grateful for that point. We will ensure that the message is consistent, but the guiding principle that we will follow must come from the CMO.

As for reviewing the Licensing (Scotland) Act 2005, we must review it after it comes into force properly on 1 September 2009. To review it before then would be premature. However, we can monitor the situation, because measures are being introduced in the transitional stages.

We have addressed alcohol not simply in today's debate; for example, it has taken up much of my day today. This morning, I met the parents of a young man who was under 18 and who was killed after drinking with his peer group. When stumbling home, he went on to railway tracks and tragically paid for his error with his life. He was a good young man who did not regularly abuse alcohol and he was not in trouble. Sadly, we can say that there but for the grace of God go many parents and many young lads.

I also met Shetland's licensing board and Tavish Scott to discuss problems that are faced there. We recognise the importance in our communities, and particularly in our rural communities, of socialising and of the community hall. We will seek to work out the situation. That drives home to me the fact that we must achieve the right balance between preserving the village hall—whether it is in Yell, Unst or wherever—and stopping the tragic slaying of young men through the abuse of alcohol and the errors of their ways, which should not be wished on any young man or any parent.

Let us be clear that we as a Government raised the issue and that some members do not like it. People say that the issue is the culture and that

education is needed. We do have to change Scotland's culture and tackle education, but we have said that since I was a boy and the situation is worse now than it was then. In the Sunday papers, Professor Devine made it clear that such matters are cyclical. We have gone through such a situation before—we can go back to the abuse of gin, which was known as mother's ruin. Governments before us have had to change taxation policy, fiscal policy and legislation, because we require to take steps to change the culture and deal with education.

We accept that members might not welcome all our proposals, but I tell them that it is insufficient simply to say that we need a cultural change or education, because that has been said for generation after generation and the situation has become worse. We must address that.

We are more than happy to ramp up the response to problems, but we must remember that we follow 18 years of Tory government, 11 years of Labour government down south and eight years of Labour-Liberal Executive rule north of the border. We seek to enforce the law strongly and strenuously and we will ensure proper resourcing. Before introducing new legislation, we will enforce the existing legislation. However, we must recognise that we must go above and beyond that.

Particular problems relate to age. It is surprising that some people suggest an age of civic responsibility. Nobody suggests that we increase the age for sexual relationships or reduce the driving age—indeed, arguments to the contrary are made. Arguments have related to our soldiers who serve in Iraq. People go on about strict enforcement, which I support, and I have said on the record that I admire how the United States enforces laws against alcohol abuse. When 19-year-old men return from serving in the United States Marine Corps in Iraq—19 was the average age of a serviceman in the Vietnam war—they don't get no bottle of Bud in San Diego barracks, because the drinking age is 21. People cannot have it both ways.

Market forces operate. I tried to get my son to drive when he was eligible to do so at 17. Could he drive my wife's car? No, because it had an 1800cc engine and market forces said that the driver of such a car had to be at least 21 and have a full licence. He has now obtained his licence, because I downgraded to a 1200cc car. Could he now go out at the age of 19 and buy a car with a 2.5 litre engine if he had the money, which he does not? The short answer is no, because market forces dictate otherwise. It is not simply a matter of Government regulation; there is an array of things that people can do only when they reach a certain age, such as 16 or 25. A person can get their driving licence at 17, but they cannot get a BMW

until they are 25—if they are lucky—and they had better not get any points on their licence, or they will be in trouble. Such problems exist.

I want to be clear. Education and culture must change, but we have said that for generations. Now is the time for action. If members do not agree with each and every one of our proposals, that is fine, but they should tell us what they think should be done. It is no longer acceptable to do nothing.

Scottish Ambulance Service (Contact Information)

The Presiding Officer (Alex Fergusson): The next item of business is a 10-minute statement by Nicola Sturgeon on Scottish Ambulance Service contact information. The cabinet secretary will take questions at the end of her statement, therefore there should be no interventions or interruptions during it.

17:01

The Deputy First Minister and Cabinet Secretary for Health and Wellbeing (Nicola Sturgeon): I welcome the opportunity to make a statement to Parliament on the loss during transit of a data disk containing information relating to emergency contacts that had been made with the Scottish Ambulance Service since February 2006. My statement will cover the detailed timeline of events from the point at which the package that contained the disk was passed to the courier, TNT; the processes that the Scottish Ambulance Service followed to ensure the security of the data in transit; and the action that the Ambulance Service and TNT took in their combined efforts to find the disk from the point at which it became evident that it was missing.

I believe that my statement will assure members and—more important—the public of the robustness of the security practices that the Scottish Ambulance Service adopted. Those safeguards were implemented to minimise any risk of the information being accessed by people who do not have the appropriate authority to access it. The situation contrasts starkly with the situation at HM Revenue and Customs, where data were not protected in that way. I also plan to comment on the Scottish Government's data handling report, which was published earlier today and which offers best-practice guidance for all public bodies that are involved in collecting and managing data.

Late in the afternoon of Thursday 19 June, the Scottish Ambulance Service alerted my officials to the fact that a disk containing data relating to contacts with the emergency service was missing in transit. I was alerted to the loss shortly after 6 pm that evening. The following day—Friday 20 June—the Scottish Ambulance Service confirmed the sequence of events from when the decision was taken to download the information on to a portable hard disk. At that time, the Scottish Ambulance Service also advised of the processes that were applied to ensure the security of the information prior to its being passed to TNT for delivery.

I reassure the people of Scotland that the Scottish Ambulance Service, in preparing for the

transfer of the data, took every possible effort to ensure the security of those data. Ambulance Service staff who were preparing the disk for transit sought advice from their data protection officer about the procedures to be followed to ensure the security of the information, which included the full range of data that were stored on the command and control system. Those data related to 894,629 call contacts with the Ambulance Service, including the details that would be conveyed in the course of such calls, such as the location and nature of the incident, the names of callers and patients if available, patients' details, such as their age or date of birth and gender, and contact telephone numbers. If a patient's on-going medical problem was known, the record might also refer to it. Actual medical records were not included in the data. Last night, the Scottish Ambulance Service advised me that the disk also contained necessary operational details, including contact details for staff.

The service has assured staff, as I have assured the public, about the steps that were taken to secure the information before transit. All other information on the disk—for example, contact details for general practitioner practices and other agencies, such as social work departments—is already in the public domain.

The data were exported from the Scottish Ambulance Service's command and control database and encrypted on to a portable hard drive using an encryption tool. That drive, or disk, as I will refer to it, was then sealed in a box with a covering letter that said that if the box was found, it should be returned to the Scottish Ambulance Service. The box was in turn put into another package with a similar covering letter, and the package was handed with a signed receipt to TNT on Monday 9 June 2008. That afternoon, an e-mail was sent to MIS Emergency Services Ltd in Manchester, which is the information technology company that was waiting for the disk in order to upgrade the Ambulance Service information system. That e-mail advised the company that the disk was in transit and that it should expect to receive it the following day, Tuesday 10 June 2008.

Daily contact followed over the next few days, but, by Thursday 12 June, TNT accepted that the package was missing and instigated a search in order to find it. The search continued until Thursday 19 June, when the Ambulance Service was first advised that TNT could not find the parcel and TNT invited the Ambulance Service to set down the details of the loss as part of a loss claim process. Later that same afternoon, the Scottish Ambulance Service alerted the Scottish Government to the loss.

On Friday 20 June, TNT further escalated its search procedures, advising both the Scottish Ambulance Service and the Scottish Government that it believed that those searches would result in the disk being traced over the weekend. However, shortly after noon on Monday 23 June, TNT confirmed that, although its searches continued, the leads that it had been pursuing over the weekend had not been successful. At that point, the Scottish Government and the Scottish Ambulance Service decided that the loss of the data disk needed to be made public.

I welcome the decision of the Scottish Ambulance Service to provide a helpline for members of the public who have questions relating to the incident. As of noon today, there had been 21 calls to the helpline, of which 13 were from members of the public. I hope that that reflects the reassurance that both we and the Ambulance Service have given to the public and to staff.

I have had the process by which the Scottish Ambulance Service handled the transmission of the data analysed by the Scottish Government's chief information officer. She has reported that the Scottish Ambulance Service followed good practice by conforming to NHS Scotland information security policy and ensuring that the sensitive personal data on the disk that was entrusted to TNT were protected to the appropriate standard. There are three levels to that protection. First, the data are encrypted. Secondly, they are protected with a 15-character randomly generated password. Thirdly, even if those two barriers were overcome, the data would be a meaningless jumble without the file structure that is necessary to recombine them. That is in complete contrast to the loss of 25 million child benefit records by Her Majesty's Revenue and Customs. Those personal data, which included bank account details, were not similarly protected.

Recent problems, both in Scotland and at a United Kingdom level, have highlighted the importance of ensuring that all those who are charged with handling sensitive public information adhere to the highest standards. In November 2007, we ordered a review of data handling procedures across Government to address justified public concern and to identify any areas in which we needed to improve. By coincidence, that review has published its findings and recommendations today. The data handling review shows that public bodies throughout Scotland generally have high standards of data handling. Data security is being taken seriously across Government, but there are still areas in which improvements can and will be made. There is, of course, absolutely no room for complacency.

I do not believe that, in the case of the loss of the Scottish Ambulance Service data disk, there could be any suggestion that the service was complacent in the way in which it sought to protect the data against their possible loss in transit. The Ambulance Service considered whether there were other means of transmitting the data that might eliminate all prospect of human error. In this case, it was clear that the size of the data file far exceeded the limit of an e-mail that would be allowable via the national health service network.

TNT has acknowledged that the package remains missing and has recognised the seriousness of the issue. I know that it is continuing its efforts to trace it. I know, too, that the Scottish Ambulance Service took all reasonable steps to protect the data against the possibility of loss. It is clear to me that we would be having a very different exchange today had that not been the case.

The Presiding Officer: The cabinet secretary will now take questions on the issues that have been raised in her statement. We have almost exactly 20 minutes for such questions.

Tricia Marwick (Central Fife) (SNP): On a point of order, Presiding Officer. Over the past few days, Margaret Curran has been all over the television, demanding a statement from the cabinet secretary on the loss of the data. I notice that Margaret Curran is not here today to listen to the debate.

The Presiding Officer: With respect, I do not think that that is a point of order, Ms Marwick.

Tricia Marwick: I wonder whether you agree with me that that is disrespectful to the chamber.

Hugh Henry (Paisley South) (Lab): On a point of order, Presiding Officer.

The Presiding Officer: This is all eating into the time that is available for questions.

Hugh Henry: Is it not insensitive that, when a member is attending a funeral, another member seeks to exploit that?

The Presiding Officer: That is not a point of order, but I am grateful to the member for putting it on the record; it should answer any possible queries about the issue, which is not a point of order.

We now have less than 20 minutes for questions, after which we will move to the next item of business.

Dr Richard Simpson (Mid Scotland and Fife) (Lab): I thank the minister for her statement. This is the third emergency statement that she has had to make in the chamber.

I understand that mistakes can be made in the transmission of data, but questions need to be

asked about the mechanisms. What procedure will be put in place to inform ministers about the loss of data? There was a one-week gap between TNT accepting that the data were missing and the minister being partially informed—it was the next morning before further information was passed to her.

It is important to get these things right for the confidence of the public and staff. I need to know, and the public are entitled to be assured, that the randomly generated 15-character password that accompanied the encrypted data was not in the letter in the package, because that has happened in the past. I seek reassurance for the public on that point.

The fact that this is the third occasion on which data have gone missing in Scotland—the Scottish Public Pensions Agency lost data in October 2007 and the Scottish Further and Higher Education Funding Council lost data in January 2008—means that the publication of a report on data handling is timely. However, I wonder why we need to transmit data on 1,000,000 patients at one time by hard disk, and why it was not chunked up into bits and sent via the NHS network—to which the cabinet secretary referred—which is secure, as far as I know.

What period of time is covered by the almost 1,000,000 pieces of data? That information will let the public know the period about which they can call the helpline.

Nicola Sturgeon: I thank Richard Simpson for his questions. On his final question, I referred to the period covered by the data in my statement—it is February 2006 to June 2008.

Richard Simpson said that this is the third emergency statement that I have made, which is true. I hope that members recognise that that shows my willingness to come to the chamber to report on NHS matters and to give members the opportunity to ask questions.

Richard Simpson asked about the timescale for informing ministers. I am sure that the Scottish Ambulance Service will want to reflect on that, but it informed ministers as soon as the management became aware of the situation, so there was no time delay. I am sure that there is an issue to reflect on around the time delay between TNT and the computer company realising that the data could not be located and informing the Scottish Ambulance Service. However, judgments will always have to be made about whether to continue potentially fruitful searches before informing anyone and causing alarm. As we reflect on the incident, it is important that we also reflect on that point.

Richard Simpson asked whether the password was included in the letter. Nothing that I have

heard suggests that that was the case, and I am sure that it was not. However, I want to be absolutely sure that I can reassure Richard Simpson of that, so I will ensure that he has that answer in writing. Again, not one but three levels of protection were applied to the data: the data were encrypted using an encryption tool; a 15-letter randomly generated password was used; and even if someone got through those two lines of defence, sense could not be made of the data without the file structure that is necessary to put the data back together. That should give the public considerable reassurance.

Richard Simpson also asked why the information was being sent. It was part of the updating of the command and control system server. It could not be sent electronically for the reasons that I have spoken about. I am told that the file was 60 times bigger than anything that could be sent through the NHS system. I am sure that different ways of sending such information will be considered. All organisations have a duty to consider such issues.

My final point is that, however we transmit data, it is impossible to eliminate risk completely, even when data are sent electronically. That makes it all the more important that data are properly protected before being sent. The key point is that, in this case, the data were properly and adequately protected. That point should give the public reassurance.

Mary Scanlon (Highlands and Islands) (Con): First, I note from your statement that TNT has confirmed that its searches are continuing. Can you advise me what happened to the computerised tracking, which I know from personal experience TNT uses for all parcels and documents?

Secondly, although there seems to be no fault on the part of the Scottish Ambulance Service, what improvements will be made as a result of the data loss that has occurred with TNT?

Thirdly, I note that the statement mentions a loss claim process. Can you tell me what penalty, if any, will apply to TNT? Will the Government make a loss claim? If so, what will be the value of that claim?

The Presiding Officer: I remind all members to address other members through the chair.

Nicola Sturgeon: On computerised tracking, TNT has undertaken a number of searches over the past few days—certainly since I was made aware of the issue—including examining all its closed-circuit television coverage in depots. Such searches led TNT to believe, on Friday and into Saturday, that specific leads that were being followed would result in the recovery of the disk. One of those leads involved a hospital in England.

TNT staff have made use of all the information and technology that they have to point them in the direction of where the disk might be, but, unfortunately, those searches have not proved successful. TNT is still looking for the disk, but what changed on Monday was that specific lines of inquiry were no longer being followed. At that point, I took the decision, along with the Scottish Ambulance Service, that it was right to alert the public to what had happened.

Obviously, the Scottish Ambulance Service will receive a full report from TNT about the loss and will reflect on specific improvements that the service might want to make. I thank Mary Scanlon for acknowledging that the fault does not lie with the Scottish Ambulance Service. The data handling review that the Government coincidentally published today also highlights improvements that we feel still need to be made. The public sector in general has good systems in place, but there is no room for complacency.

Any loss claim is a matter for the Scottish Ambulance Service. It is almost certain that a claim will be made, but the quantum of that claim is a contractual matter between the service and TNT, and will depend on the circumstances that flow from the report that TNT submits.

Ross Finnie (West of Scotland) (LD): I am grateful to the cabinet secretary for circulating an advance copy of her statement to shadow ministers while they were still in the chamber. That certainly eliminated the risk of the data being lost.

The cabinet secretary has given a welcome assurance about the levels of protection, but I am bound to tell her that one reason for public disquiet was the language used in the Government's press releases, which talked in rather general terms about it being unlikely that the data could be used. The cabinet secretary's statement was much more robust as she made it much clearer that that was a very remote possibility. Therefore, I ask her to ensure that technical data that are available to her are also transmitted in that way.

Finally, further to the cabinet secretary's response to Richard Simpson's question on why the data were not sent through the NHS's system, should we read into the fact that the size of the data exceeded the current limits of the NHS's network that the safer and best option is not necessarily to be restricted by the current size and capacity of that network?

Nicola Sturgeon: I thank Ross Finnie for confirming that he received safely the copy of my statement that I asked to be delivered to him—that is a great relief to me.

Ross Finnie made a point about the language that we used when we made the loss of the disk public on Monday. I am happy to reflect on the

matter, as it is important that we learn any lessons that must be learned. However, I know that in interviews that I gave on Monday I was careful to stress the level of protection and encryption that was in place. I repeat the point that I made to Richard Simpson: I wish it were different, but, unfortunately, no matter how we transmit data, we cannot eliminate the risk of their being lost. The fundamental issue is whether the data were protected. In the case of HMRC, the key weakness was that the data were not protected, but in this case they were subject to the most rigorous protection. I agree with Ross Finnie that it is important that we get across that reassurance.

There have been a grand total of 21 calls to the helpline, including 13 from members of the public. I understand that the remaining calls, apart from one or two from staff, were from other organisations offering their assistance to the Scottish Ambulance Service, but I have not managed to delve into the detail of the matter. The low number of calls suggests that the reassurance that we have given has got through to the public and that people know that the data are secure.

Ross Finnie makes a valid point about the service's system. I think that I may have said that the information on the disk was 60 times the maximum capacity of the network infrastructure. I am not a computer expert, but my briefing notes indicate that the information was 600 times the maximum capacity of the infrastructure—if I gave the wrong figure inadvertently, I stand corrected. As Ross Finnie indicated, we must always seek the best, most efficient and most reliable ways of making secure and transmitting information. I have no doubt that all parts of the public sector will continue to do that.

The Presiding Officer: We come to questions from back-bench members. As always, I ask members to keep questions and answers as brief as possible. If they do so, we will manage to fit everyone in.

Bill Wilson (West of Scotland) (SNP): I express my relief—which may not be as great as that of the cabinet secretary—that, in contrast with the 25 million records that HM Revenue and Customs lost recently, the Paisley emergency response centre data that were lost were fully encrypted and password protected. I note that TNT suggests that all security procedures were followed but the data still went missing. I am sure that the cabinet secretary agrees that it is vital that TNT find the cause of that lapse in security. Can we be assured that, if it is unable to do so, it will not secure future contracts?

Nicola Sturgeon: It is in line with data protection procedures generally—the point is not specific to the Scottish Ambulance Service—for organisations to use courier companies with audit

and security arrangements, so the use of TNT was in line with recognised procedures. As I have indicated, the Scottish Ambulance Service will receive a report on the incident from TNT. I am sure that the content of that report will inform any future decisions that the service makes.

There is one point that I have not made so far. It should be obvious, but in case it is not, I point out that this was a one-off transfer of data by the Scottish Ambulance Service, associated with the upgrading of its system. The service does not transfer such data routinely and regularly between locations, so it will not ask TNT or anyone else to carry out transfers regularly.

Hugh Henry (Paisley South) (Lab): The cabinet secretary said that this situation contrasts with the situation at HMRC—she would say that, wouldn't she? Will she reflect on comments that her colleagues made in relation to the HMRC incident? Mike Weir spoke about the incompetence of the Administration, Stewart Hosie suggested that the Chancellor of the Exchequer had lost credibility, and Sandra White and seven of her colleagues in the Parliament called for the chancellor's resignation. Does the cabinet secretary agree that those comments were inappropriate?

Nicola Sturgeon: I am here because I have ministerial responsibility for the Scottish Ambulance Service—no one could accuse me of trying to dodge that. However, given that all members in the chamber, with the possible exception of Hugh Henry, have had the good grace to concede that the Scottish Ambulance Service is not at fault, the rest of his comments are somewhat absurd. The situation that we are discussing contrasts with the HMRC incident, so the comments to which he referred stand. First, there was fault on the part of HMRC in respect of that data loss; secondly, the nature of the information was different because it included bank account details; and thirdly, and crucially, the data were not encrypted. That makes the HMRC case radically different.

Michael Matheson (Falkirk West) (SNP): Given the importance of retaining public confidence in the way in which such matters are handled, I fully accept that the Scottish Ambulance Service has followed all the necessary procedures in this instance. However, will the cabinet secretary ensure that public bodies within her areas of responsibility that transfer data regularly audit the process that they use and that the audit covers any private company that may be contracted to carry out that work?

Nicola Sturgeon: That is a fair point. All public bodies should be asked to ensure not just that their practices are up to scratch but that they remain so over time. It is one of the delicious

ironies of life that the data handling review is being published today. The review points out that the NHS's procedures are an exemplar in many respects. That assures me that the Scottish Ambulance Service, which follows those procedures, did what it should have done. I agree that organisations should always keep their procedures up to date and learn lessons. However, let us acknowledge that the Scottish Ambulance Service did what it was meant to do.

James Kelly (Glasgow Rutherglen) (Lab): I note the publication today of the data handling review. The investigation into data handling was announced on 23 November, when John Swinney told Parliament that the results of the initial review would be reported to him within two weeks. If the initial review reported within that timescale, why has it taken more than six months for the results to be made public?

Nicola Sturgeon: I am more than happy to ask my colleague John Swinney to respond to James Kelly in detail about the timeline in question. However, the publication here today of the data handling review coincides with its publication in England, Wales and, I believe, Northern Ireland, which is a good sign of partnership working between the different parts of the United Kingdom.

The Presiding Officer: I call Ian McKee. Please be as brief as possible.

Ian McKee (Lothians) (SNP): It is good to have the reassurances of the cabinet secretary today. Can she advise me whether the Scottish Ambulance Service holds a copy of the information that has gone missing?

Nicola Sturgeon: Yes, the Scottish Ambulance Service has a copy.

The Presiding Officer: Perfect.

Helen Eadie (Dunfermline East) (Lab): On the question of back-up information, can the minister reassure the public that such information will be stored off-site? It is fundamental for any IT system to ensure that, for safety and future security, information is stored on two sites rather than on one.

Nicola Sturgeon: I thank the Presiding Officer for his earlier commendation.

I offer to reply to Helen Eadie in detail on the technical point that she raises. Her general point about the back-up of data will be recognised by everybody. I will return to her on exactly how, in what form and in how many locations different forms of data are backed up.

The Presiding Officer: I should just say that my use of the word "perfect" was in relation to the length of Dr Ian McKee's question and the answer.

Business Motions

17:28

The Presiding Officer (Alex Fergusson): The next item of business is consideration of business motion S3M-2256, in the name of Bruce Crawford, on behalf of the Parliamentary Bureau, setting out a business programme.

Motion moved,

That the Parliament agrees the following programme of business—

Wednesday 3 September 2008

9.30 am Time for Reflection

followed by Parliamentary Bureau Motions

followed by Scottish Government Business

2.30 pm Parliamentary Bureau Motions

followed by Scottish Government Business

followed by Business Motion

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

followed by Members' Business

Thursday 4 September 2008

9.15 am Parliamentary Bureau Motions

followed by Scottish Government Business

11.40 am General Question Time

12 noon First Minister's Question Time

2.15 pm Themed Question Time
Rural Affairs and the
Environment;
Justice and Law Officers

2.55 pm Scottish Government Business

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

followed by Members' Business—[Bruce
Crawford.]

Motion agreed to.

The Presiding Officer: The next item of business is consideration of business motion S3M-2258, in the name of Bruce Crawford, on behalf of the Parliamentary Bureau, setting out a timetable for stage 1 of the Disabled Persons' Parking Places (Scotland) Bill.

Motion moved,

That the Parliament agrees that consideration of the Disabled Persons' Parking Places (Scotland) Bill at Stage 1 be completed by 28 November 2008.—[Bruce Crawford.]

Motion agreed to.

The Presiding Officer: The next item of business is consideration of business motion S3M-

2259, in the name of Bruce Crawford, on behalf of the Parliamentary Bureau, setting out a timetable for stage 2 of the Scottish Register of Tartans Bill.

Motion moved,

That the Parliament agrees that consideration of the Scottish Register of Tartans Bill at Stage 2 be completed by 12 September 2008.—[*Bruce Crawford.*]

Motion agreed to.

Parliamentary Bureau Motions

17:30

The Presiding Officer (Alex Fergusson): The next item of business is consideration of two Parliamentary Bureau motions. I ask Bruce Crawford to move motions S3M-2260 and S3M-2261, on approval of Scottish statutory instruments.

Motions moved,

That the Parliament agrees that the draft Charity Test (Specified Bodies) (Scotland) Order 2008 be approved.

That the Parliament agrees that the draft Nutritional Requirements for Food and Drink in Schools (Scotland) Regulations 2008 be approved.—[*Bruce Crawford.*]

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

Decision Time

17:30

The Presiding Officer (Alex Fergusson): There is one question to be put as a result of today's business. I propose to put a single question on motions S3M-2260 and S3M-2261, in the name of Bruce Crawford, on approval of Scottish statutory instruments. If any member objects to a single question being put, they should say so now.

The question is, that motions S3M-2260 and S3M-2261, in the name of Bruce Crawford, on approval of Scottish statutory instruments, be agreed to.

Motions agreed to.

That the Parliament agrees that the draft Charity Test (Specified Bodies) (Scotland) Order 2008 be approved.

That the Parliament agrees that the draft Nutritional Requirements for Food and Drink in Schools (Scotland) Regulations 2008 be approved.

Age of Leaving Care

The Deputy Presiding Officer (Trish Godman): The final item of business is a members' business debate on motion S3M-1645, in the name of Karen Whitefield, on "Sweet 16? The Age of Leaving Care in Scotland". The debate will be concluded without any question being put.

Motion debated,

That the Parliament welcomes the Sweet 16? report by the Commissioner for Children and Young People in Scotland into the age of leaving care; expresses concern that while law and policy strongly advise that young people should be encouraged and supported to stay in care until 18 years of age where their welfare requires it, and that some local authorities such as North Lanarkshire are making welcome progress in achieving that objective, Scottish Government statistics show that eight times as many young people leave care at 16 as leave at 18; notes that as a result many young people encounter problems with paying bills, alcohol and drugs, continuing education and homelessness; believes that this is unacceptable, and recognises the merits of the report's recommendations to change the culture that assumes 16 as the age for leaving care so ensuring that in the future no young person feels pressurised to leave care before they are ready, that proper care until 18 is a right for all, that support continues to be available during the transition to independence, that the destinations and outcomes for young people leaving care are properly monitored and that all young people in care, in Airdrie and Shotts and across Scotland, receive the support, advice and information about their rights and options for the future that they require.

17:32

Karen Whitefield (Airdrie and Shotts) (Lab): I am particularly pleased to secure one of the final members' business debate slots before the recess, to debate an important subject.

I welcome the young people who are in the gallery to listen to the debate, who come from Who Cares? Scotland, the Aberlour Child Care Trust's sycamore project and Barnardo's Scotland. They are joined by care workers who work for those organisations and by Scotland's Commissioner for Children and Young People and members of the reference group, all of whom have an interest in this important subject.

The report by Scotland's Commissioner for Children and Young People, "Sweet 16? The Age of Leaving Care in Scotland", should concern all members. It highlights the views of young people who have experienced, or are experiencing, being looked after and accommodated. It seems to indicate that a culture persists in which young people are encouraged to leave care homes earlier than they should, despite the range of policy and statutory measures that have been taken to ensure that it becomes the norm that young people aged between 16 and 18 remain in care.

Before I consider the issues that are raised in the report, it is important to stress that many failures and problems are systemic rather than the result of a lack of professionalism in care homes. Indeed, I thank all the people who work in our care homes, often in difficult and testing circumstances, for their hard work and dedication. Although some councils might not want to talk about love in the context of the services that people who work in care homes provide, I am convinced that the personal commitment that is shown by many workers to the young people in their care demonstrates those workers' desire to provide a loving environment for young people who are often much in need of some TLC.

The commissioner's report made it clear that the situation in care homes throughout Scotland can and must improve. Although the document highlights a number of examples of good practice, too often those are isolated cases and the good practice is not replicated throughout Scotland's local authority areas. I hope that tonight's debate can begin the process of learning from good practice and turning round a culture in which there still seems to be an expectation that young people will leave care homes at the age of 16.

The report examined a wide range of information, including written reports from all Scottish local authorities and interviews with 85 people in 13 local authority areas. As one might expect of a document that was commissioned by Scotland's Commissioner for Children and Young People, the interviews' emphasis was on the views of young people. It is clear from the report that despite legislative and policy measures, young people feel that too many young people in Scotland are leaving care at the age of 16 or 17 when they are not ready to face the challenges that that presents.

The report identifies a range of reasons for that. Young people might feel that they want to leave care because doing so will give them a sense of independence and of not being bound by the rules that exist in a care home. Such a view was expressed by both young people and care workers. However, it is interesting to note that many young people later regretted leaving care so early and felt that others should learn from their negative experiences.

The report also makes it clear that some young people feel that they are under pressure to leave care at the age of 16. It points out that once some young people in care turn 16, they feel less wanted and less valued. It contains some poignant quotations from young people, such as:

"They're saying to me 'sooner or later someone's going to need that bed'. They make you worry and feel guilty",

and

"I was saying I wasn't ready but felt I had to go."

Those are worrying and sad comments. We must take steps to ensure that all young people in care understand their rights to remain in care, and that they understand and, importantly, feel that our social services want them to remain in care while they themselves feel that it is in their best interests to do so.

Another factor that the report highlights is the need for young people to have somewhere to come back to if attempts at independent living or returning to their family do not work out. Children from stable family backgrounds take that for granted. How many of us thought nothing of going home for the weekend or for longer than a week, and not just to get our mums to do our washing? Such children know that if their exploits in the wider world do not go as planned, they can always return to the family home. That comfort is mostly denied to young people who leave care: I hope that we can begin to address that situation.

Continuity can mean a great deal to young people who have led chaotic lives. The knowledge that they have somewhere and someone familiar to return to should things go wrong is extremely important. Interestingly, I learned recently that the London Borough of Barnet has initiated a scheme whereby senior officers and councillors take on a key worker/champion role with young people in care. That idea should at least be explored and considered by Scottish local authorities.

I want to say a few words about the use of bed-and-breakfast accommodation for young people who leave care. I remember well the discussions that took place during consideration of the Homelessness etc (Scotland) Bill, when we felt that it was inappropriate for B and Bs to be used to accommodate families. I do not feel that B and Bs provide suitable accommodation for young people who leave care, so I ask the minister to pay particular attention to recommendation 14 of the report.

Given that I have highlighted a number of the problems that are associated with young people being forced to leave care at 16, I would like briefly to mention some positive examples of best practice that exist, particularly in my local authority area. The report highlights specific concerns about young refugees. North Lanarkshire Council has supported a young man who arrived in the United Kingdom when he was 16 without any family, support or accommodation. He has benefited from the provision of a supported carer and currently attends college, where he is studying for a higher national certificate. We need more such projects.

Finally, I want to mention a project called community alternatives, which supports young

people in care, including in secure accommodation, who are age 16 plus. Job coaches motivate the young people and give them confidence to apply for training programmes and employment and so meet other young people daily.

The situation in respect of care has improved in Scotland in the past few years, but the report highlights that we can still do much more. We must eradicate the culture that makes young people feel that they are no longer welcome in care homes after the age of 16 and we must ensure that young people are made fully aware of their rights and of the difficulties of independent living. We must take steps to ensure that, as with any other young person, young people who leave care have somewhere safe to fall back on if their attempts at independent living fail, for whatever reason. I hope that other members will take part in this important debate.

17:40

Angela Constance (Livingston) (SNP): I congratulate Karen Whitefield on securing the debate, which highlights the fact that far too many young people continue to leave care at 16 and the detrimental consequences of that on their life chances. Care leavers are disadvantaged on almost every front, with an increased risk of alcohol or drug misuse, mental health problems, contact with the criminal justice system, homelessness, unemployment and difficulties in sustaining education. I thank Robert Brown for the two pertinent recent motions that he lodged. The first reinforces the point that care should normally continue until at least 18 years of age and the second calls for an increase in supported accommodation and semi-independent living units.

One young person in the "Sweet 16?" report that Scotland's Commissioner for Children and Young People prepared states:

"It would be better if there was more preparation for leaving care, especially a semi-independent flat where staff could come in to check how you're getting on. The practical things were the most difficult to cope with."

I remember well the telephone calls that I used to make to my mother when I first left home, with seemingly stupid questions about how to defrost a chicken and change a plug. It is only with the passing of years that I realise how lucky I was.

I commend the children's commissioner and her team for the "Sweet 16?" report. Kathleen Marshall has reminded us that, although it is fundamental to have enabling legislation and policy, it is what happens in practice that counts. Her report is a somewhat painful reminder of the harsh reality for many of Scotland's children. At the last count, slightly more than 14,000 children and young

people were looked after, whether at home, in residential care or residential school, or by foster or kinship carers. Interestingly, that is an increase of 26 per cent since 1999. As we know, 75 per cent of those youngsters leave school with no qualification and less than 1 per cent go to university.

I am pleased that in West Lothian 78 per cent of looked after and accommodated children obtain a minimum level 3 in English and/or mathematics, which is essential to progress towards a college placement. However, as a children's rights officer who is quite rightly quoted in the "Sweet 16?" report states,

"For young care leavers it is very much a postcode lottery."

That is not acceptable in today's Scotland.

The learning to care/care to learn agenda is still pivotal. Education is the passport from poverty—in its broadest sense, it gives our children the ambition and ability to achieve. Nor is it acceptable that 25 per cent of young people aged 15 to 21 who are eligible for through-care and after-care services are not in touch with those services. Douglas Bulloch, in the report that he produced for the previous Scottish Executive entitled "For Scotland's children: Better integrated children's services" identified that the children who are most in need of services are often the most likely to have difficulty accessing them.

Karen Whitefield's motion acknowledges that examples of good practice exist. West Lothian Council has the having your say advocacy projects, the youth inclusion project and one-stop shops for vulnerable 16 to 21-year-olds. The crux of good services is the local authority's attitude to corporate parenting, and West Lothian Council should be commended on its attitude to that. A corporate parent must aspire to do all that a good and reasonable parent would do, by holding together the many strands of a child's life and caring about their safety, health, education, friendships and future, and by talking and listening to them.

The corporate parent should also—dare I say it?—fight with and argue with their children. As one young person in the "Sweet 16?" report says:

"Staff don't fight you if you want to leave at 16."

Children and young people need boundaries to push against; they need to know that they are wanted and they need to know that someone cares.

The children's commissioner makes many recommendations in her report. I, for one, support her in those recommendations. I look forward to the minister's response.

17:45

Mary Mulligan (Linlithgow) (Lab): I, too, congratulate Karen Whitefield on securing this evening's debate. This Parliament has a good record of using members' business debates to raise issues that might not make the headlines—even when they should—but are important to people's lives. This is one such debate.

I also congratulate the children's commissioner on the "Sweet 16?" report, and the Scottish Throughcare and Aftercare Forum, both on its report and on the role that it plays.

The law says that local authorities have a duty to encourage young people to stay in care until they are aged 18. Why, then, do so many leave at 16? Why did the children's commissioner feel it necessary to ask that question and compile the "Sweet 16?" report?

Many years ago, when I was a young councillor in Edinburgh, I recall the social work convener telling me to remember that we were responsible for looked-after children and young people, and that we should take responsibility for ensuring that they had the quality of life that we would want and expect for our own children. Let me here acknowledge the positive role of many councillors and care workers.

As a mother of three teenagers, I often reflect on the words that were said to me and think about the lives of my children and the children of my family and friends. Very few of those children leave home at 16—although they may threaten to do so. Of those who do leave, many return for short or long periods, and some return more than once. Whether they leave at 16 or even some years later, they need on-going support.

The question is, how can we translate that kind of care into the way in which looked-after young people are cared for? When those young people say that they want to go at 16—perhaps from frustration caused by people around them or by some event—do we give them the opportunity to step back from that position? Do they feel forced to go because places are scarce? If they do go, should they not be given the opportunity to return, if only for a while? The evidence that I have heard and been appalled by—and it is in the report—is that young people leaving care are not allowed to return, and that child protection issues have even been quoted to keep them away.

When young people leave care they should be given appropriate support for as long as they need it. There should be a leaving package that includes housing. As Karen Whitefield and Angela Constance said, that housing should definitely not be in the form of a bed and breakfast or other inappropriate housing. The package should also include work or training opportunities and health

and social care advice. This is not about creating dependency, but about ensuring that young people are allowed to mature and take on their independence at a rate that suits them.

In the previous session of Parliament, I was delighted when young looked-after children from West Lothian came to the Parliament and told us about the report that they had compiled—a report called "Having Your Say". The report showed that those young people had the same needs, hopes and dreams as any other young people. We and our council colleagues have a responsibility to help them to realise those dreams.

The Parliament must send out the message loud and clear that young people over the age of 16 should be leaving care only when it is right for them and when they have the proper support.

17:49

Elizabeth Smith (Mid Scotland and Fife) (Con): I add my congratulations to those already offered to Karen Whitefield on securing the debate. I also apologise in advance for not being able to stay right to the end; I have another parliamentary engagement at 6 o'clock.

Like other members, I warmly welcome the report by Scotland's Commissioner for Children and Young People. For the very reasons that Karen Whitefield and Mary Mulligan mentioned, issues that do not always make the headlines are nonetheless important to us in the Parliament.

As the report explains, the routes that young people take out of care and into independent living are numerous and complex. No two cases are the same, so we must be careful not to make sweeping generalisations. The report is right to focus on the large number of looked-after children who are due to leave care, particularly from residential units, once they reach 16. The situation surrounding the provision of care and the circumstances that lead to a young person being placed in care vary immensely. So too do the personalities and capabilities of the young people involved. While leaving care for independent living might be the correct choice for one 16-year-old, it may be entirely inappropriate and extremely difficult for another. I am wary of suggestions that all those young people must remain in care until the age of 18, but I support the idea that no young person should feel obliged to leave care, or be pressured into leaving care upon reaching their 16th birthday, simply because it is "the right thing to do".

As highlighted by the report, the transition from care to independence, regardless of destination, is a tricky and uncertain time. To aid the transition from care to independent living, support for young care leavers should be available and, if

appropriate, it should continue to be available once that transition has been completed. Moreover, the decision to leave care prior to 18 should be that of the individual involved. We should seek to better educate young people on the options available to them and the implications of making certain choices. At the moment, too many young people choose to leave care, especially from residential units, without the help or support that we would wish to be the normal practice.

It is vital that young care leavers are adequately equipped with the necessary skills and knowledge to cope with the challenges that independence can bring. Too often, that is not the case. We must never forget that these are some of our most vulnerable young people, who frequently—through no fault of their own—lack the basic levels in education and have little in the way of training or national qualifications. Currently, too high a percentage of 16 to 18-year-olds are not in education, employment or training, and all too often young care leavers encounter financial, education and employment problems that can result in them ending up in that bracket. There are strong and powerful messages in the report, to which it is important that the Parliament listens carefully.

I am grateful to have had the opportunity to debate such a worthwhile subject. Social care does not always get the attention or the profile that it deserves. However, in light of this debate and the work of the commissioner, Kathleen Marshall, and her team, I hope that all the political parties will work together to ensure that young care leavers can make the transition from care to independent living as successfully as possible and at a time that is appropriate for them.

17:52

Cathy Jamieson (Carrick, Cumnock and Doon Valley) (Lab): I, too, congratulate Karen Whitefield on securing the debate and Kathleen Marshall on producing the report.

Given my history of working with young people in care, particularly in Who Cares? Scotland, it would be easy for me to feel a bit depressed about the report and the fact that we are still trying to address some of the same issues. However, I am rather more heartened than that, because we now have a children's commissioner and the Scottish Throughcare and Aftercare Forum. A lot of the work that has already been done is being built upon. It concerns me, however, that we still tend to equate independent living with providing a roof over young people's heads and the practical, day-to-day things that they need, and that we do not necessarily invest in the emotional support that young people need.

This evening, I will stay in a flat not far from here that has everything that I need for my day-to-day living. It is perfectly well equipped, and I can make a meal and so on. I have enough money to keep myself going—I do not have to worry about that. However, that flat is not my home. My home is rooted in my community, among the people I know and was brought up with, and where my extended family lives. Members should put themselves in the position of a young person who has been brought up in the care system and who may have been uprooted from their home and their community. All the practical and material things that they need may be provided for them, but do they have a sense of place, of somewhere that is home?

It is not enough for a young person coming out of the care system simply to have a roof over their head. They need to know who will be there to support them. Who do they turn to when they do not know the answer to what might seem to us to be a fairly basic question? Who do they turn to when they need a bit of extra financial help or a wee bit of advice or guidance? Who do they turn to when things get out of hand and they find that living on their own is not as easy as they thought it would be? Who do they turn to when their house is taken over by so-called friends and acquaintances, who begin to give them difficulties? Who helps them to get out of the mess they are in when their tenancy is about to be removed because they have been involved in behaviour that they should not have been involved in and when they have no way of securing a further tenancy?

Members should put themselves in the position of a 16-year-old who, after having been brought up in the care system, is told that their home will be bed-and-breakfast accommodation and that they cannot even stay in the building during the course of the day. How do we expect young people at that age—or any age—to construct the social network that they need to be able to make a success of their lives if they do not have the most basic information to help them to do that?

I was heartened by Mary Mulligan's comments about corporate parenting and the role of elected members. That is something in which Kathleen Marshall took a particular interest when she and I worked together on the Edinburgh child abuse inquiry. It is well worth stressing that every local authority councillor who is a corporate parent ought to know who the children in his or her care are and ought to take a personal interest in them. Those councillors ought to want to know not only where the children currently live but what the plans are for their future and ought to ensure that the local authority is prepared to provide them with proper support as well as a roof over their heads.

I hear what members say about independent living, but it is a phrase that I never liked and that we ought to use less. None of us lives independently; we all rely on our networks. If we are to get the transition right for people who are moving on from care to living in their own homes, we must recognise that fact and we must consider social support to be as important as the practical support that we provide.

17:56

Robert Brown (Glasgow) (LD): The Parliament occasionally rises to the occasion. Members have made some really inspiring and insightful speeches tonight, for which I thank them. My thanks go not least to Karen Whitefield for initiating the debate. Behind it lies the children's commissioner's excellent report, which will prove to be a seminal report of some long-term significance.

Let us not beat about the bush: young care leavers are among the most vulnerable groups in our society. They have inevitably not had the sort of start in life that we would want for our children; most have had to endure horrendous circumstances. All the statistics show that their life chances are greatly reduced and that their chances of becoming homeless, being unemployed, lacking key social and employment skills, or suffering from mental health problems or problems of addiction are all higher.

I have obtained from Glasgow City Council some useful information that I will share with members. The council supports 351 young people who have left care, 33 per cent of whom have been homeless at some point. It also identifies a number of people whom it had looked after and accommodated, but who returned home just before the school-leaving age and are, therefore, ineligible for much of the usual support for young care leavers; the children's commissioner rightly identified that issue in her report. The council has a substantial provision of supported accommodation for young care leavers, but it also has a waiting list. Only 485 care leavers out of 619 were receiving, or in touch with, council services of any sort. The council identified staffing and resource issues, as well as legislative deficiency, as being among the obstacles to doing more for ex-looked-after children.

That underlies the main issue in the motion, which is the need for on-going support up to 18. I would go further and suggest that there should be a framework of support from corporate parents up to 25. We know from the children's commissioner's report that eight times as many young people leave care at 16 as at 18. We know what constitutes the ability to live independently—I take Cathy Jamieson's point about that phrase—

and that most young people generally do not and often cannot live independently at 16. We also know that there is a transition process to independent living, but we must provide for repeat failure even after that: if a care leaver loses his job, falls out with his girlfriend or gets into scrapes of various kinds—financial, legal or social—he must be able to come back to a place of refuge in emergency and have a shoulder to cry on.

The ability of organisations to deal with such matters can be bedevilled, as the minister will probably reflect, by different departments, budgets, authorities and councils. The overlap between them is an important aspect of that.

I ask three things of the minister when he responds to the debate. First, I ask that he consider the issue holistically and from the point of view of what we would want for our own children—one or two members have already made that point. I ask him to give the issue the priority that it is due, knowing that successful transition to independent arrangements will pay dividends for the young people concerned and for the state. Secondly, I ask the minister to consider the supply of supported and semi-independent living units for care leavers across Scotland, and to conduct an assessment of the gap between need and supply. I was somewhat surprised to discover from a recent answer to a parliamentary question that no such assessment is in place at the moment. I ask the minister to work to put in place resources to fill that gap. Thirdly, I urge him to be cognisant of the need to change the culture that Kathleen Marshall identified, which pushes young people out of homes at the immature and worryingly young age of 16. For most people, that is not practical.

The old Scots legal word for leaving home and becoming independent was forisfiliation. It will be familiar to one or two people in the chamber. Support for care leavers—or for people leaving home, I should really say—should continue until people are fully forisfiliated.

I am grateful to Karen Whitefield for allowing us this opportunity to debate and emphasise this important area of social provision.

18:00

Robin Harper (Lothians) (Green): I congratulate Karen Whitefield on securing the debate and echo Robert Brown's sentiments about the quality of the debate and the feeling that underlies what we have been saying.

We aim to have half our young people attend university, where they will stay until they are 22, 23 or perhaps older. At university, students get advice services, health services and supported accommodation. When young people leave the care system at the age of 16, however, they might

well fall through the cracks in the system within a few weeks or months.

A few years back, I had the privilege of attending a meeting of the Scottish Throughcare and Aftercare Forum in Glasgow with Robert Brown. He will recall as clearly as I do the dissatisfaction that the young people who attended that meeting expressed. Many wore wristbands bearing the message, "The system sucks." That was their comment on what we provide at the present age at which young people leave care.

I congratulate everybody who has spoken in the debate and commend the children's commissioner for her report. I enthusiastically support the proposal to keep some measure of care up to the age of 25, which Robert Brown discussed. I suggest that 18 should be the minimum age at which as much care as is needed is provided for our young people when they leave the care system. We should recognise that the system is not fair to the people who are most in need. Perhaps there should be a slight measure of shame about what we provide at the moment. We should resolve to do better.

18:03

The Minister for Children and Early Years (Adam Ingram): I echo Robert Brown's remarks about the excellence of the debate and thank Karen Whitefield for securing it. I welcome the opportunity to highlight the Scottish Government's commitment to all looked-after children, young people and care leavers. I thank all members for their contributions.

If they are asked, many young people will comment that their looked-after experience was not what it should have been, and that their experience of moving towards independence was filled with personal challenge not only because of their care experiences but because of the experiences that led to their becoming looked after. I also know of young people who will say that their experiences were positive and that the things that made the difference for them were continuity of care and positive, consistent support, which helped them to achieve their potential.

It is of course deplorable that not every child or young person will have a positive experience. That is one of the biggest challenges that we face together. I also find unacceptable the statistics that show that a large number of young people leave care at 16 years. I know that the reasons are varied, but members may rest assured that I will give the matter my full attention, particularly when I meet local authority representatives.

It is perhaps worth reminding members that local authorities have a duty to consider the best interests of the child or young person in

considering discharge from the looked-after system. The need for continuing support should and must be taken into account in the decision-making process. We will explore whether more needs to be done in that area in the light of the commissioner's findings.

The report also highlights some of the health issues that care leavers face. I assure members that our health policies, be they on drugs, alcohol or sexual health, will be fully inclusive of looked-after children and young people and care leavers. Many members will be aware of the phrase "corporate parent", which encompasses the ambitions and responsibilities that we must all have if we are to improve the life outcomes for all our looked-after children and young people and care leavers.

I do not say "our" lightly. Local authorities and community planning partnerships have direct responsibility for the children in their care. I agree whole-heartedly with what Cathy Jamieson said about that. In response to Karen Whitefield's point about key workers acting as champions for young people, I point out that that has been piloted in Inverclyde. One or two other local authorities are also interested in taking that forward, and I am trying to push them in that direction, but it is not just local authorities and community planning partnerships that have responsibility; all members of the Scottish Parliament and the Scottish Government have a role and a responsibility to support local partnerships to help transform outcomes for looked-after children. Members can challenge local authorities and, of course, the Parliament frequently debates the importance of improving outcomes for looked-after children.

We also have a responsibility to learn from and act on important reports such as "Sweet 16?" It is simply not acceptable that young people are leaving the looked-after system and facing living in a B and B or being unemployed. We need to support and encourage the wider corporate family and ensure that it draws on all its services and resources to make the necessary changes to improve things.

As is set out in "Supporting Young People Leaving Care in Scotland: Regulations and Guidance on Services for Young People Ceasing to be Looked After by Local Authorities" of 2004, local authorities have a duty to assess the needs of young people who have been looked after and who leave care after school age. The assessment and subsequent plan, which is entitled "Pathways", is designed to work with young people to meet their needs on leaving care and to identify areas and issues that need to be addressed before the transition to independent living is made. That includes contingency plans. If the plans do not work out, the youngster should be able to go back,

for a short period or a longer period, to their foster carer or into a residential home. They should be able to retain the links that they have built up with workers.

The concordat between the Scottish Government and local government gives us a real opportunity to focus on improving outcomes for the most vulnerable members of our communities. I encourage members to read the single outcome agreements for the local authorities in their area and consider to what extent outcomes for looked-after children feature in those documents.

What specific actions are we taking forward? On a national level, all the work that is being done under "Looked After Children and Young People: We Can and Must Do Better", which began during Robert Brown's time as a minister, is raising the profile of looked-after children and young people and care leavers in general. However, it is also supporting a culture change through a range of actions, many of which will come to fruition in the next few months. In August, we will publish corporate parent guidance for community planning partnerships and a report that gives examples of positive practice by local authorities in respect of the support that is provided in further education, training and employment. After that, we will issue the updated "Learning With Care" training materials, a transitions toolkit and a resource pack for care leavers.

All those things have a clear common purpose: to improve outcomes for looked-after children and young people and care leavers. They support the culture change that is needed and will consider areas such as improvements in skills for independent living, support in on-going education, training and employment, and specialist aftercare support. We work closely with all the inspection agencies, and I know that they are also concerned about the messages in the "Sweet 16?" report.

The "Sweet 16?" report presents us all with questions that need to be answered and challenges that need our attention. It reminds us all that looked-after children and young people and care leavers are a vulnerable group and that they deserve our full attention if we are to support them to become all that they can be. I have taken on that challenge as Minister for Children and Early Years, and I am determined that the Scottish Government will work closely with all our partners to ensure that we do better across the board. We must all ask ourselves, "Is this good enough for my child?"

Meeting closed at 18:11.

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