



The Scottish Parliament  
Pàrlamaid na h-Alba

## Official Report

# MEETING OF THE PARLIAMENT

Thursday 1 December 2011

Session 4

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## Scottish Parliament

Thursday 1 December 2011

[The Presiding Officer *opened the meeting at 09:15*]

### Youth Unemployment

**The Presiding Officer (Tricia Marwick):** Good morning. The first item of business is a debate on motion S4M-01449, in the name of Iain Gray, on Scotland's future.

09:15

**Iain Gray (East Lothian) (Lab):** This is the last time under my leadership that the Scottish Labour Party will choose the subject for debate. I chose this subject and to lead the debate in order to make it clear that, for us on this side of the chamber, there is no challenge more important or more urgent.

The unemployment figures that were released this month were a milestone and an alarm call: 100,000 young Scots between the ages of 16 and 24 have no work. That is the highest figure ever recorded and is a national crisis for Scotland because of the profound threat that it poses to the future prosperity, equality and fairness of our society. Every one of those 100,000 is a real person with real hopes and real dreams frustrated by the failure of us all, as the leaders of society, to ensure that they have a fair chance. We should not assume that they are passive actors in their frustration. Those young men and women want to work and complete dozens—sometimes hundreds—of job applications. They walk the high streets of our communities delivering CVs to anyone who will take them, but they are knocked back and knocked down. They get up and try again, but the question is, for how long? No matter how polite, courteous or regretful the knock-back is, it is nonetheless corrosive. It poisons optimism, crushes hope and corrodes self-esteem.

I know that first-hand from the last time that we were in this position. At the start of the 1980s, I was a teacher in a secondary school in Edinburgh. Many of its pupils did not have the easiest of backgrounds, but they were full of life, hope and bravado—exactly as young people should be. In 1981, I left for two years to work in Africa and when I returned it was to the same building but to a different school. Youth unemployment had soared and the Government of the day believed that unemployment was a price worth paying. The kids in the school had come to believe that society had no place for them. They thought that they would never work; even the ablest thought that there was no point in trying. All their hope,

bravado and life had drained away. They had turned in on themselves and against a world that they felt had turned away from them. Today is world AIDS day. In Edinburgh in the 1980s, after the unemployment came the heroin and the shooting galleries, and my city, of which I am so proud, became the AIDS capital of Europe. I saw that generation lost—many did not survive the 1980s. We cannot let that happen again.

There is still time to turn the tide. There are things that we can do in Scotland—things that we can do with the powers of the Scottish Parliament. That is why, when the First Minister told us in May that he had no monopoly on wisdom, I asked to meet him to discuss the areas in which I thought that we could collaborate, of which this was one. The manifesto on which Labour stood included a detailed plan to eradicate youth unemployment. I thought that some of those measures could command a joint effort to demonstrate the urgency of the issue and our willingness to take Scotland forward together. I still think that, but I got no sense at that time that the First Minister had a plan for jobs or a real interest in working together on one. Indeed, there seemed to be little sense of urgency then, although it was clear six months ago where things were going.

Youth unemployment is the urgent problem of the moment. That is why we propose that the time has come for an emergency response from the Government. Instead, the Government amendment combines complacency with self-congratulation to justify the usual excuses.

First, ministers will say that they can do nothing because unemployment is driven by decisions of the United Kingdom Government. We can agree that the Tory-Liberal coalition is driving growth out of the economy and thousands of people out of work. That is why Labour is arguing day in, day out, for our five-point plan for growth. Four elements of that plan are indeed matters for the coalition Government, but it is simply not true that there is nothing that the Scottish Government can do.

Secondly, the Government will argue that it is doing all that it can: funding 25,000 apprenticeship places a year and guaranteeing a training place for 16 to 19-year-olds. We support those initiatives—the first was born out of our budget vote some years ago and the second is lifted from our last manifesto—but those 25,000 apprentices need jobs and, as for the guarantee, we have heard about it for six months but we see no sign of it on the ground. As a guarantee it is passing 20,000 by—and that number is growing. Those measures, welcome as they are, are demonstrably not enough. The 100,000 young people who are out of work are testament to that. The time has

come to stop telling us what is being done and to start working out what more can be done.

Thirdly, the Government will say that we are outperforming the UK as a whole. In fact, the youth unemployment rate is worse here, so ministers spin to youth employment and try that instead. Does it matter? Is the top and hem of this Government's ambition for Scotland to be a fraction less terrible than the Tories? This Government—any Government—should match its aspiration for the next generation of young Scots to the unlimited potential of every one of those young men and women. It should match the self-belief of those young men and women in all they can be and do. To use the failures of David Cameron and George Osborne as a benchmark is a sad, sorry and limited objective for any self-respecting Government.

The first thing that we must do is raise our own expectations, accept responsibility and act. We need more than words and more than a plan; we need an emergency response. Even George Osborne was shamed this week into taking some new action on youth unemployment.

The first signal that could be sent is the appointment of a cabinet minister for youth jobs, as the Smith group proposed this week. I have never been, nor ever will be, an advocate of additional ministerial posts for anything and everything, but in this instance any effective response will have to marshal efforts from across the Scottish Executive and command the many elements of Government policy making, so there is a vital role to be fulfilled. It could be a temporary measure, but it could send the strongest of signals to the young people we are talking about that the Government has finally noticed their plight.

I know that the Scottish Government likes to say that jobs are a priority, and I know that, to reflect that, John Swinney had the word "employment" added to his title when the new Government was formed earlier this year. However, given the breadth of Mr Swinney's portfolio it is hard to escape the conclusion that he cannot focus on employment as we need someone to do.

**Liz Smith (Mid Scotland and Fife) (Con):** Does Mr Gray agree that it is the job of all MSPs and cabinet ministers to ensure that we are working on the problem together? All portfolios have a responsibility for driving forward the jobs agenda. That is one reason why it is perhaps not sensible to have one minister in charge of it all—it involves education and all sorts of things. Does he agree with that?

**Iain Gray:** Those of us who have served in cabinets would agree with some of what Liz Smith suggests, although someone with a particular responsibility can pool different elements. The

Smith group made that argument earlier this week. If proof were needed that Mr Swinney's portfolio is so vast that he cannot focus on this particular issue, we need only consider that, since he took on the sobriquet of employment, another 5,000 Scots have joined the dole.

There is agreement between us and the SNP on the importance of public sector capital projects and on stimulating economic growth. Interestingly, this is an example of an issue for which the First Minister went as far as to create a cabinet secretary responsible for infrastructure, to mark its importance. However, we disagree on the extent to which the Government is actually investing—as opposed to talking about investing. We know that in the year past the Scottish Government cut capital investment even more than George Osborne did, and this week—

**The Cabinet Secretary for Finance, Employment and Sustainable Growth (John Swinney):** Will the member take an intervention?

**Iain Gray:** I am sorry; I need to make some progress. This week, we saw a 14 per cent drop in new starts in house building in Scotland.

Let us be generous though: some additional consequentialia are coming to the Government, and let us assume that it will use them to invest effectively. Any investment is helpful in terms of economic growth; what is not helpful is a procurement system that allocates multimillion-pound contracts without creating local employment and training opportunities for the long-term unemployed. Every public sector contract should do that, and that is why the legislative programme this year should have featured a procurement bill to make that not just possible, and not just desirable, but mandatory. We know that it can be done—Falkirk Council, for example, has created hundreds of apprenticeship opportunities. However, too often it is not done or it is not enforced. It should apply to every public sector contract, whether it be Government, local authority, national health service or non-departmental public body. It should apply to revenue contracts as well as capital—and the Government should introduce it now.

I said that George Osborne had been shamed into action this week. He reintroduced a version of the future jobs fund—which he, himself, had abolished 18 months previously. No wonder he reintroduced it—in its previous incarnation, 30,000 Scots benefited from it, and the outcomes were the best of any similar placement scheme.

I acknowledge that the Scottish Government has its own version—community jobs Scotland. That is a start, but there have been only 820 placements. The scale of the challenge is much greater than that. We need those placements to

be rapidly increased, and it is not enough to seek them only in the voluntary sector. The scheme has to be extended into the private sector. That is harder to do and it takes more effort, but the pay-off is worth it. We cannot allow the UK scheme simply to substitute for what we should be doing. Of course, we want as many placements as possible, so the Scottish Government should, right now, be talking to Jobcentre Plus, establishing a partnership and expanding what is going to be on offer.

While we are on the subject of U-turns, the Scottish Government should admit right now that cuts of over 20 per cent to our colleges can only make this problem worse. College principals are clear: they cannot sustain places with that degree of cut, and any guarantee to 16 to 19-year-olds will be delivered only at the expense of opportunities for the over-19s. We have been here before with this Government, when it expanded apprenticeship places for 16 to 19-year-olds by abolishing apprenticeship places for the over-21s. The Government thought twice on that occasion; it should think twice on this occasion, too.

We should be worried too that applications for university are down 17 per cent. Mr Russell will say that that figure is a snapshot, but it looks like a trend, and the worry is that young people are beginning again to ask themselves, "What is the point?" What is the Scottish Government doing now to challenge that idea? Who is telling those young people, and their parents and guardians, that an education still means a better future? Ever better education is our only chance of a better future.

**The Presiding Officer:** You will have to wind up now, Mr Gray.

**Iain Gray:** The resource on which Scotland's future hinges is not oil, wind or waves—it is the young men and women of this country, and to lose 100,000 of them is a price that we cannot pay.

I say to any SNP member who has in their speech the phrase "talking Scotland down" that they should strike it out now. I am talking Scotland's young people up. I believe in every one of them. Trying to spin their number away, pretending that everything that could be done is being done, or telling them that they have to wait for constitutional change is not talking them down; it is treating them with contempt.

**The Presiding Officer:** Mr Gray, you need to wind up.

**Iain Gray:** Yesterday, the First Minister sat in front of a frieze of great Scottish engineers, inventors and scientists of the past to deliver his St Andrew's day message. It is the 100,000 could-be engineers, would-be scientists and might-be inventors of tomorrow who need his full attention

today. It is time that he made this personal, realised the urgency, and demanded that his Government respond. We must not lose another generation.

I move,

That the Parliament believes that over 100,000 young people unemployed in the country is a crisis for Scotland's future and that an unemployment rate for 18 to 24-year-olds of 21.5%, higher in Scotland than the UK rate of 20.2%, threatens a lost generation in Scotland; therefore calls on the Scottish Government to produce an emergency response to the youth jobs crisis to include appointing a dedicated minister for youth jobs to get young people into jobs as recommended by The Smith Group, to immediately bring forward a procurement bill including provisions to create employment and training for young people, to expand the Community Jobs Fund into the private sector to take on the long-term young unemployed and to put in place a capital investment plan that supports employment and results in major projects proceeding without further delays; further believes that the Scottish Government should not proceed with cuts in college funding of 20%, which will only make tackling youth unemployment harder, and calls on all political parties in Scotland to make tackling youth unemployment a national priority using the significant powers that the Parliament has to secure a better future for Scotland and its young people.

09:31

**The First Minister (Alex Salmond):** I am responding to Iain Gray partly because I know that it is the last time that he will lead a debate in the Parliament. Therefore, it is right and proper that I respond to him, but I hope that he will forgive me for saying that the real reason why I am doing so is that I believe that the position on youth unemployment is the responsibility of every minister, MSP, private sector company, local authority, voluntary organisation and adult Scot. All have an inescapable responsibility to tackle the problem of youth unemployment.

The Government claims no monopoly on wisdom, and no party in the Parliament has a monopoly on concern. I have huge political divisions with Iain Gray, huge and even more political divisions, I suspect, with the Conservative Party, and divisions with Willie Rennie, but I do not believe for a second that any MSP comes to the Parliament without an obligation relating to and an understanding of the threat to society that youth unemployment poses. Let us start from that assumption.

That said, I congratulate the Labour Party on the most constructive motion that I have seen from it since the election. I will respond to it in similar vein. First, I want to look at the nature of the problem that we face, because it is crucial that we understand it. Secondly, I want to talk about the action that we have taken so far, because it is important that that is understood, given that we are tackling the problem in the way that we should. Thirdly, I want to talk about the further actions that

we intend to take, which I hope members will support.

First, I turn to the nature of the problem. I have said that the Labour motion is more constructive, but it is important that we do not play with the statistics. The motion mentions 100,000 unemployed young people; it then mentions not 16 to 24-year-olds, but 18 to 24-year-olds. It does so because the unemployment rates for 16 to 24-year-olds for Scotland and the UK are virtually identical at 23.1 per cent for Scotland and 23 per cent for the UK. Labour mentions 18 to 24-year-olds to make a difference between the rates, but we must understand the genesis of those unemployment figures.

It is important to understand that 35.2 per cent of that unemployment rate in Scotland—that is, 35,000 people—is made up of young Scots who are in full-time education but are still looking for work. The figure for the United Kingdom is 28.4 per cent. That is not to diminish the problem; rather, we should understand that that group of people who are in full-time education and looking for work are not part of a lost generation. I would love to be part of a society in which every full-time student could have a part-time job—that is what is largely contained in those figures—but I know that people who are in full-time education are not part of a lost generation. They are looking for employment and skills—for the things that will equip them for the workforce. That is why it is perfectly legitimate to look at the employment figures. Iain Gray is wrong to suggest that there is a marginal difference between the employment figures for young people in Scotland and those for the rest of the UK. The difference is 4.5 per cent among both 16 to 24-year-olds and 18 to 24-year-olds—which, believe me, is a significant number as far as the employment figures are concerned.

One of the key reasons for the higher employment rate among our young people in Scotland—and this is where I will talk about the actions that have been taken so far—is that, uniquely in Scotland, modern apprenticeships are attached to jobs. Modern apprentices in Scotland are people who are employed; I do not want to demean what is being done elsewhere but they are not, for example, people on college courses to which employment is not attached. As I said, in Scotland, modern apprenticeships are attached to jobs, which is why the introduction of 25,000 modern apprenticeships is such a substantial collective achievement by the Parliament. It is 60 per cent more than the number that we inherited in 2007.

**Michael McMahon (Uddingston and Bellshill) (Lab):** Does the First Minister also concede that the criteria for counting modern apprenticeships changed in 2008 and that Scottish vocational

qualification level 2 is now counted? In the figures that he referred to, only those above level 3 were counted.

**The First Minister:** Okay then—modern apprenticeships have gone up from 15,869 to 25,000 and the total number of training places, which includes all the figures, has gone up from 55,288 to 90,362. No matter whether we look at all training places or just the modern apprenticeships, there has been a 60 per cent increase—*[Interruption.]* It is a strange thing with the Labour benches. I thought that Iain Gray was claiming the credit for the 25,000 apprentices but his own back benches seem to be dissenting from that. Incidentally, given that the measure was such an important part of the budget, it would have been helpful had Labour members voted for it.

**Iain Gray:** The First Minister has raised some interesting points about the numbers and statistics. However, he is now six minutes into his 10-minute speech and he is still trying to justify and dismantle the figures and what has been done. Was my point not that the time for that has passed and that it is now time to hear what new action can be taken?

**The First Minister:** Which is perhaps why it would have been better to stay on that positive agenda. I have taken two interventions, but I take Iain Gray's point: I will talk about the rest of what has been done and what needs to be done.

We are now ensuring that apprenticeships or training scheme places are attached to public contracts, public procurement and so on and will reinforce that measure in legislation that will come before this Parliament. We should also look at the various jobs announcements that have been made in the past few months: Avaloq has taken on 75 graduates as part of its 500-job expansion; Vion Hall's has taken on 100 apprentices in its 250-job expansion at Broxburn; and Michelin in Dundee is training 50 apprentices, half for it and half for other engineering companies in connection with its factory of the future. That issue has been dealt with and, if we need to reinforce that measure, we will certainly do so.

Finally, the opportunities for all guarantee of a training place for every 16 to 19-year-old in the country is extraordinary. Every 16 to 19-year-old in the country who is not in an apprenticeship, in training, in full-time education or in a job will be offered a training place. We should not simply sweep aside what is a very substantial commitment.

I will now tell the chamber what else is in the Government's mind and programme. I have enormous respect for the Smith group. One has only to look at the people on the group who have dedicated their time and efforts to bringing forward



proposals to tackle these challenges: Lord Smith himself; Sir Tom Hunter; Chris van der Kuyl; Willie Haughey; Jim McColl; Christine Wilson; Peter Galloway; Rory Mair; and Julia Swan. Given that every single one of those people has dedicated themselves to this particular issue, we should take serious account of all their considerations. Incidentally, those who argue about the group's bringing forward proposals should embrace the proposal that Jobcentre Plus be devolved to this Parliament. After all, the group knows what it is talking about. We feel that having a dedicated minister for youth employment, which was also among the group's recommendations, would be a good thing and I am determined to listen to the whole range of the Smith group's proposals.

Last Friday morning, I was in Stranraer, on my way to open the new Stena Line ferry terminal on Loch Ryan, when I heard that £100 million is to be devoted to youth employment in Scotland. I was excited by that, but when I disaggregated the figure, I found that it is actually £6 million a year through consequentials, making a total of £18 million.

I believe that more initiatives than that are required, which is why, at next Tuesday's Cabinet, a proposal will be introduced to appoint a minister for youth employment. The proposal will be brought to the Parliament as quickly as possible—probably next Wednesday. That minister will come with additional resources not of £18 million, but of £30 million brought together from other departments. Along with the range of responsibilities in the Cabinet, that minister will be charged with co-operating with and co-ordinating local authorities and the voluntary and private sectors in bringing forward the substantial proposals that must be made if we, collectively, are to tackle the problem.

Those who argue that we should respond to the Smith group report—as we are doing—should look at that report in its totality. They should look at the areas of the report that compliment Skills Development Scotland on its achievements so far and stop demeaning that organisation, which is delivering the 25,000 apprentices. Those people should look at the proposals to take Jobcentre Plus into the ambit of the Parliament and the reasons given as to why that would work better. They should unite behind the proposal to have a dedicated minister for youth employment, with a budget that is far in excess of the consequentials that have been announced from Westminster, to tackle the problem jointly with our co-responsible groups in society—local authorities and the voluntary and private sectors—so that not just every member of the Scottish Parliament, but every adult Scot can be proud of the proposals that come forward to bring a future to the young people of Scotland.

I move amendment S4M-01449.3, to leave out from “first believes” to end and insert:

“welcomes the Scottish Government's efforts to tackle the scourge of youth unemployment, which is a consequence of the UK Government's failed economic policies; commends the Scottish Government for the wide range of measures in place to provide improved life chances for Scotland's young people, including providing a record 125,000 modern apprenticeships over the lifetime of this Parliament, support for 14,500 training places each year to help transitions into the labour market, the ‘Opportunities for All’ scheme that will provide a guaranteed suitable place in learning or training for all 16-19 year old school-leavers, and by providing support to both institutions and students which maintains university and college numbers; further welcomes that, as a result of Scottish Government policy, youth employment in Scotland is significantly higher than in the UK; recognises that there must be a constant focus on identifying additional measures and welcomes all positive proposals from any quarter that can improve youth employment, and affirms that this Parliament should have the necessary job creating powers at its disposal to maximise opportunities for Scotland's young people.”

09:41

**Liz Smith (Mid Scotland and Fife) (Con):** I am grateful to the Labour Party for bringing this debate to the Parliament. As Iain Gray rightly said, it could hardly be more important, and he eloquently outlined the reasons why. There can be no doubt whatever that rising unemployment is a serious issue, particularly when we hear that no fewer than 100,000 young people are unemployed in Scotland. The stakes are high but, although the Conservatives can well understand why Labour seeks what the motion describes as an “emergency response”, we argue that there is an even stronger case for a swift but nonetheless carefully considered and coherent strategy that goes across all the portfolios in the Parliament, for exactly the reasons that the First Minister set out. If there is a lesson from history, it is that short-term responses usually have only limited impact.

The First Minister is again right—that is twice this morning—to recognise that there are various types of unemployment and therefore various causes. Clearly, many young people are suffering from the effects of the cyclical downturn and the depressed state of demand in the Scottish economy and demand for exports from Scottish companies. However, other young people are suffering from an on-going structural change in the economy and the resulting mismatch of skills. We should be mindful that, although the vacancy rate has shown a modest decline in the past year, nearly half of that vacancy rate reflects the fact that employers in this country do not believe that those workers have the appropriate skills. Willy Roe made that point in his excellent report that was published last year, and it is made consistently by the Confederation of British Industry and many chambers of commerce. That

issue means not only that we are experiencing problems with our education and training programmes, but that a large number of businesses in Scotland have to spend too much money working on upskilling that population rather than on job creation.

It follows that addressing unemployment issues among young people is not a matter of a single policy. Of crucial importance are policies that promote sustained economic growth, specifically via investment in longer-term capital projects, which boost the level of consumer demand and have a multiplier effect across the whole economy. We need to spend within our means, rather than allow debt and borrowing to spiral out of control. Another aspect is the requirement to provide young people with the right skills and, perhaps more important, the flexibility of skills that allows them to adapt to the demands of the modern economy.

On that point, Willy Roe makes an interesting remark. He says that three things are essential for a modern, progressive workforce: the right attitude, the right skills and the right knowledge—in that order. He goes on to say that our schools, colleges and universities have too often dealt with them in the reverse order. That is an important point that should give us pause for thought. If there is a strong message emanating from Scottish businesses, it is that too few of our young people understand what constitutes a professional attitude. It is sad to hear those in restaurants, hotels and rural businesses saying that they would prefer to take on young foreign workers rather than young Scots. I do not believe for a minute that the potential is not there; of course it is, but there needs to be much more focus on it from an early age.

I warmly commend the Government's early years strategy, and the work being done by the other parties to ensure that we get the strategy right, but I also commend several aspects of the work of the highly respected Smith group, which makes clear the need to ensure a focus not only on the early years but on the transition period between primary 7 and secondary 1 and 2. I also commend some aspects of the youth contract that has been introduced by the Westminster Government. As well as helping employers to cover their share of national insurance costs, wage incentives and new Jobcentre Plus schemes, the contract is designed to provide better quality work experience and more focused careers services. I base my opinion on the feedback that I receive from a variety of employers, and I have no doubt at all that the way we can help our young people to get on to the employment ladder and, just as important, to stay on it, is to ensure that they are better prepared for

the environment that will confront them in the workplace.

Let me turn to what I, and many other people, see as a major inconsistency in the Scottish Government's policy priorities. It has stated, not unreasonably, that policies to improve the opportunities for 16 to 19-year-olds should be an essential commitment in this parliamentary session. At the same time, however, it has placed on our colleges the unacceptable burden of disproportionate spending cuts. Those cuts will impact particularly badly in the first year of the 2012 to 2015 spending review and will, extraordinarily, come at a time when the Scottish Government claims that it is doing everything possible to promote and enhance the opportunities of all our young people. How can it be right that such extensive funding has been withdrawn from the college sector when colleges are a crucial part of the economy when it comes to helping our young people?

**Hanzala Malik (Glasgow) (Lab):** Will the member give way?

**Liz Smith:** I am just about to finish my speech.

There is far more to this debate. The First Minister is absolutely right to say that we are all responsible, but so too is the Scottish Government for getting its priorities right.

I move amendment S4M-01449.1, to leave out after "produce" to end and insert:

"a swift and considered response which will provide long term sustainability for youth employment in Scotland by combining the recommendations of the highly regarded Smith Group with job creation incentives in the private sector and a capital investment strategy designed to boost economic growth; and further calls on the Scottish Government to reduce the excessive college cuts planned for the first financial year of the 2012-15 Spending Review which appear to be in direct conflict with the claims of the Scottish Government that the new 16-19 programme is its top priority."

**The Presiding Officer:** Before we move on to the open debate, I remind members that, if they wish to make an intervention, they need to have their card in the console; otherwise, the microphones will not come on.

09:48

**John Mason (Glasgow Shettleston) (SNP):** There are many aspects to youth unemployment, and one that we are focusing on this morning is what the Government can do by spending money and creating jobs through investment. Formerly, as a councillor, and now, as an MSP, I have seen Glasgow City Council and the Scottish Government make big efforts to do those things, but it would be simplistic to say that the Government, the councils or any other public

bodies have a magic wand with which to solve the problems immediately. They are too complex simply to have money thrown at them, important though money is.

Many good things are happening in my area, the east end of Glasgow. We have the Commonwealth games, with a huge new building that includes the velodrome and the indoor sports arena. The building has an exceptionally large, complex roof, which was put on by a local company. It required a specialised, trained workforce, however, and the company was unable to take on just any local person, young or otherwise, to do that work.

Another major project in my area is the Clyde Gateway urban regeneration company, which has a target of creating 20,000 jobs over the next 20 years. That will certainly include jobs for many young people.

Those are good things, but it is not always as easy as just putting money into buildings.

**Johann Lamont (Glasgow Pollok) (Lab):** John Mason says that money is not everything. Does he think that it assists Glasgow's colleges, which serve young people who are looking for work, to cut their funding by 20 per cent?

**John Mason:** The college that serves the east end is John Wheatley College. I am hugely supportive of it and of helping to get people who are further away from the job market towards jobs. I am disappointed that all areas of our economy, including the colleges, are having their budgets cut. I do not know whether Labour is suggesting that the universities are getting too much and the colleges too little and that, therefore, the universities' budgets should be cut in order to give more to the colleges.

In the past week, I have met representatives of the six Glasgow federation colleges and the City of Glasgow College, and I think that the jury is still out with regard to how much money can be saved by regionalisation.

Clyde Gateway and Glasgow community safety services have had places for apprenticeships but have struggled to get young people to fill them.

When I was recruiting staff, I thought that it would be a good idea to take on a young person, in conjunction with Clyde Gateway and Action for Children, which would pay half of the minimum wage of any 16 to 18-year-old whom I took on. For that age group, the minimum wage is £3.68 an hour, half of which is £1.84. I had to make that up to £7.20 an hour to give a living wage, but I felt that it was good to do that. I was expecting Clyde Gateway to give me a list of young people, but it was able to give me only one name. That young person was pleasant enough. They were quite

quiet. They were not happy about speaking to people a great deal and they were not very happy about speaking on the telephone. However, we were prepared to work around that and support them in a way that would move things forward.

It became apparent that nobody else in the young person's household was working, so there was a bit of a question mark over whether they were used to the ethos of going out to work, as many of us remember our parents doing. It is difficult to break that down. The question is whether we have enough sympathetic employers—which I hope that I was trying to be—who will try to bring a young person out of that environment and into a working situation.

A problem developed with attendance: unfortunately, in the first five weeks, the person did not turn up 25 per cent of the time. Sometimes we were told that they would not be there and sometimes we were not. We—my office manager and Clyde Gateway folk—sat down with the young person and talked to them about the issue. They seemed to understand, and we went through the various procedures, but, again, they did not turn up.

**Drew Smith (Glasgow) (Lab):** Will the member give way?

**John Mason:** I have already given way, so I think that I am going to have to press on.

At that stage, the human resources folk in the Parliament and Clyde Gateway were telling me that I would be justified in terminating the young person's employment. I thought that I should give them one more chance. A week past Monday, I was expecting to see them again to give them that final chance but, unfortunately, they did not turn up.

That is not the only example of such a situation. A local baker in my constituency wanted to recruit a local person but could not find someone who was prepared to get up early enough in the morning, so they recruited a French person instead. [*Interruption.*] I am trying to widen out the issue in order to highlight the fact that many factors—and many organisations—are involved in youth unemployment.

For example, is the family supportive enough? If not, is the school able to break the generational cycle of not working? Have schools placed too much emphasis on the academic in the past? I suggest that, sometimes, they perhaps have. Clearly, the colleges are a player, as has been mentioned. During consultation, there was a suggestion that the SNP Government was placing too much emphasis on young people at the expense of older people.

**The Presiding Officer:** You need to wind up now, Mr Mason.

**John Mason:** Is the Labour motion suggesting that we need to move more resources away from older people and towards younger people? I think that older people will suffer if we do that.

09:54

**Jenny Marra (North East Scotland) (Lab):** I am angry. I am angry after yesterday's strikes. I am angry at John Mason's suggestion that young people in our country do not want to work, and I invite him to come up to Dundee and speak to some of the young people to whom I speak every week, who are desperate to work—the young men who have left school and are desperate to get into the construction industry but cannot because there are no jobs available for them.

**John Mason** *rose—*

**Jenny Marra:** I am angry that, since two weeks ago, when the unemployment figures came out, cybernats continually tweet me with their answer to the unemployment figures, which is that young people in this country do not want to work. That seems to be the message continually coming from members on the Scottish National Party benches and from those who tweet and put things on Facebook in their names.

Those of us who marched and were on the picket lines yesterday recommitted ourselves to fight the scourge of youth unemployment in this country, because yesterday was not just about pensions, although their protection is exceedingly important. Yesterday was, in essence, about work: people's right to work, to expect to work, to aspire to work, to enjoy success at work, to be properly paid for work, to be challenged, to pay taxes and to build a financial and satisfying legacy for old age.

The crisis in youth unemployment in Scotland has grown to breaking point. As the economic downturn has unfolded it has become increasingly clear that Scotland's youth are being hardest hit in the fight to find work, training or access to further education. I want to talk a bit about the structural problems of the economic downturn that are affecting the choices of the young people in those of our communities that are most decimated by unemployment, such as an increasingly competitive job market that keeps them shut out, and a further education system that will see fewer opportunities for them after the SNP has made its debilitating cuts to colleges.

In a recent study, Professor David Bell of the University of Stirling talks of a "trade-down" generation, with today's graduates, who are faced with an increasingly difficult job market, taking on

jobs in retail or services at minimum wage—jobs that would otherwise usually have been done by those who had not been to university. The burden of the economic squeeze has landed on the shoulders of young people who are on the first rung on the employability ladder. They have left school early without many qualifications or any work experience and have entered a job market where they are now competing for jobs against more highly qualified candidates—and they cannot compete. Little wonder, then, that unemployment among young people in Scotland is rising at a rate that is double that for 25 to 49-year-olds.

Traditionally, for those who have left school early and want to boost their employability, there has always been the option of studying or training at college, but demand for college places has soared and the Educational Institute of Scotland reports that college courses are increasingly difficult to find. Coupled with budget cuts of 40 per cent in real terms, which I have put to the cabinet secretary before, and college mergers—with a predicted loss of up to 2,000 places at Angus College alone—the college option is becoming harder and harder for young people to realise, leaving them with little option but to return to school. The rate of pupils staying on at school past the age of 16 has jumped from a relatively stable rate of between 77 and 79 per cent between 2000 and 2008 to 83 per cent last year—the highest figure on record.

**Mark McDonald (North East Scotland) (SNP):** Will the member take an intervention?

**Jenny Marra:** No, thank you.

Immense pressure is being put on teachers to provide courses for such large numbers.

**The First Minister:** Will Jenny Marra acknowledge that among the many recommendations of the Smith group is one that says that staying on at school is a good thing? Might that have something to do with this Government's determination to maintain education maintenance allowance, which has been removed elsewhere in these islands?

**Jenny Marra:** There are many who find the cuts to education maintenance allowance quite debilitating. It is good that some people are staying on at school, but it is not acceptable that others are not.

I will read to the chamber something that was posted on Facebook yesterday by the brother of Angus MacLeod. Labour members feel very strongly that this sums up the state of youth unemployment in our country. It is about a boy called Liam Aitchison, who died earlier this week. John MacLeod met him in late September as they waited for a ferry. John was returning from the Uist

communion and ended up giving Liam a lift to Stornoway. He said that Liam was

“engaging, smart, funny, had quite a back-story, a strong handshake and was eerily old for his years ... he would hail me on the streets of town (usually to tap me for fags).”

Two weeks ago, they met up for lunch. John took reams of notes to get a CV together for him. He had a looming date before the sheriff for “some juvenile mischief” and they felt that finding Liam “a situation” or a job might help. John wrote that Liam

“had ... lost weight in these weeks; looked rather flat and tired. Picked at his food; inexplicably declined pudding. ‘I’ll Facebook you,’ he said; but he didn’t”.

Liam never touched Facebook or his mobile again. John wrote:

“Liam went missing a few days later. His body was found in a derelict shack by the edge of Stornoway yesterday ... a lad disadvantaged in many ways ... in life ... but who had worked hard in the Pollachar Inn and on four fishing boats, had earned six Standard Grades, was a drummer in Uist pipe band ... and who could play a bewildering range of instruments”—

**The Deputy Presiding Officer (Elaine Smith):** Ms Marra, I need to ask you to come to a conclusion.

**Jenny Marra:** I am just coming to a conclusion.

John said that Liam

“completed the John Muir award in 2009 and was a keen cook”.

He was not

“a ‘ned’, a ‘chav’, a ‘loser’ or a statistic”.

John described him as

“a young man worth meeting”.

Liam was a young man who needed a job and who will never now realise that potential. Liam was 16 years old.

10:01

**Chic Brodie (South Scotland) (SNP):** I welcome this morning’s Labour-led debate, the seriousness of which disposes of the notion that, generally, Labour members run around stirring up apathy. Their demeanour today eschews the idea that, in general, they have been diagnosed with a cure for happiness. Youth unemployment is a serious topic, and we welcome the debate.

The fact that the Labour motion calls for an emergency response to the position on jobs for youths crystallises Labour’s eternal problem. As I said yesterday—I am sorry that Labour members missed it, so I will repeat it—it was always thus: reactive politics, emergency responses and crisis management. Every time Labour has been in power in London and has had its hands on the levers of economic power, the consequences have

been devaluation, winters of discontent, financial and banking crisis and so on, and, ultimately, the people who have suffered have been the young.

We now reap what has been sowed: crisis management, emergency responses and a lack of long-term strategy. In the case of youth employment, we have a highly selective rewriting of economic history.

**Richard Baker (North East Scotland) (Lab):** Will the member give way?

**Chic Brodie:** No. I do not have enough time.

However, let us leave aside the consequences of the economic debacle of the Blair-Brown era, which have been compounded by the London Tory-Lib Dem coalition, in relation to which the words “creek” and “paddle” immediately come to mind.

**Drew Smith:** Will the member take an intervention?

**Chic Brodie:** No.

This is not a new phenomenon. As even Iain Gray indicated, the decades that led up to the 1990s saw a long and sustained deterioration in the opportunities for and the status of young people at the bottom of our society. [*Interruption.*] Of course, some young people have good manners.

Young men and women who live in areas of high unemployment and low wages could not and cannot offer much in the way of stability or support to their families or communities.

Are we complacent? Of course we are not. Are we content? Of course we are not. The youth of our nation are the trustees of our posterity. Although the young may have a tendency to live in the present, they want to work for the future. That is what we want for them, and that is what we are working for. Even though we have one hand tied behind our back, in that we do not yet control the economic levers that would allow this nation to exercise its assets and revenues to the benefit of young people in relation to youth unemployment and entrepreneurship, at least we have a strategy and a programme.

Iain Gray mentioned that the unemployment rate among 18 to 24-year-olds is 21.5 per cent in Scotland, whereas it is 20.2 per cent for the UK as a whole. He should also have highlighted, as the First Minister did, that 27,000, or 32.6 per cent, of those 84,000 in Scotland are in full-time education, whereas in the UK as a whole the figure is 20.6 per cent.

I said that we are not complacent. The Tories recommend job-creation incentives in the private sector and the capital investment strategy, which is designed to boost economic growth. That is

exactly what I thought the cabinet secretary had outlined in the spending review and budget. The small business bonus scheme now takes 85,000 businesses out of rate payment. If we could get them, and other small businesses, to take on one person each, we could create 40,000 jobs, many of them for the young and apprentices.

We are shifting £750 million from revenue to capital spend over the next three years; that is critical for jobs and youth employment. Given his actions this week, it is instructive to note that the penny has finally dropped for the Chancellor of the Exchequer.

The creation of 125,000 apprenticeships over the next five years; the plan to reduce youth unemployment through initiatives such as the opportunities for all programme; the reform of the post-16 education system; and the design to continue to provide financial support for our young people are all part of a strategy. Are we content? No.

The momentum on inward investment, to which the First Minister referred, adds to that strategy. Allan Lyall, vice-president of Amazon Europe, said recently:

"We are looking for great people that look after our customers the way they need to. As long as that continues, we'll be in Scotland."

The vast majority of our young people are great people. I had the privilege of attending Ayr College graduation, where there was little bleating about excessive college cuts and more of a yes-we-can and yes-we-will attitude from teachers and students alike.

I say this in the context of how serious the issue is—

**Neil Findlay (Lothian) (Lab):** Will the member give way?

**Chic Brodie:** No. I am in my last minute.

Let us lay tribalism aside. Youth unemployment is and always will be a priority. Let us embrace and consult on proposals and ideas from wherever they may come. I would like us to have control over Jobcentre Plus. Let us use whatever vehicles, such as the social enterprise system and the third sector, will release entrepreneurship in and jobs for our young people. Let this Parliament and this nation remember that our young are the trustees of our posterity. Our strategy should be directed towards the objective of full employment in that area. That is, will and should be our strategy, our plan and our design. I support the SNP amendment.

10:07

**Sandra White (Glasgow Kelvin) (SNP):** I commend the Opposition for highlighting an issue that we all see as very important. When I saw that the title of the debate was "Scotland's Future", I thought, "That's quite easy. I can sum that up in one word." Members can all guess that that one word is "independence."

The issue that is being debated is complex. The motion is quite right to point out that all parties must work together to put forward the best solutions available to us at this time.

The Scottish Government has to an extent recognised this important issue and it is taking positive steps to address it. I welcome the First Minister's announcement of a minister for youth employment. That is absolutely fantastic and I look forward to meeting and working with that minister.

As has already been said, provision was made in the spending review for a record 125,000 new modern apprenticeships over the next five years. We are committed to delivering 25,000 a year. It is important that, as the First Minister said, those apprenticeships will be linked to jobs.

At the SNP conference in October, the First Minister announced—I think that Iain Gray raised this point—that any new Government contract or grant will have an apprenticeship or training plan attached to it. We should all welcome that as it is essential for the future success of Scotland and its young people.

Chic Brodie mentioned the opportunities for all initiative. That is the commitment, which the First Minister mentioned, that every 16 to 19-year-old in Scotland who is not in a job will be offered a place in education or training or a modern apprenticeship. It is important to recognise that.

The Smith group began its report by welcoming the initiatives that the Government has put in place. It said:

"education and training must only be viewed as a means of gaining the skills that take a young person nearer to fulfilling employment."

We must acknowledge that important point. The report suggests that we should not just consider statistics, temporary outcomes and piecemeal initiatives but have a fully joined-up approach. When we offer a training or college place or other initiative, we tend to forget that it might not necessarily suit the young person. We need to remember that one size does not fit all and that a young person might not want to go down a particular road. We should listen to what young people tell us about what they want to do.

I feel positive about the future, because the Scottish Government's curriculum for excellence is designed to enable young people to identify what

they want to do and to develop at their own pace the knowledge, understanding and skills that will meet their needs and aspirations. Members on the Opposition benches said that some young people who leave school at 15 or 16 do not have the necessary skills. That is perhaps a failing that the curriculum for excellence will address. Many young people do not want to stay on at school; they want to take a different direction, and that is up to them. The curriculum for excellence is in its infancy, but I think that it will be hugely successful if we listen to the right people—that is, to young people themselves.

For too long, many young people have not been given the opportunity to explore their potential. They have been pigeonholed and written off at a young age. That is sad, and it cannot be allowed to happen.

Members of the Opposition talk about a “lost generation”.

**Drew Smith:** Sandra White clearly received the First Minister's memo this morning about the debate being constructive, unlike Mr Mason and Mr Brodie. Will she take this opportunity to distance herself from Mr Mason's remarks about his experience of young people in his constituency who apparently do not want to work?

**Sandra White:** I think that the member took the wrong message from what Mr Mason said. Mr Mason did not say that young people do not want to work; he was talking about a young person whom he had employed. If the member speaks to Mr Mason after the debate, I am sure that he will explain what he meant. Perhaps if Jenny Marra had taken Mr Mason's intervention, he would have explained exactly what he meant.

Young people do not want to be pigeonholed. There are aspects of some young people's lives that make things difficult for them, and we must listen to what they say and ensure that what we offer is what they want. I do not particularly want to use the phrase “lost generation”, which the Opposition uses. However, perhaps if we look back 10 or 15 years we can see that the lost generation is the result of the policies of not just Scottish Administrations in previous sessions of the Scottish Parliament but UK Governments that tried to pigeonhole kids without asking them what they wanted.

We need to consider the challenges that young people face in the modern world. They perhaps see the challenges differently from how we see them. We must listen to them and ensure that we provide proper training and education—training and education that they want—so that they are able to get jobs. Unemployed young people in my constituency tell me that they have the ambition, aspiration and passion that they need to get a job,

but they do not have opportunities to explore what they want to do, so they have lost their confidence. We must build up young people's confidence.

In my constituency in Glasgow there are opportunities in the renewables sector—on the Clyde and elsewhere—and in the financial sector, which is coming along fantastically. Drew Smith and I talked about the financial district when we met on the march in Glasgow yesterday.

**The Deputy Presiding Officer:** I would be grateful if you could conclude your speech.

**Sandra White:** I am sorry, Presiding Officer.

There are fantastic opportunities out there for our young people. We just have to ensure that they are trained and ready for the jobs that we have to offer.

10:14

**Liam McArthur (Orkney Islands) (LD):** I welcome today's debate and I congratulate Iain Gray on bringing to the chamber an issue to which he has shown a genuine and consistent commitment over the years. Like Sandra White, when I first saw the topic for today's debate I braced myself for a further canter along the psephological highways and byways of constitutional referenda. No doubt we will return to that topic over the months and years ahead, but for now it is entirely right that Parliament has an opportunity to focus on youth unemployment and the more immediate needs of those who risk becoming part of a lost generation.

Across the UK as a whole, the figures on youth unemployment are alarming but, as the Labour motion points out, they have a particular resonance here in Scotland, notwithstanding the First Minister's caveats. That is not to say that I believe that the Scottish Government has ignored the issue or given it an unduly low priority. Indeed, I make clear at the outset that I recognise and support a number of the measures that ministers have taken—some of which are referred to in Mr Salmond's amendment—including his confirmation this morning of the creation of a ministerial role in relation to youth unemployment.

Sadly, that same amendment displays the by now all-too-characteristic assertion by the SNP that any and all problems that Scotland faces are the fault of Westminster and that any and all signs of optimism are solely the result of good stewardship on the part of the SNP. Such an analysis is economically illiterate, however politically expedient it may be for the First Minister and his colleagues.

No one seriously disputes the fact that these are difficult times. Those who continue to advocate a more nebulous notion of less deep and less fast

deficit and debt reduction need to reflect on the carnage that is being wrought in other economies, both inside and outside the euro zone, as the result of a failure to get to grips with those issues. Nevertheless, in undertaking these painful but essential measures, Governments north and south of the border cannot lose sight of the need to look beyond the current difficulties and plan for the point when calmer economic waters will be reached.

**John Swinney:** When the member talks about economic challenges, will he reflect on the fact that the chancellor announced on Tuesday that he will undertake an additional £158 billion-worth of borrowing, essentially to support lower growth? Would it not have been better to divert some of that borrowing to support higher growth?

**Liam McArthur:** The cabinet secretary makes an interesting point. I will turn in a second to the autumn statement that was made earlier this week.

I welcome the debate and the thrust of the Labour motion, albeit that I think that Liz Smith's amendment suggests some important improvements to it. I also welcome a number of the measures that the UK coalition Government announced in the autumn statement. I assume that the First Minister also welcomes them, if for no other reason than that, in important respects, the measures represent a constructive response to a number of the proposals that Mr Swinney advanced on credit easing, increased capital investment, the use of pension funds to support infrastructure projects and discussions around the operation of enterprise zones.

**The Deputy Presiding Officer:** Mr McArthur, can I stop you for a moment? The motion and amendments focus on youth unemployment, so I would be grateful if your remarks could perhaps address that as well.

**Liam McArthur:** That is exactly what I was going to come on to, Presiding Officer.

Those measures, in conjunction with others, can help to make a difference by tackling the underlying problems that have given rise to our alarmingly high rates of youth unemployment. I believe that they also justify the calls in the Labour motion and the Tory amendment for an urgent response from Scottish ministers. That is not because I believe that ministers have been idle on the issue, but because the options now open to them have been widened and the evidence before us all—that more needs to be done—is irrefutable, not least in light of the most recent recommendations from the Smith group.

The £433 million of additional capital investment that will be available to the Scottish Government over the course of the spending review is a case in

point. What we need to see over the coming weeks is a detailed plan of how that capital investment will be used effectively to help stimulate economic growth across all parts of the country and assist in bringing down levels of unemployment, not just among the 18 to 24-year-old group but across the board.

Details are needed, too, on how Scottish ministers propose to respond to the £1 billion youth contract initiative that was announced this week. The UK Government has made clear its commitment to funding incentives to companies that take on young people as well as to providing extra support through Jobcentre Plus for unemployed 18 to 24-year-olds and an offer of work experience or a sector-based work academy place for every 18 to 24-year-old who wants one.

I recognise that there is a considerable overlap with commitments that Scottish ministers have already made, but we need to know whether the significant consequentialities that arise from the establishment of the youth contract will be used to expand those commitments along the lines proposed south of the border, which fit well with a number of the key recommendations on skills development that the Smith group proposed last week.

Indeed, I was struck by the entirely valid points that NUS Scotland made earlier this week on the need to ensure that the Scottish Government's focus on 16 to 19-year-olds

"does not come at the expense of those returning to study later in life, whether this is those aged 18-24 or older."

It appears that the UK Government's youth contract initiative provides an opportunity to address a key point of legitimate concern that I know is shared by colleges.

Finally, I will touch on another concern that is shared by students and colleges and in relation to which clarity and a change of tack from the Scottish Government are urgently needed. It is not just NUS Scotland that sees an inherent inconsistency between Scottish ministers' statements about the priority that they attach to tackling the high levels of youth unemployment and their decision in the current budget to slash college spending by £74 million over the next three years. As NUS Scotland makes clear, the proposed funding settlement is

"jeopardising the Scottish Government's commitment to maintain college places".

Scottish colleges insist that the level of savings that ministers are seeking, given that the pain is being front-loaded at a point when the costs of restructuring are likely to be highest, is impossible to achieve



"without seriously compromising quality and the number of students that can be taught."

That makes no sense, whatever ministers assert. They have got it wrong, and I simply cannot believe that they will not eventually be forced—

**Joan McAlpine (South Scotland) (SNP):** Will the member take an intervention?

**The Deputy Presiding Officer:** I am afraid that the member is in his last minute.

**Liam McArthur:** Ministers will eventually be forced to reconsider such a damaging and self-defeating decision. With additional funding at its disposal, the sooner the SNP Government confirms that U-turn, the better.

Youth unemployment is an economic waste and a slow-burn social disaster. On this issue there can be unanimity across the Parliament. As the First Minister rightly said, there is no monopoly of concern. In that spirit, I hope that the Scottish Government will reflect on what is being said in this morning's generally constructive debate, and respond positively and with a sense of urgency.

10:21

**George Adam (Paisley) (SNP):** This is a very important debate. Iain Gray is quite right when he says that we are talking about real people who have hopes and dreams. I try to relate most of my speeches to the real world outwith the parliamentary bubble that we live in. It is quite constructive to hear the Labour Party admit that there is something out there.

I came to the chamber hoping that we would have an open and honest debate about an important subject. I hoped that we would look to the future and talk about working together to find solutions to the challenges that we have ahead of us. Unfortunately, my dreams were let down when Iain Gray started talking and it was just the same old Labour rhetoric. However, the First Minister and the Scottish Government listened. I welcome the introduction of a minister for youth employment. We need to give our young people all the support that we can, whether it be through jobs or education. The Scottish Government's vision is quite incredible in these difficult times.

I have been working with my local colleges and employment agencies to help the younger people in our area. It is extremely important to do that. There have been occasions when private sector companies, such as construction firms, have gone out of business and I have worked with their apprentices and local agencies to ensure that we can get them back to complete their apprenticeships. All politicians have to have the will to make a difference in people's lives. It is not

just about our words in the chamber but about our deeds outside it.

At the end of the day, I do not believe that there is such a thing as a lost generation. I was a teenager in the 1980s, when there was constant talk about a lost generation and young people were said to be left with no future and no hope because of the scourge of Thatcherism. However, many of us fought against that and made sure that we did something with our lives so that we could have a future, and a lot of us are still here.

It is up to us to support our younger people and not keep talking them down by talking about a lost generation. If we tell people often enough that they are lost and have no hope, they will start to believe it and, when it gets to that stage, we will never get them back. Our job as community and national leaders and as elected members is to lead, build up and support all the people of Scotland and show them our positive vision of the future.

Let us look at some of the things that the Scottish Government has already done. The employment rate for 18 to 24-year-olds in Scotland is 62.9 per cent, which was higher than that in England between July and September 2011. We have invested in a record number of apprenticeship places. The Labour Party asked for that and then, when it got it, it did not want it any more. We have committed to ensuring that every 16 to 19-year-old is offered a learning or training place by delivering 46,500 training opportunities and 25,000 more modern apprenticeships, which is 60 per cent more than there were when we took office.

When we look at some of the things that have been done by the SNP minority Administration and now the SNP majority Administration, we can see the difference between their outlook of hope and vision for the future and the complete negativity from the Labour Party. In its time, Labour cut the number of new apprenticeship places by almost a fifth in 2006-07, and during consideration of the 2011-12 budget, it voted in a way that suggested that it no longer wanted modern apprenticeships. It says one thing and then does something entirely different. We have to not only say what we believe in but follow that up with deeds.

We can see what the Government has done even with the limited powers that it has. However, there is a better way. There is a future. In every school that I visit, and from every school that visits the Parliament, it is clear that young people are listening to the vision of the First Minister's independence generation. Unlike the Labour Party, they get the vision and they see the future, because they know that there is only one way forward and they are no longer scared by the—

**Neil Findlay:** Will the member take an intervention?

**George Adam:** This should be a laugh—carry on.

**Neil Findlay:** I always enjoy listening to Mr Adam. When he speaks, he usually gives us a wee anecdote from his very interesting life. Last time, we heard about his mother-in-law's comments on the Supreme Court. I thought that, today, we might have got his dog's views on youth unemployment, or something like that. Come on—we need an anecdote, George.

**The Deputy Presiding Officer:** I remind the member that he is in his last minute.

**George Adam:** That intervention was extremely disappointing. I expected a wee bit more, even from Mr Findlay. That said, it was not my mother-in-law who commented on the Supreme Court. It was actually my auntie, but never mind. *[Laughter.]*

Unlike the Labour Party, I do not believe in a lost generation. Those who do have given up and abandoned their responsibilities. We live in difficult financial times that were created by the Labour Party and have been continued by the Tories. When I was a young man, my guide and mentor in politics, Councillor Jim Mitchell, said, "Don't call them Labour. Don't call them Tories. They're all unionists, every single one." As time goes on, we can see that they are going back to their unionist beliefs and they lack the vision and the will to move Scotland forward and help our people, young and old. My message to the young people of Scotland is that there is an exciting future. They understand that, and like me they will take their chances with the First Minister and our Scottish Government. The debate is about Scotland's future. I finish by saying that the future is looking positive and the future is independent.

10:27

**Margaret McCulloch (Central Scotland) (Lab):** I do not want to repeat statistics of which the Parliament is already aware, but it is worth bearing it in mind that we learned from the autumn statement that unemployment is to rise to 8.7 per cent next year and still further the year after that. I fear that, the chancellor having cut too far and too fast, the changes that he announced in the statement are too little and too late.

Everyone should have a fair chance of getting a good job, and Government at every level should aspire to a full-employment economy and a full-employment society. The Finance Committee has been discussing early intervention and preventative spending. There is an overwhelming body of evidence that proves that having a job is

good not only for a young person's income but for their health, social wellbeing and mental state. We know from studies conducted during the previous period of mass unemployment in the 1990s that people in secure employment are more likely to recover from illness and less likely to be depressed. Depression is more common among young people than among any other group of unemployed persons. We need a jobs strategy that recognises how opportunity and job creation can build not just a healthy economy but a healthy society.

In South Lanarkshire, 18 to 24-year-olds make up 16.9 per cent of the working-age population, yet they account for more than 30 per cent of jobseekers allowance claimants. Compared with the rest of Scotland, the number of young people who are out of work in my area is disproportionately high. If the years that I spent working in training and back-to-work education taught me anything about youth unemployment, it is that the only solutions that have been proven to work are those that match the scale of the problem.

I intend to talk about interventions on the supply side to help to create opportunities for young people. Before I proceed, I make it clear that the recent climb in the level of youth unemployment is not natural or structural but a consequence of a lack of demand in the economy. Public spending cuts that are any greater than they need to be will not boost demand but will do the opposite and will serve only to prolong the problem.

We have heard a lot about the college sector and the role of further education in delivering skills and training, but a large number of private training providers are also doing great work to help young people into employment. I recognise the role of those organisations and of charities such as the East Kilbride & District Engineering Group Training Association, which I have had the pleasure of visiting twice since being elected. Before my election, I was a training consultant and, before that, I worked at the University of Strathclyde, where I was responsible for the training unit and the modern apprenticeship scheme. I was also responsible for recruiting all staff under the age of 20. Youth unemployment and training are issues that are very close to my heart, and they are also ones that I have dealt with on a day-to-day basis in my professional life.

We are talking today about the 18-to-24 age group—and rightly so—but, in my experience, some of the barriers to employment or decent work-related training present themselves at an earlier stage. I have always believed that schools could do more to improve work experience, as a wealth of experience in education, training and careers guidance could be brought into the

process. We could do more to match the talents and ambitions of young people with good work experience placements that are relevant to the individual's career choices. We already have national qualifications in work experience at access 3, intermediates 1 and 2 and higher, and I suggest that we could make better use of those qualifications. We could even go as far as to develop new ways of delivering work experience so that 16 and 17-year-old school leavers are more likely to find employment and less likely to become unemployed between the ages of 18 and 24. Although funding is available to help employers to take on apprentices, it is not necessarily enough of an incentive in these difficult economic times. That is also true of other employer incentives.

Jobs subsidies have become very popular recently, with even the chancellor committing to a new scheme. The Scottish Government has community jobs Scotland, the UK Government has its new youth contracts and progressive local authorities in Scotland, such as Glasgow City Council and South Lanarkshire Council, have announced their own graduate employment schemes. Those are all welcome measures, but none of them matches the original future jobs fund or the Scottish future jobs fund, which the Labour Party proposed at the most recent election. If members remember nothing else from today's debate, they should remember this: the future jobs fund worked. That is not just my view; it is the view of the Work and Pensions Committee at Westminster, the Work Foundation and the voluntary sector.

I said earlier that our response to youth unemployment must match the scale of the problem. What the UK Government has announced amounts to a jobs subsidy of £2,275 per placement, whereas the future jobs fund provided up to £6,000 per placement. Community jobs Scotland supports 2,000 places in the voluntary sector, whereas the Scottish future jobs fund would have created 10,000 opportunities in all sectors. We must be more ambitious than that. I want to secure a new future jobs fund. If the Parliament will not agree to that, I hope that we can at least agree to extend community jobs Scotland into other sectors with new resources as they become available.

The level of youth unemployment has been too high for too long. Addressing that is my number 1 priority, and I hope that it is a priority that is shared by members across the Parliament.

10:34

**Derek Mackay (Renfrewshire North and West) (SNP):** I welcome the debate and commend the Labour Party for securing it. It is a wise choice

of debate to have on a critical issue at this time. Although the financial climate in which we operate has changed, our ambitions for this nation and our young people have not. Undoubtedly, young people are hit hardest in a time of recession, as they are often last in the door and are denied the job opportunities that would really give them a step change in opportunities in their lives. We know that from the number of applications that are received for posts that become available.

Youth employment is a key issue that the Parliament and Government should address, and I welcome the words of support from the First Minister today and the action plan that the Government will carry out. I fully endorse the cabinet secretary's drive for sustainable economic growth as a way to drive forward opportunities for young people.

I was brought up in Kirklandneuk in Renfrew, an area defined as at risk because of multiple deprivation. I was one of the lucky ones who had a chance in life, so I am only too aware of the lack of opportunities that many of my fellow young people have had. That is why a range of actions have to be taken forward in a holistic approach to give young people opportunities.

Many young people are staying in education because they know that the jobs market may not offer the opportunities that they want. That is an issue to bear in mind.

I am mindful of the SNP's party-political broadcast—"What has the Scottish Government ever done for us?" Let me tell the chamber a wee bit about what the Government has done and a scheme in the area where I was raised. The school is being refurbished to be reopened in January and the scheme is getting its fair share of the £149 million that is being invested in housing across Renfrewshire. There is a new health centre, new police station and investment in roads.

By the way, in all of that procurement, there were social benefit clauses to ensure that local apprentices were employed as part of the work that was commissioned by the SNP-led council and the SNP-led Government. The public sector does not need a directive to tell it to use procurement to ensure that there is local benefit in the delivery of procurement contracts, but we will welcome a procurement bill being brought forward in the Government's legislative programme that can further strengthen the system for those that require to be told to do more, such as Labour-led authorities. If the Labour Party does not think that we are going fast enough in procurement, why did it not propose an amendment in the legislative programme to accelerate the procurement bill? It knows fine well that there is clear Government direction on social benefit in public expenditure.

I will quote a line from the Smith group report that is very important and which has perhaps been missed in the debate:

"We ... take the view that the pre-school years represent perhaps the greatest opportunity in determining future destinations for"

our young people. What is the Government doing about that? It is investing half a billion pounds in preventative spending to give young people a better start in life. There is a fantastic difference between what this Administration proposes and what we have heard from the Opposition.

Let us look at what Iain Gray has said. He said that he had a detailed jobs plan. Well, it involves 10,000 work placements and some apprenticeships from 2013 onwards. That is hardly a detailed action plan compared with what the Government is doing to provide opportunities for every 16 to 19-year-old—100 per cent delivery. I remember when that policy announcement was made in the chamber, and the Labour Party said, "You need to do better than that." I do not know how much better we can do than 100 per cent.

Of course, the Government has delivered free education and a huge increase in the number of modern apprenticeships—60 per cent higher than the number we inherited from the Labour Party when the SNP took office.

We need to deliver in growth areas, such as the renewables sector. The First Minister visited the scheme that I was talking about earlier to announce hundreds of new apprenticeships in the area to give young people a chance of employment as well.

I welcome one thing that the Tory-Liberal coalition has done: the UK youth contract scheme, under which 40,000 places may be created in this country to support young people back into work. However, if the Tories and Liberals had not mishandled the economy so badly, we would perhaps not need the 40,000 places to support young people into work.

I listened to Iain Gray talk about the Scottish problem and the Scottish crisis and how youth employment has to be a top priority but, when it came to the recession under the Labour Government, we heard that it was an international crisis, not a Scottish crisis.

We also have the Tory-Liberal alliance in Westminster trying to talk companies out of coming to Scotland, denying young people the opportunity to work in their own country. The Scottish Government is about bringing jobs to Scotland, using the wealth and immense talents of this nation to have a country that is dynamic and forward looking. If the Conservatives and Liberal Democrats think that trying to scare businesses

away from Scotland is helping their constitutional argument, they are very wrong indeed.

We need the economic powers and opportunities to be in one place—this Parliament—so that young people can get a proper service from a one-stop shop to support their opportunities, education and apprenticeships. The system is far too fractured. We need all employment and welfare powers to be transferred to the Parliament so that we can tackle youth unemployment in a holistic, targeted and strategic way.

10:40

**Mark McDonald (North East Scotland) (SNP):**

As other speakers have said, this is an extremely important issue.

When I was at school, teachers used to bend over backwards to encourage students to stay on beyond fourth year and go on to fifth and sixth year. However, according to Jenny Marra, it is bad that the numbers who are staying on for fifth and sixth year are now rising. To be honest, I do not think that there is any statistic in the world that she could not turn into a doom-and-gloom scenario.

**Jenny Marra rose—**

**Mark McDonald:** I am only just starting. I might give way a little bit later once I have developed my speech.

When asked, Jenny Marra could not even bring herself to say whether she welcomed the retention of education maintenance allowance. Does she agree that, sometimes, not everything in the garden is rubbish?

**Jenny Marra:** I cannot believe that I am being accused of talking things down, which is the SNP's most overused mantra. The First Minister asked me about EMA. It was cut in Scotland, and Mark McDonald should recognise that.

**Mark McDonald:** No, it was retained in Scotland. That has been welcomed across the board.

I did not use the phrase that Iain Gray said that we would all use and which Jenny Marra has now accused me of using, which I will not say.

**The Cabinet Secretary for Education and Lifelong Learning (Michael Russell):** For the sake of clarity, it should be noted that no changes were made to EMA that had not been made by the previous Labour Administration.

**Mark McDonald:** That is on the record. Let us move on and consider some of the things that are being done.

Positive steps are being taken, such as the provision of 25,000 modern apprenticeships per

year. The Government's record on attracting inward investment from companies such as TAQA, Amazon and PetroChina—the list goes on—is also positive.

The trade mission to Brazil is being led by Michael Moore, who must be struggling with the notion of telling companies to invest while, at the same time, hoping that they do not, so that he can blame the failure on the threat of independence. No doubt he is telling the captains of Brazilian industry that they are doing well but would have done so much better if they had stayed under Portuguese control.

The opportunities for all scheme is significant and will provide for 16 to 19-year-olds.

Positive work is also being done on the ground. I will highlight some examples from the north-east. The Cabinet Secretary for Finance, Employment and Sustainable Growth has visited Aberdeen Foyer and will be aware of the work that it does to try to alleviate youth homelessness and unemployment in Aberdeen and Aberdeenshire. As a north-east member, Richard Baker will also be aware of that work. Aberdeen Foyer offers a number of programmes, of which I will highlight a couple.

The training for work programme provides training support for people aged 18 and above who are unemployed and actively looking for work. It provides a range of specialist vocational training and, crucially, on-the-job experience. The employers who offer those opportunities range from small businesses right up to multinational companies. They also range across the construction, retail, hospitality and administration sectors. The programme offers opportunities and helps to increase young people's employability, which is also important. It is about not only increasing employment but increasing employability and giving young people the skills that they require to make the transition into the workplace.

There is also the Prince's Trust team, which works to enable 16 to 25-year-olds to develop confidence, motivation and skills. We should remember that, for many young people, going to an interview or trying to access work is a daunting experience. We must empower them to make that transition.

Another project that I will highlight is the youth opportunities database project for Aberdeenshire, which has been helpfully and amusingly acronymised to the YODA project. It allows young people aged 16 to 19 who may require additional support to gain a place in education, employment or training in order to secure a positive destination on leaving school or, if they are in learning programmes, increase their employability skills.

The project has a number of aims. It aims to close the skills gap, particularly for the bottom 20 per cent of young people in schools who need additional support; to develop the basic skills and confidence of those who have disengaged from education or are at risk of doing so; to increase employability through education, training and volunteering opportunities; and to support and develop projects that target young people during the crucial transition to adulthood. That time is often very difficult for young people and, in some cases, they require support. The project was initially a pilot project that was run over the 2010 winter period but, due to a diverse range of people applying and the feedback that was received, it has been extended and will continue for the foreseeable future.

The First Minister rightly spoke about the responsibility that we all have, including adult Scots, but there are examples of young Scots who are looking out for each other. In Aberdeen, there is the Mastrick young unemployed project, which tries to help into work unemployed young people and single parents, for example. The project's committee is almost exclusively made up of young people. Young people are looking to help each other to get that vital first step into the workplace.

Good work is therefore being done that could be replicated in other areas. We all have a responsibility to share in the chamber best practice from the communities that we represent. SNP members do not for one second underestimate the challenge that faces us, but we have a duty as parliamentarians to highlight in the Parliament the good things that are happening and to see whether they can be replicated elsewhere. We owe it to young people to do everything in our power to move them forward. We should not simply come to the Parliament and say that things are going badly; rather, we must ensure that what we do in the Parliament drives forward an agenda to make things better.

10:46

**Anne McTaggart (Glasgow) (Lab):** The last time I spoke about youth unemployment in the chamber, I asked the Scottish Government to give a guarantee on the maximum waiting time for entry into the opportunity for all programme and reiterated the calls that have been made by some of our most respected children's and young people's groups. Today, I again join Barnardo's Scotland in asking for a commitment from the Government to ensure that all Scotland's young people are placed in the opportunities for all programme as quickly as possible.

That said, it is clear that the ever-increasing number of unemployed young people need more than just a guaranteed maximum waiting time to

access the opportunities for all programme. We have already spent time in the chamber in this parliamentary session condemning the crisis of youth unemployment in Scotland. Unfortunately, every time we debate the issue, the number of young people who are affected appears to have risen. Action needs to be taken in a number of areas for our young people, and particularly our most vulnerable young people: in employment and apprenticeship opportunities; in education and training; and in tackling the inequalities that are prevalent in our society. Inequalities that relate to housing problems, drug and alcohol dependencies, and domestic violence can present barriers to young people gaining employment.

All of those issues have been well debated in their own right, so I want to focus first on another issue that is particularly important to the people whom I represent. Broadband take-up in Scotland has not increased since 2009. It is disturbing for the people whom I represent in Glasgow that the figures suggest that we have a lower uptake than the national average. There are particular concerns for people from low-income households, only around 26 per cent of which have broadband access. The low level of broadband access means that young people are in danger of missing out on various opportunities. They have no chance of looking through different job-search sites and making online applications—that assumes that there are jobs to apply for. Broadband access also gives our young people the chance to search for education places and training. Quite simply, if a person does not have internet access, it is not a case of need not apply but a case of not able to apply. In this day and age, when almost our entire society is linked through the internet, it is vital that anyone who is looking to enter the job market is at least able to utilise the vast amount of help and advice that is available online.

**Derek Mackay:** Will the member give way?

**Anne McTaggart:** No.

Writing a CV or application letter is difficult for anyone but, the first time round, the task seems almost impossible. However, with the aid of the internet, young people can get answers to their questions, get tips, watch online tutorials and find out the best way of putting together a CV and an application letter.

All Scotland's young people should have employment, training and education opportunities but, if we are to help those most in need, we must address the various problems with our infrastructure. Our young people, particularly those from our most disadvantaged communities, must have the resources to apply and prepare for those opportunities. However, those are the very communities that will suffer from the Government's slashing of further education college budgets. The

consequences of forcing FE colleges to merge will be felt most by those who most need the help, and potential closures of community campuses in disadvantaged areas could make it not just impractical but almost impossible for young people to access the courses that they need in order to enter the labour market.

That will become a particular problem if the rate of bursary support is not maintained at least at this year's level and I am pleased that the Cabinet Secretary for Education and Lifelong Learning has provided verification in that respect. The bursary is vital for young people in disadvantaged communities hoping to go into further education and, if that support is reduced or disappears, the youth unemployment figures will undoubtedly increase and there will be an unquestionable knock-on effect on poorer families. Instead of going into education, young people often feel that they must find any sort of work to support their families. Bursaries tackle such problems and help to support college students through their education.

I am glad that we are taking time to discuss this extremely important issue but we must also take action. I call on all members to support Scottish Labour's motion.

10:52

**Stuart McMillan (West Scotland) (SNP):** It was right to choose this topic for debate and I thank Iain Gray for bringing it to the chamber. His initial comments about the erosion of confidence, hope and bravado were absolutely correct and I know exactly what he was talking about when he said that, despite being polite and courteous, young people are still receiving rejection after rejection. In 1997, when I graduated from university with my second degree, I applied for well over 200 jobs and either did not get an interview or simply did not hear anything back from the workplace in question.

Anne McTaggart referred to the challenge of putting together a CV and some of the online assistance that young people can access. Of course, the option of online support was not really open to people in 1997; instead, I was sent on a five-day course that could have been done in a day and a half. It was simply a means of getting people out of the way and was an absolute waste of time. Thankfully, things have moved on a bit since then. Eventually, I managed to secure short-term employment, which helped me to regain some of my self-belief, confidence and hope and allowed me to refocus my attention. Within a couple of months, I managed to get a position in IBM and remained there for two and a half years.

I agree with many members that a great deal more needs to be done to tackle youth unemployment. However, it is not a new issue; it was an issue five years ago and it was an issue not only in 1997 under the UK Labour Government but during the 18 years of the Tories' attempts to decry society. This challenge has been around for many years and I am sure that it will still be a challenge in 15 or 20 years' time.

Given the many valid points raised in Iain Gray's motion, I hope that the Labour Party fully engages and tries to work with the Scottish Government on this year's budget. The experience of last year's budget was appalling. Even though Labour members were offered what they wanted, they voted against the budget and could not bring themselves to vote for the 25,000 modern apprenticeship places each year over the five-year period of the parliamentary session.

Liz Smith spoke about the comments in the Willy Roe report and from businesspeople about young people not having the correct attitude. Last week, the Economy, Energy and Tourism Committee had a focus session on the tourism industry in Scotland, during which we once again heard that claim. Gavin Ellis from the Knockomie hotel—I hope that I pronounced that correctly—in Moray and Norman Springford from the Apex Hotels chain stated their belief that there is an issue with young people not having the correct attitude.

Before Jenny Marra goes on the attack, I point out that I believe that young people want to work. With additional guidance and careers advice, some young people might have improved options and opportunities. If I had received additional guidance and assistance in 1997—and before that, when I was in school—I might have taken a different path in life. If businesses say that there is a problem, it is imperative that the Government, the new minister for youth employment—I welcome the announcement of that position—and public agencies discuss those concerns, find out whether there truly is an issue and, if so, deal with it.

It is important to highlight the issue of apprenticeships. The Scottish Government is writing a requirement for apprenticeships into agreements so that funding creates employment. We have heard examples of that from the First Minister and other members, but I will mention another. A few weeks ago, the Cabinet Secretary for Infrastructure and Capital Investment announced a £20 million order for Ferguson Shipbuilders in Port Glasgow to build the world's first two hybrid ferries for Caledonian Maritime Assets Ltd. The order will safeguard 75 jobs and create up to 100 more, including 20 new apprenticeships. The ships will be the first to be

built by Ferguson's in more than four and a half years. The order has been warmly welcomed in Inverclyde, and particularly because of the apprenticeships. I firmly believe that the order provides Ferguson's with a wonderful opportunity to make progress and I am sure that it will do so with great relish. I look forward to there being even more apprenticeships if Ferguson's gets more orders.

I will touch on funding for colleges. The NUS briefing highlights the importance of our colleges, as they provide a second or third chance and a route to more opportunities for people to help themselves. I know that that is the case because, although I worked hard at school, I could not study when it came to exams so, after school, I went to college and was there for three years before going to university. I know exactly the opportunities that colleges provide. I chose to study in Glasgow rather than at James Watt College in Greenock or Reid Kerr College in Paisley, which were closer to where I stayed. That was purely a life choice, as I wanted to meet people outside Inverclyde.

**The Deputy Presiding Officer (John Scott):** I would be grateful if you would close, please.

**Stuart McMillan:** My final point is about the line in Labour's motion that talks about the Parliament's "significant powers". Why should we limit our opportunities and chances to take Scotland forward and to provide better opportunities for younger people?

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

**Stuart McMillan:** I hope that we in the Parliament can work together to tackle youth unemployment.

10:59

**Mark Griffin (Central Scotland) (Lab):** I welcome the chance to take part in this Labour Party debate on what is an absolutely crucial issue for the people of Scotland. It is poignant to discuss youth unemployment after yesterday's industrial action. In visiting pickets across Cumbernauld and Kilsyth and being in Motherwell for the rally yesterday, I found youth unemployment to be one issue that was at the forefront of striking workers' minds, as it is for members of the Parliament. With more than 100,000 young people unemployed, it is clear that Scotland is in the grip of a youth jobs crisis.

This is a very worrying time for families, struggling with higher prices and fuel bills, and small businesses are also feeling the squeeze, with many experiencing reduced turnover. That is why the Scottish Government must put tackling youth unemployment at the top of its agenda. If we

want to see a strong economic recovery in Scotland, the Scottish Government must use all of the considerable levers at its disposal to reduce youth unemployment now.

**Sandra White:** Will the member give way?

**Mark Griffin:** I want to make some progress; I have just started my speech.

The figure of more than 100,000—one in five—unemployed young people represents an historic high, and the Scottish Government now has an opportunity to demonstrate how seriously it takes the issue. Accepting the recommendation of the Smith group to create a ministerial portfolio with sole responsibility for bringing levels of youth unemployment back under control is a positive first step. The group's recommendations make it clear that that would ensure accountability and priority for an issue of such importance.

**Annabelle Ewing (Mid Scotland and Fife) (SNP):** The member is referring to the Smith group. Does he also support its recommendation that Jobcentre Plus activities be brought within the control of this Parliament?

**Mark Griffin:** The staff who work in Jobcentre Plus do a fantastic job, and I do not think that they would do any better a job if we changed their employer from the UK Government to the Scottish Government. They already do a fantastic job.

A dedicated ministerial portfolio would be superior to an add-on to an existing, wider brief. Leadership from the Scottish Government, backed by funding of £30 million, is the best way for the Government to prove to Scotland that it will not sit idly by while young people struggle to find work. A dedicated minister speaking out within the Government on the issue of youth unemployment sends a strong message to young people about just how seriously the Scottish Government takes the issue. The appointment of a minister who will make reducing youth unemployment their dawn-to-dusk task is therefore a necessity, and I am glad that the Government agrees with the Smith report and the Labour motion on the matter.

It is also important to emphasise education and skills. One of the tragic aspects of this youth unemployment crisis is that highly trained and skilled young people now find themselves unable to get work. Members will have shared my experience of speaking to constituents who have completed degrees, apprenticeships and other training schemes who are unable to get on to the employment ladder. That squeezes the life and the hope out of young people who have been told since starting school that, if they work hard and pursue their education, they will have a guaranteed return on that investment in the form of a good, secure job.

Therefore, it is vital that the Government prioritises capital investment projects that will result in the creation of jobs, as called for in the motion. The Scottish National Party Government's 20 per cent cut to further education is a matter of particular concern to me. At a time of high unemployment, further education has a central role in helping unemployed people—particularly young people—to retrain or upskill so that they can be ready to get back into work when jobs become available.

**Derek Mackay:** Will the member give way?

**Mark Griffin:** I have taken an intervention, and I now want to make some progress.

The Scottish Government's commitment to provide college places for 16 to 19-year-olds is a development that colleges welcome, but without additional funding in place, it will have a prejudicial effect on the ability of colleges to provide places for other learners. With little prospect of improvement in the economic situation faced by school leavers, pressures on further education can only continue. As I mentioned earlier, young people who have already been unable to find work after completing their training will consider returning to education in the hope of finding better luck in another sector, or of improving their CV to boost their chance of getting a job. The front-loading of the 13 per cent cut, in addition to the 10 per cent cut foisted on colleges last year, will make it incredibly difficult for colleges to meet the increased demand for places, particularly given the reform agenda being pursued by the Scottish Government. It is just not feasible for colleges to make heavy cuts in the number of places for older learners while unemployment remains too high across the board.

**Sandra White:** Will the member give way?

**Mark Griffin:** I am coming to the end of my speech now.

Furthermore, the severity of year-on-year cuts by the Government means that many colleges will not be in a position to offer a guarantee of no compulsory redundancies. Having to lose staff will only undermine colleges as they seek to give our young people the skills that they need to find work. The Scottish Government needs to provide adequate funding to colleges to ensure that they can provide opportunities to the unemployed; it must not proceed with the 20 per cent cut to college funding.

It is our duty to act to prevent another generation of young Scots from being lost and consigned to the scrapheap. I do not mind saying that—I do not want them to become a lost generation that is consigned to the scrapheap. The motion provides for a number of positive steps that ministers could take now to ensure that we



give our young people the chance that they deserve, which is why I support the motion in the name of Iain Gray.

11:05

**Jim Eadie (Edinburgh Southern) (SNP):** I thank the Labour Party for bringing this debate to the Parliament, and commend Iain Gray, who spoke eloquently about the challenges facing our young people. The First Minister has led from the front in this debate, just as the Scottish Government has led from the front on the future of Scotland's young people.

Jobs and growth are at the heart of the Scottish Government's priorities and the policies and action pursued by this Government are testament to that.

I welcome the First Minister's announcement of the establishment of the post of minister for youth employment, with a budget of £30 million. That is exactly the action that is required if we are to widen access to modern apprenticeships, give more of our young people vocational training and provide better access to work-based learning.

The Government has created real opportunities for our young people to gain good qualifications that meet their needs and the needs of employers. It has invested in modern apprenticeships to meet the needs of key sectors such as life sciences and renewable energy, which are critical to delivering future economic growth; created a modern apprenticeship framework for life sciences, with £3 million to support the recruitment of 100 new apprentices in that sector, allowing companies to recruit two apprentices for one; and will create 500 modern apprentices in Scotland's energy and low-carbon industries over the next year.

The Scottish labour force survey sets out the facts, although it does so with a health warning about the relatively small sample size on which the figures are based. The survey for July to September suggests that 84,000 people aged between 18 and 24 were unemployed in Scotland in that period. However, the First Minister was right to point out that approximately 27,000 of them, or 32.6 per cent, are also in full-time education, compared with 20 per cent in the UK.

I listened to Liz Smith, who acknowledged the scale of the problem in a thoughtful and constructive contribution. However, when she talked about the lessons of history, we were reminded that we have been here before. The Conservatives destroyed our industrial base in the 1980s, ripping the beating heart out of our communities up and down the land. That is not an abstract concept for me. I grew up in Drumchapel and saw the closure of the Goodyear tyre factory and of Singer's in nearby Clydebank, with good men and women thrown on to the scrapheap.

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

How does Mr Eadie explain the fact that, in 1997, Scottish manufacturing exports were higher than they were in 1979?

**Jim Eadie:** In 1997? The reality is that the manufacturing base that we had has been destroyed, and I think that Murdo Fraser knows that. He knows that his party created a lost generation of young people without jobs, without training and without hope. Perhaps that is why he wanted to write the Scottish Conservative and Unionist Party out of history, so that he could forget the history of the Conservative Governments of the 1980s.

As the coalition parties repeat the mistakes of the past, it falls to the Scottish Government to ensure that our young people do not pay the price for Westminster's mismanagement of our economy.

We know that young people without work face a lifetime of disadvantage. That is why the Scottish Government is determined to ensure that our young people have the skills and the opportunities to give them the best possible start in life. It is vital that, as our economy grows and jobs become available in sectors such as construction and the creative and cultural industries, our young people can take full advantage of those new opportunities.

John Mason talked about the opportunities for young people that the Commonwealth games present. That reminds us of the £6 million investment by the Scottish Government in 1,000 additional apprentices to support the Commonwealth games legacy.

Figures from Skills Development Scotland show that the SNP delivered 20 per cent more apprenticeships in 2009-10 than Labour did in its final year in government. Under this SNP Government, the number of apprenticeships has gone up significantly.

Jenny Marra rightly spoke of the need to enhance the employability of our young people and Anne McTaggart spoke of the barriers to employment. The training needs of young people cannot be divorced from the need to grow our economy, which is why the Scottish Government is doing everything that it can within its current powers to ensure that there are jobs for young people to take up when they complete their training. Sustainable economic growth, job creation and inward investment have been the priorities for this Government, and a series of companies have invested in Scotland, such as Amazon, Dell and Mitsubishi. However, we know that that is not enough. We need to boost growth by investing in capital infrastructure, as Chic Brodie, Mark Griffin and Derek Mackay outlined

this morning. Until we have the full economic powers of a normal country, we need the United Kingdom Government to increase capital investment.

A debate on youth unemployment cannot and should not be divorced from the debate on the constitution, as George Adam has already made clear. Youth unemployment is one of a number of key challenges that our country and our people share with those in every other country in Europe—challenges such as economic uncertainty, rising inequalities in wealth and health, and an ageing population. Just like our European neighbours, we need the fullest range of powers to tackle them head on. We have seen the Scottish Government's economic recovery plan help Scotland's labour market to outperform the rest of the UK.

**Gavin Brown (Lothian) (Con):** Will the member give way?

**Jim Eadie:** I am in my final minute; I am sorry.

Iain Gray spoke of raising our expectations and accepting full responsibility, so let us have the full powers that we need to deliver growth and eliminate the scourge of youth unemployment. Meanwhile, this Scottish National Party Government will provide 25,000 apprenticeships and 25,000 training places each year, and 200,000 work places in total. That is our pledge to the young people of Scotland: a substantial collective achievement and one that we are delivering in government.

11:12

**Hanzala Malik (Glasgow) (Lab):** The debate has been very interesting and I congratulate Iain Gray on bringing it to the chamber, as it is on a very important element of our society today in Scotland. People's hopes and aspirations develop early on in life and if they do not get the right breaks at the right time, we suffer as a community. I was one of the very fortunate people who enjoyed education in Scotland, going to primary school for a short time, going on to secondary education, leaving without many qualifications, going overseas for employment, coming back and going to college and on to university. I am grateful for that opportunity and our young deserve those opportunities that we all cherish so much.

What is more important for society today is where we—and Scotland—go from here, what we want to aspire to and how we want to take the journey. One of the best ways of taking the journey is through education. There is absolutely no doubt in my mind that education forms a very important element of development. Time and again, I see how education builds strong character and contributes to our economy in more than one

way, and that is why I am very keen to see education progress in the future. Our young deserve something very important—education not only at school, but also at colleges and universities.

Unfortunately, there are shortcomings in our further education system: we have seen subjects being dropped and choice being reduced. Another important and serious question is why have we allowed that to happen and how can we change it? I keep saying to myself, negative politics is unhelpful; we need to find solutions. We have a responsibility to find solutions and if we do not come up with them, we fail our generations again and again.

I want to give a few ideas about how we might contribute, particularly through education. I genuinely believe that the British Council is not doing a fair job for Scotland. I do not think that it is engaging enough with people overseas to encourage people to come to Scotland for further education, which would help our education system. We have embassies all over the world. What are they actually doing for us? Who are they sending to Scotland? It is very important that we get those departments to account for what is happening, because unless we have investment in these industries, we will suffer and our generations will suffer, and that should not be allowed. We need to focus our minds on generating new income, or we will be failing our society today. We need to hunt for that new income and we need to ask the departments that are supposed to be representing our interests what they are actually doing for us.

**The Deputy Presiding Officer:** We now move to closing speeches.

11:15

**Murdo Fraser (Mid Scotland and Fife) (Con):** I thank the Labour Party for giving us the opportunity to debate the vital issue of youth unemployment. I pay tribute to Iain Gray, as I suspect that this is the final debate in which he will lead on behalf of his party. He and I have something in common, which is not that we are not very good at winning elections, but that we were at the same school—Inverness royal academy—although he is, of course, much older than I am, so our paths did not cross. I am sure that he benefited from the IRA's excellent education.

I know about Iain Gray's interest in youth unemployment and his personal commitment to dealing with it, and the Labour Party was half right in its analysis, but what was missing from the speeches by Labour members was any admission of Labour's part in creating the current situation. The economic mismanagement of the Labour

Party in government led to the crisis that we are now in. The economic boom that it oversaw was fuelled by cheap credit and excessive borrowing over many years, and it has resulted in the worst debt legacy of any major industrialised nation. It was Gordon Brown who said that there would be no return to boom and bust, yet he delivered us both. I gently remind Labour members that, under Labour in government, youth unemployment rose every year from 2004, even before the recession. Under Labour in government, youth unemployment rose by 40 per cent.

**Richard Baker:** Is it not the case that when Labour left office, youth unemployment was falling? Indeed, we introduced the £1 billion future jobs fund to tackle youth unemployment. Was not it incorrect of the UK Government to decide to abolish that fund?

**Murdo Fraser:** What the Labour Party was not doing was providing long-term jobs. The fact is that youth unemployment was going up year on year; Labour's legacy was a situation that was getting worse.

I want to move on to some positive points. A number of fair points have been made, and the most important and serious issue that needs to be tackled is that of college funding. If we are serious about employability, we must ensure that there are college places available to provide proper training opportunities. As local members, we all know of the great work that is done in our further education colleges. We see lives being transformed—people come out of college with the skills that they need to enter the workforce. In light of that and of the difficult economic times that we are in, it is extraordinary of the Scottish Government to cut further education funding by £74 million.

**Derek Mackay:** Will the member take an intervention?

**Murdo Fraser:** No, I need to make some progress.

Colleges across the country are closing courses, laying off staff and turning away students because the Scottish Government has taken the conscious decision to divert money from FE into the higher education sector as a result of its dogmatic opposition to a graduate contribution. At this stage, the single most important measure that could be taken to help would be to find more money for the FE colleges.

I noted with interest the First Minister's announcement that we are to have a new minister dedicated to youth employment, with a new budget of £30 million. He needs to look closely at how that budget is allocated and, in particular, at whether priority should be given to putting it into further education.

Before I leave the issue, I express the hope that the regionalisation agenda that we hear about from the Cabinet Secretary for Education and Lifelong Learning is not a euphemism for enforced mergers of colleges.

**Derek Mackay:** Is the member aware that in 2014, spending on further education will be around £91 per head of population in Scotland, whereas in England it will be £62 per head? Perhaps that is why the member wants independence.

**Murdo Fraser:** The member seems to be in a state of utter denial about his Government cutting the funding at a time when it is required to promote youth employment. He should accept that point. I hope that we get a more positive response from the front bench when Mr Swinney winds up.

A number of important points were made on skills. Liz Smith made an excellent point about employability. The irony is that, even when we had a boom economy in our country, we had youth unemployment, because many employers preferred to employ people from overseas. They preferred to employ eastern European workers not because of a lack of training on the part of our youngsters, but because our youngsters sometimes lacked a proper, work-focused attitude, as we have heard.

Stuart McMillan mentioned the evidence given at the Economy, Enterprise and Tourism Committee last week by Gavin Ellis, a hotelier from Morayshire, who said, rather depressingly, that he had interviewed local workers to come and work in the hospitality industry and their response was that they did not want to work weekends. That sort of attitude has to change.

**Claudia Beamish (South Scotland) (Lab):** Will the member give way?

**Murdo Fraser:** No. I am sorry, but I have taken two interventions already and I will run out of time very shortly.

I want to say something about school education, which the Smith group recommendations touched on and which is absolutely vital. The group was quite clear that the current one-size-fits-all education policy is damaging and that we need to see the learning experience become more individually focused. We in the Conservative Party have argued for years for a more diverse education system. When we look elsewhere in Europe, for example at Germany, we see a whole spectrum of technical schools—which are being developed south of the border—and the development of vocational skills, and we see that people are having better success than we are with our one-size-fits-all comprehensive system. That is the road that we should be going down.

The Labour Party used to talk about skills academies, but it has gone very quiet on that recently. I hope that it will resurrect the idea, because it was a sensible way of driving the economy forward.

I welcome—as Derek Mackay was fair to do—the announcement this week of the UK Government's youth contract, which will create 40,000 work places for young people.

I look forward to hearing the details of the new minister for youth employment. If Iain Gray has any legacy, maybe it will be a new ministry to take forward the issue that is of so much interest to him.

I take pleasure in supporting the amendment in the name of Liz Smith.

11:21

**The Cabinet Secretary for Finance, Employment and Sustainable Growth (John Swinney):** Liam McArthur made a very fair contribution to the debate today, in that he acknowledged that the Government is implementing a range of different interventions to tackle youth employment. He also invited the Government to confirm its welcome for the youth contract initiative, which the United Kingdom Government announced at the end of last week and confirmed in the autumn statement on Tuesday. I am happy to confirm that the Government welcomes that intervention by the UK Government as an additional element in the efforts to support the boosting of youth employment in Scotland.

I have highlighted comments by Mr McArthur because at least he had the decency to acknowledge that the Government is progressing a range of interventions; such acknowledgement was far from evident in contributions from the Labour Party, from where the suggestion was that we are doing nothing to address what we acknowledge—as the First Minister indicated very appropriately at the outset of his speech—is a priority for us all in this chamber, which therefore attracts a significant amount of resource.

I part company with my friend and colleague Jim Eadie when he says that we are spending £30 million on the youth employment initiative. An additional £30 million of new money is being committed to support encouragement of youth employment, as was announced by the First Minister this morning. That fits into the Government's agenda to guarantee that young people are given a positive opportunity in economic conditions that are as tough as they are now. The Cabinet Secretary for Education and Lifelong Learning and I have been asked by the First Minister to take forward discussions with

private sector employers, local authorities, the third sector and colleges to determine how best that funding can be utilised to ensure a reduction in youth unemployment, and to ensure that we strengthen the opportunities that are available and guarantee that young people have every prospect of prospering in our country.

We have talked extensively about the recommendations of the Smith group. Derek Mackay made a very important point to Parliament in acknowledging that the Smith group did not just talk about the immediate circumstances that we face and the challenges in relation to young people in the 16-to-19 age group, but also said that if we really want to transform individuals' life chances, early years intervention is the proper place on which to focus. I am delighted that the Government has been able to put in place a strong proposition within the spending review to support the development of early years intervention in order to guarantee that we interrupt the cycles of challenge and difficulty that affect many of the young people in our society at the point at which we can exert the greatest influence—their early years.

**Liz Smith:** The cabinet secretary is right to concentrate on the early years. I mentioned the early years in my speech and I think that all parties in the Parliament agree with the cabinet secretary on the issue.

Does the cabinet secretary accept that the Smith group recommended that the transition between primary 7 and the first year of secondary school be improved? That is when young people could be getting better careers advice and a better understanding of what jobs they may eventually end up in.

**John Swinney:** That is correct. I am familiar with the arguments on the issue that Liz Smith has been making for a considerable time. Our view, which relates to the point that Sandra White made, is that we must ensure that curriculum for excellence can be deployed in a fashion that takes account of young people's aspirations, and addresses the circumstances and challenges that every young person in our education system faces. I think that we all agree that the education system must be focused on the needs of individuals—that might sound like a bizarre remark to make—because every individual is different. Curriculum for excellence presents an opportunity to address such issues.

There were substantial contradictions in members' speeches. Anne McTaggart said that young people are taking up any work rather than continuing in education, and Jenny Marra seemed to take exception to young people staying on at or going back to school and making school the focus of their opportunities. We must all acknowledge

that young people must be able to choose how they fulfil their aspirations. The Government is trying to maximise the choices that are available to young people in a challenging labour market.

**Jenny Marra:** Does the cabinet secretary acknowledge that my point was not that young people should not stay on at school if they want to do so, but that the amount of choice that young people currently have, given the lack of jobs and cuts in college budgets and limited college places, means that many more young people are forced to stay on?

**John Swinney:** That rather reinforces the point that Jenny Marra made in her speech, which was that she seems to object to young people staying on at school. That is ridiculous. If a young person is able to continue in education, that is a positive way to occupy their time. It is ridiculous that Labour members are saying that it is wrong for young people to stay on at school. That is one of the most stupid propositions that I have heard in a long time.

**Iain Gray:** Will the cabinet secretary give way?

**John Swinney:** I had better give way to Mr Gray.

**Iain Gray:** I fear that the cabinet secretary is revealing how little he understands the complexity of the choices that young people face. For example, as those of us who have worked with young people know well, what happens at a time like this is that young people's aspirations are suppressed. That is why some young people, for whom the right choice would be to go to university, take other options, which of course knocks someone out at the bottom. That is the point that Labour members tried to make. It is a perfectly fair and valid point and it was meant to be a positive contribution. The cabinet secretary should try to understand it.

**John Swinney:** With the greatest respect to Iain Gray during his last debate leading for the Labour Party, I say that that was not much of a rescue of the ridiculous point that Jenny Marra made. I simply point out that from 2008, through 2009 to 2010, the percentage of young people in positive destinations in Scotland rose.

Mr Malik made a fascinating point about how embassies need to do more to encourage young people to come and study in Scotland, where we have tremendous institutions of which they can become a part.

My final comment is about the colleges. The Government's college reform programme has, at its heart, ensuring that young people have opportunities to learn and to be trained; it is about ensuring that we guarantee that within the sector young people will be able to get the opportunities

to learn that we think are appropriate for them. The Government will continue to take forward the positive programme of reform that we have set out.

11:30

**Richard Baker (North East Scotland) (Lab):** It has, largely, been a very good debate. It is an important debate for Parliament to have—as all members have acknowledged—because there should be no more pressing concern for the Parliament and the Scottish Government than tackling the crisis that we face in respect of youth unemployment. “Crisis” is not a word that we use lightly, but the sad fact is that that is exactly what we face when we see the numbers of young unemployed people in Scotland reaching 100,000. The debate has also produced material results, which we welcome. I will outline our response to the First Minister's announcements later, because the problems of youth unemployment demand a substantial response.

There is clearly a variety of views across the chamber about how we should deal with the problems. There were attempts to characterise the difficulties for our young people in Scotland seeking work as being somehow not as critical as they are in other parts of the UK. I will go into a number of reasons why I am not persuaded by those arguments. I believe that there is in Scotland a harsh reality that no member should challenge: youth unemployment is unacceptably and needlessly high and is robbing far too many of our young people of the life opportunities that they want and should have, and threatening the long-term economic prosperity of our country.

While we will debate what and how much Governments should do, members on this side of the chamber are clear that neither the UK Government nor the Scottish Government has been doing enough to tackle the problem; indeed, some of their actions are making it worse. That is why we made alternative positive proposals in our motion. However, we welcome the fact that in this debate, which we have led, we have heard the First Minister announce that there is to be a dedicated minister for youth employment. We are pleased that the Scottish Government has responded to the call in the motion and I hope that it can now support our motion rather than delete it through its amendment. Our motion reflects the recommendation of the Smith group, which has rightly been applauded for its work and its report. We agree that every minister, as Liz Smith said, should have a role in promoting employment, but we feel that that also requires a ministerial focus. It is clear that the Smith group believes that, too.

We also welcome the £30 million for tackling youth unemployment, which will be attached to the

ministerial post. We previously pledged £40 million for the futures job fund alone, but we welcome the £30 million and will be pleased to suggest how it might be productively deployed. I agree entirely with Mark McDonald that there is good work to build on and that Aberdeen Foyer is an excellent example of that.

Let us be clear about the scale of the challenge that the new minister will face. The unemployment figure for 18 to 24-year-olds in Scotland is 21.5 per cent, which is higher than the UK figure of 20.2 per cent. That figure is from a Scottish Government document, and we should all recognise the gravity of the situation. Iain Gray talked passionately about the appalling impact of youth unemployment in Scotland in the 80s on the lives of young people. His commitment to tackling youth unemployment is one of the reasons why we are having this debate. We should applaud Iain Gray for his fantastic contribution this morning.

Members have been keen to get behind the statistics and to speak about the human impact of youth unemployment—for example, those who leave school or training but who do not find a job and who want to get a foot on the ladder of work but have had that opportunity denied them. That is why our motion deliberately refers to a lost generation. The threat for young people who do not find work is that it will affect the rest of their careers; we need them to succeed if we are to succeed as a nation. We know that we cannot compete as a low-skill, low-wage economy and that we can succeed only as a people of skills and ingenuity. For that, we must ensure that there are the right employment opportunities at the start.

I was somewhat puzzled by John Mason's speech. Let us be clear that our young people in Scotland want to work and want opportunities to succeed; all we have to do is to give them the tools and they will take those opportunities.

There can be no doubt that the UK Government's economic strategy is making the situation in Scotland worse. The autumn statement was, in effect, an admission of defeat from George Osborne. His strategy has failed, but rather than learn the lessons of that, he has a strategy that appears to be designed to make the situation worse by making cuts too fast and too deep—and by making even more cuts in the years after the next UK general election. Our young people will pay the price and the price will be unemployment. It will result in the perverse situation in which job opportunities are restricted and the UK Government will borrow more in order to pay benefits to the young people whom its strategy has left behind.

I am pleased that a number of members referred to Labour's five-point plan for the economy, which would result in effective

measures to tackle unemployment more broadly, and youth unemployment in particular. I hope that the Scottish Government will support our call for a tax on bankers' bonuses that will result in consequential for it to spend on youth unemployment strategies.

We are calling for investment in infrastructure. That call in our five-point plan was to the Scottish Government, and I will return to that theme later. We are calling for the future jobs fund to be rolled out to the private sector. Even if the UK Government does not back our plan for a tax on bankers' bonuses to fund such a scheme more significantly, it will have consequential that the Scottish Government should invest in the future jobs fund. It could also be an important part of the £30 million that the First Minister announced earlier today.

We want a procurement bill so that public sector contracts can be geared towards businesses that have good employment practices and that encourage employment of young people. Such a bill should have been in the Government's legislative programme, but we will welcome it if it is introduced now and we look forward to having the opportunity to scrutinising the details in Parliament.

We want a capital investment plan that works. In the summer, when we heard that the cabinet secretary wants to pursue a different route from that of the UK Government, and to prioritise investment in infrastructure, we welcomed that. The problem for us is that the intention has not been matched by reality. I will put it this way to Mr Chic Brodie: we think that we need "A little less conversation" and "a little more action" on delivery of the proposals. Major infrastructure projects have either been delayed, or there is no timetable for their completion. The budget for affordable housing has been cut by 50 per cent. That is simply repeating the mistakes that are being made at UK level.

**The First Minister:** Will the member take an intervention?

**Richard Baker:** I am always delighted to take an intervention from the First Minister.

**The First Minister:** The reduction in capital investment is entirely a consequence of the Barnett formula. In response to that, Mr Swinney diverted £750 million from revenue into capital and set up a £2.5 billion non-profit-distributing programme to govern that expanding platform. Given that those capital plans are the same as those that were made by the Labour Party when it was in Government, will Richard Baker now admit that the responsibility for the reduction lies jointly with the two Westminster parties?

**Richard Baker:** We did not make the statements about capital investment; it was the Centre for Public Policy for Regions. The First Minister has only to ask his friend Professor John McLaren, who did the analysis of the figures. They show exactly what we have stated. *[Interruption.]*

**The Presiding Officer (Tricia Marwick):** Order.

**Richard Baker:** If the First Minister is not going to traduce individuals again, he will simply have to accept that the decisions and the budget are his, and he should take responsibility for them.

**John Swinney:** Will the member give way?

**Richard Baker:** I am going to make some progress.

I visited North Glasgow College on the day that youth unemployment figures reached 100,000 in Scotland. The building apprentices there made two concerns clear to me: the lack of job opportunities in construction, and the threat to other young people who are entering industry because of the proposed cuts to college budgets. The Scottish Government can change course on both those issues and make the decision to give our young people a better chance to find employment.

If the Conservative group—which does not share our aversion to cutting important budgets—also sees the college cuts as being too deep, surely the Scottish Government must know that it is time to think again. It is simply not acceptable to hear SNP members talking about the importance of colleges to employment opportunities for young people when the SNP Government is slashing college budgets. Our young people will pay the price. Mr Russell should accept that he should change course now.

We believe that the Parliament was set up exactly for times like this, so that we can take a different approach in order to better serve the needs of our people. This Parliament and Government should serve the needs of our people by taking the additional action that has been proposed today so that we will not have 100,000 young Scots out of work. The SNP might have a different vision of what the Parliament is for, but that is what we believe its purpose is. If we agree that we should take a different approach to that of the UK Government, we should not simply talk about it; we should do it. That is why we set out the plans today. We look forward to debating the details of the announcement that the First Minister made earlier.

If we do not respond to the crisis of youth unemployment, our young people will pay the price, and the cost will also be told in rising inequality in a nation that should aspire to be fairer and more prosperous than it is today. Let us

safeguard that ambition, which is the real ambition for Scotland, and act to give young people in our country the opportunities that they deserve.

## Scottish Executive Question Time

### General Questions

11:40

**The Presiding Officer (Tricia Marwick):** Question 1 has been withdrawn by John Wilson for understandable reasons.

### Diabetes Action Plan

**2. Nanette Milne (North East Scotland) (Con):** To ask the Scottish Executive how it is implementing the diabetes action plan 2010. (S4O-00420)

**The Minister for Public Health (Michael Matheson):** The action plan progress report that was provided to the Scottish diabetes group on 24 November shows that good progress has been made across a wide range of actions in the plan. For example, we have appointed a national diabetes education co-ordinator, funded a national symposium and taken forward measures to improve foot care provision for people with diabetes. However, a number of areas require further attention, including extending access to insulin pump therapy. That is why we also plan to increase insulin pump provision by making pumps available to 25 per cent of young people with type 1 diabetes by 2013.

**Nanette Milne:** Further to the recent statement by the Cabinet Secretary for Health, Wellbeing and Cities Strategy, in which she committed NHS Scotland to increase insulin pump provision to a total of 2,000 pumps by 2014, with 25 per cent of them being made available to under-18s with type 1 diabetes within two years, can the minister tell the Parliament the number of new pumps that will be required? How many of them will be for adults and how many for under-18s? Will he also explain how he will ensure that health boards meet the Government's commitment?

**Michael Matheson:** Officials are carrying out the necessary work to ensure that our health boards are in a position to deliver on the commitment to increase the provision of insulin pumps. We recognise the value of insulin pumps to those with type 1 diabetes in helping them to manage their condition and also the preventive provision that can come from helping to reduce the chance that people will develop complications associated with their condition in later life.

Within the next couple of weeks, we hope to be in a position to provide more detail on how we expect boards to take this forward at local level and we will be able to give members further

information on exactly how health boards will translate the commitment into practice in their local areas.

**John Scott (Ayr) (Con):** The minister will be aware that insulin pump therapy is provided to 40 per cent of type 1 diabetes sufferers in the United States and about 15 per cent of sufferers in the European Union. In Scotland, distribution is uneven at best, with NHS Ayrshire and Arran being the least well provided for, with less than 1 per cent of sufferers being provided with IPT. How does the minister plan to ensure that guidance on providing more insulin pumps is not only implemented for the people of all ages who stand to benefit, as Nanette Milne said, but is applied consistently throughout Scotland and in Ayrshire and Arran in particular?

**Michael Matheson:** As I mentioned in my earlier answer, we expect all boards to look at how they can make greater provision of insulin pumps available in their area, and that includes NHS Ayrshire and Arran. We plan to provide further information on how boards will take that forward at a local level.

The guidelines that are used to identify the level of insulin pumps that should be provided are set out by the National Institute for Health and Clinical Excellence, which recently published information on the levels that we should try to achieve for those with type 1 diabetes. We are clear that we want to see further progress in the area with not only progress for young people with type 1 diabetes but an increase in provision for those who are older. We want to ensure that, where it is clinically appropriate for people to have access to an insulin pump, they are given that opportunity.

### Single Outcome Agreements (Satisfaction Surveys)

**3. Paul Wheelhouse (South Scotland) (SNP):** To ask the Scottish Government whether it will encourage greater use of residents satisfaction surveys as evidence for local authorities to inform and develop single outcome agreements. (S4O-00421)

**The Minister for Local Government and Planning (Aileen Campbell):** The purpose of single outcome agreements is for community planning partnerships to set out how they will contribute to the achievement of national outcomes by improving local outcomes in their areas in a way that reflects local circumstances and priorities. The Scottish Government therefore expects CPPs to engage with their communities, to find out what local residents see as their needs and priorities, and to tell them how the CPPs are performing in delivering better outcomes.



**Paul Wheelhouse:** The minister may be aware of the recent positive response that SNP-led East Lothian Council received to its latest independent residents survey. The survey indicated that, since 2005, when Labour last controlled the council, there has been a 17 per cent increase in the perception of value for money, a 29 per cent increase in residents agreeing that the council does the best with its resources and a 24 per cent reduction in the number of people who feel threatened by crime. Will the minister join me in congratulating East Lothian Council on its performance, and does she agree that such surveys reinforce good and effective local government?

**Aileen Campbell:** I am grateful to Paul Wheelhouse for highlighting the results of East Lothian Council's local survey, which shows that the people of East Lothian trust and have confidence in their council. Where we have a good example such as that, we should highlight it. I look forward to discussing the results of the survey with East Lothian Council when I visit it in the near future. I agree that local authorities should find out how people feel about the services that they receive, as that can inform the design and delivery of better local services.

#### Allotments

**4. Jean Urquhart (Highlands and Islands) (SNP):** To ask the Scottish Government how it is encouraging the development of allotments. (S4O-00422)

**The Cabinet Secretary for Rural Affairs and the Environment (Richard Lochhead):** Through our national food and drink policy, we are committed to ensuring that allotments and grow-your-own projects are developed and supported. For example, we continue to support the work of the grow-your-own working group, whose action plan explores many diverse ways of encouraging the development of allotments and community growing spaces.

**Jean Urquhart:** I agree that there is growing evidence of the many benefits that result from having allotments, which include making Scotland healthier, reducing food miles, improving biodiversity, aiding physical and mental health, carbon capture and the clear reward and satisfaction that people get from growing their own food. In recognition of those benefits, does the Government consider that allotments could become an integral part of planning applications for modern housing developments in both rural and urban areas?

**Richard Lochhead:** The member has laid out many of the benefits of grow-your-own spaces. She also raises the interesting issue of how we can make such spaces the norm as Scotland

moves forward. I am willing to bring the issue to the attention of the grow-your-own working group.

#### Childbirth (Kielland Forceps)

**5. Marco Biagi (Edinburgh Central) (SNP):** To ask the Scottish Government whether it will update guidance on the use of Kielland forceps in childbirth. (S4O-00423)

**The Minister for Public Health (Michael Matheson):** The Scottish Government does not issue guidance on such clinical issues. Professionals follow the guidelines on such procedures that are produced by the Royal College of Obstetricians and Gynaecologists, which were updated in February 2011.

**Marco Biagi:** I am sure that the minister is aware of a constituent of mine who is seeking a fatal accident inquiry following an instance of the inappropriate use of Kielland forceps in childbirth. Will he undertake to have civil servants look at the robust debate that has gone on in learned journals about the use of Kielland forceps, which is tending towards the view that practitioners require an additional level of experience, and to review the operation of Kielland forceps in Scotland's national health service in the light of the very strong recommendation that, although they are useful, they should be used only by the most experienced practitioners?

**Michael Matheson:** I am aware of the case to which Mr Biagi refers. The matter is currently being investigated by the Crown Office and Procurator Fiscal Service, so I am limited in what I can say on it. I understand the concerns around the use of the forceps. NHS Lothian commissioned an independent review of their use, which has now reported, and some minor alterations have been made to the procedures according to which it operates use of the forceps. However, I would be more than happy to meet the member to discuss the matter further if that would be helpful, to explore whether we could consider further measures in the area.

**Dr Richard Simpson (Mid Scotland and Fife) (Lab):** Any death of a baby in childbirth is a tragedy. Sir Harry Burns, our chief medical officer, reminds us that Scotland has a substantially higher rate of stillbirth and neonatal deaths, which he believes could be a target for early intervention policies. Will the minister agree to examine the differences in midwife numbers in different health boards, which currently vary by a factor of more than two from the least well provided to the best provided? Will he, along with his colleagues, rethink the 40 per cent cut in student midwife numbers, as part of addressing the chief medical officer's priority—

**The Presiding Officer:** I am sorry, but that is wide of the question.

### **Golf and Golf Tourism (Fife)**

**6. David Torrance (Kirkcaldy) (SNP):** To ask the Scottish Government what contribution golf and golf tourism make to the Fife economy. (S4O-00424)

**The Minister for Energy, Enterprise and Tourism (Fergus Ewing):** Accurate figures are currently not available to show what contribution golf and golf tourism make to Fife's economy, but we expect that the impact will be significant as, overall, it is estimated that golf tourism is worth around £220 million per annum to Scotland's economy and supports more than 4,000 jobs.

Partners are working hard to help businesses to capitalise on golf tourism. Scotland's tourism agency VisitScotland has a dedicated golf marketing programme that targets golfers throughout the UK and in key international markets, for example through the highly successful drive it home campaign.

**David Torrance:** The minister will be aware that last week Fife won the golf destination of the year in Europe award at the International Association of Golf Tour Operators awards in Turkey, where Fairmont St Andrews was also named European golf resort of the year. Only a week earlier, Fife won six out of 11 titles in the annual Golf Tourism Scotland gold standard awards. What measures is the Scottish Government putting in place to further promote golf and golf tourism in Fife, and in Scotland as a whole, in order to capitalise on such encouraging developments?

**Fergus Ewing:** It comes as no surprise to any of us that awards are literally being heaped on Fife on the golfing front, as I discovered when I visited St Andrews in the summer. I look forward to visiting the Fairmont hotel and entertaining a visiting party of Germans next spring.

Golf has been played in Scotland for more than 600 years—although, in the case of some of us, with three-figure scores. There are 241,000 members of golf clubs in Scotland, which is perhaps rather more than the combined membership of all political parties in this country.

### **Feed-in Tariffs (Solar Panels)**

**7. Roderick Campbell (North East Fife) (SNP):** To ask the Scottish Government what response it has received from the United Kingdom Government to its representations on reductions to feed-in tariffs from solar panels. (S4O-00425)

**The Minister for Energy, Enterprise and Tourism (Fergus Ewing):** I wrote to Chris Huhne, the Secretary of State for Energy and Climate

Change, on 24 October and 3 November to express my dismay at the proposals and to ask what action the UK Government is planning to take to address the impact on businesses, householders and social housing projects.

I received responses from energy minister Greg Barker on 7 November and from Chris Huhne on 21 November, which restated their position that

"failing to act now would result in the entire FITs budget for the four-year spending review period being committed in the next few months".

I have not yet had a response to my questions on the action that the UK Government will take to help those badly affected by the proposals. UK ministers cannot be unaware of the consequences that the proposals are having right now, but their only answer is to refer people to the consultation—which closes after the deadline of 12 December.

**Roderick Campbell:** Does the minister agree that the proposals to cut the feed-in tariff by more than 50 per cent in one year are disappointing when contrasted with the Scottish Government's ambitious programme for renewable energy production? Will he continue to press the UK Government for a reversal of the decision?

**Fergus Ewing:** I agree that the UK Government's proposals are disappointing. Particular difficulty has been caused by the imposition of the 12 December deadline. I know that from representations that I have received from businesses throughout the country, which indicate that the substantial investment that they have made may prove to be wasted because it is simply not possible to deal with the installations by 12 December. I hope that the UK Government will listen to this interchange and seriously consider taking action to deal with that unfairness.

**Elaine Smith (Coatbridge and Chryston) (Lab):** Is there any action that the Scottish Government can take to assist local authorities and housing associations in installing solar panels in their houses, thus saving money for tenants and giving small businesses, such as Skyline Installations in my constituency, opportunities to grow and diversify?

**Fergus Ewing:** Elaine Smith properly indicates an area where the Government is already active and where there is certainly scope for improvement. Plainly, we would wish bodies in the public arena to avail themselves of every opportunity to fit, and retrofit where necessary, green energy equipment. All of us, across the chamber, are united on that front, and I look forward to working with Elaine Smith and other colleagues to achieve that objective.

**Jamie McGrigor (Highlands and Islands) (Con):** Is the minister aware that, despite the cuts in feed-in tariffs, installation costs have fallen by

around 30 per cent from previous levels? Combined with electricity price rises, that should mean that solar panels will still be viable in a lot of cases.

**Fergus Ewing:** Jamie McGrigor makes a reasonable point. The capital cost of the equipment has been reducing, and all the parties have recognised that that requires some adjustment to the FIT. However, I say to him and his colleagues in the governing parties in the London Parliament that the imposition of the deadline of 12 December came as a bolt from the blue. To judge from my postbag, it has caused real concern, possible redundancies and wasted investment. That is why, in the very near future, I will meet and bring together a large number of the businesses that have been affected to learn directly of their experiences and to determine what more we can do to urge our colleagues in Westminster to think again.

### **Family-nurse Partnerships**

**8. Kenneth Gibson (Cunninghame North) (SNP):** To ask the Scottish Government what its plans are to roll out family-nurse partnerships. (S4O-00426)

**The Deputy First Minister and Cabinet Secretary for Health, Wellbeing and Cities Strategy (Nicola Sturgeon):** Over the next two years, five national health service boards will be asked to select sites where the family-nurse partnership programme can make the most difference. That will treble the number of families on the programme. At the same time, we will assess the readiness of all NHS boards to participate in the programme in preparation for the next phase of the roll-out.

**Kenneth Gibson:** Does the cabinet secretary agree that the evidence that the Social Research Unit presented to the Finance Committee last week shows demonstrably that investment in family-nurse partnerships throughout Scotland would produce greatly improved outcomes for children and mothers while delivering a considerable saving for the public purse?

**Nicola Sturgeon:** I agree strongly with that. I have just come from speaking at the family-nurse partnership national conference, where there was a focus on the evidence from elsewhere about the programme's success and on the evidence and learning that are now emerging in Scotland.

The emerging evidence in Scotland is that the programme can have a significant impact not only on the future prospects and life chances of children but by bettering the entire family's economic circumstances. It is preventative spending in action and is absolutely in line with the Government's commitment to spend more of its

resources preventing some of the problems that take up so much of our resources in later years. I am absolutely committed to furtherance of the programme.

### **NHS Staffing (Nurses and Midwives)**

**9. Neil Bibby (West Scotland) (Lab):** To ask the Scottish Government how many fewer nurses and midwives are working in the national health service than in 2009. (S4O-00427)

**The Deputy First Minister and Cabinet Secretary for Health, Wellbeing and Cities Strategy (Nicola Sturgeon):** In total, there were 58,428.4 whole-time equivalent nursing and midwifery staff in post in September 2009 and 56,309.4 in September 2011—a change of 2,119.

Members will also be interested to know that there are 515 more qualified nurses and midwives, 2,500 more nurses and midwives working in the community and 4,278 more NHS staff overall than was the case in the last figures available under the previous Administration.

**Neil Bibby:** The minister may be aware of the Scottish National Party campaign slogan, "More nats, less cuts." However, the reality is more nats, fewer nurses.

Before the election, the SNP said that it would protect the health service throughout this session of Parliament. Will the minister give a personal guarantee that that commitment will be fulfilled and that the figures will not decrease further?

**Nicola Sturgeon:** The recycled slogans must be the best. I heard that one first from Iain Gray, then from Jackie Baillie and now from Neil Bibby. Each one has said it as if they were the first to think of it.

The issue is too serious to subject to cheap party-political sloganising. I understand the concerns about the changing shape and size of the health service workforce. The fact is that the NHS is in a period of transition as services are oriented much more towards the community. My job is to ensure that those decisions do not compromise the wellbeing of staff or the quality of patient services.

Before the Labour members get too excited, it is worth pointing out that more nurses are working in the NHS now than in nine out of the 10 years that Labour was in power from 1997.

**The Presiding Officer:** Before we come to First Minister's question time, I invite members to join me in welcoming to the gallery the three vice-presidents of the Assembly of the Republic of Macedonia: Svetlana Jakimovska, Suzana Saliu and Jani Makraduli. You are all most welcome to the Scottish Parliament. [Applause.]

## First Minister's Question Time

12:00

### Engagements

**1. Iain Gray (East Lothian) (Lab):** To ask the First Minister what engagements he has planned for the rest of the day. (S4F-00317)

**The First Minister (Alex Salmond):** Later today, it will give me great pleasure to officially reopen the Scottish national portrait gallery in Edinburgh. We should think of the great work of Glasgow City Council on the Riverside museum, the Robert Burns museum, the palace at Stirling castle, the new national museum in Edinburgh and the Victoria and Albert building to come in Dundee, and we should all, on this day after St Andrew's day, welcome what will be another fantastic jewel in Scotland's cultural crown.

**Iain Gray:** This does not apply to the First Minister or to me, but I hope that some of his colleagues, some of mine and others will realise that it is December and will find time today to shave off their Movember moustaches. They are to be congratulated on their fundraising, but enough is enough.

I reiterate Scottish Labour's support for public sector workers and for the 300,000 Scots who took a stand yesterday. I know that the First Minister opposed their action, but he tries to claim that he does not support the pension changes either. Can he explain why his Scottish Public Pensions Agency made pension proposals that were even more punitive than the Tories' proposals?

**The First Minister:** If Iain Gray had been at the debate yesterday, he would have heard Mr Swinney refute that point, which was initially made by a Tory researcher, I think. It is no great surprise that Iain Gray is now using lines from Tory researchers. What Iain Gray said was not the point of the particular document.

The particular issue on which we have challenged and continue to challenge the United Kingdom Government and the factor that, probably more than any other factor, exercises the people who supported yesterday's strike and the hundreds of thousands of Scots who will be affected is that the levy that is claimed to support pension plans does not, in fact, support them. It is a straight smash-and-grab raid, as Mr Swinney described it yesterday.

That is a point that we have been forcing on and hammering away to the UK Government for some time. I am greatly surprised that Iain Gray does not acknowledge that. After all, it was Richard Baker

who said on 21 September in response to Mr Swinney's outlining that particular policy:

"We agree with the cabinet secretary's analysis of the UK Government's pensions policy."—[*Official Report*, 21 September 2011; c 1931.]

Given that the Labour Opposition supported the Scottish National Party Government back in September, why is Iain Gray not still maintaining that position?

**Iain Gray:** We opposed the UK pension changes and we still do. The question is: if the SNP opposes them, why is it simply implementing them as asked by the UK Government?

I am not sure how the First Minister knows what made the strikers angry yesterday, as he was not anywhere near any of them, except when he crossed their picket line. I will tell him what made them angry. What made the nurses, teachers and council workers angry was being asked to give more when they are already in the middle of a pay cut, because of the pay freeze that there has been for the past two years. That anger was exacerbated by their having heard George Osborne telling them on Tuesday that their pay will be cut again next year and the year after. But hang on—public sector pay is mostly devolved. Can the First Minister confirm that he plans to pass on George Osborne's 1 per cent pay cap?

**The First Minister:** Iain Gray must surely remember his remark on BBC Online during the election campaign that there would have to be public sector wage restraint for the next three years. That is the position that he put forward during the election campaign. In September, in answer to Mr Swinney's point that we would lose £500 million if we did not implement the UK Government's policy, Iain Gray's spokesman said that he appreciated and supported the Scottish Government's position as far as the UK Government's pension changes were concerned. If Iain Gray thinks that we can find £500 million in response to Danny Alexander's blackmail letter, he had better start telling the chamber exactly where it is going to come from.

Furthermore, at what stage between September, when Labour supported the position that we had to adopt following that blackmail letter, and now did Iain Gray suddenly change his mind? Perhaps he will also tell us when he decided not to cross picket lines, given that he has done it twice in the past 18 months in this Parliament.

**Iain Gray:** That response contained a lot of ways to avoid saying yes—the First Minister is going to pass on the 1 per cent pay cap. Two days ago, I heard John Swinney on the radio doing everything to avoid saying a simple yes. However, that is the answer. The Tories cut public sector pay and the SNP implements the cut; the Tories

cut pensions and the SNP implements the cut; the Tories cut public sector jobs and the SNP implements the cut, only deeper and faster; and the Tories cut capital expenditure and, yes, the SNP implements that cut as well, only again deeper and faster. What, then, is the difference between the Tories and the SNP?

**The First Minister:** Iain Gray now says that he supports the strikers, but Ed Miliband opposes the strike. Iain Gray refuses to go into work in the Scottish Parliament, but Ed Miliband goes into work in Westminster. I know that Iain is on the way out as Labour leader in Scotland, but I think that there should be a little bit of co-ordination between him and his colleagues at Westminster.

The way to stop the Parliament and Government being hamstrung by the United Kingdom Government's policies is to give us the financial independence that we require. Given that Iain Gray has been foolish enough to repeat Richard Baker's mistakes—as well as not supporting him on pension policy—I will explain to Iain Gray the reality of Barnett funding as it affects the capital departmental expenditure limit. Capital DEL has declined by almost 40 per cent; it is part of the Barnett formula. I point out that Alistair Darling was going to pursue exactly the same policy.

Nevertheless, we are in a rising trend of capital investment in Scotland, thanks to two things: first, Mr Swinney's policy of devoting £750 million of resource to capital spend, and secondly, the non-profit-distributing programme, which will add £2.5 billion. In the hope that we can finally settle this point, I will put the figures and the table concerned on the record and challenge Messrs Baker and Gray—if they can agree to do so—to come back every week and hear the same story: they cannot hide behind Tory cuts when Alistair Darling was going to implement cuts that would have been deeper and tougher than Margaret Thatcher's.

**Iain Gray:** We know that the First Minister would like more financial powers. For example, he would like powers over corporation tax—and why? Because he wants to cut taxes for banks and big business even further than the Tories want to cut them. I hear the meandering bluster, but I see the cuts to pensions, jobs and pay. Is it not true that we know a man's heart by his actions? On pensions, public sector jobs and pay cuts, 300,000 Scots took a stand yesterday—and, yes, we took a stand with them. When will Alex Salmond stand up for what he says and stop just doing Tory bidding every time?

**The First Minister:** Where do I start? Iain Gray's predecessor, Wendy Alexander, supported the devolution of corporation tax to this Parliament if it was devolved to Northern Ireland and, this week, one of Iain Gray's potential successors, Ken

Macintosh, told us that he intends to cut and end the small business bonus scheme. Not only is there no synchronisation between Labour at Westminster and in Scotland, but there is no synchronisation whatsoever between Labour's past leader, its present leader and one of the—

**Ken Macintosh (Eastwood) (Lab):** On a point of order, Presiding Officer.

**The First Minister:** Ken Macintosh will have to wait a few weeks before he can adopt that position.

Our relationship with our staff is appreciated because, uniquely in these islands, we have a no compulsory redundancy policy in the part of the public sector that we control and we have implemented the living wage across the public sector. If Iain Gray wants us to get out from under the Tory policies, he should argue for giving this Parliament and Government the financial and economic powers that we require. That is what people voted for in May and what they will vote for again.

### Secretary of State for Scotland (Meetings)

**2. Ruth Davidson (Glasgow) (Con):** To ask the First Minister when he will next meet the Secretary of State for Scotland. (S4F-00301)

**The First Minister (Alex Salmond):** I have no plans to meet the Secretary of State for Scotland in the near future.

**Ruth Davidson:** The First Minister likes to claim the credit when he thinks that something is better in Scotland than it is elsewhere in the United Kingdom, but will he step up to the mark when Scotland is falling behind? Families who have young children in England receive 20 per cent more free childcare for their three and four-year-olds than those in Scotland—they get 15 hours a week and we get 12.5 hours. This week, the Chancellor of the Exchequer extended free provision to more than 250,000 two-year-olds from the most disadvantaged backgrounds south of the border. Evidence shows that the early years are the most crucial time in a child's development. I believe that young families deserve support, particularly in the current tough times.

**The First Minister rose—**

**Ruth Davidson:** I know that the First Minister is keen, but he can answer in a minute.

I want Scots families to get a better deal. Will the First Minister pledge to at least match what is happening in England?

**The First Minister:** The reason why I was so anxious to answer was to say to Ruth Davidson that, during this morning's debate, several of her colleagues complimented the Scottish

Government on its approach to early intervention. As we roll out the early intervention fund, she will find that our support for young families not only matches what is being done south of the border, however belatedly, but is a substantial enhancement in early intervention for families and young people.

**Ruth Davidson:** Great. I will claim that as a partial victory for Scotland's families, but now I want to know when and how that will be implemented. I invite the First Minister and his cabinet secretary to a meeting with me and my team to take forward the issue to help Scotland's families. It is time that we turned words into action, so will the First Minister meet me before Christmas to discuss the issue?

**The First Minister:** Is it the whole team that we will have to meet? It is approaching Christmas, so let me be gracious: of course I shall meet the leader of the Conservative Party and whichever members of her numerous team she wants to bring along.

**The Presiding Officer (Tricia Marwick):** I call Jamie McGrigor to ask a constituency question.

**Jamie McGrigor (Highlands and Islands) (Con):** The First Minister will be aware of today's closure of the A83 trunk road in both directions following yet another landslide at the Rest and be Thankful. Given that the A83 is the key road route into and out of large parts of Argyll, including Dunoon, Campbeltown and Kintyre, can the First Minister assure me that the Scottish Government will do everything in its power to ensure that the road is reopened as soon as possible and that action will be taken to prevent further such landslides, which are potentially devastating for the Argyll and Bute economy?

**The First Minister:** Yes, I can. With your permission, Presiding Officer, I will say a bit about the extent of the difficulties on the A83.

A large landslip closed the road at 7 o'clock this morning. The site is approximately half a mile away from the previous significant landslip location. Approximately 80 to 100 tonnes of material have been deposited on the road. Engineers are on site as we speak, but no clearance operation can be carried out until the water has subsided and a risk assessment of any further slippage is done. The local radio stations have been informed of the situation and a diversion route has been put in place and communicated to the public. Details have been communicated to the relevant ferry companies. The traffic Scotland website and other internet sites and radio stations have been regularly updated with the latest on the issues. We cannot yet confirm when the road will reopen, but we expect that it might be closed for up to 24 hours. I

assure the Parliament that the local member and other interested members will be informed as developments take place today.

**Sandra White (Glasgow Kelvin) (SNP):** The First Minister will be aware of the situation in Glasgow regarding arm's-length external organisations. What discussions has the Government had with Glasgow City Council on the review of arm's-length companies, and on how it will impact on front-line services?

**The First Minister:** That is a matter for Glasgow City Council. A number of concerns have been raised, and perhaps I could arrange for a meeting between the constituency member and the relevant minister to see how we can take the matter forward, although it has to be said that it is a local government matter.

**Neil Findlay (Lothian) (Lab):** SELECT, the electrical employers organisation, and Unite, the union, are speaking with one voice about the provocative and intimidatory actions of rogue employers in the sector, led by Balfour Beatty. Will the First Minister take an urgent personal interest in that matter, so that we can avoid a crisis this winter in the already struggling construction industry?

**The First Minister:** If the member wants to come forward with the information, perhaps I can arrange a meeting between him—and any other representatives he wants to bring along—and Mr Swinney, to see whether there is anything that the Scottish Government can do to facilitate a settlement of the potential dispute.

### Cabinet (Meetings)

**3. Willie Rennie (Mid Scotland and Fife) (LD):** To ask the First Minister what issues will be discussed at the next meeting of the Cabinet. (S4F-00312)

**The First Minister (Alex Salmond):** Issues of importance to the people of Scotland.

**Willie Rennie:** Last month, I asked the First Minister when he would make up his mind on college funding. Last week, the National Union of Students launched a campaign called our future our fight. It hopes to protect college student support and teaching quality, and to stop cuts to college places, yet Angus College now fears that 400 places could be lost, with another 9,000 being lost across the country. The First Minister's Government is proposing a £40 million cut to colleges, yet it has more than £67 million in extra money available and unallocated. It is a simple equation. Will the First Minister today join those who want to protect Scotland's colleges, join the dots in his own Government and tell us that he will use part of that £67 million to help colleges and their students?

**The First Minister:** Willie Rennie says that these are simple calculations. I point out that the statements that we have seen, up to and including Tuesday, have had some positive consequentials for the Scottish budget. They have also had negative consequentials, which the United Kingdom Government has to date been unwilling to specify. For example, the assumption of a 1 per cent cap on public sector pay, which was in the autumn statement, will have serious negative consequentials for the Scottish budget. It is therefore understandable, wise and indeed essential that Mr Swinney, as finance secretary, looks at the overall balance and the impact of those measures before he comes to his conclusions and makes his announcement to the Parliament. Anything else would be particularly strange.

I know that Willie Rennie really wanted to welcome the substantial announcement, over and above consequentials, of £6 million a year that was made today to help young people in Scotland.

**Willie Rennie:** I welcomed that announcement this morning. The First Minister made that announcement this morning; why can he not make the announcement on the colleges as well? It is completely unacceptable that he is treating colleges in this way. He made a 10-minute speech this morning on youth unemployment, but there was not a single word in it about extra funds for the colleges. He spent six minutes arguing about statistics. Surely the only two statistics that matter are, first, the fact that he has at least £67 million that he was not expecting when he published his plans and, secondly, the fact that he was planning to cut college funding by £40 million. He no longer has to do that. Why cannot he save the day by simply making up his mind? Why the dodge? Why the delay?

**The First Minister:** Fair-minded people looking at college funding will look at both revenue and capital funding. For example, in 2002-03, when Iain Gray was an education minister, the college capital budget was £21 million in total. In 2013-14, thanks to the introduction of the non-profit-distributing programme and the major renovations supporting the college reorganisation across Scotland, the figure will be £138 million—an increase by a factor of almost seven.

If the member had been listening carefully to the statement this morning, he would have understood that the discussions that are taking place with local government and the voluntary sector include the colleges, so it is not accurate to say that this morning's announcement was in any way irrelevant to the colleges—it was certainly relevant to the young people of Scotland.

On the issue of the United Kingdom Government, it is time to challenge some of the

humbug that we have heard from Tory and Liberal Democrat members today. The red book, published with the budget, outlines what is happening to the college and further education sector south of the border. In England, the UK Government is reducing investment in further education by £1 billion. It is taking it from £4 billion to £3 billion, which is a 25 per cent reduction in cash terms and more than 7 per cent higher—much higher—than any prospective tightening of the college budget in Scotland.

**Willie Rennie:** Take some responsibility.

**The First Minister:** I am just pointing out to Willie Rennie what is actually happening south of the border. The importance of that is that, until we achieve financial independence, our budget in Scotland is, unfortunately, dependent on decisions that are made elsewhere. That is why I think that, when any Liberal Democrat or Conservative comes to this chamber and starts to weep crocodile tears for investment in public service in Scotland, they will be either laughed at by public sector workers or given the same treatment as Danny Alexander was given yesterday.

#### Autumn Budget Statement

**4. Graeme Dey (Angus South) (SNP):** To ask the First Minister what the Scottish Government's response is to the Chancellor of the Exchequer's autumn statement. (S4F-00304)

**The First Minister (Alex Salmond):** The Office for Budget Responsibility has confirmed that the United Kingdom Government's plan A, south of the border, is clearly not working. It has resulted in slower growth, higher unemployment and deeper spending cuts.

In light of the worsening economic outlook, the chancellor needed to set out a bold plan to support growth. However, the measures that were announced fall far short of the action that is required. Indeed, the OBR itself states that they will have "limited impact" on the economy. The limited additional capital consequentials that we have received are welcome. However, three quarters of the funding will not be received until 2013, despite the obvious need for urgent action today.

The lack of action by the UK Government highlights the clear need for this Parliament to take the greater financial responsibility that would give us the levers to grow the economy and best protect our front-line services.

**Graeme Dey:** Following George Osborne's admission of defeat on his economic plan A, and the miserable legacy of the Labour Party, which created this economic crisis, does the First Minister agree that it is high time that this Parliament was given the necessary financial

powers to run its own affairs, so that Scotland does not have to be burdened by a union dividend of economic doom and gloom?

**The First Minister:** Yes, I do.

To illustrate the impact of the autumn statement, previously—before the autumn statement—the cumulative reduction in capital spend over the spending review period, implemented in Scotland as a direct result of the capital reductions south of the border, was £3.7 billion. After the spending review, magnificently, the reduction has come down to £3 billion. When Tory and Liberal Democrat members make points about the autumn statement, they should remember that a £3 billion reduction in direct capital investment in Scotland across this spending review is not something either to cheer or to be satisfied about.

**Rhoda Grant (Highlands and Islands) (Lab):** The First Minister will be aware of the £100 million allocation that has been made for superfast broadband in our cities, while many people in our rural areas have no broadband at all. Will he make representations for a change of focus for that funding towards rural areas, particularly the Highlands and Islands, to ensure that that project benefits people in our most rural communities?

**The First Minister:** I support the nature of that question. In many ways, the allocation to broadband was disappointing. We have prioritised the requirement and need for superfast broadband to be rolled out across the country, hence the £140 million investment. I would be delighted if the member would meet the Cabinet Secretary for Infrastructure and Capital Investment to talk about that point. It is a highly important issue to the development of not only the rural areas of Scotland, but Scotland as a whole.

**Gavin Brown (Lothian) (Con):** I feel that the First Minister was slightly ungracious in relation to the autumn statement. Will he reverse that and welcome the announcements on fuel duty, credit easing, the youth contract and the additional capital spend that we will get in Scotland?

**The First Minister:** I wish that Gavin Brown had listened to my earlier answer before he made that point. He is asking me to welcome the fact that the reduction in capital spending has been reduced from £3.7 billion to £3 billion. In the Scrooge-like world of the inner recesses of the Conservative Party, a reduction of only £3 billion is something to be rejoiced at and welcomed, but in the streets and homes of Scotland people want to see a Scottish economy that is increasing investment at this time in order to bring our people back into employment. That is the sort of thing that we will welcome.

Following through on the objectives of Gavin Brown's question, will he join his previous and

unfortunately defeated leadership candidate in calling for additional powers for this Parliament, so that when he asks the question, I can say what we are doing for Scotland, not what the Tories are doing to Scotland?

### Human Trafficking

**5. Drew Smith (Glasgow) (Lab):** To ask the First Minister what action the Scottish Government is taking to tackle human trafficking. (S4F-00316)

**The First Minister (Alex Salmond):** Human trafficking is an abhorrent crime and the Scottish Government is committed to making further progress in tackling the criminals who engage in it. The recent report from Helena Kennedy's Equality and Human Rights Commission acknowledges that the Scottish Government has taken important steps in recent years in anti-trafficking and helpfully sets out recommendations for further action.

We have provided additional funding of £4 million over a two-year period from 2009 to 2011 to the Scottish Crime and Drug Enforcement Agency to boost capacity to tackle organised crime and, within that, provide Scotland's first dedicated expert resource to build the intelligence necessary to support and improve human trafficking investigation.

**Drew Smith:** I thank the First Minister for that answer, particularly in the light, as Helena Kennedy says in her report, of the Glasgow 2014 Commonwealth games. There is some urgency around ensuring that our approach to human trafficking is correct, and Baroness Kennedy raises a number of concerns about the interaction between police and the United Kingdom Border Agency, the low awareness of trafficking in Scotland, the definition in law where two offences exist for the same crime, lack of intelligence, lack of prosecution expertise and lack of services for victims.

Does the First Minister take the view that there is a case for a review of the legislation in this area and will he ask the Cabinet Secretary for Parliamentary Business and Government Strategy to bring forward an early debate so that parties across the chamber can discuss this very important issue in more detail?

**The First Minister:** I shall speak to the business manager to allow that to happen. Let me quote the words of Baroness Kennedy in a letter to the Cabinet Secretary for Justice:

"In conducting this Inquiry I have learnt not only how seriously you and Alex take the horrifying practice of human trafficking but, in particular, of your personal determination to eradicate it in Scotland. I would also like to reiterate my appreciation for the consistently helpful input and cooperation that you and your Justice Directorate have given to me and my team in conducting this Inquiry."



Given the enthusiasm with which we co-operated in the conduct of the inquiry, the member can be absolutely certain that we will pursue its welcome recommendations to fruition.

**Christina McKelvie (Hamilton, Larkhall and Stonehouse) (SNP):** In a recent report on migration and trafficking by this Parliament's Equal Opportunities Committee, UKBA was harshly criticised for the way in which it determines the status of a trafficked person. The report called for the status of individuals who are suspected of having been trafficked to be determined by local government social work services. Does the First Minister agree that there is a need now to have these issues devolved to the Scottish Parliament?

**Members:** Shame.

**The First Minister:** I have heard a number of reactions to points being made about why this Parliament should have additional powers, but I cannot for the life of me see why a request, for obvious reasons, for this Parliament to have the powers that we would wish for, as a national Parliament, so that we can work for the benefit of all our people, should be greeted with cries of, "Shame." The Labour members who do that are allowing their antipathy to the Scottish National Party and their difficulty in adjusting to their reduced, minority position in Scottish politics to get the better of them. When people make reasonable points, give them a reasonable response.

#### **Double Jeopardy (Scotland) Act 2011**

**6. Christine Grahame (Midlothian South, Tweeddale and Lauderdale) (SNP):** To ask the First Minister how many cases the Scottish Government considers might be affected retrospectively by the Double Jeopardy (Scotland) Act 2011. (S4F-00313)

**The First Minister (Alex Salmond):** The double jeopardy legislation, which came into force on Monday, sets out the circumstances in which it will be possible to retry an acquitted person. It was always envisaged that the act will be used only in exceptional cases—in particular, where there is new evidence which, had it been available before, would have been highly likely to have led to a conviction. Specific cases, of course, are a matter for law officers, particularly the Lord Advocate, who exercises his prosecution functions independently of other ministers.

**Christine Grahame:** I thank the First Minister for that reply, but does he consider that the enactment of the double jeopardy legislation, along with the potential abolition of corroboration, which Lord Carloway has recommended, raises concerns that the interaction of those two measures might make prosecutors and, indeed, the police less rigorous in gathering evidence for

trial? To put it bluntly, will that give the Crown Office a second go if it gets it wrong in the first place? If the First Minister shares my concerns, will he give the Parliament an assurance that we will be given time to consider that implication?

**The First Minister:** Lord Carloway has provided an in-depth report, and I agree that there will need to be a period of reflection, analysis and consideration following its publication. The Scottish Government will work closely with the Parliament and the wider legal community as it moves towards a coherent package of reform.

That process began on Tuesday, when Lord Carloway appeared before the Justice Committee, and it will continue with this afternoon's debate on the issue. The police and prosecutors are acutely aware that presenting a strong case can be critical in securing an early guilty plea from the accused, which spares the victim and witnesses the ordeal of giving evidence. For those reasons, I do not believe that there is any risk that standards of evidence gathering will decline.

I say to Christine Grahame that I accept that there must be a period of reflection, analysis and consideration following the publication of Lord Carloway's report, and I fully recognise the role of Parliament in that period.

**Ken Macintosh (Eastwood) (Lab):** On a point of order, Presiding Officer. I would not wish the First Minister to get off to a bad start in misinterpreting my questions, statements or policies, so I will assume that it was a genuine misunderstanding.

In the interests of clarity, I let the First Minister know that my plan for the small business bonus scheme would be to take the £130 million and to give it to the same small businesses, but only if they take on an employee. That would not only boost economic growth but reduce youth unemployment by 20,000. I urge the First Minister to look at the evidence from the Scottish Trades Union Congress and others.

**The Presiding Officer:** That is not a point of order, but you have made your position clear to the chamber.

12:32

*Meeting suspended.*

14:15

*On resuming—*

## Scottish Executive Question Time

### Infrastructure and Capital Investment

#### Mortgage Indemnity Scheme

**1. David McLetchie (Lothian) (Con):** To ask the Scottish Executive what progress has been made with the development of a mortgage indemnity scheme to facilitate the purchase of new homes and how much funding it will commit to this. (S4O-00429)

**The Cabinet Secretary for Infrastructure and Capital Investment (Alex Neil):** Good progress has been made, facilitated by the Scottish Government's £250,000 loan and grant funding to Homes for Scotland. The captive insurance company for the scheme has now been established, and Homes for Scotland has begun discussions with lenders and house builders regarding participation.

**David McLetchie:** The cabinet secretary will have noticed Her Majesty's Government's recent announcement of a similar scheme for England. It will cover new-build houses and flats and will be open to all potential buyers except those buying to let and second-home owners. It is intended that a guarantee will be provided for up to 100,000 new mortgages.

That announcement has been warmly welcomed by the building industry down south. Can the minister confirm that the house building industry in Scotland will be offered an equivalent level of support and in particular that the Scottish Government scheme will be equally wide ranging in its scope relative to our housing market?

**Alex Neil:** I am glad that the United Kingdom Government is catching up with the Scottish Government in that regard. We will finalise the details of our scheme early in the new year, when I will make a detailed announcement and answer detailed questions.

**Adam Ingram (Carrick, Cumnock and Doon Valley) (SNP):** What other measures are we taking to encourage private housing development? I welcome the empty homes initiative in South Ayrshire, but a major project in south-east Ayr is being held up by disagreements between bodies such as Transport Scotland and the local council on planning gain issues. Can we do something to expedite that project?

**Alex Neil:** We are happy to try where we can to help parties—in that case, the developer and the local authority—to reach agreement more quickly. The Scottish Government is undertaking a range of initiatives to help the owner-occupied sector,

including shared equity programmes for new-start houses and the open market. We recently launched an infrastructure loan fund specifically to assist in private sector housing development.

I point out that before the crash in 2008, section 75 agreements that resulted from private sector development helped to pay for one eighth of all social housing in Scotland.

#### Broadband Funding (European Parliament)

**2. Liz Smith (Mid Scotland and Fife) (Con):** To ask the Scottish Executive what discussions ministers have had with the European Parliament regarding additional funding for broadband. (S4O-00430)

**The Cabinet Secretary for Infrastructure and Capital Investment (Alex Neil):** Scottish ministers have not yet had any direct discussions with the European Parliament regarding additional funding for broadband. As the European Parliament has not yet commenced discussions on future funding for broadband, the most appropriate level of engagement at present is with the European Commission at ministerial and official levels. It is at that level that the Scottish Government has been progressing its engagement.

I recently met the European Commissioner for Regional Policy, Johannes Hahn, and discussed the connecting Europe facility and the provisions in that for next-generation broadband networks. The Cabinet Secretary for Culture and External Affairs also raised the matter with the United Kingdom Government at the meeting of the joint ministerial committee on Europe on 21 November.

**Liz Smith:** That is helpful. Will the cabinet secretary give us an idea of the principles that will underpin the criteria for determining the spending priorities for broadband in rural communities throughout Scotland when he announces his plans in January?

**Alex Neil:** We published our overall approach and strategy earlier this year, and we will publish a detailed action plan in January. Liz Smith will see from that that we will focus on the roll-out of broadband in rural areas in Scotland and in particular on filling the gaps that are not being filled by the private sector.

**Rhoda Grant (Highlands and Islands) (Lab):** The cabinet secretary will be aware of the £100 million that was allocated to broadband in the autumn statement. Does he believe that the broadband funding, which is geared towards cities and urban areas, will attract additional European funding, or would it be better targeted towards rural areas, which are less likely to be covered by the market?

**Alex Neil:** I will answer that question in two parts. First, the details of the scheme have not been made clear to the Scottish Government, so I cannot give a specific answer on whether it will qualify for European funding. When the details become available, I will of course inform the chamber.

Secondly, our priority is for such investment to be focused on rural broadband. However, there are some areas—Kirkliston comes to mind—where communities are adjacent to cities but are unlikely to be covered by private sector investment. I hope that at least some of the £100 million announced in the autumn statement will be available for the Kirklistons of this world.

### Capital Investment

**3. Paul Martin (Glasgow Provan) (Lab):** To ask the Scottish Executive how much it is reducing capital investment by over the budget period. (S4O-00431)

**The Cabinet Secretary for Infrastructure and Capital Investment (Alex Neil):** We will not reduce capital investment over the budget period, despite a cut to our capital budget by the United Kingdom Government. Our focus on capital investment will support economic recovery and boost employment. As a result, Scottish Government-supported capital investment will be 25 per cent higher in 2014-15 than in 2011-12.

**Paul Martin:** I thank the cabinet secretary for his reply, which was robust if somewhat inaccurate, based on the information that I have received.

In respect of the challenges that construction workers in Scotland face, I am sure that the cabinet secretary will agree that the £100 million of reprofiling in 2011-12 is to be welcomed, but does he take on board the fact that, even allowing for that money, capital spending will be cut by more than 21 per cent in Scotland compared with 11 per cent in the UK?

**Alex Neil:** The member is talking utter rubbish. The capital spend in Scotland over the next three years will total between £11 billion and £12 billion, averaging nearly £4 billion a year.

The capital spend is not just funded by our main settlement from the Treasury. Our non-profit-distributing programme will involve additional capital spend of £2.5 billion; our Network Rail investments, funded by the regulatory asset base, will be another £1 billion; and the Scottish housing announcement that Mr Brown and I made two months ago involves, on its own, £460 million of investment in new housing—some £110 million of that was Scottish Government money, which was used to leverage in an additional £350 million. I

hope that, in the future, the member will do his homework and get his facts right.

### Winter Resilience

**4. Graeme Dey (Angus South) (SNP):** To ask the Scottish Government how much it has spent on plant machinery, gritting and other materials for resilience purposes this winter. (S4O-00432)

**The Minister for Housing and Transport (Keith Brown):** The full cost of winter resilience on Scottish trunk roads and motorways will not be known until the end of the winter, but current estimates are that we will invest an additional £4 million to £6 million this winter, bringing the total cost of the trunk road winter service for 2011-12 to an estimated £14 million to £16 million.

**Graeme Dey:** Does the minister agree that coping with the ravages of winter is as much about people as it is about planning and hardware? Will he join me in acknowledging the many individuals and organisations that will contribute to ensuring that, whatever extremes of snow and ice might lie ahead for us, Scotland does not grind to a halt?

**Keith Brown:** First, I whole-heartedly agree with the member. Last year, staff in the sectors that he has mentioned, and across the wider public and private sectors in Scotland, played a pivotal role in getting Scotland moving again in the face of what we now know was an extremely severe winter, with many examples of individuals going beyond the call of duty. For that, I am very grateful.

More investment has been made in the winter service this year but, when winter weather comes again, there will be disruption and we will once again call on gritter drivers and other winter service personnel to assist in getting Scotland moving. I mention also the army of active citizens in Scotland who help their neighbours and others in our communities.

### Scottish Water (Meetings)

**5. Gavin Brown (Lothian) (Con):** To ask the Scottish Executive when it last met representatives of Scottish Water. (S4O-00433)

**The Cabinet Secretary for Infrastructure and Capital Investment (Alex Neil):** I met representatives of Scottish Water—indeed, the board—on Tuesday 29 November 2011, two evenings ago.

**Gavin Brown:** Lucky them.

Page 191 of the Government's spending review document states that over the spending review period, the Government is reducing by £120 million the money going to Scottish Water's capital programme. The document says that "there

are risks” to doing that. Will the cabinet secretary expand on those risks?

**Alex Neil:** Scottish Water’s investment programme will be as planned during this regulatory cycle and will not in any way be reduced. What has changed is the need for Scottish Government money to fund that programme. That is because, as a result of its outstanding performance in managing its assets, Scottish Water has been able to husband enough money to make a much more significant contribution to funding the investment programme than had been forecast. As a result—I am sure that the member will be glad to know it—we are making much more effective use of the Scottish Government’s resources.

**The Presiding Officer (Tricia Marwick):** Question 6 has not been lodged. Ms McDougall is on parliamentary business elsewhere.

### **CalMac Reorganisation**

**7. Duncan McNeil (Greenock and Inverclyde) (Lab):** To ask the Scottish Government what impact the reorganisation of Caledonian MacBrayne will have on the communities who rely on its services. (S4O-00435)

**The Minister for Housing and Transport (Keith Brown):** The services provided by CalMac are defined in the contract between the company and Scottish ministers. Any reorganisation of CalMac will not lead to any changes to services defined by that contract. There is therefore no reason to suggest that there should be any negative impact on the communities that are served by CalMac. On the contrary, I would expect any reorganisation or refocus by CalMac to look at how its services to customers and communities can be improved to maintain the high quality of service that the company has been providing for many years.

**Duncan McNeil:** The minister is aware of the importance of CalMac in my constituency, where the headquarters and ticketing centre provide much-needed jobs. Given that a number of jobs were lost there earlier in the year with changes to the Gourock to Dunoon crossing, can he give an assurance that the impending tendering process, which I understand is to be completed by September 2013, will not impact negatively on jobs in Inverclyde?

**Keith Brown:** With regard to the job losses referred to by Duncan McNeil, it is worth pointing out that there were no compulsory redundancies as a result of the previous tendering process.

Discussions are on-going on the retendering of the various routes that CalMac is involved in. We will have to proceed with those discussions according to the requirements of European

legislation. CalMac and the Scottish Government very much have an eye on the welfare of CalMac’s employees. Everything that can possibly be done to ensure their security will be done.

**Kenneth Gibson (Cunninghame North) (SNP):** Does the minister agree that the announcement this week of the rolling out of the road equivalent tariff to the isles of the Clyde and western seaboard shows this Government’s commitment to island communities and others served by CalMac? Such islands and other communities can only be boosted by such investment, which gives a shot in the arm to tourism, business and employment.

**Keith Brown:** The member is absolutely right. What he says is borne out by the facts and findings of the pilot study that was carried out into RET as it applied in the Western Isles, which saw for example a 31 per cent increase in carryings. We are hopeful that this week’s announcement to provide RET across a range of routes around Scotland over the course of the next few years will have a similar impact on tourism and will provide an economic boost to those island communities.

**Jamie McGrigor (Highlands and Islands) (Con):** Is the minister satisfied with the level of service of Argyll Ferries on the Gourock to Dunoon route? I am sure that he is aware that the people of Dunoon are certainly not.

**Keith Brown:** It is fair to say that we very much share the concerns that have been expressed. Yesterday the Cabinet Secretary for Infrastructure and Capital Investment and I met the chairman and chief executive of CalMac. We have undertaken to work closely with them to ensure that the improvement plan that the cabinet secretary has asked for is implemented and that the people of Argyll receive the standard of service that they expect and to which they have a right. We fully recognise that the service has not met our expectations, as the client, or those of our customers, and we are focused on improving it and making it work.

### **Plains (New Railway Station)**

**8. Siobhan McMahon (Central Scotland) (Lab):** To ask the Scottish Executive what meetings the Cabinet Secretary for Infrastructure and Capital Investment has had with North Lanarkshire Council officials regarding building a new railway station at Plains. (S4O-00436)

**The Minister for Housing and Transport (Keith Brown):** The cabinet secretary has not had meetings with North Lanarkshire Council officials in a ministerial capacity on the matter. I am the lead minister for such issues.

**Siobhan McMahon:** Does the minister agree that a railway station at Plains is vital to the local

economy? Is he aware—I am sure that he is—that, in 2007, North Lanarkshire Council was happy to give its full support to the proposal for a station at Plains before the Scottish National Party took the decision not to proceed? Will he get around the table with North Lanarkshire Council and Network Rail and make good the election pledge that his party made to deliver a station at Plains?

**Keith Brown:** I am afraid that I have to advise the member that the situation has not changed since June this year. Network Rail has made passive provision for a future station at Plains. Obviously, if substantial housing development occurred, that would help the case for introducing a new station there.

The member may have noticed that we have just launched a rail consultation exercise, which gives opportunities to communities throughout Scotland and councils. Councils can come forward with packages of support for stations in their areas. That has happened in West Lothian, and is proposed in East Lothian, I understand. It is perfectly open to North Lanarkshire Council to come forward and say that it wants to contribute towards a station. If it does so, I undertake to consider that issue on its merits.

#### **Trunk Road Network (North-east Scotland)**

**9. Kevin Stewart (Aberdeen Central) (SNP):** To ask the Scottish Government what recent discussions it has had with Aberdeen City Council about improvements to the trunk road network in the north-east. (S4O-00437)

**The Minister for Housing and Transport (Keith Brown):** I met the leaders of Aberdeen City Council and Aberdeenshire Council on 1 November to discuss major transport infrastructure projects in the north-east, and officials continue to meet regularly to discuss a number of topics.

**Kevin Stewart:** Many in the north-east are concerned about maintenance and the current trunk road network being downgraded because of anticipation of a new trunk road network—I know that we are all waiting in anticipation for that. Can the minister assure me that maintenance work is continuing as usual on roads such as Anderson Drive?

**Keith Brown:** I can certainly assure Kevin Stewart that trunk road maintenance will not be downgraded in the north-east in anticipation of new trunk road projects going ahead, such as the Aberdeen western peripheral route and the A90 Balmedie to Tipperty route. We are keen to crack on with those projects as soon as possible. The existing A90 and A96 in Aberdeen and Aberdeenshire will continue to be maintained as part of the trunk road network until the opening of

those projects. Following completion of the Aberdeen western peripheral route and the A90 Balmedie to Tipperty route, responsibility for all detrunked sections of the A90 and the A96 will revert to the relevant local authority, which will be best placed to manage those roads in accordance with local policies.

#### **Train Passengers (Behaviour)**

**10. Mark McDonald (North East Scotland) (SNP):** To ask the Scottish Government what recent discussions it has had with train operators and British Transport Police regarding passenger behaviour. (S4O-00438)

**The Minister for Housing and Transport (Keith Brown):** The Scottish Government has had regular discussions with train operators and British Transport Police, which have included the raising of passenger complaints about antisocial behaviour on trains.

**Mark McDonald:** Alcohol consumption on trains often leads to an uncomfortable travelling experience for many passengers. That is the result of the behaviour of a minority of passengers who take things too far. Will the minister join me in welcoming the fact that British Transport Police has identified alcohol misuse on the train network as a strategic priority for next year, and will he assure me that the Scottish Government will work constructively with British Transport Police and the train operators on that matter?

**Keith Brown:** I am happy to provide that reassurance to the member. As he knows, that issue features in the rail consultation that we have just launched. I welcome all actions that decrease antisocial behaviour on trains. Those actions make the job of British Transport Police much easier and, crucially, improve the travelling experience of rail passengers. The Scottish Government will continue to work constructively with British Transport Police and train operators to look at the options to improve the travelling environment for rail passengers.

**Alex Johnstone (North East Scotland) (Con):** What information is collated on alcohol-related antisocial behaviour on Scottish trains? In the past 12 years, I have regularly travelled by train between Edinburgh and Stonehaven and have not experienced any antisocial behaviour as a result of alcohol consumption.

**Keith Brown:** The obvious sources of information on that are British Transport Police, which has said that it is an issue, and the train operating companies. I mentioned that I recently met the leaders of Aberdeen City Council and Aberdeenshire Council, who raised that issue with me. Perhaps there is no such behaviour on the

particular route that Alex Johnstone uses, but it is certainly an issue in the north-east of Scotland.

**Rhoda Grant (Highlands and Islands) (Lab):**

Does the minister agree that the problem would be somewhat alleviated by having well-trained guards with the experience and knowledge of dealing with rowdy behaviour in charge of trains?

**Keith Brown:** Given the franchise environment, the responsibility for dealing with that matter must rest with train operating companies. However, individual responsibility must also be to the fore. A lot of people who consume alcohol manage to behave perfectly well on trains; however, some do not and they ruin the environment for others. As I have said, although the train operating companies and British Transport Police are primarily responsible, individuals also have a responsibility in this regard.

## Culture and External Affairs

### Aid (African Diaspora)

**1. John Mason (Glasgow Shettleston) (SNP):**

To ask the Scottish Government what work it carries out with the African diaspora in Scotland when developing its aid programme. (S4O-00439)

**The Minister for Parliamentary Business and Chief Whip (Brian Adam):** The Scottish Government remains committed to its international development programme and values the unique expertise and insight offered by the African diaspora in Scotland. In addition to funding international development projects in Malawi and sub-Saharan Africa, the Scottish Government provides core funding to two networking organisations, the Network of International Development Organisations in Scotland and the Scotland Malawi Partnership, both of which are tasked with furthering the sector's capacity and reviewing and implementing best practice, including, for example, increasing and strengthening their members' engagement with diaspora-led organisations and communities in Scotland.

**John Mason:** I thank the minister for his reply, particularly given the extremely interesting session that we had on the matter at the last meeting of the cross-party group in the Scottish Parliament on international development. In view of the Government's commitment, is the minister able to outline when the next Malawi and Africa funding rounds will be announced?

**Brian Adam:** Funding rounds for the Malawi and sub-Saharan African development programmes will be opened at the start of December. Funding for successful projects will be released at the start of the next financial year and, as is standard with each funding round, guidance,

best practice, advice and frequently asked questions are included in the application papers published on the Scottish Government website. The Scotland Malawi Partnership and the Network of International Development Organisations in Scotland will also be informed. Following the launch of the funding rounds, the Government will hold an information session with both organisations on 15 December with discussion, planning and context sharing on how best prospective grant applicants can effectively tap into and benefit from expertise in the Malawian diaspora community in the development and management of projects.

### Historic Vessels (Preservation)

**2. Margaret Burgess (Cunninghame South) (SNP):** To ask the Scottish Government what plans it has for the preservation of historic vessels. (S4O-00440)

**The Minister for Parliamentary Business and Chief Whip (Brian Adam):** We recognise the importance of Scotland's historic vessels and are committed to doing everything we can to ensure that future generations continue to enjoy them as we do. The Scottish Government works with the United Kingdom advisory body, National Historic Ships UK, on high-priority preservation cases and also recognises that the remains of many historic vessels, such as the famous early aircraft carrier HMS Campania and the wrecks of the German high seas fleet in Scapa Flow, can be found on the seabed around Scotland. As a result, Historic Scotland has invited views on a new five-year strategy for the protection, management and promotion of marine heritage under the Parliament's new marine legislation.

**Margaret Burgess:** I am sure that the minister is aware of the role that the Scottish maritime museum in Irvine plays in preserving Scotland's maritime heritage. In addition to the collection of marine vessels, engines, artefacts and exhibitions, the museum contributes to the local economy by training apprentices, providing volunteer opportunities, hosting educational trips and attracting tourists to the area. Unfortunately, the museum cannot open in winter as it requires a new roof and is housed in a grade A listed building of historical importance. Is the minister able to give any assurance about continued Scottish Government support for the work of that important industrial museum and will he ask the Cabinet Secretary for Culture and External Affairs whether she will visit the museum with me some time in the near future?

**Brian Adam:** I thank the member for her kind invitation to the cabinet secretary and will pass the request on to her when she returns.

With regard to funding, in 2011-12 we are providing direct core funding of £405,000 to the Scottish maritime museum. Despite the difficult financial settlement from Westminster, our draft budget plans seek to protect the museum's core funding and we can continue to offer it £405,000 in 2012-13.

### **Joint Ministerial Committee on Europe (Meetings)**

**3. Stuart McMillan (West Scotland) (SNP):** To ask the Scottish Government what issues will be discussed at the next meeting of the joint ministerial committee on Europe. (S4O-00441)

**The Cabinet Secretary for Parliamentary Business and Government Strategy (Bruce Crawford):** The date for the next joint ministerial committee on Europe has yet to be agreed. It is expected that the discussion will focus on business that is related to the spring Council of the European Union and the United Kingdom Government's and devolved Administrations' co-ordination of European Union issues.

**Stuart McMillan:** The cabinet secretary will be aware that the EU will shortly embark on a review of state aid rules for shipbuilding. Will he press as strongly as possible the commercial shipbuilding opportunities that exist in Scotland, particularly the west of Scotland, and stress that, with an even playing field across Europe, there is no reason why Scottish shipbuilders cannot compete and thrive, and increase employment and training opportunities?

**Bruce Crawford:** I recognise the vital importance of shipbuilding to the Scottish economy. The industry accounts for 18 per cent of the total employment in the Scottish manufacturing sector, with about 7,200 employees. The member is right to raise the issue of state aid. The Scottish Government is doing everything possible to fight Scotland's corner with regard to the EU framework on state aid to shipbuilding. Last year, the Scottish Government responded to the European Commission's consultation on the subject. We are pleased to note that the Commission's new draft framework has retained the unique provisions on assistance for innovation in the sector, which is important for the future of Scottish shipbuilding. The Scottish Government requested that those provisions be retained in our response to the consultation.

### **European Commission (Meetings)**

**4. John Scott (Ayr) (Con):** To ask the Scottish Executive when it last met the European Commission and what issues were discussed. (S4O-00442)

**The Minister for Parliamentary Business and Chief Whip (Brian Adam):** The Government has regular contact with the Commission on a wide range of issues. Most recently, my colleague Fergus Ewing met the Commissioner for Energy, Günther Oettinger, on 24 November while attending the energy council. On 14 November, Richard Lochhead met the Commissioner for Agriculture and Rural Development to discuss the reform of the common agricultural policy while attending the agriculture and fisheries council.

**John Scott:** As the minister knows, the ending of air route development funding in 2007 has had a damaging impact on the creation of new routes to and from Scottish airports. That is certainly true of Prestwick airport, which affects many of my constituents. Will the minister take up that matter with the European Commissioner for Transport to seek a way forward that would allow the creation of an EU-compliant successor to the air route development fund?

**Brian Adam:** As I am sure the member is aware, such discussions are on-going. The European Commission's restrictive guidelines have meant that, since 2007, we have not been able to provide such funding. However, the Commission is consulting on the issue and the Scottish Government has participated in that consultation. As recently as earlier today, the latest exchange took place between the Scottish Government and the European Union on the issue.

**Christina McKelvie (Hamilton, Larkhall and Stonehouse) (SNP):** What response has the Scottish Government received from the UK Government over amendments to the Scotland Bill that were suggested in August to give Scotland greater control over its representations in Europe?

**Brian Adam:** Three months after our paper on that was published, the UK minister for Europe, David Lidington, requested further details to allow him to "consider the proposal fully", to use his words. The Scottish Government responded in detail two days later, on 18 November. Those letters have been provided to the Scotland Bill Committee. The Scottish Government would welcome the opportunity to have substantial discussions with the UK Government on the issue and on other suggested amendments to the Scotland Bill. We have made repeated requests for meaningful negotiations with the UK Government to secure a bill that we can recommend whole-heartedly to Parliament for its final consent next year.

### **China (First Minister's Visit)**

**5. Jim Eadie (Edinburgh Southern) (SNP):** To ask the Scottish Government what meetings have

been scheduled for the First Minister's forthcoming visit to China. (S4O-00443)

**The Cabinet Secretary for Parliamentary Business and Government Strategy (Bruce Crawford):** The First Minister will undertake a series of high-level Government, cultural, business and trade engagements in several mainland Chinese cities and in Hong Kong. Those meetings will strengthen Scotland's relationships with China by deepening the current areas of engagement and seeking to establish new ones. Attracting investment to Scotland and supporting Scottish development in international engagement with significant Chinese companies will be an important element of the First Minister's visit.

**Jim Eadie:** Does the cabinet secretary agree that the Chinese community in Edinburgh does much to enrich the cosmopolitan nature of our capital city? Will he extend an invitation to the Cabinet Secretary for Culture and External Affairs and the First Minister to meet members of that community and see at first hand the excellent work of the Confucius institute and the Edinburgh Chinese community school at Liberton high school in my constituency? May I also ask the minister to think carefully before he answers, as I will be having his reply translated for the benefit of the Chinese community?

**Bruce Crawford:** I think that most people in Scotland probably have a problem with my accent, far less the Chinese community. I thank Jim Eadie for his question, and for his obvious interest in the Chinese community in Edinburgh.

I am aware of the role that is played by the Confucius institute and the Edinburgh Chinese community school in developing educational, economic and cultural ties between Scotland and China; both of them do an excellent job. Lots of invitations are coming to ministers from back benchers today, and I am sure that the First Minister and the cabinet secretary would be happy to consider Mr Eadie's request. I ask him to send details of that engagement directly to the First Minister's office and to Ms Hyslop's office.

**Chic Brodie (South Scotland) (SNP):** In view of the increasing number of tourists coming from China, and of the planned growth in exports to China, what discussions have taken place on the question of more direct flights between Scotland and China?

**Bruce Crawford:** Obviously, there will shortly be a direct flight bringing our pandas to Scotland, in the shape of Tian Tian and Yang Guang, or Sweetie and Sunshine—I am sure that this meeting has been much more like that than certain other, more robust meetings that we have had.

On Mr Brodie's specific question, the Scottish Government is determined to improve the

international air connections with key global markets such as China to help to boost trade and tourism. We are working closely with the Chinese Government and Chinese airlines on the establishment of a direct air link between our two nations, from which I am sure both nations would benefit hugely.

### Traditional Arts

**6. Rob Gibson (Caithness, Sutherland and Ross) (SNP):** To ask the Scottish Government how it promotes and celebrates Scotland's traditional arts. (S4O-00444)

**The Minister for Parliamentary Business and Chief Whip (Brian Adam):** Creative Scotland, our national body for the arts, culture and the creative industries, is actively and energetically taking forward the recommendations of the traditional arts working group, to ensure that the traditional arts are supported and their future secured.

**Rob Gibson:** I am sure that we all welcome this year's Hands Up for Trad awards, pioneered by Simon Thumire, which are to be broadcast on BBC Alba. In further promoting traditional music, and in the context of the ministerial working party on traditional arts, will the minister consider Simon Thumire's proposal to set up singing centres around Scotland, starting next year, to promote singing in general, including local songs, and the health benefits from singing, which have been well researched?

**Brian Adam:** I am sure that the Cabinet Secretary for Culture and External Affairs will work on the member's interesting proposal; perhaps others within the Government will do that, too. Creative Scotland, as Scotland's national body for the arts, culture and creative industries, is engaged in taking forward the recommendations of the ministerial working group on traditional arts, including those on music. Recently, Creative Scotland supported a project with the national Gaelic boys choir and, in north Skye, a traditional arts project in Gaelic across the Highland region. The latter was supported through the youth music initiative, and I hope that those examples will give Mr Gibson confidence in the future.

### Scottish National Portrait Gallery

**7. Bill Walker (Dunfermline) (SNP):** To ask the Scottish Government how the refurbishment of the Scottish national portrait gallery will improve the visitor experience. (S4O-00445)

**The Minister for Energy, Enterprise and Tourism (Fergus Ewing):** The refurbished portrait gallery has opened today. Seventeen new galleries showcase the best of Scotland's cultural treasures. Some original features have been



restored and there is a new education suite and enhanced visitor facilities.

I take this opportunity to congratulate the National Museums of Scotland, which last week achieved 1 million visitors to its new museum since it opened at the end of July.

**Bill Walker:** As the gallery is a national collection, can the minister advise how it will support education and community engagement throughout Fife and across Scotland?

**Fergus Ewing:** I am pleased to inform Mr Walker that the galleries receive many visits from schools in Fife and they will continue to provide that excellent educational function. The opening exhibitions will cover a huge range of attractions that, I am sure, will be of interest to children in Fife, including pioneers of science; women of 19th century Scotland; the age of improvement; Sir Henry Raeburn; citizens of the world; David Hume; Allan Ramsay; and others too numerous to mention. A veritable *embarras de richesse*, one might say.

### The Winning Years Campaign

**8. Bob Doris (Glasgow) (SNP):** To ask the Scottish Government how VisitScotland's new corporate campaign, the winning years, will link to major events such as the 2014 Commonwealth games in order to bring maximum benefit to Glasgow. (S4O-00446)

**The Minister for Energy, Enterprise and Tourism (Fergus Ewing):** The winning years is not a new VisitScotland corporate campaign but a way of describing the unique opportunities that the period 2012 to 2014 presents to Scotland. The aim is to create a joint drive around the year of creative Scotland 2012, the year of natural Scotland 2013, homecoming 2014, the Commonwealth games and the Ryder cup.

Only yesterday, in Canada, Fiona Hyslop was promoting the year of creative Scotland. Building momentum during the winning years will boost Scotland's tourism, events industries and the wider economy.

**Bob Doris:** I am delighted that VisitScotland is taking part in on-going activities. In relation to large events such as the Commonwealth games, will new facilities such as the national velodrome help to drive not only new tourist interest in Scotland but new corporate opportunities to maximise benefits to the citizens of Glasgow, whom I represent?

**Fergus Ewing:** The Commonwealth games, along with the infrastructure and buildings that are being put in place for that purpose, will provide other opportunities for business tourism, which has already achieved marked success in Glasgow,

contributing—from memory—more than £150 million a year. In particular, the new sports arena will be available for such activities as pop concerts, which I am assured are extremely popular.

### Winter Tourism

**9. Margaret McCulloch (Central Scotland) (Lab):** To ask the Scottish Executive what discussions have taken place between the Cabinet Secretary for Culture and External Affairs and the Minister for Energy, Enterprise and Tourism regarding the importance of culture to winter tourism. (S4O-00447)

**The Minister for Energy, Enterprise and Tourism (Fergus Ewing):** I have had several discussions with Fiona Hyslop and other ministers on many aspects of tourism.

Scotland's winter festivals bring together three of our most important cultural celebrations—St Andrew's day, hogmanay and Burns night. This year's programme celebrates our culture, heritage and creativity and aims to bring together people from all over the world to experience the best that Scotland has to offer in music, arts, food and entertainment, not forgetting drink.

**Margaret McCulloch:** Can the minister confirm that the Government's museums and galleries strategy helps our cultural attractions to realise their full potential as visitor attractions? Will he ensure that, as far as possible, the museums and galleries are open to visitors in all seasons, as is the excellent national museum of rural life in East Kilbride? I encourage all members to visit that museum, if they have not already done so.

**Fergus Ewing:** Over the winter festival period, including Christmas, we wish to see as many as possible of our major attractions open to visitors, consistent with the needs of the staff to enjoy some time off to celebrate these occasions. I am happy to offer an assurance that we will do everything possible. Fiona Hyslop will look specifically at the local museum that the member mentioned to see what is being done there. I thank the member very much for a positive contribution.

### Tourist Facilities (Local Communities)

**10. Dennis Robertson (Aberdeenshire West) (SNP):** To ask the Scottish Government what it is doing to encourage local communities to get more involved in the running of tourist facilities in their area. (S4O-00448)

**The Minister for Energy, Enterprise and Tourism (Fergus Ewing):** The Scottish Government encourages such community involvement. That makes good business sense in an industry that earns more than £4 billion every

year for the Scottish economy and supports around 200,000 jobs in Scotland.

**Dennis Robertson:** Does the minister agree that Braemar castle and the people of Braemar are a perfect example of a community coming together to preserve its natural heritage and that the Scottish Government should be applauded for the grant that it supplied to Braemar castle to ensure that it is open not only to the local community, but to schools under the curriculum for excellence?

**Fergus Ewing:** Yes. I am advised that Braemar castle is operated by local people who volunteer as guides, work in the shop and tend the garden and that they believe passionately that the castle is worth saving. We are delighted that Historic Scotland agreed in July this year to provide a grant of up to £144,600 to Braemar Community Ltd for repairs to Braemar castle and I understand that a comprehensive, sustainable business plan is being developed. I look forward to working with Dennis Robertson, the local member, to build on that success.

## **Criminal Law and Practice (Carloway Review)**

**The Presiding Officer (Tricia Marwick):** The next item of business is a debate on motion S4M-01450, in the name of Kenny MacAskill, on Lord Carloway's review of criminal procedure.

14:56

**The Cabinet Secretary for Justice (Kenny MacAskill):** I put on record my thanks to the Opposition spokespeople for agreeing the tenor of the motion. That shows that the status quo is not tenable; we have to make significant changes to the law of Scotland.

I do not think that there is any point in arguing over why we are here or apportioning any blame at this juncture; it is a matter of recognising that there has to be change, which is why we instructed Lord Carloway to carry out his review. It is important that we should go forward in an open and constructive manner, not only here, but outwith the parliamentary chamber. Some of the changes are fundamental and are causing great debate. Therefore, it is important that we debate the substance of matters on the basis of what is the right legal reform for our communities, and not on the basis of party dogma. I assure the Opposition spokespeople that that is the position that the Government intends to take, and I am grateful for the reciprocity that we see in the agreement on the motion.

Today we mark the start of an historic reform. Lord Carloway's report on criminal procedure, which was published on 17 November, promises to remould our system for the investigation and prosecution of crime. I am grateful to Lord Carloway and his team for the report, which was produced in just under a year. I know that he consulted extensively, travelling throughout Scotland and beyond in order to research the issues and test opinion.

It is 13 months since I introduced emergency legislation to this Parliament, on the day of the United Kingdom Supreme Court's decision in *Cadder v Her Majesty's Advocate*. That decision, which overruled the decision of Scotland's highest criminal appeal court, effectively changed decades of police practice when questioning suspects. It required us to ensure a clear right of access to a lawyer and adequate time to arrange advice before questioning, and to protect historical convictions.

I recall the debate when we sat late into the evening to discuss the emergency legislation. I made it clear then that we had to act swiftly, but I promised that the bill and related matters of law

and practice would be extensively reviewed. The steps taken before and after Cadder have stood us in good stead and I am grateful for the committed response of police, prosecutors and defence lawyers, not least in the successful operation of the new duty scheme for legal advice. However, those steps could only take us so far. The time had come for the criminal justice process to be reassessed from start to finish. The work of the Thomson committee in the 1970s has dictated Scots criminal procedure for the past 30 years, and I expect Lord Carloway's report to have a similar impact in framing our system for decades to come.

The Carloway report is extensive and detailed, and it needs our full consideration. I do not propose to outline now exactly what course I think should be taken, as I want to hear the views of members and of the wider community, and I reiterate the offer that I made earlier in private meetings with Opposition spokespeople to continue in that manner.

Although the proposed change to corroboration—on which the headlines have focused, perhaps understandably—should not obscure the many other important changes that have been proposed, it would clearly be a momentous reform. As Lord Carloway stated, within Europe at least, Scots criminal law appears to be unique in requiring corroborated evidence for virtually every crime. An accused person cannot be convicted unless each of the key parts of the crime can be shown to have happened by evidence from two separate sources.

Let us consider a case in which the only evidence was a compelling and credible account by the alleged victim. Such a case would never reach a Scottish court, but it could reach a court in England, France or Germany, where a jury or judge would assess its merits.

The traditional view is that corroboration is a distinctive and exacting standard that ensures that convictions are rigorously proved and which prevents wrongful convictions. Lord Carloway challenges both those points. As well as concluding that there is nothing to suggest that corroboration reduces miscarriages of justice, he questions its value—he notes that instead of focusing on the quality of evidence, corroboration simply involves looking at how much there is.

The review has unearthed striking research. In 268 of the 458 cases that were dropped in 2010 on the basis of insufficient evidence, there would have been a reasonable prospect of conviction if there had not been a requirement for corroboration. That is only a snapshot, but it is an important snapshot.

Another headline change is the proposed replacement of our current system of detention before arrest so that all suspects are arrested on reasonable suspicion. That reflects the impact of Cadder. It should also—for the first time—permit questioning to occur after charge, provided that it has been authorised by a sheriff. The proposal to allow the police to liberate suspects for up to 28 days on a special undertaking allows for full investigations to be carried out, while recognising the principle of liberty. Balance is obviously important.

Lord Carloway recommends that the maximum detention period in the new system should be 12 hours, and that the police should carry out a review after the first six hours. Lord Carloway restates the requirement for suspects to obtain legal advice from a solicitor before and during questioning. He accepts that suspects may decline the right to a lawyer but recommends protections for child and vulnerable adult suspects, whereby the agreement of an adult would be required. That is another important caveat.

Lord Carloway supports the need for the Scottish Criminal Cases Review Commission to consider certainty in looking at historical convictions, although he recommends the removal of the High Court's gatekeeper role in rejecting cases on certainty grounds. He also seeks to reform rights of appeal by creating a general right and removing such archaic concepts as bills of advocacy.

Costs are, of course, a vital consideration when proposals of such magnitude are examined. We will conduct a detailed analysis, but the report identifies both costs and savings. There may be more cases and there may be a need for weekend courts, but the use of police bail should reduce the number of people who are remanded to await trial and, in some cases, there should be a reduction in the number of witnesses—for example, some of the expert witnesses who are required for corroboration may no longer be needed. Innovations in technology should also help.

Having been at the launch of the national ballistics intelligence service, I can say that the requirement for corroboration currently means that two police officers require to go down south simply to pick up a piece of evidence. Many would question whether that is necessary. Even if corroboration is viewed as fundamental—as it is by many—the inconvenience caused by, for example, the requirement for corroboration even when someone is simply collecting a piece of evidence means that there is a clear need to consider the issue.

We cannot ignore potential costs, but this is about the best structure for our legal system and modernising it for the future, which should prevent

future human rights challenges. Some people think that the changes risk eroding the ancient distinctions of the Scots legal tradition. It has been alleged that our system will become indistinguishable from the English system or systems on the continent. That is not so. The type of landmark change envisaged has happened to Scots law before and Scots law has survived and indeed grown. It has withstood the creation of appeals against conviction in 1926, the removal of corroboration in civil cases in 1988 and the abolition of the feudal system in 2004. Those innovations were seismic at the time but have become a commonplace reality today.

These are distinctive proposals for change for our jurisdiction. Every legal system must evolve to take account of changes to society and ever-improving standards in human rights. The European convention on human rights is not a set of basic rules forever frozen on 3 September 1953; it evolves with each decision from the court in Strasbourg and we have no option but to follow it. I doubt that a decision such as that in *Saldaz* would have been handed down by the court in the 1960s or 70s. I say that not to criticise the convention but to acknowledge that the law must always be ready to change with society.

Lord Carloway's report provides us with an opportunity to reassess and rebuild the most essential elements of how we investigate and prosecute crime. No one knows at what point corroboration—a principle that stems from the laws of Emperor Justinian and ultimately the Bible—entered our law. As Lord Carloway eloquently set out, it is a principle that we have retained but which others have discarded.

Corroboration is a distinctive—probably the distinctive—feature of our criminal law, but Lord Carloway's clear contention is that its time has passed. He reaches the following damning verdict:

"It is an archaic rule that has no place in a modern legal system".

That quote will reverberate for quite some time. At the very least, I expect it to be reproduced in every criminal law exam paper in every Scottish law school for years to come, closely followed by the single word "discuss". Discuss it is exactly what we will do. I see Lord Carloway's recommendations as a package and as paving a clear path to reform, but we must consider them fully.

I want to hear the views of those who disagree in whole or in part with Lord Carloway. Members of the legal community will be directly affected by the changes. I need to hear their thoughts and concerns about how they see these fundamental reforms working in practice, including how they might impact on other aspects of criminal law. For

example, I know that many are opposed to the recommendation on corroboration. Some question the interaction with jury majorities or our three-verdict system. I also acknowledge Lord Carloway's incisive comment that the reforms arise in an age of austerity.

However, the report sets out a clear direction of travel and I see it as the foundation of a programme of substantial, historic reform. I will end as I started, by indicating that as a Government we want discussion and debate in the chamber because we are aware of the concerns that exist not simply among those who oppose the removal of corroboration but among those who support its removal and those who think that other tangential matters must be brought in if there is to be reform.

The status quo is not tenable. We have to make changes and it is therefore important that we set the tone by showing, as we have done today, that this is about having a discussion and debate with the legal profession and with the general public.

I assure members that, in moving the motion, I am open to taking on board the criticism that has been made and the improvement that has been suggested. There is no political dogma on the issue; we have to change. It is a privilege for us to be members of the Scottish Parliament, and we therefore must ensure that we get the reforms right, and that, in putting them forward, everybody in our communities has the opportunity to contribute.

I move,

That the Parliament welcomes Lord Carloway's detailed and authoritative report on aspects of criminal procedure in Scotland; believes that his recommendations provide a historic basis on which to remodel the Scots criminal justice system; welcomes the report's focus on delivering a system that will ensure the effective, efficient and fair investigation and prosecution of crime, and supports the Scottish Government's intention to seek an early opportunity to legislate following an appropriate period of time for reflection, analysis and debate, which should involve detailed consideration of links to wider aspects of criminal procedure.

15:10

**James Kelly (Rutherglen) (Lab):** I welcome the opportunity to take part in the debate and to support the Government's motion.

The cabinet secretary said that this seems like an examination process—I hope that our speeches will not be marked.

This is an important debate. It is vital that we recognise the work that Lord Carloway and his review group have done. That work was an important task in the aftermath of the emergency legislation that Parliament passed. The legislation was broadly supported by the main political parties

that October afternoon, although the debate was—this is not a criticism of the Government—somewhat chaotic at times.

It was correct to set up a review group to reflect on the implications of not only the Cadder judgment but the legislation that was passed in its aftermath. Lord Carloway's report is an extensive piece of work that is heavily evidenced and researched. The report—in particular, the conclusions—is written very clearly. In it, he sets out his views clearly and, helpfully for the Government, he identifies areas where he feels that legislation may be required, and areas where it may not be required, to implement his recommendations. We should thank him for a substantial piece of work.

Much of the discussion in the media and the legal profession has focused on corroboration. Lord Carloway's report sets out the history of why corroboration was incorporated into Scots law. It is important to remember that it was incorporated at a time when the legal system and the country were very different. There were geographical and other divides in Scotland, and it was essential to ensure that anyone who was being prosecuted was properly protected and got the fair trial to which they were entitled. It was on that basis that corroboration was incorporated into Scots law. There have been many advances since that time, not only in technology but in the skill and expertise of prosecutors and defence agents. Times have moved on.

Lord Carloway makes a powerful case for the abolition of corroboration. The cabinet secretary cited the research, which covers some of the more serious cases. Of the 458 cases that were not taken forward, 374, or more than 80 per cent, would have been likely to go to trial if there had not been a requirement for corroboration, with almost 60 per cent of those cases having a good chance of success.

Labour has previously made its position clear on rape cases, in relation to which we feel that corroboration should be abolished. The most recent statistics on rape cases show that of 884 cases reported to the police, only 41, or less than 5 per cent, secured a conviction. I am sure that there is agreement across the chamber that that level of success in securing convictions is unacceptable, particularly for the victims of rape.

**Christine Grahame (Midlothian South, Tweeddale and Lauderdale) (SNP):** In one of the responses to the review, one party said:

"It would be very dangerous to remove corroboration for rape and sexual offences since"

that

"would result in a greater emphasis on witness testimony and would add further trauma for victims."

Therefore, there is a downside to not having corroboration in such cases. If the member will forgive me for saying so, it is quite simplistic to say that removing corroboration would make such cases easier to prosecute.

**James Kelly:** If the member will allow me to, I will develop my argument, because I acknowledge that the issue is complex and requires careful consideration. I certainly support the removal of corroboration in rape cases, but the implications of such a change require careful consideration.

**Stewart Maxwell (West Scotland) (SNP):** Just for clarity, the member has said twice that he supports the removal of corroboration in rape cases, but can he explain whether that means that he does not support its removal in other cases?

**James Kelly:** I appreciate the intervention, but if I can develop my argument I will make clear what my position is in relation to other cases.

Lord Carloway shows that there is a powerful case for abolishing corroboration in relation to all criminal cases, not just rape cases. That is clear not just from the analysis that he sets out but from the international examples that the cabinet secretary quoted, which mean that we in Scotland stand alone in pursuing corroboration. As well as for the reasons that I have already outlined, corroboration was set up to ensure that there were no miscarriages of justice. As Christine Grahame pointed out, we do not want those to happen further down the line.

The case for abolishing corroboration must be weighed against the fact that it is a central tenet of the Scottish justice system. Some have argued against its abolition on the grounds that doing so would threaten the fairness of trials and might result in people being unfairly convicted. Such concerns must be weighed in the balance as we consider whether we should abolish corroboration for all criminal trials.

For me, the test is the one that Lord Carloway presents in his review, and it involves looking at the quality of evidence. There is a danger that in sticking with the corroboration principle we concentrate on quantity in getting two different sources of evidence. However, we must look at the quality of that evidence. We must ensure that if corroboration is not in place, those who are prosecuted get the fair trial to which they are entitled and that any conviction must be because their guilt is beyond reasonable doubt. Proper safeguards must be put in place if the corroboration principle is abolished. Part of that will be about looking at the process, including the jury system and the principle of majority verdicts, to see whether we need to build in further safeguards.

There are major issues to consider. To answer the members who intervened, successful prosecutions in rape cases is a matter of major concern, and I am convinced about abolishing corroboration in that area. I am sympathetic to the case that Lord Carloway makes, but I am still not totally convinced. I think that members agree that the area needs further examination.

On other areas—I realise that I am reaching the end of my time—

**The Deputy Presiding Officer (Elaine Smith):** I can give you some extra time for the interventions.

**James Kelly:** That will be very useful, Presiding Officer. I am sure that that is welcome. [*Laughter.*]

Of the other important areas that the report covers, arrest and detention are quite critical. There is a link back to the Cadder judgment, following which suspects were given the right to access to a solicitor. It is important to distinguish between an arrest and detention at the police station. There were a lot of challenges in that area in the aftermath of the passage of the emergency legislation. It is helpful that Lord Carloway sets out his views and recommendations in that regard.

There is a useful recommendation that, when suspects are detained in police stations, they should be issued with a letter that details their rights. Clear guidelines are also to be set out on periods of custody.

I would have liked to make other points about child suspects and vulnerable adults, about whom Lord Carloway makes some good points.

We need to flush out the timetable for any proposed legislation, and it is important that we get the legislation right. I noted the comment in the Government's motion that it wants to legislate early. I am slightly cautious about that because we ought to think through the ramifications of some of the issues that have come out of the review.

I thank Lord Carloway for his input. I support the Government's motion and look forward to a comprehensive consideration of the issues that are outlined in the report.

15:21

**David McLetchie (Lothian) (Con):** Like other members of the Justice Committee, I come to the debate with the benefit not just of reading the Carloway report and assessing the initial reaction to its recommendations, but of having discussed some of its findings with the author, Lord Carloway, at Tuesday's meeting of the Justice Committee.

As the cabinet secretary correctly noted in his opening speech, the focus of much of the public

debate so far has been on changes to the rules of evidence, particularly the recommendation that the current requirement for corroboration in criminal cases should be abolished. Lord Carloway describes this as a move from a technical and quantitative approach to the assessment of evidence to a qualitative approach. That focus on corroboration detracts in some ways from the issue of the questioning of suspects when they are in detention, which was the basis of the Cadder decision and, of course, the catalyst for the setting up by the cabinet secretary of the independent review. In some ways, that is a pity because the focus should be on provisions relating to arrest, detention, custody, investigation and the interrogation of suspects, all of which go to the very heart of compliance with the European convention on human rights, particularly articles 5 and 6, which concern the right to liberty and the right to a fair trial.

There is a linkage of sorts, in that in the Cadder case, the Crown maintained that the want of a right of access to a solicitor during initial questioning was in some way compensated for by the rules on corroboration, among others, when the case came to trial. The Supreme Court rejected that proposition, and rightly so in light of the Salduz decision.

However, as is clear from the Carloway report, the rule requiring corroboration bears examination on its own as a unique feature of the Scottish criminal justice system that is not replicated in other jurisdictions. Of course, that does not mean that it is wrong and must be changed; equally, it should not be put on a pedestal and become some kind of virility test of one's devotion to Scotland and Scots law. The "Whae's like us?" mentality has not served us well in our recent brushes with the ECHR, and a greater willingness to see ourselves as others see us and to examine our jurisprudence objectively and dispassionately against the ECHR benchmark would have stood us in better stead and avoided some of unseemly controversies that have arisen over the past year. As the cabinet secretary rightly said, those should be put behind us as we take the report and recommendations forward.

A research review on the effect of abolition of the rule on corroboration, which looked at the number of cases that could have been prosecuted and in which convictions could have been secured, was published as an appendix to Lord Carloway's report and has been the subject of much comment. James Kelly referred to the statistics. When one reads that, of the 458 cases that were marked no proceedings in 2010, 374—or more than 81 per cent—would probably have been prosecuted if the rule did not exist, and that in nearly 60 per cent of those cases there was a

reasonable prospect of conviction, one thinks at first sight that those are alarming numbers.

However, the numbers are a lot less alarming when they are put in the context of the total number of serious cases that are prosecuted under solemn procedure before a judge and jury in our High Court and our sheriff courts, which is about 5,000 per annum. The conviction rates are approximately 71 per cent for crimes of violence, 78 per cent for crimes of indecency and 88 per cent for crimes of dishonesty.

**Gil Paterson (Clydebank and Milngavie) (SNP):** What Mr McLetchie is pointing out is crystal clear, but with regard to rape cases, one effect of the requirement for corroboration is that many people who are raped end up not bringing complaints because of the court process. The removal of the requirement would mean that women—and men, for that matter—who have been raped would be more likely to come forward and make a serious complaint.

**David McLetchie:** It is fair to say that people are more likely to come forward and make a serious complaint if they think that it will be taken seriously, that the case will be prosecuted and that there is a prospect that their assailant will be brought to justice—in other words, that there is a higher rate of conviction. I was just about to move on to that, so I will make some fuller observations about it.

We should not look at the research figures in isolation. We should bear it in mind that, despite the higher bar for assessing suitability for prosecution by reference to the corroboration rule, the conviction rate in cases involving rape and attempted rape, which I have just discussed with Mr Paterson, that are actually brought to court is about 46 per cent. That is much lower than the rate for crimes generally. That suggests that many other factors are at play with juries and that apparent corroboration before the case proceeds is not in itself sufficient or conclusive if juries have serious doubts about the credibility of witnesses or other factors before they can convict beyond all reasonable doubt. That chimes with what is said about the importance of the qualitative aspect of the assessment of evidence in arriving at a determination.

James Kelly said that, of 884 reported rapes, only 41 eventually led to prosecutions and convictions, and that that is 5 per cent of the total. He is arithmetically correct, but if we look at the statistics in England, where there is no rule that requires corroboration, we can see that the conviction rate there is not much better, at a pretty miserly 6 per cent. If we apply that percentage to the situation in Scotland, nine of the 884 women would have secured justice against their assailant, but it would not have done much for the hundreds

of others who feel that they have been wronged and assaulted in that appalling manner. We should not rush to conclude that changing the rule would necessarily lead to a dramatic change in the landscape in terms of securing convictions or justice for women who have been raped.

We should not proceed in haste on the matter. There are other factors and aspects relating to the overall conduct of trials in Scotland that need to be taken into account. Although we support the Government's motion and will do so at decision time, the reference to

"an early opportunity to legislate"

concerns me.

We currently require corroboration, but we also require a simple majority verdict to convict an accused person. Other systems that do not require corroboration require either unanimity or a heavily weighted majority. Does one balance the other? We should consider that issue fully, as it was not considered fully in the Carloway report although, along with other Justice Committee members, I noted from Lord Carloway's evidence on Tuesday that a weighted majority is required for any verdict—whether of guilt or of innocence—in those jurisdictions, in comparison with a simple majority for guilt only in Scotland.

**The Deputy Presiding Officer:** Mr McLetchie, I would be grateful if you could draw your remarks to a conclusion.

**David McLetchie:** Okay.

The convener, from whom I hope that we will hear shortly, raised with Lord Carloway the issue of the sustainability of the not proven verdict. I wonder whether the not proven verdict is ECHR-proof, or whether it could be considered to be incompatible with article 6 on the right to a fair trial, on the basis that a fair trial should involve the decisive determination of guilt or innocence in line with the presumption of innocence. I do not know the answer to that question, but I pose it simply because I think that there are a lot of other factors. I hope that other members will take those points forward during the remainder of the debate.

I am happy to conclude, Presiding Officer—thank you.

**The Deputy Presiding Officer:** Thank you—that was a very generous six minutes. We now come to the open debate. We will have speeches of six minutes. There is a little bit of time for interventions, and if any member in the chamber has not indicated that they want to speak and is now motivated to do so, I can consider a request for an additional speaker.

15:31

**Roderick Campbell (North East Fife) (SNP):** I refer to my entry in the register of members' interests. I acknowledge the care and time that Lord Carloway and his team have afforded to this important review. It is a big report with a lot in it, and we can only touch the surface today.

In the foreword to the report, Lord Carloway states:

"The underlying and long-lasting implication of Cadder is that the system must fully embrace and apply a human rights based approach."

We must consider his review in that context.

The proposal for removing the requirement for corroboration in criminal cases is perhaps the most ambitious proposal in the report. I agree whole-heartedly with Lord Carloway that the most important aspect in establishing the value of evidence should be its quality and not its quantity.

We have heard that the concept of corroboration has a very long history. Until relatively recently, it used to be part of the civil process in Scotland as well as operating in criminal cases, although that is seldom mentioned today. The requirement for corroboration in civil cases was abolished in 1988, and the civil system has functioned without the need for corroboration quite adequately, even if it must be accepted that, in a case based on a conflict of oral evidence, two witnesses in support are better than one.

The term "corroboration" is often misunderstood by the layperson; it means that there must be two separate sources of evidence. It does not mean that there should necessarily be two independent witnesses to confirm every piece of evidence. As has been said, it is a hangover from medieval times at least: a security mechanism to protect accused persons from mistakenly being hanged from the gallows in an age in which there was no such thing as an appeals process.

Thankfully, we have moved on. As Lord Carloway has said, the principal reason that is advanced nowadays for retaining corroboration is to prevent miscarriages of justice. As has been said, his review found no evidence to suggest that the rates of miscarriage of justice in Scotland are any lower than they are in comparable countries that do not have a corroboration rule. Moreover, he argues that the requirement for corroboration increases the likelihood of a miscarriage of justice. If a complainer has a good case, but there is no evidence other than the complainer's own evidence, the complainer is, because of the rule of corroboration, not able to obtain justice as the case does not proceed.

Those are powerful arguments, but I do not believe that removing corroboration is a silver

bullet that will necessarily increase efficiency and improve justice—and it may not, in human rights terms, be more than neutral. The cabinet secretary has referred to the research on the 468 cases. The second table shows that 95 out of 141 sexual offences could have been prosecuted. However, Lord Carloway himself admits:

"it is important to remember that the removal of the requirement for corroboration would not guarantee a conviction"

in the cases in which there was deemed to be a reasonable prospect of conviction. The reasonable prospect of conviction that is assessed by the Crown Prosecution Service in England is an objective test in which a prosecutor assesses whether it is more likely than not that a conviction will be obtained. The figure is something in excess of 50 per cent but perhaps not much more, and in reality convictions do not always follow. Therefore, we should not be overwhelmed by the figures and, as David McLetchie has rightly said, the difference between conviction rates in Scotland and those in England and Wales is minimal.

We should perhaps counter that point by remembering the comments of Helena Kennedy when she was talking about human trafficking this week. In her view, the rule on corroboration may be a bar to convictions for trafficking, and I cannot see any real argument against that.

We obviously acknowledge that the test to be applied in criminal cases is whether the Crown has proved its case beyond reasonable doubt. In Carloway's view, that is the essential safeguard to protect the accused. In particular, he believes that safeguards, such as an automatic warning to the jury of the risk of convicting on the basis of uncorroborated evidence, should not be required. Similarly, he believes that a judge at first instance should not be entitled to acquit an accused in a solemn case even if he or she considers that it would be unreasonable for a jury to return a verdict of guilty on the evidence adduced.

It is in the area of safeguards that I believe that the Government would be wise to listen to the arguments. Justice Scotland has said that it is

"dismayed by the suggested wholesale removal of corroboration absent alternative safeguards".

The Government needs to listen to that argument, and others, so that we can have a full and meaningful debate on the point.

I will move away from corroboration and touch on the review's comments on adverse inference. I agree with Lord Carloway's recommendation that there should be no change to the current position—that is, that no inference should be drawn from silence on the part of a suspect when they are questioned. There is no strong case for replicating the English experience, and indeed in



England the matter is rarely an issue in trials. Similarly, I believe that, post-Cadder, the distinction between section 14 detention and arrest is no longer meaningful.

In the remaining time, I will touch on the question of rights of access. Lord Carloway's analysis is that there is nothing in European jurisprudence that precludes suspects from waiving their right of access to a lawyer, but he goes on to consider the position of vulnerable adults and children. Most significantly, he makes a recommendation that under-16s cannot waive their right of access to a lawyer, which seems a sensible recommendation. It is unusual that under-16s, who may not consent to many things in life, are able to waive something that is so important to their human rights.

On a waiver generally, Lord Carloway does not specifically suggest in his review that the police should record the reasons why a suspect waives their right of access when they are at a police station or wherever—Lord Hope made that suggestion in a Scottish case heard by the Supreme Court in which judgment was given last week. However, in the evidence that Lord Carloway gave to the Justice Committee on Tuesday, he agreed with the proposal that the reasons why an accused has used the waiver should be recorded. It is a helpful suggestion, and it may be a useful addition to any Association of Chief Police Officers in Scotland manual.

There is an awful lot in the Carloway review. It is an important contribution to the debate, and I look forward to a full and meaningful debate on it.

15:38

**Graeme Pearson (South Scotland) (Lab):** At page 3 of his report, Lord Carloway states:

“the system for which”—

the state—

“is responsible must respect, promote and protect human rights in an effective manner. As well as ensuring the proper treatment of those suspected of having committed a crime, it must protect the rights of all those affected or potentially affected by crime.”

In the context of that statement, I welcome the 78 recommendations in the report and look forward to the responses that we receive and the debate that we will have in the Justice Committee to decide the way forward.

As has been referred to already, the history of the requirement for corroboration goes back so far that it is difficult to remember why and how it all began. During his evidence to the Justice Committee, Lord Carloway indicated that it was largely born from the desire to protect accused persons appearing before the courts in Scotland,

where there was a presumption among some juries of the guilty nature of the accused not because of the evidence but because of their name. The requirement for corroboration was a mechanism by which the system could provide some measure of protection to an accused. It allowed the weighing of evidence before it was considered by a jury so that the court could ensure that a jury based its decision on guilt or innocence rather than on someone's surname.

Thankfully, we have moved a long way since those days. In the hundreds of years that have passed since, many nations throughout Europe and elsewhere in the world have stepped back from corroboration. Scotland alone depends on it to provide support in the courts on decisions of guilt and innocence.

In a modern-day environment, we have tape recording of interviews, closed-circuit television in police offices, continuing scrutiny from the press, the provision of legal aid and extremely professional solicitors available to accused and suspects. Those things provide public oversight of our system. Importantly, there has been a change in the relationship between the individual citizen and the forces of the establishment. In that context, it is appropriate that we should analyse whether there is a continued requirement for corroboration.

**Claudia Beamish (South Scotland) (Lab):** As members will know, the Equality and Human Rights Commission Scotland inquiry into human trafficking in Scotland reported on Monday. Roderick Campbell has touched on the issue. Does the member agree that, in cases of trafficking, we should take extremely seriously the view of the Crown Office and Procurator Fiscal Service that the inherent difficulty of getting traumatised witnesses to come forward presents challenges in obtaining a sufficiency of evidence to satisfy the requirement for corroboration?

**Graeme Pearson:** Yes, I think that that is correct. It is a consideration that needs to be solemnly gauged in our discussions in the weeks and months ahead.

We should also bear in mind that, although the recommendation is to abolish the requirement for corroboration, it is not to ban corroboration. There is still an opportunity, where witnesses are available and a prosecutor sees the need, to use corroborative evidence in the court process.

As the cabinet secretary said earlier, corroboration also affects the administrative background of the various services that are required. Two people are required to deal with administrative matters such as the collection of evidence, the signing of productions and the

obtaining of statements, where often one would suffice and would still meet the needs of the court.

Corroboration is a subject that deserves careful analysis. Lord Carloway argued persuasively to the committee for an approach that looks at the quality of the evidence provided by witnesses. It is an argument that we need to take seriously.

Police detention and questioning are always a contentious issue—it is the one time when the citizen comes into conflict with the state in an area in which it is all too easy to misunderstand and misrepresent. In days of yore, common law oversaw that relationship and it was very much left to the courts to judge the fairness or otherwise of police interviews. With the Criminal Justice (Scotland) Act 1980, that changed and the police were authorised to bring suspects to a police office under the oversight of the provisions of that act. As we have heard, the ECHR has set a separate context, *Salduz* has applied a new standard and the *Cadder* judgment has moved us forward.

I welcome the recommendations on police detention because they will help to bring clarity to the issue and create a balance between the subject's rights and the state's responsibilities. The right to liberty in article 5 of the ECHR and the right to a fair trial in article 6 are rights that we would all seek to access at a time of need. It is correct that we should offer those rights to our citizens.

The general power to arrest on reasonable suspicion, as recommended in the report, is to be welcomed, as is the 12-hour balance for how long the power of arrest should sustain. A letter of rights is common sense, but we need to take time to work through and understand access to solicitors and investigative bail.

Lord Carloway said in his report that he sought

“to re-establish Scotland at the forefront of the law and practice of human rights in general.”

I welcome that statement and I look forward to the months ahead, when we can try to get that right for the future.

15:45

**Christine Grahame (Midlothian South, Tweeddale and Lauderdale) (SNP):** For the avoidance of doubt, Lord Carloway made it plain to the Justice Committee that the report was not unanimous. He had a review group, but the report was his. It is important to put that on the record, as there are many issues to be addressed.

I agree very much with Mr McLetchie that what has been proposed would have a substantive impact on Scots practice and procedure—I do not know whether that will do his street cred any harm.

One of my concerns is therefore that the motion refers to

“an early opportunity to legislate”.

I want us to take a great deal of time not just over the issues that Lord Carloway considered but over the issues that he did not consider—the wider remit, which I may have time to touch on in passing. For example, at First Minister's question time today, I raised the issue of the cumulative impact of double jeopardy and the possibility of there being no necessity for corroboration. We are talking about major changes.

I, too, intend to focus on corroboration, but I also want to touch on the Scottish Criminal Cases Review Commission and its independence from the High Court sitting as a court of appeal. I say to the cabinet secretary that I think that this will turn into a legal seminar, unfortunately.

Lord Carloway gave the definition of corroboration at this week's meeting of the Justice Committee, and it can be found at column 529 of the *Official Report* of the meeting. I will not go into that, but I say to Claudia Beamish that I have concerns. I think that she was beginning to go along the lines of saying that we might have no corroboration in certain kinds of cases. Lord Carloway's view is that we should just get rid of corroboration in total. That is why we have to consider matters carefully.

**Claudia Beamish rose—**

**Christine Grahame:** Let me make progress, as I am going to deal with sexual offences cases.

I want to raise concerns that have been raised by others who submitted responses on corroboration to the review, which I do not have answers to. That is why we must take our time. For example, it was said that

“Abolition would place the prosecution in a very difficult position, potentially requiring the assessment of the likelihood of prosecution solely on the basis of the complainer's evidence. Fiscals would be forced to undertake a quality control exercise and assessing credibility and reliability is very difficult in practice.”

Another argument was that

“If corroboration were abolished, but the current standard of proof in criminal cases, beyond reasonable doubt, was retained, there could be difficulty in establishing sufficiency of evidence.”

One comment was that

“The police find corroboration a useful tool in court preparation and in determining whether to move someone from suspect status to accused, i.e. where corroboration exists ‘suspect’ can be moved to ‘accused’.”

Another was that

“The purpose of corroboration is to protect vulnerable people from evidence obtained from an unreasonable source being used against them. For example where a

person declines legal advice and then makes a confession, this could be sufficient to convict in the absence of corroboration."

Sexual offences and rape have been addressed. I have quoted the argument that

"It would be very dangerous to remove corroboration for rape and sexual offences since"

that might

"result in a greater emphasis on witness testimony and would add further trauma for victims."

In those circumstances, the defence might have a right to challenge more robustly the credibility of the main witness—that is, the alleged victim—and that would not be in their interests; indeed, it might deter people from coming forward. There can be unintended consequences with the best will in the world.

It was argued that

"Abolishing corroboration would require every allegation of rape made by a believable complainant to go to trial and this would be unworkable in practice."

Finally, it was argued that

"There is concern that abolition of corroboration would result in a hierarchy of rape complainants".

The distress and trauma of some rape complainants can be very obvious, but others deal with the matter in a different way. I have concerns that their credibility would be put to the test and challenged.

I have quoted those arguments, as there are questions that I do not know the answers to. However, serious issues are involved.

On the role of the SCCRC, when I read the recommendation that the High Court apply a double test—in which any referral from the SCCRC would be tested on whether there had been a miscarriage or whether it was in the interests of justice to come to a conclusion on the matter—I was pleased and thought, "That's great. That's sorted that out." Of course it has not sorted anything out. On referrals and consideration of appeals, Lord Carloway's report says:

"it may be more appropriate for the Court to be able to bring matters to a conclusion in a reference by considering, in whatever order it deems appropriate in the particular case, but after a final hearing, whether: (a) there has been a miscarriage of justice in the trial process; and (b) it is also in the interests of justice that the appeal be allowed."

In other words, the individual might have their case referred to the High Court by the SCCRC and, although the High Court might hear the appeal and agree that there might very well have been a material miscarriage of justice, it might simply refuse the appeal on the grounds that it was not in the interests of justice to allow it. When I tested this argument with Lord Carloway, he cited two examples in which that might happen. First,

between the SCCRC's report and the referral, more evidence that was not available to the commission might come to light and accordingly the appeal could be refused. Secondly, after the SCCRC referred the case, the man or woman might confess. In such cases, of course, the High Court can allow the appeal and then seek a retrial. What concerned me was that, when I pursued the matter further and asked whether those were all the categories in which the High Court might accept a material miscarriage of justice but refuse an appeal, Lord Carloway said:

"I am not trying to avoid directly answering your question, but I would not like to close the category of cases in which the interests of justice test might apply. That is part of the problem that we currently have. We are not really quite sure what the test ought to be, which is why I suggest that the High Court provide guidelines on the subject."—[*Official Report, Justice Committee*, 29 November 2011; c 554.]

The suggestion, then, is that the High Court provides itself with guidelines on what might be in the interests of justice even though we, the Parliament, have appointed a Scottish Criminal Cases Review Commission to look at cases and decide whether there has been a miscarriage of justice and whether it is in the interests of justice to make a referral. It might seem like a technical issue, but it will certainly not be technical to those who have succeeded in having their appeal remitted only for the High Court to say, "It's not in the interests of justice that we grant it."

These are substantial issues and I say to the cabinet secretary that, although getting rid of corroboration might have seemed like a good idea, it might have unintended consequences and impact on majority and not proven verdicts, on the SCCRC's role and on rape, trafficking and other sexual offences. This Parliament, not just the Justice Committee, and the wider Scottish constituency must take time to consider the issue seriously before we legislate at all on this matter.

15:52

**Humza Yousaf (Glasgow) (SNP):** I mean no disrespect but seven months in this Parliament can sometimes feel like seven years. I do not know whether I am still allowed to call myself a newbie but I certainly still feel that way. Although I have enjoyed my time thus far and—I hope—have made some kind of impact, there is no doubt that the learning curve is a steep one. Unlike many of my esteemed Justice Committee colleagues, including Christine Grahame, David McLetchie and Roderick Campbell, I do not come from a background in or around the Scottish legal system. I hope that that has not been too evident in committee meetings, although I fear that it probably has been.

As a result, every time I read a commission's review or report on our legal system—be it Lord Gill's review or Lord Carloway's review—my mind boggles at some of the anomalies that have been woven into it. Legal reform is moving at an incredibly fast pace but much of this change is not before time and, whatever reforms are proposed and eventually acted on, our legal system must have at its core the human rights and civil liberties of the individual and our society. Those are not conflicting but complementary ideals.

The essence of human rights is given away by the very name: they are the rights of every single human being. As unpopular as it may be with some, that includes the rights of the suspect, who is of course innocent until proven guilty, and even the rights of the convicted and incarcerated. In fact, it is in addressing such tough scenarios and having to deal with our society's most awful and heinous individuals that our mettle and conviction with regard to the rights of others are most tested.

Given all that, I will touch on a number of issues in connection with Lord Carloway's very informative, thorough and weighty review. As I said, some anomalies in our legal system defy logic, and it is surprising that many of them have not been challenged previously. As several members have said, Lord Carloway recommends that children under the age of 16 should not be able to waive their right to access legal representation. To my legally untrained eye, it is simply unbelievable that, in our progressive country, although those under 16 cannot vote, get married or consent to sexual activity, they can somehow make a decision on whether they require legal assistance with something as complex as a police interrogation. To me, that is truly baffling. I hope that the Scottish Government gives that recommendation from Lord Carloway the most urgent attention and addresses what I believe is a serious inadequacy in our system.

Debates in the chamber often become vexed, heated and robust—and that is often just the one member. *[Laughter.]* It would be unwise to name any names. There is of course a time and a place for such exchanges, although less of it in here would probably help to get things done more quickly. I welcome the measured tone of the debate because, when discussing corroboration and other contentious matters, calm heads are required. Corroboration is not a black-and-white issue. There is no definitive science or equation to which we can turn to know for certain whether removing the requirement for corroboration will result in more charges and convictions or more miscarriages of justice, as has been touched on.

The legal profession has, whether rightly or wrongly, a reputation for being somewhat resistant to change. The fact that corroboration has been a

cornerstone of our legal system, as the cabinet secretary mentioned, is not in itself a good enough reason to maintain it. Our legal system should be and is evolving to keep up with human rights standards and with modern technology, conventions and norms. Therefore, nothing in Lord Carloway's review should be outwith the realms of serious consideration.

There is a danger that we paint the debate surrounding corroboration as being between two sides. We have already seen a bit of that. It could be painted as being between some in the legal profession who are resistant to change versus those who simply see corroboration as an obstacle to the successful conviction of rape or sexual assault cases. To demonstrate that it is not as simple as that, we need only read the comments of a number of organisations who support victims of sexual assault. It would be fair to say that they have given the prospect of the removal of corroboration a cautious welcome. Sandy Brindley, the national co-ordinator of Rape Crisis Scotland, said:

"We need to be clear that removing the requirement to corroboration does not mean there will be a flood of cases with very little evidence making it to court, or an unacceptable risk of miscarriages of justice."

She continued:

"Rape is a crime which can be devastating to experience. Equally devastating can be the experience of being let down by the justice system you believed was there to protect you."

Eminent Queen's counsel and pipe smoker Donald Findlay said in relation to the removal of corroboration:

"the evidence of a single, duplicitous, lying, skilful witness would be sufficient to put a person in prison for the rest of his life."

Of course, that could apply to two duplicitous, lying and skilful witnesses. With such logic, we should question why only two witnesses are necessary and not three, four or five. To me, the figure of two seems an arbitrary one that has been plucked from thin air. It is important that any change that the Government attempts to make on corroboration should, as James Kelly said, be grounded in the principle of quality over quantity.

There is much to consider and to give thought to on the back of Lord Carloway's thorough review. As the cabinet secretary mentioned, many fear that the Scottish legal system would lose its unique identity were its idiosyncrasies to be removed. The truth is that identity, whether in human beings or legal systems, is always evolving. My hope is that, through the review and planned reform, our legal system evolves to become a beacon of justice with human rights enshrined at its very core.

15:59

**Alison McInnes (North East Scotland) (LD):** I, too, welcome the publication of Lord Carloway's report. It is a thorough and reasoned piece of work, and we must now give full and fair consideration to its recommendations. His approach has been not merely to do the bare minimum to comply with the European convention on human rights; instead, as he puts it, he has been at pains to

"re-establish Scotland at the forefront of the law and practice of human rights in general."

Lord Carloway admits that he has

"challenged traditional legal thinking, looking to modernise, clarify and simplify the system as a whole wherever possible".

I sincerely hope that the legal profession and the wider criminal justice system are open to change and reform. Let us not forget that the Cadder ruling was possible only because we did not take sufficient heed of warnings that the right to a fair trial was being compromised by our processes, relying instead on a perhaps complacent view that our justice system was the best. At the time of the Cadder ruling, some people took the view that this had tilted the justice system in favour of the suspect and that there needed therefore to be some rebalancing. I welcome Lord Carloway's assurance that

"the Review has not sought to analyse whether there has been a tilting or not and, in any event, in whose favour the balance has wavered. It has not approached its remit with a view to re-adjusting the system in favour of any particular institution or group of persons."

Protecting peoples' rights and ensuring a fair trial must be at the heart of any reforms. Our justice system must be robust and fully compliant with the ECHR. Lord Carloway's report has those goals at its core, but the changes put forward are both radical and substantial, and so will need further detailed study. Lord Carloway has certainly pushed his remit to the limit.

Understandably, the recommendation that has caused the most debate is that of abolishing the need for corroboration. Some of Lord Carloway's own review group demurred from that finding. The Law Society of Scotland expressed grave concerns, and Maggie Scott QC, the chair of Justice Scotland, said that the removal of corroboration would risk "justice being undone". High Court judges and sheriffs have also expressed their concern.

Corroboration is a long-established rule to prevent wrongful convictions, which bring the law into disrepute. It is one of the primary foundations of the system of Scots criminal law, and it serves as an important safeguard against miscarriages of justice. A proposal to abandon corroboration,

especially without the introduction of formal guidelines to assess the quality of evidence, would certainly weaken that safeguard. Lord Carloway gave evidence to the Justice Committee on Tuesday of this week, and it was interesting to have the opportunity to explore in detail his reasoning for this particular recommendation. He explained to the committee that he

"could find no evidence that in Scotland, which is the only country in the world that has a rule on corroboration across the board, there is a lower miscarriage of justice rate than in any other country in the civilised world—and nobody suggested to us that it has."

He went on to explain:

"We looked at the other side of the coin and asked whether corroboration is actually impeding justice, and we concluded that that is exactly what it is doing in cases in which there is a victim of crime and coincidentally there does not happen to be corroboration."—[*Official Report, Justice Committee*, 29 November 2011; c 529-30.]

That is an interesting argument, and it is worthy of serious consideration. We must be careful, however. Just because corroboration has not been the gold-plated guarantee of a fair trial that we thought it was, that does not mean to say that it is worthless. It remains a good safeguard. It could also be argued that it encourages rigour in any investigation. We should be extremely cautious about any proposal to abolish it, because once the change is made, there will be no going back.

I genuinely look forward to further debate on this recommendation, but as yet I remain to be convinced that it would be the right way forward. If the Government is of a mind to pursue it, however, surely a change of this magnitude deserves further detailed scrutiny. Given the significance of the proposed change, I wonder whether the next step ought to be the establishment of a royal commission on criminal evidence. I urge the cabinet secretary seriously to consider that route. The Scottish National Party must not use its majority to pass legislation on such an important issue without giving it really detailed scrutiny.

There is much to welcome in the report, not least the added protections that are proposed for children and vulnerable adults. I support the recommendations that all children should have the right of access to a parent, carer or responsible person if detained, and that the general role of the parent, carer or responsible person should be defined in statute as consisting of the provision of any moral support, parental care and guidance to the child and promoting the child's understanding of any communications between him or her, the police and his or her solicitor. Those would be valuable safeguards for our young people. It is also right that no child should be able to waive their right to access to a lawyer.

There is clearly a requirement for further consultation before coming to a statutory definition of the terms “vulnerable suspect” and “appropriate adult”. The safeguards proposed to limit the time for which a suspect can be held in detention before appearing before a court are also welcome. Lord Carloway has resisted recommending the setting up of Saturday courts, but recommends that the matter be kept under review. I would go further and suggest that the justice secretary should now consider the need for Saturday courts, to ensure that our system is as fair and robust as possible.

The proposals relating to police bail and investigative liberation are innovations that require further consideration.

The Scottish Liberal Democrats will carefully consider the proposals in Lord Carloway’s report and look forward to debating the matter in greater detail over the coming months. Scotland must have a robust and fair justice system that is fit for the 21st century and fully accommodates our ECHR commitments.

16:05

**Stewart Maxwell (West Scotland) (SNP):** Like others, I thank Lord Carloway and his team for a most detailed and thoughtful report.

As many have said, this is in effect a package of measures. I agree that many of the recommendations are closely linked and that it is sometimes difficult to choose one or another without unpicking the logic that flows through the report. However, it is not impossible to suggest changes or alterations to the recommendations.

Overall, it is a balanced package of recommendations within a thoughtful review. On page 5 of the executive summary, Lord Carloway says:

“The recommendations combine a range of new elements within well-established principles and procedures. Additional safeguards for the suspect are proposed together with greater police powers. Some obstacles to effective and efficient investigation are removed, but other measures are introduced to bolster the human rights of the suspect during that investigation.”

As stated in the report, the principal focus in relation to custody is to secure compliance with obligations under article 5, which encapsulates a person’s right to liberty. The proposed general right of arrest is straightforward. It is simple for suspects to understand, unlike the present situation. It clarifies matters and is probably a sensible suggestion.

Following on from that is the recommendation that the maximum time in custody without police charge should be 12 hours, with a review after six. That is, obviously, a change from the emergency

legislation that we introduced last year, but one that has merit, given the evidence that is available to Lord Carloway. However, I wonder whether that should be an absolute maximum. The cabinet secretary should consider that matter and we should all consider it in detail as part of the on-going consultation after this debate. There may well be equally strong arguments for there being a small number of exceptions to the rule. Perhaps, on application to a sheriff, an extension to the 12 hours could be permitted. That should be debated in more detail when it comes to legislation.

I appreciate that there is a recommendation on investigative bail, but I think that an extension to custody could be considered as another option, in limited circumstances.

In relation to police investigations, the recommendations with regard to children and vulnerable adult suspects are very much to be welcomed. I know that a number of members have already mentioned that. In particular, defining a child as someone under the age of 18 is appropriate, as is the recommendation that people who are under the age of 16 should not be able to waive their right to a lawyer. Many of us find it almost impossible to believe that such a situation should exist at the moment, never mind in future. That would be a sensible change.

There is, however, a debate to be had about the recommendation that vulnerable adult suspects should be treated in the same way, in effect, as 16 to 17-year-olds—which is to say that they would be able to seek advice from an adult but would be able to waive their rights. The opposing suggestion is that they should be treated the same as under-16s and should not be able to waive their right to a lawyer. The debate involves complex and complicated issues. The phrase, “vulnerable adults”, might be only two words long, but it covers a wide range of people in difficult circumstances and with different levels of understanding and ability. We should be careful about vulnerable adults waiving their right to a lawyer. It may well be that, after careful consideration and discussion, we should conclude that vulnerable adult suspects should be treated the same as those who are under 16. I would be interested in seeing further evidence and in taking part in further discussion and debate on the matter.

Many speakers have talked about corroboration. The Carloway report says:

“Radical changes to the law of evidence are recommended so that the focus is directed away from the present task of gauging the quantity of testimony towards a more fruitful analysis of its relevance and an assessment of its quality.”

That is a very important sentence in the report and many of us feel that there is strong logic behind that recommendation.

I welcome Roderick Campbell's comments about what corroboration means—there has been a general misunderstanding. Those members who have not yet read the full detail of the Carloway report should look at the examples given on fingerprint and DNA evidence and the fact that two witnesses have to speak to such evidence. There are strong arguments for changing that.

James Kelly and one or two others talked about rape or sexual offences cases and other cases. My view is that it would be logical to remove the need for corroboration either from all cases or from none. I would be dubious, to say the least, about trying to separate cases and saying that corroboration should be required in some but not in others. That would get us into serious difficulties and I am not sure that that is a wise course of action. Corroboration, as others have said, performed a strong role in the past—it certainly helped those who were falsely accused—but that was in a world before scientific evidence, before legal aid and before the statutory protections that now exist. We live in a post-Cadder world. Some of us may regret that, some not, but we clearly have to consider the effects of that judgment.

It is almost impossible to imagine a situation in which, in a serious case, the police would not fully investigate a crime, look for as much evidence as possible and have corroboration. We are talking about removing corroboration as a requirement, not saying that it should not be used at all. It is likely that it will exist in many cases. I note Rape Crisis Scotland's view on the suspect's right of silence in sexual assault cases. I do not agree with that view; I agree with Lord Carloway in keeping the provision that there is no adverse inference about a suspect remaining silent. There has been much talk of the impact on sexual offence cases, but, like many members, I urge caution, first about the numbers in the research, but also about the likelihood—the expectation, even—that there will be a lot more cases and a lot more convictions. Mr McLetchie and others point to the situation in England, where the conviction rate is almost the same as it is in Scotland. That is very important.

I shall conclude with two quick questions. One is about juries, which Mr McLetchie mentioned earlier. I think that 15 is the right number, I do not think that that is the question, but there is an argument—whether it is strong enough, I do not know—for moving from 8-7 verdicts to 9-6 or even 10-5. We must at least have the argument to decide whether, if we remove corroboration, we should make some sort of balancing change in the jury. We must debate that.

My final question is on similar fact evidence. Although not part of the Carloway review, the Scottish Law Commission will report early in 2012 and I would be interested to know the cabinet

secretary's opinion whether that change, if it comes, would be incorporated in any legislation.

16:13

**Colin Keir (Edinburgh Western) (SNP):** I will say right at the outset that I empathise with my colleague Humza Yousaf, as I am also a lay person as regards the law.

I welcome the chance to speak on the report. As we are all aware, the Cadder judgment sent a large shudder through the legal and political establishment in Scotland. There is no doubt that it sent a clear message that there must be change in a legal system that we have cherished and which has been developed over hundreds of years. I disagree with Alison McInnes's idea of a royal commission. I have yet to see something come out of a royal commission relatively quickly and there is some urgency with this problem.

As Lord Carloway pointed out when giving evidence on Tuesday, we live in the 21st century. The legal establishment today is a highly trained professional group, unlike, he suggested, many of those who practised several hundred years ago. Unlike their predecessors, 21st century lawyers work in an interdependent legal system that must take account of international law, which includes, of course, the European convention on human rights and the United Kingdom Supreme Court.

We have heard from a number of contributors about corroboration. It has been the main issue picked up in the media over the past weeks and there is no doubt that it is the point that has raised most comment. Many see corroboration as a cornerstone of Scots law, but do we really require it in a 21st century legal system? Lord Carloway is certainly very strong in his criticism of corroboration. His now famous declaration that it is "an archaic rule that has no place in a modern legal system"

springs to mind and should be taken on board, but our discussions over the coming weeks will determine whether we agree with his description or whether we support the views of other bodies, such as the Law Society of Scotland, which is not totally convinced. I agree with Stewart Maxwell that the use of corroboration is not likely to disappear off a cliff edge—if it is available, I am sure that it will be used.

Will the removal of corroboration lead to more cases going to court? Possibly. Will it result in more miscarriages of justice? As the cabinet secretary and Lord Carloway have pointed out, other legal systems do not seem to have a problem without corroboration. In fact, as has been mentioned, Scotland appears to be one of the few legal systems that still demands corroboration of evidence. I welcome the broad

support of the Scottish Human Rights Commission and Victim Support Scotland for the proposal.

If corroboration is sent to the history books, we will have to ensure that the checks and balances that we replace it with are accepted by all and that justice is seen to be done, and I believe that the Carloway review will ensure that. Lord Carloway's recommendations on the length of time for which a suspect can be detained are to be welcomed. The fact that there is to be a maximum detention period of 12 hours, with a review being carried out at six hours, will make the idea of holding Saturday court sessions more appealing.

James Kelly mentioned the 28-day extension that will liberate suspects from detention, if necessary. I welcome that, and I welcome the report's identification of the problems of dealing with children and vulnerable adults, whom I suggest are the members of our society who are most likely to feel aggrieved by the system due to a lack of understanding of the new process.

I believe that Lord Carloway's report sets out a clear path of understanding in insisting that a responsible adult or lawyer should take decisions on the vulnerable adult or child's behalf. Like Rod Campbell, I agree with Lord Carloway that children under the age of 16 should not be able to waive their right to have access to a lawyer, and I agree with Stewart Maxwell that vulnerable adults should be dealt with in the same way.

As the cabinet secretary mentioned, Lord Carloway seeks to reform rights of appeal by creating a general right and removing archaic concepts such as bills of advocation. Christine Grahame talked about the role of the SCCRC and the High Court in the new process, which is a subject that is worthy of more consideration before we make a final decision.

In addition, I ask that when he considers the review, the cabinet secretary should also consider the availability of three verdicts in our courts, which David McLetchie mentioned when he discussed various aspects of our jury system. I believe that there may well be a case for re-examining the availability of three verdicts. In my opinion, now is an appropriate time to look at an issue that has caused so much discussion over the years.

There is much to commend in the review, but there is also much to consider on technical issues. I broadly welcome the review, and I found some of Lord Carloway's evidence to the Justice Committee quite fascinating, particularly his description of corroboration, which was an enlightenment for some of us on the committee.

Many others have alluded to the fact that, as I said at the beginning, Lord Carloway's report is an historic document. If we accept it and parts of our

law are changed, that will be seen as a pivotal moment in our history, but before we change our law there will be much discussion, in which some will pull historical heart strings, while others will be more positive. Whatever happens, laws change and we carry on. I hope that one of the more satisfying moments will come towards the end of the session, when we tidy up the law after winning an independence referendum. I support the motion.

16:19

**Hugh Henry (Renfrewshire South) (Lab):** As others have done, I welcome the report. We take great pride in our Scottish legal system and the way in which it has operated for many years, but we all need to be big enough to admit that improvements can be made and that there are areas that we should seek to improve. Lord Carloway has identified a number of areas that are certainly ripe for improvement.

It is right to make our justice system compliant with the European convention on human rights. As others have said, article 5 on the right to liberty and article 6 on the right to a fair trial should be fundamental to everything that we do. The report makes a number of sensible suggestions for modernising operation of the Scottish criminal justice system.

I welcome the concept that an arrest will trigger a set of rights for the suspect in order to ensure that proceedings against the accused constitute a fair trial. I also support the idea that the period for which a person is under arrest before a charge is made be limited to 12 hours. However, if we are going in that direction, we need to face up to some of the practical consequences and the costs of it at a time when budgets are being cut in real terms.

The cabinet secretary referred quite rightly to the prospect of weekend courts—there would not be only weekend courts, but bank holiday courts. He suggested that they might be the exception because of other changes that will be made, but I am not so sanguine because we know just how difficult it can be to make changes. As others have said with regard to other aspects of what is suggested, there can be unintended consequences. I argue that weekend and bank holiday courts would become a matter of routine, with extra court staff, extra fiscals and all the other associated staff. What about the extra defence costs that would be involved at a time when the legal aid budget is being cut? Defence lawyers would have extra expenditure from such activities at those times.

Other members spoke in detail about issues around vulnerable adults and children. I generally



welcome the proposals that have been made in that regard.

I want to concentrate, as others have done, on corroboration. I understand the anxiety about cases failing simply because of a lack of corroboration. I accept that we have to look at problems with convictions in sexual offences cases, including rape. It is a stain on our society that so many victims do not see justice done, but I am not persuaded that, even if we make changes in relation to corroboration, the benchmark should be sexual offences and rape cases and that everything should be predicated on that. Stewart Maxwell and others made the argument that the issue is broader. If there are problems in relation to such offences, we should deal with them, rather than predicate the whole criminal justice system on that very narrow aspect.

I accept some of what Lord Carloway and others have said about the need for corroboration being archaic, but I also want to sound a note of caution. I share some of the concerns that David McLetchie, Christine Grahame and others have raised. Leaving aside the principles, I say that there are cost and price implications. There will be a large increase in the number of cases that are reported by the police to the fiscal's office, and fiscals will raise more cases. There will therefore be more pressure on courts and more delay in cases coming to court. We have to ask ourselves who will pay for that, how much it will cost and whether the money will be made available.

Lord Carloway said that the Crown should be making decisions based on the quality of evidence. I argue that that would require a medium to long-term change and that it would require a massive change of the culture of how decisions are made, given that sufficiency and quality of evidence are currently matters for the sheriff or jury.

I do not have time to go into summary-level decisions being made on the basis of police reports and statements, but the fact that there is often a huge difference between such reports and statements needs to be considered carefully.

Corroboration may be archaic and other systems operate without it, but in the way our system operates, corroboration is an important safeguard. It helps to protect against malicious or vindictive complaints and it forces a more thorough investigation by the police, which I argue is a good thing. If we move away from corroboration—other members are right to say that we should be canny, take our time and do it properly rather than legislate in haste and repent at leisure—as Stewart Maxwell and others have said, we must look closely at the whole concept of not only the balance of majority verdicts but whether we should have majority verdicts at all or

how that system would operate, because we could not leave the present system in place if we were to do away with corroboration.

We must reflect on the words of the Law Society of Scotland, which said that if we are to do away with some fundamental tenets of the system, there will need to be a

“wider and broader based review of the law of evidence and criminal procedure”

That is not to say that we should not look at the matter, but that we should take our time and do it properly.

16:26

**John Finnie (Highlands and Islands) (SNP):**

As we have heard, Scots law evolves and the report builds on past work and will form part of that evolution. I would like to pose the question: whose interests are served by the proposals in the report?

I commend the chapter in the report on the historical background. I joined the police service in 1976 and, as my colleague Graeme Pearson will know, the situation for suspects of crime at that time was—shall we say it?—interesting. The report states that the Thomson committee recognised that

“By 1980, the situation had ... become unsatisfactory ... suspects were continuing to be effectively held in custody without charge and described somewhat euphemistically as ‘helping the police with their enquiries’.”

The report also states that the Thomson committee

“stressed that Scots law on police questioning was ... grounded ... on a conception of fairness and the need for the courts to control police activity.”

The introduction of the legislation that flowed from that committee caused consternation not only among police “customers”—as we might call them nowadays—but civil libertarians. It was seen as being open to abuse that someone could ordinarily be locked up for six hours. Ironically, those who were previously “encouraged” to assist the police with their inquiries found that the legislation brought clarity—indeed, documented clarity—about what was going on. I suggest that perhaps, in years hence, Lord Carloway's proposals, or at least some of them, might be viewed in a similar light.

In a liberal democracy, a person's status as a witness, suspect or accused cannot be in doubt—that is a cornerstone of the system. The proposal to have a straight arrest, the abolition of section 14 of the Criminal Procedure (Scotland) Act 1995 and the introduction of an approach in which

“the only general power to take a suspect into custody should be the power of arrest”

can bring some welcome clarity. I support Lord Carloway's recommendations on defining those statuses.

Graeme Pearson quoted from the report's comments on human rights, which is an important issue. Recent cases have caused some concern about the status that human rights have in the Scottish criminal justice system. They have a very high priority. Lest anyone is in any doubt of that, I will repeat what Lord Carloway said. His report states that we

"must respect, promote and protect human rights in an effective manner."

It is good to see that in print, and it is also good to see the warning not to bury

"human rights deep within legal architecture."

That overt declaration is welcome, because whether it is 12 minutes, 12 hours or 12 days, if we deprive someone of their liberty, there must be checks and balances.

The clear and unequivocal statement that

"a suspect should not be detained unless it is necessary and proportionate"

and a similar statement in relation to their detention in custody provide further reassurance.

As we heard from the cabinet secretary, there are checks and balances along the way, as there is a review by an inspector.

The additional powers to be granted to the police on the liberation of a suspect must also be welcome. In our future scrutiny, we should also look at voluntary attendance at police stations.

Hugh Henry touched on the subject of weekend courts in reference to article 5 and the requirement for a suspect to appear promptly. The report refers to the historical situation that anyone who was arrested prior to the conclusion of the court day would expect to appear in court that day, but warns that despite all the advances in transportation and communications, that is not happening. I welcome Lord Carloway's comments about minimising detention of people in custody.

Corroboration has been much discussed in the debate. I have had informal discussions with police representatives who are, some people may be surprised to hear, very content with the law of corroboration. However, I think that that very much reflects the fact that people are often comfortable with the status quo and are resistant to change. Certainly, if there were to be change, there would have to be significant training and a strategy to roll out such training to ensure public confidence.

We should not underestimate the preventative aspect of the removal of corroboration. If that deterred even a handful of folk from doing

something that they might otherwise do and so end up in court, that is to be welcomed. However, as with double jeopardy, we must ensure that the public have a clear understanding of the issue. Part of the police concern is that removal of corroboration would mean that the police would be more vulnerable to complaints against them.

A key test for me is public confidence. It is important that the public have confidence in the integrity of our system and that they are aware of its limitations and the checks and balances that go with it. I asked Lord Carloway about the issue of public interest, which is clearly not a static thing—like our law, it evolves. We need to address the issue of unreported crime, to which James Kelly and others referred. We need to encourage people to come forward and report crime.

As we have heard, further reassurance has been given on the human rights of children and vulnerable adults. There is also the issue of continuity of evidence. In that regard, the practice of two police officers having to go to pick up an item because of corroboration should certainly be dispensed with.

Whose interests are being served by all this? Any system of justice must provide fairness both to the victim and to the accused. People should be reassured that there will be no alteration—Mr McLetchie alluded to this—in the degree of proof that will be required to secure a conviction that is beyond all reasonable doubt. That remains.

There is much discussion to be had yet on the matter, but I for one have enjoyed the debate.

**The Deputy Presiding Officer (John Scott):**

Many thanks. We have a little time in hand, which I will endeavour to divide equally between the three closing speakers. Mr McLetchie, you have up to eight minutes.

16:32

**David McLetchie:** I know that you cannot get enough of me, Deputy Presiding Officer, but this is stretching my abilities beyond my normally shortened contributions.

**The Deputy Presiding Officer:** You could take interventions.

**David McLetchie:** This has been an interesting debate, and I welcome the positive response to the report and its recommendations, as well as the cautionary notes that have been sounded by contributors to the debate from across the chamber.

I note that the ultimate intention of the review, as stated in the report, has been to re-establish Scotland

“at the forefront of the law and practice of human rights in general.”

That is a noble aspiration, but some may take issue with the implicit assumption in that statement that we were ever at the forefront in the first place. Our recent record would suggest that we were not.

Humza Yousaf, in a very fine and thoughtful speech, referred to his astonishment that under our law children under the age of 16 could waive the right to a lawyer. How could that have been woven into our system of laws and stood as part of the body of the law for such a lengthy period? There may be other aspects that are worthy of such critical examination. Noble though the report's aspiration may be, getting ourselves up to scratch in the first instance might be a more achievable and worthy ambition.

The jurisprudence in relation to law and ECHR is constantly evolving. Many of us believe that the ECHR, in the context of criminal law, places far too much emphasis on the rights of the accused and the perpetrators of crime and pays insufficient attention to the interests of victims and the general public interest in maintenance of public order and the peaceful enjoyment of one's life and property, which are also convention-protected human rights. That balance might be redressed a little as judgments are handed down and the law evolves in the years to come.

Equally, in that context and with that thought in mind, I was struck by Lord Carloway's statement that miscarriages of justice do not just happen to persons who are wrongly convicted of crimes but to victims for whom the justice system fails to secure the conviction of the persons who perpetrated the crimes. They are as much the victims of miscarriages of justice.

I was impressed with the report's recommendations on custody and detention that would introduce additional safeguards for the suspect on the one hand, but be combined with greater police powers and the removal of obstacles to the efficient and effective investigation of crime on the other. That is exactly the kind of balance that needs to be struck. I was pleased to note the contributions from Graeme Pearson and John Finnie and their welcome—as former senior police officers—for the recommendations and the clarification of the rules on arrest, detention, custody and questioning from their perspective and on the basis of their experience. They seem to be recommendations with which we can proceed.

The Law Society of Scotland's comments on the rules of evidence should be taken to heart. In my opening speech, I said that I do not regard the fact that the rule of corroboration has existed in our legal system since time immemorial as being, in

itself, justification for its continuation. However, the Law Society has fairly noted that, in other jurisdictions, such as in England and Wales, the lack of a requirement for corroboration is tempered by statutory safeguards, such as those relating to the use of confessions. That leads the Law Society to conclude that any change in Scots law on corroboration should be part of a full-scale review of Scottish criminal procedure and should not be contemplated in isolation.

In her speech, Christine Grahame warned of the danger of unintended consequences arising from changes in the law that proceed too hastily and are not considered properly. Stewart Maxwell asked whether in relation to juries, for example, we should seek a weighted majority for a finding of guilt, rather than just a simple majority, as we have at present. Others also made that comment—Hugh Henry, in particular.

The issue that is going to have to be addressed is how full scale such a full-scale review will have to be. To what extent do we require a comprehensive package of reforms for the conduct of trials and the rules for and admissibility of evidence, as opposed to what the Law Society might consider at first glance to be isolated changes? The cabinet secretary is going to have to address that. I hope to have the opportunity in Parliament's Justice Committee to explore those questions in greater depth with a range of interested parties. At the end of the process and having assessed the contributions from our witnesses, our report and contributions from others, the cabinet secretary is going to have to assess what will be the appropriate scope and scale of legislative change in the light of the report and the submissions that he receives. As we have heard from the contributions to this afternoon's debate, the matter is exceedingly complex; I wish him well in arriving at a Solomon-like judgment.

As a starting point, the debate has been excellent and I conclude, as other members have done, by thanking Lord Carloway for his thorough, well-researched and well-written report. I encourage others to contribute to our deliberations on these important matters.

**The Deputy Presiding Officer:** I call James Kelly. Mr Kelly, you have nine to 10 minutes.

16:39

**James Kelly:** Thank you, Presiding Officer. The number of minutes is rising all the time.

It has been an interesting debate. Humza Yousaf said that, having spent seven months as an MSP, he feels almost as if seven years have gone by. I hope that he does not feel that he has aged seven years as a result of spending seven months on the Parliament's Justice Committee. He

pinpointed that Lord Carloway's report touches on many legal and technical issues. It is very thorough, and it therefore requires careful consideration by the Parliament. Although we all welcome the report and there is clearly a consensus on the need for practical change, the debate brought out some differences between MSPs, and in some cases differences between MSPs from the same party. That shows the depth of the issues that are addressed in the report and the challenge that is ahead for the Cabinet Secretary for Justice and the Government in taking it forward.

Much of the debate has focused on corroboration. Some members tried to downplay the statistics in Lord Carloway's report and the statistics that I quoted earlier on rape convictions. I would counter that, to an extent. David McLetchie accurately pointed out that the total number of cases that were considered was more than 5,000 and that the 458 cases that Lord Carloway's team examined were but a small portion of that, but even if we take that statistic, about 5 per cent of cases would have a reasonable chance of a conviction, and that would involve hundreds of cases. That is not to be downplayed. I accept that the number of rape convictions in England and Wales is not much higher, but it is higher.

**Gil Paterson:** My intervention also gives me an opportunity to say that it was remiss of me not to have declared earlier an interest as a board member of Rape Crisis Scotland.

We would all agree that, throughout the world, conviction rates for rape are very low. That is a phenomenon, and it is a problem that we need to grasp. Whether it is due to the requirement for corroboration or otherwise, we have a lot of problems in that regard. I agree with what Mr McLetchie said; he was right on the money. However, it is significant that the number of people who come forward to report is so low, even before we get to the stage of charges and then conviction. Does Mr Kelly agree that we start from very low point??

**James Kelly:** I acknowledge that there are real issues, and I acknowledge Gil Paterson's record of work in the area. It is important not to be complacent. Lord Carloway's report and recommendations give us an opportunity to move forward and to deliver justice not only for victims of rape but for victims of other serious crimes.

The key is to ensure that justice is seen to be done. Many good arguments have been made for and against retention of the requirement for corroboration. Those who argue for it note that we have had it for a long time, that it acts as a safeguard, that it ensures a fair trial, and that it acts against a situation in which skilful witnesses misrepresent evidence. Those are all powerful

points. Against that view, Lord Carloway makes the point that it is an archaic system, and that Scotland stands alone in requiring corroboration. If we abolish the requirement for corroboration and more cases are brought to court, more victims may see justice done.

**Christine Grahame:** I do not want to focus only on rape and sexual offences, but we must deal with that particular issue. It might be counterproductive to abolish the corroboration requirement, because the credibility of a witness might be tackled more robustly by the defending counsel. A higher rateable value might be placed on a witness who looks distraught in the witness box, as opposed to someone who might appear to be composed but is, in fact, traumatised. I am concerned that there may be unintended consequences if we wish to succeed in such prosecutions by not requiring corroboration. Indeed, it might make things worse. Will James Kelly give that some consideration?

**James Kelly:** I assure Christine Grahame that I will consider seriously the issues that she has raised, as well as the point that Gil Paterson made. However, I point out that Scotland stands alone in requiring corroboration. The issues that Christine Grahame highlights are surely live in other jurisdictions, which seem to be able to overcome them, but I acknowledge that they should be considered.

**John Finnie:** Will James Kelly reflect on Lord Carloway's example of a victim of a serious sexual assault who goes next door and tells the neighbour—a credible witness—what happened, only to find that that evidence cannot be used as corroboration because the victim cannot corroborate their own evidence. Under the proposed system, they would be able to do so, which would benefit victims of such assaults.

**James Kelly:** The key point that I took from Lord Carloway's comments is that it must be about the quality of evidence. Ultimately, we must ensure that justice is done. We need to have adequate protection for those who are accused and we must have a system that delivers fair trials. If a conviction is to be secured, it must be beyond reasonable doubt.

Taking all those issues into consideration, the Government has a major job on its hands. Hugh Henry and Alison McInnes spoke about the costs and Saturday courts. If we abolish corroboration there will be more cases coming through, and there will clearly be a build up. The cabinet secretary pointed to areas in which there may be potential savings, but it stands to reason that there will also be costs.

That leads us to conclude that we must not rush to implement the changes in the report; David

McLetchie and Christine Grahame are right to urge caution. These are major proposals with major implications for Scots law, so it is important that we get things right. The logical thing to do in such circumstances would be to prioritise the 77 recommendations and progress an initial package.

The difficulty with the criminal justice system is that so many aspects of it link to others. Members have, in discussing the requirement for corroboration, linked it to a potential review of the jury system. There is a lot to deal with, and it will be difficult to prioritise the different aspects. That is a major issue for the Government and the cabinet secretary to take into account.

To sum up, it has been an interesting debate with many useful contributions. I am sure that the *Official Report* will be very helpful in allowing the Government to look back and reflect on the key issues that must be taken forward in any consultation.

16:49

**Kenny MacAskill:** I start by thanking members for what has been a remarkably good debate. In a humorous aside, Humza Yousaf made reference to other debates sometimes having more heat than light and to what happens in individual speeches—thankfully without naming any members. Each contribution today has been remarkably thoughtful. People have taken time to consider matters.

We have seen both divides and agreements with strange alliances—Christine Grahame supporting David McLetchie, and Hugh Henry agreeing with Stewart Maxwell. That is appropriate because what we are discussing is fundamental. In the final speech in the open debate, John Finnie used the phrase “public confidence”. Whatever decisions we come to, we must ensure that there is public confidence. As we are in this privileged position, it is important that we should debate the issues.

There have been a remarkable number of outstanding contributions, which have given me and the department food for thought. There are deep challenges. David McLetchie referred to the wisdom of Solomon; these are matters that will have to be thought through, as there are a remarkable number of points on which we have not come to a final conclusion. It may be that members divide not on party lines but on how they see matters. That will be to the credit of the Parliament and will help us to reach the right decisions.

I thank Lord Carloway, who has done a remarkably good piece of work in a short but appropriate period of time. He has looked at the matters from the first point of arrest through to the

final appeal, which is as it should be. He has looked at matters across the board and he has made it clear that it is open to us to accept some recommendations and decline others. As a Government, we take the view that the report provides a template that we can build on. Equally, it is something that we will discuss and debate as we have done today.

I will comment first on the timescale, because it has been raised by many members across the chamber—Alison McInnes in particular. Let me say that I am not minded to have a royal commission. As Mr McLetchie noted, there is on-going work to ensure that we are ECHR proof. We are reviewing our law and looking at that matter.

**Alison McInnes:** I should clarify that I did not intend to suggest that we move the whole review into a royal commission. There are clearly many issues raised in the review that we have to put right to be compliant with the ECHR; I was talking purely about the issue of corroboration, which Lord Carloway took on board perhaps beyond what we expected. Many members have said that we need to look at the interaction of the requirement for corroboration with other aspects of criminal evidence and, in talking about having a royal commission, I was referring to that one issue.

**Kenny MacAskill:** I thank Alison McInnes for that clarification. Notwithstanding it and the idea that a commission could be restricted to looking at corroboration, I believe that we should deal with the issues more expeditiously. However, I am conscious of the old phrase “Legislate at haste and repent at leisure”. That point has been made by Christine Grahame, James Kelly, David McLetchie, Alison McInnes and others, so it is appropriate that we take our time to get things right. Lord Carloway has carried out an investigation and he has consulted, but there are clearly matters that cause considerable concern—not least corroboration.

We intend to go out to further consultation, probably in the spring, to ensure that we take on board all the views not simply on the fundamental aspects mentioned by Lord Carloway but on other matters that have been raised that are tangential, incidental or, indeed, fundamental to those raised by Lord Carloway. Those, too, can be brought in and looked at.

**Christine Grahame:** On the issues that are tangential and fundamental—I cannot remember the third one—will the cabinet secretary give us an indication of what they would be?

**Kenny MacAskill:** We have already heard comments on juries and the not proven verdict. We take the view that we want to consult on Lord Carloway's report; it will be for others to ensure

that they feed in what they think should be looked at as well. We will not be exclusive.

It would be wrong of me to set out now a table of what matters will be in the consultation, as there are probably others that have not yet been commented on. I assure the member that, as a Government, we will look at the issue on an open basis. We will consult on Lord Carloway's report but, equally, we have to ensure that matters that relate to it and which people raise with us will be dealt with. As I said, we will be open on that.

One major issue that has been touched on today is the requirement for corroboration. It was mentioned by almost every member who spoke. I agreed with the terms used by David McLetchie. It is an important aspect of our system, it has made our system distinct and it is something that is referred to.

Equally, it is important that we should not put corroboration on a pedestal and that we should be prepared to recognise that it has changed. Even in the lifetime of the Parliament there have been changes in case law and there have been changes to legal knowledge even in my brief tenure. Corroboration is not what it was. Lord Carloway mentioned that it came from Romano-canonical law—the only time that I have heard that term before was many decades ago when I studied Scots law and other legal systems.

Corroboration came in at a time when someone could hang for the commission of an offence. As Mr Pearson commented, the world has moved on. First, we have ameliorated corroboration, for example in relation to the Moorov doctrine and special knowledge. There is an array of legal technicalities in which corroboration moves away from the mistaken belief to which Roderick Campbell referred that there have to be two eye-witnesses.

As Graeme Pearson said, things have changed significantly. We have a better educated judiciary, DNA and forensic science. Legal advice and lawyers are available to people. However, despite the changes in the law and the system, I still think that we have to look at the issue extremely cautiously, as Mr McLetchie, Mr Kelly and Christine Grahame said.

I welcome Lord Carloway's report. I am broadly sympathetic to it, but we have to drill down and see where its recommendations take us.

As Roderick Campbell and John Finnie mentioned, the time has come to end the fairly arbitrary differentiation between arrest and detention. This is an opportunity for the first arrest to be made on the basis of reasonable suspicion—not on a whim or fancy—with the checks and balances that have been brought in by Cadder and Salduz.

Humza Yousaf raised the issue of how we deal with vulnerable adults and youngsters. The issue was also mentioned in closing speeches. It is appropriate that Lord Carloway should ensure that we specify for that. There is something amiss there, and we have to ensure that those who are vulnerable are protected.

Weekend courts were raised. That is work in progress. The making justice work programme is considering the issue. It is perhaps in alliance with Lord Carloway's recommendations, but we are looking at it separately.

The Scottish Law Commission will report in March on evidence of similar fact. It is the third strand of the fallout from the World's End case that we have been dealing with. We have introduced the Crown right of appeal and double jeopardy and we have undertaken to look at evidence of similar fact. I have been sympathetic to arguments on the issue in the past, but I will wait to see what the Law Commission recommends.

The ACPOS manual addresses safety, and a working group is looking at the issue, so it is being dealt with.

Other issues were raised—I dealt with some of those in response to Christine Grahame's intervention—such as whether there should be a move toward a minimum number of jurors being required for a verdict. We are happy for that to be discussed, along with Lord Carloway's review.

The same applies to the not proven verdict, which was raised by Colin Keir. The issue has been raised outwith the chamber, and it would have been surprising if it was not mentioned here. Lord Carloway has made it clear that he does not think that the issue is necessarily fundamental to his position, although, as John Finnie mentioned, it does raise the issue of public confidence. We will be more than happy to look at it as part of the package.

I welcome the debate and I am grateful to Lord Carloway for his recommendations, on which we will pause and reflect. We cannot go forward lightly, which is why I am grateful that Parliament has treated the recommendations in such a dignified manner today. The debate has dealt with issues that unite people across political parties and divide people within them. We have to change, but we have to get right the pace of that change. I am happy to discuss that with Opposition spokespeople as we go along.

It seems to me that it would be appropriate to consult in the springtime. That should give us months to reflect. There is no immediate space in the legislative timetable, so we would not be looking at introducing legislation until this time next year or the early part of 2013 at the very earliest.

I welcome the contributions that have been made and am grateful for the support that all members have given in dealing with a difficult matter that is fundamental to the rights of not just victims of accusations of crimes but victims of crimes.

## Decision Time

17:00

**The Presiding Officer (Tricia Marwick):** There are four questions to be put as a result of today's business. I remind members that, in relation to the debate on Scotland's future, if amendment S4M-01449.3, in the name of Alex Salmond, is agreed to, amendment S4M-01449.1, in the name of Liz Smith, will fall.

The first question is, that amendment S4M-01449.3, in the name of Alex Salmond, which seeks to amend motion S4M-01449, in the name of Iain Gray, on Scotland's future, be agreed to. Are we agreed?

**Members:** No.

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

**For**

Adam, Brian (Aberdeen Donside) (SNP)  
 Adam, George (Paisley) (SNP)  
 Adamson, Clare (Central Scotland) (SNP)  
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Biagi, Marco (Edinburgh Central) (SNP)  
 Brodie, Chic (South Scotland) (SNP)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Burgess, Margaret (Cunninghame South) (SNP)  
 Campbell, Aileen (Clydesdale) (SNP)  
 Campbell, Roderick (North East Fife) (SNP)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Constance, Angela (Almond Valley) (SNP)  
 Crawford, Bruce (Stirling) (SNP)  
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Don, Nigel (Angus North and Mearns) (SNP)  
 Doris, Bob (Glasgow) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Eadie, Jim (Edinburgh Southern) (SNP)  
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 Fabiani, Linda (East Kilbride) (SNP)  
 Finnie, John (Highlands and Islands) (SNP)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)  
 Keir, Colin (Edinburgh Western) (SNP)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lochhead, Richard (Moray) (SNP)  
 Lyle, Richard (Central Scotland) (SNP)  
 MacAskill, Kenny (Edinburgh Eastern) (SNP)  
 MacDonald, Angus (Falkirk East) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 Mackay, Derek (Renfrewshire North and West) (SNP)  
 Mackenzie, Mike (Highlands and Islands) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 Maxwell, Stewart (West Scotland) (SNP)  
 McAlpine, Joan (South Scotland) (SNP)  
 McDonald, Mark (North East Scotland) (SNP)

McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)  
 McMillan, Stuart (West Scotland) (SNP)  
 Paterson, Gil (Clydebank and Milngavie) (SNP)  
 Robertson, Dennis (Aberdeenshire West) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Russell, Michael (Argyll and Bute) (SNP)  
 Salmond, Alex (Aberdeenshire East) (SNP)  
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Swinney, John (Perthshire North) (SNP)  
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Walker, Bill (Dunfermline) (SNP)  
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)  
 Wheelhouse, Paul (South Scotland) (SNP)  
 White, Sandra (Glasgow Kelvin) (SNP)  
 Wilson, John (Central Scotland) (SNP)  
 Yousaf, Humza (Glasgow) (SNP)

### Against

Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Richard (North East Scotland) (Lab)  
 Beamish, Claudia (South Scotland) (Lab)  
 Bibby, Neil (West Scotland) (Lab)  
 Brown, Gavin (Lothian) (Con)  
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)  
 Davidson, Ruth (Glasgow) (Con)  
 Dugdale, Kezia (Lothian) (Lab)  
 Eadie, Helen (Cowdenbeath) (Lab)  
 Fee, Mary (West Scotland) (Lab)  
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)  
 Fergusson, Alex (Galloway and West Dumfries) (Con)  
 Findlay, Neil (Lothian) (Lab)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Goldie, Annabel (West Scotland) (Con)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (East Lothian) (Lab)  
 Griffin, Mark (Central Scotland) (Lab)  
 Harvie, Patrick (Glasgow) (Green)  
 Henry, Hugh (Renfrewshire South) (Lab)  
 Hume, Jim (South Scotland) (LD)  
 Johnstone, Alex (North East Scotland) (Con)  
 Johnstone, Alison (Lothian) (Green)  
 Kelly, James (Rutherglen) (Lab)  
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)  
 Malik, Hanzala (Glasgow) (Lab)  
 Marra, Jenny (North East Scotland) (Lab)  
 Martin, Paul (Glasgow Provan) (Lab)  
 McArthur, Liam (Orkney Islands) (LD)  
 McCulloch, Margaret (Central Scotland) (Lab)  
 McGrigor, Jamie (Highlands and Islands) (Con)  
 McInnes, Alison (North East Scotland) (LD)  
 McLetchie, David (Lothian) (Con)  
 McMahon, Michael (Uddingston and Bellshill) (Lab)  
 McNeil, Duncan (Greenock and Inverclyde) (Lab)  
 McTaggart, Anne (Glasgow) (Lab)  
 Milne, Nanette (North East Scotland) (Con)  
 Murray, Elaine (Dumfriesshire) (Lab)  
 Pearson, Graeme (South Scotland) (Lab)  
 Pentland, John (Motherwell and Wishaw) (Lab)  
 Rennie, Willie (Mid Scotland and Fife) (LD)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Scott, John (Ayr) (Con)  
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)  
 Smith, Drew (Glasgow) (Lab)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Smith, Liz (Mid Scotland and Fife) (Con)

**The Presiding Officer:** The result of the division is: For 64, Against 47, Abstentions 0.

*Amendment agreed to.*

**The Presiding Officer:** Amendment S4M-01449.1 therefore falls.

The next question is, that motion S4M-01449, in the name of Iain Gray, as amended, on Scotland's future, be agreed to. Are we agreed?

**Members:** No.

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

### For

Adam, Brian (Aberdeen Donside) (SNP)  
 Adam, George (Paisley) (SNP)  
 Adamson, Clare (Central Scotland) (SNP)  
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Biagi, Marco (Edinburgh Central) (SNP)  
 Brodie, Chic (South Scotland) (SNP)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Burgess, Margaret (Cunninghame South) (SNP)  
 Campbell, Aileen (Clydesdale) (SNP)  
 Campbell, Roderick (North East Fife) (SNP)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Constance, Angela (Almond Valley) (SNP)  
 Crawford, Bruce (Stirling) (SNP)  
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Don, Nigel (Angus North and Mearns) (SNP)  
 Doris, Bob (Glasgow) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Eadie, Jim (Edinburgh Southern) (SNP)  
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 Fabiani, Linda (East Kilbride) (SNP)  
 Finnie, John (Highlands and Islands) (SNP)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)  
 Keir, Colin (Edinburgh Western) (SNP)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lochhead, Richard (Moray) (SNP)  
 Lyle, Richard (Central Scotland) (SNP)  
 MacAskill, Kenny (Edinburgh Eastern) (SNP)  
 MacDonald, Angus (Falkirk East) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 Mackay, Derek (Renfrewshire North and West) (SNP)  
 Mackenzie, Mike (Highlands and Islands) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 Maxwell, Stewart (West Scotland) (SNP)  
 McAlpine, Joan (South Scotland) (SNP)  
 McDonald, Mark (North East Scotland) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)  
 McMillan, Stuart (West Scotland) (SNP)  
 Paterson, Gil (Clydebank and Milngavie) (SNP)  
 Robertson, Dennis (Aberdeenshire West) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Russell, Michael (Argyll and Bute) (SNP)  
 Salmond, Alex (Aberdeenshire East) (SNP)



Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Swinney, John (Perthshire North) (SNP)  
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Walker, Bill (Dunfermline) (SNP)  
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)  
 Wheelhouse, Paul (South Scotland) (SNP)  
 White, Sandra (Glasgow Kelvin) (SNP)  
 Wilson, John (Central Scotland) (SNP)  
 Yousaf, Humza (Glasgow) (SNP)

#### Against

Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Richard (North East Scotland) (Lab)  
 Beamish, Claudia (South Scotland) (Lab)  
 Bibby, Neil (West Scotland) (Lab)  
 Brown, Gavin (Lothian) (Con)  
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)  
 Davidson, Ruth (Glasgow) (Con)  
 Dugdale, Kezia (Lothian) (Lab)  
 Eadie, Helen (Cowdenbeath) (Lab)  
 Fee, Mary (West Scotland) (Lab)  
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)  
 Fergusson, Alex (Galloway and West Dumfries) (Con)  
 Findlay, Neil (Lothian) (Lab)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Goldie, Annabel (West Scotland) (Con)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (East Lothian) (Lab)  
 Griffin, Mark (Central Scotland) (Lab)  
 Harvie, Patrick (Glasgow) (Green)  
 Henry, Hugh (Renfrewshire South) (Lab)  
 Hume, Jim (South Scotland) (LD)  
 Johnstone, Alex (North East Scotland) (Con)  
 Johnstone, Alison (Lothian) (Green)  
 Kelly, James (Rutherglen) (Lab)  
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)  
 Malik, Hanzala (Glasgow) (Lab)  
 Marra, Jenny (North East Scotland) (Lab)  
 Martin, Paul (Glasgow Provan) (Lab)  
 McArthur, Liam (Orkney Islands) (LD)  
 McCulloch, Margaret (Central Scotland) (Lab)  
 McGrigor, Jamie (Highlands and Islands) (Con)  
 McInnes, Alison (North East Scotland) (LD)  
 McLetchie, David (Lothian) (Con)  
 McMahon, Michael (Uddingston and Bellshill) (Lab)  
 McNeil, Duncan (Greenock and Inverclyde) (Lab)  
 McTaggart, Anne (Glasgow) (Lab)  
 Milne, Nanette (North East Scotland) (Con)  
 Murray, Elaine (Dumfriesshire) (Lab)  
 Pearson, Graeme (South Scotland) (Lab)  
 Pentland, John (Motherwell and Wishaw) (Lab)  
 Rennie, Willie (Mid Scotland and Fife) (LD)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Scott, John (Ayr) (Con)  
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)  
 Smith, Drew (Glasgow) (Lab)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Smith, Liz (Mid Scotland and Fife) (Con)

**The Presiding Officer:** The result of the division is: For 64, Against 47, Abstentions 0.

#### *Motion, as amended, agreed to,*

That the Parliament welcomes the Scottish Government's efforts to tackle the scourge of youth unemployment, which is a consequence of the UK Government's failed economic policies; commends the Scottish Government for the wide range of measures in

place to provide improved life chances for Scotland's young people, including providing a record 125,000 modern apprenticeships over the lifetime of this Parliament, support for 14,500 training places each year to help transitions into the labour market, the 'Opportunities for All' scheme that will provide a guaranteed suitable place in learning or training for all 16-19 year old school-leavers, and by providing support to both institutions and students which maintains university and college numbers; further welcomes that, as a result of Scottish Government policy, youth employment in Scotland is significantly higher than in the UK; recognises that there must be a constant focus on identifying additional measures and welcomes all positive proposals from any quarter that can improve youth employment, and affirms that this Parliament should have the necessary job creating powers at its disposal to maximise opportunities for Scotland's young people.

**The Presiding Officer:** The next question is, that motion S4M-01450, in the name of Kenny MacAskill, on Lord Carloway's review of criminal procedure, be agreed to.

#### *Motion agreed to,*

That the Parliament welcomes Lord Carloway's detailed and authoritative report on aspects of criminal procedure in Scotland; believes that his recommendations provide a historic basis on which to remodel the Scots criminal justice system; welcomes the report's focus on delivering a system that will ensure the effective, efficient and fair investigation and prosecution of crime, and supports the Scottish Government's intention to seek an early opportunity to legislate following an appropriate period of time for reflection, analysis and debate, which should involve detailed consideration of links to wider aspects of criminal procedure.

## Wind Farms (Impact on Communities)

### **The Deputy Presiding Officer (Elaine Smith):**

The final item of business is a member's business debate on motion S4M-01284, in the name of Neil Findlay, on community benefit and the cumulative impact of wind farm developments in communities. The debate will be concluded without any question being put.

### *Motion debated,*

That the Parliament notes the contribution that renewable energy plays and will play in providing for Scotland and the UK's energy needs; recognises that the Scottish Government's route map for renewable energy sets a target of 100% of electricity demand equivalent from renewables by 2020; notes concerns about the ability of communities, such as Harburn in West Lothian and other communities across the southern border of West Lothian, to resist overconcentration and raise the issue of cumulative development in specific locations; expresses concern at the lack of genuine community and cooperative ownership and the increasing role of multinationals and venture capital firms in securing the profits from onshore wind projects, and would welcome a wider community benefit and lower cumulative impact of windfarm developments in communities.

17:05

**Neil Findlay (Lothian) (Lab):** Given that energy provision is critical to local, national and international development, I am very pleased to be able to introduce what is a much-needed debate.

Amid concerns about climate change and global warming, it is vital to develop renewable energy. However, as much as it is right to increase renewable energy capacity, it is also right to discuss serious concerns about how that increased capacity has developed in practice. My motion expresses two main concerns about the development of our renewable capacity: first, the overconcentration of wind farms in certain areas, which runs alongside the lack of engagement with, and involvement of, communities; and secondly the ownership of wind farm projects and the risk of losing the potential to create jobs and opportunities.

The Scottish Government set itself a very ambitious target of producing 100 per cent of electricity from renewable sources by 2020. On the face of it, that target is laudable and, if it were to be achieved, it would make Scotland a world leader in the field. However, it is my view—and the view of a growing number of people in Scotland—that that lofty ambition could be scuppered by some fundamental flaws in policy and practice.

One of Scotland's most significant onshore projects, the large Iberdrola Renewables Black Law wind farm, is located in my council ward.

Originally, the application got through the planning system without a single objection from my community; people recognised the need to support renewables and saw the wind farm as a positive development. However, what happened after that permission was granted should serve as a warning to us all. After that first application, the area has become a prime target for developers that are motivated not by environmental concerns but by pound notes. Close to the grid and to demand, not a tourist spot—indeed, it is relatively rural—and with what the developers wrongly viewed as a passive and compliant community, the area ticked many investment boxes and the first application was quickly followed by two applications for extensions and a raft of applications from other developers on nearby sites. Today, there are 15 applications for more than 250 turbines running the length of the county border from North Lanarkshire through West Lothian to the north Pentlands and Edinburgh's south-westerly fringe.

Despite what the guidance says, the cumulative impact on the landscape appears not to be a priority consideration. Instead, what is happening is unco-ordinated, unplanned and incoherent and resembles the prospecting days of the American gold rush, with landowners hawking their land for rental and developers seeing shiny treasure in the form of subsidies from renewables obligation certificates and feed-in tariffs. Local authorities with little expertise in wind energy have been swamped by application after application, but have no co-ordinated regional or national spatial plan identifying preferred areas; indeed, some do not have even a local spatial plan. Crucially, there is no test of landscape capacity on which to base an assessment. The current guidance is weak and has not been applied rigorously enough. Scottish Natural Heritage's landscape character assessment and landscape capacity guidance states:

"The cumulative effect of inappropriately sited multiple wind farm development could ... create the perception of a landscape dominated by wind farms".

That is exactly what is happening now.

National spatial planning and a capacity test would give communities some protection from overconcentration and the industry some confidence about where to invest. Both the community and the industry want this approach. The 2010 good practice wind project was set up to develop good practice in reconciling the objectives of renewable energy with wider environmental objectives and promoting communities' active involvement in planning and implementation. That seems to me to be a recognition that communities have not been genuinely involved.

How are our communities being affected? My experience over the past 10 years suggests that

the current laissez-faire approach is ostracising people. People who were previously evangelical about the benefits of wind energy have become organised, vocal and ardent opponents of further development. If that one issue—overconcentration in certain locations—is not addressed urgently and sensitively, opposition to the Scottish Government's drive for more land-based wind energy generation will increase, the whole strategy will unravel and the public will turn against it. If the minister takes nothing else from today's debate, I ask him please to listen to communities on that specific issue.

There are serious questions in relation to equality-of-arms issues and environmental justice. I do not have time to go into those in detail, but they are significant issues.

Ownership and funding require discussion. The development of wind farms is dominated by multinationals and venture capital firms that see Scotland's wind as their latest commodity, and will do whatever it takes, including trampling over the concerns of communities, to take advantage of the significant profits that are open to them. Those companies often set up small localised companies as a front for their projects or as a conduit to secure planning permission before buying up the consented site. Community benefit schemes exist, but the sums involved are a drop in the ocean compared to the money that is being made by the French, Italian, Spanish and Danish giants that dominate the scene. A robust community benefit strategy could result in cash, as well as electricity, being generated for communities and public services.

The £70 million national renewables infrastructure plan gives cash to promote private sector investment in renewables. In effect, it is another subsidy. Contrast that with the paltry £5.35 million in loans—not grants—that is being provided for community and co-operative renewables schemes. I believe that that massive imbalance is a real missed opportunity. If communities were in control or in genuine partnership, they would be more involved and would have more ownership of projects.

There are serious concerns about the current renewables policy; we need only look to the public gallery to see that. I am sure that all the people are here not to listen to my sparkling rhetoric, but because they are concerned about their communities. We need a policy that places communities at the heart of the renewables drive, with a national spatial plan that avoids overconcentration and results in the local host communities enjoying the benefits.

I thank the members who supported my motion—those of my party and Margo MacDonald, Mary Scanlon, Alex Fergusson and Jim Hume.

**The Deputy Presiding Officer:** The debate is heavily subscribed and many members wish to speak. If members keep to speeches of a maximum of four minutes, I hope that we will get everyone in, but I would appreciate it if speeches were of less than four minutes, if possible.

17:12

**Adam Ingram (Carrick, Cumnock and Doon Valley) (SNP):** I congratulate Neil Findlay on securing the debate. I am happy to support the motion as, in my view, its terms strike an appropriate balance in what has become an increasingly fractious debate between proponents and opponents of wind farm development. I confess to being turned off by the extreme hostility of opponents such as Struan Stevenson MEP, who not only belittle the benefits that are to be gained from harnessing wind power, but mendaciously claim that the switch to renewables is the root cause of higher fuel bills and rates of fuel poverty. The same folk, mind you, would happily accept the public paying through the nose for a new generation of nuclear reactors, and would pass on a hugely hazardous legacy to future generations.

Wind power is clearly not an all-encompassing solution that can replace all other forms of electricity generation. However, it will play a significant role in our efforts to tackle climate change and reduce our CO<sub>2</sub> emissions, while ensuring energy security in future decades. That said, proponents of wind power tend to dismiss the problems that are associated with wind farm development and to dismiss local protesters as selfish nimbys. I find that attitude equally unacceptable. I have seen for myself, particularly in the south Carrick area of my constituency, the damaging impact that inappropriate siting of turbines can have on the wellbeing of residents and communities who are in close proximity, whether that be from noise, shadow flicker or visual amenity issues. On top of that, there are genuine concerns about the impact on property values and on tourism-related businesses.

All those problems are compounded and exacerbated by the scale and rapidity of the proposed development. South Carrick is beginning to resemble a new Klondike. It is being targeted relentlessly by all sorts of wind farm developers, large and small, who are keen to exploit the opportunities that have been opened up to them. I am concerned that the impetus of making a fast buck is overtaking a planned development process.

In these circumstances, I want to see tighter control by planning authorities to prevent what the motion calls “overconcentration” of development. The assessment of cumulative impact becomes

crucial. I am not convinced that planning authorities are geared up to handle the pressures, so I seek an assurance from the minister that Scottish Government support is all that it should be in the circumstances. With regard to extracting community benefits from wind farm development, again I broadly agree that they should not be limited to what the Klondikers are willing to concede to local communities.

I would be grateful if the minister could respond to the call that is being made by many people, including Maitland Mackie, to set up planning procedures that are designed to facilitate local consortia of businesses, landowners and community organisations seeking ownership of the renewable energy potential of their own land and landscapes. Surely it makes sense to retain as much as possible of the lucrative returns from wind farm development locally, thereby regenerating rural economies in the process.

17:16

**Graeme Pearson (South Scotland) (Lab):**

Members will know that I have worked behind the scenes to ensure that Neil Findlay's motion was lodged for discussion today, and I am heartily pleased at the number of members who have turned up to engage in the debate. It will be hard, in four minutes, to pull together all that I have learned in the past six months about the issue. Suffice it to say that, in coming to the Parliament, I took a neutral view on the pros and cons of renewable energy, and of wind farms in particular. I have come to learn, however, from the communities across South Scotland about many of the issues that disturb them. I have also learned of their feeling that they are just not being listened to, and that the Parliament and politicians in general do not want to hear what they have to say. It speaks volumes that so many people have made the effort to come to the chamber at 5 o'clock in the evening, given the challenges of the traffic and the road conditions at this time of year. That should illustrate that they are here not solely for themselves but for the thousands of people across the various constituencies in Scotland for whom this is not an imagined problem.

I am somewhat concerned that a document that has been published by Scottish Renewables—which I understand to be a private company, or at least a pressure group—has been tendered at the back of our chamber alongside official documents. It gives me a lead-in to some comments that I want to make, however, and the Presiding Officer can be sure that I will write to her later to check whether it is appropriate that such documents be laid in our chamber.

The document states: "Wind works". The evidence that has been given to me from the

community is that wind works to a certain extent. The claimed efficiency of 30 per cent can sometimes fall to below 20 per cent, and most people in the chamber will have had experience of it not working at all. However, the public purse still pays, via the consumer. The document also states: "Wind is not expensive". As Adam Ingram said, however, all energy has to be paid for, and according to The Office of Gas and Electricity Markets, wind power is subsidised at a rate of £100 or more per consumer.

The document also states: "Wind cuts CO<sub>2</sub> emissions". So do other renewables opportunities, however. It goes on:

"Wind farms do not harm tourism or property prices".

Adam Ingram has already given an account of their impact in South Scotland, and evidence across the United Kingdom indicates that they have an impact elsewhere. The document goes on to state:

"Wind is a major contributor to the economy".

It might well be a contributor in the short term, during the building of the farms, but thereafter, the jobs and economy that will survive on the back of that will largely be overseas, not within Scotland's boundaries.

The document also states:

"The environmental impacts of onshore wind are limited and managed".

The planning arrangements across Scotland are, as has been described by others, chaotic. Wind farms end up being placed where the entrepreneurs in that Klondike environment think the most profits can be achieved—not where they best serve the public or support our communities and environment.

Finally, the document states:

"Wind farms are not noisy".

I visited a part of South Scotland and listened to the wind farms. They are noisy and they create an environment in which people who live near them can be affected by illness.

We have health and environmental impacts—

**The Deputy Presiding Officer:** I am afraid you have five seconds in which to conclude.

**Graeme Pearson:** We also have problems with noise and flicker.

We are at the first stage of the opening up of this debate and I look forward to the minister giving serious consideration to the current situation. *[Applause.]*

**The Deputy Presiding Officer:** I cannot let members go over four minutes, and I must ask spectators in the public gallery not to clap.

17:21

**John Lamont (Ettrick, Roxburgh and Berwickshire) (Con):** I congratulate Neil Findlay on securing this important and timely debate. I am pleased to support the motion. I welcome a large number of my constituents to the public gallery.

Many of my constituents feel that their communities are coming under attack as wind farm developers submit more and more speculative applications for industrial wind farms. From the outset, I should make clear that I am not against all wind farms. Indeed, as a farmer's son, I can see and understand why farmers, other landowners and communities would want to generate extra income by having a wind farm on their land. What I am against is the current Government's obsession with wind energy over all other energy sources and the lack of any coherent strategy to ensure that wind farms are put in appropriate locations.

Although attaining clean, renewable energy sources should always remain a priority for Scotland, current strategies excessively burden communities, outweighing any possible benefits. The Scottish Government has set an ambitious target of sourcing all our electricity needs from renewable sources by 2020. That ambitious target has placed greater emphasis on the role that wind power will play in achieving that target. By increasing the role that wind power plays in meeting our electricity needs, the Scottish Government has in effect restricted the expansion of other forms of renewable energy. Wind power is not, and should not be, the only solution.

What annoys me and many of my constituents is the failure of the planning system to deal with the legitimate concerns of residents about wind farms in their areas.

**Dave Thompson (Skye, Lochaber and Badenoch) (SNP):** Will the member give way?

**John Lamont:** I want to make some progress.

In many cases, a wind farm application might be opposed by residents, the community council, the locally elected councillors, the council's planning officials and the local planning committee, yet the developer may then appeal to a Scottish Government-appointed reporter who will quite often impose the will of the Scottish Government and approve the application. No wonder so many Scots feel that the planning system is stacked against them when it comes to wind farm applications.

The other frustration that I have is that, by focusing on wind energy, the Scottish Government is failing to plan to provide Scotland with a secure energy supply. We should not forget that nuclear power currently provides a large proportion of our

electricity needs, yet the Scottish National Party has no plan for nuclear power in its energy strategy. We should also not forget that nuclear power provides thousands of high-tech jobs, which facilitate the retention of engineering talent within Scotland—and, more particularly, in my constituency. Despite what the SNP Government might say about the safety of nuclear power, the fact remains that Scotland is one of the world's safest nuclear power providers. While the wind may not blow, nuclear provides a reliable and secure energy supply.

In the remaining time available to me, I want to touch on a couple of economic factors around wind farms. Over the next decade, billions of pounds-worth of taxpayers' money will be channelled into subsidies for wind farms, effectively raising energy prices for hard-working Scots. Fuel poverty is a serious issue in Scotland. Cold winters coupled with rising energy costs have led many Scots to make difficult choices between essential purchases and staying warm. Questions must be raised about whether it is a good use of taxpayers' money to support wind energy while pushing up energy prices.

Lastly, greater consideration needs to be given to the impact of wind farms on our tourism industry. Tourism's value to the Scottish economy is comparable to that of energy, yet the relentless push of wind farms puts that in jeopardy. I urge the Government to use common sense in setting targets, because unrealistic targets lead to rushed choices on renewable energy. The Scottish Government should think again.

17:25

**Paul Wheelhouse (South Scotland) (SNP):** I welcome the debate and thank Neil Findlay for bringing it to the chamber today, because it raises very important issues on both community benefit and the cumulative impact of wind farms.

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

**Paul Wheelhouse:** I do not have time; I am sorry.

I am speaking in my capacity as a representative of the south of Scotland and a resident of eastern Berwickshire in the Scottish Borders. I acknowledge the very many e-mails and letters that I have received from constituents who have raised concerns with me regarding local projects, and I will come to areas in which I share their concerns. However, I value wind energy as an important element in our energy supply now and we will need it to play an even greater role in the future. I hope that much of that need can be met by meeting our 500MW community renewables target by 2020.

The majority of future wind energy projects are likely, in terms of scale, to be developed offshore. When sites are chosen onshore, that needs to be done with care and ideally with community involvement on site selection. I agree with Neil Findlay on that. When that happens, the impacts on adjacent communities can be minimised. Scottish Government community and renewable energy scheme grants will help to achieve the objective of maximising community ownership.

I believe that we are witnessing man-made climate change. It is important to put that on the record, because some of the opposition to wind farms seems to take the view that climate change is not a real and current danger to our communities. I recognise that wind energy is, by its nature, intermittent and that that is an issue, but there is every reason to believe that we can overcome intermittency in the future through breakthroughs in the design of storage capability, such as the hydrogen fuel cell technology that is being researched at Fife energy park and tie-ins with hydro schemes.

The challenge that we face as a nation is threefold. We need to protect our environment, provide a sustainable energy supply and address our obligations to tackle climate change. Scotland is undoubtedly witnessing a renewables revolution and, particularly as projects move offshore, we can expect substantial numbers of green economy jobs to be created in response. However, when it comes to onshore wind farm activity at a local level, we are witnessing—as others, including Adam Ingram, have referred to—what can only be described as a Klondike gold rush, with many speculators seemingly scouring the countryside to tempt landowners with lucrative rental agreements.

Community interests have often been an afterthought for both parties in the Borders. From the many e-mails that I have received, I know that that sentiment is felt equally in areas such as the Rhins of Galloway and around Castle Douglas in Dumfries and Galloway: all such areas face an unprecedented rush of applications.

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

**Paul Wheelhouse:** I am sorry; I have a lot to get through.

There are many exemplars in the industry who take seriously their obligations to pre-application community and stakeholder consultation, but unfortunately there are others who do not. We need to emphasise good practice and encourage it where we can.

I shall use my final minute to highlight the scale of the problem. In the Scottish Borders and the eastern Lammermuir area of East Lothian there are 242 turbines producing 427MW of capacity for

238,650 homes. That assumes full installed capacity and, as we know, there is intermittency, but even if we allow for intermittency and a 30 per cent utilisation rate, that is 72,000 homes. The total number of houses in the Scottish borders is 52,000. We are therefore already seeing that the Scottish Borders is pulling its weight in terms of providing wind farms and wind energy for Scotland. Therefore, before any further applications are received—and there are many in the pipeline—we are doing our bit. There are 175 further turbines approved, of which 94 are on sites of more than 5MW.

We have to take very seriously the public concerns about cumulative impact. In the Borders and in Dumfries and Galloway, it is clear that there are increasing numbers of people among the silent majority who are coming over to oppose wind farms. We need to take that on board.

17:29

**Claudia Beamish (South Scotland) (Lab):** I thank the Presiding Officer for giving me the opportunity to speak in this important debate on our sustainable future. I am surprised that Paul Wheelhouse did not sign the motion.

Twenty years ago, as a community councillor and local activist living in the heart of the Scottish coal reserves in South Lanarkshire, I, along with others, took to the then Scottish Office arguments for cumulative effect to be taken into account when opencast mining applications were considered. I support the highlighting by Neil Findlay and others of the landscape capacity concerns associated with wind farm developments.

As with opencast mining, applications for wind farms are an environmental justice issue. On access to information, consideration of support with costs and legal representation, there must be compliance with the United Nations Aarhus convention, which helps to ensure the creation of a more level playing field between communities and developers.

In communities across South Scotland, there is a lot of interest in small-scale renewables projects. I ask the Scottish Government to increase the provision of advice and to provide a huge increase in the financial support that is available to households and communities so that they can keep more power under their own control and, where appropriate, sell it back to the grid.

We all know that wind power is not a catch-all solution. I urge everyone who is concerned about the proliferation of wind farms to emphasise to their representatives that it is imperative that Scottish Government funding is in place to support research and development to drive forward new

marine renewables technology and other renewables technologies.

If we are to meet the climate change targets that have been highlighted, including that of providing 100 per cent of our electricity from renewable sources, it is essential that we have some large-scale generation of renewable energy. Some of that will have to be in the form of onshore wind, but communities are disconnected from the generation of their own power by large multinationals putting in applications for nearby areas.

As a member of the Co-operative group of MSPs, I want to highlight the co-operative model. Renewable energy is capital intensive and requires equity as well as loan finance. Community co-ops raise equity by allowing ordinary people to invest in their own energy generation. That model works well in Denmark, Spain and other parts of Europe. I have highlighted that in writing to the minister in relation to the development of the community and renewable energy scheme fund, and I hope to have continuing dialogue on that so that communities can be more in control of their own power generation.

Where communities do not own wind farms, there should be clear national guidelines on community benefit; the existing guidelines should be much clearer and much more transparent. For the communities that have the chance, there is, of course, an opportunity to improve local amenities, but I propose the stipulation in the guidelines of a social section, whereby communities would be expected to use some of the funds to support the vulnerable—for example, free electricity could be provided to pensioners. Alternatively, universal measures could be taken, as the Fintry Development Trust has done, whereby audited homes were given free insulation measures that saved householders an average of £600 on annual fuel bills and which cut fuel poverty in the process.

All development has an environmental and financial cost as well as benefits. For instance, when calculating the real cost of nuclear power, account must be taken of the waste that it leaves behind; I hope that John Lamont will acknowledge that. Proper account is not taken of that at the moment.

**The Deputy Presiding Officer:** I am afraid that the member must conclude.

**Claudia Beamish:** Therefore, we must support the fair sharing of costs across communities throughout Scotland. Environmental justice must be at the heart of the process as we move forward on wind power.

**The Deputy Presiding Officer:** Given the number of members who still wish to speak, I am minded to accept a motion without notice to extend the debate by up to 30 minutes.

*Motion moved,*

That, under Rule 8.14.3, the debate be extended by up to 30 minutes.—[*Neil Findlay.*]

*Motion agreed to.*

17:34

**Alex Fergusson (Galloway and West Dumfries) (Con):** I refer members to my entry in the register of members' interests, in which they will see that I receive an annual fixed rental for seven turbines that are part of Hadyard Hill wind farm in south Ayrshire, so I begin from the position that I am not against wind farms in principle. However, wind farm development is a hugely topical subject. The motion covers the issue that is most consistently raised with me in my capacity as the constituency member for Galloway and West Dumfries.

I am sure that the First Minister will recall his Cabinet's meeting in Stranraer last summer, which was, on the whole, well received and very welcome. My abiding memory is of something that happened during the two-hour-long public question-and-answer session in the afternoon. Three quarters of the way through that session, a slightly critical question was asked about the Scottish Government's drive to develop wind farms. For the one and only time in that two-hour session, the audience spontaneously burst into vigorous applause—not some of them, but all of them—and that applause was sustained.

The First Minister's response was interesting. Although I paraphrase this slightly, he said effectively, "Wind is free and if you want the jobs you must put up with the wind farms." Wind itself may be free—so are oil and gas—but harnessing them most certainly is not free. It is massively expensive; it is something for which we are all paying through the nose through our electricity bills. The energy that is produced by wind farms would not be produced by any normal commercial company without the huge subsidies that are raised through those electricity bills. Free it most certainly is not.

I have to ask the minister what jobs the First Minister was referring to. Yes, there are consultants all over the place and there are some civil engineering jobs during the construction phase of any wind farm, but there are no residual employment benefits for the communities that are increasingly dominated by these installations—none.

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

**Alex Fergusson:** I am sorry. I would like to take interventions, but, as the Presiding Officer has made obvious, we are horribly tight for time.

We have to ask ourselves, is it any wonder that people get upset and very angry when they realise how much subsidy is required to make this technology viable; or when they read of millions of pounds being paid to operators to turn their turbines off because the grid is at full capacity; or when a minister proudly declares that a new wind farm will power 200,000 homes, when we all now know that wind farms never work at more than around 30 per cent of capacity and that it will therefore power only some 70,000 homes, and intermittently at that; or when a local authority rejects an application only for the developer to appeal to the Scottish Government and, often, have the decision overruled?

Time is tight, so I will conclude by suggesting that the continuing lack of any proper guidance to local authorities from Government on the siting of wind farms is the root cause of much of the anger and frustration.

The cumulative impact of more and more wind farms is becoming almost unbearable for some people—in fact, I would suggest, for an increasing number of people. I respectfully suggest to the Government that the time has come to consider a moratorium on further development until people's justifiable concerns have been addressed.

The saddest fact in all this is that most people who are anti-wind farm are not against renewable energy, but the two are becoming increasingly conflated. It might soon become impossible to promote the latter without addressing many of the concerns that have been raised tonight about the former.

17:37

**Kenneth Gibson (Cunninghame North) (SNP):** I congratulate Neil Findlay on securing the debating time and on a very thoughtful speech on an issue in which I have had personal involvement for the past few years. Indeed, members of the save your regional park campaign, whom I have met on many occasions, have taken the trouble to travel through to follow the debate.

I have to say that Alex Fergusson really took the biscuit when he denounced wind farms after admitting that he has seven turbines on his land. It seems to be a case of, "I'm all right, Jack, but let's pull up the ladder after me." I am happy to take an intervention if he wants to make one, but that is an appalling position to take.

**Alex Fergusson:** I hope that Mr Gibson will accept that I did not denounce wind farms. I am not against wind farms in principle. However, I

believe that there is a lot of concern about their siting, on which there is a lack of guidance. Many other concerns have been raised perfectly reasonably tonight. Let us keep this debate reasonable.

**Kenneth Gibson:** Alex Fergusson wants a moratorium—after his turbines have been installed.

Despite the many differences between members and political parties throughout the chamber, I believe that we can agree on two things: first, renewable energy is the future of energy production across the globe; and, secondly, Scotland is home to some of the most beautiful and breathtaking landscape scenery anywhere.

Therefore, while wishing fully to embrace the renewables revolution and secure Scotland's position as a pioneer in developing such technology, we must be mindful of the effect that that might have on our natural heritage. For that reason, in 2009 I sought to introduce a member's bill on protecting Scotland's regional parks, which was supported by the Scottish National Party and Conservative groups in the chamber.

Much of Scotland's largest regional park, Clyde Muirshiel, falls within my constituency. Many residents around the park were concerned about proposals to develop wind turbines in it. In my view, the purpose of creating regional parkland is to protect landscape of particular natural beauty for recreational, scenic, farming and forestry purposes. Therefore, although I support the construction of on-shore wind turbines where the community supports that, I do not believe that they should be constructed in regional parks or areas where the community opposes them.

Given that energy policy is still reserved to Westminster, my bill sought to prohibit any industrial development within regional parks that was contrary to assisting the park authority to achieve its adopted aims, which would primarily prevent the significant adverse impacts caused by the construction and operation of wind farms. However, it would also have supported local councils in holding back the advances of other interests while allowing utilities to provide essential infrastructure where necessary.

Unfortunately, while I was led to believe that the process would be relatively straightforward, despite full consultation the bill was eventually deemed not to fall within the competence of this Parliament and I was unable to progress it. Such are the vagaries of the Scotland Act 1998. The outcome was deeply disappointing for those who campaign against the construction of wind farms in such areas and for people now and in the future who wish to know that regional parks will be



maintained in such a way as to safeguard their scenic beauty and recreational purpose.

In reality, the majority of Scotland's renewable energy will come from future offshore wind turbines and the rapid improvement in design and capacity of wave and tidal technologies. I am therefore confident that the issue of the "overconcentration" of wind farms to which Neil Findlay refers will recede.

In his motion, Neil Findlay wisely points to the issue of communities reaping the benefits of wind farm developments. I could not agree more, and I believe that the minister will have something to say on that matter, so I will not steal his thunder—well, not too much.

I am sure that all members were delighted to hear today's announcement by Scottish and Southern Energy that it is launching a new Scotland sustainable energy fund, which is set to be worth more than £90 million over the next 25 years. That new move is calculated to increase the benefit enjoyed by local communities to the equivalent of £5,000 per megawatt produced for all new onshore wind farms constructed in Scotland from the new year onwards.

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

**Kenneth Gibson:** I apologise—I would like to, but I do not have time.

That is equivalent to double the amount currently invested by the company.

We have no choice but to embrace the future that is renewable energy, as ultimately all other forms of energy are finite. Although we may differ when it comes to ambition and the pace at which we should expand and invest, I am happy that we can agree that we must preserve our unique and beautiful landscape and secure the maximum benefit for Scotland's communities.

17:41

**Jim Hume (South Scotland) (LD):** The Scottish Government has committed itself to ambitious climate change targets and to producing all Scotland's electricity from renewables by 2020. On both counts, there is much to be done. The latest data on Scotland's carbon emissions revealed an unfortunate increase of 9 per cent in 2010. Just as unfortunate is the net loss of forestry that we will experience this year due to the felling of trees for the purpose of wind farm developments.

I have been inundated with correspondence from constituents throughout the south of Scotland since the debate was confirmed, such is the strength of feeling on the matter. I hear loud and clear the constituents who say that they do not

object to wind farms in principle but that they must be more appropriately sited, and I agree.

We should note that the south of Scotland is home to two extremely contentious wind farm developments in the shape of Fallago Rig and Drone Hill. Both developments were rejected by the public and the local planning authority, only for the Government to run roughshod over local democracy and approve them. As John Lamont knows, that has not been forgotten in Berwickshire.

I have heard from one couple who run a holiday cottage in the Creetown area that, should the two wind farms that are in development near their home be built, their customers will no longer use their cottage. I understand that more than 800 turbines are at various stages in Dumfries and Galloway Council's planning system, which provides an effective illustration of the overconcentration referred to in the motion—Mr Gibson should not wait too long for the issue to recede, because it is already here.

The status quo must change. Developments are too often led by private companies that act in the interests of stakeholders and pay scant regard to the appropriate siting of proposed wind farms.

There are ambitious targets to be met and it is right that wind farms should, along with other forms of energy generation, play some part in meeting them. However, it is time that the Government gave serious consideration to the cumulative effect on communities of nearby wind farm developments. Issues such as shadow flicker, ice throw, noise and landscape impairment are problems for many Scots.

During my time as a member of the Scottish Parliament in both this session and the previous one, I have on several occasions called on the relevant minister of the day to formulate a national strategy to oversee such developments to help restore public confidence in the planning system. I do so yet again.

There is no statutory minimum distance between turbines and properties; there is merely guidance in Scottish planning policy. There is also no statutory requirement for a pre-application consultation or a pre-determination hearing for developments under an installed capacity of 20MW. The guidelines for noise are 15 years out of date and do not take into account the more powerful turbines that we see today. We also need provisions to protect people whose business or property may be devalued by development, such as in the case of my constituents in Creetown.

It is clear that current planning regulation is not robust enough to safeguard communities that are in the shadow of inappropriate developments. Only a national strategy can plug the gaps in

legislation and provide more transparency and protection for the public. I look forward to hearing of some progress when the minister sums up the debate.

17:45

**Chic Brodie (South Scotland) (SNP):** I, too, welcome the debate and I congratulate Neil Findlay on bringing it to the chamber.

In my six months as an MSP, nothing has generated so much—forgive me—heat as this issue has done in the south of Scotland. I attended a public meeting in Ballantrae and the communities against turbines conference in Ayr. I must say that I was received on both occasions with courtesy despite my divergent views. I welcome some of those who attended those events, who are here in the public gallery. I have also met individuals and tomorrow morning, I will have the first of several planned and still-to-be-planned meetings with councils across the Borders on the matter.

I make two things very clear. First, I am for planned wind energy both onshore and offshore—I believe that offshore is the more important resource, but both are necessary components of what is and will be a planned, balanced energy policy to secure 100 per cent of our electricity demand from renewable sources by 2020. Onshore wind will play a role in meeting that target.

Secondly, I believe that for generations to come securing our ability to control our own power sources will be a critical factor in controlling our economy and all its sectors going forward. Given that objective, I fear that the rationale, the debate and the clinical assessment of need have been drowned out by the cacophony of noise that comes from some opponents in the argument—and from proponents.

A four-minute speech does not provide nearly enough time to rehearse arguments—pro and con—on whether wind power works or whether it is more costly when compared with nuclear and nuclear decommissioning. We could spend days arguing about whether the Westminster Government's lack of strategic pricing in relation to ROCs and feed-in tariffs has created a rush of people who want to make a fortune from land use. Beneficiaries might now include the royal household, through the receipt of profits from the Crown estate.

The categorisation of disposable argument on wind farms goes on beyond tourism—

**Jamie McGrigor (Highlands and Islands) (Con):** Will the member take an intervention?

**Chic Brodie:** No, I do not have time—I am sorry.

There are also arguments about economic benefits, noise and health issues, environmental challenges and climate change benefits.

My immediate concern and purpose, apart from ensuring that the noise and the emotion are removed from the debate, are to ensure that the Government's objectives and targets are understood and that there is compliance with planning guidelines, planning processes and the national planning framework. I also want to ensure that communities' concerns are addressed and that local planning officials adhere to Scottish Government planning policy. For example, we must ensure that the National Grid, in its involvement in current and proposed developments regarding transmission capacity, plays a bigger part in the planning process. We must also ensure that the policies set out in the national planning framework, Scottish planning policy, planning advice, development plans and supplementary guidance are all material considerations in the discussion and decision-making processes affecting both large and small-scale developments.

It is absolutely essential and in the national interest that, as the Government initially planned, people at the local level also consider the cumulative impact on communities and individuals. By turning down the noise and through logical debate and analysis, all interests will be embraced and we will achieve something meaningful together.

**Jamie McGrigor:** On a point of order, Presiding Officer. The previous member might have misled Parliament when he said that revenues from the Crown estate go to the royal family. In fact, they go to the Treasury.

**The Deputy Presiding Officer:** You have put your point on the record, Mr McGrigor.

17:50

**Elaine Murray (Dumfriesshire) (Lab):** I congratulate Neil Findlay on bringing a topic to a member's business debate that a large number of members feel strongly about. The issue has been a difficult one for many of us. There have been times when people who have said that there were problems with wind turbine developments have been said to be climate change deniers or not in favour of renewable energy, when that was not the case. However, we have to accept that there are significant problems with the dash for wind that has occurred over the past several years.

In Dumfriesshire, my constituents are concerned not so much about wind farms as about the

overconcentration of onshore wind farm applications that are now coming into the constituency. Many of my constituents, who, like Neil Findlay's constituents, did not object to the original wind farm applications, now object to the number that are coming in on the back of those original developments. They have said, "Haven't we done our bit here? We've already got all these wind farms. Do we need more?" It sounds as if many others, certainly in the south of Scotland, are having the same experience.

Jim Hume mentioned two applications in his area. The straw that broke my back was the Harestanes application that came in before 2007. That application was for a massive industrial development of turbines striding across the hills over Moffat that was almost universally opposed by my constituents. I went to a public meeting about it that was mobbed by objectors, including members of the Green Party. Unfortunately, that development got permission in 2007 after the election. I felt slightly worried when I saw that there was one application in Alex Salmond's constituency, one in John Swinney's constituency, one in Karen Gillon's constituency and one in my constituency. Unfortunately, Karen and I lost out. The Harestanes development is going to happen.

However, it does not stop there. Applications are constantly being made for developments all the way up the Nith valley and right across the southern uplands. I do not want to look across the southern uplands and see them totally covered with wind farms. I support renewable energy but I do not want to see the destruction of our natural environment. I agree with the John Muir Trust that we should preserve our wild land, which is vitally important for recreation and our wellbeing. Let us preserve the habitats of some of our iconic species. We have to get the correct balance.

Everyone who knows me knows that, since 1999, I have consistently argued for a balanced energy policy that includes nuclear energy. I am not going to rehearse the many arguments that I have made about that—I know that the governing party will not agree with me; in fact, some people in my own party do not agree with me. However, we need a policy that will keep the lights on and enable us to develop the political will to ensure that appropriate renewable energy is being developed rather than rushing for wind because it is easier.

We also need to invest in carbon capture and storage technologies that will enable us to use some of our other natural resources; we need to press ahead with that.

Some people have talked about offshore wind farming as if that is going to be easy, but just bunging the turbines into the sea is not going to get rid of all the problems. There are issues about

the use of the sea, what people can see, tourism and all the other uses to which we put the sea that we discussed when passing the Marine (Scotland) Act 2010.

Onshore and offshore technologies are easy and lucrative options for large multinational companies. I sometimes think that when those companies look at the Scottish hills all they see are pound signs. We have to make those options less attractive than other things such as investment in energy efficiency, low-carbon and active travel, and community and individual initiatives. I was upset by the way in which the UK Government changed the feed-in tariffs. We have to look at all the options and not just rush for wind, because it has caused a number of problems.

17:54

**Murdo Fraser (Mid Scotland and Fife) (Con):** I commend Neil Findlay for securing the debate. The attendance in the chamber and in the gallery is testament to how seriously the issue is treated by members and by the public. In Perth and Kinross, Stirling and Fife, this is a live issue for many of the communities that I represent.

I will make three points in the short space of time that is available to me. The first is on the cost of wind power. As Alex Fergusson pointed out, wind power is not free but, like all renewable energy, is subsidised. Indeed, renewable energy is the most subsidised form of energy production. We are all paying for it. Even Scottish Renewables concedes in its briefing paper that the subsidy per bill payer will be £50 per annum by 2016. Others have put the figure higher. That is a flat rate that is payable by all. It is a regressive tax that hits the poorest the hardest. In any other sphere of activity, such a regime would be regarded as pernicious. We are taxing the poor, who are already struggling with fuel poverty, to give money to rich power companies that then pass it on to rich landowners. We are robbing the poor to give to the rich. It is Robin Hood in reverse. Worse still, we are paying power companies even when power is not being produced and the turbines are standing idle.

My second point is that wind power is an unpredictable and intermittent source of power. Without large capacity for electricity storage, for which the technology does not currently exist, it is therefore unreliable, and it requires to be backed up at all times with what is known as a spinning reserve, which has to come from conventional sources of generation. Those of us who attended the presentation in the Parliament a few weeks ago by the Institution of Mechanical Engineers heard its concern that, because of the potential loss of conventional generating capacity in Scotland in the coming years, the spinning reserve

will in future have to be imported from England or France. It would be a rich irony indeed if the greening of the Scottish energy industry was made possible only because of France's investment in nuclear power, but that is where we are heading.

My final point is on planning, which was raised by Neil Findlay, John Lamont and other members throughout the chamber. The planning regime for large-scale onshore renewables is utterly inadequate and communities throughout the country feel under siege from speculative proposals from developers. That is the situation in Perth and Kinross and many other parts of the country. The worst aspect is that local authorities spend a great deal of time devising local plans and identifying suitable sites for development, and democratically elected local planning committees base decisions on those local plans, but when appeals are made to the Scottish Government, it completely disregards the local decision making that has taken place. That is not democratic and it does not promote local accountability or localism. It shows disregard, if not contempt, for local decision making.

The Scottish Government claims to speak for the people of Scotland. The people of Scotland are here in the gallery tonight and it is time that the Scottish Government started speaking up for them.

17:58

**Christine Grahame (Midlothian South, Tweeddale and Lauderdale) (SNP):** I, too, congratulate Neil Findlay on securing this evening's debate. I begin by saying to Murdo Fraser that it is pretty costly to store nuclear material over centuries. Indeed, we just have to think of Chernobyl to realise the costs that nuclear power can have. I do not think that green energy is so expensive in comparison with that. In any event, green energy should be mixed, to include hydro power and deep-sea turbines, which have not been mentioned. I also agree that we need better insulation.

I want to focus on commercial developments across the Borders, and particularly those that are already in train. In 2010-11, there are 11 applications for 156 turbines, and they are much bigger than those at Sutra. When the wind farm at Sutra went up many years ago, it was a bit of a tourist attraction, but there was some naivety about it because it was on its own. Since then, there has been an extraordinary and unwanted proliferation of wind farms across the Borders. By the way, the term "wind farm" is a misnomer. These are industrial developments in the countryside. The hills are gouged out to make tracks where there were none and great turbines are taken up our lanes and through our villages.

Many years ago—in 2003, I think—I got involved in the campaign at Walkerburn to prevent turbines along the southern upland way. I think that Elaine Murray mentioned that. They were going to be about 9 feet away. I went up the southern upland way—I have to admit that I was in a four-wheel drive vehicle; I did not walk all the way up the hill, although I did walk a little bit. They were to be very large turbines. It is now eight years down the road and there have been modifications from the developers, but the battle has not yet been won. What often happens is that a community has a degree of success, the developer modifies the plans, and the battle goes on and on, wearing down the community. A community has to be pretty tough to deal with that.

It is not just about location or size—it is, as other members have said, about the cumulative impact. There have been easy pickings in certain areas, and the fault has been with local authorities, which were naive in the beginning. It took the communities to point out what was happening beneath their feet.

I have concerns about what is called community benefit, as it often seems to amount somewhat to a bribe from developers. A community benefit may benefit one community while disbenefiting others. I have seen communities divided, where one community is quite happy to have the turbines because they are getting a new community hall or a road built, while another community is looking at that happening and does not get anything except having its landscape defaced.

Defacing the landscape is a terribly important issue. I have learned the new phrase "landscape signature", and one can see no better example of that than at Walkerburn. When one looks at the shape of the hills beyond, one can see a real landscape signature, which was going to have a string of turbines against it.

I am not letting the Government completely off the hook, but the first responsibility for smaller developments lies with the local authority, which needs to get it right and react responsibly to the community.

**John Lamont:** I am slightly confused about Christine Grahame's position on the issue. Is it not the Government's fault that we are operating in an environment in which so many communities are under attack from those speculative applications? Is it not also the case that many local councils oppose the application, but the Government reporter approves it?

**Christine Grahame:** Before John Lamont overreaches himself in his intervention I will point out that, at a certain level of megawatts, the first responsibility is with the local authority. Quite often, the problem is that developers have kept the

development at that level and then built other ones on top—I think that the metaphor is “a string of pearls”. They put in place a lot of small developments, thereby avoiding that particular process.

**The Deputy Presiding Officer:** I must ask the member to conclude now.

**Christine Grahame:** I do not want to get party political—I think that the issue deserves better.

18:02

**Rhoda Grant (Highlands and Islands) (Lab):** I, too, congratulate Neil Findlay on bringing the debate to the chamber; it has on the whole been a very good debate.

Members have disagreed on some points, but I think that everyone in the chamber agrees on the need for community involvement. I will start by touching on community ownership. In my area of the Highlands and Islands where community land buy-outs have taken place, community ownership is possible and many communities are considering it. However, it is not easy. The costs involved in looking towards developing wind power—even before one gets to the planning process—are heavy, and there is a need for expertise. That makes it very difficult for communities to take that risk on their own without any indication of whether their plan will be successful. Communities that do not own their land do not have access to funds, and therefore do not have access to expertise.

Small developments in my region, and throughout the rest of Scotland where the communities are involved, are not able to access the grid. If a grid upgrade is required, those communities are expected to pay for it as it is not on a commercial basis, which makes it impossible.

I suggest that we need a community renewables unit: a body of expertise that can advise communities and fund the development costs for them. That will allow communities to reap the benefits and perhaps return some of those funds to the public purse so that they can help other communities that want to do the same.

There has been talk of community benefit—some members are concerned about that and view it as a bribe. I do not take that view, but I believe that the Government needs to step in to ensure that all communities receive a benefit. That is perhaps something for which we could legislate.

Developers clearly access public funds and in return for that they must provide a public good. We need only look at areas such as Shetland, which during the oil boom years cleverly sought to harness some of the benefits for its communities. It will continue to reap the benefit for years into the future, enabling Shetland to build services within

its communities. We must be very careful that communities do not lose out in renewable energy generation.

The motion refers to community concerns about the process and people's involvement in it. That is also the case when communities are the developers. We need a strategic plan for where renewables are to be placed, where they will work and where they can access planning permission. That needs to be available at the outset, but it cannot be put together unless communities are involved early in the process. I urge the Government to look at how that can be done, involving communities at the very beginning, looking at the areas where energy can be generated and then putting in place a strategic plan that will benefit both developers and communities.

It is clear that we need renewables. Fossil fuels are finite and their cost will continue to increase. We also have carbon emission targets to meet and we need to fight climate change. Wave energy and tidal energy need desperately to be developed and we need to continue to invest in that development, keeping the expertise in Scotland. We must also look at our energy consumption.

Renewables are a precious resource and they need to be developed in conjunction with the communities that we seek to serve.

18:06

**Annabel Goldie (West Scotland) (Con):** I thank Mr Findlay for the motion. As others have indicated, the level of support not just in the chamber but from the public galleries should tell the Scottish Government in no uncertain terms just how significant the issue is to communities the length and breadth of Scotland. I support Mr Findlay's motion.

There is a logic in the issue and a rather depressing conclusion to be drawn on the back of that logic, which became apparent four and a half years ago. When the Scottish National Party made clear its ideological opposition to the generation of nuclear energy in Scotland—I do not agree with it, but it is perfectly entitled to do that—there flew from that policy certain inevitable conclusions. One conclusion is that, if we exclude that component of energy provision in Scotland, we will have to have a renewed emphasis and focus on other forms of energy generation. It is clear that one form that has emerged is the contribution that is to be made by the generation of energy from wind turbines.

The main point that I desire to make to the minister this evening is a broad one, and there have been echoes of it in the many excellent speeches this evening. The logical conclusion of

what has happened over the past four and a half years under the policy that has been driven by the Scottish Government is that we now have a strategic energy policy that undoubtedly depends on a contribution from wind turbines. It is a policy that is pursued with vigour by ministers, the very consequence of which is to subject our planning system to what is now manifestly intolerable strain.

I am aware from my own West Scotland region, not least with communities such as Uplawmoor, that there are communities and individuals throughout Scotland who feel marginalised, ignored and irrelevant and who have absolutely no confidence in the planning system. That is not only intolerable; it is utterly wrong.

I will adhere to brevity, Presiding Officer. My message to the minister is simple: the Government should review its energy policy and current planning law and procedure because the public in Scotland are ill served by both, and the current position is unsustainable and ludicrous. It is within the control and the power of the Scottish Government to take corrective action now, and there are communities throughout Scotland—as is manifest from the number of members of the public who are here tonight—that are calling on the Scottish Government to sort out the issue and to do so soon.

**The Deputy Presiding Officer:** I call the minister to respond to the debate. Mr Ewing, you have seven minutes.

18:09

**The Minister for Energy, Enterprise and Tourism (Fergus Ewing):** I start by thanking Mr Findlay for bringing the debate to the chamber. There is undoubtedly huge interest in it across Scotland, as he mentioned and as is evidenced by the fact that the debate is well attended by members of the Parliament and citizens of this country.

I entirely accept the point that has been made by a great many members that the issues under debate are of concern to many people. It is reasonable to argue that some people in this country are opposed to wind turbines in principle. Equally, others are in favour of wind turbines. Many people—possibly the majority—are somewhere in the middle, and think that there should be a policy that locates wind turbines in suitable areas and that due regard should be had to all the factors that have been mentioned by many members across the chamber today.

**Jackie Baillie (Dumbarton) (Lab):** On that point, will the minister take an intervention?

**Fergus Ewing:** I have only seven minutes. Bear with me, as I want to try to make some progress.

The Scottish planning system is committed to delivery of increased renewable energy capacity. It also seeks to safeguard communities and the environment. The system is a framework that we inherited and that largely has proceeded on the same basis since before this Government came to office. I do not make that point for any party-political reasons and I will not be making any party-political points this evening. It is a fair criticism to say that whereas the planning system and the guidance that allows it to operate were framed by our predecessors, the circumstances have changed. It can therefore be reasonably argued that because the circumstances have changed, with far more wind turbines being approved than was perhaps initially contemplated, it is sensible and correct to look again at that planning system. That is why, when Mr Findlay raised his concerns with me, I agreed to meet him. I think we met on 25 September. I also met Angela Constance, the constituency MSP, to discuss the matter.

The Scottish Government is active on this front across the ministerial portfolios and has instructed a considerable volume of work to look at the current situation and the issues that have been raised in the debate. The main issue has perhaps been cumulative impact, which is already a key consideration in decision making. In determinations, planning authorities and the Scottish Government will continue to draw on planning policy and advice from SNH. In assessing cumulative effects, consideration can be given only to schemes in the vicinity that have been built, have had permission to be built or are currently the subject of undetermined applications.

I am pleased to announce that fairly soon SNH will be publishing further guidance on cumulative impact and a range of additional guidance on siting and landscape matters. I hope that members recognise that that shows that we have been considering the issue in some detail, about which people feel very strongly.

**Neil Findlay:** When I met Mr Ewing earlier in the year, I pleaded with him for a national spatial plan for wind farms. He told me that local authorities are responsible for drawing up local spatial plans. Many do not have one and many others are in the process of developing one. The situation is a shambles. I ask him please to take the temperature of the chamber today, to have regard to the numbers of people who have come along to the debate and to have a full-scale review of the whole shooting match.

**Fergus Ewing:** The risk in debates of this sort is that members may overstate their points slightly. I am afraid that Mr Findlay's comments are not factually correct. I will arrange to share the facts with members, and the details of which local

authorities do have spatial strategies. I can tell members, having seen the list—I have it here—that there are a great number.

It would be wholly wrong for me, in Edinburgh, to make such plans. I would be surprised if any member disagreed that it is entirely correct for local authorities to produce plans for their areas, with the benefit of input.

**Neil Findlay:** Will the minister give way?

**Fergus Ewing:** No—I will not take another intervention, because I have only one and a half minutes left.

I will talk about benefits, to which many members referred. We entirely support community renewables, on which we have undertaken a great deal of work. The community and renewable energy scheme—CARES—exists, and Community Energy Scotland provides excellent advice to a great many communities on that. We also have a target of achieving 500MW of local and community-owned renewable energy by 2020.

I am pleased that—as has been said—Scottish and Southern Energy announced this week that it will increase the community benefit rate in its new wind schemes to £5,000 per megawatt. I hope that other developers will follow that example. We are now examining in detail the consultation responses on securing community benefits and we will come back to members on that work in due course.

**Jackie Baillie:** Will the minister take a brief intervention?

**Fergus Ewing:** I am in the last 30 seconds of my speech.

**The Deputy Presiding Officer:** I can allow a brief intervention.

**Jackie Baillie:** Thank you, Presiding Officer—I thank the minister, too. [*Laughter.*] That was wonderful, Presiding Officer.

I take the minister back to guidance from SNH, which is important, on the proximity of wind farms to national parks. What role does he envisage for the national parks and SNH in looking at wind farm applications?

**The Deputy Presiding Officer:** What I said was, of course, dependent on Fergus Ewing being inclined to take the intervention.

**Fergus Ewing:** By instinct, I always want to take part in a debate, which means taking interventions. I just thought that I did not have time for an intervention. I always find it difficult to refuse Jackie Baillie.

We will of course consider matters fairly. I have almost run out of time and I am sorry that I have

not had time to do justice in full to all the many points that were raised.

I assure members and members of the public that the debate is extremely serious and is one of the most important in Scotland. We have huge renewables potential and we are achieving great success, not just in onshore wind but in offshore wind, tidal and wave power. Jobs are being created throughout Scotland and opportunities are being created for young people. I know that members of all parties support that, as does the United Kingdom Government, which has almost exactly the same policy as us on supporting onshore wind developments through ROCs.

I hope that the debate will be moderate, informed and useful. A great deal of work is being done. I am happy to share that with members of all parties and to work with them so that we continue to have a successful renewable energy policy for the country.

*Meeting closed at 18:18.*





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