



The Scottish Parliament
Pàrlamaid na h-Alba

Official Report

MEETING OF THE PARLIAMENT

Wednesday 10 November 2010

Session 3

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Scottish Parliament

Wednesday 10 November 2010

[The Presiding Officer *opened the meeting at 14:00*]

Time for Reflection

The Presiding Officer (Alex Fergusson): Good afternoon. Our first item of business is time for reflection. Our time for reflection leader today is the Rev Brian More from Newton Mearns Baptist church.

The Rev Brian More (Newton Mearns Baptist Church): A reading from the Gospel of John:

“On the evening of that first day of the week, when the disciples were together, with the doors locked for fear of the Jews, Jesus came and stood among them and said, ‘Peace be with you!’ After he said this, he showed them his hands and side. The disciples were overjoyed when they saw the Lord. Again Jesus said, ‘Peace be with you! As the Father has sent me, I am sending you.’ And with that he breathed on them and said, ‘Receive the Holy Spirit.’”

I never expected that, shortly after arriving on the island of Staffa, I would be in a rowing boat, alone, venturing into Fingal’s cave. Rowing as far as one can into this natural cathedral takes one through a short, weathered channel of hexagonal basalt to the top of the cave. In a moment of quiet, in the darkness, the connection was established. Scotland’s scenery had suitably seduced the senses, and the wonder of one of the world’s most intricate and beautiful coastlines—our coastline—had begun to recalibrate the heart. The sound of silence brought the opening bars of Mendelssohn’s Hebrides overture to mind. I was now aware why Sir Walter Scott could have said that this cave was

“one of the most extraordinary places”

that he had every visited. I wondered whether the same feeling was experienced by Staffa’s other distinguished visitors, such as Keats; Wordsworth; Jules Verne; Alfred, Lord Tennyson; and Queen Victoria.

It was then that the epiphany commenced. A momentary glimpse south from the cave revealed the summer sun glistening on Iona cathedral’s roof, which brought to mind St Columba, an exiled Irish monk who brought a message to these islands many years ago—a message that would shape a nation’s life and history and would later see Scots share with others what Columba first shared with us. The message of God: God, who stepped beyond the beauty of creation to the necessity of incarnation; Jesus, the Son, who, in coming to this world enables this world to come to God; the Holy Spirit, who brings the news of peace

that unites us around our common need of forgiveness and grace.

In Jesus Christ, God addresses every human impossibility with the news of resurrection. The broken flesh on his hands and side, visible to those who were present on that Easter evening, says to us that to love, sacrifice and die in the service of others is to serve with a view to saving.

Jesus’s appearance to those who were fearful was the beginning of a rescue that continues to this very hour. Jesus appears to those in the story who least expected it, in a way that they might never have imagined.

So it is today. Who among us here never needs to be strengthened and encouraged in the service of others? I suggest to you that when someone rises from the dead it is, indeed, time for reflection.

Business Motions

14:04

The Presiding Officer (Alex Fergusson): The next item of business is consideration of business motion S3M-7380, in the name of Bruce Crawford, on behalf of the Parliamentary Bureau, setting out a timetable for stage 3 consideration of the Alcohol etc (Scotland) Bill.

Motion moved,

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

Group 1:	40 minutes
Groups 2 and 3:	1 hour 15 minutes
Groups 4 and 5:	1 hour 50 minutes
Groups 6 to 9:	2 hours 25 minutes
Groups 10 to 13:	3 hours 5 minutes—[Bruce Crawford.]

Motion agreed to.

The Presiding Officer: The next item of business is consideration of business motion S3M-7381, in the name of Bruce Crawford, on behalf of the Parliamentary Bureau, setting out a revised time for decision time today.

Motion moved,

That the Parliament agrees the following revision to the programme of business for Wednesday 10 November 2010—

delete

6.00 pm Decision Time

and insert

6.10 pm Decision Time—[Bruce Crawford.]

Motion agreed to.

Alcohol etc (Scotland) Bill: Stage 3

14:05

The Presiding Officer (Alex Fergusson): The next item of business is stage 3 proceedings on the Alcohol etc (Scotland) Bill. In dealing with amendments, members should have with them the bill as amended at stage 2, which is Scottish Parliament bill 34A, the marshalled list, which is SP bill 34A-ML, and the groupings, which I have agreed as Presiding Officer. The division bell will sound and proceedings will be suspended for five minutes before the first division. The period of voting for that first division will be 30 seconds. Thereafter, I will allow a voting period of one minute for the first division after a debate, and 30 seconds for all other divisions.

Before section 2

The Presiding Officer: Amendment 1, in the name of the minister, is grouped with amendments 1A, 2 and 3.

The Deputy First Minister and Cabinet Secretary for Health and Wellbeing (Nicola Sturgeon): The amendments in the group will reinsert provisions in the bill that will prohibit the sale of alcohol below a minimum price, set that minimum price at 45p per unit and introduce a sunset clause.

We know that alcohol misuse is a problem that we must tackle. It costs us £3.5 billion per year. It robs too many people of their health and their lives. It puts an enormous burden on our national health service and our police services. It breaks up families. It contributes to countless crimes. It makes life a misery for communities and individuals throughout the country. That is the reality, and it is time for us to do something about it. I mean really do something—not just talk about doing something. We should be prepared to be brave and bold. We should show gumption and leadership and implement a policy that all the experts who work in the field know will make a real difference.

Minimum pricing is not a silver bullet solution, but effective action on price is a vital component of any credible approach to tackling alcohol misuse. A 45p minimum price would be effective action. The University of Sheffield's study points to what the benefits would be. They are significant. In the first year, we would see 50 fewer deaths, 1,200 fewer hospital admissions and 4,000 fewer crimes. After 10 years, the benefits would be significantly greater. We would then see more than 200 fewer deaths a year, 4,000 fewer hospital admissions, 40,000 fewer crimes and a £700 million saving to

the public purse. My view is simple. When modelling as internationally respected as that of the University of Sheffield tells us that we have the potential to make a difference on that scale, and we have an opportunity to save not just money but lives, we have a duty to listen and to act.

That is exactly what people outside the Parliament—people who know what they are talking about—want us to do. Doctors, nurses, the police, public health experts, children's charities, churches, key players in the alcohol industry and growing numbers in the population believe that this is a policy whose time has come. However, inside the Parliament, we have an obstinate refusal to listen. Opposition members have the mentality that they are right and everyone else is wrong, even though each and every single argument that they have made against the policy has been answered. First, they said that the policy would not be legal—that was until we laid out in detail why it is legal. Then they said that it would hit low-income and responsible drinkers, until we produced research that showed that it would not and that the policy is a targeted policy that would hit low-price, high-strength products and those who drink harmfully.

Next, they said that it would increase supermarket profits. They were knowingly misrepresenting the figures but, even so, we suggested that we work together to use the social responsibility levy to claw back increased revenue for reinvestment in our services. Then they said, "Well, there are better ways of doing it," but they failed completely to come up with a single credible alternative to minimum pricing that we have the power to do or that the United Kingdom Government has shown any inclination to do. In many ways, that last argument is the worst, because it says, "Yes, we know there's a problem and yes we have the power to act, but we'd rather leave it to someone else to sort out." That is a complete abdication of responsibility and not what the Parliament was set up to do.

One by one, the arguments fell away, which took us to the last and most despairing of all: no one has ever tried it before. Frankly, that is an argument for doing nothing new about anything, ever. Even faced with that, we offered compromise. We said that we would introduce a sunset clause and allow the policy to be tested. If we are right, it can continue; if the Opposition is right, it will not. That is a sensible compromise suggestion, but there was still a refusal to budge.

That leads to the sad but inevitable conclusion that, for at least some Opposition members of the Scottish Parliament, the debate has never been rational. Labour gave the game away when it announced its opposition on the very day that the bill was published, before a single word of

evidence had been taken. Everything since has been a desperate attempt to cover up what is nothing more than crude party politicking at the expense of the national interest. The truth is that, for Labour, the policy really has only one fatal flaw, which is that it is proposed by the Scottish National Party. That is the flaw that turned once-passionate advocates of minimum pricing such as Richard Simpson into floundering opponents losing any shred of credibility that they might once have had on the issue. It is pathetic. Labour, a party with such a proud record on public health, should be deeply ashamed of itself.

Even now, it is not too late. We have an opportunity today as a Parliament to do the right thing over the easy thing—to look at the evidence and listen to the experts and to take action that, in the words of our chief medical officer, will

"see the number of deaths fall almost immediately."

It is time for guts and leadership. It is time to live up to people's best expectations of politicians and not their worst. The only question today is whether the Parliament can rise to the occasion. I know that we on the SNP benches will rise to it and I appeal to others to do so, too. Put public health over party politics and make this a day we can all look back on with pride.

I move amendment 1.

Jamie Stone (Caithness, Sutherland and Easter Ross) (LD): I propose amendment 1A, which seeks to amend the Scottish Government's amendment 1, on behalf of the Subordinate Legislation Committee, of which I am the convener. The committee members naturally have their own views on the principle of introducing a minimum price per unit of alcohol, so I certainly will not cover any of those arguments. Instead, I will keep my remarks to the technicalities of amendment 1A.

Section 1 of the bill as introduced provided for new standard conditions in premises licences and occasional licences prohibiting the sale of alcoholic products for less than the minimum price per unit. The section provided a power for the Scottish ministers to set the original minimum price and subsequently to vary it by affirmative order. The committee considered the provision during our stage 1 scrutiny of the bill and concluded that the use of affirmative procedure to set the initial MPU and any subsequent variation of it would not give the Parliament sufficient time to scrutinise the Scottish Government's proposals. In particular, we felt that it would not allow the Parliament to hear evidence from experts on whether the particular MPU that was proposed was compatible with European Union trade rules.

In relation to the initial MPU, the committee agreed that it would have been more appropriate

to include a stated minimum price in the bill alongside the principle of minimum pricing. In relation to any variation of the MPU at a subsequent date, we considered that super-affirmative procedure would be more appropriate.

14:15

We note that the Government is now proposing an MPU of 45p. We also note the Government's amendment 2, which proposes to limit the effect of minimum pricing to a period of six years, as we heard from the cabinet secretary. However, the committee does not believe that amendment 1 addresses our concerns about subsequent variations to the MPU. Also, it and amendment 2 do not address our concerns as to how evidence is to be obtained and provided to the Parliament so that it can consider whether any proposed MPU is compatible with EU law.

In order to provide for more robust scrutiny, our amendment 1A provides for super-affirmative procedure to be followed in relation to any variation of the initial MPU. It would require a draft instrument to vary the MPU to be laid before the Parliament for consultation purposes for 60 days when the Parliament is in session. That would permit the Parliament to take evidence from relevant sources and to reach its own conclusions on whether the measure is appropriate and compatible with community law. A final draft instrument could then be laid before the Parliament for approval.

Accordingly, on behalf of the Subordinate Legislation Committee, I move amendment 1A.

The Presiding Officer: A number of members have asked to speak and I am keen to get them all in. If members keep their remarks to three minutes, we should do so.

Jackie Baillie (Dumbarton) (Lab): It is disappointing that the debate has been dominated by one issue—minimum unit pricing—which the Scottish Government did, indeed, seek to portray as a magic bullet. I therefore regard this as an opportunity lost. There is lots of common ground that could have been exploited: we all agree on the scale of the problem, the need for action and that price has a key part to play in tackling the overconsumption of alcohol. The only point of disagreement has been about how it should be done.

We oppose minimum unit pricing not on political grounds, as some would have you believe, Presiding Officer, but because we do not believe that it works. That view is shared by the main Opposition parties in this chamber. There are three main concerns: minimum unit pricing is untried and untested; it is possibly illegal; and it will put £140 million a year into the pockets of

supermarkets. At a time when the Scottish Government is facing a tight budget settlement, every penny of that £140 million should go into tackling the consequences of alcohol abuse. We would spend the money on education, enforcement and treatment. Indeed, the Institute for Fiscal Studies published a report backing the use of tax rather than minimum unit pricing for that very reason.

The only place where minimum unit pricing has been tried is in a small aboriginal community in Cook Island and I tell the chamber that they did not proceed with it. It is perfectly valid to test certain assumptions about the effect of pricing, as the Sheffield study did. Econometric studies are useful and they have their place, but I note that Dr Petra Meier compared modelling to weather forecasting when she presented information to the Health and Sport Committee. We all know that weather forecasting is notoriously difficult to do.

The Scottish Government made a number of claims about minimum unit pricing that have proven to be false. The heaviest drinkers are not the most price sensitive; the policy will do little to change their behaviour. Young people in the 18 to 24 age group are the least likely to be affected. Indeed the fastest-growing alcohol consumption by cohort is among middle-class women with higher-than-average incomes. The impact of minimum unit pricing on them is not significant.

On the question of legality, we have asked time and again for the Government to share the effect of its legal advice. We believe that minimum unit pricing would be open to challenge under EU law, not on the ground of competition, because public health will override that consideration, but because the measure could be considered disproportionate. We cannot have a situation where the Government and the Parliament knowingly pass a law that is not competent, yet little assurance on that point has been provided. In addition, calls from the committee to name the price went largely unheeded until late in the day.

If a proposal is fundamentally flawed there is little point in having a sunset clause that does not address those concerns. Over the summer, we reached out to the cabinet secretary on a cross-party basis and convened a meeting to try to achieve consensus. At every turn we have sought that opportunity. I am proud of Labour's record on public health. I am proud of our actions in introducing the Licensing (Scotland) Act 2005, which created the basis for much of this action. It takes guts and leadership to do the right thing, but it also takes guts and leadership to reject something that we strongly believe will not be effective.

Murdo Fraser (Mid Scotland and Fife) (Con): The arguments for and against minimum pricing

have been well rehearsed here in the chamber, at committee and elsewhere over the past years. In summary, we oppose minimum unit pricing, as we have made clear previously, because it would penalise moderate drinkers and the less well-off; it might well be illegal under EU law; it would damage the vital Scotch whisky industry; it would boost the profits of the supermarkets while not providing a penny for the health service or the justice system; and it could easily be got around, because people could buy their booze over the internet or do booze runs to Carlisle or Berwick.

Despite all the assertions that we have heard, no compelling evidence has been produced in support of minimum pricing as a policy. All we hear is reference to the now widely discredited University of Sheffield modelling study, which even its own authors admitted had no greater currency than the weather forecast. Indeed, in proposing a sunset clause, the cabinet secretary in effect admitted that there was no compelling evidence in support of the policy.

I know that the health lobby has been pressing on this issue. I read with interest the full-page advertisement in the *Sunday Herald* at the weekend with luminaries and health experts such as Ruth Wishart, journalist and Elaine C Smith, actress and comedienne, telling us what to do. Whatever next, Presiding Officer? Are we going to ask Dawn French for advice on university funding or ask Susan Boyle to give us advice on prison policy? I dare say that she would do a better job than the current justice secretary in that respect.

I say two things to the health lobby. First, I believe that it is wrong to equate alcohol with tobacco. Tobacco is a product that is harmful if taken even in moderation, no matter how small the amounts are. Alcohol is a product that if taken in moderation is not only harmless but might actually be beneficial to health. *[Interruption.]*

The Presiding Officer: Order. There is far too much noise in the chamber.

Murdo Fraser: Secondly, I say as gently as I can to the British Medical Association Scotland, for which I have a great deal of respect, that if it wants to be taken seriously and have a constructive relationship with policy makers of all parties, it should not accuse those who take a different view of acting in bad faith.

The Scottish Conservatives have proved over the past three and a half years that we will act constructively with the Scottish National Party Government, or other parties in the chamber, where we find common ground. Our opposition to minimum unit pricing is based not on party politics, but on our belief that it is a flawed policy. We have been consistent in that view for the past three years. There is no evidence to support the policy

and we believe that there is a better alternative: an increase in duty and alcohol taxation on a targeted basis. That is why we are in discussion with our colleagues at Westminster.

Maureen Watt (North East Scotland) (SNP): Will the member take an intervention?

Murdo Fraser: I am sorry, but I have no time.

I urge the Parliament to reject minimum unit pricing, as the Health and Sport Committee did, because we can find a better way.

Ross Finnie (West of Scotland) (LD): The accusation that parties did not study this matter with care is unfounded. The evidence that came before the Health and Sport Committee and the questions that were asked there show that a great deal of time and effort were spent on probing and testing, as any committee and any Parliament should, whether the measure stacked up.

I confess that the Liberal Democrats will not support the attempt to reinstate section 1, but that is for rather different reasons from those of the Conservatives or the Labour Party. We have always taken the view that it was possible to demonstrate that the measure might be legal. That is not a matter that has caused us great difficulty, although we do believe that it was necessary for the cabinet secretary to produce the much greater volume of evidence at a later stage, which assisted in that market.

We are not of the same view as the cabinet secretary on the issue of where the profits arise. It is a little disingenuous of the cabinet secretary to suggest that that matter has easily been resolved by the social responsibility levy, which we will come to later in the debate. The discussion about that has been most unfortunate, because it really has not resulted in a concrete proposal. However, that is not the central issue in relation to minimum unit pricing. There are of course difficulties in relation to those profits, because, as many committees of the European Union have pointed out, additional profits in the hands of the producers or retailers provide exactly the incentive to promote alcoholic beverages, which is contrary to the purpose of what we are seeking to do.

Then we come to the Sheffield study. Again, I take a different view. I do not regard it as an unproven and condemned piece of work. It is a well-regarded piece of econometric and epidemiological modelling. I have difficulties with it, but they do not relate to the fact that it was likened to a weather forecast. I hope that the ridiculous suggestion is not being made that airline pilots should take off without referring to a weather forecast. People who did that might end up in dangerous conditions.

However, the Sheffield study did not make the case on two or three elements. Some modelling showed that low-income groups would not be as badly affected, but it is clear that the impact would be disproportionate. Most important, the evidence did not point to minimum pricing addressing the most harmful of our drinkers. It did not point to the measure dealing with the heaviest drinkers, the younger drinkers between 18 and 24 whom we know are most at risk or—as has been made clear—the middle-class female drinkers. Those elements are critical, because the health harm for those people is brought to our attention, and the case was not made.

The Sheffield model assumed a balance between the impact of increasing the price and the impact of reducing the price, but the evidence from overseas did not sustain that position. Simply increasing the price—restricting the price—was not the obverse of the coin.

For those reasons, Liberal Democrats will not support amendment 1.

Michael Matheson (Falkirk West) (SNP): Our nation's alcohol problem is probably the biggest public health challenge that we have faced in a generation. I recognise that some measures that will be necessary to try to redress the balance will not always prove to be popular. However, we as politicians and as a Parliament must be honest in presenting measures that can be effective in making a difference. I have no doubt that the Scottish Government has tried to achieve that in the bill. What has been evidenced so far is that the Opposition parties have failed on that point.

No Opposition party disputes that, as alcohol has become cheaper in the past couple of decades, consumption levels have risen. That is a basic law of economics. All the parties accept that price has an important part to play in tackling the problem that our nation faces. The challenge and the question are: what are we prepared to do about that? Today, the Parliament has two options. One is to do nothing and accept the status quo of pocket-money-priced alcohol; the other is to take forward an effective measure that will start to address the issue and put us on track in dealing with pocket-money-priced alcohol.

Some have argued that the price would be better addressed through duty and taxation. Let us reflect that one of the Liberal Democrat-Conservative Government's first acts was to reverse a 10p increase in the tax on cider. That in itself shows that the United Kingdom Government has no interest whatever in tackling the problem effectively. To say that we should leave the problem to another Parliament to deal with is to do nothing more than just accept the status quo.

I realise that some have not been persuaded by minimum unit pricing, but let us consider who they are—Opposition parties and a large section of the alcohol industry. I regret that parties in the Parliament have been more receptive to the message from the alcohol industry than to that from the public health services. I would always say that, in trying to deal with our nation's alcohol problem, advice from the alcohol industry should be taken with much caution. That is a bit like asking the tobacco industry how we should tackle our smoking problem.

I have little doubt that, in trying to create the change that we need in our society, we must use every tool in the box to tackle the problem. One of the most significant tools is tackling price. I urge members who are prepared to rise to the challenge that our nation faces in its relationship with alcohol to do so by supporting the amendments in Nicola Sturgeon's name.

14:30

The Presiding Officer: I am afraid that I must ask the next four speakers to confine themselves to two minutes each.

Dr Richard Simpson (Mid Scotland and Fife) (Lab): I am glad that Ross Finnie enunciated a number of the issues that I feel are important. That demonstrates the consensus that can be reached if proper analysis is conducted and members do not indulge in the political haranguing that we have heard from the SNP. From the outset, we have been told that, if we oppose them, we are being party political and that, if we share their view, we are being statesmanlike. That is not what debates should be about.

I will set out the tests for minimum unit pricing that the Parliament must agree before it makes the decision on the bill. The measure must be effective across all income groups. Why? Because a greater proportion of hazardous drinkers are in higher income groups than lower income groups. It must be effective across all age groups, particularly younger drinkers. Why? Because the greatest number of hazardous drinkers are between 18 and 24 and the smallest number are in their 70s. It must be fair. It should not have any harmful or unintended consequences. It should have the greatest effect on harmful drinkers and the least effect on moderate drinkers.

The problem with the Sheffield study is that, as a population-based study, it therefore talks always in averages.

Alasdair Allan (Western Isles) (SNP): Will the member give way?

Dr Simpson: No, I will not. I do not have time in two minutes.

Let us take a pensioner couple on an income of £200 a week who drink a bottle of vodka between them a week. That is 26 units, which is well within safe and moderate drinking levels. The SNP's MPU tax will add £200 a year to that couple's expenses and yet they are safe and moderate drinkers. Those are the sort of people who will be affected by the measure. The lowest third of income groups will be affected. The measure is not appropriate. *[Interruption.]*

The Presiding Officer: Order.

Dr Simpson: For the SNP front bench to shout at me from a sedentary position will not help their argument. It never has.

What about the 18 to 24-year olds? By how much does the study say that the measure will reduce consumption in that age group? By 0.6 per cent. That equates to half a pint for every 100 pints that a young person drinks. The policy does not work; it will not work. It is totally flawed. It should be rejected.

Mary Scanlon (Highlands and Islands) (Con): If, as Nicola Sturgeon says, the Scottish Conservatives indulge in crude party politicking, surely we would not have supported the Government budget for the past three years.

As parliamentarians, it is our duty to scrutinise evidence and decide whether the measures that are proposed address the problems that Scotland faces. The Sheffield study did not look at all the economic factors. It includes no evidence on the substitute effect, cross-border sales, sales over the internet—which is the fastest growing means of buying alcohol—and the effect of minimum unit pricing on binge drinkers or people on low incomes. Instead, we have evidence from Finland that, when prices fall, demand for alcohol increases and that, when prices rise, consumption remains the same. Prices are the same in Scotland and England. The same is the case for promotions and yet we drink 25 per cent more alcohol in Scotland.

The Scottish health survey for the period 2003 to 2008 shows that the number of people who drink over the recommended weekly limit fell over the period by 4 per cent for men and 3 per cent for women. The prediction in the Sheffield research was for a 2.3 per cent reduction. A reduction in consumption of 4 per cent and 3 per cent has been achieved without minimum unit pricing.

Nicola Sturgeon called the Sheffield study internationally peer reviewed and so forth, but there are two Sheffield studies: mark I and mark II. If the first study was so perfect, why did the second study show a change in units per year that was almost half that of the first study? Why did it say that alcohol-attributed deaths would be 35 per cent fewer than was predicted in the first study?

Why did it halve the prediction for deaths in 10 years and reduce the number of hospital admissions by 20 per cent? If the Sheffield study is so internationally peer reviewed and perfect, how could there be such disparity in a number of months?

Mike Rumbles (West Aberdeenshire and Kincardine) (LD): We should not vote for Nicola Sturgeon's amendments on minimum pricing for one main reason—*[Interruption.]* Members should listen first. If we are told that there is a real correlation between the price of alcohol and its consumption, and we are convinced that there is a real need to reduce its consumption, we need to ensure that that is done in the most effective and productive way for our country.

As I see it, the problem with accepting minimum pricing is that the increased revenue that would be gained from increasing the price of alcohol in Scotland would go not to the taxpayer or the health service but into the pockets of the supermarkets and our retailers. That cannot be right, especially in this time of austerity. It is wrong simply to argue, as the Cabinet Secretary for Health and Wellbeing and other SNP members have done today, that we should have minimum pricing because the Scottish Parliament can legislate for it. The fact that we have the power to do something does not mean that we should do it.

The Cabinet Secretary for Health and Wellbeing knows that, if the Scottish Parliament had taxation powers for alcohol, she would raise duty and would not take the route of minimum pricing. Given the choice, any Government in the world would be being reckless with the nation's finances if it chose the minimum pricing route. We know that because no other nation in the world—not one—has taken that route. If we are convinced that the price of alcohol should rise, we should put pressure on the Chancellor of the Exchequer to raise duty; that is the proper way in which to proceed. Alcohol consumption would then fall and tax revenue would increase. *[Interruption.]*

The Presiding Officer: Order.

Mike Rumbles: It is not good enough for SNP members to criticise everyone else and to accuse us of not listening and getting the argument wrong. The only people in the chamber who are not listening are SNP members. They are not listening to the arguments and are fixated on using the powers of the Parliament when that is the wrong thing to do.

Christine Grahame (South of Scotland) (SNP): All law should be evidence based. I had the privilege of sitting with my colleagues in the Health and Sport Committee through the vast evidence that was taken on the bill and am utterly convinced that minimum unit pricing is the way

forward. As members have noticed, on many matters I am not always on my party's team—often I am in disagreement with it—but when the chief medical officers of the UK and a heavyweight list of professionals in both the health and crime services tell a committee that we need to introduce minimum unit pricing, we need to do that.

Richard Simpson spoke about the pensioner couple who drink a bottle of vodka or sherry a week, but he should tell that couple that the effects of excessive drinking of alcohol in Scotland are costing each of them a contribution to the criminal justice system and the health service of £900 a year.

It was suggested that white van man would become involved if the price in Scotland were different from that in England, but when the Labour Party lodged amendments to set different prices for caffeine-related drinks north and south of the border, white van man—and his van—disappeared. I did not understand that.

Labour members did produce an alternative to deal with the issue. It was called a floor price. I am delighted to recount briefly the evidence that Professor Brown, who chaired Labour's alcohol commission, gave under interrogation by my colleague Ross Finnie. He noted that she had

“suggested that we will get a better effect by adopting the mechanism of the basic cost of production plus duty plus VAT”

and asked what evidence there was for that assertion. Professor Brown said:

“We do not have any argument that says that our proposal would be better in relation to the outcomes that you have mentioned. We simply do not know.”—[*Official Report, Health and Sport Committee*, 15 September 2010; c 3323-4.]

Professor Brown and the commission rejected the Sheffield study, but she said that she had no evidence that what she proposed was any good whatever. That answers the question about the effort that Labour members put into dealing with Scotland's alcohol problem over the eight years in which they were in government with the Liberal Democrats.

Helen Eadie (Dunfermline East) (Lab): I came to this issue as a member who was new to and totally unaware of the issues and who was willing to be persuaded in committee. The first thing that hit me was the fact that £236 million would go into the pockets of the private sector—to firms such as Tesco and Wetherspoon. My people in Dunfermline East, who are among the poorest in the country, did not send me to the Parliament to help line the pockets of the private sector; they sent me to the Parliament to ensure that they got a good return.

Christine Grahame, the cabinet secretary and others were always saying at the Health and Sport Committee that the Labour Party did not have an alternative strategy. Labour did, and it was clearly set out. My colleague Richard Simpson spoke consistently, time and again, about the duty on spirits and about the fact that, under the last Labour Government, the duty was put up by 17 per cent. We need to consider duty. Duty on spirits per litre of alcohol was 60 per cent of the average male manual worker's weekly earnings in 1947. In 1973, when VAT was imposed in addition to duty, duty was 16 per cent of earnings. By 1983 it was 11 per cent, and by 2002 it had fallen to 5 per cent.

Christine Grahame has spoken about all the evidence that we received. Yes, we received a lot of evidence, including evidence via a videolink from experts from Quebec. Michel Perron, the chief executive officer of the Canadian Centre on Substance Abuse, stated clearly:

“It is a challenge to establish a causal relationship between any social intervention or taxation policy and a particular behavioural effect. At best, we can look at an attribution of causality, as opposed to a direct conditioned response. The province in Canada that consumes the greatest amount of alcohol—Quebec, our French-speaking province—has the lowest reported harm. The issue is not so much consumption as the manner in which ... alcohol is consumed.”—[*Official Report, Health and Sport Committee*, 23 March 2010; c 2997.]

The Presiding Officer: You must close, please.

Helen Eadie: The culture and attitudes of Scots need to be tackled in a holistic way, and—

The Presiding Officer: Thank you, Mrs Eadie. I must stop you, I am afraid. I am sorry to interrupt, but we are very tight for time. I apologise to the two members whom I was unable to call, but we must come now to winding-up speeches.

Nicola Sturgeon: In many ways this has been a depressing debate, not just for me and the Government, but for people throughout Scotland who look to us to do the right thing and to take action. Faced with overwhelming evidence of the potential to save lives, and faced with an enormous level of expert support, even the expert who was paraded by Labour yesterday in a diversionary tactic, supported minimum pricing for alcohol.

Jackie Baillie: Will the cabinet secretary give way?

Nicola Sturgeon: No, Jackie Baillie has had her say.

Offered the genuine compromise of a sunset clause—

Jackie Baillie: Taxes.

The Presiding Officer: Order.

Nicola Sturgeon: The main Opposition parties have stuck their fingers in their ears and refused to listen. It is not good enough.

In a speech that, strangely, omitted to mention Labour's so-called independent alcohol commission—I wonder why—Jackie Baillie said that something should be done to raise price. However, she refuses to say what, and she refuses to say how. She wants to leave it to Westminster—to a Westminster Tory Government that, as Michael Matheson said, cancelled an increase in duty on cider in its very first act on alcohol. Jackie Baillie says that we have not shared the substance of our legal advice. That must mean that the 10-page letter to the Health and Sport Committee that I have here is a mirage. In this letter, we set out the detail of the legal position.

The position that has been advanced with regard to supermarket profits is a fig-leaf of an argument. Not all the increased revenue goes to supermarkets. Let us reflect that later today, as I understand it, all parties will vote for a quantity discount ban. That proposal raises revenue in exactly the same way as minimum pricing, yet that is not a reason not to vote for it. It is a fig-leaf of an argument.

Murdo Fraser arrogantly dismisses expert opinion in support of the policy—and that is another reason to hope that the Tories never have their hands on the levers of power in the Scottish Parliament. For any Parliament to say that we know better than not just a few people, but virtually every doctor, nurse, police officer and public health expert in the country is irresponsible and wrong.

I do not class all of the Opposition in the same way. The Greens should be given credit for their support for minimum pricing, and I hope that there are members with a conscience on other Opposition benches who will vote for the policy, but the truth is that many people on the Opposition benches made up their minds on day 1. That was an abdication of their responsibility. This will be a sad day for the Parliament if it refuses to take action to deal with a monumental problem. In the fullness of time, Scotland will judge the members who vote against the policy very harshly indeed—and they will deserve it.

14:45

Jamie Stone: The thrust of the debate has been about the principle of minimum pricing. There has been a full and frank exchange of views and, as convener of the Subordinate Legislation Committee, I do not intend to get involved in the debate.

Support for amendment 1A does not presuppose support for the principle of minimum pricing. As I said, if the Parliament agrees to reintroduce into the bill the minimum price per unit, amendment 1A would ensure that any variation to the initial MPU would be subject to the most robust parliamentary scrutiny. I urge members to support the Subordinate Legislation Committee's proposal to impose super-affirmative procedure in relation to any proposed variation of the MPU.

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

Members: No.

The Presiding Officer: There will be a division. As it is the first division of the afternoon, there will be a five-minute suspension.

14:46

Meeting suspended.

14:51

On resuming—

The Deputy Presiding Officer (Alasdair Morgan): We come to the division on amendment 1A.

For

Aitken, Bill (Glasgow) (Con)
 Brocklebank, Ted (Mid Scotland and Fife) (Con)
 Brown, Gavin (Lothians) (Con)
 Brown, Robert (Glasgow) (LD)
 Brownlee, Derek (South of Scotland) (Con)
 Carlaw, Jackson (West of Scotland) (Con)
 Finnie, Ross (West of Scotland) (LD)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Goldie, Annabel (West of Scotland) (Con)
 Hume, Jim (South of Scotland) (LD)
 Johnstone, Alex (North East Scotland) (Con)
 Lamont, John (Roxburgh and Berwickshire) (Con)
 McArthur, Liam (Orkney) (LD)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McInnes, Alison (North East Scotland) (LD)
 McLetchie, David (Edinburgh Pentlands) (Con)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 O'Donnell, Hugh (Central Scotland) (LD)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland) (LD)
 Smith, Elizabeth (Mid Scotland and Fife) (Con)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stone, Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Tolson, Jim (Dunfermline West) (LD)

Against

Adam, Brian (Aberdeen North) (SNP)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Allan, Alasdair (Western Isles) (SNP)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Keith (Ochil) (SNP)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Campbell, Aileen (South of Scotland) (SNP)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Coffey, Willie (Kilmarnock and Loudoun) (SNP)
 Constance, Angela (Livingston) (SNP)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Curran, Margaret (Glasgow Baillieston) (Lab)
 Don, Nigel (North East Scotland) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Eadie, Helen (Dunfermline East) (Lab)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 FitzPatrick, Joe (Dundee West) (SNP)
 Foulkes, George (Lothians) (Lab)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marlyn (North East Scotland) (Lab)
 Gordon, Charlie (Glasgow Cathcart) (Lab)
 Grahame, Christine (South of Scotland) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Harvie, Christopher (Mid Scotland and Fife) (SNP)
 Henry, Hugh (Paisley South) (Lab)
 Hepburn, Jamie (Central Scotland) (SNP)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Adam (South of Scotland) (SNP)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Kelly, James (Glasgow Rutherglen) (Lab)
 Kerr, Andy (East Kilbride) (Lab)
 Kidd, Bill (Glasgow) (SNP)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lochhead, Richard (Moray) (SNP)
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 Marwick, Tricia (Central Fife) (SNP)
 Mather, Jim (Argyll and Bute) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West of Scotland) (SNP)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Tom (Hamilton South) (Lab)
 McConnell, Jack (Motherwell and Wishaw) (Lab)
 McKee, Ian (Lothians) (SNP)
 McKelvie, Christina (Central Scotland) (SNP)
 McLaughlin, Anne (Glasgow) (SNP)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McMillan, Stuart (West of Scotland) (SNP)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Mulligan, Mary (Linlithgow) (Lab)
 Murray, Elaine (Dumfries) (Lab)
 Neil, Alex (Central Scotland) (SNP)
 Oldfather, Irene (Cunninghame South) (Lab)
 Park, John (Mid Scotland and Fife) (Lab)

Paterson, Gil (West of Scotland) (SNP)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Robison, Shona (Dundee East) (SNP)
 Russell, Michael (South of Scotland) (SNP)
 Salmond, Alex (Gordon) (SNP)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Somerville, Shirley-Anne (Lothians) (SNP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Stewart, David (Highlands and Islands) (Lab)
 Sturgeon, Nicola (Glasgow Govan) (SNP)
 Swinney, John (North Tayside) (SNP)
 Thompson, Dave (Highlands and Islands) (SNP)
 Watt, Maureen (North East Scotland) (SNP)
 Welsh, Andrew (Angus) (SNP)
 White, Sandra (Glasgow) (SNP)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Whitton, David (Strathkelvin and Bearsden) (Lab)
 Wilson, Bill (West of Scotland) (SNP)
 Wilson, John (Central Scotland) (SNP)

Abstentions

Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)

The Deputy Presiding Officer: The result of the division is: For 32, Against 91, Abstentions 2.

Amendment 1A disagreed to.

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

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Adam, Brian (Aberdeen North) (SNP)
 Allan, Alasdair (Western Isles) (SNP)
 Brown, Keith (Ochil) (SNP)
 Campbell, Aileen (South of Scotland) (SNP)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Coffey, Willie (Kilmarnock and Loudoun) (SNP)
 Constance, Angela (Livingston) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Don, Nigel (North East Scotland) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 FitzPatrick, Joe (Dundee West) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Grahame, Christine (South of Scotland) (SNP)
 Harper, Robin (Lothians) (Green)
 Harvie, Christopher (Mid Scotland and Fife) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Hepburn, Jamie (Central Scotland) (SNP)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Adam (South of Scotland) (SNP)
 Kidd, Bill (Glasgow) (SNP)
 Lochhead, Richard (Moray) (SNP)
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)
 Marwick, Tricia (Central Fife) (SNP)
 Mather, Jim (Argyll and Bute) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West of Scotland) (SNP)
 McKee, Ian (Lothians) (SNP)
 McKelvie, Christina (Central Scotland) (SNP)
 McLaughlin, Anne (Glasgow) (SNP)

McMillan, Stuart (West of Scotland) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 Paterson, Gil (West of Scotland) (SNP)
 Robison, Shona (Dundee East) (SNP)
 Russell, Michael (South of Scotland) (SNP)
 Salmond, Alex (Gordon) (SNP)
 Somerville, Shirley-Anne (Lothians) (SNP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow Govan) (SNP)
 Swinney, John (North Tayside) (SNP)
 Thompson, Dave (Highlands and Islands) (SNP)
 Watt, Maureen (North East Scotland) (SNP)
 Welsh, Andrew (Angus) (SNP)
 White, Sandra (Glasgow) (SNP)
 Wilson, Bill (West of Scotland) (SNP)
 Wilson, John (Central Scotland) (SNP)

Against

Aitken, Bill (Glasgow) (Con)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brocklebank, Ted (Mid Scotland and Fife) (Con)
 Brown, Gavin (Lothians) (Con)
 Brown, Robert (Glasgow) (LD)
 Brownlee, Derek (South of Scotland) (Con)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Carlaw, Jackson (West of Scotland) (Con)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Margaret (Glasgow Baillieston) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Foulkes, George (Lothians) (Lab)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marlyn (North East Scotland) (Lab)
 Goldie, Annabel (West of Scotland) (Con)
 Gordon, Charlie (Glasgow Cathcart) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Henry, Hugh (Paisley South) (Lab)
 Hume, Jim (South of Scotland) (LD)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Johnstone, Alex (North East Scotland) (Con)
 Kelly, James (Glasgow Rutherglen) (Lab)
 Kerr, Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Lamont, John (Roxburgh and Berwickshire) (Con)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McArthur, Liam (Orkney) (LD)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Tom (Hamilton South) (Lab)
 McConnell, Jack (Motherwell and Wishaw) (Lab)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McInnes, Alison (North East Scotland) (LD)
 McLetchie, David (Edinburgh Pentlands) (Con)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Mulligan, Mary (Linlithgow) (Lab)
 Munro, John Farquhar (Ross, Skye and Inverness West)

(LD)
 Murray, Elaine (Dumfries) (Lab)
 O'Donnell, Hugh (Central Scotland) (LD)
 Oldfather, Irene (Cunninghame South) (Lab)
 Park, John (Mid Scotland and Fife) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland) (LD)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Elizabeth (Mid Scotland and Fife) (Con)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stewart, David (Highlands and Islands) (Lab)
 Stone, Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Tolson, Jim (Dunfermline West) (LD)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Whitton, David (Strathkelvin and Bearsden) (Lab)

The Deputy Presiding Officer: The result of the division is: For 49, Against 76, Abstentions 0.

Amendment 1 disagreed to.

Amendment 2 moved—[Nicola Sturgeon].

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

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Adam, Brian (Aberdeen North) (SNP)
 Allan, Alasdair (Western Isles) (SNP)
 Brown, Keith (Ochil) (SNP)
 Brown, Robert (Glasgow) (LD)
 Campbell, Aileen (South of Scotland) (SNP)
 Coffey, Willie (Kilmarnock and Loudoun) (SNP)
 Constance, Angela (Livingston) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Don, Nigel (North East Scotland) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Finnie, Ross (West of Scotland) (LD)
 FitzPatrick, Joe (Dundee West) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Grahame, Christine (South of Scotland) (SNP)
 Harper, Robin (Lothians) (Green)
 Harvie, Christopher (Mid Scotland and Fife) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Hepburn, Jamie (Central Scotland) (SNP)
 Hume, Jim (South of Scotland) (LD)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Adam (South of Scotland) (SNP)
 Kidd, Bill (Glasgow) (SNP)
 Lochhead, Richard (Moray) (SNP)
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)
 Marwick, Tricia (Central Fife) (SNP)
 Mather, Jim (Argyll and Bute) (SNP)
 Matheson, Michael (Falkirk West) (SNP)

Maxwell, Stewart (West of Scotland) (SNP)
 McArthur, Liam (Orkney) (LD)
 McInnes, Alison (North East Scotland) (LD)
 McKee, Ian (Lothians) (SNP)
 McKelvie, Christina (Central Scotland) (SNP)
 McLaughlin, Anne (Glasgow) (SNP)
 McMillan, Stuart (West of Scotland) (SNP)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Neil, Alex (Central Scotland) (SNP)
 O'Donnell, Hugh (Central Scotland) (LD)
 Paterson, Gil (West of Scotland) (SNP)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Robison, Shona (Dundee East) (SNP)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Russell, Michael (South of Scotland) (SNP)
 Salmond, Alex (Gordon) (SNP)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Somerville, Shirley-Anne (Lothians) (SNP)
 Stephen, Nicol (Aberdeen South) (LD)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Stone, Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Sturgeon, Nicola (Glasgow Govan) (SNP)
 Swinney, John (North Tayside) (SNP)
 Thompson, Dave (Highlands and Islands) (SNP)
 Tolson, Jim (Dunfermline West) (LD)
 Watt, Maureen (North East Scotland) (SNP)
 Welsh, Andrew (Angus) (SNP)
 White, Sandra (Glasgow) (SNP)
 Wilson, Bill (West of Scotland) (SNP)
 Wilson, John (Central Scotland) (SNP)

Against

Aitken, Bill (Glasgow) (Con)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brocklebank, Ted (Mid Scotland and Fife) (Con)
 Brown, Gavin (Lothians) (Con)
 Brownlee, Derek (South of Scotland) (Con)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Carlaw, Jackson (West of Scotland) (Con)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Margaret (Glasgow Baillieston) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Foulkes, George (Lothians) (Lab)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marlyn (North East Scotland) (Lab)
 Goldie, Annabel (West of Scotland) (Con)
 Gordon, Charlie (Glasgow Cathcart) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Henry, Hugh (Paisley South) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Johnstone, Alex (North East Scotland) (Con)
 Kelly, James (Glasgow Rutherglen) (Lab)
 Kerr, Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Lamont, John (Roxburgh and Berwickshire) (Con)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Ken (Eastwood) (Lab)

Martin, Paul (Glasgow Springburn) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Tom (Hamilton South) (Lab)
 McConnell, Jack (Motherwell and Wishaw) (Lab)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McLetchie, David (Edinburgh Pentlands) (Con)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Mulligan, Mary (Linlithgow) (Lab)
 Murray, Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Park, John (Mid Scotland and Fife) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Elizabeth (Mid Scotland and Fife) (Con)
 Stewart, David (Highlands and Islands) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Whitton, David (Strathkelvin and Bearsden) (Lab)

The Deputy Presiding Officer: The result of the division is: For 63, Against 61, Abstentions 0.

Amendment 2 agreed to.

Amendment 3 not moved.

Before section 3

The Deputy Presiding Officer: Group 2 is on further restrictions on the promotion of alcohol et cetera. Amendment 23, in the name of Ian McKee, is grouped with amendments 26 and 27. Ian McKee—

Jackie Baillie: On a point of order, Presiding Officer. I wonder whether you can provide some clarification, because I think that the Parliament has just agreed to a sunset clause for something that has just vanished into the sunset.

The Deputy Presiding Officer: That might well be the case, but it is not my role to comment on the Parliament's decisions. I call Ian McKee.

Ian McKee (Lothians) (SNP): Amendments 23, 26 and 27 are designed to reflect the fact that, although the sale of alcohol is perfectly legal, the harm that it is doing to Scottish society means that it should not be treated in exactly the same way as any other commodity. This group forms a small part of the approach to tackling the more general need to change the culture of alcohol in Scotland by seeking to limit the alcohol industry's ability to use reward and other schemes as a means of promoting the increased purchasing and consumption of alcohol and is justified by Scotland's huge alcohol-related health and justice problems.

Amendment 23 seeks to restrict retailers' ability to promote alcohol by making it available in

combination with other products or services at a price lower than the sum of the prices of each product in combination. The original stage 2 amendment was withdrawn when it was pointed out that such a move could ban meal deals offered by certain retailers that encourage the consumption of food along with alcohol. In seeking to exempt combinations of products that are intended to constitute a meal and include a non-alcoholic product as an alternative to alcohol, amendment 23 would, if agreed to, allow Marks and Spencer meal deals and similar schemes to continue. I am aware that the word "meal" might be subject to flexible interpretation, but the fact that, in law, the word is taken at its everyday meaning should curb excessively creative interpretations. Certainly, amendment 23 would totally prevent the use of non-food incentives in such packages.

Amendment 26 seeks to ban coupons, products or services being given away or made available to the public at a nominal sum in order to promote an alcoholic drink or alcoholic drinks in general. Following representations at stage 2, this amendment seeks to allow up to 25ml of an alcoholic drink to be given away as part of a drinks promotion in off-licence premises to ensure that a person who wishes to try out a new whisky, for example, does not have to buy a bottle. Given that whisky can cost more than £30 a bottle, the original proposal would have resulted in very expensive tastings. Amendment 26 does not cover vouchers or samples that enable free sample testing in on-trade premises simply because the unit cost of any product is much less than when it is bought by the bottle and other means of promotion are likely to be equally effective.

Amendment 27 seeks to exclude alcohol from reward schemes in return for purchases and to prevent the provision of alcohol as a reward or benefit of such a scheme. Following stage 2 and comments by Helen Eadie and Richard Simpson that drew my attention to the original amendment's unforeseen effect on the co-operative movement, this revised amendment exempts the payment of dividends related to purchases when the dividend holder is a member of the body that manages and controls the premises. Such a situation is totally different from that of holders of loyalty cards, which are simply a marketing initiative. The wording also makes it clear that the exclusion of such rewards for alcohol purchases does not extend to rewards offered by credit card companies, a concern expressed by Richard Simpson at stage 2, as those transactions are so removed from the point of purchase as to make any regulation overburdensome. Amendment 27 seeks to exempt support for charitable bodies and schemes such as computers for schools and has the positive support not only of the co-operative

movement but of the Scottish Grocers Federation and, indeed, Asda, which supports all three amendments.

The amendments attracted a great deal of support in principle at stage 2, and my revised amendments now accommodate every criticism that was expressed at that time.

I move amendment 23.

The Deputy Presiding Officer: I would be grateful if members who wish to speak limited themselves to two minutes.

Jackie Baillie: Considerable concern has been expressed about the effect of these amendments, and I am sure that, like me, other members will have been inundated by e-mails and briefings about them. That said, they are much improved from the versions that were lodged at stage 2, which caught up credit cards with loyalty cards and impacted on the Co-op's dividend scheme. I am grateful to Ian McKee for the effort that he has put into these amendments, which have provoked a thoughtful debate. Nevertheless, concerns remain and I will be interested in hearing the cabinet secretary's comments and Ian McKee's summing up.

First of all, amendment 23 would perhaps have the effect of restricting people from redeeming the fee that they have paid for a distillery tour against the purchase of a bottle of whisky.

15:00

Amendment 26 would prohibit sampling of alcohol in on-sales premises such as pubs but not in off-sales such as supermarkets. That does not entirely make sense, and it would not provide for a level playing field. In addition, it has been suggested that restricting a sample size to no more than 25ml would have a perverse incentive, given that a sample of that size of, say, whisky would deliver 10 times as much alcohol as a sample of beer of the same size. It seems strange to discriminate against beer, which has a considerably lower level of alcohol than drinks such as whisky.

It has also been suggested that introductory money-off vouchers are about marketing new brands rather than incentivising customers to buy large quantities of alcohol. I would be grateful if the cabinet secretary clarified whether money-off vouchers could be used to purchase a large volume of alcohol or whether that is already prevented by the quantity discount ban measures. Equally, I would be grateful for her view on whether the awarding of bonus points on loyalty cards in such circumstances is already prohibited by those measures. In my view it is, but we need to ensure that we avoid having a loophole. The

cabinet secretary should send a strong signal that we do not believe that bonus points on loyalty cards should be used to incentivise the purchase of alcohol by agreeing to introduce regulations should any retailer behave in such an irresponsible fashion.

Mary Scanlon: I feel that Ian McKee's amendments are open to interpretation, which is why, like Jackie Baillie, we seek clarity.

The hospitality industry feels that amendment 23 would apply to a range of promotions and reductions in hotels and restaurants, such as deals that enable a bottle of wine to be purchased at a reduced price when it is consumed alongside a meal. We feel that amendment 23 would disadvantage moderate consumers of alcohol and remove many of the positive promotions that retailers, restaurants and hotels offer consumers when they purchase alcohol.

Amendment 26 would make it much more difficult for small and new businesses to enter the marketplace and to challenge existing products. In the long term, that would reduce the range and quality of products that are available to Scottish consumers. That view has been supported by the industry in Scotland. I could get no better backing than that of Gordon & MacPhail of Elgin—the company has given me permission to name it—which says that amendment 26 would prevent the practice of offering a distiller's dram at the distillery visitor centre. The Scottish Government has stated that it would not introduce measures that would prevent such practices. No evidence has been presented to suggest that they drive alcohol misuse. The proposed measure is extremely broad and the unintended consequences have not been fully assessed.

Gordon & MacPhail believes that the giving of a discount on the purchase of a bottle of Benromach, for example, to a consumer who has paid for a tour of the distillery could also be caught by amendment 26. I seek further clarity.

Ross Finnie: We were strongly attracted to the proposition that Ian McKee put at stage 2, when he made a genuine effort to restrict promotions that might be exploited by the industry. I acknowledge that he has worked very hard on his amendments but, on closer examination, the scope and reach of amendments 26 and 27 would lead to a number of unintended consequences, so we cannot support them. However, we can support amendment 23, on the offering of alcohol at reduced price when it is combined with a meal or as part of other promotions.

Dr Simpson: I seek clarification from the cabinet secretary that either the existing licensing conditions or the proposed discount ban will ensure that retailers cannot promote alcohol by

giving customers triple or quadruple points on their loyalty cards.

Iain Smith (North East Fife) (LD): I fully share Ian McKee's aim, which is to stop the use of bonus points on loyalty cards for the promotion of alcohol, but I think that the scope of amendment 27 goes beyond that. The purpose of loyalty cards is not to promote the sale of alcohol but to reward customers' loyalty in using a particular store. Bonus points are available across the range of goods that supermarkets sell. I cannot support amendment 27, because its scope goes way beyond what Ian McKee intended, which was to prevent loyalty cards from being used to promote the sale of alcohol.

Nicola Sturgeon: I have a great deal of sympathy, as I believe other members have, with amendments 23, 26 and 27—[*Interruption.*]

The Deputy Presiding Officer: I think that there might be an electronic device near the minister.

Nicola Sturgeon: It is not mine.

When looking at how alcohol is promoted, it is right to look at the issue in the round, and that includes the effect of promotional schemes. The amendments are trying to be comprehensive, and they have significant implications for the way in which alcohol is promoted. I accept Ian McKee's position that his amendments seek to avoid retailers promoting alcohol irresponsibly, but some concerns remain about how some aspects of the amendments would be applied, and members have already articulated some of them. The amendments could conflict with the amendments to the 2005 act that are contained in section 4 of the bill.

Ian McKee seeks to exempt meal deals in amendment 23. I have already made it clear that the bill does not prohibit meal deals, and it has never been our intention that it should. I am happy to report that, following a suggestion by the Scottish Government, Marks and Spencer has agreed that all its future in-store advertising will reflect the fact that soft drinks are available as part of meal deals. Previously, only wine was advertised and customers were not told about the soft drink option. That is a positive step forward.

I understand entirely that the area is particularly complex, and I know that Ian McKee and various lawyers have grappled with it. Although I am not able to support the amendments in their current form, I will suggest a way forward to ensure that the issue gets the airing and treatment that it requires. In response to some of the points that members have raised, I highlight the provisions in the 2005 act that already apply in the area. The quantity discount ban that already applies to on-sales prohibits promotions such as buy one and

get a voucher for 15p off the next purchase; loyalty schemes whereby a card is stamped each time alcohol is purchased and once a certain number of purchases have been made the alcohol is supplied free of charge; and loyalty schemes whereby points are awarded on purchases of alcohol and the points are converted into money-off vouchers that can be redeemed against future purchases of alcohol. That means that pubs should not be providing, for example, stamp cards that entitle customers to a fifth pint free, and retailers should not be using loyalty schemes in a way that is prohibited by the irresponsible promotions provision as defined in the 2005 act. If such promotions are taking place, we expect licensing boards to take action.

However, section 3 of the bill amends the 2005 act to extend the quantity discount ban to off-sales. When that measure comes into force, we will watch carefully how retailers respond. If there is any attempt to use vouchers or loyalty schemes in a way that we consider to be irresponsible but which does not come within the definition of an irresponsible promotion, we will not hesitate to use the 2005 act to introduce regulations that extend the list of irresponsible promotions. In addition, I intend to seek the views of the licensing standards officers national liaison group on whether any promotions are being carried out at present that merit further attention and possible regulation.

I hope that the licensed trade will act responsibly. I assure Ian McKee and other members that we will be prepared to introduce regulations if they are needed to further restrict irresponsible promotions.

Ian McKee: The debate on the amendments neatly illustrates the problem that we face with the place of alcohol in Scotland's culture. We expect the alcohol industry to fight like tigers to prevent a reduction in the consumption of alcohol. After all, that would reduce profits. However, it is even more difficult to threaten alcohol as an important element of our cultural fabric. The moment that we suggest anything that even slightly threatens alcohol's place, we meet arguments such as those that we have just heard.

The purpose of my amendments is not to ban alcohol but to curb the possibility of the use of loyalty points and so on as an inducement to promote it. What have we heard today? Members have been inundated with complaints from the industry. I am surprised to hear that; I would have thought that the alcohol industry would have been absolutely delighted with the measures that I have proposed.

We have heard that new businesses that are entering the market will find it difficult. I presume that we are talking about new businesses that will sell beer and other pub products. I have been in

pubs many times and tried products that are new to the market because I have been interested in them, because the landlord has recommended them or because of advertising. I have never once been encouraged to try a new product because I have been offered a free sample, and I do not see why alcohol cannot be dealt with in the same way as any other product.

We have heard that we cannot offer the distiller's dram, we cannot give the honeymoon couple a bottle of champagne when they arrive at their hotel and we cannot give a bottle of alcohol to someone who goes to a hotel for the weekend, new year, Christmas, St Swithin's day or whatever. We are told that we are threatening the place of alcohol in our culture, yet we have to threaten the place of alcohol in our culture if we are going to tackle the problem of alcohol in Scotland. Therefore, although I am receptive to all the arguments, I feel that I have no alternative but to press amendment 23.

The Deputy Presiding Officer: The question is, that amendment 23 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Brown, Robert (Glasgow) (LD)
 Finnie, Ross (West of Scotland) (LD)
 Hume, Jim (South of Scotland) (LD)
 McArthur, Liam (Orkney) (LD)
 McInnes, Alison (North East Scotland) (LD)
 McKee, Ian (Lothians) (SNP)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 O'Donnell, Hugh (Central Scotland) (LD)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Scott, Tavish (Shetland) (LD)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stone, Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Tolson, Jim (Dunfermline West) (LD)

Against

Adam, Brian (Aberdeen North) (SNP)
 Aitken, Bill (Glasgow) (Con)
 Allan, Alasdair (Western Isles) (SNP)
 Brocklebank, Ted (Mid Scotland and Fife) (Con)
 Brown, Gavin (Lothians) (Con)
 Brown, Keith (Ochil) (SNP)
 Brownlee, Derek (South of Scotland) (Con)
 Campbell, Aileen (South of Scotland) (SNP)
 Carlaw, Jackson (West of Scotland) (Con)
 Coffey, Willie (Kilmarnock and Loudoun) (SNP)
 Constance, Angela (Livingston) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Don, Nigel (North East Scotland) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)

Fabiani, Linda (Central Scotland) (SNP)
 FitzPatrick, Joe (Dundee West) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Goldie, Annabel (West of Scotland) (Con)
 Grahame, Christine (South of Scotland) (SNP)
 Harper, Robin (Lothians) (Green)
 Harvie, Christopher (Mid Scotland and Fife) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Hepburn, Jamie (Central Scotland) (SNP)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Adam (South of Scotland) (SNP)
 Johnstone, Alex (North East Scotland) (Con)
 Kidd, Bill (Glasgow) (SNP)
 Lamont, John (Roxburgh and Berwickshire) (Con)
 Lochhead, Richard (Moray) (SNP)
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)
 Marwick, Tricia (Central Fife) (SNP)
 Mather, Jim (Argyll and Bute) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West of Scotland) (SNP)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McKelvie, Christina (Central Scotland) (SNP)
 McLaughlin, Anne (Glasgow) (SNP)
 McLetchie, David (Edinburgh Pentlands) (Con)
 McMillan, Stuart (West of Scotland) (SNP)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Neil, Alex (Central Scotland) (SNP)
 Paterson, Gil (West of Scotland) (SNP)
 Robison, Shona (Dundee East) (SNP)
 Russell, Michael (South of Scotland) (SNP)
 Salmond, Alex (Gordon) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Smith, Elizabeth (Mid Scotland and Fife) (Con)
 Somerville, Shirley-Anne (Lothians) (SNP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow Govan) (SNP)
 Swinney, John (North Tayside) (SNP)
 Thompson, Dave (Highlands and Islands) (SNP)
 Watt, Maureen (North East Scotland) (SNP)
 Welsh, Andrew (Angus) (SNP)
 White, Sandra (Glasgow) (SNP)
 Wilson, Bill (West of Scotland) (SNP)
 Wilson, John (Central Scotland) (SNP)

Abstentions

Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Margaret (Glasgow Baillieston) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Foulkes, George (Lothians) (Lab)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marilyn (North East Scotland) (Lab)
 Gordon, Charlie (Glasgow Cathcart) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Henry, Hugh (Paisley South) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Kelly, James (Glasgow Rutherglen) (Lab)
 Kerr, Andy (East Kilbride) (Lab)

Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Tom (Hamilton South) (Lab)
 McConnell, Jack (Motherwell and Wishaw) (Lab)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Mulligan, Mary (Linlithgow) (Lab)
 Murray, Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Park, John (Mid Scotland and Fife) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Stewart, David (Highlands and Islands) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Whitton, David (Strathkelvin and Bearsden) (Lab)

The Deputy Presiding Officer: The result of the division is: For 17, Against 63, Abstentions 45.

Amendment 23 disagreed to.

Section 4—Off-sales: location of drinks promotions

The Deputy Presiding Officer: We come now to group 3, on the location of drinks promotions. Amendment 4, in the name of the minister, is grouped with amendments 5, 6, 24 and 25.

Nicola Sturgeon: Amendments 4 to 6 respond directly to a helpful discussion in the Health and Sport Committee at stage 2, during which some members showed great enthusiasm for certain supermarket magazines and the alcohol-infused recipes in them.

The bill as amended at stage 2 makes it clear that the display of newspapers, magazines and other publications that are sold on the premises and which generally contain alcohol advertising are not drinks promotions. We never intended that they would be, but retailers asked for clarity and we were happy to respond to that at stage 2.

The committee also asked that we give further consideration to whether free in-store magazines that contain drinks promotions alongside a wider range of promotions and features should be treated any differently from similar magazines that customers buy. I have taken the point on board, and amendments 4 to 6 will ensure that the display of free newspapers, magazines and other publications, such as flyers and recipe cards, that do not only or primarily relate to alcohol—that is, they promote a wider range of products—will not be considered as drinks promotions and can therefore be displayed anywhere on the premises. It is also our intention that retailers will continue to be able to promote their businesses using flyers

and mailshots so long as they do not solely or primarily promote alcohol.

The approach is supported by Asda, Sainsbury's, Tesco and the Scottish Grocers Federation, and I hope that members will accept that it provides a commonsense solution to the issues raised by the Health and Sport Committee. We will also work with the Scottish Grocers Federation and other retail interests on the guidance that will complement the provisions in section 4.

Amendments 24 and 25 propose a sunset clause and reporting requirement in respect of the amendments to the 2005 act provided for in section 4 of the bill. On this occasion, I do not consider that a sunset clause or reporting requirement is necessary—

Members: Oh!

Nicola Sturgeon: Seriously, as members know, a comprehensive monitoring and evaluation process is already in place. It is being taken forward by NHS Health Scotland and is designed to test how well the 2005 act and other interventions are working, and the process will reflect the amendments made by the bill. As a result, I do not support amendments 24 and 25.

I move amendment 4.

15:15

Murdo Fraser: The Scottish Conservatives will support Government amendments 4 to 6, and I commend the cabinet secretary for introducing them.

Amendments 24 and 25 bring in a sunset clause in relation to the provisions of section 4, and it is with some trepidation that I propose them. The bill makes a number of wide-ranging changes to the way in which alcohol promotions and advertising can be conducted in Scotland. I believe that it is important that the new legislation is evaluated effectively, especially as many of the proposals will be tested in Scotland and will not apply throughout the rest of the United Kingdom. The Scottish Government should be prepared to be accountable to the Parliament and should review the legislation after five years, taking into account its likely impact on consumers—particularly those in lower income brackets—the economy and cross-border and online trade. By reporting to the Parliament on the impact of the legislation, the Government will enable MSPs to scrutinise fully the impact of the measures and to reach consensus on whether the restrictions on promotions have had the effect that the Government intended. It is in line with best practice that regulation is properly scrutinised in the Parliament and that an adequate assessment

of its impact is undertaken to ensure that there is a clear evidence base for legislation to continue after a set period.

When, at stage 2, the cabinet secretary moved her amendment for a sunset clause on minimum pricing, she said the following:

"I consider this to be a fair and reasonable way in which to introduce a new policy ... My suggestion ... is simple: let the policy run for six years, let ministers come back after five years with evidence of what impact it has had, and then take a decision on whether it should continue or be scrapped."—[*Official Report, Health and Sport Committee*, 22 September 2010; c 3350.]

I agree with those words. What is sauce for the goose is sauce for the gander. Given the fact that the Parliament has already voted for a sunset clause on a proposal that is not included in the bill, I trust that members will not hesitate to support a sunset clause on a part of the bill that still exists.

Dr Simpson: At stage 2, along with other members, I raised the concerns of the industry, which presented us with a number of magazines. I therefore welcome amendments 4 to 6, which sort out that issue. It is clear that we must curtail the promotion of alcohol, particularly as a loss leader and as a sole purchase, both within stores and the surrounding districts, and we are doing that. The amendments show a pragmatic approach—on this issue, the Government has listened.

However, I urge the Parliament not to become addicted to sunset clauses. Members should, therefore, vote against amendments 24 and 25, although I acknowledge that they at least relate to something substantive in the bill and do not ask us to join the SNP in marching into the sunset on something that has already disappeared into the sunset.

Ross Finnie: The Liberal Democrats will support amendments 4 to 6 but wholly without prejudice to Dr Richard Simpson's habit of reading in-store magazines.

On amendments 24 and 25, we do not regard the question of trying to curb and clamp down on drinks promotions as controversial. It was not controversial in committee and is not controversial now, therefore we do not see that any purpose is served by amendments 24 and 25, and we will not support them.

Mary Scanlon: I am delighted that the minister took on board my comments and the example of the Asda magazine, which contained 100 pages of which four were dedicated to alcohol. People throughout Scotland will now be able to continue enjoying their recipes without having to go down the alcohol aisle to get their free booklet, which was the Government's original proposal.

Nicola Sturgeon: I am grateful that members have resisted the temptation to read out the Asda

magazine in its entirety, as they did—or, at least, as it felt like they did—when we discussed the issue at stage 2. There is clear consensus on amendments 4 to 6, which I welcome. The approach is pragmatic and sensible.

I was amused to hear Murdo Fraser quote me on a sunset clause. Unfortunately, he was not persuaded to support minimum pricing on the basis of our proposed sunset clause, but I pass over the irony of that. He is correct in saying that we must evaluate new legislation properly, which is why we have put in place the comprehensive monitoring and evaluation process that I have mentioned. That is sufficient and sensible, and it will allow us to test how well the 2005 act is working.

I ask members to support amendments 4 to 6 and to reject amendments 24 and 25.

Amendment 4 agreed to.

Amendments 5 and 6 moved—[Nicola Sturgeon]—and agreed to.

After section 4

Amendment 24 moved—[Murdo Fraser].

The Deputy Presiding Officer: The question is, that amendment 24 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Aitken, Bill (Glasgow) (Con)
 Brocklebank, Ted (Mid Scotland and Fife) (Con)
 Brown, Gavin (Lothians) (Con)
 Brownlee, Derek (South of Scotland) (Con)
 Carlaw, Jackson (West of Scotland) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Goldie, Annabel (West of Scotland) (Con)
 Johnstone, Alex (North East Scotland) (Con)
 Lamont, John (Roxburgh and Berwickshire) (Con)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McLetchie, David (Edinburgh Pentlands) (Con)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Smith, Elizabeth (Mid Scotland and Fife) (Con)

Against

Adam, Brian (Aberdeen North) (SNP)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Allan, Alasdair (Western Isles) (SNP)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Keith (Ochil) (SNP)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Campbell, Aileen (South of Scotland) (SNP)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)

Coffey, Willie (Kilmarnock and Loudoun) (SNP)
 Constance, Angela (Livingston) (SNP)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Curran, Margaret (Glasgow Baillieston) (Lab)
 Don, Nigel (North East Scotland) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Eadie, Helen (Dunfermline East) (Lab)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 FitzPatrick, Joe (Dundee West) (SNP)
 Foulkes, George (Lothians) (Lab)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marlyn (North East Scotland) (Lab)
 Gordon, Charlie (Glasgow Cathcart) (Lab)
 Grahame, Christine (South of Scotland) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Harper, Robin (Lothians) (Green)
 Harvie, Christopher (Mid Scotland and Fife) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Paisley South) (Lab)
 Hepburn, Jamie (Central Scotland) (SNP)
 Hume, Jim (South of Scotland) (LD)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Adam (South of Scotland) (SNP)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Kelly, James (Glasgow Rutherglen) (Lab)
 Kerr, Andy (East Kilbride) (Lab)
 Kidd, Bill (Glasgow) (SNP)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lochhead, Richard (Moray) (SNP)
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 Marwick, Tricia (Central Fife) (SNP)
 Mather, Jim (Argyll and Bute) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West of Scotland) (SNP)
 McArthur, Liam (Orkney) (LD)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Tom (Hamilton South) (Lab)
 McConnell, Jack (Motherwell and Wishaw) (Lab)
 McInnes, Alison (North East Scotland) (LD)
 McKee, Ian (Lothians) (SNP)
 McKelvie, Christina (Central Scotland) (SNP)
 McLaughlin, Anne (Glasgow) (SNP)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McMillan, Stuart (West of Scotland) (SNP)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Mulligan, Mary (Linlithgow) (Lab)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Elaine (Dumfries) (Lab)
 Neil, Alex (Central Scotland) (SNP)
 O'Donnell, Hugh (Central Scotland) (LD)
 Oldfather, Irene (Cunninghame South) (Lab)
 Park, John (Mid Scotland and Fife) (Lab)
 Paterson, Gil (West of Scotland) (SNP)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Pringle, Mike (Edinburgh South) (LD)

Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Robison, Shona (Dundee East) (SNP)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Russell, Michael (South of Scotland) (SNP)
 Salmond, Alex (Gordon) (SNP)
 Scott, Tavish (Shetland) (LD)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Somerville, Shirley-Anne (Lothians) (SNP)
 Stephen, Nicol (Aberdeen South) (LD)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Stewart, David (Highlands and Islands) (Lab)
 Stone, Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Sturgeon, Nicola (Glasgow Govan) (SNP)
 Swinney, John (North Tayside) (SNP)
 Thompson, Dave (Highlands and Islands) (SNP)
 Tolson, Jim (Dunfermline West) (LD)
 Watt, Maureen (North East Scotland) (SNP)
 Welsh, Andrew (Angus) (SNP)
 White, Sandra (Glasgow) (SNP)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Whitton, David (Strathkelvin and Bearsden) (Lab)
 Wilson, Bill (West of Scotland) (SNP)
 Wilson, John (Central Scotland) (SNP)

The Deputy Presiding Officer: The result of the division is: For 16, Against 109, Abstentions 0.

Amendment 24 disagreed to.

Amendment 25 moved—[Murdo Fraser].

The Deputy Presiding Officer: The question is, that amendment 25 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Aitken, Bill (Glasgow) (Con)
 Brocklebank, Ted (Mid Scotland and Fife) (Con)
 Brown, Gavin (Lothians) (Con)
 Brownlee, Derek (South of Scotland) (Con)
 Carlaw, Jackson (West of Scotland) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Goldie, Annabel (West of Scotland) (Con)
 Johnstone, Alex (North East Scotland) (Con)
 Lamont, John (Roxburgh and Berwickshire) (Con)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McLetchie, David (Edinburgh Pentlands) (Con)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Smith, Elizabeth (Mid Scotland and Fife) (Con)

Against

Adam, Brian (Aberdeen North) (SNP)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Allan, Alasdair (Western Isles) (SNP)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Keith (Ochil) (SNP)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)

Campbell, Aileen (South of Scotland) (SNP)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Coffey, Willie (Kilmarnock and Loudoun) (SNP)
 Constance, Angela (Livingston) (SNP)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Curran, Margaret (Glasgow Baillieston) (Lab)
 Don, Nigel (North East Scotland) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Eadie, Helen (Dunfermline East) (Lab)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 FitzPatrick, Joe (Dundee West) (SNP)
 Foulkes, George (Lothians) (Lab)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marlyn (North East Scotland) (Lab)
 Gordon, Charlie (Glasgow Cathcart) (Lab)
 Grahame, Christine (South of Scotland) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Harper, Robin (Lothians) (Green)
 Harvie, Christopher (Mid Scotland and Fife) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Paisley South) (Lab)
 Hepburn, Jamie (Central Scotland) (SNP)
 Hume, Jim (South of Scotland) (LD)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Adam (South of Scotland) (SNP)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Kelly, James (Glasgow Rutherglen) (Lab)
 Kerr, Andy (East Kilbride) (Lab)
 Kidd, Bill (Glasgow) (SNP)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lochhead, Richard (Moray) (SNP)
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 Marwick, Tricia (Central Fife) (SNP)
 Mather, Jim (Argyll and Bute) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West of Scotland) (SNP)
 McArthur, Liam (Orkney) (LD)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Tom (Hamilton South) (Lab)
 McConnell, Jack (Motherwell and Wishaw) (Lab)
 McInnes, Alison (North East Scotland) (LD)
 McKee, Ian (Lothians) (SNP)
 McKelvie, Christina (Central Scotland) (SNP)
 McLaughlin, Anne (Glasgow) (SNP)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McMillan, Stuart (West of Scotland) (SNP)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Mulligan, Mary (Linlithgow) (Lab)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Elaine (Dumfries) (Lab)
 Neil, Alex (Central Scotland) (SNP)
 O'Donnell, Hugh (Central Scotland) (LD)
 Oldfather, Irene (Cunninghame South) (Lab)
 Park, John (Mid Scotland and Fife) (Lab)
 Paterson, Gil (West of Scotland) (SNP)
 Peacock, Peter (Highlands and Islands) (Lab)

Peattie, Cathy (Falkirk East) (Lab)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Robison, Shona (Dundee East) (SNP)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Russell, Michael (South of Scotland) (SNP)
 Salmond, Alex (Gordon) (SNP)
 Scott, Tavish (Shetland) (LD)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Somerville, Shirley-Anne (Lothians) (SNP)
 Stephen, Nicol (Aberdeen South) (LD)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Stewart, David (Highlands and Islands) (Lab)
 Stone, Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Sturgeon, Nicola (Glasgow Govan) (SNP)
 Swinney, John (North Tayside) (SNP)
 Thompson, Dave (Highlands and Islands) (SNP)
 Tolson, Jim (Dunfermline West) (LD)
 Watt, Maureen (North East Scotland) (SNP)
 Welsh, Andrew (Angus) (SNP)
 White, Sandra (Glasgow) (SNP)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Whitton, David (Strathkelvin and Bearsden) (Lab)
 Wilson, Bill (West of Scotland) (SNP)
 Wilson, John (Central Scotland) (SNP)

The Deputy Presiding Officer: The result of the division is: For 16, Against 109, Abstentions 0.

Amendment 25 disagreed to.

Amendment 26 moved—[Ian McKee].

The Deputy Presiding Officer: The question is, that amendment 26 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

McKee, Ian (Lothians) (SNP)

Against

Adam, Brian (Aberdeen North) (SNP)
 Aitken, Bill (Glasgow) (Con)
 Allan, Alasdair (Western Isles) (SNP)
 Brocklebank, Ted (Mid Scotland and Fife) (Con)
 Brown, Gavin (Lothians) (Con)
 Brown, Keith (Ochil) (SNP)
 Brown, Robert (Glasgow) (LD)
 Brownlee, Derek (South of Scotland) (Con)
 Campbell, Aileen (South of Scotland) (SNP)
 Carlaw, Jackson (West of Scotland) (Con)
 Coffey, Willie (Kilmarnock and Loudoun) (SNP)
 Constance, Angela (Livingston) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Don, Nigel (North East Scotland) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Finnie, Ross (West of Scotland) (LD)
 FitzPatrick, Joe (Dundee West) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Goldie, Annabel (West of Scotland) (Con)

Grahame, Christine (South of Scotland) (SNP)
 Harper, Robin (Lothians) (Green)
 Harvie, Christopher (Mid Scotland and Fife) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Hepburn, Jamie (Central Scotland) (SNP)
 Hume, Jim (South of Scotland) (LD)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Adam (South of Scotland) (SNP)
 Johnstone, Alex (North East Scotland) (Con)
 Kidd, Bill (Glasgow) (SNP)
 Lamont, John (Roxburgh and Berwickshire) (Con)
 Lochhead, Richard (Moray) (SNP)
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)
 Marwick, Tricia (Central Fife) (SNP)
 Mather, Jim (Argyll and Bute) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West of Scotland) (SNP)
 McArthur, Liam (Orkney) (LD)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McInnes, Alison (North East Scotland) (LD)
 McKelvie, Christina (Central Scotland) (SNP)
 McLaughlin, Anne (Glasgow) (SNP)
 McLetchie, David (Edinburgh Pentlands) (Con)
 McMillan, Stuart (West of Scotland) (SNP)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Neil, Alex (Central Scotland) (SNP)
 O'Donnell, Hugh (Central Scotland) (LD)
 Paterson, Gil (West of Scotland) (SNP)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Robison, Shona (Dundee East) (SNP)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Russell, Michael (South of Scotland) (SNP)
 Salmond, Alex (Gordon) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland) (LD)
 Smith, Elizabeth (Mid Scotland and Fife) (Con)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Somerville, Shirley-Anne (Lothians) (SNP)
 Stephen, Nicol (Aberdeen South) (LD)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Stone, Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Sturgeon, Nicola (Glasgow Govan) (SNP)
 Swinney, John (North Tayside) (SNP)
 Thompson, Dave (Highlands and Islands) (SNP)
 Tolson, Jim (Dunfermline West) (LD)
 Watt, Maureen (North East Scotland) (SNP)
 Welsh, Andrew (Angus) (SNP)
 White, Sandra (Glasgow) (SNP)
 Wilson, Bill (West of Scotland) (SNP)
 Wilson, John (Central Scotland) (SNP)

Abstentions

Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Margaret (Glasgow Baillieston) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Foulkes, George (Lothians) (Lab)

Gillon, Karen (Clydesdale) (Lab)
 Glen, Marlyn (North East Scotland) (Lab)
 Gordon, Charlie (Glasgow Cathcart) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Henry, Hugh (Paisley South) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Kelly, James (Glasgow Rutherglen) (Lab)
 Kerr, Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Tom (Hamilton South) (Lab)
 McConnell, Jack (Motherwell and Wishaw) (Lab)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Mulligan, Mary (Linlithgow) (Lab)
 Murray, Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Park, John (Mid Scotland and Fife) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Stewart, David (Highlands and Islands) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Whitton, David (Strathkelvin and Bearsden) (Lab)

The Deputy Presiding Officer: The result of the division is: For 1, Against 79, Abstentions 45.

Amendment 26 disagreed to.

Amendment 27 moved—[Ian McKee].

The Deputy Presiding Officer: The question is, that amendment 27 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

McKee, Ian (Lothians) (SNP)

Against

Adam, Brian (Aberdeen North) (SNP)
 Aitken, Bill (Glasgow) (Con)
 Allan, Alasdair (Western Isles) (SNP)
 Brocklebank, Ted (Mid Scotland and Fife) (Con)
 Brown, Gavin (Lothians) (Con)
 Brown, Keith (Ochil) (SNP)
 Brown, Robert (Glasgow) (LD)
 Brownlee, Derek (South of Scotland) (Con)
 Campbell, Aileen (South of Scotland) (SNP)
 Carlaw, Jackson (West of Scotland) (Con)
 Coffey, Willie (Kilmarnock and Loudoun) (SNP)
 Constance, Angela (Livingston) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Don, Nigel (North East Scotland) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Finnie, Ross (West of Scotland) (LD)
 FitzPatrick, Joe (Dundee West) (SNP)

Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Goldie, Annabel (West of Scotland) (Con)
 Grahame, Christine (South of Scotland) (SNP)
 Harper, Robin (Lothians) (Green)
 Harvie, Christopher (Mid Scotland and Fife) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Hepburn, Jamie (Central Scotland) (SNP)
 Hume, Jim (South of Scotland) (LD)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Adam (South of Scotland) (SNP)
 Johnstone, Alex (North East Scotland) (Con)
 Kidd, Bill (Glasgow) (SNP)
 Lamont, John (Roxburgh and Berwickshire) (Con)
 Lochhead, Richard (Moray) (SNP)
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)
 Marwick, Tricia (Central Fife) (SNP)
 Mather, Jim (Argyll and Bute) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West of Scotland) (SNP)
 McArthur, Liam (Orkney) (LD)
 McGregor, Jamie (Highlands and Islands) (Con)
 McInnes, Alison (North East Scotland) (LD)
 McKelvie, Christina (Central Scotland) (SNP)
 McLaughlin, Anne (Glasgow) (SNP)
 McLetchie, David (Edinburgh Pentlands) (Con)
 McMillan, Stuart (West of Scotland) (SNP)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Neil, Alex (Central Scotland) (SNP)
 O'Donnell, Hugh (Central Scotland) (LD)
 Paterson, Gil (West of Scotland) (SNP)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Robison, Shona (Dundee East) (SNP)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Russell, Michael (South of Scotland) (SNP)
 Salmond, Alex (Gordon) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland) (LD)
 Smith, Elizabeth (Mid Scotland and Fife) (Con)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Somerville, Shirley-Anne (Lothians) (SNP)
 Stephen, Nicol (Aberdeen South) (LD)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Stone, Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Sturgeon, Nicola (Glasgow Govan) (SNP)
 Swinney, John (North Tayside) (SNP)
 Thompson, Dave (Highlands and Islands) (SNP)
 Tolson, Jim (Dunfermline West) (LD)
 Watt, Maureen (North East Scotland) (SNP)
 Welsh, Andrew (Angus) (SNP)
 White, Sandra (Glasgow) (SNP)
 Wilson, Bill (West of Scotland) (SNP)
 Wilson, John (Central Scotland) (SNP)

Abstentions

Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)

Curran, Margaret (Glasgow Baillieston) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Foulkes, George (Lothians) (Lab)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marilyn (North East Scotland) (Lab)
 Gordon, Charlie (Glasgow Cathcart) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Henry, Hugh (Paisley South) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Kelly, James (Glasgow Rutherglen) (Lab)
 Kerr, Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Tom (Hamilton South) (Lab)
 McConnell, Jack (Motherwell and Wishaw) (Lab)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Mulligan, Mary (Linlithgow) (Lab)
 Murray, Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Park, John (Mid Scotland and Fife) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Stewart, David (Highlands and Islands) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Whitton, David (Strathkelvin and Bearsden) (Lab)

The Deputy Presiding Officer: The result of the division is: For 1, Against 79, Abstentions 45.

Amendment 27 disagreed to.

After section 5

The Deputy Presiding Officer: Group 4 concerns the caffeine content of alcoholic drinks. Amendment 28, in the name of Jackie Baillie, is the only amendment in the group.

Jackie Baillie: It is time for this Parliament to take action on caffeinated alcohol. There is evidence and expert opinion to back that up, and we can learn from a variety of actions that have been taken by other countries. [*Interruption.*]

The Deputy Presiding Officer: Order. There are too many conversations going on in the chamber.

Jackie Baillie: This week, Michigan banned caffeinated alcohol. So, too, did Oklahoma, and Pennsylvania has followed suit. It is widely expected that, in a few short weeks, the Food and Drug Administration will announce a ban across America. Those decisions have been taken by serious legislative bodies acting on evidence, not on a whim.

Amendment 28 seeks to impose a limit of 150mg per litre of caffeine in alcoholic drinks. It proposes a legal limit, not a ban, as some have reported. We propose that limit because we believe that we have a problem.

Two caffeinated alcohol products that are currently on the market exceed that limit. One is Buckfast; the other is Red Square Reloaded. Buckfast has 375mg of caffeine per litre, and it is 15 per cent alcohol by volume. To put that another way, the effect of drinking one bottle of it is equivalent to the effect of drinking six cans of lager and eight cans of Coca-Cola simultaneously. That is a powerful combination, which creates a wired, wide-awake drunk.

Let me explain how it happens. When a person drinks an excessive amount of alcohol, they normally become sleepy—they might even be physically sick. That is the effect of a depressant. However, caffeine is a stimulant that works on the neurotransmitters in people's brains in an entirely different way. It hides and masks the effects of the alcohol, causes people to feel less drunk, and consequently causes them to drink more. It has also been found that it leads to increased risk-taking behaviour. That it leads to twice the number of sexual assaults and twice the number of drink-driving incidents—those are just a couple of examples—was established in studies of American college students that have been carried out every year for the past five years. An average of 4,000 students have been involved in each of those studies. That sample, which is being considered over time, is hardly small.

Members may say that that is all very well because that is in America and we do not have a problem here, but we do. Strathclyde Police reported that 5,600 crime reports in a three-year period mentioned consumption of Buckfast. That is three crimes a day. It is noted in the McKinlay report that 42 per cent of young offenders who admitted to drinking before their offences had been drinking Buckfast wine. We also know that the market in America is better developed than the market here. In six months, what we have witnessed happening in America will happen here.

I have been told that it is impossible to change the recipe of particular caffeinated alcohol products and that we are talking about something that effectively amounts to a ban. That is quite simply nonsense. Let me illustrate that with Buckfast. A green bottle of Buckfast in Scotland has 375mg of caffeine per litre and 15 per cent alcohol by volume. A brown bottle of Buckfast in Ireland has a staggering 550mg of caffeine per litre. That is a clear demonstration that any recipe can be changed.

If the Government is prepared to consider the evidence objectively and does not believe me, let me quote Dr Laurence Gruer. He said:

"There is little published evidence that combining alcohol with caffeine increases the risk of aggressive or violent behaviour." *[Interruption.]*

The Deputy Presiding Officer: Order.

Jackie Baillie: He said:

"This may simply be because the research has not been done rather than because there is no link. Nevertheless, we think there is sufficient information to support regulation to restrict the amount of caffeine in combination products."

Who is Laurence Gruer? He is none other than the respected director of public health science in NHS Health Scotland.

I urge members to support my amendment.

I move amendment 28.

The Deputy Presiding Officer: I ask the remaining speakers to be brief.

Mary Scanlon: It is rich for the Labour Party to quote Laurence Gruer, who said:

"There is little published evidence that combining alcohol with caffeine increases the risk of aggressive or violent behaviour."

That was the reason why Labour members did not vote for the minimum price. I agreed with them then. That cannot be right in one case, but not in the other.

As Jackie Baillie said, caffeine is a stimulant. I understand that over-the-counter headache and pain relievers mixed with alcoholic drinks can have the same effect. Dr Forsyth confirmed that when I raised that matter in the Health and Sport Committee. However, supermarkets can be innovative and enterprising, and someone who is looking for a certain effect from a certain drink can be innovative and highly enterprising. If the proposal is agreed to, it can be easily overcome by cross-border trading.

We simply have not had the opportunity to gauge a wide range of views and opinions on the caffeine content of drinks, which has not allowed us to scrutinise robustly Jackie Baillie's amendment 28. On that basis, the Conservatives do not support it.

Ross Finnie: This is an extraordinary position. The Labour Party brought the matter to the committee at stage 2. No evidence on it had been led or heard by the committee. At that stage, the committee made it fairly clear, and even the minister made it clear, that the matter could be looked at if people were prepared to take it further, but that offer was rejected, and the Labour Party pressed the matter to a vote. The only two people to appear before the committee on the issue—

Chief Superintendent Bob Hamilton and Dr Alasdair Forsyth, on 15 September—were both extremely dubious about the proposition. The only thing that they proved was that, before we move further on the matter, we need to take further evidence. We have not done so and therefore we will not support amendment 28.

15:30

Michael Matheson: Like other members, I was somewhat sympathetic to the concept that Labour has raised. However, when Labour's alcohol commission published its report, I was disappointed to note the lack of evidence that it presented on the issue. I hoped that, when witnesses from the commission appeared before the Health and Sport Committee, they would be able to elaborate further. Unfortunately, they failed to do so. For those who did not witness that particular evidence session, I can only describe it as being somewhat painful for the commission members who gave evidence and for the Labour members on the committee, because it was so pathetically poor.

Given the lack of evidence, I was delighted yesterday when into my inbox popped a paper by Jackie Baillie entitled "Caffeinated Alcohol: an explosive mix: evidence, opinion and action". I was desperate to read the evidence but, as I went through it, page after page, I found no evidence. There was lots of opinion and a wee bit about action but, in reality, no evidence.

In the evidence that the Health and Sport Committee received and to which Ross Finnie referred, Chief Superintendent Bob Hamilton stated that banning Buckfast

"would have no great impact because people would simply drink something else."

He continued:

"Moreover, people do not buy only Buckfast; they might drink cider or whatever".—*[Official Report, Health and Sport Committee, 15 September 2010; c 3308.]*

As Jackie Baillie stated earlier, we cannot "knowingly pass a law" that is not legal. As we have heard, the proposal in amendment 28 is likely to be illegal.

James Kelly (Glasgow Rutherglen) (Lab): I support Jackie Baillie's amendment 28, which would reduce the caffeine content in relevant alcoholic products. There is no doubt that there is evidence that that devastating cocktail has a serious impact on individuals' behaviour. On the white-van argument, I say to Mary Scanlon that the amendment does not relate to the price of such products.

Alasdair Allan: Will the member give way?

James Kelly: I am not taking an intervention.

Those on the SNP benches misunderstand the nature of the Buckfast journey. It starts when people leave the house and go to their local off-sales. They pick up a bottle of Buckfast and then move on to the park.

Joe FitzPatrick (Dundee West) (SNP): Will the member take an intervention?

James Kelly: I will not take an intervention.

In the park, the bottle is consumed very quickly. That has the effect of six cans of lager and eight cans of coke, which has a devastating impact on the individual's behaviour, often resulting in drunk driving or major violent incidents, including glassing.

I say to Michael Matheson that there is evidence on crime and antisocial behaviour. Strathclyde Police has reported 114 incidents in which a Buckfast bottle was used in a violent attack. That is the evidence.

I urge the Parliament to support amendment 28, which is important. Unlike the SNP proposal on minimum pricing, which would pour millions of pounds into the profits of supermarkets, amendment 28 would tackle what is in the bottle and what is happening on the streets. It would reduce crime and antisocial behaviour.

Christine Grahame: Less heat, please, and more light.

To continue the quotation that Michael Matheson gave, Chief Superintendent Hamilton of Strathclyde Police told the Health and Sport Committee:

"As a result, I do not think that banning Buckfast would lead to a significant increase or decrease in violent crime."

He went on to make the interesting point that

"Over the past 10 or so years, there has been a 10 per cent swing from violence occurring outdoors as a result of drinking to that occurring indoors."—[*Official Report, Health and Sport Committee*, 15 September; c 3308-9.]

That has happened because of the availability of all types of alcohol and its relative price. It is not to do with Buckfast.

Dr Forsyth, who is a senior research fellow at the Glasgow centre for the study of violence, when asked about banning Buckfast, said in relation to young men in Polmont:

"What is missing from the discussion is the fact that members of the group in Polmont were consuming a lot of other substances along with alcoholic drinks. In particular, they were taking prescription pills—the main one being diazepam—along with their drink. In my view, that is a far more serious issue than caffeine."—[*Official Report, Health and Sport Committee*, 15 September 2010; c 3315.]

The evidence on amendments that the committee took at stage 2 concluded that banning caffeine was not to be considered and it was not related to violence; the shift had been to simple binge drinking and front-loading on cheap alcohol.

Dr Simpson: Amendment 28 contains a relatively modest and focused proposal, unlike some others that we have been asked to approve. Not only that, but there is some evidence for it, although it is not totally conclusive.

Members: Oh!

The Deputy Presiding Officer: Order.

Dr Simpson: Why do I say that? That clear and conclusive evidence comes from America where there is a different culture. Nevertheless, evidence from over four years indicates that college students are now drinking caffeinated mixes to a significant extent. As a result, they are 25 per cent more likely to drink excessively, to indulge in sexual predation, to drive when drunk and to drive with someone who is drunk. That is all evidence based, and to deny it is inappropriate. Some 42 per cent of Polmont offenders admitted to using Buckfast. When Bob Hamilton spoke to "BBC Scotland Investigates", he expressed a different opinion to that which he expressed to the committee.

Scotland will not lead on the issue because legislation has already been passed in Pennsylvania, Oklahoma and Michigan. If, in the next two weeks, the FDA acknowledges alcoholic drinks containing caffeine as a dangerous combination, we will have failed to take action at a point when we could.

Nicola Sturgeon: The most startling revelation in this debate has to be that Jackie Baillie now thinks that we should listen to doctors. It is just a pity that she did not think so earlier today.

Pre-mixed caffeinated alcoholic drinks represent less than 1 per cent of total alcohol sales in Scotland.

Helen Eadie: Will the cabinet secretary listen to the 13 state attorneys who wrote to major corporations in America advising them that they must withdraw caffeinated alcohol? They did withdraw that caffeinated alcohol.

Nicola Sturgeon: Unlike Helen Eadie and her colleagues, I do listen to evidence. The problem with the proposal in amendment 28 is that no evidence has been presented.

As Labour has pointed out about other proposals, any restriction on such drinks will comply with European Union law only if there is evidence to show that such a prohibition is necessary for the protection of health or the prevention of crime and if it is proportionate.

As noted by others today, unlike for other sections of the bill, the evidence base behind amendment 28 had not been laid before the committee or the Parliament in a way that would allow us to consider and test that evidence and to come to any informed conclusion on it. Although Labour took a view on minimum pricing before the evidence was presented, I have remained open to considering any evidence that might have been brought forward by Labour to support the restriction. Even today, I say that if sufficient evidence is brought forward in the future, I will remain open to addressing the issue by way of regulations under the 2005 act.

The only information that Jackie Baillie presented to the committee was based heavily on energy drinks and the effects of mixing such products with alcohol. The chemicals that are found in an energy drink do not necessarily match those that are found in alcoholic products such as Buckfast, which is why we must exercise caution in making links between research on energy drinks and the effects of caffeine in alcohol.

That lack of evidence was highlighted during stage 2 when Dr Alasdair Forsyth said—

Patrick Harvie (Glasgow) (Green): I will vote for amendment 28 for many of the same reasons why I voted for the minimum pricing of alcohol. I am willing to accept that if we are to try new things, we have to do so not yet knowing whether they will work. Is not it depressing that the two major parties in this debate are throwing the same argument against each other to vote down amendments rather than working together constructively?

Nicola Sturgeon: I have a lot of sympathy with Patrick Harvie, but in order to comply with EU law, we must have some evidence on which to base our decision. On amendment 28, that evidence is completely lacking, which is why, unfortunately, at this stage we cannot back it. However, to take up the spirit of Patrick Harvie's comment, I repeat the offer that was made: if evidence does emerge, we will be perfectly prepared to consider pursuing the proposal by way of regulation.

Jackie Baillie: For the avoidance of doubt, I point out that we presented evidence to the Health and Sport Committee and to every MSP and we placed that evidence in the Scottish Parliament information centre. This is the second time Michael Matheson has had the evidence; he clearly did not read it the first time. I also point out to him that if he had listened carefully at the start, he would have heard me quote Dr Mary Claire O'Brien's studies over time on caffeinated alcohol—not energy drinks—use among a substantial cohort of students in America. It really depresses me that the SNP dismisses evidence

because it comes from America and because something has not been done in Scotland.

I say to the SNP, with all due respect, that I know that the volume of consumption of caffeinated alcohol is less than 1 per cent of the total volume of alcohol consumption. We have lodged a very focused amendment to tackle a problem that has a disproportionate impact on our community. If consumption of caffeinated alcohol is less than 1 per cent of total alcohol consumption, why is it causing the scale of problem that it is clearly causing in communities right across Scotland?

I hesitate to say this to the cabinet secretary because she is, of course, a lawyer, but the measure that we propose is legal. I refer her to the other EU countries that have taken similar steps. Frankly, she is wrong on this occasion. She told us earlier that sometimes we need guts and leadership to do the right thing. I am so disappointed that on this issue she demonstrates neither.

The Deputy Presiding Officer: The question is, that amendment 28 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Margaret (Glasgow Baillieston) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Foulkes, George (Lothians) (Lab)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marlyn (North East Scotland) (Lab)
 Gordon, Charlie (Glasgow Cathcart) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Paisley South) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Kelly, James (Glasgow Rutherglen) (Lab)
 Kerr, Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Tom (Hamilton South) (Lab)
 McConnell, Jack (Motherwell and Wishaw) (Lab)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)

McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Mulligan, Mary (Linlithgow) (Lab)
 Murray, Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Park, John (Mid Scotland and Fife) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Stewart, David (Highlands and Islands) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Whitton, David (Strathkelvin and Bearsden) (Lab)

Against

Adam, Brian (Aberdeen North) (SNP)
 Aitken, Bill (Glasgow) (Con)
 Allan, Alasdair (Western Isles) (SNP)
 Brocklebank, Ted (Mid Scotland and Fife) (Con)
 Brown, Gavin (Lothians) (Con)
 Brown, Keith (Ochil) (SNP)
 Brown, Robert (Glasgow) (LD)
 Brownlee, Derek (South of Scotland) (Con)
 Campbell, Aileen (South of Scotland) (SNP)
 Carlaw, Jackson (West of Scotland) (Con)
 Coffey, Willie (Kilmarnock and Loudoun) (SNP)
 Constance, Angela (Livingston) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Don, Nigel (North East Scotland) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Finnie, Ross (West of Scotland) (LD)
 FitzPatrick, Joe (Dundee West) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Goldie, Annabel (West of Scotland) (Con)
 Grahame, Christine (South of Scotland) (SNP)
 Harvie, Christopher (Mid Scotland and Fife) (SNP)
 Hepburn, Jamie (Central Scotland) (SNP)
 Hume, Jim (South of Scotland) (LD)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Adam (South of Scotland) (SNP)
 Johnstone, Alex (North East Scotland) (Con)
 Kidd, Bill (Glasgow) (SNP)
 Lamont, John (Roxburgh and Berwickshire) (Con)
 Lochhead, Richard (Moray) (SNP)
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)
 Marwick, Tricia (Central Fife) (SNP)
 Mather, Jim (Argyll and Bute) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West of Scotland) (SNP)
 McArthur, Liam (Orkney) (LD)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McInnes, Alison (North East Scotland) (LD)
 McKee, Ian (Lothians) (SNP)
 McKelvie, Christina (Central Scotland) (SNP)
 McLaughlin, Anne (Glasgow) (SNP)
 McLetchie, David (Edinburgh Pentlands) (Con)
 McMillan, Stuart (West of Scotland) (SNP)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Neil, Alex (Central Scotland) (SNP)
 O'Donnell, Hugh (Central Scotland) (LD)
 Paterson, Gil (West of Scotland) (SNP)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Robison, Shona (Dundee East) (SNP)

Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Russell, Michael (South of Scotland) (SNP)
 Salmond, Alex (Gordon) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland) (LD)
 Smith, Elizabeth (Mid Scotland and Fife) (Con)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Somerville, Shirley-Anne (Lothians) (SNP)
 Stephen, Nicol (Aberdeen South) (LD)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Stone, Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Sturgeon, Nicola (Glasgow Govan) (SNP)
 Swinney, John (North Tayside) (SNP)
 Thompson, Dave (Highlands and Islands) (SNP)
 Tolson, Jim (Dunfermline West) (LD)
 Watt, Maureen (North East Scotland) (SNP)
 Welsh, Andrew (Angus) (SNP)
 White, Sandra (Glasgow) (SNP)
 Wilson, Bill (West of Scotland) (SNP)
 Wilson, John (Central Scotland) (SNP)

The Deputy Presiding Officer: The result of the division is: For 47, Against 78, Abstentions 0.

Amendment 28 disagreed to.

Section 8A—Presumption against prohibition on off-sales to under 21s

The Deputy Presiding Officer: We come to group 5. Amendment 7, in the name of the minister, is grouped with amendment 46.

Nicola Sturgeon: Amendment 7 seeks to remove section 8A of the Alcohol etc (Scotland) Bill, as was inserted by Richard Simpson at stage 2. Section 8A would amend section 6 of the Licensing (Scotland) Act 2005 and place a restriction on the policies that licensing boards can set out in their policy statements. Section 8A would prevent licensing boards from including in their policy statements an intention to restrict off-sales alcohol to those who are over 18 but under 21.

As I said at the Health and Sport Committee at stage 2, section 8A will restrict local discretion to have certain policies and make it more difficult for licensing boards to tackle specific problems in their communities. I would much prefer that licensing boards retain the ability to take decisions in the best interests of the communities that they serve.

I accept that a national approach in respect of the off-sales purchase age did not find favour, and I accept that our alternative proposal to require licensing boards to assess any detrimental impact arising from off-sales to those under 21 was not agreed at stage 2. However, I strongly believe that section 8A would unnecessarily restrict licensing boards from having policies that are in the best interests of their communities. I am not convinced that we should be preventing licensing boards from stating in their policy statements that they

would even consider raising the off-sales age if an area was plagued by antisocial behaviour or underage drinking.

15:45

In 2005, the Parliament deliberately gave licensing boards comprehensive powers to decide what is right for their areas; it is encouraging that boards are using the new powers to their full extent. Five years on, it would be wrong to impose the constraint that section 8A will create.

Amendment 46 would amend section 9, which will insert proposed new section 27A into the 2005 act. New section 27A will enable ministers to make regulations that prescribe matters in relation to which licensing boards may impose licence conditions as provided for by new section 27A. The amendment would prevent regulations from being made that would allow new section 27A to be used to impose licence conditions about the age for purchasing alcohol. That would mean that new section 27A could not be used to give licensing boards the ability to raise the purchasing age for alcohol in any part of their community by varying several licences at one time. I question the need for amendment 46, which seems to be unnecessary. Why should we prevent future flexibility and constrain Governments in the future from taking steps to increase licensing boards' powers?

I stress that section 9 of the bill contains no secret back-door power to implement a change in the off-sales purchase age. If any Government wished to enable licensing boards to use new section 27A of the 2005 act to impose conditions, ministers would need to make regulations to allow for that, and those regulations would be subject to affirmative procedure. I accept that the Parliament did not agree to our original or revised proposal on raising the off-sales age to 21. New section 27A of the 2005 act is not an attempt to reintroduce such a measure by the back door. However, we should not seek to prevent those who are elected to make local decisions from examining, testing and implementing solutions that are designed to tackle the problems that their communities face, and I see no good reason to constrain section 9 of the bill in that way. I ask the Parliament to agree to amendment 7 and to oppose amendment 46.

I move amendment 7.

Dr Simpson: It is regrettable that one theme of the Government's approach to the bill has tended to be punitive and discriminatory. On the issue that we are discussing, the approach is certainly discriminatory. Along with the other Opposition parties, we have consistently opposed attempts throughout the bill process to demonise young

adults. Such attempts are unfair and unworkable and are not evidence based.

The Government is making yet another attempt to introduce its discriminatory measure, having failed to obtain support for a universal ban on off-sales to under-21s. The cabinet secretary says that the bill has no back-door measure, but amendment 46, which is in my name, would ensure that under-21s could not be discriminated against.

The Minister for Public Health and Sport (Shona Robison): Given what Richard Simpson says, why did Labour feel that it was okay for boards to have in the 2005 act the powers that it seems set against now?

Dr Simpson: We were never in favour of discrimination against young people. We did and will support the universal application of challenge 25 as a positive step. The cabinet secretary tried to say that the issue was to do with underage sales, but it has nothing to do with that; it is about discrimination against people who are aged between 18 and 21.

We will support greater enforcement to tackle proxy purchasing and underage sales, as members will see from later amendments, which the Government now supports and has developed. We support greater enforcement of dispersal orders to prevent drinking in public places. However, we will not support discriminatory measures that seek to condemn all those who are under 21, in order to deal with the minority who abuse alcohol. If it is legal at 18 to drink in a pub or to serve or sell alcohol, purchasing alcohol for home consumption should be allowed at that age.

The Government called in evidence the two pilots in Armadale and Stenhousemuir, but when the eminent Professor Sheila Bird, who is a vice-president of the Royal Statistical Society, says that those pilots are not statistically significant, they should not be used as justification. However, the evidence is fairly clear for voluntary schemes such as that at St Neots in Cambridgeshire, where the whole community was engaged and the project worked well, without the need for a discriminatory ban by regulation or licensing board decisions.

By not supporting amendment 46, the Government has made even more definite our decision to oppose amendment 7, which would delete section 8A, and to support amendment 46. That might be a belt-and-braces approach, but it shows the determination of the Labour Party, which I hope will have the Parliament's support, to stop the attacks on young adults once and for all.

Murdo Fraser: The worst aspect of the original set of proposals on alcohol that the SNP Government brought forward was the proposal to raise the drinking age from 18 to 21. We believe

that it is simply wrong to discriminate against 18 to 20-year-olds in this way. I can do no better than agree with the National Union of Students Scotland, which says in its briefing note that

“it is inequitable that individuals aged 18-20 who consume alcohol responsibly in their own homes may be prevented from doing so, or criminalised if they continue to do so, in a country which considers them mature and responsible enough to vote, to fight for their country and to raise children.”

We would have the ridiculous scenario whereby a soldier who, on returning from active duty in Afghanistan, could not buy a bottle of beer to consume in his own home if he were under the age of 21.

I am pleased to say that the proposals were roundly defeated when the Government brought them forward previously. I remember leading a debate in the Parliament two years ago that saw the defeat of the original universal ban. The Government has since made various attempts to bring back the proposals by the back door, not least by giving licensing boards the power at local level. We do not agree with the proposals, which are discriminatory and offensive to young people and should be rejected. For the reasons that I have set out, we will oppose amendment 7 and, as a belt-and-braces approach, support amendment 46.

Claire Baker (Mid Scotland and Fife) (Lab):

This Parliament is in agreement that underage drinking and the damage that it causes to communities need to be tackled effectively. However, allowing individual licensing boards the discretion to increase the purchase age of alcohol to 21 will not achieve that objective. Richard Simpson's amendment 46 would ensure that the age at which young people across Scotland can buy alcohol remains 18.

The Scottish Government wants to tackle underage drinking by creating an additional group of drinkers that it classes as underage drinkers when buying in an off-licence but not when buying in a pub. That is clearly wrong-headed. Increasing the age to 21 for off-sales will not solve the prevalent problems of enforcement or the number of very young people who access alcohol. The most challenging statistics that we have to deal with are that 52 per cent of 13-year-olds and 82 per cent of 15-year-olds have consumed alcohol. We need to enforce the current tough measures to crack down on off-licences that sell alcohol to children. We also need to make it clear that proxy purchasing will not be tolerated.

At the age of 18, a person is considered to be responsible enough for many things including voting, raising a family or even drinking alcohol in a pub. It is therefore ridiculous to tell an 18-year-old that they can have a drink in a pub but not buy

a bottle of the same drink at the off-licence down the road. I know well the problems that underage drinking and antisocial behaviour cause, but I am not convinced that the measure would address those problems. Scotland is a small place. It would not be difficult for over-18s to buy alcohol, even with the measure. The policy is unworkable.

The Scottish Government has pointed to pilot projects such as the Armadale pilot, but research on the pilot showed that the police received five calls about youth disorder in the week before the trial and four during it. The Royal Statistical Society branded the statistics as “insignificant” and “disappointing”. We cannot make legislation that will affect so many young people on the basis of such questionable figures. Underage drinking and youth disorder require a sensible approach that gets to the root of the problem and does not needlessly penalise scores of Scotland's young people. The views that I have expressed are shared by organisations including NUS Scotland. I recognise the contribution that it and others such as Young Scot have made to the debate.

I oppose amendment 7, in the name of Nicola Sturgeon, and support amendment 46, in the name of Richard Simpson.

Ross Finnie: It is important to recall that the Parliament as a whole has already voted on the matter, at which point it roundly rejected any form of discrimination against people between the ages of 18 and 21. The proposal was further rejected at stage 2 of the bill. I have looked back over the matter and there is absolutely no doubt in my mind that no discussion was had and no evidence led in the debate on the subject two years ago. Nothing was said that would have led any member to think that the proposition that lies before us would be progressed. Given that the possibility now exists—a possibility that was not examined previously—Liberal Democrats are happy to support Richard Simpson's amendment 46 and to reject the Government's amendment 7.

Nicola Sturgeon: I have listened carefully to the debate. Amendment 7, in my name, is being misunderstood. It is not an attempt to reintroduce by the back door a policy that the Parliament has rejected in plenary session and at committee. It is simply an attempt to ensure that we do not restrict licensing boards in a way that, prior to the bill that we are debating today, they were not restricted. I believe that it is important to give those whose responsibility it is at local level to deal with the problems the maximum flexibility to do that in a way that they see fit.

Amendment 7 is not what some members have suggested it is. To demonstrate that, and having listened to the debate and come to the conclusion that amendment 7 will be opposed, I am happy to seek the Parliament's leave to withdraw it.

Amendment 7, by agreement, withdrawn.

Section 9—Premises licences: variation of conditions

Amendment 46 moved—[Dr Simpson].

The Deputy Presiding Officer (Trish Godman): The question is, that amendment 46 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Aitken, Bill (Glasgow) (Con)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brocklebank, Ted (Mid Scotland and Fife) (Con)
 Brown, Gavin (Lothians) (Con)
 Brown, Robert (Glasgow) (LD)
 Brownlee, Derek (South of Scotland) (Con)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Carlaw, Jackson (West of Scotland) (Con)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Margaret (Glasgow Baillieston) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Foulkes, George (Lothians) (Lab)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marilyn (North East Scotland) (Lab)
 Goldie, Annabel (West of Scotland) (Con)
 Gordon, Charlie (Glasgow Cathcart) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Paisley South) (Lab)
 Hume, Jim (South of Scotland) (LD)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Johnstone, Alex (North East Scotland) (Con)
 Kelly, James (Glasgow Rutherglen) (Lab)
 Kerr, Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Lamont, John (Roxburgh and Berwickshire) (Con)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McArthur, Liam (Orkney) (LD)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Tom (Hamilton South) (Lab)
 McConnell, Jack (Motherwell and Wishaw) (Lab)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McInnes, Alison (North East Scotland) (LD)
 McLetchie, David (Edinburgh Pentlands) (Con)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)

Mulligan, Mary (Linlithgow) (Lab)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Elaine (Dumfries) (Lab)
 O'Donnell, Hugh (Central Scotland) (LD)
 Oldfather, Irene (Cunninghame South) (Lab)
 Park, John (Mid Scotland and Fife) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland) (LD)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Elizabeth (Mid Scotland and Fife) (Con)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stewart, David (Highlands and Islands) (Lab)
 Stone, Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Tolson, Jim (Dunfermline West) (LD)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Whitton, David (Strathkelvin and Bearsden) (Lab)

Abstentions

Adam, Brian (Aberdeen North) (SNP)
 Allan, Alasdair (Western Isles) (SNP)
 Brown, Keith (Ochil) (SNP)
 Campbell, Aileen (South of Scotland) (SNP)
 Coffey, Willie (Kilmarnock and Loudoun) (SNP)
 Constance, Angela (Livingston) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Don, Nigel (North East Scotland) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 FitzPatrick, Joe (Dundee West) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Grahame, Christine (South of Scotland) (SNP)
 Harvie, Christopher (Mid Scotland and Fife) (SNP)
 Hepburn, Jamie (Central Scotland) (SNP)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Adam (South of Scotland) (SNP)
 Kidd, Bill (Glasgow) (SNP)
 Lochhead, Richard (Moray) (SNP)
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)
 Marwick, Tricia (Central Fife) (SNP)
 Mather, Jim (Argyll and Bute) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West of Scotland) (SNP)
 McKee, Ian (Lothians) (SNP)
 McKelvie, Christina (Central Scotland) (SNP)
 McLaughlin, Anne (Glasgow) (SNP)
 McMillan, Stuart (West of Scotland) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 Paterson, Gil (West of Scotland) (SNP)
 Robison, Shona (Dundee East) (SNP)
 Russell, Michael (South of Scotland) (SNP)
 Salmond, Alex (Gordon) (SNP)
 Somerville, Shirley-Anne (Lothians) (SNP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow Govan) (SNP)
 Swinney, John (North Tayside) (SNP)
 Thompson, Dave (Highlands and Islands) (SNP)
 Watt, Maureen (North East Scotland) (SNP)
 Welsh, Andrew (Angus) (SNP)

White, Sandra (Glasgow) (SNP)
 Wilson, Bill (West of Scotland) (SNP)
 Wilson, John (Central Scotland) (SNP)

The Deputy Presiding Officer: The result of the division is: For 79, Against 0, Abstentions 46.

Amendment 46 agreed to.

The Deputy Presiding Officer: We move to group 6. Amendment 8, in the name of the minister, is the only amendment in the group.

Nicola Sturgeon: Amendment 8 responds directly to concerns that were raised initially by the Law Society of Scotland and then by Mary Scanlon at stage 2, when I gave an undertaking to return with a revised amendment.

In committee, I agreed with Mary Scanlon's view that there should be a safeguard in place for businesses that may be affected by a licensing board's proposal to impose a condition in all or some premises licences in its area. Amendment 8 will introduce a notice and hearings process into new section 27A of the 2005 act, which will be inserted by section 9 of the bill. Amendment 8 will require licensing boards to give notice of any proposed variation and to provide the opportunity to make representations about that.

Amendment 8 will mean that businesses that are likely to be affected by any proposed condition will have the opportunity to make representations to the board about the proposed variation. Relevant authorities such as the police, community councils and health boards, and members of the public, will also be able to make representations. If any representations are made, the licensing board must hold a hearing in relation to the proposed variation and may give the people who made representations an opportunity to be heard at that hearing.

I hope that amendment 8 provides the reassurance that Mary Scanlon was seeking at stage 2 and ensures that new section 27A of the 2005 act will strike the right balance between allowing boards to take decisions in the interests of their communities and being fair to the businesses concerned.

I move amendment 8.

The Deputy Presiding Officer: Mary Scanlon has indicated that she wishes to speak.

Mary Scanlon: I thought that I would be invited to stand up to thank the Government. I welcome the fact that it has listened in respect of the amendment that I lodged, which was suggested by the Law Society. Amendment 8 is a reasonable amendment. I thank the minister for her consideration.

Amendment 8 agreed to.

After section 9A

The Deputy Presiding Officer: We move to group 7. Amendment 9, in the name of the minister, is the only amendment in the group.

Nicola Sturgeon: The Scottish Government recognises that effective enforcement of existing laws must be part of our efforts to change Scotland's relationship with alcohol. That is why effective enforcement forms part of the alcohol framework for action.

Test purchasing, as permitted by the 2005 act, has been an early success story and is helping to drive up standards and allowing the police and licensing boards to take tough action against rogue retailers. We will continue to support and encourage the police and licensing boards to make full use of their new powers.

Amendment 9 was developed following Richard Simpson's proposals at stage 2 on the need for local licensing forums to be supplied with information on police action and its effects, to enable them to operate and fulfil their role from an informed position. At stage 2, I advised the Health and Sport Committee that I was sympathetic to Richard Simpson's amendment but had concerns about its wording and the potential conflict with the roles and responsibilities of the police and licensing boards. The Association of Chief Police Officers in Scotland strongly shared those concerns. I am confident that, as the 2005 act beds in, licensing boards, local licensing forums and the police will continue to develop their roles and use their new powers to the full extent. The act relies on partnership working to achieve its full potential.

16:00

Given the views that were expressed by Richard Simpson and other members of the Health and Sport Committee, I am happy to propose amendment 9, which would require each chief constable to present a report each year to each licensing board, setting out the chief constable's views on policing matters under the 2005 act in the board's area in the previous year and the current year. The report must specifically set out any steps that have been taken by the police in the past year, or that are to be taken in the current year, to prevent the sale or supply of alcohol to people under the age of 18. The report will have to be copied to the relevant local licensing forum. A licensing board or forum may also require a representative of the police to attend a meeting of that board or forum to discuss the report.

Amendment 9 will provide licensing boards and local licensing forums with information that will help them to act in the interests of the communities that they serve.

I move amendment 9.

Dr Simpson: I thank the cabinet secretary for taking up the discussions that took place at stage 2 and for lodging amendment 9 at stage 3, which we will of course support. We moved an amendment at stage 2 because we firmly believe that tackling underage drinking and proxy sales—as well as other measures relating to the powers of the police—should be subject to transparent public scrutiny. Reporting to the licensing boards and forums, as is proposed under amendment 9, will achieve that purpose. I am grateful that the proposals are now in a form that chief constables can support.

It was under the Labour-Lib Dem Administration that measures were originally introduced and test purchasing started. As Deputy Minister for Justice, I proposed to Colin Boyd that we should do just that. I welcome the Government amendment that will put into the law applying to test purchasing a transparency that did not previously exist.

I was particularly concerned that, in one of the local authority areas that is partly in my constituency, Perth and Kinross, there has been no successful test purchasing—at least, successful in the sense of demonstrating that any licensees are breaking the law, although we know that that is occurring.

I hope that amendment 9 will help make the public much more confident about the whole process of tackling underage selling and proxy purchasing.

Amendment 9 agreed to.

Section 10—Licence holders: social responsibility levy

The Deputy Presiding Officer: We come to group 8. Amendment 10, in the name of the minister, is grouped with amendments 11, 12 and 33 to 37.

Nicola Sturgeon: Amendments 10 to 12 are minor drafting amendments that are required as a consequence of other amendments that were agreed to at stage 2.

Amendment 33, in Murdo Fraser's name, seeks to provide that the levy regulations may make provision for discounts to the social responsibility levy to be applied for licence holders complying with the standards of practice that would be set out in regulations. I support that amendment, as it is consistent with the reduction in the levy that we wish to be in place for licence holders who demonstrate good practice.

I said at stage 2 that I would endeavour to provide draft regulations on the levy, setting out more detail. Last week, a consultation document, including draft regulations, was issued to relevant

stakeholders for comment. A copy was sent to the Health and Sport Committee, and it is also available on the Scottish Government website. The consultation document sets out some of the detail of the workings of the levy, and it poses specific questions on areas in which it is important to get feedback, including on what method should be used to determine good practice, who will determine that good practice and what level of reduction the levy should attract.

As I have said before, it is important to take the time to get these provisions right, and we continue to work with the licensed trade and the Convention of Scottish Local Authorities. The first draft of the regulations is intended to assist that consultation process. There will be further consultation, to comply with section 11, before the regulations are laid before the Parliament.

I remind members that the prevailing economic conditions will need to be taken into account before any levy is introduced. The availability of draft regulations now does not indicate that regulations will necessarily be laid in the near future. I view the social responsibility levy as a longer-term aim, but I believe that it is right that the licensed trade, including the supermarket sector, contributes to the services that are needed to deal with the consequences of alcohol misuse and overconsumption.

I do not support amendment 34 in Ross Finnie's name, which would add an additional licensing objective that is relevant to the purpose for which the levy may be imposed. Amendment 34 does not work as a licensing objective. Although I accept that Ross Finnie might be seeking to pursue a similar measure to that which has been proposed by Murdo Fraser in amendment 33, I consider amendment 33 to be more comprehensive and, therefore, preferable.

I do not support amendments 35 to 37, in Ross Finnie's name, which seek to limit the purpose for which the levy can be imposed and therefore the purpose for which local authorities can use the levy. The licensing objectives in the 2005 act work together. They are the fundamental principles on which the licensing regime was founded; they are not a pick and mix. I am concerned that amendments 35 to 37 would throw out some objectives while retaining others.

Given the impact that alcohol misuse has on our communities, I fail to see the logic in providing that local authorities cannot spend money from a future levy on preventing crime and disorder, protecting public safety and preventing public nuisance. If, for example, a local authority wanted to use the levy for taxi marshalling, to contribute to services that are provided by street pastors or to provide extra policing in city centres, we should not restrict the authority by allowing the levy to be used only to

protect public health, important though that is. I am sure that it was not Ross Finnie's intention to obstruct local authorities' ability to use the levy, but that would be the practical effect of amendments 35 to 37.

I move amendment 10.

Murdo Fraser: Amendment 33 would make it clear that future regulations on the social responsibility levy would provide discounts for licence holders who demonstrated that they met or exceeded best practice, as set out in the regulations. The Health and Sport Committee and the Scottish Government have said that licensees who demonstrate best practice in their approach to social responsibility should be recognised under the levy regulations. Amendment 33 would ensure that that principle was enshrined in legislation.

The Scottish Government has acknowledged that the majority of licence holders act in a responsible way. A social responsibility levy should not penalise licence holders who comply with best practice and contribute to projects in communities that support responsible drinking. The offer of maximum discounts for best practice would ensure that projects that are already substantially funded by the industry could continue to flourish and that funds would not be diverted to pay the social responsibility levy.

There are numerous examples of successful voluntary projects that involve licence holders, which work towards national health and social objectives. In England, community alcohol partnerships, which aim to reduce underage drinking and antisocial behaviour, have had particular success. The industry recently substantially increased its support for Drinkaware and there is a great deal of good will from retailers to support the charity's campaigns and materials, through promotions to consumers at point of sale, display of information and leaflets, magazines and advertising.

It is important that licence holders who support such activities are not disincentivised to contribute by having to pay a social responsibility levy on top of the resources that they allocate to the activities. The provision of a sliding scale of discounts to the levy would encourage wider support from the industry and recognise the good work that the industry does throughout Scotland. I welcome the cabinet secretary's support for amendment 33.

Ross Finnie: I regret to say that even at this late stage the whole question of the social responsibility levy remains unclear. Although I accept that it would not be competent to delete section 10, I was minded to do so. I accept that a wrecking amendment to part 2 would not be acceptable at this stage.

We remain very unclear as to the exact import of the approach in part 2. It started as a polluter-pays principle, but it was absolutely clear in discussions at stage 2 that there was no appetite for such a negative approach to the imposition of a social responsibility levy. I accept that the cabinet secretary said that she would produce draft regulations, but I am bound to say that the publication of the draft regulations came a tad late in the day and certainly not in time for adequate consideration of whether further amendments might be lodged in light of the regulations' publication.

The Liberal Democrat position is clear. We think that the social responsibility levy should be used for a positive and not a negative purpose. If we are concerned about disorder, there are all sorts of provisions in the 2005 act that ought to be applied. Indeed, there are a number of licensing boards who ought to use their existing powers to revoke licences and put licensees under a great deal more pressure in relation to illegal behaviour.

It is quite wrong to suggest that I am obviating the purposes of the 2005 act by making these amendments to licensing objectives. Let us be clear that, when I talk about amending licensing objectives, I am talking about licensing objectives as they are defined exclusively for the purposes of section 10 and no other section.

Amendments 34 to 37 do not affect the principle of the licensing provisions. The notion—put to us by the cabinet secretary—that I am upsetting the balance between the licensing objectives does not hold good. The amendments relate exclusively to how the objectives apply in relation to section 10.

If we are looking for a more positive purpose, trying to promote measures that will do something to contain the abuse and use of alcohol and assist those who suffer from that, looking for positive purposes on public health and looking to reward those who follow best practice, it is important to delete references to law and order, public safety and public nuisance. Those matters are properly addressed within the licensing conditions. That is why they are in the objectives in the Licensing (Scotland) Act 2005 and apply generally to the other parts of the section.

After a huge amount of debate and discussion, we still lack a clear statement of precisely what the social responsibility levy will ultimately be used for. The Liberal Democrats will try as hard as we can to introduce a more positive aspect into the social responsibility levy provisions. For that purpose, I will move amendments 34 to 37. I hope that they will gain support.

We will support Murdo Fraser's amendment 33. As the cabinet secretary indicated, amendments

10 to 12 are purely technical and, therefore, they will receive our support.

Jackie Baillie: We support amendments 10 to 12 in the cabinet secretary's name but are opposed to the amendments from Murdo Fraser and Ross Finnie.

I acknowledge that Ross Finnie's and Murdo Fraser's amendments are well intentioned and that they want to reward retailers who engage in good practice. I do not disagree with that approach, but I genuinely feel that we have not thought through how that would be achieved in practice. What would we do in a circumstance in which a retailer had undertaken really positive education work with local youth groups but, nevertheless, was responsible for the majority of alcohol sales in a particular area that was the focus of antisocial behaviour?

I suspect that much of what Murdo Fraser and Ross Finnie propose is born out of frustration at the lack of detail about how the social responsibility levy would operate. That is clearly an unsatisfactory state of affairs. It is not helpful at all to bring forward drafts at the 59th minute of the 11th hour.

The social responsibility levy would benefit from further work and discussion, but it cannot be resolved at stage 3, so I suggest that the best approach would be for the Government to engage in dialogue with the industry, local authorities and public health interests as part of a package of regulations that set out the detail of the levy.

Hugh Henry (Paisley South) (Lab): I am instinctively suspicious of being asked to agree to legislation without knowing the full details of what we are voting for. In effect, we are being asked to buy a pig in a poke. It is not responsible to ask members of the Parliament to make major decisions that will have significant implications for many businesses throughout the country without knowing the full facts. Therefore, I hope that the cabinet secretary and her colleagues will listen closely to Jackie Baillie's exhortations to them to come back to the Parliament having discussed the matter with the industry, retailers and all those affected.

We talk about the polluter paying. I take the view that the polluter is the person who gets drunk, often with substantial amounts of money in their pocket, and causes mayhem in their local community. We should not pass the full burden of responsibility on to responsible drinkers or responsible publicans and off-licence holders in many small communities, who will suffer as a result of our agreeing to a financial penalty without knowing the details.

If we are going to introduce a levy, it is incumbent on us to ensure that the volume

retailers bear the responsibility. I hope that the responsible publicans and retailers who are doing their best, often at very small margins, will not be punished. If we lose pubs in small towns and villages throughout Scotland, we will damage the social fabric. It is incumbent on the Parliament to be more open and honest, and to go back and have further discussions with those who are directly affected.

16:15

Dr Simpson: We will support amendments 10 to 12 because they are tidying-up amendments.

The amendments from Murdo Fraser and Ross Finnie arise from the fact that we do not have clarity on the social responsibility levy. I am concerned about Murdo Fraser's amendment 33, because it would bring in—in a reverse way—the polluter-pays principle. Polluters would be the only ones to pay, and we rejected that idea at stage 2. I hope that the Parliament will reject that again and leave it to regulation, by which we can consider a genuine partnership with industry. The discussions with industry did not take place for about 16 months, and we could have advanced that far further.

Nicola Sturgeon: Ross Finnie rightly says that there was no support at stage 2 for the polluter-pays principle, which is precisely why we accepted the committee's recommendation that any levies should be applied through a blanket approach with good-conduct discounts.

I agree with Ross Finnie that we should seek to apply the levy for positive reasons, but I happen to think that it would be just as positive to spend the proceeds on combating crime in a community, for example, as to spend them on improving public health.

Ross Finnie's amendments would restrict what the levy could be spent on to those licensing objectives that are directly related to health, and on that basis I do not support them.

A number of members have said that we do not yet have all the detail on how much the levy would be and to whom it would be paid. That is deliberate. We have decided that for a levy that will not be introduced immediately, it is right that we pass an enabling power and then engage in extensive consultations with the industry and other stakeholders before coming to final decisions. That is right and proper.

Hugh Henry says that he is instinctively opposed to passing legislation of this nature. I draw his attention to the fact that the 2005 act that the previous Administration passed had 22 provisions in it that required regulations to flesh out the detail and put flesh on the bones. That has

been the practice here, but I hope that I can reassure Jackie Baillie and Hugh Henry by repeating what I said in my original remarks.

We have put draft regulations out for consultation, and we will listen to the views that come back. When those regulations are formally introduced to the Parliament, section 11 requires a further consultation procedure. Later this afternoon we will accept an amendment from the Subordinate Legislation Committee to apply the super-affirmative procedure to those regulations. It would be for the Parliament at that stage to scrutinise those regulations fully and take a decision about whether to introduce them. That is a perfectly acceptable way to proceed.

For those reasons, I ask the Parliament to support the technical amendments in my name and Murdo Fraser's amendment 33, and to reject Ross Finnie's amendments.

Amendment 10 agreed to.

The Deputy Presiding Officer: We move to group 9. Amendment 29, in the name of Murdo Fraser, is grouped with amendments 30 to 32 and 38.

Murdo Fraser: Amendment 29 and the consequential amendments in the group apply the social responsibility levy only to those licence holders who have been convicted of a relevant offence or a foreign offence. The amendments go to the heart of the division in the chamber between those members who believe that there should be a blanket approach to the social responsibility levy, and those who—like me and, I believe, Ross Finnie, given his earlier comments—believe that it should be targeted based on the polluter-pays principle.

Given that the social responsibility levy is mentioned in the long title of the bill, my Conservative colleagues and I sought legal advice, which was that the levy could not be removed from the bill in its entirety. My amendments therefore seek to restrict the implementation of the provision on charging licence holders a levy. My Conservative colleague Mary Scanlon dissented from certain paragraphs of the committee's stage 1 report on the social responsibility levy, so it is no surprise that we are trying to amend section 10.

My amendments would restrict the scope of the social responsibility levy to licence holders who had been convicted of a relevant offence or a foreign offence, as described in section 129 of the 2005 act. If the levy were to be introduced, many trade organisations and others would favour a fault-based approach that did not seek to punish the majority of responsible businesses that comply effectively with the law of this country. If a levy is to be applied, it should, in all equity, be directly

attributable only to those premises licence holders who have been convicted of a relevant offence under the 2005 act.

As things stand, as we have heard, there is undoubtedly a lack of clarity around the levy, which many in the industry claim will be very difficult to implement and which could lead to responsible licensees being punished. It is worth noting that 51 per cent of the responses that the committee received in response to its call for evidence were in favour of the levy and 49 per cent of them were against it. That hardly represents a ringing endorsement of the principle.

I hope that my amendments will help to put greater emphasis on enforcement of offences under the existing law, such as the offence of selling alcohol to a person who is intoxicated. The Scottish Grocers Federation has raised concerns about the disproportionate effect that the levy would have on smaller shops and thinks that there should be a fault-based measure rather than an indiscriminate, blanket levy, which could send the dangerous message that no individual needs to be responsible for their own actions.

I move amendment 29.

The Deputy Presiding Officer: I ask those members whom I call on this group to be brief, please.

Ross Finnie: I do not know whether Murdo Fraser misunderstood my earlier comments; I think that I made it fairly clear that I supported the rejection of the polluter-pays principle. Therefore, I oppose Murdo Fraser's amendments.

I understand Murdo Fraser's wish to restrict the application of the levy, but if we are to have a provision that deals only with those who have committed an offence, it seems to me that that has nothing to do with a social responsibility levy. It is not necessary for someone to have engaged in criminal activity for them properly to contribute to a social responsibility levy; that would be to make payment of the levy an extension of the punishment. If that is the desire, Murdo Fraser should seek to amend the provisions of the 2005 act on the punishments that are available to a licensing board for those who commit an offence. He is confusing two quite separate purposes, so Liberal Democrats will oppose his amendments to section 10.

Rhoda Grant (Highlands and Islands) (Lab):

At first glance, the amendments in the group look reasonable, and I was keen on a polluter-pays regime when we started to take evidence, but it became clear that penalties are in place that are seldom used.

In addition, on closer examination, it became apparent that it is not always easy to identify those

who are breaking the law. For example, if someone is drinking outside or even at home and is causing disorder, how can we identify where they bought that drink and whether it would have been reasonable for the establishment in question to know that they would behave in that manner? If they are found in a licensed premises or in the vicinity of one, how do we know that they were sold alcohol there or whether the licensee could have refused to serve them? The bottom line is that it is almost impossible to identify the polluter. When they can be identified, they should have their licence revoked rather than have to pay a fine by way of a social responsibility levy.

I have sympathy with Murdo Fraser and other members who are trying to come to grips with the levy, as the truth is that the bill contains no detail on it, with the result that members have been left to fill that void. However, Murdo Fraser's amendments would be counterproductive. We need to look at the whole picture. The Subordinate Legislation Committee's amendment 40 seeks to ensure that the regulations to bring the levy into force will be subject to the super-affirmative process, which will allow the consultation and discussion that are required to ensure that the levy works when it is eventually introduced.

Patrick Harvie: By the sound of what we have heard so far, I will be voting alongside most members in opposing Murdo Fraser's amendments, but I think that it is worth replying to one of the points that he made. He said that the amendments went to the heart of one of the fundamental divisions of opinion on many aspects of the bill, and I think that he is right about that.

To understand the social responsibility levy as a fine or, as Murdo Fraser described it at one point, a punishment is to fundamentally misunderstand the approach that is being taken. The approach that is being taken in the bill and in many of its most progressive elements, including some that are no longer in the bill, is a population-level approach. It recognises that we must all be part of responsibility, whether we have a severe drinking problem or cause antisocial behaviour, or whether we have broken the law. I am not puritanical about alcohol; I enjoy alcohol and I like the part that it plays in my life. However, it is acceptable even for those of us who enjoy alcohol responsibly to recognise that we have that responsibility. The social responsibility levy, seen in terms of a population-level intervention, is part of the public health approach that should be informing the most progressive elements of the bill.

It is unfortunate that some of those population-level and public health arguments seem to have been lost during the discussion of the bill. I will oppose Murdo Fraser's amendments.

Dr Simpson: Murdo Fraser's point about smaller shops and rural pubs is a good point, and when we come to discuss the super-affirmative subordinate legislation, which I hope we will do in due course, I hope that we will seek to protect those groups. However, he is asking us to vote later for amendment 33 and, if we agree to the amendments in the group, we would be offering a discount to people who have committed a criminal offence. That seems to be fairly illogical, so I ask members to vote against the amendments and get rid of them.

Nicola Sturgeon: I think that I have just agreed with Richard Simpson for the first time this afternoon. He makes a good point about the logicity of the various amendments that Murdo Fraser is asking us to support.

I agree strongly with Patrick Harvie's contribution, and not just with his point about enjoying alcohol, which I also admit to. Patrick Harvie is absolutely correct to say that the problems that we face with alcohol misuse affect us all in society, so the responsibility for tackling them also belongs to us all. We should see all the proposed measures in the bill in that context.

Amendments 29 to 32 would all limit the scope of the levy by applying it only to those who have been convicted of certain offences. The committee debated and voted down similar amendments at stage 2. At that stage, the other committee members agreed that aligning the levy to criminal behaviour is a punitive approach, it is not acceptable, and it should not be what the social responsibility levy is about. As Ross Finnie rightly said, we have licensing laws in place to deal with those who are convicted of offences and there are powers for licensing boards to apply sanctions to businesses that operate irresponsibly.

The restrictive approach that Murdo Fraser has proposed is also inconsistent with that which was recommended by the committee at stage 1; we have already heard today what that approach recommended. I therefore believe that Murdo Fraser's amendments would run counter to the spirit of the social responsibility levy, and for those reasons, I ask members to vote against them.

Murdo Fraser: To the charge of illogicality that Richard Simpson levied against me, I simply say that I appreciate that the amendments that I lodged on the social responsibility levy overlap and, in some cases, compete. As Richard Simpson knows, when amendments are lodged in advance of stage 3 proceedings, we cannot predict which of them will be successful, so I took a belt-and-braces approach.

I apologise to Ross Finnie if I misunderstood his earlier stance. However, if we are going to define what is socially responsible, operating within the

law is a pretty clear and straightforward definition. There is nothing complicated about that.

I appreciated Patrick Harvie's comments on the amendments. There is a division of opinion over whether we regard the social responsibility levy as a punishment for bad behaviour, or whether it is a blanket form of additional taxation, which it will be seen as. When I checked the briefing note from the Scottish Grocers Federation, which represents many small shopkeepers up and down the land, I was interested to note that it sees the levy as an additional burden and it is keen to support the amendments in my name. For that reason, I will press amendment 29.

16:30

The Deputy Presiding Officer: The question is, that amendment 29 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Aitken, Bill (Glasgow) (Con)
 Brocklebank, Ted (Mid Scotland and Fife) (Con)
 Brown, Gavin (Lothians) (Con)
 Brownlee, Derek (South of Scotland) (Con)
 Carlaw, Jackson (West of Scotland) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Goldie, Annabel (West of Scotland) (Con)
 Johnstone, Alex (North East Scotland) (Con)
 Lamont, John (Roxburgh and Berwickshire) (Con)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McLetchie, David (Edinburgh Pentlands) (Con)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Smith, Elizabeth (Mid Scotland and Fife) (Con)

Against

Adam, Brian (Aberdeen North) (SNP)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Allan, Alasdair (Western Isles) (SNP)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Keith (Ochil) (SNP)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Campbell, Aileen (South of Scotland) (SNP)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Coffey, Willie (Kilmarnock and Loudoun) (SNP)
 Constance, Angela (Livingston) (SNP)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Curran, Margaret (Glasgow Baillieston) (Lab)
 Don, Nigel (North East Scotland) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Eadie, Helen (Dunfermline East) (Lab)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)

Finnie, Ross (West of Scotland) (LD)
 FitzPatrick, Joe (Dundee West) (SNP)
 Foulkes, George (Lothians) (Lab)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marlyn (North East Scotland) (Lab)
 Gordon, Charlie (Glasgow Cathcart) (Lab)
 Grahame, Christine (South of Scotland) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Harper, Robin (Lothians) (Green)
 Harvie, Christopher (Mid Scotland and Fife) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Paisley South) (Lab)
 Hepburn, Jamie (Central Scotland) (SNP)
 Hume, Jim (South of Scotland) (LD)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Adam (South of Scotland) (SNP)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Kelly, James (Glasgow Rutherglen) (Lab)
 Kerr, Andy (East Kilbride) (Lab)
 Kidd, Bill (Glasgow) (SNP)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lochhead, Richard (Moray) (SNP)
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 Marwick, Tricia (Central Fife) (SNP)
 Mather, Jim (Argyll and Bute) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West of Scotland) (SNP)
 McArthur, Liam (Orkney) (LD)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Tom (Hamilton South) (Lab)
 McConnell, Jack (Motherwell and Wishaw) (Lab)
 McInnes, Alison (North East Scotland) (LD)
 McKee, Ian (Lothians) (SNP)
 McKelvie, Christina (Central Scotland) (SNP)
 McLaughlin, Anne (Glasgow) (SNP)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McMillan, Stuart (West of Scotland) (SNP)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Mulligan, Mary (Linlithgow) (Lab)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Elaine (Dumfries) (Lab)
 Neil, Alex (Central Scotland) (SNP)
 O'Donnell, Hugh (Central Scotland) (LD)
 Oldfather, Irene (Cunninghame South) (Lab)
 Park, John (Mid Scotland and Fife) (Lab)
 Paterson, Gil (West of Scotland) (SNP)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Robison, Shona (Dundee East) (SNP)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Russell, Michael (South of Scotland) (SNP)
 Salmond, Alex (Gordon) (SNP)
 Scott, Tavish (Shetland) (LD)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Somerville, Shirley-Anne (Lothians) (SNP)
 Stephen, Nicol (Aberdeen South) (LD)

Stevenson, Stewart (Banff and Buchan) (SNP)
 Stewart, David (Highlands and Islands) (Lab)
 Stone, Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Sturgeon, Nicola (Glasgow Govan) (SNP)
 Swinney, John (North Tayside) (SNP)
 Thompson, Dave (Highlands and Islands) (SNP)
 Tolson, Jim (Dunfermline West) (LD)
 Watt, Maureen (North East Scotland) (SNP)
 Welsh, Andrew (Angus) (SNP)
 White, Sandra (Glasgow) (SNP)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Whitton, David (Strathkelvin and Bearsden) (Lab)
 Wilson, Bill (West of Scotland) (SNP)
 Wilson, John (Central Scotland) (SNP)

The Deputy Presiding Officer: The result of the division is: For 16, Against 109, Abstentions 0.

Amendment 29 disagreed to.

Amendments 30 to 32 not moved.

Amendments 11 and 12 moved—[Nicola Sturgeon]—and agreed to.

The Deputy Presiding Officer: We come to group 10. Amendment 13, in the name of the minister, is grouped with amendments 14 to 19, 21 and 22.

Nicola Sturgeon: Amendments 15 to 19 are technical amendments that simply insert or amend definitions used in sections 10 and 11.

At stage 2, Richard Simpson moved an amendment, which the Health and Sport Committee agreed to, requiring local authorities to seek the agreement of the relevant health board in determining the expenditure that the levy could be imposed in respect of and used for. That would be the case even where the levy expenditure did not relate to health matters.

I explained then that, although I am sympathetic to greater health board involvement, the levy has to be imposed and used for local authority expenditure in order for it to be within our competence. Therefore, it does not seem reasonable that specific agreement from the health board must be sought and obtained before the local authority can spend any money from the levy.

To that end, amendment 13 seeks to remove the requirement to obtain agreement from the health board and replace it with a requirement on the local authority to consult both the relevant health board and the appropriate chief constable in determining levy expenditure. I hope that amendment 13 retains the essence of what Richard Simpson was trying to achieve at stage 2 while being more balanced and ensuring that final decisions can be taken by the local authority.

Amendment 14 will allow functions such as determining and collecting the levy to be imposed on licensing boards as well as local authorities. It

is intended that local authorities and licensing boards will work closely together in implementing the levy. Amendment 14 is necessary because local authorities and licensing boards have their own identities in legislative terms.

Amendments 21 and 22 will require the Scottish ministers to consult health boards and a representative of chief constables on the levy before a draft of the levy regulations is laid before the Parliament. The amendments add to the list of those who must be consulted that is already in the bill. That is consistent with other provisions in the bill that require the involvement of health boards and chief constables.

I move amendment 13.

Dr Simpson: I thank the cabinet secretary for reintroducing the proposal in a more appropriate form. At stage 2, I proposed to ensure that health boards are consulted in determining for what purpose moneys that are raised through the social responsibility levy are used, so I welcome the fulfilment of the Government's undertaking to come back with an amendment that not only ensures the engagement of the health boards in the process by requiring them to be consulted but adds the chief constables—an entirely appropriate addition.

We will support all the amendments in the group, including amendment 14, which seems a reasonable amendment to tidy up the responsibility of the local authority and licensing board in the collection of the levy.

Murdo Fraser: We are happy to support amendment 13, but we have concerns about amendments 14, 21 and 22. Amendment 14 would provide licensing boards as well as local authorities with the power to impose functions such as determining, administering and collecting the social responsibility levy. We are concerned that if the levy were calculated at a local level, that could lead to inconsistent interpretation and different rates across the country. Many of those in the retail trade believe that it would be better to take a uniform approach across the country and are concerned about confusion and disruption for retailers.

Similarly, amendments 21 and 22 will add chief constables and health boards to the list of people to be consulted before regulations can be laid for the social responsibility levy. Again, there is a concern that the involvement of health boards could lead to greater inconsistency between areas. Therefore, we are concerned and will oppose the amendments.

Nicola Sturgeon: I say to Murdo Fraser that the functions that we are seeking to extend to licensing boards already apply to local authorities; we are simply recognising the fact that local

authorities and licensing boards work closely together. It would not make sense to have the functions conferred on one but not on the other. As I am the Cabinet Secretary for Health and Wellbeing, it might not surprise members to hear me say this, but I think that it is appropriate for health boards also to be consulted on such matters. They should not have the power of veto for what is a local authority levy, but they should be consulted and that is what the amendments will achieve.

Amendment 13 agreed to.

Amendment 33 moved—[Murdo Fraser].

The Deputy Presiding Officer: The question is, that amendment 33 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Adam, Brian (Aberdeen North) (SNP)
 Aitken, Bill (Glasgow) (Con)
 Allan, Alasdair (Western Isles) (SNP)
 Brocklebank, Ted (Mid Scotland and Fife) (Con)
 Brown, Gavin (Lothians) (Con)
 Brown, Keith (Ochil) (SNP)
 Brown, Robert (Glasgow) (LD)
 Brownlee, Derek (South of Scotland) (Con)
 Campbell, Aileen (South of Scotland) (SNP)
 Carlaw, Jackson (West of Scotland) (Con)
 Coffey, Willie (Kilmarnock and Loudoun) (SNP)
 Constance, Angela (Livingston) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Don, Nigel (North East Scotland) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Finnie, Ross (West of Scotland) (LD)
 FitzPatrick, Joe (Dundee West) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Goldie, Annabel (West of Scotland) (Con)
 Grahame, Christine (South of Scotland) (SNP)
 Harvie, Christopher (Mid Scotland and Fife) (SNP)
 Hepburn, Jamie (Central Scotland) (SNP)
 Hume, Jim (South of Scotland) (LD)
 Hyslop, Fiona (Lothians) (SNP)
 Johnstone, Alex (North East Scotland) (Con)
 Kidd, Bill (Glasgow) (SNP)
 Lamont, John (Roxburgh and Berwickshire) (Con)
 Lochhead, Richard (Moray) (SNP)
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)
 Marwick, Tricia (Central Fife) (SNP)
 Mather, Jim (Argyll and Bute) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West of Scotland) (SNP)
 McArthur, Liam (Orkney) (LD)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McInnes, Alison (North East Scotland) (LD)
 McKee, Ian (Lothians) (SNP)
 McKelvie, Christina (Central Scotland) (SNP)
 McLaughlin, Anne (Glasgow) (SNP)
 McLetchie, David (Edinburgh Pentlands) (Con)
 McMillan, Stuart (West of Scotland) (SNP)

Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Neil, Alex (Central Scotland) (SNP)
 O'Donnell, Hugh (Central Scotland) (LD)
 Paterson, Gil (West of Scotland) (SNP)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Robison, Shona (Dundee East) (SNP)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Russell, Michael (South of Scotland) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, Tavish (Shetland) (LD)
 Smith, Elizabeth (Mid Scotland and Fife) (Con)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Somerville, Shirley-Anne (Lothians) (SNP)
 Stephen, Nicol (Aberdeen South) (LD)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Stone, Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Sturgeon, Nicola (Glasgow Govan) (SNP)
 Swinney, John (North Tayside) (SNP)
 Thompson, Dave (Highlands and Islands) (SNP)
 Tolson, Jim (Dunfermline West) (LD)
 Watt, Maureen (North East Scotland) (SNP)
 Welsh, Andrew (Angus) (SNP)
 White, Sandra (Glasgow) (SNP)
 Wilson, Bill (West of Scotland) (SNP)
 Wilson, John (Central Scotland) (SNP)

Against

Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Margaret (Glasgow Baillieston) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Foulkes, George (Lothians) (Lab)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marilyn (North East Scotland) (Lab)
 Gordon, Charlie (Glasgow Cathcart) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Paisley South) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Kelly, James (Glasgow Rutherglen) (Lab)
 Kerr, Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Tom (Hamilton South) (Lab)
 McConnell, Jack (Motherwell and Wishaw) (Lab)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Mulligan, Mary (Linlithgow) (Lab)
 Murray, Elaine (Dumfries) (Lab)

Oldfather, Irene (Cunninghame South) (Lab)
 Park, John (Mid Scotland and Fife) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Stewart, David (Highlands and Islands) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Whitton, David (Strathkelvin and Bearsden) (Lab)

The Deputy Presiding Officer: The result of the division is: For 75, Against 47, Abstentions 0.

Amendment 33 agreed to.

Amendments 14 to 19 moved—[Nicola Sturgeon].

The Deputy Presiding Officer: Does any member object to a single question being put on amendments 14 to 19?

Murdo Fraser: Yes.

The Deputy Presiding Officer: I will put the questions on the amendments one at a time. The question is, that amendment 14 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Adam, Brian (Aberdeen North) (SNP)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Allan, Alasdair (Western Isles) (SNP)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Keith (Ochil) (SNP)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Campbell, Aileen (South of Scotland) (SNP)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Coffey, Willie (Kilmarnock and Loudoun) (SNP)
 Constance, Angela (Livingston) (SNP)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Curran, Margaret (Glasgow Baillieston) (Lab)
 Don, Nigel (North East Scotland) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Eadie, Helen (Dunfermline East) (Lab)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 FitzPatrick, Joe (Dundee West) (SNP)
 Foulkes, George (Lothians) (Lab)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marilyn (North East Scotland) (Lab)
 Gordon, Charlie (Glasgow Cathcart) (Lab)
 Grahame, Christine (South of Scotland) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Harper, Robin (Lothians) (Green)

Harvie, Christopher (Mid Scotland and Fife) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Paisley South) (Lab)
 Hepburn, Jamie (Central Scotland) (SNP)
 Hume, Jim (South of Scotland) (LD)
 Hyslop, Fiona (Lothians) (SNP)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Kelly, James (Glasgow Rutherglen) (Lab)
 Kerr, Andy (East Kilbride) (Lab)
 Kidd, Bill (Glasgow) (SNP)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lochhead, Richard (Moray) (SNP)
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 Marwick, Tricia (Central Fife) (SNP)
 Mather, Jim (Argyll and Bute) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West of Scotland) (SNP)
 McArthur, Liam (Orkney) (LD)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Tom (Hamilton South) (Lab)
 McConnell, Jack (Motherwell and Wishaw) (Lab)
 McInnes, Alison (North East Scotland) (LD)
 McKee, Ian (Lothians) (SNP)
 McKelvie, Christina (Central Scotland) (SNP)
 McLaughlin, Anne (Glasgow) (SNP)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McMillan, Stuart (West of Scotland) (SNP)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Mulligan, Mary (Linlithgow) (Lab)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Elaine (Dumfries) (Lab)
 Neil, Alex (Central Scotland) (SNP)
 O'Donnell, Hugh (Central Scotland) (LD)
 Oldfather, Irene (Cunninghame South) (Lab)
 Park, John (Mid Scotland and Fife) (Lab)
 Paterson, Gil (West of Scotland) (SNP)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Robison, Shona (Dundee East) (SNP)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Russell, Michael (South of Scotland) (SNP)
 Scott, Tavish (Shetland) (LD)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Somerville, Shirley-Anne (Lothians) (SNP)
 Stephen, Nicol (Aberdeen South) (LD)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Stewart, David (Highlands and Islands) (Lab)
 Stone, Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Sturgeon, Nicola (Glasgow Govan) (SNP)
 Swinney, John (North Tayside) (SNP)
 Thompson, Dave (Highlands and Islands) (SNP)
 Tolson, Jim (Dunfermline West) (LD)
 Watt, Maureen (North East Scotland) (SNP)
 Welsh, Andrew (Angus) (SNP)
 White, Sandra (Glasgow) (SNP)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Whitton, David (Strathkelvin and Bearsden) (Lab)

Wilson, Bill (West of Scotland) (SNP)
 Wilson, John (Central Scotland) (SNP)

Against

Aitken, Bill (Glasgow) (Con)
 Brocklebank, Ted (Mid Scotland and Fife) (Con)
 Brown, Gavin (Lothians) (Con)
 Brownlee, Derek (South of Scotland) (Con)
 Carlaw, Jackson (West of Scotland) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Goldie, Annabel (West of Scotland) (Con)
 Johnstone, Alex (North East Scotland) (Con)
 Lamont, John (Roxburgh and Berwickshire) (Con)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McLetchie, David (Edinburgh Pentlands) (Con)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Smith, Elizabeth (Mid Scotland and Fife) (Con)

The Deputy Presiding Officer: The result of the division is: For 107, Against 16, Abstentions 0.

Amendment 14 agreed to.

Amendments 15 to 19 agreed to.

Amendment 34 moved—[Ross Finnie].

The Deputy Presiding Officer: The question is, that amendment 34 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Brown, Robert (Glasgow) (LD)
 Finnie, Ross (West of Scotland) (LD)
 Hume, Jim (South of Scotland) (LD)
 McArthur, Liam (Orkney) (LD)
 McInnes, Alison (North East Scotland) (LD)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 O'Donnell, Hugh (Central Scotland) (LD)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Scott, Tavish (Shetland) (LD)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stone, Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Tolson, Jim (Dunfermline West) (LD)

Against

Adam, Brian (Aberdeen North) (SNP)
 Aitken, Bill (Glasgow) (Con)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Allan, Alasdair (Western Isles) (SNP)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brocklebank, Ted (Mid Scotland and Fife) (Con)
 Brown, Gavin (Lothians) (Con)
 Brown, Keith (Ochil) (SNP)
 Brownlee, Derek (South of Scotland) (Con)
 Butler, Bill (Glasgow Anniesland) (Lab)

Campbell, Aileen (South of Scotland) (SNP)
 Carlaw, Jackson (West of Scotland) (Con)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Coffey, Willie (Kilmarnock and Loudoun) (SNP)
 Constance, Angela (Livingston) (SNP)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Curran, Margaret (Glasgow Baillieston) (Lab)
 Don, Nigel (North East Scotland) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Eadie, Helen (Dunfermline East) (Lab)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 FitzPatrick, Joe (Dundee West) (SNP)
 Foulkes, George (Lothians) (Lab)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marlyn (North East Scotland) (Lab)
 Goldie, Annabel (West of Scotland) (Con)
 Gordon, Charlie (Glasgow Cathcart) (Lab)
 Grahame, Christine (South of Scotland) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Harper, Robin (Lothians) (Green)
 Harvie, Christopher (Mid Scotland and Fife) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Paisley South) (Lab)
 Hepburn, Jamie (Central Scotland) (SNP)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Adam (South of Scotland) (SNP)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Johnstone, Alex (North East Scotland) (Con)
 Kelly, James (Glasgow Rutherglen) (Lab)
 Kerr, Andy (East Kilbride) (Lab)
 Kidd, Bill (Glasgow) (SNP)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Lamont, John (Roxburgh and Berwickshire) (Con)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lochhead, Richard (Moray) (SNP)
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 Marwick, Tricia (Central Fife) (SNP)
 Mather, Jim (Argyll and Bute) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West of Scotland) (SNP)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Tom (Hamilton South) (Lab)
 McConnell, Jack (Motherwell and Wishaw) (Lab)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McKee, Ian (Lothians) (SNP)
 McKelvie, Christina (Central Scotland) (SNP)
 McLaughlin, Anne (Glasgow) (SNP)
 McLetchie, David (Edinburgh Pentlands) (Con)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McMillan, Stuart (West of Scotland) (SNP)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Mulligan, Mary (Linlithgow) (Lab)
 Murray, Elaine (Dumfries) (Lab)
 Neil, Alex (Central Scotland) (SNP)
 Oldfather, Irene (Cunninghame South) (Lab)
 Park, John (Mid Scotland and Fife) (Lab)

Paterson, Gil (West of Scotland) (SNP)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Robison, Shona (Dundee East) (SNP)
 Russell, Michael (South of Scotland) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Elizabeth (Mid Scotland and Fife) (Con)
 Somerville, Shirley-Anne (Lothians) (SNP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Stewart, David (Highlands and Islands) (Lab)
 Sturgeon, Nicola (Glasgow Govan) (SNP)
 Swinney, John (North Tayside) (SNP)
 Thompson, Dave (Highlands and Islands) (SNP)
 Watt, Maureen (North East Scotland) (SNP)
 Welsh, Andrew (Angus) (SNP)
 White, Sandra (Glasgow) (SNP)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Whitton, David (Strathkelvin and Bearsden) (Lab)
 Wilson, Bill (West of Scotland) (SNP)
 Wilson, John (Central Scotland) (SNP)

The Deputy Presiding Officer: The result of the division is: For 16, Against 108, Abstentions 0.

Amendment 34 disagreed to.

Amendment 35 moved—[Ross Finnie].

The Deputy Presiding Officer: The question is, that amendment 35 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Brown, Robert (Glasgow) (LD)
 Finnie, Ross (West of Scotland) (LD)
 Hume, Jim (South of Scotland) (LD)
 McArthur, Liam (Orkney) (LD)
 McInnes, Alison (North East Scotland) (LD)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 O'Donnell, Hugh (Central Scotland) (LD)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Scott, Tavish (Shetland) (LD)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stone, Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Tolson, Jim (Dunfermline West) (LD)

Against

Adam, Brian (Aberdeen North) (SNP)
 Aitken, Bill (Glasgow) (Con)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Allan, Alasdair (Western Isles) (SNP)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brocklebank, Ted (Mid Scotland and Fife) (Con)
 Brown, Gavin (Lothians) (Con)
 Brown, Keith (Ochil) (SNP)
 Brownlee, Derek (South of Scotland) (Con)

Butler, Bill (Glasgow Anniesland) (Lab)
 Campbell, Aileen (South of Scotland) (SNP)
 Carlaw, Jackson (West of Scotland) (Con)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Coffey, Willie (Kilmarnock and Loudoun) (SNP)
 Constance, Angela (Livingston) (SNP)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Curran, Margaret (Glasgow Baillieston) (Lab)
 Don, Nigel (North East Scotland) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Eadie, Helen (Dunfermline East) (Lab)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 FitzPatrick, Joe (Dundee West) (SNP)
 Foulkes, George (Lothians) (Lab)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marlyn (North East Scotland) (Lab)
 Goldie, Annabel (West of Scotland) (Con)
 Gordon, Charlie (Glasgow Cathcart) (Lab)
 Grahame, Christine (South of Scotland) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Harper, Robin (Lothians) (Green)
 Harvie, Christopher (Mid Scotland and Fife) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Paisley South) (Lab)
 Hepburn, Jamie (Central Scotland) (SNP)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Adam (South of Scotland) (SNP)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Johnstone, Alex (North East Scotland) (Con)
 Kelly, James (Glasgow Rutherglen) (Lab)
 Kerr, Andy (East Kilbride) (Lab)
 Kidd, Bill (Glasgow) (SNP)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Lamont, John (Roxburgh and Berwickshire) (Con)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lochhead, Richard (Moray) (SNP)
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 Marwick, Tricia (Central Fife) (SNP)
 Mather, Jim (Argyll and Bute) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West of Scotland) (SNP)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Tom (Hamilton South) (Lab)
 McConnell, Jack (Motherwell and Wishaw) (Lab)
 McGregor, Jamie (Highlands and Islands) (Con)
 McKee, Ian (Lothians) (SNP)
 McKelvie, Christina (Central Scotland) (SNP)
 McLaughlin, Anne (Glasgow) (SNP)
 McLetchie, David (Edinburgh Pentlands) (Con)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McMillan, Stuart (West of Scotland) (SNP)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Mulligan, Mary (Linlithgow) (Lab)
 Murray, Elaine (Dumfries) (Lab)
 Neil, Alex (Central Scotland) (SNP)
 Oldfather, Irene (Cunninghame South) (Lab)

Park, John (Mid Scotland and Fife) (Lab)
 Paterson, Gil (West of Scotland) (SNP)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Robison, Shona (Dundee East) (SNP)
 Russell, Michael (South of Scotland) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Elizabeth (Mid Scotland and Fife) (Con)
 Somerville, Shirley-Anne (Lothians) (SNP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Stewart, David (Highlands and Islands) (Lab)
 Sturgeon, Nicola (Glasgow Govan) (SNP)
 Swinney, John (North Tayside) (SNP)
 Thompson, Dave (Highlands and Islands) (SNP)
 Watt, Maureen (North East Scotland) (SNP)
 Welsh, Andrew (Angus) (SNP)
 White, Sandra (Glasgow) (SNP)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Whitton, David (Strathkelvin and Bearsden) (Lab)
 Wilson, Bill (West of Scotland) (SNP)
 Wilson, John (Central Scotland) (SNP)

The Deputy Presiding Officer: The result of the division is: For 16, Against 108, Abstentions 0.

Amendment 35 disagreed to.

Amendments 36 to 38 not moved.

Section 11—Regulations under section 10(1): further provision

The Deputy Presiding Officer: We come to group 11. Amendment 20, in the name of the cabinet secretary, is the only amendment in the group.

Nicola Sturgeon: Amendment 20 is a technical amendment that will allow the levy regulations to modify the Licensing (Scotland) Act 2005 and the Civil Government (Scotland) Act 1982. That will allow payment of the levy to be made a condition of licences granted under those acts. That ensures consistency with the fee arrangements in the 2005 act.

I move amendment 20.

Murdo Fraser: Consistent with our opposition to the social responsibility levy, as it currently exists, we will oppose this amendment.

Ross Finnie: Likewise.

The Deputy Presiding Officer: Have you anything to add, minister?

Nicola Sturgeon: I think that we will just take it to the vote, Presiding Officer.

The Deputy Presiding Officer: The question is, that amendment 20 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Adam, Brian (Aberdeen North) (SNP)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Allan, Alasdair (Western Isles) (SNP)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Keith (Ochil) (SNP)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Campbell, Aileen (South of Scotland) (SNP)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Coffey, Willie (Kilmarnock and Loudoun) (SNP)
 Constance, Angela (Livingston) (SNP)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Curran, Margaret (Glasgow Baillieston) (Lab)
 Don, Nigel (North East Scotland) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Eadie, Helen (Dunfermline East) (Lab)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 FitzPatrick, Joe (Dundee West) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marlyn (North East Scotland) (Lab)
 Gordon, Charlie (Glasgow Cathcart) (Lab)
 Grahame, Christine (South of Scotland) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Harper, Robin (Lothians) (Green)
 Harvie, Christopher (Mid Scotland and Fife) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Paisley South) (Lab)
 Hepburn, Jamie (Central Scotland) (SNP)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Adam (South of Scotland) (SNP)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Kelly, James (Glasgow Rutherglen) (Lab)
 Kerr, Andy (East Kilbride) (Lab)
 Kidd, Bill (Glasgow) (SNP)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lochhead, Richard (Moray) (SNP)
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 Marwick, Tricia (Central Fife) (SNP)
 Mather, Jim (Argyll and Bute) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West of Scotland) (SNP)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Tom (Hamilton South) (Lab)
 McConnell, Jack (Motherwell and Wishaw) (Lab)
 McKee, Ian (Lothians) (SNP)
 McKelvie, Christina (Central Scotland) (SNP)
 McLaughlin, Anne (Glasgow) (SNP)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McMillan, Stuart (West of Scotland) (SNP)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Mulligan, Mary (Linlithgow) (Lab)
 Murray, Elaine (Dumfries) (Lab)
 Neil, Alex (Central Scotland) (SNP)
 Oldfather, Irene (Cunninghame South) (Lab)

Park, John (Mid Scotland and Fife) (Lab)
 Paterson, Gil (West of Scotland) (SNP)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Robison, Shona (Dundee East) (SNP)
 Russell, Michael (South of Scotland) (SNP)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Somerville, Shirley-Anne (Lothians) (SNP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Stewart, David (Highlands and Islands) (Lab)
 Sturgeon, Nicola (Glasgow Govan) (SNP)
 Swinney, John (North Tayside) (SNP)
 Thompson, Dave (Highlands and Islands) (SNP)
 Watt, Maureen (North East Scotland) (SNP)
 Welsh, Andrew (Angus) (SNP)
 White, Sandra (Glasgow) (SNP)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Whitton, David (Strathkelvin and Bearsden) (Lab)
 Wilson, Bill (West of Scotland) (SNP)
 Wilson, John (Central Scotland) (SNP)

Against

Aitken, Bill (Glasgow) (Con)
 Brocklebank, Ted (Mid Scotland and Fife) (Con)
 Brown, Gavin (Lothians) (Con)
 Brown, Robert (Glasgow) (LD)
 Brownlee, Derek (South of Scotland) (Con)
 Carlaw, Jackson (West of Scotland) (Con)
 Finnie, Ross (West of Scotland) (LD)
 Foulkes, George (Lothians) (Lab)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Goldie, Annabel (West of Scotland) (Con)
 Hume, Jim (South of Scotland) (LD)
 Johnstone, Alex (North East Scotland) (Con)
 Lamont, John (Roxburgh and Berwickshire) (Con)
 McArthur, Liam (Orkney) (LD)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McInnes, Alison (North East Scotland) (LD)
 McLetchie, David (Edinburgh Pentlands) (Con)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 O'Donnell, Hugh (Central Scotland) (LD)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland) (LD)
 Smith, Elizabeth (Mid Scotland and Fife) (Con)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stone, Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Tolson, Jim (Dunfermline West) (LD)

The Deputy Presiding Officer: The result of the division is: For 91, Against 33, Abstentions 0.

Amendment 20 agreed to.

Amendment 21 moved—[Nicola Sturgeon].

The Deputy Presiding Officer: The question is, that amendment 21 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Adam, Brian (Aberdeen North) (SNP)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Allan, Alasdair (Western Isles) (SNP)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Keith (Ochil) (SNP)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Campbell, Aileen (South of Scotland) (SNP)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Coffey, Willie (Kilmarnock and Loudoun) (SNP)
 Constance, Angela (Livingston) (SNP)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Curran, Margaret (Glasgow Baillieston) (Lab)
 Don, Nigel (North East Scotland) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Eadie, Helen (Dunfermline East) (Lab)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 FitzPatrick, Joe (Dundee West) (SNP)
 Foulkes, George (Lothians) (Lab)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marlyn (North East Scotland) (Lab)
 Gordon, Charlie (Glasgow Cathcart) (Lab)
 Grahame, Christine (South of Scotland) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Harper, Robin (Lothians) (Green)
 Harvie, Christopher (Mid Scotland and Fife) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Paisley South) (Lab)
 Hepburn, Jamie (Central Scotland) (SNP)
 Hume, Jim (South of Scotland) (LD)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Adam (South of Scotland) (SNP)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Kelly, James (Glasgow Rutherglen) (Lab)
 Kerr, Andy (East Kilbride) (Lab)
 Kidd, Bill (Glasgow) (SNP)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lochhead, Richard (Moray) (SNP)
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 Marwick, Tricia (Central Fife) (SNP)
 Mather, Jim (Argyll and Bute) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West of Scotland) (SNP)
 McArthur, Liam (Orkney) (LD)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Tom (Hamilton South) (Lab)
 McConnell, Jack (Motherwell and Wishaw) (Lab)
 McInnes, Alison (North East Scotland) (LD)
 McKee, Ian (Lothians) (SNP)
 McKelvie, Christina (Central Scotland) (SNP)
 McLaughlin, Anne (Glasgow) (SNP)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McMillan, Stuart (West of Scotland) (SNP)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)

McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Mulligan, Mary (Linlithgow) (Lab)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Elaine (Dumfries) (Lab)
 Neil, Alex (Central Scotland) (SNP)
 O'Donnell, Hugh (Central Scotland) (LD)
 Oldfather, Irene (Cunninghame South) (Lab)
 Park, John (Mid Scotland and Fife) (Lab)
 Paterson, Gil (West of Scotland) (SNP)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Robison, Shona (Dundee East) (SNP)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Russell, Michael (South of Scotland) (SNP)
 Scott, Tavish (Shetland) (LD)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Somerville, Shirley-Anne (Lothians) (SNP)
 Stephen, Nicol (Aberdeen South) (LD)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Stewart, David (Strathkelvin and Bearsden) (Lab)
 Stone, Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Sturgeon, Nicola (Glasgow Govan) (SNP)
 Swinney, John (North Tayside) (SNP)
 Thompson, Dave (Highlands and Islands) (SNP)
 Tolson, Jim (Dunfermline West) (LD)
 Watt, Maureen (North East Scotland) (SNP)
 Welsh, Andrew (Angus) (SNP)
 White, Sandra (Glasgow) (SNP)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Whitton, David (Strathkelvin and Bearsden) (Lab)
 Wilson, Bill (West of Scotland) (SNP)
 Wilson, John (Central Scotland) (SNP)

Against

Aitken, Bill (Glasgow) (Con)
 Brocklebank, Ted (Mid Scotland and Fife) (Con)
 Brown, Gavin (Lothians) (Con)
 Brownlee, Derek (South of Scotland) (Con)
 Carlaw, Jackson (West of Scotland) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Goldie, Annabel (West of Scotland) (Con)
 Johnstone, Alex (North East Scotland) (Con)
 Lamont, John (Roxburgh and Berwickshire) (Con)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McLetchie, David (Edinburgh Pentlands) (Con)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Smith, Elizabeth (Mid Scotland and Fife) (Con)

The Deputy Presiding Officer: The result of the division is: For 108, Against 16, Abstentions 0.

Amendment 21 agreed to.

Amendment 22 moved—[Nicola Sturgeon].

16:45

The Deputy Presiding Officer: The question is, that amendment 22 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Adam, Brian (Aberdeen North) (SNP)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Allan, Alasdair (Western Isles) (SNP)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Keith (Ochil) (SNP)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Campbell, Aileen (South of Scotland) (SNP)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Coffey, Willie (Kilmarnock and Loudoun) (SNP)
 Constance, Angela (Livingston) (SNP)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Curran, Margaret (Glasgow Baillieston) (Lab)
 Don, Nigel (North East Scotland) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Eadie, Helen (Dunfermline East) (Lab)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 FitzPatrick, Joe (Dundee West) (SNP)
 Foulkes, George (Lothians) (Lab)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Glen, Marlyn (North East Scotland) (Lab)
 Gordon, Charlie (Glasgow Cathcart) (Lab)
 Grahame, Christine (South of Scotland) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Harper, Robin (Lothians) (Green)
 Harvie, Christopher (Mid Scotland and Fife) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Paisley South) (Lab)
 Hepburn, Jamie (Central Scotland) (SNP)
 Hume, Jim (South of Scotland) (LD)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Adam (South of Scotland) (SNP)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Kelly, James (Glasgow Rutherglen) (Lab)
 Kerr, Andy (East Kilbride) (Lab)
 Kidd, Bill (Glasgow) (SNP)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lochhead, Richard (Moray) (SNP)
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 Marwick, Tricia (Central Fife) (SNP)
 Mather, Jim (Argyll and Bute) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West of Scotland) (SNP)
 McArthur, Liam (Orkney) (LD)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Tom (Hamilton South) (Lab)
 McConnell, Jack (Motherwell and Wishaw) (Lab)
 McInnes, Alison (North East Scotland) (LD)
 McKee, Ian (Lothians) (SNP)
 McKelvie, Christina (Central Scotland) (SNP)
 McLaughlin, Anne (Glasgow) (SNP)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)

McMillan, Stuart (West of Scotland) (SNP)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Mulligan, Mary (Linlithgow) (Lab)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Elaine (Dumfries) (Lab)
 Neil, Alex (Central Scotland) (SNP)
 O'Donnell, Hugh (Central Scotland) (LD)
 Oldfather, Irene (Cunninghame South) (Lab)
 Park, John (Mid Scotland and Fife) (Lab)
 Paterson, Gil (West of Scotland) (SNP)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Robison, Shona (Dundee East) (SNP)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Russell, Michael (South of Scotland) (SNP)
 Scott, Tavish (Shetland) (LD)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Somerville, Shirley-Anne (Lothians) (SNP)
 Stephen, Nicol (Aberdeen South) (LD)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Stewart, David (Highlands and Islands) (Lab)
 Stone, Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Sturgeon, Nicola (Glasgow Govan) (SNP)
 Swinney, John (North Tayside) (SNP)
 Thompson, Dave (Highlands and Islands) (SNP)
 Tolson, Jim (Dunfermline West) (LD)
 Watt, Maureen (North East Scotland) (SNP)
 Welsh, Andrew (Angus) (SNP)
 White, Sandra (Glasgow) (SNP)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Whitton, David (Strathkelvin and Bearsden) (Lab)
 Wilson, Bill (West of Scotland) (SNP)
 Wilson, John (Central Scotland) (SNP)

Against

Aitken, Bill (Glasgow) (Con)
 Brocklebank, Ted (Mid Scotland and Fife) (Con)
 Brown, Gavin (Lothians) (Con)
 Brownlee, Derek (South of Scotland) (Con)
 Carlaw, Jackson (West of Scotland) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Goldie, Annabel (West of Scotland) (Con)
 Johnstone, Alex (North East Scotland) (Con)
 Lamont, John (Roxburgh and Berwickshire) (Con)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McLetchie, David (Edinburgh Pentlands) (Con)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Smith, Elizabeth (Mid Scotland and Fife) (Con)

The Deputy Presiding Officer: The result of the division is: For 107, Against 16, Abstentions 0.

Amendment 22 agreed to.

The Deputy Presiding Officer: We move to group 12. Amendment 39, in the name of Ross Finnie, is grouped with amendments 40 to 42.

Ross Finnie: Amendment 39 is simply an attempt to extend the scope of consultation in

section 11 to voluntary organisations and others with an interest in health policy. If there is a social responsibility levy and a consultation process, those groups ought to be formally recognised in that place.

Obviously, we will support amendment 40, which was lodged on behalf of the Subordinate Legislation Committee, but we will not support amendments 41 and 42.

I move amendment 39.

Jamie Stone: I lodged amendment 40 on behalf of the Subordinate Legislation Committee. The amendment seeks to amend the provisions in section 11 on the aforementioned social responsibility levy.

Section 10 of the bill gives the Scottish ministers the power to impose the social responsibility levy on licence holders by regulations, and section 11 specifies that those regulations will be subject to the affirmative procedure. As in my earlier speech on the minimum pricing provisions, I do not propose to argue for or against the principle of imposing a social responsibility levy; I merely intend to address on behalf of the Subordinate Legislation Committee the question whether the provisions are subject to the appropriate level of parliamentary scrutiny.

At stage 1, the Subordinate Legislation Committee did not believe that the Scottish Government had provided sufficient justification for the use of subordinate legislation to create the social responsibility levy. We were concerned that members were being asked to reach a decision on the principle of the levy without a clear understanding of how it would operate in practice, including whether it would be proportionate, effective and fair, and how it would affect certain sectors of the trade, particularly small businesses. Therefore, we suggested that use of the super-affirmative procedure might be one way of addressing the issue and ensuring adequate consultation with all interest groups.

Minor changes were made to sections 10 and 11 at stage 2, but we do not consider that there have been any changes of substance to the content of the proposal to which the committee previously objected. In its stage 1 report, the committee noted that, as a minimum, it would expect details such as who would be responsible for administering the levy, the basis on which liability to pay it would be determined, the maximum charge permitted and the implications for non-payment of the charge to be approved by the Parliament in primary legislation. None of those details was provided by a stage 2 amendment.

The Scottish Government has indicated that it has amended the bill at stage 2 to provide for the

super-affirmative procedure in relation to the social responsibility levy as requested. However, the committee does not agree that that is what section 11(3) provides. Although it places an obligation on the Scottish ministers to consult persons who represent the listed interests as they think appropriate, it does not provide for the proposal to be laid before the Scottish Parliament so that the Scottish Parliament has due notice of it.

The super-affirmative procedure that is proposed in the amendment would require a draft instrument that proposes the establishment of a social responsibility levy to be laid before the Parliament for consultation purposes for 60 days when the Parliament is in session. That would permit consultation responses to be gathered and would allow the Parliament to take evidence if it wished to do so. It would also require ministers to have regard to comments made by members. A final draft instrument would then need to be laid before the Parliament for approval.

As I did before, I urge members to support an amendment that I have lodged on behalf of the Subordinate Legislation Committee.

The Deputy Presiding Officer: Before we move on, I remind members that this is stage 3 of a bill and if they have something to say, they should take it outside, unless they are contributing to the debate.

Murdo Fraser: Amendment 41 seeks to ensure that any regulations to introduce a social responsibility levy would be consulted on for a minimum of 12 weeks, which is the period that the better regulation principles recommend. Given that little detail has been provided about the levy thus far, it is important that licence holders are given the opportunity to assess and respond to the impact of the levy on their business. We hope that, as part of any consultation process, the Scottish Government would publish all responses.

Amendment 41 covers more or less the same ground as amendment 40, which was ably spoken to a moment ago by Jamie Stone. It pains me to say this, but Jamie Stone's amendment is more comprehensive than mine so, if his is agreed to, I will not move amendment 41.

Mary Scanlon: Amendment 42 would ensure that ministers undertake an economic impact assessment and publish the results prior to introducing a social responsibility levy. The cabinet secretary made it clear to the Health and Sport Committee that the Scottish Government does not intend to introduce the social responsibility levy in the current economic climate, but that it wants the powers to introduce a levy at a future date. We believe that, before the levy is introduced, ministers should be required to undertake an economic impact assessment to ensure that the

economic consequences, particularly for consumers, small shops and pubs, are scrutinised fully and made publicly available for debate.

There is a fear that introducing a social responsibility levy in Scotland would make the economic climate even more difficult for Scottish businesses, with all the costs ultimately being passed on to Scottish consumers. The levy will place Scottish businesses in the retail, tourism and hospitality sectors at a competitive disadvantage compared with businesses that are online or elsewhere in the UK and beyond. An economic test before regulations for a levy are introduced would ensure that businesses, consumers and politicians are fully aware of the impact prior to new measures coming into force.

Jackie Baillie: I support Ross Finnie's amendment 39 and Jamie Stone's amendment 40, which I understand reflects the view of the Subordinate Legislation Committee. Starting with the latter, I am pleased that the committee took the view that a super-affirmative procedure is required to introduce the levy, because the debate on the levy has been characterised by a lack of detail from the Government. Initially, the levy was to be based on the principle of polluter pays, then it was to be a blanket levy on all in the on and off-trades, but we do not know whether it is to be based on floor space, volume of alcohol sales, rateable value or something else. The storm of protest has been considerable because we do not know how the levy will operate, how much it will cost or anything about it. We are largely operating in the dark.

The cabinet secretary will be pleased to hear that I agree with the principle of a social responsibility levy, but it is disappointing that so little effort has been put into establishing the detail. I recall the Government saying on numerous occasions that meetings had been undertaken with the industry, but the industry says different. The last meeting, until we raised the issue, was way back in August 2009. There has been little engagement on the substance of the matter. It is disappointing that, so late in the day, we are considering such substantive matters. Jamie Stone's amendment 40 is helpful and will ensure maximum scrutiny. I am pleased to learn that the Government will support it.

Ross Finnie's amendment 39, which would include in any consultation voluntary organisations that are involved in health and alcohol policy, seems eminently sensible and should be supported. For the first time, I agree with Murdo Fraser, in that I prefer Jamie Stone's amendment 40 to his amendment 41. On Mary Scanlon's amendment 42, I agree with the principle that she sets out, but I believe that an economic impact assessment is a matter of good practice that

should be undertaken by Government in the normal course of events and therefore does not have to be spelt out in the bill.

Nicola Sturgeon: Amendment 39 would require ministers to consult voluntary organisations with interests in health, alcohol and children before draft regulations on the levy are laid before the Parliament. It would extend the consultation requirement that is already set out in section 11.

As we heard from Jamie Stone, amendment 40 would apply a super-affirmative procedure to the making of regulations on the levy by strengthening the consultation and reporting requirements that are involved in making such regulations. I have already made it clear that the regulations that set out the detail of the levy will be developed in conjunction with those who will be affected by them, so I have no problem with Jamie Stone's amendment, which would formalise a process that any Government would most likely follow in any case.

Amendment 41 seeks a period of at least 12 weeks for responses to the consultation on the levy under section 11. I consider that a minimum of 12 weeks is an acceptable period for responding to a consultation, so I am content to support the amendment, although I hear from Murdo Fraser that he might not press it.

Mary Scanlon's amendment 42 would require an impact assessment to be carried out on the effect that a levy would have on businesses and their customers before draft regulations are laid. Under the Scottish Government's better regulation guidance, a business and regulatory impact assessment must be completed for any new regulations that would affect businesses. I mentioned at stage 2 that such an assessment will be carried out. The purpose of the impact assessment is to use all available evidence to find proposals that best achieve the policy objectives while minimising costs and burdens. Through consultation and engagement with business, the costs and benefits can be analysed. The requirement also ensures that any impact on business, and particularly on small businesses, is fully considered before regulations are made. Although Jackie Baillie is right to say that the amendment might not be absolutely necessary, I consider that its aims are consistent with practice.

As members know, I have continued to adopt a completely consensual approach with the bill, and in that spirit, the amendments from Ross Finnie, Jamie Stone, Murdo Fraser and—not for the first time today—Mary Scanlon are acceptable to the Government.

Amendment 39 agreed to.

Amendment 40 moved—[Jamie Stone]—and agreed to.

Amendment 41 not moved.

Amendment 42 moved—[Mary Scanlon].

The Deputy Presiding Officer (Alasdair Morgan): The question is, that amendment 42 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Adam, Brian (Aberdeen North) (SNP)
 Aitken, Bill (Glasgow) (Con)
 Allan, Alasdair (Western Isles) (SNP)
 Brocklebank, Ted (Mid Scotland and Fife) (Con)
 Brown, Gavin (Lothians) (Con)
 Brown, Keith (Ochil) (SNP)
 Brownlee, Derek (South of Scotland) (Con)
 Campbell, Aileen (South of Scotland) (SNP)
 Carlaw, Jackson (West of Scotland) (Con)
 Coffey, Willie (Kilmarnock and Loudoun) (SNP)
 Constance, Angela (Livingston) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Don, Nigel (North East Scotland) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 FitzPatrick, Joe (Dundee West) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Goldie, Annabel (West of Scotland) (Con)
 Grahame, Christine (South of Scotland) (SNP)
 Harvie, Christopher (Mid Scotland and Fife) (SNP)
 Hepburn, Jamie (Central Scotland) (SNP)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Adam (South of Scotland) (SNP)
 Johnstone, Alex (North East Scotland) (Con)
 Kidd, Bill (Glasgow) (SNP)
 Lamont, John (Roxburgh and Berwickshire) (Con)
 Lochhead, Richard (Moray) (SNP)
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)
 Marwick, Tricia (Central Fife) (SNP)
 Mather, Jim (Argyll and Bute) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West of Scotland) (SNP)
 McGregor, Jamie (Highlands and Islands) (Con)
 McKee, Ian (Lothians) (SNP)
 McKelvie, Christina (Central Scotland) (SNP)
 McLaughlin, Anne (Glasgow) (SNP)
 McLetchie, David (Edinburgh Pentlands) (Con)
 McMillan, Stuart (West of Scotland) (SNP)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Neil, Alex (Central Scotland) (SNP)
 Paterson, Gil (West of Scotland) (SNP)
 Robison, Shona (Dundee East) (SNP)
 Russell, Michael (South of Scotland) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Smith, Elizabeth (Mid Scotland and Fife) (Con)
 Somerville, Shirley-Anne (Lothians) (SNP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow Govan) (SNP)
 Swinney, John (North Tayside) (SNP)
 Thompson, Dave (Highlands and Islands) (SNP)
 Watt, Maureen (North East Scotland) (SNP)
 Welsh, Andrew (Angus) (SNP)

White, Sandra (Glasgow) (SNP)
 Wilson, Bill (West of Scotland) (SNP)
 Wilson, John (Central Scotland) (SNP)

Against

Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Margaret (Glasgow Baillieston) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Foulkes, George (Lothians) (Lab)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marilyn (North East Scotland) (Lab)
 Gordon, Charlie (Glasgow Cathcart) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Paisley South) (Lab)
 Hume, Jim (South of Scotland) (LD)
 Kelly, James (Glasgow Rutherglen) (Lab)
 Kerr, Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McArthur, Liam (Orkney) (LD)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Tom (Hamilton South) (Lab)
 McConnell, Jack (Motherwell and Wishaw) (Lab)
 McInnes, Alison (North East Scotland) (LD)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Mulligan, Mary (Linlithgow) (Lab)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Elaine (Dumfries) (Lab)
 O'Donnell, Hugh (Central Scotland) (LD)
 Oldfather, Irene (Cunninghame South) (Lab)
 Park, John (Mid Scotland and Fife) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Scott, Tavish (Shetland) (LD)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stewart, David (Highlands and Islands) (Lab)
 Stone, Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Tolson, Jim (Dunfermline West) (LD)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Whitton, David (Strathkelvin and Bearsden) (Lab)

The Deputy Presiding Officer: The result of the division is: For 61, Against 62, Abstentions 0.

Amendment 42 disagreed to.

The Deputy Presiding Officer: Group 13 is entitled, "Social responsibility levy—commencement and duration of effect". Amendment 43, in the name of Mary Scanlon, is grouped with amendments 44 and 45.

Mary Scanlon: Amendment 43 would delay the introduction of the social responsibility levy and set 1 September 2014 as the earliest implementation date. That would give small shops and businesses that are still coming to terms with the costs associated with implementing the Licensing (Scotland) Act 2005 time to prepare for the introduction of the levy, and it would avoid additional costs for retailers at a difficult time for the economy. The amendment is supported by the hospitality industry and the Wine and Spirit Trade Association.

I move amendment 43.

17:00

Murdo Fraser: The sun has well and truly set and here we are with yet another sunset clause—this time on the provisions around the social responsibility levy. My amendments 44 and 45 call for the legislation to be reviewed after five years, with a Government report to the Parliament on its effect.

As I said earlier, I believe that it is important that all new legislation is evaluated effectively, especially when many of the proposals are being tested in Scotland and do not apply across the United Kingdom.

Representations from the industry bodies show that a majority of businesses in Scotland believe that a levy will push up costs to consumers and do little to impact on the problem drinkers whom the Government seeks to target.

I believe that the Scottish Government should be prepared to be accountable to the Parliament and review the legislation after five years, taking into account the likely impact of the legislation on consumers, particularly those in lower income brackets, the economy and cross-border and online trade. Reporting to the Parliament on the impact of the legislation would enable MSPs to scrutinise fully the impact of the proposals and reach a consensus on whether the social responsibility levy has had the effect that the Government intended.

Given that the Government has failed to bring forward any detail about the social responsibility levy and has just published a very vague consultation on the regulations, it is important that clear procedures are set out in primary legislation to ensure that the impact of the legislation is

scrutinised and can be halted if after five years it is having a negative effect.

It is clear from the debates that we have had this afternoon that there is uncertainty about the social responsibility levy. That is why it is more important than ever that we have a sunset clause on the measure. I commend amendments 44 and 45 to the Parliament.

Ross Finnie: I am deeply grateful to the cabinet secretary for establishing earlier that consistency in the application of sunset clauses is not a requirement during the passage of the bill. Therefore, on this occasion, I intend to support Murdo Fraser's sunset clause. I was not going to do so, but I was tempted by the cabinet secretary, who made that principled position clear.

My Liberal Democrat colleagues and I remain deeply concerned about the provisions of sections 10 and 11. Therefore, we will support Mary Scanlon's amendment 43, on commencement. We will also support Murdo Fraser's amendments 44 and 45. Our preference would have been to have a new concept—a moon clause, which would have come into effect as soon as the bill was passed and which would have deleted sections 10 and 11 immediately.

Nicola Sturgeon: I am tempted to say in response to Ross Finnie that consistency on the part of some MSPs has not been a feature of many aspects of the bill, but that would be uncharitable, so I will resist the temptation.

On Mary Scanlon's amendment 43, although I am mindful—I have made this point repeatedly—that the prevailing economic conditions at the time will need to be factored into any decision about the timing of the introduction of the levy, I do not consider that it is necessary or sensible to set in legislation the artificial date of 1 September 2014 as the earliest date on which the regulations imposing a levy could be made. I therefore oppose amendment 43.

Amendments 44 and 45 seek to introduce a sunset clause and reporting requirement to the provisions in the bill that enable regulations imposing the levy to be made. Members will have picked up during debates on other parts of the bill that I recognise the importance of sunset clauses and I considered that such a clause was appropriate for the introduction of minimum pricing to try to allay members' concerns about supporting a policy that has not been tried anywhere before. However, in my view, a sunset clause is not appropriate in all cases of new policies being introduced and I do not consider it to be appropriate in the case of a social responsibility levy.

Most members—not all, I accept—seem to agree on the principle of introducing a levy. It is

perhaps only Murdo Fraser—although perhaps Ross Finnie, too—who does not agree with that principle. So, given the general agreement on the introduction of a levy, I do not consider a sunset clause to be required.

We have already given an undertaking that we will consult on the detail of the levy—an initial consultation has already been issued and another one fulfilling the requirements set out in section 11 will issue at a later date. We have already committed, although the amendment was not passed, to carrying out a business impact assessment prior to the regulations on the levy being laid before the Parliament. I consider that to be sufficient in the circumstances, so I oppose amendments 44 and 45.

The Deputy Presiding Officer: I call Mary Scanlon to wind up.

Mary Scanlon: I have no need to wind up.

The Deputy Presiding Officer: The question is, that amendment 43 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Aitken, Bill (Glasgow) (Con)
 Brocklebank, Ted (Mid Scotland and Fife) (Con)
 Brown, Gavin (Lothians) (Con)
 Brown, Robert (Glasgow) (LD)
 Brownlee, Derek (South of Scotland) (Con)
 Carlaw, Jackson (West of Scotland) (Con)
 Finnie, Ross (West of Scotland) (LD)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Goldie, Annabel (West of Scotland) (Con)
 Hume, Jim (South of Scotland) (LD)
 Johnstone, Alex (North East Scotland) (Con)
 Lamont, John (Roxburgh and Berwickshire) (Con)
 McArthur, Liam (Orkney) (LD)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McInnes, Alison (North East Scotland) (LD)
 McLetchie, David (Edinburgh Pentlands) (Con)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 O'Donnell, Hugh (Central Scotland) (LD)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland) (LD)
 Smith, Elizabeth (Mid Scotland and Fife) (Con)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Tolson, Jim (Dunfermline West) (LD)

Against

Adam, Brian (Aberdeen North) (SNP)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Allan, Alasdair (Western Isles) (SNP)
 Baillie, Jackie (Dumbarton) (Lab)

Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Keith (Ochil) (SNP)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Campbell, Aileen (South of Scotland) (SNP)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Coffey, Willie (Kilmarnock and Loudoun) (SNP)
 Constance, Angela (Livingston) (SNP)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Curran, Margaret (Glasgow Baillieston) (Lab)
 Don, Nigel (North East Scotland) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Eadie, Helen (Dunfermline East) (Lab)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 FitzPatrick, Joe (Dundee West) (SNP)
 Foulkes, George (Lothians) (Lab)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marlyn (North East Scotland) (Lab)
 Gordon, Charlie (Glasgow Cathcart) (Lab)
 Grahame, Christine (South of Scotland) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Harper, Robin (Lothians) (Green)
 Harvie, Christopher (Mid Scotland and Fife) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Paisley South) (Lab)
 Hepburn, Jamie (Central Scotland) (SNP)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Adam (South of Scotland) (SNP)
 Kelly, James (Glasgow Rutherglen) (Lab)
 Kerr, Andy (East Kilbride) (Lab)
 Kidd, Bill (Glasgow) (SNP)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lochhead, Richard (Moray) (SNP)
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 Marwick, Tricia (Central Fife) (SNP)
 Mather, Jim (Argyll and Bute) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West of Scotland) (SNP)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Tom (Hamilton South) (Lab)
 McConnell, Jack (Motherwell and Wishaw) (Lab)
 McKee, Ian (Lothians) (SNP)
 McKelvie, Christina (Central Scotland) (SNP)
 McLaughlin, Anne (Glasgow) (SNP)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McMillan, Stuart (West of Scotland) (SNP)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Mulligan, Mary (Linlithgow) (Lab)
 Murray, Elaine (Dumfries) (Lab)
 Neil, Alex (Central Scotland) (SNP)
 Oldfather, Irene (Cunninghame South) (Lab)
 Park, John (Mid Scotland and Fife) (Lab)
 Paterson, Gil (West of Scotland) (SNP)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Robison, Shona (Dundee East) (SNP)
 Russell, Michael (South of Scotland) (SNP)

Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Somerville, Shirley-Anne (Lothians) (SNP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Stewart, David (Highlands and Islands) (Lab)
 Stone, Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Sturgeon, Nicola (Glasgow Govan) (SNP)
 Swinney, John (North Tayside) (SNP)
 Thompson, Dave (Highlands and Islands) (SNP)
 Watt, Maureen (North East Scotland) (SNP)
 Welsh, Andrew (Angus) (SNP)
 White, Sandra (Glasgow) (SNP)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Whitton, David (Strathkelvin and Bearsden) (Lab)
 Wilson, Bill (West of Scotland) (SNP)
 Wilson, John (Central Scotland) (SNP)

The Deputy Presiding Officer: The result of the division is: For 31, Against 92, Abstentions 0.

Amendment 43 disagreed to.

After section 11

Amendment 44 moved—[Murdo Fraser].

The Deputy Presiding Officer: The question is, that amendment 44 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Aitken, Bill (Glasgow) (Con)
 Brocklebank, Ted (Mid Scotland and Fife) (Con)
 Brown, Gavin (Lothians) (Con)
 Brown, Robert (Glasgow) (LD)
 Brownlee, Derek (South of Scotland) (Con)
 Carlaw, Jackson (West of Scotland) (Con)
 Cunningham, Roseanna (Perth) (SNP)
 Finnie, Ross (West of Scotland) (LD)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Goldie, Annabel (West of Scotland) (Con)
 Hume, Jim (South of Scotland) (LD)
 Johnstone, Alex (North East Scotland) (Con)
 Lamont, John (Roxburgh and Berwickshire) (Con)
 McArthur, Liam (Orkney) (LD)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McInnes, Alison (North East Scotland) (LD)
 McLetchie, David (Edinburgh Pentlands) (Con)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 O'Donnell, Hugh (Central Scotland) (LD)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland) (LD)
 Smith, Elizabeth (Mid Scotland and Fife) (Con)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stone, Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Tolson, Jim (Dunfermline West) (LD)

Against

Adam, Brian (Aberdeen North) (SNP)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Allan, Alasdair (Western Isles) (SNP)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Keith (Ochil) (SNP)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Campbell, Aileen (South of Scotland) (SNP)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Coffey, Willie (Kilmarnock and Loudoun) (SNP)
 Constance, Angela (Livingston) (SNP)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Crawford, Bruce (Stirling) (SNP)
 Curran, Margaret (Glasgow Baillieston) (Lab)
 Don, Nigel (North East Scotland) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Eadie, Helen (Dunfermline East) (Lab)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 FitzPatrick, Joe (Dundee West) (SNP)
 Foulkes, George (Lothians) (Lab)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marlyn (North East Scotland) (Lab)
 Gordon, Charlie (Glasgow Cathcart) (Lab)
 Grahame, Christine (South of Scotland) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Harper, Robin (Lothians) (Green)
 Harvie, Christopher (Mid Scotland and Fife) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Paisley South) (Lab)
 Hepburn, Jamie (Central Scotland) (SNP)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Adam (South of Scotland) (SNP)
 Kelly, James (Glasgow Rutherglen) (Lab)
 Kerr, Andy (East Kilbride) (Lab)
 Kidd, Bill (Glasgow) (SNP)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lochhead, Richard (Moray) (SNP)
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 Marwick, Tricia (Central Fife) (SNP)
 Mather, Jim (Argyll and Bute) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West of Scotland) (SNP)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Tom (Hamilton South) (Lab)
 McConnell, Jack (Motherwell and Wishaw) (Lab)
 McKee, Ian (Lothians) (SNP)
 McKelvie, Christina (Central Scotland) (SNP)
 McLaughlin, Anne (Glasgow) (SNP)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McMillan, Stuart (West of Scotland) (SNP)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Mulligan, Mary (Linlithgow) (Lab)
 Murray, Elaine (Dumfries) (Lab)
 Neil, Alex (Central Scotland) (SNP)
 Oldfather, Irene (Cunninghame South) (Lab)
 Park, John (Mid Scotland and Fife) (Lab)
 Paterson, Gil (West of Scotland) (SNP)

Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Robison, Shona (Dundee East) (SNP)
 Russell, Michael (South of Scotland) (SNP)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Somerville, Shirley-Anne (Lothians) (SNP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Stewart, David (Highlands and Islands) (Lab)
 Sturgeon, Nicola (Glasgow Govan) (SNP)
 Swinney, John (North Tayside) (SNP)
 Thompson, Dave (Highlands and Islands) (SNP)
 Watt, Maureen (North East Scotland) (SNP)
 Welsh, Andrew (Angus) (SNP)
 White, Sandra (Glasgow) (SNP)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Whitton, David (Strathkelvin and Bearsden) (Lab)
 Wilson, Bill (West of Scotland) (SNP)
 Wilson, John (Central Scotland) (SNP)

The Deputy Presiding Officer: The result of the division is: For 33, Against 90, Abstentions 0.

Amendment 44 disagreed to.

Amendment 45 moved—[Murdo Fraser].

The Deputy Presiding Officer: The question is, that amendment 45 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Aitken, Bill (Glasgow) (Con)
 Brocklebank, Ted (Mid Scotland and Fife) (Con)
 Brown, Gavin (Lothians) (Con)
 Brown, Robert (Glasgow) (LD)
 Brownlee, Derek (South of Scotland) (Con)
 Carlaw, Jackson (West of Scotland) (Con)
 Finnie, Ross (West of Scotland) (LD)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Goldie, Annabel (West of Scotland) (Con)
 Hume, Jim (South of Scotland) (LD)
 Johnstone, Alex (North East Scotland) (Con)
 Lamont, John (Roxburgh and Berwickshire) (Con)
 McArthur, Liam (Orkney) (LD)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McInnes, Alison (North East Scotland) (LD)
 McLetchie, David (Edinburgh Pentlands) (Con)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 O'Donnell, Hugh (Central Scotland) (LD)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland) (LD)
 Smith, Elizabeth (Mid Scotland and Fife) (Con)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stone, Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Tolson, Jim (Dunfermline West) (LD)

Against

Adam, Brian (Aberdeen North) (SNP)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Allan, Alasdair (Western Isles) (SNP)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Keith (Ochil) (SNP)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Campbell, Aileen (South of Scotland) (SNP)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Coffey, Willie (Kilmarnock and Loudoun) (SNP)
 Constance, Angela (Livingston) (SNP)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Curran, Margaret (Glasgow Baillieston) (Lab)
 Don, Nigel (North East Scotland) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Eadie, Helen (Dunfermline East) (Lab)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 FitzPatrick, Joe (Dundee West) (SNP)
 Foulkes, George (Lothians) (Lab)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marilyn (North East Scotland) (Lab)
 Gordon, Charlie (Glasgow Cathcart) (Lab)
 Grahame, Christine (South of Scotland) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Harper, Robin (Lothians) (Green)
 Harvie, Christopher (Mid Scotland and Fife) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Paisley South) (Lab)
 Hepburn, Jamie (Central Scotland) (SNP)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Adam (South of Scotland) (SNP)
 Kelly, James (Glasgow Rutherglen) (Lab)
 Kerr, Andy (East Kilbride) (Lab)
 Kidd, Bill (Glasgow) (SNP)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lochhead, Richard (Moray) (SNP)
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 Marwick, Tricia (Central Fife) (SNP)
 Mather, Jim (Argyll and Bute) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West of Scotland) (SNP)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Tom (Hamilton South) (Lab)
 McConnell, Jack (Motherwell and Wishaw) (Lab)
 McKee, Ian (Lothians) (SNP)
 McKelvie, Christina (Central Scotland) (SNP)
 McLaughlin, Anne (Glasgow) (SNP)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McMillan, Stuart (West of Scotland) (SNP)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Mulligan, Mary (Linlithgow) (Lab)
 Murray, Elaine (Dumfries) (Lab)
 Neil, Alex (Central Scotland) (SNP)
 Oldfather, Irene (Cunninghame South) (Lab)
 Park, John (Mid Scotland and Fife) (Lab)

Paterson, Gil (West of Scotland) (SNP)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Robison, Shona (Dundee East) (SNP)
 Russell, Michael (South of Scotland) (SNP)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Somerville, Shirley-Anne (Lothians) (SNP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Stewart, David (Highlands and Islands) (Lab)
 Sturgeon, Nicola (Glasgow Govan) (SNP)
 Swinney, John (North Tayside) (SNP)
 Thompson, Dave (Highlands and Islands) (SNP)
 Watt, Maureen (North East Scotland) (SNP)
 Welsh, Andrew (Angus) (SNP)
 White, Sandra (Glasgow) (SNP)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Whitton, David (Strathkelvin and Bearsden) (Lab)
 Wilson, Bill (West of Scotland) (SNP)
 Wilson, John (Central Scotland) (SNP)

The Deputy Presiding Officer: The result of the division is: For 32, Against 90, Abstentions 0.

Amendment 45 disagreed to.

The Deputy Presiding Officer: That completes consideration of amendments.

Alcohol etc (Scotland) Bill

The Deputy Presiding Officer (Alasdair Morgan): The next item of business is a debate on motion S3M-7362, in the name of Nicola Sturgeon, on the Alcohol etc (Scotland) Bill.

17:08

The Deputy First Minister and Cabinet Secretary for Health and Wellbeing (Nicola Sturgeon): For the purposes of rule 9.11 of standing orders, I advise the Parliament that Her Majesty, having been informed of the purport of the Alcohol etc (Scotland) Bill, has consented to place her prerogative and interests, so far as they are affected by the bill, at the disposal of the Parliament for the purposes of the bill.

I genuinely thank the Health and Sport Committee and its clerks for all the incredibly hard work that they have done on the bill. It has not been the easiest of bills, as I am sure that the convener would testify to, but they nevertheless did the job extremely well and I am grateful to them. I also record my thanks to my bill team, which has worked tremendously hard to take the bill forward. I owe the team, which has done a fantastic job, a great debt of gratitude.

It is with some regret and sadness that I stand here today to say that we are debating a bill that, although worth while, is not as strong as the Government would have wished it to be. We are debating a bill that will have some impact on our relationship with alcohol, but not as big an impact as it could have had. We are trying to kick-start a change in our alcohol culture. Without minimum pricing in the bill, we have to do that without addressing a fundamental part of that culture: the availability of high-strength and low-cost alcohol.

We have already heard today the case for minimum pricing and the opposition to it. I will not rehearse all the arguments. At all stages of the bill, the Parliament accepted that a pricing intervention was part of the solution to tackling alcohol misuse. That is encouraging. However, with some honourable exceptions, the Opposition was unwilling to agree to the only specific policy that was brought forward—a policy that the Government and so many outside the chamber regard as robust, targeted, legal and fair. More important, it is a policy that would have reduced consumption and harm—a policy that would have saved lives.

The most perplexing feature of the whole exercise is that, as support for minimum pricing across the country has grown and continues to grow, some members—even some members in parties that previously supported minimum pricing—could not bring themselves to back the

policy today. Support for minimum pricing has, quite rightly, crossed the political divide in the country. It is regrettable, therefore, that it did not manage to cross the political divide in the chamber. I was very struck by a comment that Councillor Rod Wallace, a Conservative councillor and convener of the licensing board in Dundee, made in *The Publican* magazine:

“The opposition parties at Holyrood (including the Tories) were against minimum pricing purely on political grounds”.

Members of the public will draw their own conclusions from today's debate about who is really serious about addressing one of the biggest public health and social challenges that we face, and who is not.

The bill process has highlighted once again the extent to which our ability to take action is constrained by the Scotland Act 1998. For example, at stage 2, we had to oppose good amendments from Rhoda Grant and Richard Simpson. We agreed with the policy intention behind those amendments, but could not support them because they touched on reserved issues. Throughout the debate, some have said that low prices should be tackled by taxation, not minimum pricing. There are flaws in that argument, but the current constitutional arrangements mean that we do not even have that option. That is not an acceptable position to be in.

It is disheartening that the Parliament has voted to reject, for now, minimum pricing. It is equally disheartening that other parties who said that they would bring forward an alternative failed to deliver that alternative.

However, I will focus on more positive areas in which there is agreement across the chamber—in the fervent hope that we can continue to build on the consensus that exists around the other measures in the bill and in “Changing Scotland's Relationship with Alcohol: A Framework for Action”.

The debate on alcohol has, on the whole, become more mature in recent years. There is now general acceptance that the scale of the problem requires leadership and an innovative approach. If we do what we have always done, the problem tomorrow will not only be the same as the problem today; it may well be even worse. The assertions that are still made in some quarters that the sole focus should be on young people and antisocial behaviour no longer hold water. Alcohol misuse in Scotland affects Scots of all ages. It damages unborn children and debilitates older people.

We have heard that an approach that is targeted at harmful dependent drinkers is required. However, the bulk of the harm is experienced by those who drink just a bit too much, not those who

are dependent. For too long, our relationship with alcohol has been brushed aside or, worse still, laughed off as part of our culture. We are ignoring the massive damage that alcohol misuse is doing to our country and economy. When we published our alcohol framework for action in 2009, it represented a break from all that. The framework acknowledged for the first time that we need fundamentally to change our relationship with alcohol. It recognised that to do that a whole-population approach was required—an approach in which we use all the tools that are available to us. The progress that we have made in implementing the framework takes us well down that road.

I will touch briefly on the other measures in the bill that have attracted broader support. The quantity discount ban that the Licensing (Scotland) Act 2005 put in place is extended to off-sales, which means that three-for-two promotions, discounts of 25 per cent when people buy six bottles and similar promotions will end. That change brings the off-sales sector more into line with the restrictions that are already in place in the on-sales sector.

The bill proposes further restrictions on the way in which alcohol can be promoted in licensed premises or their vicinity. Those build on the separate display area requirements that are already in place.

The bill makes an age verification scheme such as challenge 25 a mandatory licence condition. We were happy to amend the bill at stage 2 to embed the role of health boards in the licensing process.

Most of us seem to agree that the concept of a social responsibility levy is right and that those who sell alcohol and other licence holders should contribute to dealing with the harm that alcohol causes. On that basis, we need to take forward the levy and to work on the detail.

We need a concerted and sustained effort to reduce alcohol consumption in Scotland. If we do that, we will reduce harm and the massive burden on our communities, families and the economy. The bill is part of that effort.

There is no doubt that our efforts to drive change and reduce harm will be hampered at times by a refusal and an unwillingness to take difficult decisions and to try new approaches. However, we should make progress where we can and continue to build the case and evidence for and to champion a policy that we believe to be right.

The bill represents progress, but I will continue to make the case for minimum pricing because I fundamentally and passionately believe that it is the right policy.

I move,

That the Parliament agrees that the Alcohol etc. (Scotland) Bill be passed.

17:17

Jackie Baillie (Dumbarton) (Lab): I thank the Health and Sport Committee and its clerks for all the work that they have undertaken to scrutinise the bill. I also thank the cabinet secretary, the Minister for Public Health and the bill team. They have raised the level of debate on alcohol, which has contributed substantially to people's awareness of alcohol and the harm that it can cause when it is taken to excess.

Despite what some commentators have said, there is much on which we have agreed: the ban on quantity discounts, the restrictions on promotions, the age verification measures and, helpfully, at the end, the social responsibility levy.

I will touch on two of those measures. The ban on quantity discounts changes fundamentally how alcohol is sold. According to the University of Sheffield study, it is likely to have an impact that is almost equally significant to the impact of minimum unit pricing. Almost half the benefits that are set out in the Sheffield study in relation to the number of deaths and reducing violent crime are attributable to the quantity discount ban.

However, the approach that has been taken to the bill has been unfortunate. I recognise that the proposals were not included in the Scottish National Party's manifesto, but it is about two years since the Scottish Government signalled its intention to bring forward measures on alcohol, including minimum unit pricing, in "Changing Scotland's Relationship with Alcohol: A Framework for Action". The proposals went from being part of the Criminal Justice and Licensing (Scotland) Bill, where they experienced some difficulty, to being part of a health bill, which was published in autumn last year.

We have been debating alcohol for 21 months. That is ample time to get the measures right, to win support for them and to arrive at a consensus. It is therefore disappointing that little detailed work has been done on substantial areas of the bill.

From the start, we have supported the Government in principle on the social responsibility levy, but we have called consistently for more detail. The Health and Sport Committee echoed that call. How will the levy operate, to whom will it apply, how much will it be, and how will the Government ensure that the revenue that is raised goes to health or policing to deal with the consequences of alcohol abuse? We were told that the Government was in dialogue with the industry and that they would work out matters collectively. How disappointing it was to be told

that the working group had met but a handful of times and that the previous meeting before we raised the issue was in August 2009, some 14 months ago. That is not the way in which to proceed. The Government must take a more collaborative approach to the matter in future.

Nicola Sturgeon: I do not want to rehearse arguments that we have been through this afternoon, but Jackie Baillie is lecturing me about the need for a collaborative approach. Can she explain how it is consensual, collaborative or trying to build agreement for people to decide on day one of a debate that they are opposed—come what may? That is exactly what Labour did on minimum pricing.

Jackie Baillie: I can indeed give the cabinet secretary an explanation, as I will now turn to the subject of minimum unit pricing. There was a lot of common ground that we could have exploited. We all agreed about the scale of the problem; we all agreed about the need for action; and we all absolutely agreed that price is part of the solution.

I have previously set out our reasons for not supporting minimum unit pricing. It is not effective, it is potentially illegal and it puts £140 million into the pockets of supermarkets.

The cabinet secretary has spoken about consensus, but she has behaved very differently. She knows the content of the discussions that she had with me and with Cathy Jamieson. They were not about achieving consensus. I have to tell the cabinet secretary that I do not think that Cathy Jamieson or I are the problem.

The Minister for Public Health and Sport (Shona Robison): Will Jackie Baillie give way?

Jackie Baillie: No.

From the start—and for 21 months—no attempts were made to negotiate or genuinely to build consensus.

Shona Robison: On a point of order, Presiding Officer. I fear that an untruth may just have been told.

The Deputy Presiding Officer: No—

Shona Robison: Having been party to those discussions, I feel that it is not right to mislead Parliament in this manner.

The Deputy Presiding Officer: Order. Members must not accuse other members of misleading the Parliament. There are many ways in which they can make their points, but that is not one of them. Members should be very clear about that.

Jackie Baillie: I have thought very carefully about what I am saying to the Parliament, and there is no attempt to mislead.

There was no attempt to negotiate or genuinely to build consensus. Over the summer, Labour, the Tories and the Lib Dems convened a meeting with the cabinet secretary to try and achieve a consensus. We set out the initial basis of a proposal that sought to put in place a different pricing mechanism: a floor price plus duty and VAT, with the cost of production added in. In France, a method involving the cost of invoicing is used, so a pricing mechanism is already out there, and it is not dissimilar to the approach that was set out by the cabinet secretary in the Scottish Government's response to the United Kingdom coalition Government's consultation on alcohol pricing. However, the cabinet secretary did not wish to work in consensus with us. Consensus is not about waiting until we all agree with the cabinet secretary; it is about how we come together to work out solutions in the Parliament.

Our actions are not motivated by crude politics. The people who have been braying in the chamber this afternoon have not been on our benches, but on the Government's benches. The failure to arrive at a consensus has not been on our part. It is not every day that Ross Finnie, Murdo Fraser and I agree, but we did so in order to propose an alternative approach that could have merit.

We did not take our decision to oppose minimum unit pricing lightly. In fact, we were the last of the major political parties to express a view on the matter. The Tories said no to minimum unit pricing right at the start, in February 2009. In March 2009, Mike Rumbles said that the Liberals would not support minimum unit pricing. We waited. Cathy Jamieson considered representations. I sought out opinion from Alcohol Focus Scotland, the British Medical Association and other organisations. We also considered the University of Sheffield report very carefully.

We came to our decision nine months later, after the initial framework had been published and after all the evidence was out in the public domain. I assure the Parliament that, in all that time, there were no genuine attempts by the cabinet secretary to arrive at any compromise or any consensus.

I regret the view that the Parliament has arrived at today regarding caffeinated alcohol. I respect that view but, needless to say I will continue to pursue the matter. I hope, eventually, to convince all members of our proposed approach, as the evidence for it is there—in our prisons, in our communities, on our streets and on the faces of the many young people who have been scarred by Buckfast bottles.

Labour has a proud record on public health. We introduced the smoking ban, with the support of the Parliament, and the Licensing (Scotland) Act 2005. We will work with all those who want to take

action on alcohol, because the people of Scotland expect nothing less. However, they also expect that such action should be effective. Today, we continue to make progress, and I congratulate the cabinet secretary on that. We are building on the 2005 act, and the bill will help to make a difference in tackling the overconsumption of alcohol in Scotland. I urge support for the bill.

17:24

Mary Scanlon (Highlands and Islands) (Con):

The Health and Sport Committee, of which I am a member, is currently working on four bills. I am relieved that we have got to the end of at least one of them. I acknowledge the thanks that have been expressed to committee clerks and others.

I do not intend to go over all the arguments for a minimum price but I will briefly mention the matter in the context of the committee's cross-party trip to France and Finland. The French could not understand why we would want to give more profits to retailers and producers, rather than give more income to the Government. We had a bit of difficulty trying to explain the policy to them. It was crystal clear that when Finland tried having a minimum price the result was an increase in booze cruises to Estonia. When the price fell, demand increased, but when the price rose again, demand stayed the same. The evidence is there.

In Scotland, we have a complex relationship with alcohol. The prices and promotion of alcohol are the same in Scotland as they are in England, but in Scotland we consume almost 25 per cent more alcohol. That is not simply about price.

Scottish Conservatives share the concern about the drinks culture in Scotland. There is no single magic bullet, but many things could be done better, including enforcement of existing laws. We have often asked why on earth a bad licensee should pay a social responsibility levy; the question is whether they should have a licence at all. Perhaps we need to ask licensing boards to be much more rigorous.

Despite what the cabinet secretary said, we need more robust evidence taking and research. Everything must not be based on a single piece of research. I hope that today marks the start of consideration of a far better evidence base, as Nicola Sturgeon said.

I mentioned our complex relationship with alcohol. We drink it when we are happy and to celebrate occasions. We drink it when we are sad. Psychologists who came to the Parliament recently told us that for elderly people wine is the new cup of tea. We need to look much more closely at the age and income groups who are the greatest consumers of alcohol. People tend to assume that we are talking about 15 to 18-year-

olds. The opposite is the case; we are more likely to be talking about 50 and 60-year-olds.

We need to try to understand why young people binge drink. Why do young people want to go out and drink to the extent that they suffer memory loss? Does anyone understand that? The issue was not covered in the Sheffield report. We also need to examine price, income and cross-price elasticity of demand.

I am sorry to make a negative point—although the two previous speakers did so—but I must put on record that I find it offensive and insulting that the cabinet secretary should accuse Health and Sport Committee members of making up their minds without looking at any evidence. If that were the case, I could have saved myself hours and hours of reading and a lot of time attending committee meetings. If my mind had already been made up, I would not have needed to go to Finland and France or even turn up at committee meetings. I say to Nicola Sturgeon—respectfully, because I respect her as Cabinet Secretary for Health and Wellbeing—that even when Opposition members of the Scottish Parliament disagree with the Government, there is no need to criticise their commitment or the conscientious approach that they take. There is no justification for that.

Nicola Sturgeon: I hope that Mary Scanlon accepts that at no point did I accuse the Health and Sport Committee of making up its mind before it heard the evidence. I thought that the committee's report was balanced and helpful, and we attempted to meet as many of its recommendations as possible. What I said, and I am happy to repeat it, because it is true, is that the parties took their formal positions prior to the committee hearing evidence. As I think that Jackie Baillie has just demonstrated, that is a matter of record.

Mary Scanlon: I represent my party as a member of the Health and Sport Committee, so the points that I made still stand.

It is also unfortunate that the social responsibility levy was included in the long title of the bill, as that did not allow members to lodge amendments to remove it.

No one on the Conservative side of the chamber would laugh off concerns about Scotland's high consumption of alcohol. I find that idea offensive, too. More unites us than divides us.

We will support the bill, as amended. We look forward to further evidence and information about, and understanding of, our drinking culture.

17:30

Ross Finnie (West of Scotland) (LD): The bill has been difficult for a variety of reasons. As a

member of the Health and Sport Committee, I am fully aware of the complexities that we faced in assessing it. I take the opportunity to thank publicly the clerks to the committee for their enormous support of that work.

The bill was promoted with great energy. That is understandable because, if Government ministers do not promote a bill with energy, who on earth will be persuaded by it? Nevertheless, there were difficulties.

For instance, the concept in the Sheffield study was not easy to get one's head around. Indeed, I found unhelpful the lack of understanding on the part of public health officials, who seemed to assume that I would understand in fairly great detail the basis of a mathematical and epidemiological construct. I confess that I did not find that to be easy.

I was not helped by the fact that, although the data in the study were no doubt put forward in good faith, they nevertheless did not include the possibly more up-to-date statistics on conditions in Scotland. One could say, "Ah well, we only have to work out the principles," but if those principles are not applicable, that makes the argument rather complicated.

I also found unhelpful the absence of a minimum unit price. The cabinet secretary would again be entitled to say that we are talking about principles, not specifics. We could say that that is all right, but the ranges in the Sheffield study indicate that, even if we thought that minimum unit pricing was a good principle, it would not work at all at a given price. There were other considerations, but that was one of them. We also required more information to assess whether the policy would be legal. Therefore, the beginnings of the process were complicated indeed.

I found one or two matters that were not resolved. Mary Scanlon touched on one of them. We had evidence of a connection between price and consumption. That was not really in dispute, but it was more difficult to try to get a handle on the relationship between the two when considering the impact of a falling price and the impact of a rising price. For the members of the Health and Sport Committee who had the opportunity to interrogate the matter in Finland and France—I was one of them—the answer to that question was profoundly unsatisfactory. In my view, the matter remained unresolved.

The impact on the low-paid was addressed in larger measure towards the end of the process. Nevertheless, it was unfortunate that we did not have a more detailed and comprehensive view of the impact on not only the low-paid but those in the particular categories of harm about which we were concerned.

That led to the third issue for simple, humble souls such as me: the impact of minimum pricing on harmful drinkers, on 18 to 24-year-olds and on those whose drinking habits are clearly a matter of concern but who are in an income group that, it appeared to me, would be almost entirely unaffected. Those matters remained unresolved, and I found it difficult to believe that we had found a satisfactory answer to our searching inquiry into whether the policy should be adopted.

On caffeinated alcohol, I say directly to Jackie Baillie that I am genuinely disappointed. I brought the issue to committee, but what seemed to be almost an offer from the committee to take the matter forward and examine the evidence was effectively rejected by Jackie Baillie, as she simply insisted on moving her amendment at stage 2.

The bill nevertheless contains important aspects. It brings the off-sales and on-sales trades into line in relation to quality discounts, bearing down heavily on promotions and introducing the challenge 25 concept. I do not yet know whether it is the right or the wrong thing to do. There is the prospect that a social responsibility levy could play an important part, but that is as yet wholly unspecified, so I reserve our position on it. We will, however, support the bill at decision time.

17:36

Anne McLaughlin (Glasgow) (SNP): I had hoped right up until 2 pm today that members might come here willing to listen to arguments on minimum pricing. Alas, they were not willing, and they did not listen. They should have listened to Scotland's doctors, nurses and health professionals, and to our children's charities, and they should have acted in Scotland's interests. There are few societal battles that we are currently losing as badly as the one against alcohol.

My cousin is a fantastic person. She is intelligent, funny and articulate—people here would really like her. She is also an alcoholic and, five years ago, she had her last alcoholic drink. Many deeply traumatic events happened in her lifetime that would explain the difficulties that she had in being able to stop drinking. However, if she had not started at the age of 14 and it had not become a normal way of life for her at such a young age, it probably would not have been the first thing that she thought of when the traumas occurred. There is no way in the world that she would have been buying alcohol at the age of 14 if we had had minimum pricing; it simply would not have occurred to her and her friends. It occurs to young people because it is easy, and it is easy because it is cheap.

I spoke to an 18-year-old constituent last night about her experiments with cheap potent alcohol

from the age of 14. Her favourite tipple was Frosty Jack's cider, which she said that she liked because it got her

"very drunk, very quickly for pennies".

Today I tried to buy some Frosty Jack's, but the supermarket had sold out, unsurprisingly. Instead, I got this 2-litre bottle of cider that I am holding up; I have emptied it down the sink to comply with the Presiding Officer's request. As it had 8.5 units of alcohol in it, its minimum price, if we had passed that part of the bill today, would in future have been £4.05. Today, the total price was £1.20. That is acceptable to members on all sides of the chamber except for those in the Scottish National Party.

That young woman told me that her priorities at 14 and 15 were sweets and magazines, but she said that if she had a few pounds left over, she thought she might as well use it on alcohol.

The arguments about problem drinkers are false. Minimum pricing is primarily about tackling drinking before it becomes a problem. That involves taking access away from young people who do not have the physical maturity to cope with it or, in many cases, the emotional capacity to prevent it from becoming a problem.

It is so easy for MSPs to sit in their contemplation pods, staring vacantly at Arthur's Seat and pondering how best to hinder the SNP Government's bills. However, the next time they do so, I ask them to think about their own personal experiences. Have they ever watched someone destroy themselves with alcohol? Thousands of families are doing that right now, and they were relying on us to do something.

That is the worst thing about watching an alcoholic: the helplessness and the hopelessness of not being able to do something. We were able to do something today—about violent crime, for example, as the Sheffield study predicted that minimum pricing would result in 400 fewer violent crimes per year. Labour Party members behave as if they are the only ones who care about the victims of crime. However, they and others made clear today that, given the choice between doing something that would mean 400 fewer violent crimes and therefore at least 400 fewer victims of violent crime, and doing nothing, they would rather do nothing. The victims of violent crime will not forget that.

Is it not a little odd that all those Opposition members, including their solitary general-practitioner-turned-MSP and supporter-of-minimum-pricing-turned-opposer, happen to know better than the BMA, the Association of Chief Police Officers in Scotland, the Royal College of General Practitioners and the Royal College of Nursing? I could go on; instead, I will just hold up

the advert in support of minimum pricing from this week's *Sunday Herald*, which had 150 signatories, most of whom are real as opposed to self-appointed experts.

What has happened here today brings to mind the words of Edwin Morgan when he was asked what he thought the people wanted of the Parliament. He concluded:

"A symposium of procrastinators is what they do not want."

Unfortunately, that is what they have got today, and for that we should be thoroughly ashamed.

17:40

Helen Eadie (Dunfermline East) (Lab): I am grateful for the opportunity to participate in the debate.

One point on which we are all united is that an extraordinary amount of hard work has been done by the Government and inside and outside the Parliament. There is no doubt that people across Scotland have risen to the challenge. The Alcohol etc (Scotland) Bill has been perhaps the most controversial of any bill that has been introduced in the Parliament. After today, happy hours may prove to be less cheerful in the future.

I agree with every word that Mary Scanlon said about the position of the parties and of individual members of the Health and Sport Committee. I came to consideration of the bill not knowing the first thing about minimum unit pricing but, like other members of the committee, I worked extraordinarily hard to try to understand what the issues were. By the time I had listened to hours, weeks and months of evidence, I really did understand the issues.

I must go further than that. People in my group know me. They know that I am not someone who just kowtows and says yes to everyone. My colleagues respect my opinion and will listen to it. I participated in debates with my colleagues behind closed doors. They heard my views, which were taken into account, along with those of others. Many different views were expressed, so people must not jump to any conclusions or make assumptions about where the Labour Party was. We arrived at our view in an informed way and we worked hard to do so; it was not a prejudiced view. I take the same offence that Mary Scanlon did at what the cabinet secretary and the minister had to say in that regard.

The same energy should have been put into accepting that everyone was united on the issue of price. Why was it that the Scottish Government was thirled only to minimum unit pricing? Why did it not think of looking at the broad range of pricing mechanisms that were available? Europe said that

there was an issue with minimum pricing, as did Westminster and the parliamentarians on the Health and Sport Committee, so why did the kind of collaborative approach that Jackie Baillie said should have been led by the Government not happen? That is the shame on which this Government must answer to the people of Scotland.

Alcohol policy is one of the hardest and most important issues that our nation must take up and run with.

Shona Robison: Will the member give way?

Helen Eadie: I may let the minister in when I have finished my point.

I was astonished to read last night, as I prepared for the debate, that the duty on spirits per litre of pure alcohol was 60 per cent of the average annual earnings of males in 1947. In 1973, when VAT was imposed, it was 16 per cent of earnings; by 1983, it was 11 per cent of earnings; and, by 2002, it had fallen to 5 per cent of earnings.

We need to put the cabinet secretary on the spot. How many meetings has she had with the Treasury? How many times has she raised that issue with it? How many meetings has she had in Brussels on the subject? What discussions has she had about all the work that has been done in Brussels on the issue? How has she taken forward those wider debates? She never reports back to this Parliament on any meetings that she has had in any of the Brussels forums that she claims to attend. Richard Lochhead is the only minister who ever responds to this Parliament on European issues. The cabinet secretary says that she is passionate about minimum pricing, but I get the impression that, instead of adopting a collaborative approach, she has thrown the rattle out of her pram. When she eventually starts to push prams around—

The Deputy Presiding Officer: The member should wind up now.

Helen Eadie: This Government has let down the people of Scotland big time. Had it been serious about addressing the issue, it would have taken a totally different approach.

17:45

Michael Matheson (Falkirk West) (SNP): Like other members of the Health and Sport Committee, I begin by offering my thanks to our able clerks for their work during our consideration of the bill and to the witnesses who took the time to submit evidence to the committee.

Tackling Scotland's relationship with alcohol remains a serious public challenge for our nation. I

have no doubt that every member in the chamber has, at some point, witnessed at first hand the great damage that alcohol misuse is causing in our society. From the time that I have spent with the police in my constituency, I have seen the damage that it causes to communities, individuals, families and property and the subsequent financial costs to policing, justice and health.

Although we might all recognise the scale of the problem, we also recognise that there is no silver bullet, quick solution or single policy that will have the impact that is necessary to change the problem quickly. That is why I supported the bill when it was introduced. It provided a comprehensive package of measures to tackle the problem more effectively. If we are serious about trying to create the culture shift that some people keep lecturing us about, we need such a comprehensive package of measures.

Even though the bill still contains some important parts, I regret the removal of minimum unit pricing. I fail to understand why we, as a Parliament, have chosen to remove one of the strongest elements that we could have had in our toolbox for dealing with the issue. Many of the arguments on minimum unit pricing have been well aired today and I, too, do not intend to rehearse them again. However, in almost 12 years in the Parliament, I have never witnessed such unified support outwith the Parliament for something that was being debated by its politicians. It united GPs, consultants, children's charities, the churches, some of those who are involved in alcohol production and those who are involved in the licensed trade. Of course, during our consideration of the bill, a number of different views were expressed.

During the past few years, I have noticed the rather underhand way in which some within the alcohol industry have gone about challenging aspects of the proposed legislation. I was recently chatting to a medic who is involved with public health, and he drew a close parallel with the way in which the tobacco industry used to behave 20 or 30 years ago when measures were being proposed to curb the use of tobacco. The tobacco industry divided opinion, misinformed and undermined measures in order to undermine the possibility of any agreement being reached. Those in the alcohol industry who have behaved in that way during the past few months and years have done themselves no favours, and their behaviour will be recalled by a number of us in the years to come.

In passing the bill in its amended form, we provide a partial answer to the nation's problem with alcohol. However, the elephant remains in the room—cheap booze. Until the Parliament is serious enough to face up to that challenge, we

will continue to struggle to tackle what is a serious public health problem in our society.

17:49

Robert Brown (Glasgow) (LD): I begin by recognising that the focus of the Scottish Government and the Deputy First Minister's attention on the enormity of Scotland's alcohol challenge has undoubtedly raised the profile of the issue among the general public and made a worthwhile contribution to changing cultural norms and attitudes to alcohol in Scotland and to, as Nicola Sturgeon rightly said, kick-starting a change of culture. A change of culture is the key and central issue in the debate, and price is only one part of that issue, as is shown by examination of different alcohol habits in Scotland, England and other European countries.

After stage 3, the Alcohol etc (Scotland) Bill contains a number of worthwhile provisions, in particular to ban irresponsible price promotions and to introduce the mandatory age verification scheme. Broadly, the provisions for the off-trade build on the solid reforms in the Licensing (Scotland) Act 2005, which was passed by the Liberal Democrats and Labour in government before that date. It is worth saying that the broader social role and powers of licensing boards provided by that act are a much-underrated tool that will demonstrate its worth in years to come.

I observe in passing that probably the only person in the past 100 years to reverse the problems of excess alcohol successfully was Lloyd George, who nationalised the pubs and watered the beer. There are perhaps lessons to be learned from that today.

The Scottish Government clearly yearned after a totemic health policy that would match the significance of the smoking ban that was passed by the previous Scottish Government. Had it identified such a policy, Liberal Democrats would have backed it, as we have done with the other provisions of the bill, with the tougher enforcement of existing laws and with the innovative community alcohol approach, which we have also pressed.

The Government got off to a bad start by presenting the proposals in a justice bill, which did not help its case when it later tried to move the focus to health. The bill was also marred by a clumsy attempt to reduce the rights of young people under the age of 21 for no significant advantage. Eventually, the Government accepted Liberal Democrat demands and put the main proposals in the current bill, but still with the same statutory instrument arrangements.

The proposals for a social responsibility levy, which might have attracted broader support, unfortunately remained somewhat half-baked to

the end, which is a matter of regret. The minimum pricing proposal was also subject to issues of legality, marginality and the extent of unintended consequences. The Cabinet Secretary for Health and Wellbeing would not even identify the proposed unit price until after stage 2, and consequently its effects could not be examined by the Health and Sport Committee. On any view, that was insouciance bordering on recklessness and, unsurprisingly, it made her problems worse, as it is the Parliament's job to pass competent and workable legislation in an effective form after close examination of its likely implications.

I conclude on behalf of the Liberal Democrats by making what ought to be an unnecessary point. All members recognise the problem of alcohol, and I am personally ready to recognise that there are genuinely held views on these issues throughout the chamber that differ both within and across parties. However, it is a sign that a Government has totally lost the plot when ministers resort to questioning their opponents' motives and accusing them of playing politics with the issue, as this Government has consistently done throughout the long months of debate. For my own part, I was not, and I am not, persuaded that the Government has made the case for minimum pricing or the social responsibility levy.

The issue remains a vital one. Today's bill will undoubtedly not be the last word, but it makes a modest contribution and I urge the Parliament to support it tonight.

17:53

Murdo Fraser (Mid Scotland and Fife) (Con): I join others in thanking all those involved in the legislation, the bill team and members of the Health and Sport Committee, who spent many hours looking at the evidence, preparing the committee report and considering the bill at stage 2.

For my own part, although I have been my party's health spokesman for only a few months, I feel that the Alcohol etc (Scotland) Bill has taken up a huge amount of my time. I am sure that other members, not least the cabinet secretary, will feel the same. On a personal level, I think that it is only fair to pay tribute to the cabinet secretary for her personal commitment to the issue. We may have disagreed on minimum pricing, but nobody could doubt her personal conviction and the interest that she has taken in pursuing the issue.

The discussion on the bill has allowed us to have a national debate about Scotland's problem with excess alcohol consumption. The reasons for that are complex, and there is no point in trying to pretend otherwise. I believe that the consumption rate of alcohol per head in Scotland is equivalent

to that in France, but in France the health outcomes are much superior because the French consume alcohol differently, which suggests that there is a strong cultural issue. In that respect, Scotland is akin to other small northern European countries with dark, cold winters and long winter nights, as a result of which we seem to consume a lot of alcohol. There are more issues at play than simply the question of price. It is a real pity that minimum unit pricing dominated the debate and prevented a broader discussion about the causes of excess alcohol consumption.

I am also concerned about the somewhat sanctimonious tone of some members, not so much in the debate today but in the wider debate. We must remember that, consumed in moderation, alcohol is not just harmless but beneficial. It is also a vital part of Scottish industry and Scottish exports. We must therefore be wary of introducing unproven measures that might well jeopardise the future of vital industries that employ many thousands of people throughout Scotland.

I was pleased to hear the cabinet secretary say that she does not regard minimum unit pricing as a magic bullet. To his credit, Michael Matheson took up that point. Unfortunately, the point seems to have been lost on Anne McLaughlin, who seemed to suggest that that is exactly what it would have been. There is a relationship between price and consumption but, as Ross Finnie fairly said, it is not a simple one. As Mary Scanlon said, the prices in England and Scotland are the same but consumption per head of alcohol is 25 per cent higher in Scotland than in England. It is a complex issue. Moreover, in recent years, consumption per head in Scotland has fallen. If price were the major driver, that would not have been the case.

We have said all along that we would prefer a UK-wide approach and that we want to see increases in tax and duty on a targeted basis. That would have an important impact in that it would apply across the UK and would get around the problem of cross-border trade—an issue that has been dismissed too easily by the Government in the debate. We buy our wine over the internet, and I am sure that many thousands of other Scottish households do the same. It would be far too easy to avoid minimum unit pricing if it were introduced only in Scotland.

Even without minimum unit pricing, this is still a worthwhile bill. It will clamp down on irresponsible promotions and the challenge 25 measures will be extremely valuable. However, we continue to have concerns about the social responsibility levy. We do not believe—and never did—that blanket measures should be applied to everybody; we always believed that the measures should apply only to irresponsible traders, in whatever way that could be formulated. We await the regulations

coming to the Parliament under super-affirmative procedure so that we can consider them.

Although we have reservations about that aspect of the bill, it is, on balance, a good bill and one that we will support today. It is an important step but not the end of the story.

17:58

Dr Richard Simpson (Mid Scotland and Fife)

(Lab): We all agree that Scotland, along with many northern European countries, has, as Murdo Fraser said, a problem with alcohol. In some respects, our problem is much more serious. We must recognise that there has been a 20 per cent drop in the number of alcohol-related male deaths since 2005 and a stabilisation of the number of female alcohol-related deaths, but we must also recognise that that still leaves us with an unprecedentedly high number of deaths, which needs to be tackled.

As I have said many times, when I began this journey I thought that minimum unit pricing was an interesting concept that was worthy of consideration. I spent a fantastic length of time—far too long, really—reading not just the summary of the Sheffield report but the 400 papers in the Sheffield study's literature review. I came to the conclusion that it was not just an untested and untried policy, but one that lacked a serious evidence base. That was a worrying conclusion.

I was a researcher—I had my own research department at university—and I recognise that the Sheffield model is extremely complex. I do not believe that many people understand it. What do we do with a model? We apply the existing data retrospectively and see whether it actually works. That is what led to the comment about weather forecasting that Dr Petra Meier made in all honesty: when she was asked why, when the existing data from the past few years are applied to the model, it does not do what it says on the tin, she said that it is because it is like weather forecasting. That does not make it a nonsense—weather forecasting is vital and important, just as this model is extremely interesting and makes a valuable contribution to the debate—but it is completely unacceptable to found an entire policy and debate on it, which is what the Government has done.

In March 2009, in the alcohol strategy debate in the chamber, I said that the Sheffield approach was a serious issue and that the Australian colleges approach, which we have never debated, was a serious issue. I ended up by saying, and I quote—

Shona Robison: Never quote yourself.

Dr Simpson: Why not? I said:

"Labour is up for this debate and is prepared to try to reach agreement on issues. However, it must be a careful and mature debate."—[*Official Report*, 26 March 2009; c 16232.]

What did we get? We got slammed. From day 1, all the Opposition parties were told, "Because you don't agree with us on minimum unit pricing, you're irresponsible and you're playing party politics." That was a totally non-consensual approach and it is why we have ended up with a bill that tackles some problems well and others not so well.

As I said earlier, I set a number of tests for the bill. Will it tackle the hazardous drinker in the 18 to 24-year-old age group? Sheffield says that it will not. Will it tackle problems across all age groups? Again no. Will it tackle problems across all income groups? No. Will it harm moderate drinkers who are perfectly responsible? Yes. The example that I gave, which no one has refuted, concerns a couple on an income of £200 a week who drink a single bottle of vodka a week—26 units, which is well within responsible and safe levels. Indeed, it is probably within the healthy levels that Murdo Fraser mentioned. They would be taxed £200 a year. I would not suffer from minimum unit pricing, but those people would be affected. And as if that is not enough, the proposal would give the thick end of £100 million to the supermarkets—leaving aside the fact that the end of discounting would also result in more profits for them—and money would be taken away from the Treasury.

The bill contains some significant principles. One is that, as the World Health Organisation says, alcohol is not like any other commodity. It is a principle that we should not sell alcohol on a volume discount basis. People should not be able to say, "If I buy more alcohol, I'll be able to get it at a cheaper price." That is the major achievement of this bill.

The second achievement could be the social responsibility levy but, regrettably, the Government was so focused on minimum unit pricing that it has failed to provide any detailed description of the proposal, which means that we will be able to approve only the principle today. I understand colleagues' concerns about the fact that we will need to consider the detail of the proposal. Thank goodness that the super-affirmative approach will enable us to do so, once the Government gets around to thinking about it instead of the issue that has preoccupied it up to now.

18:03

Nicola Sturgeon: I want to start with Anne McLaughlin's speech, because she demonstrated visually much better than we can ever do in words what the practical effect of Parliament's decision to

reject minimum pricing will be. That two-litre bottle of cider will still be on sale for £1.20. That is what Parliament has voted to continue today.

I do not know whether Murdo Fraser understood the irony of his speech. He said that one of the problems is that, in Scotland, we drink differently from the way in which people drink in, say, France. He is absolutely right, but one of the reasons for that is that we can access lots and lots of strong alcohol extremely cheaply. That is the problem. It is the cheap booze, folks. That is what Parliament has so dismally failed to recognise.

Murdo Fraser: Does Nicola Sturgeon accept that, if she goes to France and many other southern European countries, she will find that alcohol costs much less there than it does here?

Nicola Sturgeon: I am sure that I would not find the same number of young people drinking the kind of product that Anne McLaughlin showed us tonight.

I say to Jackie Baillie that I will not get into a tit-for-tat discussion about what was said in meetings, partly because it would be pointless but, more important, because it would betray the confidence of members who are not in the chamber. My meetings with Cathy Jamieson were always very positive and constructive. Indeed, I sometimes wonder whether that is why she has ceased to be shadow health secretary. I will go to sleep in bed tonight absolutely certain in my mind that I have done everything in my power to reach agreement and build consensus.

Jackie Baillie rose—

Nicola Sturgeon: Not just now.

I succeeded in reaching agreement and building consensus with people outside the Parliament. It is a shame that people inside the Parliament have not been persuaded and have not been open to being persuaded. We have compromised and sought compromise on every issue and at every stage, whether on the legality of our policy, the profits, low pay issues or the concern that the policy has never been tried and tested.

Robert Brown: Will the cabinet secretary take an intervention?

Nicola Sturgeon: No. [*Interruption.*]

The Presiding Officer (Alex Fergusson): Order.

Nicola Sturgeon: The nub of the issue is that it gets to the stage at which it is hard to reach compromises with people who simply do not want to compromise.

Jackie Baillie rose—

Nicola Sturgeon: Jackie Baillie has had her say.

The issue was prejudged. I say to Jackie Baillie that it is not a convincing defence of the fact that she made up her mind on day one of the discussion to say that others did so even earlier than that. All that that proves is that all the main Opposition parties prejudged the issue. That was wrong. I point again to the large coalition of experts outside the Parliament who support our policy. Those people are not easily swayed and they did not reach their positions lightly. They know about the problems and harm that alcohol causes from the experiences that they have every day of their working lives. We ignore them at our peril, and it is to the shame of the Opposition parties that they have ignored their expert opinions.

For the remainder of the time that I have to speak, I will be more positive. Notwithstanding our deep differences over minimum pricing, the bill that we will pass is worth while and will perform a useful function. We have moved away from resigned acceptance that alcohol misuse is something we have to live with to recognising that we can and must kick-start the culture change that we need. It is encouraging that members accept what the scale of the problem is and that it affects all age groups, all socioeconomic groups and every part of Scotland. I hope that, in the not-too-distant future, we will be able as a Parliament to match that acceptance with the action that we take.

There is a mood swing in Scotland for change. The damage that alcohol misuse is doing is all too visible, and the public expect us to show leadership and to take forward policies that will have a real and lasting effect. When people see the harmful effects of alcohol, they look to the Government and the Parliament to pick up the pieces, but they also look to us to create real and lasting social and cultural change. That will not happen overnight. We are on a journey that is challenging many of us to rethink some of our deeply held assumptions. I know that, as we have gone through the process, many of my views and perceptions have changed.

The bill can and will help to drive and support a change in our relationship with alcohol. I hope that it will enable us to enjoy a better relationship with alcohol and to release the brake that alcohol misuse puts on our economy. However, Michael Matheson is fundamentally right: until we are prepared to face up to the demon that is cheap booze, such as the type that Anne McLaughlin brandished, we will always have one hand tied behind our back. Consideration of the bill may have come to an end, but the debate has not. We will continue to support real and sensible action to

tackle the relationship between alcohol price and consumption.

We have an opportunity to vote for a bill that is not perfect, but is nevertheless good. We have an opportunity with that bill and we will, I hope, have opportunities in the future to be innovative and creative and to respond to the mood swing in Scotland.

I invite members to agree that the Alcohol etc (Scotland) Bill be passed.

Business Motions

18:10

The Presiding Officer (Alex Fergusson): The next item of business is consideration of business motion S3M-7376, in the name of Bruce Crawford, on behalf of the Parliamentary Bureau, setting out a revised business programme for Thursday 11 November.

Motion moved,

That the Parliament agrees the following revision to the programme of business for Thursday 11 November 2010—

Delete

2.55 pm Health and Sport Committee Debate:
Inquiry into out-of-hours healthcare
provision in rural areas

and insert

2.55 pm Ministerial Statement: Scottish Water
Bill

followed by Health and Sport Committee Debate:
Inquiry into out-of-hours healthcare
provision in rural areas—[*Bruce
Crawford.*]

Motion agreed to.

The Presiding Officer: The next item of business is consideration of business motion S3M-7375, 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 17 November 2010

2.00 pm Time for Reflection

followed by Parliamentary Bureau Motions

followed by Ministerial Statement: The Budget

followed by Stage 1 Debate: Patient Rights
(Scotland) Bill

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

followed by Members' Business

Thursday 18 November 2010

9.15 am Parliamentary Bureau Motions

followed by Scottish Conservative and Unionist
Party Business

11.40 am General Question Time

12.00 pm First Minister's Question Time

2.15 pm Themed General Question Time
Finance and Sustainable Growth

2.55 pm Scottish Government Debate: AV
Referendum and 2011 Scottish

Parliament Election Clash

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

followed by Members' Business

Wednesday 24 November 2010

2.00 pm Time for Reflection

followed by Parliamentary Bureau Motions

followed by Stage 3 Proceedings: Children's
Hearings (Scotland) Bill

followed by Business Motion

followed by Parliamentary Bureau Motions

6.00 pm Decision Time

followed by Members' Business

Thursday 25 November 2010

9.15 am Parliamentary Bureau Motions

followed by Scottish Government Business

11.40 am General Question Time

12.00 pm First Minister's Question Time

2.15 pm Themed Question Time
Education and Lifelong Learning;
Europe, External Affairs and Culture

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.

Parliamentary Bureau Motions

18:10

The Presiding Officer (Alex Fergusson): The next item of business is consideration of two Parliamentary Bureau motions. I ask Bruce Crawford to move motion S3M-7377, on suspension of standing orders, and motion S3M-7378, on approval of a Scottish statutory instrument.

Motions moved,

That the Parliament agrees that, for the purposes of the Subordinate Legislation Committee's consideration of the Sexual Offences Act 2003 (Remedial) (Scotland) Order 2010, Rule 10.3.2 of Standing Orders be suspended.

That the Parliament agrees that the Protection of Vulnerable Groups (Scotland) Act 2007 (Miscellaneous Provisions) Order 2010 be approved.—[*Bruce Crawford.*]

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

Decision Time

18:11

The Presiding Officer (Alex Fergusson): There are three questions to be put as a result of today's business. The first question is, that motion S3M-7362, in the name of Nicola Sturgeon, on the Alcohol etc (Scotland) Bill, be agreed to.

Motion agreed to,

That the Parliament agrees that the Alcohol etc. (Scotland) Bill be passed.

The Presiding Officer: I can therefore say that the Alcohol etc (Scotland) Bill is passed. [Applause.]

The second question is, that motion S3M-7377, in the name of Bruce Crawford, on the suspension of standing orders, be agreed to.

Motion agreed to,

That the Parliament agrees that, for the purposes of the Subordinate Legislation Committee's consideration of the Sexual Offences Act 2003 (Remedial) (Scotland) Order 2010, Rule 10.3.2 of Standing Orders be suspended.

The Presiding Officer: The third question is, that motion S3M-7378, in the name of Bruce Crawford, on approval of a Scottish statutory instrument, be agreed to.

Motion agreed to,

That the Parliament agrees that the Protection of Vulnerable Groups (Scotland) Act 2007 (Miscellaneous Provisions) Order 2010 be approved.

Science

The Deputy Presiding Officer (Alasdair Morgan): The final item of business today is a members' business debate on motion S3M-6972, in the name of Bill Wilson, on science and the Parliament, Wednesday 10 November 2010.

Motion debated,

That the Parliament welcomes the Science and the Parliament event that is scheduled to be held on 10 November 2010 in Our Dynamic Earth and organised by the Royal Society of Chemistry in association with Scotland's leading science organisations; notes the contribution of Scotland's scientists to economic, environmental and social development through the University of the West of Scotland and James Watt College and companies such as BASF and Life Technologies in Paisley; considers that Scotland is a world leader in many scientific disciplines, and recognises the need to foster an environment that enhances pupil and student participation in science, to sustain science research along with supporting greater industrial research and to assist in the practical application of world-beating research.

18:13

Bill Wilson (West of Scotland) (SNP): I am delighted to welcome the science and the Parliament event, to welcome representatives of Scotland's scientific community to the chamber, and to introduce my members' business debate. I am sure that I speak for most of my colleagues when I express regret that important stage 3 proceedings have prevented us from participating in today's events, but members can still nip across to Our Dynamic Earth and pick up lots of useful information. I am holding up some information on chemistry; I use it as an example because I was asked to and because I was biased towards biology in the panel session earlier, so I am cancelling that out.

I hope that I speak for everyone when I say that Scotland should be proud of its scientific community. I expect that we shall hear this evening about how far above its weight Scotland punches in its scientific output. I could go on to list the many achievements of Scottish science and guess at those yet to come, but I am confident that my colleagues who follow in the debate will give examples of the former, although I am sure that even when they are finished speaking, many achievements will remain undescribed, for such is the impressive scope of Scottish science today.

I am a fortunate individual. I grew up when there were student grants, no fees for university and the number of working class individuals like me in our university system was steadily increasing.

David McLetchie (Edinburgh Pentlands) (Con): Under the Tories.

Bill Wilson: I will just ignore that.

I would like to say that I was the first of my line to attend university, but sadly—or not sadly—it is not true, because I was the second. My mother started her university studies just two years before I did. As far as I can recall, I did not hear any of my peers, on bumping into a fellow student on Byres Road, start the conversation with the greeting, "Hi, Mum."

I and countless others from working-class backgrounds were indeed fortunate. We could choose our courses without fear of financial ruin and we could aim to build careers around what we actually wanted to do. We could dream of making a contribution to society even if the personal financial benefits were limited. Many did so. I have friends with two or three degrees who have spent their lives working for charities and environmental groups, who throughout their careers have never earned much more than the median income, but who work for the love of their work and who, having no great debts, did not fear to do so. Will charities and non-governmental organisations still find such people when individuals have to incur such debt at the outset?

Society, too, was fortunate, but as debts mount, what might society lose? If my colleagues were attending university today, would they make the same choices? Faced with horrendous debt, does a lifetime working for a better environment still appear to be a practical choice, however admirable it may be? What about future researchers? I recall an estimate in *New Scientist* that studying for an PhD costs one in excess of £100,000 in lifetime income when compared with those who seek employment on graduation. How many able researchers might we lose when people are faced with such a loss and in comparison with such debt?

However, I would argue that the loss to society will be rather greater than that. When athletics became amateur, the performances declined. Roger Bannister was not necessarily the first man to run a four-minute mile: he was just the first amateur to do it. James Parrott, who was a professional athlete, has been credited with breaking the so-called barrier in 1770. An athlete called Powell might well have done so in 1787, and one called Weller in 1796. After the Victorians excluded from athletics and other sports anyone who was not an amateur—in other words, anyone who was poor—it took a long time for performances to recover. Athletics became the exclusive preserve of the wealthy.

What will be the effect of increasing debt on working-class recruitment to universities? If the pool shrinks, what will be the effect on the quality of our research and innovative thinking? Gender inequality damages society because it limits the

pool of talent. Financial inequality damages society for precisely the same reasons.

However, that is not the limit of my concerns. I have two more. The first is an increasing emphasis on education as a tool to prepare one for employment, at the cost of what I believe is a fundamental principle that was once held as a divine truth among the Scots. It is the very reason why we were the first in the world to introduce comprehensive education: namely, that education is of value in itself, that the broadening of the mind, the training in logical thought and the ability to question and dispute are important, and that the existence in our society of individuals who are so trained is of benefit to society as a whole.

While I am on the topic of we Scots being the first to introduce comprehensive education, let me remind members where that led. Let me quote Voltaire:

"We look to Scotland for all our ideas of civilisation."

Why could Voltaire say such a thing? It is because Scotland, for all that it is not a particularly large nation, led the world in so many fields. Why did we do so? We did so because we had comprehensive education, and that meant that our pool of talent was so much larger than that of any other nation. Consider that, politicians and principals, when arguing for ever-greater burdens of debt.

My second concern—my goodness, I am in a cheerful and uplifting mood tonight—is that alongside the emphasis on education not being of value in itself, but being valuable only as a means to finding employment, is the argument that research must be directly related to the business needs of today. It is argued that we need to tie our research and our business ever more closely, to encourage greater business investment in science, and to alter our financial world to build a stronger relationship.

Of course we need to encourage greater investment in research. There is no question about that. No one would dispute it. That is good. However, as a society, if that is the only way in which we fund our research, if we narrow our objectives to focus on tomorrow, next year or the year after, then caveat emptor—buyer beware. Short-termism in science does not bring the biggest rewards. Blue sky may look esoteric today—and pretty rare in the Scottish winter—but if we want to be leaders tomorrow, then unconstrained speculative exploration is a must. Of course, some blue-skies research might lead nowhere, but when we see no joy in knowledge for knowledge's sake, we are all the poorer for it.

The point here is that we do not know where ideas might lead. Laser technology is an excellent example of what was initially—apparently—useless and curiosity-driven research. Who would

have guessed what Albert Einstein's description of stimulated emissions in 1917 and Kastler, Brossel and Winter's work on optical pumping in the early 1950s would lead to? Would those who are calling for funding to be restricted to narrow, short-term and results-focused research like to hand back their DVD players, have their laser surgery reversed and return all the bar coded items that they own?

The pleasures of applied research to politicians are great. Look what jobs we generate. Look what trade balances we have. But those are the joys of today. What of tomorrow?

Now, wha this tale o' truth shall read,
Ilka man and mither's son, tak heed:
Whene'er to CUTS you are inclin'd,
Or APPLIED RESEARCH rins in yir min,
Think ye may buy the joys ower dear;
Remember Tam o Shanter's mare.

I thought that we would finish on a lighter note.

The Deputy Presiding Officer: Before we move to the open debate, I point out to members that Parliament has to finish at 7 o'clock—there is no possibility of altering that time. Therefore, members are strictly limited to four minutes. Even at that, I will not be able to get everyone in, so anyone who wishes to take less than four minutes is very welcome to do so.

18:20

Maureen Watt (North East Scotland) (SNP): I congratulate Bill Wilson on securing this debate to coincide with the science and the Parliament event at Our Dynamic Earth today. I welcome to the gallery all those who are attending from the north-east who have contacted me about today's event and this debate, including Dr Janice Drew from the Rowett institute of nutrition and health and Gordon Doig from the Institute of Physics in Scotland.

At the beginning of this session of Parliament, the Scottish National Party Government identified life sciences and energy as two of the areas that could help to drive forward economic growth. Both those sectors rely on science and engineering; they rely on strong research and development in the companies in the sectors and they require our universities and colleges to come up with innovative solutions and to work together with industry to ensure that the sectors grow in our economy.

Bill Wilson mentions in his motion the good work of the higher and further education institutions in the West of Scotland. I would not stand here and not commend to the chamber the immensely innovative work of the University of Aberdeen and its institute of medical science, the Robert Gordon University, the Macaulay Land Use Research Institute, the Scottish Agricultural College, the

University of Dundee's college of life sciences and the University of Abertay Dundee's computing science departments. In medical research, science and engineering and the environment, all those institutions play vital roles.

So, too, do our colleges, which provide us with many higher national certificate and higher national diploma students who might go on to further study. They also provide the practical and technical support in our higher education and research establishments. Many colleges also produce apprentices for our industries, such as for Score Energy Ltd in Peterhead, which has contracts all over the world.

That leads me to schools. I believe passionately that curriculum for excellence provides a marvellous opportunity for teachers to ignite in many more pupils the excitement of STEM—science, technology, engineering and mathematics—subjects. In some quarters, such subjects are seen as being dry and perhaps too difficult, but I believe that that view is based on ignorance and is not justifiable. Curriculum for excellence gives us an opportunity to instil in all our young people from an early age the relevance of, and a fascination for, science, which can be related to so many other subjects and can be taught in a collaborative way.

If we combine learning that Scotland has produced so many renowned scientists and innovators with delving in some depth into what they studied, produced and invented, I am positive that many more youngsters, including females, would choose STEM subjects. If my teachers had explained that angles in geometry related to the aerodynamics and design of sports cars, a spark might have been lit in me and I might have chosen a completely different career path. That work must be done in primary schools. In my view, it is too late to do it when youngsters are making subject choices in secondary school. That is why the work of the Scottish resource centre for women in science, engineering and technology is so important, as are the facilities that are offered by places such as the Satrosphere science centre in Aberdeen and Dundee Science Centre for visiting school groups and family days out. Techfest, which is supported by so many of our businesses located in the north-east, is eagerly awaited each year by our schools.

The Deputy Presiding Officer: I am sorry. Your time is up.

18:24

Elaine Murray (Dumfries) (Lab): Given the time pressure, I will try to be brief. I congratulate Bill Wilson on securing the debate. The annual science and the Parliament event has been a

great success over many years. It is always well attended by the scientific community but, unfortunately, external events such as by-elections and stage 3 debates have in some years inhibited MSPs' attendance. Sadly, that has been the case this year.

I have been happy to be associated with the event as a sponsor for several years. As always, I thank the Royal Society of Chemistry for initiating this celebration of Scottish science and organising the event effectively every year.

The contribution of Scotland's scientists—James Clerk Maxwell, James Watt, John Logie Baird and Alexander Fleming, to mention just a few—to the nation's international reputation is well known. It is important that we celebrate and widely recognise the fact that that success continues. In 2008, Scottish universities' research in biological and clinical sciences was assessed as being world class. We were also assessed as having significant strength in the physical sciences sector.

Those successes have fuelled the contribution of Scotland's life sciences sector to the Scottish economy, for example. I say to Maureen Watt that I know that the Government recognises the importance of the life sciences; so did the previous Government, which identified the life sciences as a key sector when Wendy Alexander was the minister with responsibility for enterprise. The physics-based science sector also contributes significantly to the Scottish economy—about £8 billion annually.

The economic climate and the cuts that the comprehensive spending review has imposed present considerable problems for maintaining and expanding on those successes. It is unsurprising that Scottish universities anxiously await details of how the ever-widening funding gap between Scottish and English universities is to be addressed.

Funding shortages could present a particular problem for the sciences in Scotland. Science and engineering degrees are more expensive to provide than those in many other subjects. Universities compensate for the comparatively low level of investment in research and development by business, which carries a significant cost to universities. We need to consider how we will continue to enable funding to be provided for science and engineering degrees and for postgraduate research. Funding is probably the key pressure that Scotland's universities face.

If continuity of funding is necessary to maintain our science expertise, so is the supply of scientists in the future. Scotland is among the top four countries in the world for research output in physics—I believe that that is because of the significant contribution from the Scottish

universities physics alliance, which gets universities to work together—yet the Institute of Physics in Scotland remains concerned that the number of young people who choose to study physics to higher level has fallen over a period of years.

Much good work is being done to stimulate the interest of primary-age pupils in science. That needs to be sustained over their school careers, and I hope that the curriculum for excellence will succeed in achieving that. I thank the cabinet secretary for organising for me a meeting with the principal scientific officer to discuss that in the summer.

Girls often perform better than boys in science subjects at school, but young women continue to be underrepresented in science and engineering at university. Women scientists are more likely to leave science than are their male counterparts. More than two thirds of the women who are qualified in science, engineering and technology do not work in that sector. The reasons for that are many and complex, but if we want the highest-quality scientists to be available in Scotland we must address the gender inequality issues, as well as the attractiveness of science overall.

18:28

Jackson Carlaw (West of Scotland) (Con): I, too, thank Bill Wilson for promoting and securing the discussion. I say “discussion” because a great division between members is unlikely. I felt the sincerity and commitment that informed his speech—I hope that he does not find that comment in any way patronising. His speech was thoughtful and thought provoking. I might not accept the speech in total, but it was fascinating in the round.

I congratulate the Royal Society of Chemistry on its further success—I gather that today’s event is the 10th—and on its reception, from which I have just come. The event had a remarkable collection of speakers, including members such as my colleague Alex Johnstone, who was involved earlier today, and—most agreeably—a number of award winners, who were pupils with excellent performance grades in physics, advanced physics, biology, chemistry and advanced chemistry.

When I was over at Our Dynamic Earth, I was drawn to an experiment in which my colleague John Lamont—among others in the course of the day—was set on fire. That is something that many members may want to be able to do. He entrusted his jacket and specs to me when the exercise was undertaken, but he was slightly more circumspect about giving over his wallet.

Given the emphasis on young people, I was particularly drawn to the Scottish Council for

Development and Industry sponsorship of the young engineers and science clubs in which many schools around the country participate. On this occasion I was particularly delighted, because the young people had been involved in constructing a full working model of a Dalek. I have to confess that I am the owner of a fully operational Dalek—a full-sized, talking model. The minister smiles, but when I hear some of his colleagues talking in a very staccato manner during debates, I am immediately drawn to the idea that I am facing the Daleks of the front bench. I do not accuse the minister of that; clearly, he is more of a Master than a Dalek.

The young people to whom I refer are worth celebrating, although it has to be said that, of themselves, they do not offer the required response to the challenge that Scottish employers are articulating, which is that of encouraging Government to use all available levers to encourage pupils to continue their science and mathematics studies through school and into further and higher education. In short, we must reverse the apparent dearth of science, technology, engineering and mathematics students.

Given the recession and the potential for rising youth unemployment, it is inarguable that we need to encourage students in this field. Why? Because, as the Royal Society of Chemistry says in its excellent briefing, chemistry research generates 21 per cent of our gross domestic product and supports 20 per cent of jobs, thereby generating some £3.5 billion of manufacturing exports and a revenue stream that is worth some £9.3 billion. That is supported by some 150 Scottish chemical companies, all of which are punching above their weight—an expression that Bill Wilson himself used. As the RSC points out rather tellingly, we need this new research not least because the Scottish Parliament has adopted legislatively enforceable targets for carbon emission reductions. We have set the ambitious target for renewable generation of 80 per cent by 2020. Thus far, I am not persuaded that we know how we will achieve that. We will have to rely to an extent on new science developments in future years. Indeed, we will have to do that sooner rather than later if we want to avoid some of the unpalatable and politically unsupportable options that we will have to canvass and potentially progress. We should encourage at every level the development of science and research in Scotland.

Again, I congratulate Bill Wilson. As we debate the subject of science in Parliament and schools, I know that he will have at the forefront of his mind those who entered our trade from a science background, most notably Margaret Thatcher, a woman who clearly understood all of Bill Wilson’s

many educational needs. What better role model could we cite tonight?

18:32

Mike Pringle (Edinburgh South) (LD): I, too, congratulate Bill Wilson on securing this members' business debate.

In his motion, Bill Wilson

"recognises the need to foster an environment that enhances pupil and student participation in science".

Of course, those students will be both male and female. I think that it is generally recognised that it is somewhat difficult to get many young female students to go into science and technology. I will therefore use the time that I have this afternoon to highlight a group that is based at Edinburgh Napier University: the Scottish resource centre for women in science, engineering and technology, which is referred to as the SRC. The SRC works to create sustainable change in the participation of women in science, engineering, technology and the built environment sectors in Scotland. It does that by campaigning to change employment practices and workplace cultures to support gender equality. I think that we all agree that women are particularly underrepresented in this area of the economy. Other members have referred to that in their speeches. Many women leave the workplace to have a family. The SRC is trying to support the recruitment, retention and success of women and their return to the workplace in order to address that underrepresentation.

As I said, the SRC is based at Edinburgh Napier University where it works with employers to increase family-friendly opportunities for women who work in the fields of science, engineering and technology. In addition, it encourages students and apprenticeships in construction and delivers equality and diversity training to change workplace cultures. The SRC encourages women who have SET qualifications and supports them in progressing in the science, engineering and technology sectors of the economy. It also encourages women students to try to develop networks in SET that will support their career development.

The SRC believes that change is necessary to ensure that Scotland makes full use of its available talent. An increase in female pupils and student participation in science would impact on future levels of women in senior scientific, academic and industrial roles. It seems incredible, but currently 68 per cent of women who have qualified in science, engineering or technology are not employed in those areas. The loss to the United Kingdom economy of all of the women who have such qualifications and are not working in their

area of qualification, have become unemployed or who remain inactive has been estimated at the considerable sum of £2 billion a year. We in Scotland need to do more.

The Scottish resource centre for women in SET is asking the Scottish Government to do a number of things. I will highlight just one or two of them. First, the SRC wants the Scottish Government to encourage Scottish universities to participate in the Athena SWAN programme, which is aimed at bringing more women into SET. The SRC says that science cannot reach its full potential unless it can benefit from the talents of the whole population and until women and men can benefit equally from the opportunities that it affords. Secondly, it asks that all modern apprenticeships be promoted equally to men and women of all ages. Careers advice services need to do more to increase equality and diversity when they give advice. Finally, it asks the Scottish Government to encourage employers to introduce flexible working for staff at all levels, to provide quality part-time employment opportunities and to reduce the long working hours culture that is prevalent in science.

I am sure that the minister will be aware of most of those issues. However, as in other areas of our economy and culture, we need to ensure that women get the same opportunities as men in the important field of science, engineering and technology.

18:36

Patrick Harvie (Glasgow) (Green): I add my congratulations to Bill Wilson, not only on bringing the debate to the chamber but also on his speech, especially his comments on the value of free education and public investment in pure science. Both of those important areas will be under increasing attack. Today, London has seen one expression of the justified anger against that attack; I am sure that it will not be the last.

I want to make two broad points. The first concerns evidence-based policy, which has become a catchphrase that is a little bit too easy to use. Just today, we saw a debate in which the two largest parties brought to the Parliament new ideas for policy measures on alcohol but in which each attacked the other based on thin evidence. Evidence-based policy is important, but it is only one factor. We should not be afraid of testing a new idea simply on the basis that it has not yet been tried. Anything that has not yet been tried will be subject to criticism that there is not enough evidence, but if we argue that evidence-based policy is the only requirement, we will end up with inherently conservative approaches to every subject.

However, if evidence-based policy were given the status that we say it should be given, in each of our political parties, right across the spectrum, we would have reached for our copy of “The Spirit Level”, looked at the objective evidence for more economic equality and social solidarity, and brought those concepts front and centre in our political response to the unprecedented free-market failure of recent years. That has not happened. We must ask what the place of objective, evidence-based policy is if we have failed to listen to the arguments that are outlined in “The Spirit Level”.

My second point concerns the

“pupil and student participation in science”

to which the motion refers. Currently, there is a threat to the participation of pupils, in particular, in science. The place of a scientific world view is generally agreed by all, yet that fundamental world view is under attack.

I congratulate the bloggers of “The Twenty-first Floor” for drawing attention to the fact that, recently, an organisation called the Centre for Intelligent Design opened in Glasgow. The group’s director is quoted in *The Herald* as saying that

“it was ‘inevitable’ that the debate would make its way into schools”

and

“that he had already been asked to speak in Scottish schools, and agreed to do so.”

In the same article, a Scottish Government spokesman is quoted as stating only that

“we do not recognise the teaching of intelligent design in a scientific context”.

In their responses, neither the Government nor Learning and Teaching Scotland give any indication that they have in place measures to prevent that material from entering schools.

It is some 85 years since the Scopes monkey trial in the US. In that country, the politics of wilful stupidity and ignorance have a modern vehicle in the tea party movement. We must not allow those kinds of ideas to gain a foothold in this country. There is a clear need for ministers to go further than they have gone so far and to tell us—I hope that the minister will do so today—how they intend to prevent the use in schools of materials of that sort, which promote the absurd nonsense of intelligent design and creationism, with the intention of undermining the scientific world view and keeping our children stupid. [*Applause.*]

The Deputy Presiding Officer: Order. No interventions from the public gallery, please.

18:40

Christine Grahame (South of Scotland) (SNP): It is nice to get a clap before starting.

This is a spontaneous contribution. It is many years since I did my highers in physics and chemistry, but it is not so long since my son’s MSc in chemistry and a PhD in a physics-related subject. His experiences in research and development are not the subject of a special pleading; they reflect much of what is going on in research and development, which I will address.

The last three lines of Bill Wilson’s excellent motion, on which I congratulate him, read:

“to sustain science research along with supporting greater industrial research and to assist in the practical application of world-beating research.”

Judging from the experience of my son and his university colleagues—which I think is repeated elsewhere—it is extremely difficult for people working in research and development to obtain funding and support for pure research with no industrial connection, or even to find support to go into contracts for practical applications of technology.

My son’s area of research and development is very attractive, as it is in the green development of sustainable energy, but his colleagues find things extremely difficult. They have to prepare business cases, the process is fraught, projects become mired in difficulty and they have to battle for funding while protecting their intellectual property. They tend to work on short-term contracts. Therefore, there is a great temptation for many of them to quit the shores of Scotland and go elsewhere—to Canada, New Zealand or Australia, where research and development for their own sake, as well as their practical applications, are valued.

That is the only issue that I wished to bring to the Parliament’s attention in this spur-of-the-moment speech—it is rather like a long intervention—but I would like the minister to comment on it. It is an issue that has been raised many times. With the failure of the business community to understand the language of the science community and those in the science community having to prepare business cases without support, people are deserting our shores for elsewhere.

18:42

Alison McInnes (North East Scotland) (LD): I congratulate the Royal Society of Chemistry on hosting today’s popular event. I extend a warm welcome to the representatives of Scotland’s scientific community who are here this evening.

I am not a scientist—I studied humanities—but one of my first jobs was at the Royal Greenwich observatory in Sussex. Despite being a member of the administrative staff, I was encouraged to attend lectures by the scientists, and it was there, not at school, where I discovered the fascinating worlds of astronomy and physics.

I did study science at school, but I was cursed to have a physics teacher who refused to answer any questions from the two girls in his higher class. He thought that girls were not suited to studying physics. On reflection, I do not think that he was suited to teaching.

My daughter assures me that it is all different nowadays and that she owes a lot to the physics department at Ellon academy, which supported and encouraged her interest in physics. I am glad to hear it.

Events such as science and the Parliament provide useful reminders to politicians that scientific understanding and innovation are central to our country's progress. If we are to develop technical, sustainable solutions for tomorrow's world, we must not lose sight of that message in these difficult times. We must sustain and develop our science base. Our role as politicians is surely to demonstrate that we understand that need, to show that we value our scientists and to do all that we can to support investment in science. We need sustained investment in our people, in our universities and in our research establishments, and we need to foster collaboration with the private sector.

There are so many areas in which science plays a role in society, including energy, food, climate change, human health, the management of finite resources and even the infrastructure of our cities. As the Liberal Democrat spokesperson on climate change, I am acutely aware that if we are to tackle the world's most pressing problem, we will need to rely on the brightest scientific minds.

As an MSP for North East Scotland, I am privileged to represent a region that contributes so much to scientific knowledge. The world's first medical school was established in Aberdeen in the 15th century, at King's College, and the four universities in Aberdeen and Dundee, alongside institutes such as the SAC, the Macaulay Institute, the Scottish Crop Research Institute and the Rowett institute, have all continued that tradition of scientific excellence.

In Dundee, scientists from more than 52 countries are employed in biotechnology and more than 4,000 people work in the sector—that is 16 per cent of the local economy. If we add the pharmaceuticals industry in Montrose and the oil and gas industry in Aberdeen—city and shire—we

can see that many of my constituents are employed in science, engineering and technology.

All is not well in the scientific community, as we have heard. I will use the little time that I have to focus on the gender imbalance that still exists. As women who have chosen to study science, technology, engineering and mathematics graduate and progress in their careers, they are far more likely to leave the science and technology sectors than are men. Their leaving represents a loss of return on the investment in their education, a loss of talent for the sector and a loss of individuals' personal investment in their science and technology education. The effect is to create a gender-segregated workforce, which does not represent the general population or draw in diverse talents and is not attractive and welcoming to women.

Many factors contribute to the underrepresentation of women in SET. We have heard about such factors during the debate. I commend the work of the Scottish resource centre for women in science, engineering and technology. The Institute of Physics also has a good record in the area.

I lay down a challenge to Universities Scotland, the Scottish Further and Higher Education Funding Council and the Royal Society of Edinburgh. Each of those institutions can make a real difference, but if they work together they can bring about a sea change and ensure that young women scientists have a fair chance to play their part in the scientific advances of the future. I hope that they take up the challenge.

18:46

Nigel Don (North East Scotland) (SNP): I congratulate Bill Wilson on his motion and on his excellent speech. Rarely do we get such good-quality philosophy in the Parliament—we would be a great deal better off if we did. If we work out why we are doing things, it is much easier to get the right answer. I welcome the large number of visitors to the gallery. I will address my final remarks to them.

Like Alison McInnes, I represent the north-east. The area has a wonderful academic record, but I cannot but reflect on the fact that its record was once even better. Members will have to look in the history books—there is a challenge. Once upon a time, the two universities in Aberdeen and the one in Fraserburgh meant that there were more universities in north-east Scotland than there were in the whole of England. Members should feel free to go and look that up.

There is one point that I want to make before I leave the floor to other members, so that they can talk about issues that concern them. I went

through the biographies of the 129 members of the Scottish Parliament, to find out how many of us have a scientific background. I was happy to use a wide definition of science. In the list of engineers I was happy to include members who are skilled with the tools. In the list of people who studied science I included people who had studied psychology, of course. I also included our three medical doctors, who are well known to us all. However, I was able to find only 19 members out of 129 who have any kind of post-school experience in science.

I do not hold members' lack of experience of science against them. In no sense do I want to disparage members who have studied other subjects, which are important. However, the level of understanding of science is probably less than the Parliament could sensibly use. It is probably fair to say that we have more lawyers than scientists.

Christine Grahame: Hooray!

Nigel Don: I have nothing whatever against lawyers, or members who studied law but never became lawyers, but I wonder whether we could do with a few more members who have experience of science.

My challenge, not just to the scientists in the gallery but to those who might be listening in another medium, is this: "Why are not some of you here? Your Parliament needs you."

18:49

Robin Harper (Lothians) (Green): We have not managed to cover in the debate many issues that were aired during this afternoon's panel discussion at Our Dynamic Earth. One of the most important of those is the relationship between Government policy for science, as stated, and what the Government can do to push its policy forward.

The Government needs to think about how it can push its policy forward. From debates such as this and from the panel discussion that we had this afternoon, the Government can see clearly what needs to be done but finds that it does not have all the tools to push investment in the right direction. I am talking about not only the present Government but Governments in general—the next Government and the one after that.

Councils have complete control over education—we do not have a nationally set curriculum—so how do we get schools and education departments in local councils to finance the teaching of science in schools to the levels that we would like?

We heard this afternoon about a shortage of technicians in schools. If we do not have

technicians, we cannot have the number of live experiments—which are the best way of learning any science—that the children should be engaged in. My contribution to this afternoon's discussion was that I had learned recently that, in a risk-averse society, experimentation in science is actually discouraged in some schools. Fume cupboards cannot be used and even Bunsen burners have to be used under close supervision.

How do we get local councils to see how important science teaching is and how important it is to support it? One view that I hold—I am not talking about my party's position—is that we should introduce ring fencing, or at least provide a lump of money that schools can bid for, to improve the teaching of science in schools. If schools see that money is available, they will bid for it.

It is the same with the universities. The funding for them goes through the Scottish Further and Higher Education Funding Council and—quite rightly, in a sense—the Government does not interfere too much in that. However, if we want to support science in universities and colleges, one way that we can do so is to make sums of money available as—

The Deputy Presiding Officer: I am afraid that the member's time is up.

18:52

The Cabinet Secretary for Education and Lifelong Learning (Michael Russell): I congratulate Bill Wilson on securing the debate and thank every member for contributing to it in an interesting fashion.

I found out only one startling thing this evening. I already knew that Jackson Carlaw admired Margaret Thatcher; I did not know that he had a full-scale, working Dalek. Strangely, those two seem to go together rather well.

This annual science in the Parliament event is a welcome opportunity for the science community to come together with parliamentarians and policy makers to consider the role of science in our economy. I am grateful to the Royal Society of Chemistry for its work in orchestrating the event so effectively, and I am pleased that many people who were at the event—and, I presume, are going back for a drink later on—are present this evening.

I am sorry that no minister could be present this afternoon, but there was pressing parliamentary business. It was nothing quite so pressing as the prospect of setting other MSPs on fire, but I was not told that that was one of the options available to me. Nonetheless, I am glad that people are here.

I will address briefly some of the remarks that other members made before I make one or two points myself.

Nigel Don did not demonstrate good scientific method in his research. He looked only at the post-school careers the individual members have followed; he did not delve into the details of their qualifications. In my first year at university, I took a course in sciences and found it absolutely fascinating. It built on the work that I had done at school in physics and biology. Indeed, I found it so fascinating that I was tempted for a while to become a meteorologist, which might have changed my career trajectory completely.

I find myself in the position of holding the science portfolio in the Scottish Government. I wanted to reply to this debate because that portfolio is an important part of the work that I do and I am keen to support, encourage and assist science in Scotland, even in times of difficulty. I will illustrate in a minute or two some of the things that we are doing.

The points that Elaine Murray, Mike Pringle and Alison McInnes made about the gender difficulties are well taken. The chief scientific adviser, Professor Anne Glover, raises the matter with me regularly. Discussion took place with Elaine Murray during the summer, and I am keen that other members be involved in that, because there is a genuine recruitment and retention issue to address.

I think that some of the answers lie in curriculum for excellence and the work that we are doing in schools. Drawing together subjects in a much more interrelated approach to education will assist, as will the much more exciting and interesting courses to which that will lead. I am hopeful that that will make a difference.

I say to Patrick Harvie that I can and will distinguish between belief and scientific fact; that is absolutely what I should do. However, I will not be a censor or forbid people from holding opinions or beliefs. I recognise where the lines lie, but I felt that Patrick Harvie moved rather far towards condemning people for their beliefs. I am clear that belief is not to be confused with scientific fact—

Patrick Harvie: Will the member give way?

Michael Russell: I am sorry—I want to make progress, and I do not have much time.

I just wanted to make that point, because it is important.

In response to Christine Grahame's speech, I accept that the work of the Scottish funding council is germane in this regard. We should bring together business and science, and encourage an interrelationship. I accept the strictures that Bill Wilson mentioned with regard to focusing only on

applicable research, but there should be a better combination.

This year I have had the privilege of visiting a number of companies that have had assistance from the Scottish funding council and from universities to work with PhD and post-doctoral students. Two of those companies in particular stick in my mind. One is Flextricity, which is a company that is a virtual power station. If members do not understand that concept—as I did not until I went—they should go and see the work that a number of PhD students from the University of Edinburgh are doing with that most exciting technological company. The second company is Toshiba Medical Visualization Systems Europe, which has an international centre based in Edinburgh. It has a very close business relationship with universities in Scotland, which is very encouraging and works extremely well.

It is clear that there will be concern in the scientific community—as there is throughout Scotland—about the outcomes of the United Kingdom spending review. That review froze resource spending in the UK's science budget, which was not as bad as had been feared, but which nonetheless amounts to a real-terms cut of 10 per cent over the spending review period. The impact of that will be felt everywhere in the United Kingdom, and certainly in Scotland, given that we secured 12 per cent of UK research council funding.

The cuts on capital spending will be severe and could translate into a cost of around £25 million in Scotland, in that one area alone. I discussed those issues with the deans of science—whom I meet regularly—just last week, and I am focused on ensuring that we get the best deal that we can for science and technology in Scotland.

We will publish our own draft budget next week. I cannot go into any detail on it now, but there are some very hard choices to make and everyone will be touched. Those choices are forced on us as a result of the 11 per cent cut in the Scottish budget in real terms during the next four years. In making our choices, members can be sure that ministers will recognise that the science base in Scotland is a very valuable asset to our economy. I take Bill Wilson's point that it is also valuable to our wider intellectual life. We will therefore aim to maximise the contribution of Scotland's world-class science base to economic recovery.

Our research base, like any other sector, must face up to the challenge of becoming more efficient and delivering best value for money. However, as a responsible minister, I recognise how important it is.

We set out our strategic framework for science in 2008, which contained our vision of a Scotland

that is a magnet for talent and investment and a powerhouse of technology, innovation, enterprise and—yes—ideas. I think that our science base is achieving that.

An independent study that was published earlier this year showed that we continue to lead the world on many indicators, particularly in research quality. Scotland's research is number 1 in the world in terms of its citations per gross domestic product. That thought is so good that I will express it in another way just to repeat it: we are ahead of all other nations of the world in our research quality in relation to GDP. It perhaps comes as a slight let-down to say that we are only second in the world in terms of citations per paper.

Those are astonishing achievements for this country, and they have been sustained over a considerable period of time. However, they are not the only indicators of success. We are forming highly influential partnerships with world research leaders. The link-up last week between the University of Glasgow and New York's Columbia University is an example of that. The University of Strathclyde has a hugely important science link with Caltech and Stanford University, and we have more than 40 of our fundamental physicists working at CERN. Next month, a group of teachers and schoolchildren will visit that model of high-tech activity to be inspired and, I hope, provide inspiration.

That brings me to the next generation. We have our action plan on science and engineering education and, through our science centres and other science engagement programmes, we focus on supporting others. The uptake of science in our universities is on an upward trend. There has been an overall growth of 14 per cent and a growth of 40 per cent in physical sciences and 60 per cent in biological sciences.

I could go on, but the clock has caught me. That great scientific invention means that I must sit down. Science is taken seriously by this Government and, on the evidence of this evening's debate, by the chamber, too.

Meeting closed at 19:00.

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