



The Scottish Parliament  
Pàrlamaid na h-Alba

## Official Report

# MEETING OF THE PARLIAMENT

Wednesday 24 April 2013

Session 4

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# Scottish Parliament

Wednesday 24 April 2013

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

## Portfolio Question Time

### Finance, Employment and Sustainable Growth

**The Deputy Presiding Officer (Elaine Smith):** Good afternoon. The first item of business this afternoon is portfolio questions on finance, employment and sustainable growth.

#### Daktari Diagnostics (Inverness)

**1. Mike MacKenzie (Highlands and Islands) (SNP):** To ask the Scottish Government what the impact will be of Daktari Diagnostics locating its manufacturing site in Inverness. (S4O-02015)

**The Minister for Energy, Enterprise and Tourism (Fergus Ewing):** The Scottish Government recognises the strategic importance of Daktari to the Scottish medtech industry and welcomes the company's decision to open a new manufacturing operation in Inverness—its first overseas operation—which will lead to the creation of 126 new jobs.

**Mike MacKenzie:** Given that the deal was sealed with the First Minister during the Scotland week celebrations in New York and that it arose from a meeting with the First Minister at the Scottish open in Inverness last year, does the minister agree that attendance at, and participation in, such events is a very good use of the First Minister's time?

**Fergus Ewing:** Daktari is a company that manufactures diagnostic cartridges that will be used to carry out blood tests to detect the presence of HIV in potentially millions of people in Africa where there is no access to laboratory equipment. We have the drugs for HIV but not the ability to diagnose those who have it. The Daktari company therefore has a world-leading product that can make a huge contribution to solving one of the world's most serious health problems, which takes many lives. Therefore, I am delighted that the First Minister's efforts in his trade missions to the United States have helped to secure a marvellous investment for Scotland and, in particular, Inverness.

**George Adam (Paisley) (SNP):** Does the minister agree that, following Lifescan's £9.53 million investment last year, including a £2.85 million public investment, adding a further 19 jobs

to Lifescan Scotland's workforce of 1,100, Scotland is building a world-leading life sciences industry?

**Fergus Ewing:** Yes, I do. I am also pleased that so many of the companies are coming to the city of Inverness, which I represent. That is not just because of something in the water; it is because we are establishing a reputation worldwide as a centre of excellence for the life sciences sector. These things happen not by accident but because of excellent concerted work by many public servants, especially those in the enterprise networks, in this particular case in Highlands and Islands Enterprise. In that regard, I would like to give recognition to Alex Paterson and Lorne Crerar and their team, who are playing a blinder for Scotland. I am delighted that, substantially because of their efforts, we have attracted so many of the top life sciences companies in the world.

#### Future Oil Revenues (Calculation)

**2. Rhoda Grant (Highlands and Islands) (Lab):** To ask the Scottish Government how it calculates future oil revenues. (S4O-02016)

**The Cabinet Secretary for Finance, Employment and Sustainable Growth (John Swinney):** The Scottish Government's "Oil and Gas Analytical Bulletin" provides forecasts for oil and gas tax revenue from the Scottish portion of the United Kingdom continental shelf under five scenarios. The scenarios use a range of estimates about future operating costs, capital expenditure and profitability to reflect the impact that different assumptions about future prices and production levels are expected to have on costs and sales revenues in the oil and gas industry, and hence profitability and tax revenues.

**Rhoda Grant:** Three out of the five Scottish Government scenarios for oil revenues are based on a baseline price of \$113 per barrel. Will the minister tell me whether any other professional or independent bodies have given similar projections for the price of oil? Will he explain why the Scottish Government has rejected in its calculations the use of the Office for Budget Responsibility forecast based on futures markets?

**John Swinney:** First, as a simple point of factual correction, we have not rejected the OBR estimates; we have actually shown them as scenario 1 in the bulletin that we published.

Secondly, Rhoda Grant asked whether any other organisation has predicted oil prices in excess of \$113. Well, the Ernst & Young ITEM Club has done so, as has the Department of Energy and Climate Change, which is an organisation of the United Kingdom Government. I also note that the Organisation for Economic Co-

operation and Development published analysis that suggested that

"rising demand in East Asia and continued tight supply could result in oil prices rising above \$150 by 2020."

There are plenty of higher estimates. The Scottish Government has taken a responsible attitude in its approach to forecasting oil revenues.

**Rhoda Grant:** I was not asking who has estimated a higher price; I was asking which professional bodies have estimated the price in the same way as the Scottish Government has done.

**John Swinney:** We have set out a realistic approach on production. Rhoda Grant referred to criticism about production levels. Professor Alex Kemp of the University of Aberdeen, who is probably viewed as the world expert on oil and gas production and prices, has said:

"With respect to production, the OBR also took really quite, quite cautious views on that."

As I said in my initial answer, the estimates of oil revenues will be a product of production, price, profitability, investment and decommissioning. A variety of issues will affect profitability, and the Scottish Government has included all those factors in the analysis that it has published, as members of Parliament would expect us to do.

**The Deputy Presiding Officer:** If we have brief questions and answers, I will take a few supplementary questions.

**Linda Fabiani (East Kilbride) (SNP):** What is the cabinet secretary's view on the credibility of the OBR, given that its recent forecasts of Government revenues from oil used the futures curve over 10 working days, a methodology that the Bank of England has described as

"no better ... than a random walk"?

**John Swinney:** Clearly, the OBR settles on its view on the basis of a number of factors, and it is for the OBR to defend its methodology. As I said in my initial answer to Rhoda Grant, the Scottish Government has given due regard to the OBR estimates. Of course, in 2010, the OBR predicted that the economic growth in this fiscal year would be 2.9 per cent, but in its most recent estimate growth is now projected to be 0.6 per cent. I accept that forecasting is a difficult job, but the OBR has had difficulties in forecasting accurately a number of factors. The Government's contribution to the debate on oil and gas revenues is a responsible and considered analysis of the position.

**Gavin Brown (Lothian) (Con):** In the interests of transparency, will the Scottish Government publish the workings and the data underpinning its projections in the rather brief analytical bulletin?

**John Swinney:** A volume of material has been published in relation to the assumptions that are made. The "Oil and Gas Analytical Bulletin" goes through the different scenarios that are relevant to the calculations that the Government has made. I have answered a number of parliamentary questions that have examined some of the detail, and I must say that much of that detail is already contained in the bulletin. Parliament has a significant amount of material that develops the issues.

I simply point out to Mr Brown that Professor John McLaren, who is a frequent commentator on the subject, has said:

"The Scottish Government's Oil and Gas Analytical Bulletin is a very welcome addition to the statistical landscape, especially with the referendum approaching."

That is a healthy endorsement from a significant commentator in the debate on these issues.

**Patrick Harvie (Glasgow) (Green):** Here is something else that Professor Kemp probably will not agree with. The cabinet secretary might not have seen the recent report from the carbon tracker initiative and the Grantham research institute entitled "Unburnable Carbon 2013: Wasted capital and stranded assets", which demonstrates clearly that, if the world is remotely serious about climate change, we cannot afford to burn most of the known reserves of fossil fuels.

**The Deputy Presiding Officer:** Ask a question, please.

**Patrick Harvie:** Does that not imply that not only are the estimated revenues hugely inflated, but the entire oil and gas industry is hugely overvalued?

**John Swinney:** I fundamentally disagree with that latter point that Patrick Harvie makes. The oil and gas industry makes a significant contribution to economic health and to employment and the investment regime in Scotland.

On his wider point about carbon emissions and accounting for carbon, the Government put in place a statutory framework during the previous parliamentary session that obliges us to deliver a certain performance in relation to current production. We must develop and use the natural resources of Scotland while being consistent with that framework, which is exactly the approach that the Scottish Government will take.

**The Deputy Presiding Officer:** Question 3 has not been lodged, and an explanation has been provided.

### **Employment Opportunities (Dumfries and Galloway)**

**4. Joan McAlpine (South Scotland) (SNP):** To ask the Scottish Government what can be done to boost employment opportunities in Dumfries and Galloway. (S4O-02018)

**The Cabinet Secretary for Finance, Employment and Sustainable Growth (John Swinney):** The Scottish Government is committed to supporting sustainable economic growth and promoting job creation throughout Scotland, including in Dumfries and Galloway, and our economic strategy provides us with the overarching economic framework to do that.

We work closely with a wide range of organisations including Scottish Enterprise, Scottish Development International, Skills Development Scotland, VisitScotland, Dumfries and Galloway Council, the third sector, financial institutions and other specialist advisory bodies to promote job creation. Since 2009, five businesses in Dumfries and Galloway have accepted regional selective assistance offers. The projects were aimed at stimulating capital investment of almost £8 million in order to create and safeguard 112 jobs.

**Joan McAlpine:** The cabinet secretary will be aware that Reid and Taylor, Langholm's last tweed firm, has gone into administration with the loss of 35 jobs. That comes after a spate of job losses in Langholm this year that will have a devastating effect on a rural community. What assistance can the Scottish Government offer that community and the people who live there?

**John Swinney:** Scottish Enterprise has been working closely with Reid and Taylor during the past couple of years on a number of projects to strengthen the foundations of the company. It was with great regret that the decision was taken to call in the administrators on Friday. Since they were appointed, Scottish Enterprise has been in contact with them with a view to encouraging further development of the business. A prospectus to market the business has been prepared, and a closing date of the end of this week has been set for indicative offers to be made.

Partnership action for continuing employment will provide direct support to the affected workforce. I make a commitment to Joan McAlpine that, through Scottish Enterprise, the Government will work closely with the administrators to encourage a new business venture to emerge. I would be happy to arrange a meeting with the member to discuss any wider issues in relation to the Langholm economy. I will also be happy to assist in establishing that discussion.

**Elaine Murray (Dumfriesshire) (Lab):** As well as the jobs that Ms McAlpine mentioned, in the

past few weeks we have seen the loss of more than 40 jobs at Interflora in Dumfries, and statistics released by United Kingdom ministers to my colleague Russell Brown MP suggest that more than 2,000 private sector jobs have been lost in Dumfries and Galloway since 2010. Does the cabinet secretary agree that the time has come for the relevant agencies to develop a more proactive approach to job creation and retention in Dumfries and Galloway?

**John Swinney:** The focus of Scottish Enterprise, as the principal economic development agency, is to work with companies in the locality, to strengthen those companies and to boost employment where that can be secured. That will be reinforced as a consequence of our discussions. The business gateway provides that support in the locality.

A range of different projects in Dumfries and Galloway are attracting support from Scottish Enterprise. A number of them are connected to the renewable energy and food and drink sectors in the rural economy. Scottish Enterprise acts at all times to support the development of new business opportunities in the area.

A couple of times a year, I attend the south of Scotland alliance, which is a body of local authority, enterprise agency and tourism officials that get together to focus on the implementation of economic development measures in the whole of the south of Scotland including Dumfries and Galloway and the Scottish Borders. The issues that Dr Murray has raised receive constant attention in the discussions that take place in the south of Scotland alliance and among the different partners that are implementing the Government's economic strategy.

### **Homecoming and Bannockburn Anniversary Events (Support)**

**5. Bruce Crawford (Stirling) (SNP):** To ask the Scottish Government what financial support it has provided to the Stirling area over the past four years to promote and deliver events connected with the year of homecoming and the 700th anniversary of the battle of Bannockburn and how much it will provide in 2013-14. (S4O-02019)

**The Minister for Energy, Enterprise and Tourism (Fergus Ewing):** The Scottish Government invested £181,500 in events in the Stirling area connected with our first year of homecoming in 2009. The level of confirmed financial support for such events for 2013-14 at present stands at £310,000 and that may increase yet further. My officials, EventScotland and Creative Scotland are in on-going discussion with event organisers, who are all working hard to ensure that Stirling and the rest of Scotland have a fantastic events offering in 2014. In addition to the

financial support for events, Historic Scotland is investing £5 million to complete the site upgrade and new visitor facilities at Bannockburn, which will be truly superb.

**Bruce Crawford:** Clearly, significant investment is being made in the Stirling area to ensure an exciting and vibrant year of homecoming and 700th anniversary of the battle of Bannockburn. However, to ensure that the economic benefits are maximised to the full, will the minister assure me that EventScotland will give every consideration to supporting Stirling Council's wider and more beefed-up programme for the year of homecoming, including, for example, hogmanay 2014, the Spirit of Stirling whisky festival, Stirling highland games, Stirling food and drink festival and the Bloody Scotland crime-writing festival. This will be Stirling's year and it is a fantastic opportunity that must be grasped to the full.

**Fergus Ewing:** The member kept us guessing there as to what was to follow the epithet "bloody".

All those events offer a terrific opportunity for people to enjoy a day out in Stirling. I have met the leadership of Stirling Council on four or five occasions over the past year and am due to meet it again on 15 May. We want to work with Stirling Council to make the year of homecoming truly remarkable and memorable—a marvellous occasion for us all to enjoy and to celebrate the outcome of the battle of Bannockburn.

### Ortak (Administration)

**6. Liam McArthur (Orkney Islands) (LD):** To ask the Scottish Government what discussions it has had with Orkney Islands Council and other stakeholders about the implications of Ortak going into administration. (S4O-02020)

**The Minister for Energy, Enterprise and Tourism (Fergus Ewing):** We were saddened to hear of the difficulties faced by Ortak and the impact that its decision to go into voluntary administration has had on its staff. Our thoughts are with them and their families at this difficult time.

Our initial discussions with the administrator BDO have been to ensure that, through our partnership action for continuing employment—PACE—initiative, all available support is provided to the 29 staff who have been made redundant. Discussions now continue with Orkney Islands Council, Highlands and Islands Enterprise and BDO. We remain hopeful that BDO is able to find a buyer for Ortak, and we believe that the company has a viable future that will secure employment in Orkney and elsewhere.

**Liam McArthur:** I thank the minister for that positive response. He will appreciate the importance and iconic status of Ortak for Orkney's

internationally renowned jewellery sector, which has suffered an understandable knock-on effect to confidence from Ortak's move into voluntary administration. Can he set out what success the steps that have been taken have had in supporting those, including many in my constituency, who have lost their jobs? Will he agree that, whoever ends up taking on the business—I understand that a number of notes of interest have been received—it is critically important that the manufacturing remains in Orkney over the long term?

**Fergus Ewing:** I am entirely in agreement with Liam McArthur on that. We will, as always, work closely with him on all these matters in so far as we can, and we will give every assistance to the 29 individuals and their families who are affected. Of course, the primary objective is to secure a successful outcome from the administration.

On the reputation that Orkney enjoys for jewellery and jewellery businesses, Orkney has many other jewellery firms of renown, including Sheila Fleet Jewellery and many smaller firms that have made their mark and are regarded throughout the world for high-quality and attractive jewellery. I do not think that that reputation is in any doubt whatsoever.

We will make every effort to assist the individuals affected and their families in every way possible to find other opportunities. There are many other opportunities in Orkney, which is succeeding to a huge extent in other areas such as—to name but two—tourism and renewable energy, although it is of course up to the individuals involved as to what they wish to do. I will be happy to engage further with the member to follow through on the issue over the next weeks and months.

### Business Rates Incentivisation Scheme

**7. Richard Baker (North East Scotland) (Lab):** To ask the Scottish Government what progress it is making in taking forward the business rates incentivisation scheme. (S4O-02021)

**The Minister for Local Government and Planning (Derek Mackay):** The Scottish Government is actively working jointly with the Convention of Scottish Local Authorities and local government to review the BRIS targets for 2012-13, taking into account the latest business rates returns, which show that the loss from revaluation appeals is likely to be lower than previously predicted. If we had not reviewed the targets, local authorities would have stood to benefit from an unjustified windfall and not as a result of any action that they had taken to increase their collection rates or grow the tax base.



The impact of the BRIS will not be known until the final 2012-13 audited non-domestic rates income returns are received from local authorities in February 2014.

**Richard Baker:** The scheme that was originally outlined by ministers would have enabled Aberdeen City Council to invest some £5.8 million in the local economy. The decision to revise the target in light of the appeals means that the council will receive only around £300,000 through the scheme. Is it not the case that Aberdeen is being penalised for delays in business rates collection elsewhere in Scotland? What will the minister do to rectify the situation so that the scheme achieves what it was meant to achieve, namely the ability to invest in economic growth in Aberdeen, which is important to our wider Scottish economy?

**Derek Mackay:** The member should understand the full workings of the scheme. Aberdeen City Council has raised matters in relation to the overall take and the change in circumstances. However, if there were a significant event that led to a review of the targets, that would be in keeping with the original intent of the scheme.

Members should bear in mind that the purpose of the scheme is to grow the tax base at a local level, to ensure that local authorities are thinking about that, and to improve the collection rate. Those are matters that are part of the current consideration.

The appeals issue that I referred to cuts both ways. The distributable income is guaranteed by the Scottish Government to local government, so the other factors that I have referred to will feature in discussions that we will have collectively with local government through COSLA.

### **South Lanarkshire Council (Meetings)**

**8. Linda Fabiani (East Kilbride) (SNP):** To ask the Scottish Government when it last met South Lanarkshire Council and what was discussed. (S4O-02022)

**The Minister for Energy, Enterprise and Tourism (Fergus Ewing):** The Scottish Government regularly meets Scottish councils and discusses a range of issues with them.

**Linda Fabiani:** Given the further potential job losses in East Kilbride that were announced this week, does the minister agree that it is even more important that South Lanarkshire Council, through the East Kilbride task force, comes up with a vision and strategy for the future of East Kilbride? Will he reconfirm the Government's commitment to Scotland's largest town?

**Fergus Ewing:** We are happy to confirm that everything possible will be done to assist the

generation of jobs in East Kilbride. Of course, Linda Fabiani regularly advocates that cause in Parliament.

We understand that the Scottish Government is represented on the East Kilbride task force by officials from Scottish Enterprise and Skills Development Scotland, which are contributing to the development of an action plan that is aimed at encouraging future business opportunities. South Lanarkshire Council's East Kilbride task force is due to meet tomorrow to discuss the draft action plan and the local area economic review. We will continue to work closely with it and with Linda Fabiani to do everything within our power to create new jobs in East Kilbride.

**Margaret McCulloch (Central Scotland) (Lab):** What assurances can the minister provide that the Scottish Government will find sufficient resources to support the action plan of the East Kilbride task force, thereby helping to secure and promote the pre-eminent position of the town in the west of Scotland economy?

**Fergus Ewing:** I can provide the member with an assurance that we will do everything that we possibly can to assist the task force in every way that is practical. Of course, we have to work through any proposal to assess how viable, affordable and practical it is, how it can be financed and whether it will sustain jobs, and we do so on the basis of our economic strategy, which is to encourage growth and focus our efforts on growth sectors, growth markets and growth companies. I think that that is the correct strategy, and we will make decisions based on the application of that strategy.

On a personal level, I met the leader of South Lanarkshire Council not so long ago to discuss different matters. We are keen to build up relations with all council leaders, and we—Mr Mackay, principally, but also other ministers, including myself—have such meetings regularly. The objective is to do everything that we can to help workers who face redundancy to deal with the difficult economic conditions in Scotland and the United Kingdom at this time.

### **United Kingdom Debt (Scotland's Share)**

**9. Aileen McLeod (South Scotland) (SNP):** To ask the Scottish Government on what basis the share of UK debt to be assigned to an independent Scotland should be calculated. (S4O-02023)

**The Cabinet Secretary for Finance, Employment and Sustainable Growth (John Swinney):** The division of the UK's historical debt would be agreed as part of wider negotiations into the division of the total stock of assets and liabilities. Assigning the debt using either a

population or historical share would leave Scotland with a lower ratio of debt to gross domestic product than the UK.

**Aileen McLeod:** Does the cabinet secretary agree that, as it is now clear that Scotland has contributed significantly in excess of its per capita share of tax revenues to the UK Exchequer over many decades and received no return for that, that should be reflected in the calculations?

**John Swinney:** Aileen McLeod is correct in the substance of her analysis. The report “Scotland’s Balance Sheet”, which was published earlier this month, shows that tax receipts per person in Scotland have been higher than in the UK as a whole in every year since 1980-81. It also demonstrates that calculating Scotland’s share of UK debt on the basis of its historical net fiscal balances would result in Scotland being assigned a share of UK net debt equivalent to 38 per cent of Scottish GDP in 2011. That is significantly lower than the UK’s debt burden, which stands at 72 per cent of GDP.

#### **Opencast Mining (Restoration)**

**10. Claire Baker (Mid Scotland and Fife) (Lab):** To ask the Scottish Government what its position is on opencast restoration. (S4O-02024)

**The Minister for Energy, Enterprise and Tourism (Fergus Ewing):** We share the concerns of local communities around the responsible restoration of opencast coal sites, and we are setting up the Scottish Mines Restoration Trust—SMRT—to help to facilitate the restoration of old opencast coal mines throughout Scotland.

Although our main concern is to ensure responsible restoration of opencast sites, the restoration process itself is expected, over time, to create potentially hundreds of jobs throughout the country. The new Scottish Mines Restoration Trust will engage with local councils, landowners, and coal operators, undertaking a facilitation role to pull all relevant parties together to ensure the best possible outcome for local communities and the effective restoration of old opencast mines.

**Claire Baker:** The minister refers to the establishment of the Scottish Mines Restoration Trust. Yesterday in the Parliament, he described it as a facilitating body rather than a funding one. Will he say a bit more about what discussions he is having with local authorities to ensure that bonds are in place for all current sites? What assurances can he give to local communities that, if there is a problem and the bonds are not in place or are at risk, the Scottish Government will take action to ensure restoration, including considering the sale of assets or putting in place a condition on any future buyers?

**Fergus Ewing:** A short-life working group on restoration bonds was initiated in September 2012. I make that point to emphasise to members that the work did not begin in the past couple of weeks following the announcement of the liquidation of Scottish Resources Group; it has been going on for a long time.

It is a very complex topic. As I made clear yesterday, prime responsibility rests with industry. The SMRT’s role will be to facilitate the complex and difficult task of enabling restoration to take place. There are many practical difficulties, but I am confident that, working together, we can secure a good outcome. Indeed, the Scottish opencast mining task force—the formation of which I announced yesterday—will meet on Monday morning, I believe, and take those matters forward with members of each of the three main Opposition parties represented.

The matters are not easy, but we are determined to find the appropriate solutions and to work together. I am confident that we will be able to make good progress on a number of opencast sites.

#### **Community Business Initiatives (Kilmarnock and Irvine Valley)**

**11. Willie Coffey (Kilmarnock and Irvine Valley) (SNP):** To ask the Scottish Government what support it provides for community business initiatives in Kilmarnock and Irvine Valley. (S4O-02025)

**The Minister for Energy, Enterprise and Tourism (Fergus Ewing):** Community businesses may access support from Scottish Government third sector organisational development programmes, such as just enterprise. Individuals who wish to set up social enterprises are also eligible for support from just enterprise and the social entrepreneurs fund.

Co-operative development Scotland provides specialist advice to new and growing co-operative enterprises, including existing businesses that wish to change ownership to adopt a co-operative model.

**Willie Coffey:** The support that has been indicated is very welcome in my constituency. Could the minister say how other business start-ups might attract additional support, financial or otherwise, beyond our very helpful business rates relief scheme, particularly during their crucial first year of operation?

**Fergus Ewing:** There are many ways in which small and start-up businesses can obtain support. The primary source of advice is the business gateway, which is administered through local authorities. From memory—which is always a challenge—I believe that the number of

businesses that were contacted and that received advice last year was about 11,000.

Of course, advice can also be obtained from the legal profession, from accountancy, from mentors, from business organisations such as the Federation of Small Businesses, the Scottish Council for Development and Industry and the Institute of Directors, from chambers of commerce and from other sources. There is a willingness in team Scotland to provide every help to start-up businesses.

We praise the efforts that have been made, for example, through the Entrepreneurial Spark, which has had financial assistance, and by the Prince's Trust Youth Business Scotland, as well as the efforts of individuals in business of seniority and experience who offer their time to young people, almost always without question of any charge being made, because they want young people to have the best business start in life. We are beginning to see the fruits of their labours coming through.

#### **Scottish Civil Service Jobs (Dundee)**

##### **12. Jenny Marra (North East Scotland) (Lab):**

To ask the Scottish Government how many Scottish civil service jobs have been transferred to, or created, in Dundee since May 2007. (S4O-02026)

**The Cabinet Secretary for Finance, Employment and Sustainable Growth (John Swinney):** There are currently 102 Scottish Government staff employed in Dundee—53 in the Office of the Scottish Charity Regulator, 33 by Education Scotland and 16 by the directorate for housing, regeneration and welfare.

**Jenny Marra:** My question to the cabinet secretary was to ask how many of those jobs have been created or transferred to Dundee since 2007. I wonder whether he could answer that for me. I know that his fellow minister, Shona Robison, made great play before 2007 of calling for Scottish civil service jobs to go to Dundee. There have now been six years in which to achieve that. I seek clarification from the cabinet secretary on how many of those jobs have been created since the present Government came to power.

**John Swinney:** I say to Jenny Marra simply that the Government has to operate within a very significant set of financial pressures, which determine the approaches that we take to deployment of public sector resources. In the light of those decisions, the Government has undertaken, with an undeniable and clear consensus in Parliament—

**Jenny Marra:** So, the answer is none.

**The Deputy Presiding Officer:** Order.

**John Swinney:** The Government has undertaken to tackle the cost of administration within the Government. Any relocation of jobs from one part of the country to another costs more money in the short term than it saves. If money is under pressure and if Parliament wants the Government to control the administration budget—which we have done; we have reduced it significantly—the opportunity to undertake all the measures that we would like to undertake to relocate jobs is much more challenging, in that context.

The city of Dundee has benefited very significantly from other types of investment by the Government. As I drove through the city of Dundee last night, I saw further progress in its significant waterfront development, which is anchored by Government funding. There is, of course, also the development of the V & A at Dundee museum and there are the significant investments in the University of Dundee and the University of Abertay. All those things, looked at in the round, demonstrate significant investment by the Government in the city of Dundee.

**Jenny Marra:** The answer is none.

**Ken Macintosh (Eastwood) (Lab):** It is none.

**The Deputy Presiding Officer:** Order.

If questions and answers are a bit shorter, we might get a couple more in.

#### **Energy Sector (Recruitment)**

**13. Dennis Robertson (Aberdeenshire West) (SNP):** To ask the Scottish Government what it is doing to increase recruitment into the energy sector. (S4O-02027)

**The Minister for Energy, Enterprise and Tourism (Fergus Ewing):** Following the publication of the skills investment plan for the energy sector in March 2011, there has been extensive careers promotion activity to attract a new workforce to the energy sector in Scotland. That includes 10,000 “Working in the energy sector” leaflets, which were produced by Education Scotland, being distributed in Scottish schools, and more than 5,000 hits on the energy section of the “My World of Work” website.

There has been a 13 per cent increase in the number of engineering and energy-related modern apprenticeship starts over the past two years, with fabrication and welding starts increasing by 25 per cent in the same period. We have also supported 890 training opportunities through the energy skills challenge fund in 2012-13 in areas such as oil and gas, marine renewables, wind power, the grid and commercial diving in order to help the sector to recruit experienced people.

**Dennis Robertson:** I thank the minister for that detailed and comprehensive answer. He is aware that the historical imbalance in the gender mix in the energy sector remains. What more can the Government do to get more women into the sector in my constituency of Aberdeenshire West, and in the rest of Scotland?

**Fergus Ewing:** Mr Robertson has identified one of the areas in which most can potentially be done to help the oil and gas sector to achieve delivery of the tremendous oil and gas projects that have been announced of late, of which there are now £100 billion-worth in the pipeline in Scotland. The scale is immense. Over the next couple of years, we will see more investment than has ever been seen in the history of oil extraction in Scotland and the United Kingdom. If we can persuade more females to enter professions in the oil and gas sector, that will perhaps be the most obvious way of rising to the challenge.

An interesting but counterintuitive point is that most jobs in the oil and gas sector are not offshore. I am not suggesting that females cannot work offshore—of course they can—but I think that there is a false perception that working in the oil and gas industry means working offshore. Increasingly, it means working onshore—for example, in project management or designing projects such as the Gorgon project in Australia, which has been designed in Aberdeen because the people there are the best in the world at that.

Dennis Robertson has highlighted one of the key opportunities for the industry. It is up to the industry to deal with it, but we will provide every assistance that we can provide in order for it to rise to ensure that more females are encouraged to enter the industry and to contribute to its huge worldwide success.

#### **Tax Revenue 2011-12 (Estimate)**

**14. Gordon MacDonald (Edinburgh Pentlands) (SNP):** To ask the Scottish Government what the tax revenue in Scotland was estimated to be in 2011-12. (S4O-02028)

**The Cabinet Secretary for Finance, Employment and Sustainable Growth (John Swinney):** Including a geographical share of North Sea oil, Scottish tax revenue in 2011-12 was estimated to be £56.9 billion.

**Gordon MacDonald:** The report “Scotland’s Balance Sheet” highlights that per capita tax receipts are higher in Scotland than they are in the rest of the UK. Will the cabinet secretary tell us the extent of the difference and say for how long tax receipts have been higher in Scotland per capita?

**John Swinney:** On Mr MacDonald’s last point, per capita tax receipts have been higher in Scotland than in the UK in each of the past 32

years, as I said in an earlier response. In 2011-12, the difference between per capita tax receipts in Scotland and the rest of the UK was £1,700 per person. The figure in Scotland was £10,700 compared with £9,000 in the UK as a whole.

**The Deputy Presiding Officer:** Question 15 has not been lodged, and an explanation has been provided. Questions 16 and 17 have been withdrawn and explanations provided.

#### **Employment (West of Scotland)**

**18. Stuart McMillan (West Scotland) (SNP):** To ask the Scottish Government what progress has been made on increasing employment opportunities in the west of Scotland. (S4O-02032)

**The Cabinet Secretary for Finance, Employment and Sustainable Growth (John Swinney):** The Scottish Government is committed to supporting sustainable economic growth and promoting job creation throughout Scotland, including in the west of Scotland. We are investing in infrastructure and working with a range of organisations to maintain a competitive business environment. Since 2007, businesses across the west of Scotland have accepted regional selective assistance offers of £46 million that are expected to create and safeguard more than 5,000 jobs.

**Stuart McMillan:** Last week’s announcement that Scotland’s unemployment figures have fallen below 200,000 for the first time since 2009 is a welcome sign that the Scottish Government’s policies are playing their part in helping to deal with the tough economic conditions.

Will the cabinet secretary inform me of any discussions that have taken place between the Scottish Government and local authorities in the West Scotland region that have been focused on reducing unemployment rates even further? Will he outline any action points that were agreed and say what progress has been made on them?

**John Swinney:** We regularly meet local authorities to discuss a range of topics, not least of which is the condition of the economy and the objectives of reducing unemployment rates and improving economic conditions.

A specific area of consideration has been the £25 million youth employment Scotland initiative, which will in the coming year make up to 10,000 job opportunities available to young people. The initiative will be administered by local authorities; the Scottish Government has in recent months held talks with local authorities throughout Scotland regarding its development. I am delighted that all West Scotland authorities have submitted bids; an announcement will be made shortly in that regard.

**Ken Macintosh (Eastwood) (Lab):** Will the cabinet secretary say what initiatives he has put in place to tackle long-term unemployment in Scotland and why they have so far been spectacularly unsuccessful?

**John Swinney:** That question possibly sums up Mr Macintosh's rather miserable approach to the issues that we are trying to tackle: of course there are employment challenges.

Last week we saw a significant fall in unemployment in Scotland and a significant rise in employment—the largest rise in employment in Scotland in 12 years. I would have thought that Mr Macintosh might have added to his question a modest preamble on that.

The Government has a range of initiatives in place to support people who have been unemployed for a sustained period. As Mr Macintosh well knows, the United Kingdom Government's work programme is also focused on tackling individuals who are in long-term unemployment. The Scottish Government, working with the UK Government through the Scottish employability forum, tries to ensure that the initiatives that we take complement the work that is undertaken by the body that is leading in that area of activity. Of course, in terms of long-term unemployment, that is an approach that the UK Government's work programme is primarily designed to tackle. We will continue that approach and we will continue to provide focused support and assistance to individuals, to help them back into employment.

## Canals

**The Deputy Presiding Officer (Elaine Smith):** The next item of business is a statement by Keith Brown on making the most of Scotland's canals. The minister will take questions at the end of his statement. There should therefore be no interventions or interruptions.

14:42

**The Minister for Transport and Veterans (Keith Brown):** I am pleased to make this statement setting out the Scottish Government's strategy for our canals. Our five canals are some of the most famous and historic in Britain, having been built between 1768 and 1822 as transport routes. Each canal is unique, with its own characteristics.

When we look at our canals today it is easy to forget the poor condition that they were in and the uncertain future that they faced only 20 years ago. The Caledonian canal was facing closure, with bulging and leaking lock walls. A 10-year, £20 million, lock stabilisation project secured its future. The Forth and Clyde and Union canals became derelict following closure in the 1960s, and there were calls for them to be filled in. However, they reopened in 2001 as part of the £78 million millennium link project, which was the largest-ever canal restoration project in Britain. The iconic Falkirk wheel was constructed to reconnect the two canals.

In 2011, we protected that investment and subsequent investments by placing a statutory obligation on British Waterways to maintain the canals in a suitable condition for use by cruising craft. As scheduled monuments, the canals are now not only recognised as part of Scotland's rich heritage but safeguarded for generations to come. They are no longer shunned by their communities; they are well-loved resources.

Partnership working, especially between Scottish Canals and local authorities, has been critical in recognising and realising the additional benefit that our canals can offer. I commend the partnerships that have been formed, which demonstrate that wider benefits to canal-side communities can be secured, in addition to benefits for the canal itself.

The Scottish ministers gained responsibility for Scotland's canals in 2001. British Waterways continued as a cross-border body, receiving policy direction and funding from the Scottish Government for its Scottish activities. More than £150 million in grant in aid since 2001 has allowed it to meet statutory duties and progress new initiatives. That direct investment has acted as a stimulus for other public and private sector

investment. In January, we allocated £4.6 million to Scottish Canals for shovel-ready infrastructure projects in addition to previously announced annual grant in aid of £10 million.

In 2010, the United Kingdom Government decided to transfer the canals in England and Wales to a waterways charity. British Waterways' chair suggested that our canals might also be transferred. However, there was no appetite for such a change among Scottish stakeholders and we were not persuaded that it would be in Scotland's best interests, so we decided to retain our canals in the public sector.

We worked closely with the UK Government and British Waterways to ensure that both Governments' decisions were implemented smoothly, with Scottish interests protected and preparatory work undertaken to allow British Waterways Scotland to operate on a self-standing basis. Issues such as changes in legislation, the cost of change, the fair split of assets, liabilities and pensions were addressed. We adopted a business-like approach that culminated in the successful separation of the two bodies last July. The British Waterways body continues to exist, although now as a Scottish public body that is known as Scottish Canals. That significant milestone means that we now have a board that is appointed by Scottish ministers and that the policies and activities of Scottish Canals are determined solely by Scottish considerations. That stands us in good stead for moving forward.

The management of that successful change is emblematic of what can be achieved. It demonstrates that, although challenging, with good will and hard work it is perfectly feasible for Scottish and UK ministers to work jointly to separate out functions where desired, in this case after almost 50 years of cross-border operation. Perhaps that is a case study for the future.

A year ago, I advised the incoming board that I expected Scottish Canals to contribute strongly to the Scottish Government's primary purpose. I recognised that a priority for the board was to take stock of assets and liabilities, inherited projects, policies and, of course, risks. The board has been heavily occupied with that, but it is now ready to launch its vision and values for the organisation.

Scotland's first canal policy document was published in 2002 and explored the potential contribution of the canals, setting out a long-term vision at a time when restoration was under way. It identified that policy decisions on regeneration, planning and development, public access, integrated transport, environment and tourism could have a significant impact on the canals' sustainable development. Partnership working, especially with the public sector, was seen as key. There was a need to increase awareness of the

canals and promote voluntary sector and community involvement. That policy document stood the test of time well. Given the successful transition to Scottish Canals, this is a good time to restate our aspirations.

Our new policy is set at a strategic level and will take the canals forward for the next five to 10 years. Our canals are important assets that we wish to see utilised to enhance the future quality of life for Scotland's inhabitants and help create a more successful, sustainable country. We look to build on the successful start that has been made on revitalising our canals and gaining wider public benefits from them. We encourage their full and sustainable development in a way that impacts positively. That can be done by continuing to develop the role that canals, both urban and rural, can play in delivering wider public benefits and by working in strong partnerships to secure those benefits.

I have encouraged Scottish Canals and its partners, whether public sector, private sector or third sector, to continue to build on relationships and to identify and exploit new contributions from canals in the delivery of the Scottish Government's purpose. We expect Scottish Canals to continue to lead in development of the canals, taking full account of the role and legitimate interests of the Scottish Government. Scottish Canals will continue to receive Government grant and is encouraged to develop earned income streams.

The strategy for achieving our aims is based on the following seven principles, the first of which is valuing the heritage of our canals. The canals must be preserved in good condition to ensure that the integrity and appearance of these historic structures are maintained. Development should not damage or detract from their original design.

Secondly, the fulfilling of statutory and regulatory obligations is a fundamental responsibility, with proper resources being applied to ensure safe navigation for leisure and freight as appropriate. Other regulations ensure that the natural environment is protected and used wisely.

The third principle is risk management and safety. Inherent risk is associated with water-based infrastructure assets. Scottish Canals should apply the highest possible standards of care to the management of all canal operations to ensure that risks to the public are properly managed. Equally, the public should use the canals responsibly.

The fourth principle concerns increasing awareness of the canals' potential contribution. We would like to see further growth in the number of boats navigating our canals. We place great value on the cross-cutting opportunities that the canal corridors present. Scottish Canals should,

therefore, continue to build on the foundations that have been laid, maintaining a balanced portfolio of projects across a range of important areas such as navigation, tourism, regeneration and housing, freight and renewables. It should spread activity across the canals and utilise its resources wisely over time, balancing both risk and reward in line with the Government's objectives.

The fifth principle is around delivering a high-quality experience. Scottish Canals should offer high-quality services and adopt an open and honest approach to engaging with customers and stakeholders. The significant increase in the use of the canal network for recreational purposes, although welcome, can lead to tensions. There is no hierarchy of use in the canal corridors, with fair and open access to all who exercise permitted types of use.

Sixthly, we ask Scottish Canals to work through partnership and collaboration. Extensive partnership and collaborative working should continue at both national and local level to maintain the momentum that has been built up.

Finally, we encourage the effective monitoring and measuring of the outcomes that have been achieved, so that the benefit that is gained from initiatives can be assessed and demonstrated. That will inform future decisions.

I invite members to read our new policy document, "Making the most of Scotland's canals", which is available on the Transport Scotland website and in the Scottish Parliament information centre. I encourage members to attend this evening's reception with Scottish Canals in the garden lobby, which is being hosted by my colleague Stuart McMillan. It has been demonstrated that Scotland's canals are a great national asset and their revival offers real opportunities not only for recreation and regeneration, but for the wider economy as a whole.

**Elaine Murray (Dumfriesshire) (Lab):** I thank the minister for the advance copy of his statement and the strategy document. In November 2012, Scottish Canals issued a consultation that stated that the finalised heritage strategy would be available by 31 January. That document does not seem to have materialised. Can the minister advise whether the document that has been issued today includes the response to that consultation? If it does, why has the action plan for 2013 to 2018, with its 20 specific objectives, not been included? If it does not include that response, can he advise when the finalised, detailed strategy will be published?

Can the minister also advise whether the actions and communications training, educational opportunities, knowledge transfer and—

importantly—funding and fundraising that the consultation document anticipated would have commenced by now are under way? Can he tell us whether Government funding additional to the annual £10 million budget of Scottish Canals has been allocated to the strategy? If so, what other organisations have been identified as partners in the implementation of the strategy?

**Keith Brown:** I thank the member for those questions. Much of that has been covered in the statement. I have mentioned a number of the additional funding partners. Scottish Canals works with additional partners, including some of the stakeholders who are most interested in the canal network, to encourage further funding. The £10 million that was allocated was grant in aid and has been bolstered by a further £4.6 million—£3.3 million for this year and the remainder for the previous year.

In relation to the strategy, events have overtaken that previous proposal in the structural changes that I have mentioned. However, if the member would like more information on any parts of the strategy, I would be more than happy to get that from officials and pass it on to her. The strategy that is proposed today by Scottish Canals covers the most important aspects, such as funding, use of the canals and the future strategy. The additional £4.6 million that I have mentioned was shovel-ready funding that we managed to get to Scottish Canals fairly quickly. If we can access further funding, it will be directed towards Scottish Canals and, as I said in my statement, the priority will be those things that also increase regeneration, particularly with regard to housing opportunities at the canal side.

The funding situation is stable and has survived well, given the very constrained resources that we have. I am happy to provide any other information that the member wants that is not covered in the strategy.

**Alex Johnstone (North East Scotland) (Con):** I, too, thank the minister for advance sight of his statement. I congratulate him on achieving a change in the structure of the body that looks after Scotland's canals through a process of evolution rather than revolution, which seems to have been to the satisfaction of most, if not all, of those involved.

By ensuring that Scottish Canals will continue to receive Government funding, while encouraging it to develop earned income streams, the minister may have succeeded in the partial privatisation of the industry. I congratulate him on that, too. However, I am concerned that, although the key issue of on-going funding has been dealt with, the prospect of economic sustainability in the medium to long term will require substantial capital investment, as has been the case in the past 10

years. Is the new structure an appropriate one that will attract adequate levels of substantial capital investment in the long term, or does the Government plan to be the main source of capital for the canal structures in Scotland?

**Keith Brown:** I thank Alex Johnstone for his congratulations on achieving the independent status of Scottish Canals. Of course, it is not true to say that there is any element of privatisation. Local authorities have earned sources of income; all that we are asking is that Scottish Canals does that, too. It will do that not least through the fees to be paid by people navigating the canal structure, which has always been the case.

The sustainability of capital funding is an important point, not least because our capital budget has been cut by around a third, which puts pressures on all aspects of Government. However, we will continue to encourage Scottish Canals to work in partnership with other agencies. For example, the projects in Glasgow involve working with private sector agencies and local authorities. We will encourage that as best we can.

Obviously, the more funding that we encourage—there would be substantial gains for Scottish Canals, canal users and those who might want to invest along the canal side in particular—the more benefit we will see. Of course, the less that the Government has to commit to that the better, because that will allow us to invest those resources elsewhere. However, we will not leave the canals to return to the situation that they were in 20 years ago. We intend to invest in our canals to ensure a continuation of the progress that has been achieved, while bringing in other sources of funding, as we should do.

**Dave Thompson (Skye, Lochaber and Badenoch) (SNP):** The minister will know—

**The Deputy Presiding Officer:** I am sorry to interrupt, Mr Thompson, but please ensure that you are speaking into your microphone.

**Dave Thompson:** My apologies.

The minister will know that the Caledonian canal is hugely important to my constituency, especially with regard to commerce and tourism. I will attend this evening's canal reception in the Parliament.

I commend the Scottish Government and Scottish Canals on the investment in the Caledonian canal in recent years. However, those improvements must continue if we are to reap the benefits from the canals in our country. Will the minister tell us in a bit more detail how he will encourage further growth in the number of vessels navigating our canals, particularly the Caledonian canal?

**Keith Brown:** The policy that I have set out demonstrates the wish to see further growth in the

number of boats navigating our canals, and it encourages canals, boaters and other parties to work together to exploit the opportunities to achieve that. Two examples that may be applicable in different forms to the Caledonian canal relate to what is happening at the Forth and Clyde canal, where overcoming the narrow tidal access offers an opportunity to encourage more transits across the canals. There is an increasing appetite to use the canals, so we want to ensure that access to canals, including the Caledonian canal, is made as easy as possible for people.

We are also looking at other opportunities for people who live by the canal side, in which there is a great level of interest. By increasing the opportunities, we will also see increased use of our canals, including the Caledonian canal.

**Patricia Ferguson (Glasgow Maryhill and Springburn) (Lab):** The canal network was, of course, originally built to support the economy in our country. It is very satisfactory to note that, in constituencies such as mine, the creative industries, sporting activities and regeneration are being sparked off by the catalyst that is the Forth and Clyde canal.

The minister indicated in his statement that Scottish Canals would continue to receive a Government grant, but that it would be encouraged to develop earned income streams. Would the minister like to say a bit more about what those earned income streams might be? Does the Scottish Government have a view on the balance between grant funding from the Scottish Government and money that is generated from such income streams?

**Keith Brown:** I do not think that we have a fixed view on what the balance should be, although we obviously want to maximise the funds that are generated from the earned income streams. They can come from a number of sources, whether revenue or capital.

I have mentioned housing. If we can develop housing opportunities and can get others to contribute to that investment, perhaps through other arms of Government or through social or private providers, that is a route by which increased income can be generated for Scottish Canals.

We are also seeing the development of water-based and shore-based activities, not least in the member's constituency—I know that she has lodged two motions on the developments in her area. She will know full well the different uses to which canals are being put. Whether for canoeing or boating, there is great interest in the use of canals. If Scottish Canals can continue to maximise that interest, in some cases that will mean that a revenue will accrue to it, which will



increase its income and perhaps reduce its dependency on Government funding or add to those funds, such that we can do even more on the canals.

**Linda Fabiani (East Kilbride) (SNP):** The minister might well be aware of the content of a recent meeting of the cross-party group on architecture and the built environment, which was about learning from Norway's use of high-quality architecture to punctuate the country's main tourist routes. It seems to me that, in the year of natural Scotland, the canals strategy is an ideal opportunity to utilise architectural competition to give young architects much-needed experience and to quickly procure small capital projects that would enhance our tourism offering. Given that such a project would meet the seven principles that the minister outlined in his statement, will he give it due consideration?

**Keith Brown:** That is a very good point. In relation to active travel—walking and cycling—we have found that small capital projects tend to have a disproportionate benefit in local areas. Their small nature means that more people tend to be employed. We want such projects to be encouraged.

We are already working to exploit the potential for small capital projects in the canal system. Examples of that include regeneration initiatives, the development of rural housing—which I have mentioned—holiday cottages and camping pods, which were the subject of a recent announcement, and the exploration of small-scale hydro schemes. Our canals are extremely important for tourism, whether in the form of heritage boating, paddling, walking or cycling, or through visitor attractions such as the Falkirk wheel, which I mentioned, and Neptune's staircase. The scope for canals to strengthen Scotland's tourism offering is considerable.

To come back to Linda Fabiani's point, the policy document makes it clear that Scottish Canals will work in partnership to take advantage of opportunities to maximise the number of small capital projects that it is involved in.

**Fiona McLeod (Strathkelvin and Bearsden) (SNP):** I was pleased that the minister mentioned housing—which I understand falls under the fourth principle—more than once.

I want to talk about a rather different form of housing from the one that the minister has alluded to. I understand that Scottish Canals is planning to have houseboats at Kirkintilloch marina in my constituency. Has any consideration been given to whether those boats will meet the affordable housing needs criteria?

**Keith Brown:** Yes. Having looked at the initiative recently, I think that it is also the case—

although I could be proved wrong—that houseboats do not attract council tax, which is another way in which they are more affordable.

As the member mentioned, Scottish Canals is planning to have houseboats at Kirkintilloch marina. In January, I allocated around £4.6 million to Scottish Canals for shovel-ready projects, which included support for the living on water initiative. Kirkintilloch is one of the locations that Scottish Canals is exploring. The initiative is still at an early stage, but I can see the potential for it to contribute to the meeting of the affordable housing targets, as living on a boat can be an extremely affordable option, especially in urban areas.

**Tavish Scott (Shetland Islands) (LD):** I thank the minister for providing an advance copy of his statement. I agree with his point that capital investment in Scotland's canals has certainly taken off since 2001, following some years of neglect. Does he share my view that Neptune's staircase is one of the engineering wonders of the world and that many great achievements have been made on the canal network because of the engineering expertise that it has given rise to?

I wonder whether the minister will reflect on the fifth aim of his strategy—delivering a high-quality experience—with regard to the self-operation of locks. My recollection from a previous life is that active users of our canal network made a considerable case for being able to use the locks after a certain time at night when, because of scheduling arrangements, they were usually closed. Has there been any progress on that matter to encourage more people to use our canals, an aim that the minister is rightly pursuing?

**Keith Brown:** First of all, I agree with the member's description of Neptune's staircase, which is a real wonder and something else to which I intend to return and have a closer look this summer.

As for canal users operating the locks themselves, I have to say that I had a fairly traumatic experience using the locks on the Crinan canal and novice users in particular need to take care to ensure that no long-term damage is caused to the canal, if I can put it that way. The decision whether locks can be operated outwith the working hours of Scottish Canals staff is best taken by those staff, who are, after all, the experts in this area and will have a fair idea of the clientele using the locks. Nevertheless, it is a fair point and I will look into it further and get back to Tavish Scott.

**Stuart McMillan (West Scotland) (SNP):** Only two weeks ago, I visited Bowling basin in West Dunbartonshire and saw for myself the huge opportunities that there are in regenerating the site and creating a wider economic return. How can

the Scottish Government assist Scottish Canals in turning the Bowling basin into yet another first-class marine-based location on the River Clyde?

**Keith Brown:** I have laid out the more general assistance that we have offered such as the £4.6 million allocation to Scottish Canals for shovel-ready projects, including a project to refurbish the disused railway bridge at Bowling in order to create a new pedestrian and cycle link and provide commercial space in the arches. Residential moorings are also proposed as part of the recently launched living on the water initiative, which was also supported by that funding.

As I have said, Scottish Canals is working with the local authority and community on a master plan for a mixed-use development. That master plan, which will happen across Scotland but is particularly relevant to Bowling, embraces the marine economy and local housing demand and taps into the huge attraction felt by people to live by the water. The maritime leisure industry has clear potential and given that our canals also promote vital connections to our sailing waters—that is especially true with regard to the Crinan canal—I expect Scottish Canals to play a full part in such developments, not least in the development at Bowling to which the member referred.

**Gil Paterson (Clydebank and Milngavie) (SNP):** The minister will be aware of the significant investment in and great work on the Clyde and Forth canal in recent years, especially in the section that passes through Clydebank in my constituency. I would be grateful if he could inform the Parliament about what is being done to attract more volunteers into becoming more involved with the canal to ensure that we maximise its potential and that it continues to go from strength to strength.

**Keith Brown:** The member quite rightly identifies the Forth and Clyde canal as one where some really exciting developments have taken place over the past decade or so. I remember the day when the Falkirk wheel was opened, but some exciting developments are happening just now at Grangemouth at the other end of the canal from the member's area.

Voluntary organisations that are based on the canal system can make a real difference to people's lives. Indeed, a number of them have come together to form the lowland canals volunteer group to co-ordinate activity and maximise opportunities and I would encourage anyone with an interest to get involved with it.

Scottish Canals and the Scottish Waterways Trust are also fully aware of the potential of volunteering on the canal system. Progress is being made in that regard and, as I have said, I

encourage all those with an interest to come along and get involved.

**The Deputy Presiding Officer:** That concludes the statement on making the most of Scotland's canals.

## Access to Justice

### **The Deputy Presiding Officer (Elaine Smith):**

The next item of business is a debate on motion S4M-06306, in the name of Lewis Macdonald, on access to justice.

I invite members who wish to speak in the debate to press their request-to-speak buttons now, and I remind the chamber that debates in the afternoon are follow-on debates and therefore do not have set times. I call Lewis Macdonald to speak to and move the motion. Mr Macdonald, you have 14 minutes.

15:09

**Lewis Macdonald (North East Scotland) (Lab):** We have brought this debate to the chamber today to allow all members to have a say in the closures and cuts in function of Scotland's courts—closures and cuts that were fully and formally supported by Kenny MacAskill on behalf of the Scottish Government last Friday morning.

The proposals will, of course, be subject to scrutiny by the Justice Committee, but that procedure will allow MSPs to express a collective view only if the committee votes to reject the statutory instruments in question. Today, members have the opportunity to stand up and be counted, and to tell ministers what they think of Mr MacAskill's cuts and closures plan, whether or not they have a vote on the Justice Committee.

The Scottish Government has made no secret of the fact that the plans are about reducing the budget of Scotland's courts, regardless of the delays and inefficiencies from which many of them already suffer. Two weeks ago, the chief executive of the Scottish Court Service said:

"By 2015 the court service running cost budget will reduce by 20% in real terms and the capital budget will reduce from £20m to £4m."

The secretary of the Scottish courts branch of the Public and Commercial Services Union, Brian Carroll, made the same point. He said:

"these proposals are about fitting the delivery of justice into a reduced budget and nothing to do with modernisation or with the proposed justice reforms that are under consultation presently."

Kenny MacAskill has not denied that money is at the root of the proposals, but his amendment seeks—predictably, I suppose—to place all the blame for the cuts on Westminster. He is, of course, the same Cabinet Secretary for Justice who failed last year to avoid the single Scottish police and fire services becoming liable to pay VAT, at a cost to those services of well over £20 million a year. The police and fire services cannot afford those cuts, as hundreds of police staff who

fear for their future can testify. For Kenny MacAskill to say that he can afford to take a £24 million hit to the police but cannot avoid cuts of £1 million a year to Scotland's courts simply lacks credibility. They are his cuts and closures, and to pretend that somebody else is responsible for his decisions is an insult to all those who stand to lose access to local justice.

If members are unsure about the cabinet secretary's personal responsibility for the decisions, they have only to consider the timetable. Reports of possible closures first emerged in December 2011. The Scottish Court Service invited service users to take part in dialogue events in May 2012. The consultation on proposed closures was launched last September, and conclusions and final recommendations were published on Tuesday 9 April, which was barely two weeks ago. In other words, the Scottish Court Service took well over a year from first consideration to get to final conclusions. It no doubt recognised the seriousness of what was proposed. That is not so for the Cabinet Secretary for Justice. He did not need to think too much about the cuts and closures over which the Scottish Court Service had taken so much time because, in truth, they are his cuts, not the Scottish Court Service's cuts.

Let us consider just one issue: the impact of the closure proposals on the local economies of the towns in question. That issue was raised by, for example, Andy Willox of the Federation of Small Businesses. The FSB very fairly acknowledged that wider economic impact was not a primary responsibility of the Scottish Court Service but rather a primary responsibility of the Scottish Government. It noted that Nicola Sturgeon had launched the town centre review on behalf of the Scottish Government by saying:

"We want to take every measure possible to ensure our high streets are vibrant places where local people want to spend their time and money."

Indeed, many Scottish National Party members have signed up to oppose the closure of Crown post offices in today's members' business debate for that very reason. Many have also signed up to oppose the closure of their local courts.

Last week, I asked Kenny MacAskill whether he would

"take into account ... the impact of court closures ... on the local economy of county towns"

before he reached any final decisions. He said:

"Yes. Those are matters that I will discuss with Cabinet colleagues."—[*Official Report*, 16 April 2013; c 18535.]

That was on Tuesday last week. He announced his decision on Friday. That must have been some discussion. Perhaps Kenny MacAskill will tell us whether he has formally met the Deputy First

Minister and other Cabinet colleagues since he made that commitment in Parliament last Tuesday afternoon. Perhaps he will tell us what consideration of the wider policy context there was between Tuesday and Friday last week, as urged by the FSB. On Friday, the FSB said:

"Anyone with an interest in the economic wellbeing of Scotland's towns will question the Justice Secretary's decision".

It said that that decision should be revisited.

**The Cabinet Secretary for Justice (Kenny MacAskill):** Can the member say what businesses were lost in the town of Linlithgow when the court in Linlithgow was closed and moved to Livingston?

**Lewis Macdonald:** As Mr MacAskill is a native of Linlithgow and I am not, I am sure that members will recognise that that was an entirely rhetorical question. The chairman of the Easter Ross branch of the FSB, for example, said that he was disappointed that the Court Service had taken no account of local economic impact and that he hoped that the cabinet secretary would take a different approach. Mr MacAskill has demonstrated that he has not taken a different approach.

**Neil Findlay (Lothian) (Lab):** I suggest that Mr Macdonald and Mr MacAskill speak to the traders in Linlithgow to see whether the removal of the court from there was a good move.

**Lewis Macdonald:** That sounds like an excellent idea. I am sure that if Mr MacAskill does not manage to do that, Mr Findlay will.

The economic impact is reason enough to have this debate. In our view, Kenny MacAskill has moved with unseemly haste to confirm his commitment to these cuts and closures. He has not had time to consider their wider economic impact, far less time to consider the many other issues that have been raised. Mr MacAskill cannot have fully considered them between Tuesday and Friday of last week. For example, concerns were raised in the Highlands about the high costs of police officers having to travel far further to give evidence if local sheriff courts were closed and High Court cases were transferred from Inverness to Aberdeen. *The Press and Journal* said in an editorial last Friday:

"It would be an utter nonsense to save money on the courts system if it ends up with police officers being removed from duty more often as a consequence."

The editorial continued:

"Ministers have to look at this issue in the whole rather than on a piecemeal departmental approach, which seems to be the focus at the moment."

**Kenny MacAskill:** It might surprise the member to know that I met both the Association of Scottish

Police Superintendents and the Scottish Police Federation today. Chief Superintendent David O'Connor, the chair of the ASPS, is perfectly relaxed about and supportive of the closures. The police do not seem to take the position that is being taken by Mr Macdonald.

**Lewis Macdonald:** That is very interesting. I am glad that, several days after making his decision, Mr MacAskill is finally getting around to meeting some people from the police.

Let us consider the example of Stonehaven, where the police and the Court Service very sensibly share a building at the heart of the town. Police Scotland told *The Press and Journal* 10 days ago:

"There is no suggestion that the police office in Stonehaven will be closed or sold."

However, at the same time, the Court Service told the same newspaper:

"Should Stonehaven Sheriff Court close then SCS will market the court building, any other proposals for the area where the Police is located is entirely a matter for Police Scotland."

There we have it: Kenny MacAskill decides to close the local court; the closure of the local court results in the closure of the local police station, although nobody bothers to tell the police force; and the closure of the local court and the local police station will reduce local access to justice and have a major impact on the local economy. However, Mr MacAskill does not appear to think that the impact on the local economy is any of his business and he does not appear to talk to the police about the impact of his decisions on their deployment of resources in the towns affected. What is true of Stonehaven is true of town after town across Scotland: the Government decides, and everyone else has to cope with the consequences, intended or otherwise.

Austin Lafferty, president of the Law Society of Scotland, said last week that he was "disappointed and concerned" by Mr MacAskill's decision to press on and close every single court on the list. He said on Friday:

"Local courts are an integral part of communities across Scotland ... we don't believe closures on this scale are compatible with the commitment the government has expressed on widening access to justice ... this closure programme will fail to achieve significant financial savings in the long term ... Even with the introduction of video conference links, it's likely that some of the remaining courts, which are already at capacity, will struggle with the level of additional business, which in turn could slow down proceedings and increase costs."

The Law Society's view is reflected in submission after submission to the Court Service consultation, as other members will no doubt spell out this afternoon.

Douglas Cusine, a retired sheriff in the north-east, said that

“there must be a serious doubt”

about the claim that the sheriff court in Aberdeen could accommodate the staff and the business displaced by the proposed closure of Stonehaven, given the cramped conditions in Aberdeen already. David Hingston, former procurator fiscal and local solicitor, described the proposal to close Dingwall sheriff court as “moronic”, because it failed to take account of the position at Inverness. He said:

“All too frequently, trials in Inverness are put off because of a lack of time to hear them on the date fixed”.

In his view, adding the Dingwall case load will mean that the current delay of three months for trials could double, and he said:

“Justice delayed is justice denied.”

Mr Cusine and Mr Hingston are powerful witnesses. It is because of the consequences that they describe that public opinion is so much against Mr MacAskill’s plans—of course, that includes many in Mr MacAskill’s own party.

I enjoyed undertaking a television debate only a few minutes ago with Christine Grahame, who told the *Peeblesshire News* earlier this month, as she told the BBC a moment ago, that she would “continue to oppose closure” of Peebles sheriff court. She urged people to write to her as convener of the Justice Committee and said:

“I know that many of those on this committee are unhappy about some of the proposals.”

**Christine Grahame (Midlothian South, Tweeddale and Lauderdale) (SNP):** The member kindly quoted me, but I went on to say that, if I could not get that proposal resisted, I would certainly campaign to ensure that there is a justice centre in the Scottish Borders in Galashiels. That was my bottom line.

**Lewis Macdonald:** Absolutely—that is indeed what Christine Grahame said.

Roddy Campbell, who is sitting beside Christine Grahame, has expressed equal concerns about the impact of the court closure in Cupar. Members of the Justice Committee can throw out the proposals—they have it in their power to vote them down and send them back to the Parliament for a decision. They can do that, and I believe that they should do it.

Other SNP members who are in the chamber but who are not on the Justice Committee have expressed concern. For example, Dave Thompson told the *Ross-shire Journal* that he was

“extremely concerned by the proposal to close Dingwall Sheriff Court”.

Nigel Don told the *Mearns Leader* that

“The closure of courts such as Stonehaven is not yet a done deal”,

and urged his constituents to make their views known. Local councillors of all parties in Aberdeenshire opposed the closure proposal.

**Dave Thompson (Skye, Lochaber and Badenoch) (SNP):** The member quotes me correctly, but he will obviously realise that there are difficulties with the Scottish Government’s budget. If he wants no changes whatsoever and no savings in the Scottish Court Service, what areas does he suggest that the Cabinet Secretary for Justice should cut?

**Lewis Macdonald:** I am sure that Mr Thompson was listening when I pointed out that the cabinet secretary wilfully allowed £24 million of police funding to be liable for payment to the United Kingdom Government in VAT. Even if that were not the case, it does not take a genius to work out that the idea that we take justice away from 17 courts across Scotland to save £1 million a year is a false priority on the part of the Scottish Government.

SNP-led Angus Council and Mike Weir, the SNP member of Parliament in Angus, have argued that both Arbroath and Forfar courts should stay open. I will be interested to hear whether Graeme Dey backs up that view and will argue and vote to keep Arbroath sheriff court in being.

This is not the first time in recent months that Mr MacAskill has proposed changes that many in his party could not support. After proposing to abolish prison visiting committees, he had to revisit the issue not once but several times. He might yet come up with a plan for that policy area that commands broad support, but now he needs to bite the bullet and take a different approach on courts.

In the summer, Mr MacAskill will bring statutory instruments to the Justice Committee to give effect to his closure proposals. It would be best if he agreed to reconsider the whole matter before doing so but, if he will not do that, he could if he wished introduce separate orders for the several different closure proposals, which have different degrees of merit or demerit, to allow the committee to express a view on each of them. If he declines that suggestion, I hope that members across the chamber will reject the Government amendment and send a clear signal that ministers should enable proper decisions to be taken on each closure proposal, rather than put them all on a take-it-or-leave-it basis. That way, communities can see for themselves which members are prepared to vote to keep open their local court and which will meekly vote in favour of Kenny

MacAskill's cuts and closures. I call on members of all parties to rise to that challenge.

I move,

That the Parliament notes the Scottish Government's decision to accept all of the recommendations made by the Scottish Court Service in its paper, *Shaping Scotland's Court Services*, published in April 2013; regrets the haste of the Scottish Government's decision to accept all of the findings without further discussion; believes that a number of these proposals will have a negative impact on victims, witnesses and other court users as well as the local economies of the towns affected, and rejects in particular the proposed closure of courts in towns such as Cupar, Dingwall, Arbroath, Stonehaven and Haddington.

**The Deputy Presiding Officer:** Before I call the cabinet secretary, I make the point that some key participants were not here for the start of the debate. It is particularly important that members who wish to speak in a debate are here for the beginning of it, because if they are not, they are in danger of not being called. However, it is vital that closing speakers are here for the start of the debate. I remind members to ensure that they note that business is fluid and that, if an item of business finishes a bit early, we will proceed to the next item.

15:24

**The Cabinet Secretary for Justice (Kenny MacAskill):** I welcome the opportunity to respond to Lewis Macdonald and the Labour motion. First, let us be clear about responsibilities. The Scottish Court Service is an independent body under the leadership of the Lord President, and it is the Scottish Court Service that consulted on a range of proposals to use its estate more efficiently. Some of the proposals are operational matters for the Lord President, including those relating to sheriff and jury centres and the location of the High Court. However, proposals to close courts need the approval of ministers and require to come before Parliament.

That takes me on to consultation. As Parliament is aware, last Thursday I announced that I was accepting the recommendations that have been set out in the Scottish Court Service's response to its consultation. There has been nothing secret about that process. The then Lord President confirmed to the Justice Committee in November 2011 that consideration was being given to the issue of future court structures. The Court Service wrote to inform stakeholders about that work in September and again in December 2011. Further stakeholder engagement took place before the Court Service launched a full consultation in September 2012. That ended in December 2012 and was independently analysed before the Court Service provided its final proposal on 9 April.

I am aware that many members will want to make the case for the courts in their own constituencies—I expect no less. It is understandable that they wish to express their concerns—I appreciate that. However, it is worth noting the context in which options for future court structures are being looked at.

**Lewis Macdonald:** I hear what the cabinet secretary is saying when he says that the proposals are not his and that he made a decision on the proposals between Tuesday and Thursday last week. Last Tuesday, he made a commitment to consult his Cabinet colleagues, so what consultation did he have between Tuesday and Thursday of last week on the impact of implementing those proposals?

**Kenny MacAskill:** As Lewis Macdonald knows, I answered a topical question on an urgent matter from John Lamont, who was looking for my position. I indicated that I would be making the answer clear shortly, and I did that. I took a proportionate and responsible amount of time and dealt with the matter, balancing that with the need and desire of Mr Lamont, who seemed to be asking me to make a decision there and then on Tuesday. That would have been inappropriate, which is why the matter was dealt with later in the week.

We are embarking on the most significant changes to the legal system in more than a century, following the recommendations of the review conducted by Lord Gill, the current Lord President, Lord Carloway, and sheriff principal Bowen, and the Victims and Witnesses (Scotland) Bill. We also face unprecedented cuts in the funding that the Scottish Government receives from Westminster.

**Jenny Marra (North East Scotland) (Lab):** Some of the reforms will mean an increase in business for sheriff courts, such as personal injury cases coming down from the Court of Session to the sheriff court, so would it not be wiser to wait until those reforms have bedded in before making an assessment of court capacity and closures?

**Kenny MacAskill:** No, I do not believe so. Those matters have been factored in quite appropriately by the Scottish Court Service. If Ms Marra has concerns, I suggest that she raise them with the Lord President and Eric McQueen, the chief executive of the Scottish Court Service.

As set out by the First Minister in the programme for government, in real terms the capital budget of the Scottish Government today is 30 per cent lower than it was in 2009. In addition, at the recent Labour Party conference, Mr Macdonald accused us of not putting our money where our mouth is because we are not helping witnesses. He listed a number of additional things

that he would like to see, including an independent commissioner and case companions. He also told Victim Support Scotland last year that too often victims and witnesses find themselves in the same room as the accused. That just should not happen. What he does not say is that all that needs to be funded from the same declining budgets.

Against that backdrop, everyone in the justice system is looking at ways to deliver a justice system that is fair and accessible, cost effective and efficient. Although the reforms will save money, they are not the only driver for change. Other measures include closing underused courts that can sit unused for long periods of time, and closing courts that are no longer fit for purpose. Indeed, many of those reasons are similar to those that the UK Government used when it announced, in 2010, the closure of 93 magistrates courts and 49 county courts across England and Wales. Looking at proposals for changes to court structures, we need to think not only about geography but about what we demand from our justice system in the 21st century.

**Alex Fergusson (Galloway and West Dumfries) (Con):** Given the geographic conditions, there are significant differences between the court closures south of the border and those in Scotland in terms of the distance that people will need to travel, but I will come to that point later. The cabinet secretary spoke at great length about the importance of the consultation. What sort of Court Service or Government is happy to reject the findings of 95 per cent of consultation respondents?

**Kenny MacAskill:** The residents of Alnwick, Penrith and Whitehaven might not take the same view as Mr Fergusson regarding their geography and central location. Those are challenges that need to be faced, but I am acting on the best advice given to me by our most senior judge and by those who are charged with looking after the interests of the Scottish Court Service. To deal with Labour's challenges and demands that we make no cuts to legal aid and court buildings, the only thing that we could cut would be the 1,000 extra police officers that this Government has delivered—and that we will not do.

The Scottish Government set up the making justice work programme, which brings together all the key agencies and provides a strategic joined-up approach to reform. The programme focuses on creating an efficient and effective justice system that is fair and accessible and improves the experiences of users. Sheriff Principal Bowen's "Independent Review of Sheriff and Jury Procedure" and Lord Gill's "Report of the Scottish Civil Courts Review" set out the basis for a fundamental change in the way that business is conducted. Their reviews emphasise greater

specialisation and a move away from a model in which all types of business are conducted at all court locations.

In thinking about the future business of the courts, we must also recognise that recorded crime is at its lowest level since 1975 and is down 25 per cent since 2006-07. Indeed, the number of people convicted in our courts continues to fall—down 19 per cent from its peak in 2006-07. A similar situation applies in our civil courts, where the number of cases last year was 13 per cent lower than the year before.

We can all see that the towns in which we live, the places where we work, the way in which we do business and the availability of transport have changed radically since Victorian times. The future that I see in Scotland is one in which justice is not simply based in the physical court building but delivered in a range of ways that are best suited to users of the system, whether they be victims, witnesses or those raising a civil action. Together, we need to think in new and innovative ways about the needs of justice in 21st century Scotland so that we take advantage of opportunities provided by new technology, whether that be by providing video links for conducting court proceedings or by allowing people to raise a civil action online or pay a fine by telephone rather than having to travel to do so. All those are features of work that is under way.

Concerns have been raised that victims and witnesses will find it harder to travel if court locations are closed. The Scottish Court Service measured its proposals against the judicial "Principles for provision of Access to Justice", which were developed in discussion with the Lord President, the Lord Justice Clerk and the sheriff principals. Specifically, the Court Service looked to ensure that most people would be able to travel to their local court by public transport so as to arrive at the start of the case in which they are concerned and be able to return home by public transport on the same day. Those concerns were not taken lightly, but they must also be balanced against the number of people affected. The courts proposed for closure account for only 5 per cent of the total court business. In the majority of cases, the business will be transferred to another court within 20 miles. In addition, it is worth noting that some people in small towns or rural areas may have better travel links to the major centres than to other small towns.

I appreciate that there may be some concerns about the effect on local communities. I realise that a court can be regarded as an important element of the community. However, that needs to be balanced against the fact that many similar and larger communities function without a local court.

Some of our older court buildings require extensive modernisation and repair to bring them up to the standards that victims, witnesses and jurors expect. In some cases, for example, there is simply not enough room to segregate victims and witnesses. The Scottish Court Service's proposals will allow it to focus future investment across a smaller group of buildings to ensure that it continues to deliver a quality service. Through the making justice work programme, we are taking action to ensure that victims and witnesses are called to court when necessary and to increase the number of trials that go ahead.

To conclude, we cannot deliver better access to justice by avoiding the need for change. It is right that we examine whether the structures that have served us since the 19th century best deliver the expectations of the public in the 21st century. In his foreword to the Scottish Court Service's response to the consultation, Lord Gill states:

"I am confident that the proposals in this Report will contribute significantly to the success of the forthcoming civil justice reforms."

I move amendment S4M-06306.2, to leave out from "regrets" to end and insert:

"acknowledges that the recommendations of the Scottish Court Service need to be viewed against the backdrop of unprecedented cuts to the Scottish budget by the UK Government; notes the Scottish Court Service's belief that the proposals will support a future court structure fit for the 21st century, and recognises that the Justice Committee will scrutinise the recommendations, including the proposals on closures, as part of due parliamentary process".

15:34

**Margaret Mitchell (Central Scotland) (Con):** I congratulate the Labour Party on bringing the debate to the chamber today, following the Scottish Government's decision to cut the Scottish Court Service's operating budget by 20 per cent in real terms by 2015 and to slash its capital budget from £20 million to £4 million.

The Scottish Conservatives will support the motion this evening and vote against the amendment in the cabinet secretary's name because, although the Scottish Government's budget from the UK Government for 2012-13 saw a cash-terms increase of £250 million, no effort has been made to protect, let alone increase, the Scottish Court Service's budget. By any standards, that is an act of extreme folly, and it has resulted in the Scottish Court Service having to recommend the closure of a fifth of Scotland's sheriff courts, along with nine related justice of the peace courts and an additional four stand-alone JP courts, as well as a reduction in the High Court circuit, all within a very short timescale.

The Scottish Conservatives and other parties seek to reverse the Scottish Government's decision to agree such dramatic closures in order to allow a rethink and avoid the far-reaching and adverse consequences that will inevitably follow if the closures go ahead.

**John Mason (Glasgow Shettleston) (SNP):** Does the member have an alternative suggestion for where the money should come from? Should it come from the health budget?

**Margaret Mitchell:** There has been a cash-terms increase in the Scottish budget. It is for the Scottish Government to set priorities, but the closures that we are discussing represent not only the savings that have been talked about but additional costs, which have not been factored in at all.

Sheriff courts have increasingly come under pressure in recent years because more criminal business has been passed down from the High Court as a result of the Bonymy reforms. The situation has been made worse by the Scottish Government's proposal to transfer more civil business to the sheriff courts when the Crown Office budget is being cut in real terms, resulting in fewer resources for fiscals and legal staff.

The cabinet secretary states that the closures will affect only 5 per cent of cases. To put that in context, according to the SCS's consultation figures, that will require in excess of 12,500 cases or JP complaints to be heard elsewhere. More worryingly, that figure does not include the complaints that are heard by the nine JP courts that will close because they share premises with sheriff courts that are set for closure.

As has been stated, the Scottish Government is at the same time proposing to transfer civil business from the Court of Session to sheriff courts. Although the cabinet secretary has repeatedly claimed that the Scottish Court Service has taken that into account, it is difficult to see how that can be the case, given that the SCS's consultation closed two months before the Government's court reform plans were even published.

The cabinet secretary says that the Victims and Witnesses (Scotland) Bill seeks to

"put victims' interests at the heart of improvements to the justice system"

and

"make what is often the most difficult episode in someone's life a bit easier."

However, in reality, the attempt to make savings by closing courts and diverting criminal and civil business to already overstretched courts comes at the expense of victims and witnesses, who will have to deal with access to justice issues.



Interestingly, I note that the SCS recommendations have not been subject to a formal equality impact assessment. There is absolutely no doubt that court users will face increased travel times and distances. For example, the closure of the court in Kirkcudbright will mean a 45-minute, 28-mile journey to Dumfries, which will add to costs and make delays and disruption to court business more likely. Worse still, any potential closure savings will be lost in increased spending on legal aid, police cover and cover for professionals attending court as witnesses.

Furthermore, as the Federation of Small Businesses and the Law Society, among others, pointed out in their responses to the SCS consultation, courts have a positive economic impact on local areas. Therefore, I welcome the decision to grant a stay of execution to Alloa sheriff court and Coatbridge JP court in my constituency, but the decision to close the JP courts in Motherwell and Cumbernauld will be a bitter blow for struggling town centre businesses in those places.

The closure of courts will also mean the deskilling of local solicitors and the loss of the continuity that is provided by sheriffs and JPs with knowledge of local communities. Those concerns cannot be dismissed by the assertion that technology can fill the gap. Videoconferences and webcams are no substitute for courts, which maintain visibility of justice for communities.

That view was confirmed only this week at the Justice Committee, when witnesses from the Faculty of Advocates and the Law Society stated that, notwithstanding some limited exceptions for vulnerable witnesses, the default position should always be that it is better for witnesses to be in court, especially given the importance in some cases of witnesses' body language and even physical appearance, which are difficult to assess via television link. They also stressed that TV links make it difficult to build up a rapport with witnesses and that technical issues are common.

I suggest that the outrage would be such that the Scottish Government would shy away from agreeing the closure of a fifth of our schools or hospitals, so why are our courts considered fair game, with all the adverse consequences for access to justice and the Scottish justice system? To put it simply, the Scottish Government needs an urgent rethink to protect our local courts.

I move amendment S4M-06306.1, to leave out from "courts" to end and insert:

"a fifth of Scotland's sheriff courts along with nine related Justice of the Peace courts and an additional four stand-alone Justice of the Peace courts in a very short timescale."

15:41

**Sandra White (Glasgow Kelvin) (SNP):** I acknowledge the speeches by Lewis Macdonald and Margaret Mitchell. I take on board the concerns that they have raised and, as a member of the Justice Committee, I reassure them that the committee will scrutinise the recommendations robustly and thoroughly. I am sure that, in the process of its scrutiny, the committee will explore the specific concerns that they raised. We would welcome their input into that process, and I am sure that we will receive it.

Although Lewis Macdonald might regret the speed at which the recommendations are being implemented, as the Labour motion says, I believe that he agrees that there is a need for reform. He is also aware—as many members are—of the United Kingdom coalition Government's cuts agenda, which is affecting the money that the UK Government gives Scotland. As the cabinet secretary pointed out, the Westminster Government has made a 26 per cent real-terms cut in Scotland's capital budget. Against that background, every one of us must admit that it is inevitable that difficult decisions will need to be taken.

**Hanzala Malik (Glasgow) (Lab):** How does Sandra White square the fact that members of her party make it clear that they oppose some of the cuts with the fact that, when it comes to decision time, they shy away from that position? Are the people of Scotland to believe that we are not to trust her party any more?

**Sandra White:** When we look at the results of the elections, it seems that the people of Scotland trust the Scottish National Party, rather than the Labour Party. We need no lessons from Hanzala Malik.

The Scottish Court Service has stated that the closures will affect 5 per cent of overall court business. It also points out that the three High Court centres hear about 80 per cent of all cases. Indeed, the chief executive of the service has said that it is

"confident that more than enough capacity exists to deal with current and future volumes of business."

I am sure that the Justice Committee will explore that in more detail when it takes evidence on the issue.

I will take up Margaret Mitchell's points about overstretched courts and present some facts. Let us look at the numbers. The number of summary complaints registered at the sheriff courts has declined from more than 8,000 per month to fewer than 6,000 per month. The number of summary complaints registered at the sheriff and JP courts together has shown a continual and consistent decline. The number of High Court indictments

registered has declined from just under 90 per month to just over 60 per month. Margaret Mitchell will admit that there is, perhaps, room for manoeuvre and, when we see the evidence, improvement.

One recommendation concerns using information technology to make the experience more effective. We all know of the huge advances that we have made in recent years and the opportunity that those advances present. A few years ago, not only I but other members would never have imagined that we would be able to talk directly to somebody in, for example, Malawi. In certain circumstances, as the convener of the cross-party group on Palestine, I have had videolinks with people in the West Bank, have been able to ask them questions and have heard them answer.

Every one of us would admit that we can develop such technology in the Court Service. Of course we must ensure that it is used only in specific areas of the Court Service, but we should certainly be looking into it. I think that it would benefit absolutely everyone.

Among the responses to the initial consultation, there was a very positive response to the increase in the use of technology, particularly in relation to the administrative side of things and the registration of cases. There was also a positive response to the idea of allowing certain court appearances to be made by live videolink.

As part of the Scottish Government's making justice work programme in the north of Scotland, work is nearing completion on the introduction of a new secure live-link videoconferencing network covering six northern courts and four other locations. Very importantly for the justice system, that will give criminal justice organisations the opportunity to use the technology for some cases, instead of participants having to travel to court. Members would all agree that those are positive possibilities, which we should embrace.

As I said, we all recognise the need for reform. We all certainly recognise that the UK Government is making huge cuts in Scotland. We all have a responsibility to spell out how we will deal with them.

With that in mind, I must admit to being slightly confused by the Labour Party's motion. It appears that Labour recognises the need for reform, and the motion highlights Labour's opposition to the closure of some courts, but does that mean that it recognises the need to close the courts that the motion does not mention? That seems a wee bit odd. Perhaps the mover of the motion would like to take the opportunity to clarify the position—or perhaps not. I cannot thank Lewis Macdonald for any clarification; if he does not wish to intervene,

he can perhaps ensure that the point is dealt with in the closing speech.

**John Pentland (Motherwell and Wishaw) (Lab):** Will the member take an intervention?

**The Deputy Presiding Officer (John Scott):** Sandra White is in her last minute.

**Sandra White:** In a recent interview, Lewis Macdonald's colleague Jenny Marra also failed to provide clarity on the Labour Party's proposals. She acknowledged that there were inefficiencies and she stated that the Labour Party did not oppose all cuts across the board and that Johann Lamont had already said that she would be prepared to put the matter on the table. I do not know what Johann Lamont's opinion is on these matters—in fact, I do not really know what her opinion is on many matters, and I do not think that the Scottish people know, either.

The Scottish Government has clearly stated its position on the future of court services, and it would be good if the Opposition parties stated their position, too.

15:47

**Iain Gray (East Lothian) (Lab):** More than a year ago, I said that a hit list of court closures was being prepared and that my local court in Haddington was on it. The Cabinet Secretary for Justice said then that I was scaremongering and that there were no such plans. Sure enough, the hit list was published, and the cabinet secretary then said that there would be no closures without local consultation.

We marshalled more than 150 substantive submissions in evidence and we gathered thousands of signatures in opposition to closing Haddington's courts. There were no submissions in favour of closure. What kind of local consultation weighs in the balance all evidence against no evidence and comes down on the side of no evidence at all? It is a sham, a deception and a disgrace.

I was not scaremongering, and the cabinet secretary was dissembling. Last week, he consigned my local court to the dustbin of history. History matters. Haddington has had courts of some kind for centuries. We have had lay justice there since the time of James VI. Local justice survived the siege of Haddington, Cromwell, the reformation, the treaty of union, two world wars and Margaret Thatcher. It seems, however, that it will not survive Kenny MacAskill.

Haddington court is busy, contrary to the impression that the cabinet secretary tried to create last week. It dealt with more civil cases than any of the other courts that are slated to close. More than 3,000 criminal cases were prosecuted

there last year, and many community sentences and drug treatment and testing orders were monitored. Adults with incapacity applications alone soared by 70 per cent. As East Lothian has the fastest-growing population in Scotland, court work there can only increase.

Victims and witnesses will face considerable inconvenience in travelling to Edinburgh. Those seeking civil redress or involved in family actions face not only their own travel costs but up to £400 more to cover additional travelling time for their agents for each court appearance.

As Mr MacAskill well knows, family actions can involve as many as 12 such hearings. He might save small change in his budget, but my constituents will pay dearly. Local lawyers say that legal aid work might become financially unviable for them, which would undermine access to advice and cost local jobs.

Haddington citizens advice bureau believes that its representation of clients will be compromised. Ironically, Mr MacAskill chose that very CAB to launch the first LawWorks legal advice service in Scotland. He praised the CAB's in-court advisers, some of whom are here today because they fear that their jobs will be gone tomorrow if he persists in closing the court.

As for justices of the peace, all but a handful of East Lothian JPs have made it clear that they will not be willing to serve in Edinburgh, which will have a knock-on effect for non-bench work such as signing warrants for police officers. Mind you, those police officers might not need any warrants, because they will be spending all their time travelling to and from Edinburgh or sitting around Edinburgh sheriff court instead of doing police work in East Lothian. That is what our share of those extra police officers will spend their time doing.

All that is being done to save £81,000 per annum—a figure that is disputed by forensic accountancy evidence that was submitted to the consultation, and most of which will anyway be pushed on to other public sector budgets.

The greatest harm in the proposals is the compromising of local access to justice and the abrogation of the principle that justice must be seen to be done and not dispensed at a distance. However, there is another kind of damage, too. Haddington is a county town with a proud history and the community is working hard to maintain its vibrancy. Only last week, the town market was successfully re-established. A trust has just been elected to regenerate the town. The county archives have come home to a magnificent new library. An employability hub has opened to boost local opportunity, and this Saturday our local radio station will take to the airwaves.

Now, the dead hand of the cabinet secretary is reaching out into the heart of Haddington to snuff the life out of one of our key institutions. He is not standing up for Scotland but stamping down on one of Scotland's oldest towns. In this context, he often falls back on the example of his home town of Linlithgow. What he omits to say is that justice was not removed from West Lothian as a county. The administrative centre of West Lothian moved to Livingston and the court went with it. There is no suggestion of the provision of a court somewhere else in my county of East Lothian. Jobs will go, local shops and businesses will suffer and civic pride will be hurt.

The cabinet secretary's amendment is as dishonest as his consultation. First, it pretends that the decision has somehow been forced on him by someone else, which is a ridiculous assertion, given the saving of £80,000. He then tries to present it as a modernisation of the court service.

The amendment is false and false again. It is the cabinet secretary's decision and it was taken solely to balance his books without regard for principle, the wider impact or indeed the evidence. It is the casual, unwitting vandalism of the bean-counting bureaucrat. It is unworthy of a minister who is entrusted with the stewardship of Scottish justice and unbecoming of a Scottish Cabinet that is charged with protecting the wellbeing of Scotland's towns and communities, such as Haddington.

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

**Iain Gray:** I simply ask the cabinet secretary to pause, consider and think again.

15:54

**James Dornan (Glasgow Cathcart) (SNP):** I do not think that anyone would disagree that Scotland needs a court system that is fit for the 21st century—one that takes account of the changing nature of crime and the technological advances of the past decade. The plans that are outlined in the Scottish Court Service paper "Shaping Scotland's Court Services" appear—by its own admission—stark at the outset but, as the report suggests, they are proportionate and much needed, and they will help us to move towards modifying our court systems for the better.

Crime in Scotland is changing. Because of the commitments on crime prevention that the Scottish Government made and met, overall crime levels are at a 37-year low and the number of summary cases in sheriff courts across Scotland has fallen from 8,000 per month in 2008 to just under 6,000 per month in 2012, as Sandra White said.

The fall in crime levels is coupled with a change in the types of crime that are committed. If we are to improve our ability to tackle new crimes, such as cyber-bullying, we need to utilise all our justice resources more efficiently. Those resources are under ever-increasing strain. The Scottish Government's capital budget has been cut by 26 per cent in real terms by the Westminster Government. The Scottish Court Service estimated that it can save £1 million a year on running costs and £3 million on maintenance costs.

**Alex Fergusson:** Given what the member has just said and the Government's amendment, which "notes the Scottish Court Service's belief that the proposals will support a future court structure fit for the 21st century",

why should any member accept the arguments that his party is putting forward about budgetary constraints as anything other than a complete red herring that is designed to divert attention from the real impact of the proposals?

**James Dornan:** In my view, it is probably budgetary restraints that have brought us to this point. However, the modernisation of the justice system will certainly come out of the process.

If the proposals are implemented, they will save money; they will also modify our court system to reflect the changing nature of crime and, just as important, the tools that we have to make the system even better. We need courts that are fit for the 21st century rather than wedded to the needs of a justice system that was conceived in Victorian times.

The main bone of contention in the motion appears to be the proposals to close some sheriff and justice of the peace courts. The proposals are discussed at length in the SCS report, which noted that the main opposition to court closures was to do with the additional travelling that would be required for a small number of court users. There was also worry about a general loss of the local dimension in dealing with crime.

That is an extremely important issue, which deserves the serious consideration that the SCS report gives it. In determining which courthouses to close, the SCS considered a number of factors, including the percentage of witnesses who would have a longer or shorter journey to court, if the proposals were implemented. Based on the evidence of the previous year, in the case of Stonehaven, which is mentioned in the motion, 44.1 per cent of witnesses would have had a shorter journey, whereas for 31.9 per cent the journey would have increased by more than 10 miles. In the case of Haddington, 37.8 per cent of witnesses would have had a shorter journey and for 22.3 per cent the journey would have increased by more than 10 miles.

We need to face the stark reality that, with a decreasing budget, it will not be possible to keep local delivery in all cases, particularly where demand is low. The work that is undertaken in the courts that are proposed for closure is about 5 per cent of overall court business, and the SCS thinks that it could easily be subsumed into the work of other courts.

The SCS noted that it would make little sense for the professional body that deals with Scotland's courts to propose changes that would impact adversely on the people whom it represents. We should take the SCS at its word instead of accusing it, as some members have done, of doing the cabinet secretary's bidding.

It is important to remember that the court closures are happening against a backdrop of more technological and innovative ways of working in the courts. The SCS wants a time to come when most of its work is carried out online, over the telephone or by video, so that witnesses are not required to be physically present in court and can present their evidence in their local police station. We have the technology to make that happen, and pilot studies are being conducted across Scotland.

The SCS envisages that, in the near future, the distance to our local court will be almost irrelevant, because much of the work will be conducted more locally. I appreciate that we are nowhere near that stage yet. However, the move to the sheriff-centred model is contingent on the development of increased use of video and other communications technology in court proceedings. The proposals will streamline the court system and make it more efficient, facilitate the use of technology that changes the approach to witnesses and victims attending court and save money in times of increasing austerity.

Where could the money come from to maintain underutilised courts? Since the draft 2013-14 budget was published, Labour has called for almost £3.4 billion to be found to resource a number of spending calls, including £1 billion to reregulate the bus companies, although that was not done during the eight years when Labour was in power, and £500,000 to extend the concessionary travel scheme in Edinburgh to tram journeys—that is the scheme that the Labour Party seems to want to scrap.

In a press release of 9 April on closure of sheriff courts, Jenny Marra called for spending of £5.1 million. When asked what exactly she would forgo to keep the courts open, she said, "Look, I'm not John Swinney. I don't have the budget in front of me." Perhaps that was a recognition, at last, that trying to fund everything from the ever-decreasing pot of money that is handed down from

Westminster requires difficult decisions to be made.

No one likes to see local services close. There is no doubt at all that difficult decisions are being made and I completely understand why local members are defending their local services—Mr Gray did so eloquently. However, we are under tight financial constraints and difficult decisions must be made. The justice secretary is dealing with the issue in the right way, and I ask members to support the amendment in his name.

16:00

**Dr Richard Simpson (Mid Scotland and Fife (Lab)):** I welcome the opportunity to speak in today's debate, as two of the courts in the consultation fall in my region of Mid Scotland and Fife. One court—Alloa—has been saved, albeit temporarily, pending the creation of room at Falkirk and Stirling. That will allow it to be closed in due course, once the cabinet secretary is ready. The court in Cupar, on the other hand, faces the axe almost immediately.

The ill-thought-out plans to close the court in Cupar will first and foremost affect people's ability to see justice done locally, but the effects of the closure go much further. The effect on the local economy has not been taken into account and includes the potential loss of local businesses that are directly and indirectly connected to the court system, which will inevitably lead to the loss of local jobs. Furthermore, the court's relocation will hit local business footfall. In particular, local law firms have told me that they may be forced to relocate their business nearer Dundee to keep staff costs down—if, of course, they are financially able to make such a move.

I say that the analysis has been ill thought out because the Scottish Court Service has looked only at matters that affect the service. It is the cabinet secretary's responsibility to look at the global effects, such as the potential effects on legal businesses and the local economy; the potential job losses; and the potential upkeep costs for buildings that may well not be sold given that there are other unsold buildings in the area. What will the unoccupied property rates be? None of those broader issues has been taken into account, and it is the cabinet secretary's responsibility to take them into account. Over the past few days, he has singularly failed to consult his Cabinet colleagues when making this very rapid decision.

There are also the costs to Fife Council, which will continue to be asked to provide social workers and community payback officers to attend hearings. Those people will now be expected to travel outside their region to Dundee to give

evidence and advice, which will lead to an increase in not only travel costs but staff costs. Vital services could be damaged if areas are left understaffed because those people have to spend more time travelling to and from court than previously. What assessment has the cabinet secretary made of the effect on Fife Council? Has there been any assessment? There is nothing in the documents to suggest that there has.

I am pleased to note that Alloa court will not be closing, after an active campaign that my colleague Gordon Banks and other stakeholders engaged in. Even Keith Brown, the Minister for Transport and Veterans, participated in that campaign, although I note that he is not in the chamber to observe the debate. Alloa court will be closed once there is additional space at Stirling and Falkirk. That will require capital expenditure, which, in view of the cuts that I expect, will not occur over the next period—but who knows? In the meantime, the planning of local law businesses in Alloa will be predicated on the court's eventual closure, which will mean loss of services to my constituents.

The lack of understanding or acceptance of the value of local courts is abundantly clear. The Scottish Court Service was tasked with looking at the future of Scottish courts by the Scottish Government, which is subjecting the service to substantial cuts. It is justice on the cheap.

Interestingly, when Labour tried to rationalise national health service hospitals on the grounds of patient safety and the best advice of medical practitioners, the Scottish National Party recognised an opportunity and supported localism and no closures. It also made a manifesto pledge that it would close no beds—a pledge that it broke by closing more than 1,500 beds, or almost 10 per cent of all hospital beds. It was in favour of localism, but it closed beds. Now it is not in favour of local justice. Facing two ways seems a strange position for the SNP to adopt, but the SNP's Janus-like effect becomes more evident by the day.

Travelling to court is one of the most important issues. I have experience of appearing in court as a witness on many occasions in family cases that involved freeing a child for adoption or child protection issues. My whole team has had to appear in court and has sometimes been engaged for days on end. Frankly, without a local court my patients would have suffered when my whole team had to appear.

Cases are still being postponed repeatedly. I know that we have made things more efficient over the past 10 years, but postponements are still likely to occur, and the effect on staff of all sorts will be significant. When I was the Deputy Minister for Justice, one of the main issues brought to me

was the extensive amount of time that the police spent in courts. If police officers have to travel significant distances to court, that will significantly undermine the policy of putting extra police in communities—a policy of which the SNP is inordinately proud.

None of us is opposed to modernisation. Indeed, as a justice minister I was involved in introducing videoconferencing pilots for pleading diets, outsourcing escorts and setting up two reviews of court procedures. However, there is a principle at stake here. Courts such as those in Cupar and Alloa are at the heart of their communities. This was a poor consultation with a poor analysis that failed to take into account the wider issues involved and the views of local communities, which were almost universally against the closures. The cabinet secretary should be sent home to think again.

16:06

**Colin Keir (Edinburgh Western) (SNP):** The closure of any local amenity usually brings objections, some of which are based on the available factual data and some of which are based on emotional ties. There are key questions that need to be asked. Is the service that is provided fit for purpose? How accessible is the service not just in terms of the cost to those who use or work in it, but in terms of the buildings that are being used? Does the service meet modern business requirements in the 21st century? Indeed, how often is it open for business? Is the service model that is being used affordable and sustainable?

Other members have said that we are facing perhaps the toughest economic challenge in many generations, with devastating cuts to the Scottish grant from Westminster. That is undeniable. The cuts were forecast by Alistair Darling and have been implemented with venom by the Conservative and Liberal Democrat coalition.

**Iain Gray:** Will the member take an intervention?

**Colin Keir:** Let me carry on. I will take an intervention later.

Meanwhile, the Scottish Government is left to juggle a shrinking fixed income in order to support vital public services, of which the Scottish Court Service is but one.

Is the Scottish Court Service affordable under its present business model? The answer is no. Is the service sustainable in its present form, given the financial cuts from Westminster? It is certainly not. What are the options? If there is no reform, the entire legal system, let alone the Court Service, could collapse. Among other things, people will

have to be extremely wealthy to be able to afford to enter a legal dispute.

**Iain Gray:** I understand that the line about cuts in the Scottish budget has been handed out from somewhere central in the SNP. However, I say to Mr Keir that the saving in my local court will be £80,000 a year, whereas the cost of travel for non-legal court users will be £85,000 a year. The burden of cost is being shifted directly on to my constituents and it is making justice impossible for them to afford. That is the exact opposite of the point that he is making.

**Colin Keir:** It is absolutely not. It is possible that a lot of the business at Haddington comes from Musselburgh, Tranent and other places, and people in some places have an easier journey into Edinburgh than others. *[Interruption.]*

**The Deputy Presiding Officer:** Order

**Colin Keir:** If money is so easy to get, why is Mr Gray's party leader—indeed, every party leader—down south calling this an age of austerity? That means that there is some problem with finance getting through to public services, which is something that we are trying to help with.

In the interests of sustainability, and if any reforms are to work, the entire justice portfolio must consider sustainable change. There is no point in just salami slicing the budget of each department or body if we want to keep our world-renowned legal service intact and available to all.

The closures have been identified by the Scottish Court Service, which believes that the proposed changes will work, given the financial constraints that it faces. Opponents cite problems with overloading of work in the remaining courts. The SCS chief executive, Eric McQueen, does not believe that it is in the best interests of the service to allow such overloading to happen; indeed, he does not believe that that will happen under the proposals. I am sure that some people will have longer journeys to make, but Eric McQueen believes that the numbers will be small. In most cases, unreasonable travelling demands on those involved in court proceedings should be avoided.

In this day and age, videoconferencing—which has been mentioned by Sandra White and others—is an option that can be made available in certain instances. In an evidence session at yesterday's Justice Committee meeting, a panellist expressed the opinion that videoconferencing has limitations because it is not possible to get a clear vision, so to speak, of the true demeanour of the witness or defendant. While I partially agree with that comment, high definition TV on a modern link would be able to pick up facial expressions or any of the other things that people look out for when they are working out whether someone is trying to hide something from them. Videoconferencing has

come a long way in a short time. If the Scottish Court Service is to keep a lid on costs, new technology must be used—after all, the service cannot stay looking like a bit-part player in a Dickens novel.

Given the age of the Scottish Court Service's estate, there is also the possibility of business being moved to modern court buildings or law centres where victims and those who are charged with offences are not able accidentally to meet one another before proceedings begin. Although I understand that we cannot guarantee an end to such problems other than if we use highly designed modern courts or law centres, in our older buildings, the accused and victims have been known to sit outside the court room in the same corridor, which is not a pleasant experience. An example of that was given to the Justice Committee a few weeks ago in a closed meeting with some victims of crime.

Of course it is regrettable that the SCS wants to close some court buildings, many of which are seen as historic pieces of a town's fabric. However, if the SCS is to change its mind on any of the proposals, there must be more to the argument for saving a building than just history. I am sure that the members affected by the proposals have been looking into that.

To politicians who are taking a more strategic look in opposing the proposals, I say let us see the colour of their money. It is as simple as that. What do they want to cut to pay for the status quo? How can the service be made sustainable and available to all? It is time for Labour to come clean. Perhaps the best saving that we could make is by losing the Westminster Parliament.

16:12

**Roderick Campbell (North East Fife) (SNP):** I refer members to my entry in the register of members' interests as a member of the Faculty of Advocates.

When times are tough, it is challenging to operate within the confines of a declining budget, as the Scottish Government must do given that its capital budget has been reduced by 20 per cent. In an ideal world, we might hope to follow the model of modern courts with superb facilities for witnesses, jurors and the like. I am pleased that reference is made in the SCS response to purpose-built justice centres, including one for Fife. That is an absolutely admirable aspiration, but it is not one that is on the horizon, I am afraid to say.

Instead, we are endeavouring to create a new structure for civil and criminal courts in which cases are dealt with at the appropriate level. It is against that backdrop that the SCS launched its

consultation. I must say that I do not disagree with the proposal that sheriff and jury cases be dealt with in fewer centres. However, for significant parts of rural Scotland, the proposals will mean greater expenditure of time in travelling to court, particularly for witnesses. Although the review provided examples of distances and travel times and indicated that comparatively few witnesses may be affected, that may be no consolation for the witnesses concerned.

The proposals for Fife are severe. The removal of sheriff and jury work from Kirkcaldy to Dunfermline in the west means that that court will receive more business than ever. While I understand the loss felt in Kirkcaldy, at least people there will retain a court, unlike my own constituents.

Although I accept the case for removing the small number of sheriff and jury cases from Cupar, it is difficult to accept the removal of the day-to-day civil and criminal work. That will have an economic impact.

The court in Forfar will retain summary business, although, over time, it will lose solemn business to Dundee—it may be 10 years before all the solemn business is lost. For Cupar, the impact will be immediate.

I agree with Lord Gill's proposal for a three-tier system, which he laid out in his "Report of the Scottish Civil Courts Review", as an effective solution in modernising the structure of our court system. The creation of new summary sheriffs to hear summary criminal cases, family cases and lower-value civil business in the sheriff courts is to be welcomed, but a table that was attached to the September consultation on the court structure implied that summary sheriffs for Cupar would be based in Dundee. However, we know that the Scottish Government's making justice work consultation on court reform, which focuses on areas such as the role of summary sheriffs, is still open.

I take the view that the creation of summary sheriffs, as proposed by Lord Gill, would be a great step forward in making court business more efficient, but I see no good reason why, for example, further consideration should not be given to the role of peripatetic summary sheriff. Indeed, paragraph 2.12 of the September consultation document refers to

"visiting members of the judiciary"

and the sharing of accommodation with other public services. I do not see much about that in the response. Although I agree with the proposal that summary sheriffs should have some concurrent jurisdiction with sheriffs, they will be constrained if there are no buildings in which they

can hear and dispense justice in my part of the world, other than in Dundee.

One of the arguments—although not the principal argument—for closing Cupar sheriff court was that the Scottish Court Service would make significant savings on the backlog for essential maintenance work, the cost of which was estimated to be some £470,000. The SCS's chief executive, Eric McQueen, has said that there is a £57 million maintenance backlog across the court estate. That is the anticipated expenditure over a five-year period. Cupar sheriff court occupies part of the county buildings that are owned by Fife Council, which is modernising them—the work will include the heating system. Some of the costs that the council is incurring fall within the £470,000, and no doubt the council will seek redress in the form of a contribution. I am seeking further clarity on that. It is ironic that the police will move into the county buildings in Cupar—which the criminal social work department has occupied for some time—next month, following the completion of work on the heating system.

To put the maintenance backlog issue into context, according to SCS figures that I have obtained, Kirkcaldy sheriff and justice of the peace court alone requires investment of nearly £2 million. Even if every penny of the projected £4.3 million is saved, capital receipts of £2.3 million are realised and all of John Swinney's additional moneys of £12 million are put into maintenance, given that we have a capital budget of only £4 million in 2014-15, we would still face a huge problem. The SCS has indicated to me that Fife Council is the only purchaser that it can foresee for Cupar court, but the council has said that it has no interest in it, so there is a real risk that we will be left with a white elephant.

I do not for a moment underestimate the scale of the financial challenges that the Scottish Government faces. Given that the proposed court structure is not optimal, we need to think about ways of improving it for the time being. In that regard, I believe that one of the most important areas for exploration is the use of videoconferencing technology, which the SCS has already piloted, to allow some witnesses to give evidence without having to visit a court building. However, there is little detail on videoconferencing in the consultation, as Consumer Focus Scotland and others have pointed out. It would be helpful if the SCS could outline a detailed plan on the use of such technology; I understand that some planning is in progress.

Although I am sure that considerable scope exists for technology to be used to make a modern and more efficient system and for the greater use of written advocacy and witness statements in civil business, there will continue to be a role for oral

hearings, and we must look at using buildings other than designated court buildings. For example, why it is necessary to use formal court buildings for family contact and residence hearings? Let us explore local alternatives.

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

**Roderick Campbell:** The Justice Committee must look at the impact of the change in the jurisdiction of the sheriff court to £150,000. We must also remember Sheriff Principal Taylor's review and his remark in his consultation about the low incidence of civil litigation in Scotland, given the size of its population. It is just possible that, under his proposals, the amount of that work will increase.

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

**Roderick Campbell:** I cannot pretend that the proposals are good news. They have not been well received. Although I respect the Government's right to reach an early decision, the Parliament continues to have an important role to play in carrying out further scrutiny.

16:19

**Alison McInnes (North East Scotland) (LD):** Like Lewis Macdonald, I was disturbed to learn last Friday that the Scottish Government had, with barely a week's consideration, decided to accept the complete set of Scottish Court Service proposals. I emphasise from the start that the Liberal Democrats are not against change. Where a case has been made and evidence listened to, we are happy to work constructively to deliver an improved service. However, I am struggling to find many improvements in these proposals.

Reading through the consultation document, the responses and the final recommendations, I am left with the overwhelming sense that the changes are not about making our court system better but, first and foremost, are about cutting £1 million from the Court Service's revenue budget. That is not a good way to approach the reform of something as fundamentally important as our courts.

We know that once the Government introduces the order it will come to the Justice Committee and that only if the committee rejects it will the whole Parliament be able to vote on the plans. Therefore, I hope that my fellow committee members will not mind my mentioning their fine words in defence of their local courts. I trust that they will continue to stand up for them so robustly when we get a chance to vote on the order.

Peebles sheriff court is one of those scheduled to be closed, and Christine Grahame has argued



strongly for its retention. The court's new facilities are less than 10 years old and, in common with many of the smaller courts mentioned in the consultation, its closure would add a great deal of inconvenience for court users, particularly with regard to travelling time. Christine Grahame has also mentioned the importance of localism, a subject to which I will return.

At the other end of the country, the closure of Dingwall sheriff court has also been proposed. John Finnie has rightly highlighted that the geography of the Highlands has largely been ignored, and has expressed similar concerns about the closure of the court at Wick. Moreover, as we have just heard, Cupar court in Fife has been proposed for closure, with most cases being moved to Dundee. That throws up a number of concerns; indeed, in what must be one of the most comprehensive consultation responses that I have ever read, Roderick Campbell highlights 14 separate arguments that call into question the decision to close Cupar. I hope that he will not mind it if I add a 15th argument to his list. Shifting trials from Cupar to Dundee does more than simply force people to cross the Tay; it takes the disposal of those cases away from the Fife and Forth Valley community justice authority area, the local police command area and the local NHS board area into an entirely separate local authority area. Surely such a move will have huge implications for managing offenders in the form of throughcare, support for rehabilitation, social care and so on.

Before I turn to the north-east, I must also mention Rothesay. There are, of course, particular problems with removing all court services from Bute. I know that both the local MP, Alan Reid, and MSP Mike Russell are united in their opposition to the closure and I certainly agree with them.

In my region, Stonehaven and Arbroath sheriff courts have both been put forward for closure and I have serious concerns about both proposals. For a start, the combined business of Forfar and Arbroath totals more than the available sitting days for the court in Forfar. However, in common with much of its response to genuine concerns from members of the public and interested organisations, the Court Service document is rather dismissive of the point and simply notes that

"Consolidation of all court business in a single location offers greater opportunity to manage business more efficiently".

Similarly, with Stonehaven, a major concern is that if Aberdeen court is to absorb the extra business, the already overloaded schedule will get even further behind. However, the Court Service's response states:

"the period between first calling of a summary criminal case and trial in Stonehaven is 10 weeks as against Aberdeen's 20 weeks."

As for the question of how the service is working to reduce "Aberdeen's 20 weeks", the response says only "we are addressing that". Again, I ask: how?

I cannot be the only one for whom this offhand approach to issues has started alarm bells ringing. Before we even consider closing a court, we have to know that every possible impact has been addressed satisfactorily. I do not believe that the Court Service has cast more than a cursory glance at the impacts. It is even more of a worry that the cabinet secretary has moved to accept its plans without even drawing breath.

At the heart of this is a problem that I have brought up time and time again in the chamber: the erosion of local services. Liberal Democrats are passionate about local decision making and locally delivered services; in contrast, the SNP proves time and again that it is a party of centralisation. It simply seems incapable of understanding Scotland's rural communities.

Justice is best served when it is delivered locally and I have to wonder whether the cabinet secretary finds it a bit incongruous to be standing up and defending the closures today when next week he will be leading a debate on redesigning the community justice system. I fear for the content of that redesign because communities have been wantonly ignored in this one. We are seeing this approach not only with the sheriff and JP courts but with the High Court as well, although we have no control over that. Halting High Court sittings in Dundee, Inverness and Perth is a further case in point.

The Court Service has taken a very blinkered approach to the redesign and, by blithely accepting all the recommendations, the SNP Government has once again failed to support Scotland's rural communities. The SNP proposes a move away from a locally delivered justice system; instead, we will be left with regional delivery that incorporates the worst of all worlds. I intend to vote against the plans when they come before the Justice Committee, and I hope that members on all sides will do likewise and stand up for their local communities.

**The Deputy Presiding Officer:** I remind all members that the use of electronic devices during debates is neither welcomed by nor courteous to other members.

16:25

**Christine Grahame (Midlothian South, Tweeddale and Lauderdale) (SNP):** As other members have said, the proposed changes, which

many of us regret, are in the context of the 26 per cent cut to the Scottish Government's capital budget. I am indebted to my colleague Roddy Campbell for reminding us that it would cost £56 million to keep some of the buildings in proper form, let alone the costs of heating. Many members will recognise that some sheriff courts are very old buildings that are not fit for purpose, let alone for allowing disabled people access to their forums. I thought that it would be interesting to put the matter in a UK context. It has already been mentioned that 93 magistrates courts and 49 county courts in England are closing.

Nobody has mentioned something that is very important in this time of recession, when we all face cuts—and would no matter who was in government. The legal aid budget in England has been cut by £350 million. As a former legal aid lawyer who dealt with matrimonial and family law cases, I am shocked that legal aid will not be available in England for divorce, child custody, clinical negligence, welfare, employment, immigration, housing, debt, benefits and education.

If we have a choice to make—this is a general proposition—between having a place and having somebody to legally represent us, we would want somebody to legally represent us. South of the border, 1,000 law firms that deal with family actions, custody and access to children will not do that any more. We will not have that situation in Scotland, but down south, party litigants will try to argue for contact with their own children. That cannot be the right way to go. If somebody said to me, "Choose between giving people legal aid or a place," I would give them legal aid. That is a general point about choices.

**Margaret Mitchell:** Will the member give way?

**Christine Grahame:** Let me proceed for a little bit, as I want to talk about the point of view of the Justice Committee.

In general, the Justice Committee will take evidence from professionals, users and others—as other members have said—and we have already put out a call for evidence. I make that plain now so that people who are not on the website all the time looking at what we are doing can hear it. We will take evidence towards the end of May, before any legislation is put before us.

If members will forgive me, I will, as the constituency MSP, move on to deal with the specific issue of Peebles sheriff court. I note what Alison McInnes said, but Peebles sheriff court was going to be shut down by the Liberal Democrats and Labour Governments in previous sessions. I and others successfully campaigned for the sheriff court to remain in Peebles, so we have been there before. Unfortunately, as the convener of the

Justice Committee, I cannot have special pleading.

I understand Iain Gray's position in his submission to the SCS in arguing for localism, as I did. As others have done, I made a lengthy submission—as members would expect—that challenged the access to justice and transport issues, among other things. At that stage, there was a proposal that business might be transferred to Edinburgh, but I was not having that because there would have been complete loss of the important thing that some people refer to as "localism", but which I refer to as "shrieval knowledge". Sheriffs know some of the people who come before them in the criminal or civil courts, and they know the professionals around them and what is available. Shrieval knowledge is extremely important to delivery of justice.

There is something obvious that I had not really thought of before, but which I now know about. Some people are more terrified of being named and shamed in the local press than they are of anything that the sheriff can do by way of a fine or disposal. Through local coverage that says that so-and-so has been arrested and appeared in court, or that something has happened to so-and-so, everybody kens about it. That is terribly important. The local press therefore have a very important role.

I am putting my neck on the line here, but as I have said time and again—this is not breaking news for Lewis Macdonald—if Peebles sheriff court closes, I am going to ensure that Galashiels has a justice centre. I want something in the Scottish Borders that represents Borders shrieval knowledge and provides access to justice for people in the Borders and for lawyers. In fact, the lawyers of Peebles support me in my contention. I suggest that other members argue the case as firmly as I have.

**Lewis Macdonald:** In the light of Christine Grahame's plan B, will she agree that her plan A would require her to vote against the proposal to close Peebles sheriff court when it comes to the Justice Committee, in order to allow the decision to be made in a debate in the chamber?

**Christine Grahame:** I am a realist and I have listened very carefully to what the lawyers in Peebles have said. I had not previously considered the proposal, but they are quite attracted to having a justice centre in Galashiels, which will be much more central for access by many more people because Galashiels has a train station and a bus station.

**Iain Gray:** Will the member take an intervention?

**The Deputy Presiding Officer:** The member is in her last minute.

**Christine Grahame:** I am glad to see in the SCS's response that it has listened to me and to other members in the Borders. It states that, given our views, it will pursue the feasibility of creating a Borders justice centre and that, in the interim, any court business should go to Selkirk. If that is what it takes, that is what it takes. As I said previously, that is my bottom line.

16:31

**Dave Thompson (Skye, Lochaber and Badenoch) (SNP):** The proposals from the SCS will have a significant impact on many of my constituents—particularly the proposals relating to Dingwall, Portree and Inverness. I want to touch on three issues: justice of the peace courts, sheriff courts and the High Court circuit.

First, the proposed changes to the justice of the peace courts seem to be sensible because it is important that we deliver public services at the very best value. Secondly, it is proposed that Dingwall sheriff court should close, with its business being transferred to Inverness. I accept the need for rationalisation, but I want to turn that into an opportunity. I have already argued for this, but I want a new justice centre in Dingwall to replace both Dingwall and Inverness courts. I believe that that would provide an ideal solution and would free up the iconic Inverness castle to be fully utilised as a tourist attraction.

We can create opportunities out of the current situation: it is about how we look at them and deal with them. I would therefore accept the closure of Dingwall sheriff court in the short term if, in the medium term—by that, I mean within the next few years—we can get a purpose-built state-of-the-art justice centre in Dingwall to service the whole inner Moray Firth area. I invite all Highland MSPs to back me in this.

**Willie Rennie (Mid Scotland and Fife) (LD):** How many years is a few years? How long would people have to wait for that justice centre?

**Dave Thompson:** Obviously, we have to make the arguments. If we were to do that, we could in a relatively short time create a brand new state-of-the-art justice centre in Dingwall that would be a huge asset to the whole inner Moray Firth area. We have to look at the situation that we are in now in terms of the austerity programme that Willie Rennie's Government is pushing from London, and we have to make the best of things, so let us look at the situation positively and stop all the negativity that we constantly get from Opposition members.

The advantages of using Dingwall for a justice centre will be that its land and building costs are cheaper, the economic benefits to the local area will be greater and it is no more difficult to get

there than it is to get to Inverness. In making changes, we should look to fully utilise technology to reduce the costs and inconvenience of travel. The recent announcement of a major investment of £146 million to create a state-of-the-art fibre optic communications network throughout the Highlands and Islands means that videoconferencing will be a realistic prospect for Highland communities and the court system, as was mentioned by the cabinet secretary.

I want to raise a bigger point about the decision to rule out any future High Court sittings in the Highlands. The SCS has suggested that the High Court should be able to sit outside the three cities of Aberdeen, Edinburgh and Glasgow, but only at Greenock, Paisley, Dumbarton, Livingston and Dunfermline. I believe that in order to ensure a better geographic spread of locations across Scotland, Inverness should be added to the High Court designated list, with the new justice centre in Dingwall taking over in due course.

**Alex Fergusson:** If we are to have a justice centre in every SNP constituency that is affected by the closures—as appears to be the policy that is coming out of the debate—what will be the cost and the impact on the apparent savings that are to be made?

**Dave Thompson:** Alex Fergusson is not listening to what I am saying. We have to turn a difficult situation into something positive. We have to direct our capital spend, such as it is, towards those things. I am arguing for the best deal for my constituents in the widest possible sense, and I am looking for a good solution for the inner Moray Firth area in the Highlands.

The SCS proposals on the High Court appear to have been made solely on the basis of distribution of population and do not take into account geography and topography, or the poorer transport infrastructure in the Highlands and Islands. The Highlands make up a large proportion of the landmass of Scotland, so it is important that people there have easy access to the highest court in the land. We are all citizens of Scotland and we all deserve equal treatment. It is also important to protect the status of the Highlands. We should therefore not accept the conclusion of what is, in essence, a numbers game.

We are investing in Highlands and Islands Enterprise to develop the economy in the north, and in the University of the Highlands and Islands to give our young people a better chance. We are investing £146 million in fibre optic broadband in the Highlands to enable highlanders to engage in the digital economy. It is therefore right that we send out the right messages in other spheres. That will require that the High Court sit in the Highlands when necessary. I will therefore write to the Lord President—who will make the decision; it

is not a Government decision—to make the case for the special circumstances of the Highlands to be taken into account in relation to the High Court. I hope that the Justice Committee will take that issue, and the other issues that I have raised, fully into account when it considers the matter.

16:37

**Graeme Pearson (South Scotland) (Lab):** We have heard a great deal this afternoon in the abstract about delivery of justice and the business of the courts. It is obvious that the Cabinet Secretary for Justice is having some difficulty when he creates a heat shield using the Lord President and the chief executive of the Scottish Court Service and says that they produced the proposals and that he merely feels duty bound to see them through to a conclusion.

In South Scotland, the proposals will affect a great number of courts and communities. Peebles, Duns, Haddington, Jedburgh, Kirkcudbright, Lanark, Selkirk and Stranraer will all be affected by the proposals, which seems to me to be more like judicial vandalism than thoughtful reform.

**Christine Grahame:** On a point of clarification, Selkirk court is not on any list or in any recommendation and it will remain.

**Graeme Pearson:** Yes—but it will be affected by on-going proposals and their knock-on effects.

In analysing the economics behind the proposals, I note that the closure of Duns sheriff court will save £21,000 per year, that the closure of Peebles sheriff court will save £17,000 per year and—lo and behold—that the closure of Annan JP court will save a princely £8,000 per year.

I suggest that the issue is not about the business of the courts or about the Scottish Court Service; it is about people. It is about victims and witnesses and, indeed, accused people going to the courts and seeking justice. As someone who has had the unfortunate experience of having given evidence at every sitting of the High Court in Glasgow for 11 years, on one occasion for two days, I can tell members that that is not a welcome experience. Having also given evidence in courts across Scotland, I can say that the experience in the sheriff and justice of the peace courts can be just as torturous.

In 40 years, I have never been met outside the court by a witness who said, “Thank you, Mr Pearson, for that wonderful experience. If you ever need me again, please phone.” Indeed, the responses have been somewhat otherwise. I am therefore concerned that the changes will have a detrimental effect on vulnerable people and people who are disabled, elderly, or suffer in poverty. Travelling an extra 18 miles or more to a court

might seem to be insignificant to many of us who have cars, but for people who rely on public transport, it could prove to be extremely difficult.

I examined the situation at Duns court to see what would happen there. It would mean an additional 30-mile journey to Jedburgh and it would mean catching a bus at 7.30 am to be at Jedburgh in time for court, with the likelihood that, on many occasions, the witnesses will share the transport with the very people about whom they seek to complain or whom they seek to give evidence against. That is a significant journey to spend in the company of people whom they would much rather not see.

The Scottish Government has heralded the introduction of live video links and conferencing networks across the country, particularly for the “northern courts”, as they are described. The history of that is not good. We have been able to use videoconferencing for more than a decade in Scotland and, even after questioning the cabinet secretary a number of times in committee, not much seems to be happening in that regard. Indeed, only yesterday at the Justice Committee, Murdo MacLeod QC, and Peter Lockhart indicated many difficulties that severely limit the ability of lawyers and judges to question witnesses effectively and obtain justice for the courts.

SNP members will claim that they have simply accepted the recommendations that have been made by the Scottish Court Service and the Lord President, but more remains to be done. We need to think about the witnesses and victims who need to use the service, and who rely on local delivery of that service. Whatever we try to do in public life, we should take services to the public rather than cause the public inconvenience at one of the most stressful times in their lives by asking them to travel to a strange environment and making them feel that they are vulnerable and at risk. Many of them do not seek that experience.

I am concerned about the potential impact of the recommendations. I worry about the impact that they will have on getting witnesses to come forward to offer their evidence. I hope that the back-bench members of the Scottish National Party who can have an impact at the Justice Committee will ensure that the proposals are voted down, or will find the means to vote for a proper consultation and some reform for our courts in the future. I support Lewis Macdonald’s motion.

16:43

**Graeme Dey (Angus South) (SNP):** Section 1.7 of the document “Shaping Scotland’s Court Services: The Scottish Court Service response to the consultation and recommendations for a future

court structure in Scotland” clearly explains the drivers behind the moves that we are debating today. It states:

“We need a court structure that in providing access to justice for the people of Scotland does three things:

- it needs to reflect the planned reforms to the justice system
- it needs to improve the facilities and services for court users
- it needs to be affordable in the long term.”

That one small section of the document sums up the challenges that are faced by those who seek to plot an appropriate way forward for delivery of justice. Of course, that process must be financially sustainable; we must recognise that the money that is available to the Scottish Court Service has been reduced, and that the cause of that reduction has been the funding cuts that have been afforded by Westminster to the Scottish Government. The process must also be in keeping with the nature of the future justice system and be delivered in appropriate surroundings.

Although I agree with all three of the points that were made in the report, as things stand, what is proposed as it relates to my constituency will not entirely get us there. Everyone who takes an interest in the issue must have realistic expectations about what can be delivered within the budgetary constraints with which the Scottish Court Service and the Scottish Government are having to wrestle. However, I want to focus attention on an aspect of closing the court in Arbroath, which raises a concern that the Scottish Court Service has not adequately recognised.

There are two courts in Angus and a case has been made for closure of one of them. Originally, it was to be the court in Forfar, but following discussions with the legal profession—I am not saying that they necessarily influenced the decision—there was a change of heart and Arbroath was targeted. However, the fact is that, whichever court closes, some users will face the same potential difficulty in accessing the surviving facility if their only means of doing so is public transport. I will return to that later in my speech.

In the meantime, for the purposes of clarity it should be acknowledged that, whatever the perceived rights and wrongs of the decision to close the Arbroath court, no local campaign has been mounted to oppose the proposal. I speak as a constituency MSP who, since August of last year and before the launch of the formal consultation, has been very much involved in the issue. Along with my colleagues Nigel Don MSP and Mike Weir MP, I met the Society of Procurators and Solicitors of Angus on two separate occasions. I engaged directly with the SCS on behalf of the society to secure information that the society required in

order to form a view on the matter. I also held discussions with Tayside Police on the possible impact on local policing if one of the county’s courts was to shut.

I should say that the very limited opposition to the closure proposal that I have encountered has been restricted almost entirely to those with a direct and immediate interest. Even then, the opposition is neither strong nor particularly vocal. For example, in the end the Society of Procurators and Solicitors of Angus did not take a collective view on the matter. The Angus proposals attracted only 20 consultation responses, whereas the average for other location proposals across Scotland was more than double that.

So why the lack of clamour to retain a court presence in Arbroath? The simple fact is that the existing court is, from a public, policing and high-street shopkeeping perspective, in the wrong place. I say that not to justify the closure decision. Along with Mike Weir, I am concerned about the difficulties that people living on the coastal strip, which the Arbroath court services, may encounter in getting to Forfar if they have to depend on public transport. I also recognise that the proposal may involve an economic downside for Arbroath’s High Street, albeit that owing to particular local circumstances, that may be more than mitigated by improved shopper footfall. I say that simply as a statement of fact.

Court provision in Arbroath is in a cramped building that offers no room for expansion. The vehicles that transport prisoners to and from court need to draw up and park on the High Street. Groups of friends and relatives of accused persons loiter outside the building ahead of business taking place. As a result, local shopkeepers are left feeling that their businesses suffer a negative impact from having an undesirable element hanging about the area and older folk avoid going to the High Street post office because they are intimidated by that presence. Following the intervention of the local MSP, the police have had to deploy additional resources in the vicinity of the court to help to address those issues.

In an ideal world, it would be great if we in Arbroath could be provided with a new fit-for-purpose court facility whose location did not impact negatively on sections of society or impinge on the police’s ability to go about their general work, but we live in a far-from-ideal world. The Scottish Government’s budget has been slashed and there are inevitable consequences from that—

**Alex Johnstone (North East Scotland) (Con):**  
Will the member take an intervention?

**Graeme Dey:** I will not, if Alex Johnstone does not mind. I want to make some points.

Those who are charged with delivering justice in the future also believe that the process will be best served by taking a different direction, and I think that we need to respect that opinion. That said, I want to highlight to the Justice Committee and to the cabinet secretary the issue of ready access and the accompanying potential issues that could emanate from closure of an Angus court. I do so in the hope that the issues can be woven into the committee's consideration of the proposals.

In its response to the consultation, the SCS document states that the number of people across Scotland who, due to additional travel and inconvenience, will be directly affected by court closures will be "very small". I accept that. However, I take issue with the comment in paragraph 8.9, which states:

"People resident in Arbroath commute more frequently to the larger population centres to access other services, including specialist medical services, and as for most people a visit to their sheriff court is a relatively rare event, we consider the journey from Arbroath to Forfar to be a reasonable undertaking."

Well, there are three ready means of getting to and from Dundee: private car, the bus and the train. For specialist medical services, there is a direct bus service from Arbroath to Ninewells hospital. However, the options for travelling between Arbroath and Forfar are restricted to car and a limited direct bus service.

Those who live further down the coastal strip in Carnoustie or Monifieth, which are also served by the Arbroath court, have little or no direct public transport provision to Forfar. In that regard, the SCS needs to give real thought to how it can mitigate the impact of closure of the Arbroath court, if that goes ahead. For example, when it is scheduling cases involving individuals from the coastal strip, will the SCS take account of what public transport provision exists and the timing of its availability?

I further hope that, in its consideration of the proposals, the Justice Committee will be able to secure from the SCS an understanding of what thought has been given to avoiding the—albeit that it is probably rare—occurrence of the accused, the alleged victim and the various witnesses journeying to proceedings in the same rural bus, given the potential difficulties that that might present. I certainly hope that I will have an opportunity to raise those points directly with the SCS.

16:49

**Claire Baker (Mid Scotland and Fife) (Lab):** When the proposals from the Scottish Court

Service were initially leaked in December 2011, I raised concerns over the future of Cupar sheriff court. When my colleague, Iain Gray, led a members' business debate in February 2012 about the internal document, I raised those concerns again, highlighting in particular the concerns over local access to justice and the economic impact of closure.

At the time, members were told that the debate was premature, that there were no proposals to close courts, and that we should wait for the consultation before drawing conclusions. When the consultation was finally published, it was actually worse for Fife than the floated proposals were. Not only was Cupar identified for closure, but it was proposed that jury trials at Kirkcaldy be ended and that they should be held only in Dunfermline.

**Dr Simpson:** I add that the drug court is also being closed, which is a significant loss. It is the only non-urban drug court in Europe.

**Claire Baker:** I thank the member for the intervention. That is an issue that I will turn to later.

I have always felt that the proposals were flawed and driven by financial pressure, not what is best for the delivery of justice in Fife. By 2015, the Scottish Court Service's running cost budget will have reduced by 20 per cent in real terms and its capital budget will have reduced from £20 million to £4 million.

Hearing the defence that closures were due to poor facilities and crumbling buildings, I wanted to see the experience for myself, from the witness waiting areas to the cells. I went to a public meeting at Cupar sheriff court. A number of services are located in those buildings, and the police are about to move in. Unfortunately, it was clear at that meeting that the decision to close Cupar had been all but taken by the Scottish Court Service.

The condition of the building was a key determining factor that was identified by the Scottish Court Service. However, as Rod Campbell and others have identified, there are questions over who has to meet the costs and whether the figure of £470,000 for the maintenance backlog, which was quoted by the Scottish Court Service, is accurate—the figure was certainly challenged by people at the public meeting.

In addition, the annual running costs of the building are less than £50,000 a year. Once the additional costs of moving to Dundee are taken into consideration, there are question marks over whether any money will be saved. The consultation did not include a cost benefit analysis of closure. In addition to the costs, there is the

impact that court closure will have on Cupar town centre.

At the centre of the issue is the impact that the closure will have on victims and witnesses. Additional strain, in more ways than one, will be put on staff and local people using the service, particularly in relation to transport. Moving the business of the sheriff court to Dundee also moves that part of Fife out of the Fife and Forth Valley community justice authority area, as Alison McInnes said. The proposals are flawed and will bring to an end years of justice being delivered in Cupar. The centralising agenda will also impact heavily on a rural town and represent a significant loss of local services.

In addition to the closure of Cupar, the consultation also proposes ending jury trials in Kirkcaldy sheriff court and moving them all to Dunfermline. In the past year, Kirkcaldy held almost three times as many jury trials as Dunfermline did, sat for almost twice as many days and issued twice the number of indictments. Dunfermline sheriff court will see the number of jury trials that it handles increase dramatically.

The consultation document suggests that, if justice services were to be centralised anywhere in Fife, it would be in Kirkcaldy. However, I am not convinced that either sheriff court alone could accommodate the needs of Fife. I am not convinced that Dunfermline could cope with such an increase in capacity and workload. That has the potential to lead to an increase in the waiting period for a jury trial to be called, with such delays only adding to what is a stressful time for victims and witnesses. However, again, the condition of the building in Kirkcaldy and the provision for witnesses there were cited as reasons for the change.

Before Christmas, I visited both sheriff courts to compare the provision and I took the opportunity to speak to people who worked in the courts. I would like to thank the Scottish Court Service for facilitating those visits, which I found valuable.

It is true that Kirkcaldy is in need of an upgrade, as there are features of the building that are not ideal. Dunfermline has more modern facilities. However, the facilities that are highlighted in Kirkcaldy as being poor will still be used by witnesses, victims and staff. Moving jury trials will not change that: the building will still be used.

The difference in cell provision was particularly highlighted but, from talking to people who work in the system, it is plain that there are advantages and disadvantages to both courts. For example, Dunfermline has direct access from the cells to the court, but that is the only access from the court to the cells, which means that, as the courts become busier, sessions will be interrupted as solicitors will

have to go through the court in the middle of sessions in order to speak to their clients.

Overwhelmingly, the people to whom I spoke felt that, on balance, the weaknesses of Kirkcaldy sheriff court were outweighed by the positives of continuing jury trials there.

My principal concern is the impact that the proposal will have on access to local justice. Kirkcaldy serves the surrounding area, including Levenmouth and Glenrothes. Levenmouth has one of the lowest rates of car ownership in Scotland. From that area, public transport to Dunfermline can be time consuming and costly. That presents challenges for people with caring responsibilities, which is of significant concern as the court deals with a large number of family cases.

A number of other issues have also been raised. Removing jury trial and family cases to Dunfermline will lead to a lack of continuity in the solicitors who represent people. It takes away the flexibility of the solicitors who can be provided in Kirkcaldy, which is particularly concerning when sensitive family cases are being dealt with.

The removal of jury trials will also reduce the sheriff's breadth of experience and lead to a risk of Kirkcaldy being a less attractive place for a sheriff to be based.

We have also recently learned that, in addition to the diminution of justice services in Kirkcaldy and Cupar, the funding for the Fife drugs court is being stopped and the service is being run down. There has been no consultation on that move. It will bring an end to a good service that works and put additional strain on other services.

A combination of decisions is leading to justice in Fife being sold short by the Scottish Government. Again, the most vulnerable in our communities will be let down.

16:55

**John Mason (Glasgow Shettleston) (SNP):**  
The comments I make will focus mainly on finance.

I accept that some people—perhaps some people in the legal profession and perhaps even some members—would say that we must have a perfect legal system no matter what it costs, that there should be courts in every village and that the courts should be able to take as long as they like to make decisions because, after all, justice matters more than money.

Although I accept that such a debate should not be just about money, I believe that it can neither be without reference to money. Of course we want the courts to be as local as possible and to respect

the historical importance of certain areas, but all our budgets are under pressure from cuts—for example, the capital budget has been cut by 26 per cent—so, on the face of it, every budget needs to be cut. That is the starting point not only for the Government but for the Parliament as a whole.

I find it deeply insulting that Iain Gray refers to my profession and civil servants as bean counters, as if we are some kind of second-rate citizens because we count up the money. He should perhaps remember that his Government forgot to count up the money and got the country into the mess that it is in.

The proposals would save some £1 million per year in running costs and £3 million in maintenance costs. That seems fairly positive to me.

**Iain Gray:** I am absolutely clear that civil servants and other officials must undertake the work to produce the budgets that are demanded of them but, in the end, it is a ministerial decision. The cabinet secretary has responsibility for taking a decision based on the wider impact on justice and Scotland's communities. That is the point that I was making, and I stand by it.

**John Mason:** I understand the point that Iain Gray made, but I did not hear the point that we must live within our means. The Opposition parties must think about that and get to grips with the fact that, if they want more money to be spent in one area, they have to suggest what other area would get less money. My constituents must live within their means, especially now that the bedroom tax and all this ridiculous stuff means that money is being taken off them, and the Government and Parliament need to live within their means as well.

**Alison McInnes:** I wonder whether John Mason was in the chamber only two hours ago when the Minister for Transport and Veterans boasted about how he had managed to find £4.6 million recently to give to Scottish Canals for its living on water initiative—for houseboats. It is a question of choices: the point that the Opposition is making is that devolved decision making came along with the devolved budget from Westminster and that decision making sits with the minister.

**John Mason:** Alison McInnes makes the right point: she makes the point that it is about choices. If we can get people living on canals, I am totally supportive of that. Christine Grahame also said that we must make a choice, as I understood it, between legal aid and buildings, and I would support choosing legal aid over and against buildings. I was disappointed that neither Alison McInnes nor Margaret Mitchell managed to give us any other suggestions for where the money might come from.

**Margaret Mitchell:** Given that the line coming from the front bench is that ministers are duty bound to follow the SCS's advice and proposals, could we not save money by cutting those posts and making—

**The Deputy Presiding Officer (Elaine Smith):** Mrs Mitchell, I am afraid that we cannot hear you because you are not speaking into your microphone.

**Margaret Mitchell:** Could we not make a saving by cutting the cabinet secretary's post and the minister's post? Officials could easily follow the SCS's advice.

**John Mason:** I did hear some of that. That is a slightly strange idea, especially from a party that is cutting the budget for the whole country.

In my constituency, ordinary people have to live within their means, and the Parliament and Government must live within their means. In the course of the budget process, the Finance Committee heard lots of ideas about how to spend more money, and we have heard that again today. There are lots of good ideas, but we do not really know where we will get the money from. We should hear more about where the money is to come from. If it is to be a matter of cutting funding for colleges, health or local government, the Opposition parties need to be a bit more straightforward about that. To give the Greens their due, they tend to be a little more straightforward in that regard.

For courts and justice, the starting point is that we need to make cuts. If that is not to be done in the way that is proposed today, we need to hear suggestions from the other parties about where the money is to come from, either within the justice budget or from other departments. For example, does Labour think that we should cut college or health budgets and put more into justice? I have not heard that today.

**Dr Simpson:** Will the member take an intervention?

**John Mason:** No, we have had quite enough interventions.

We have become a less localised society. We travel more to bigger schools, shops and cinemas. In many ways, that is not always a good thing. We have previously debated in the chamber the value of local organisations, local food production, local colleges, local shops and local leisure centres—all things that we like. However, we are where we are, and the centres of population are not where they used to be. The justice system and the courts cannot stand apart from shifts in society.

As an accountant, I have seen how annual accounts and audits have had to shift with the times and in response to modern demands.



Annual accounts and audits often have to be finished within days of a year-end. I am not saying that that is always good—there needs to be time for reflection—but I sometimes get the impression that the legal profession has not been so keen on updating itself and on working more efficiently and to timescales that fit with the modern world.

**The Deputy Presiding Officer:** We come now to closing speeches. I remind all members that, if they participated in the debate, they should be in the chamber.

17:02

**Alex Fergusson (Galloway and West Dumfries) (Con):** The debate has raised many concerns that, on the whole, accurately reflect those that were raised by 95 per cent of the respondents who took part in the consultation on the proposals, which, as we have heard, will result in the closure of a fifth of Scotland's sheriff courts and 13 JP courts, in the disestablishment of three further JP courts and in a reduction in the High Court circuit.

Whatever else members might think about the proposals, they cannot deny that they will have a major impact on local communities the length and breadth of our country. In anybody's language, these are massive changes, which, however much the cabinet secretary might wish to argue otherwise, are the choice of the Scottish Government and the Scottish Government alone.

It is no secret that I wish much greater responsibility to be devolved to this Parliament. However, the beauty of devolution, even in its current form, is that it allows almost total flexibility as to how our fairly considerable resources are spent to address specific Scottish issues. In this case, the Scottish Government has chosen to implement these massive changes. It did not have to do so—it has chosen to do so, as John Mason has just agreed.

In response to one of the many questions that were put to him during topical question time last week, on Tuesday 16 April, the cabinet secretary said:

"I think that local justice is important."—[*Official Report*, 16 April 2013; c 18531.]

I do not think that any of us would disagree with that. I will spend a little time considering the impact that the closures are likely to have on local justice. As many members have pointed out, the biggest impact of the closures will be on the witnesses and others whose willing participation in the process is so vital to ensuring that the justice system actually delivers justice for both the victim and the perpetrators of any crime.

I have been involved in a constituency case this year in which a constituent was approached and asked to give evidence against a neighbour who had been charged with benefit fraud. My constituent willingly agreed and looked forward—if that is the right expression—to playing a meaningful part in bringing to justice someone who had allegedly committed a fraudulent act.

The problem is that my constituent has to make complex arrangements for another member of the family to take time off from work and travel a considerable distance to look after their elderly and very frail mother whenever a court appearance is scheduled. So far, my constituent has been asked to go, and has gone, to court on four separate occasions, having had to make those difficult arrangements, only to find that the case has been deferred for one legal reason or another.

To say that those people are frankly sick to the back teeth with this due process would be to considerably understate their feelings, and the procurator fiscal has been informed that, from now on, the care of the mother will take precedence over any requested court appearance. In short, a once willing participant in the justice system is no longer as willing to participate.

The reason why I wanted to share that story with the Parliament is to underline the fact that people already put up with a great deal of inconvenience to play their part in ensuring that justice is done, as Graeme Pearson put it so eloquently in his speech, but that there is clearly a limit beyond which people are not prepared to go. My contention is simply that the closures will bring that limit a lot closer for people in Rothesay, for example, who will have to make an 80-minute journey, partly by ferry, to get to Greenock; for people in Helmsdale, where witnesses will have to travel the 34 miles to Tain; and for people in Kirkcubright, in my constituency, who will have to travel to Dumfries, which at best is a not inconsiderable 45-minute journey.

I point out that the closures of the Kirkcubright and Annan courts were robustly opposed by Dumfries and Galloway Council, so we should not labour under any illusion that it is just awkward individuals who oppose the proposals. Nothing about the proposals will encourage people to participate in the justice system and thus help to deliver justice to the victims of those who break the law.

Another aspect that I want to highlight is the economic effect of the closures. Several members mentioned that, and it came up during the questions last week. It is an aspect to which due cognisance really should be given. The courts bring a significant economic boost to the towns in which they are located, many of which are county

towns. As anyone who is even half acquainted with rural Scotland knows full well, these towns survive on fragile economies, and the closures will have a disproportionately negative impact on them. I hope that the Scottish Government has taken that fully into account and that it will continue to do so as it proceeds with its plans, as Lewis Macdonald asked it to do just last week and again today.

As Margaret Mitchell said in her opening speech, there is surely something wrong when a Government that is undertaking such an extensive closure programme is simultaneously promoting a victims and witnesses bill that aims to

“put victims’ interests at the heart of improvements to the justice system”

and

“help make what is often the most difficult episode in someone’s life a bit easier.”

We would be hard pressed to find a better example of giving with one hand and taking away with the other.

It is somewhat tragic that a Government that purports to be a listening Government that believes in consultation has apparently chosen to turn a deaf ear to 95 per cent of the respondents to the consultation. On that evidence, the consultation appears to have been purely a tick-box exercise or, as Iain Gray put it, a complete sham. It appears that the views of the vast majority are simply to be cast aside. We have already seen the centralising of our country’s police force and our fire service. It rather looks as if we are now witnessing the centralisation of our justice system.

There have been some really good speeches in the debate, notably from Iain Gray, Roderick Campbell and Alison McInnes. Members from across the parties have suggested that much more thought is needed on the proposals. I entirely endorse that position and I really hope that that cry will be heeded.

17:08

**The Minister for Community Safety and Legal Affairs (Roseanna Cunningham):** I apologise for my slight lateness at the beginning of the debate. Presiding Officer, you were quite correct in suspecting that I had become overly focused on the 3.10 start, and I accept your chiding of me.

**The Deputy Presiding Officer:** You were not the only one.

**Roseanna Cunningham:** Well, I am taking the opportunity to apologise.

I listened with great interest to the debate. Along with my colleague the Cabinet Secretary for Justice, I readily acknowledge the genuine concerns that have been expressed by members in all parts of the chamber about the closure of some of the sheriff and justice of the peace courts, although most of the debate has been about the sheriff court closures rather than the justice of the peace court closures.

Lord Gill, the Lord President of the Court of Session, said:

“Determining the future shape of Scotland’s court structure is a serious responsibility. Doing so against a backdrop of significant change and in a time of severe pressure on the public finances is a difficult task, with few easy answers.”

However, he went on to say:

“I am confident that the proposals ... will contribute significantly to the success of the forthcoming civil justice reforms.”

It is important to remember that the proposals are part of a wider set of reforms to create a modern justice system that is fair, accessible, cost effective and efficient, and which better meets the needs of the people of Scotland. The wider civil and criminal reforms that were recommended in the reviews by Lord Gill, Lord Carloway and Sheriff Principal Bowen will ensure that cases are more effectively managed and reduce the amount of wasted time and the number of hearings that are required for each case. Those outcomes cannot be fully achieved unless we rationalise the estate by taking business out of courts that are underused or which duplicate provision in an area.

It is also important to remember that the volume of business that is carried out in the sheriff courts that are recommended for closure is only around 5 per cent of total business.

**Margaret Mitchell:** Does the minister accept that that 5 per cent represents 12,500 cases?

**Roseanna Cunningham:** Yes, but it is still 5 per cent, so 95 per cent of business is not affected.

Overall, court business is down. Civil business in the sheriff court was down 13 per cent in 2011-12 compared with 2010-11, and crime is at a 37-year low. All that will feed into and begin to show in the court system. The SCS is confident that the transferred business can be assimilated without difficulty into a smaller number of better-equipped courts that have modern facilities for victims, witnesses and jurors.

The Scottish Court Service is not immune to the financial pressures that affect all public bodies, even though it is independent of Government. The service is seeking to save £4.5 million from its revenue budget and estimates that the proposals

will save almost £1 million per annum and a maintenance backlog of almost £3 million.

**Willie Rennie:** SNP back benchers have obviously been promised a shiny new justice centre in each of their constituencies. Can the minister tell us more about that?

**Roseanna Cunningham:** I suspect that many SNP back benchers wish that Willie Rennie was correct, but he is not.

**Members:** Oh!

**The Deputy Presiding Officer:** Order.

**Roseanna Cunningham:** Ministers are satisfied that the Scottish Court Service carefully considered its options against the principles of access to justice that are set out by the judiciary, which stipulate that court users should be able to get to court by public transport before their case proceeds and return home by public transport on the same day. That might mean that some cases will be set for later in the court day; the SCS is confident that it will be able to satisfy the requirement.

A large court closure programme in England and Wales has involved the closure of 93 magistrates courts and 49 county courts—I see that Conservative members are rolling their eyes. I find it extraordinary that the court closure programme in England and Wales is not to be criticised, whereas the programme in Scotland is.

**Alex Fergusson:** Will the minister take an intervention?

**Roseanna Cunningham:** I need to press on.

It simply costs too much to maintain old buildings that are not suitable for courts in the 21st century and which do not provide modern facilities for those who have business there.

Some critics of the closures suggest that the closure of a sheriff court in a high street will have an adverse effect on the town's economy, but the economic benefits of a court that sits only on certain days and rarely for a full day might be negligible. Furthermore, when the building is converted for alternative use it might have a more substantial economic benefit to the community. I think that the cabinet secretary made that point about Linlithgow.

It has been alleged that firms of solicitors will struggle if a local sheriff court is closed, but where few cases are being raised in the sheriff court—there are a number of areas where that is exactly the situation—it is extremely unlikely that local lawyers are relying on the court's continued existence for the wellbeing of their business. In such places, lawyers will likely have diversified into many other areas of law.

It is understandable that many members, including SNP back benchers, focused on proposed closures in their local areas. We would expect nothing else. However, the consequences of taking that totally non-strategic approach would result in no closures of any court, anywhere, ever. It is simply not a tenable position for any Government to take, although a number of members seem to be of that view.

**Lewis Macdonald:** Will the minister take an intervention?

**Roseanna Cunningham:** No, I need to press on; I only have a minute and 40 seconds.

Remarkably, the members who are of that view include Margaret Mitchell, Alex Fergusson and Alison McInnes, despite their own parties' Government south of the border taking a very different position. I presume that their position is court closures England good, court closures Scotland bad.

Iain Gray spoke passionately about his sheriff court in Haddington, which I have heard him speak about before. In his desire to blame the cabinet secretary as an individual, he blithely swept aside the year-long consultation by the Scottish Court Service, whose job this is, of course.

I do not remember who raised the issue of the drug court—I think that it was Richard Simpson. That is entirely a matter for the sheriff principal—it is his decision, and the member needs to accept that position. Richard Simpson became very animated in the debate, but I note that he made no submission to the consultation; no doubt he overlooked that last year.

Graeme Pearson, Alex Fergusson and a number of others talked about the problems and difficulties that people will have, but the vast majority of court users will have no additional travel requirements as a consequence of the proposals.

There were constant references by Labour members from a sedentary position to the fact that we are talking about only £1 million, as if that was an utterly negligible amount of money. Labour members are not quite so cavalier when it comes to their own cuts commission, which my colleague John Mason also spotted.

**Jenny Marra:** Will the minister give way on that point?

**Roseanna Cunningham:** I am sorry, but I have run out of time.

**The Deputy Presiding Officer:** There is time available if you wish, but it is entirely your choice.

**Roseanna Cunningham:** Thank you. I will deal with some of the other points that have been raised—[*Interruption.*]

**The Deputy Presiding Officer:** Ms Marra.

**Roseanna Cunningham:** —including the point raised by Jenny Marra about the transfer of cases to the sheriff court as a result of forthcoming reforms. The reforms to move lower-value claims from the Court of Session to the sheriff court will affect around 3,000 cases. Sheriff courts already deal with more than 94 per cent of all civil cases. There will also be a personal injury court that will handle most of the cases involved.

Lewis Macdonald raised the issue of delays in court, but that is not just to do with court availability—and Lewis Macdonald knows that. Many factors contribute to delays.

**Lewis Macdonald:** Will the minister take an intervention?

**Roseanna Cunningham:** I need to close now.

Many of Scotland's courts date from Victorian times and simply are not fit for purpose in the 21st century. Many are underused and others lie closer to bigger courts, where business will be scheduled more efficiently in terms of court and shrieval time. Ministers believe that the Scottish Court Service's recommendations for the future shape of Scotland's courts will better meet the needs of the people of Scotland.

I agree with my colleague the cabinet secretary and with his amendment to the motion.

17:18

**Jenny Marra (North East Scotland) (Lab):** Like the minister, I accept your chiding, Presiding Officer. I sincerely apologise for being slightly late to the chamber this afternoon.

Just more than two years ago, the Lord President announced that something historic may be happening in our courts. It was not, in his words,

“met with any major resistance”,

yet he acknowledged that the change was significant. For the first time in more than three decades, the Lord President was considering opening courts on a Saturday, to ease their case loads.

The reason was Cadder. In the Lord President's eyes, that one judgment was enough to necessitate the weekend opening of our courts, because there was no indication of how much the case load would increase. We are still in a period of reflection on the Cadder judgment. It is too early to assess its legacy, but if the Lord President's reaction tells us anything, it is that we cannot look at courts—and the amount of business in them—in a silo on their own.

The role of courts is not defined by an arbitrary number of sitting days, case loads of years gone by, or, indeed, savings targets, so when the cabinet secretary justifies his decision by telling us that the courts in question do not sit for enough days or deal with enough cases, I suggest that he needs to look under that and ask himself why that is the case. He needs to ask whether it is right that we have a system in which, between 2011 and 2012, the arrears from antisocial behaviour penalties rose from £600,000 to £1.1 million; in which, in one year, 98,000 crimes that were solved by the police resulted in fines being given instead of court appearances; and in which 36,000 of those fines were never paid. He needs to ask whether he is satisfied that the uncollected fines in our justice system from just one year amount to more than the savings that he wants to make by closing all these courts across Scotland. If the cabinet secretary could put the resources of his Government and the Court Service into collecting those fines, he would have more than £1 million extra in his budget and would not have to close even one of the courts.

**Kenny MacAskill:** Does the member not accept that the principal difficulty faced by fines enforcement officers is the inability to access welfare benefits, which are currently reserved to Westminster, and that the solution would be for us to have that power in Scotland so that we could address these matters as well as not having the iniquity of the bedroom tax foisted upon our poorest and most vulnerable?

**Jenny Marra:** Independence will solve all, it seems. I ask why the cabinet secretary persists in issuing fines if they are not collectable in a devolved Scotland and it is only under independence that they will be collectable. That is a preposterous suggestion.

These are the policy choices of the SNP Government. Instead of prosecuting cases through our courts, it is giving up on our communities in failing to try unacceptable behaviour and hold people accountable in front of their peers. The Government is content to see fines issued with little hope of seeing them paid. Fines mean fewer court cases, and fewer court cases mean fewer courts. It is a cynical mindset that completely ignores the value of accessible local justice—that is the point that we are arguing today.

The cabinet secretary's proposal is built on a false premise. When we look at some of the Government's forthcoming legislation, we see that the SNP is introducing measures that will increase the number of cases going through our courts. One consultation response stated:

“An increase in the jurisdiction of sheriff courts to one hundred and fifty thousand pounds in civil affairs ... could

cause an overload to civil business in Dundee such that the closure of Cupar sheriff court would seem ill advised”.

Those are not my words but those of Rod Campbell, the SNP MSP for North East Fife. He is right. The upcoming courts reform (Scotland) bill, which was published in draft form in January, will see many more cases transferred from sheriff courts, and personal injury cases will come from the Court of Session down to the sheriff courts, increasing business. I invite the cabinet secretary to deny that that is the intended consequence of the bill. With no intention to add to the number of courts in Dundee sheriff court, how is it meant to handle the extra case load? We have also heard today of all the other cases that will come to Dundee from the courts that the cabinet secretary is closing.

What of proposals such as the proposal to abolish corroboration? Has the Government made any assessment of how that would impact on the number of cases that come to court? The Lord President was concerned about the increase in the number of cases as a result of the Cadder case, and such a significant law reform as the abolition of corroboration would probably have a similar effect. The simple truth is that a narrow view of court demand cannot predict future need, particularly when the Government is legislating to increase that demand rather than decrease it.

Labour recognises the role that courts play in our communities. They are essential not just to justice being done, but to justice being seen to be done. They instil public confidence in the safety of our communities and, as we have heard today, they support local economies directly through jobs and indirectly through surrounding law firms that support shops and restaurants. Many of these courts have been part of our towns and cities for hundreds of years.

It is of little surprise that 95 per cent of consultation responses were against the proposals. I will tell the chamber what some of the respondents said. Graeme Dey, SNP MSP for Angus South, said:

“the limited nature of public transport could give rise to situations where the accused, the victim and or the witnesses involved in a case would be making their way ... on the same bus ... posing very obvious potential problems.”

Paul Wheelhouse, SNP MSP for South Scotland, said:

“Aside from the inconvenience and added expense to legal professionals ... moving business ... would inevitably have a negative economic impact”.

Nigel Don, MSP for Angus North and Mearns, said:

“I see no evidence that cases could not continue to be heard in Stonehaven ... It is just as easy to travel to

Stonehaven as from it ... Overall, I suggest the case for closing Stonehaven court has not yet been made.”

I turn briefly to some of the excellent speeches that were made in the debate. Alison McInnes made a powerful point about the difficulty with the proposed closure of Cupar sheriff court and cases being shifted to Dundee. Decisions are being taken out of the local authority's control, away from the social workers, the police, the NHS and the offender management provision in that community. That is about community justice.

**Kenny MacAskill:** The member appears to be implying that any closures would be dreadful and that no courts should close. In Duns, as was pointed out to Mr Lamont the last time we talked about this, the number of trials in which evidence was led in 2012 was 12 and the number of ordinary proofs that proceeded was zero. Is the member suggesting that 12 trials with a limited number of witnesses would cause huge inconvenience, given the likelihood that many of the trials will relate to matters that took place on the A1 and that those charged with offences will not come from Berwickshire?

**Jenny Marra:** With respect, I have spent the past eight minutes making the case that the cabinet secretary's Government is legislating to increase the amount of business that will go through the courts. Therefore, the programme of closures is far too early, and I ask the Government to seriously consider putting it on hold.

I turn to some of the other points that were made. Graeme Dey made a good speech in which he highlighted the transport links to Forfar. I think that that is a matter that we will be able to consider in the Justice Committee.

Claire Baker and Richard Simpson made important points about the impact of the drug court in Fife being closed with no consultation after funding cuts from the SNP Government.

**Kenny MacAskill:** Is the member not aware that the reason for the closure of the drug court in Fife was the position taken by the sheriff principal, who does not feel that the court system can operate in that way? That is his call alone—it has nothing to do with funding.

**Jenny Marra:** The cabinet secretary must take some responsibility in the debate for the decisions that he is making. He can blame the sheriff principal, the Scottish Court Service or the Lord President but, at the end of the day, £1 million of savings could be realised if he went out and collected the fines that are in our system—*[Interruption.]*

**The Deputy Presiding Officer:** Order. Can we hear the member, please?

**Jenny Marra:** Local members everywhere recognise that court closures mean emptier town centres, further travel for victims and witnesses and the loss of jobs in their communities—all in the name of £1.3 million-worth of savings. I have told the cabinet secretary where he can find those savings. However, that is the price of poor choices in our justice system in which fines are valued more than the role of good local justice, and a false premise that our courts will never again see higher case loads, despite this very Government legislating for exactly that.

The Scottish Government must reassess the route that it is taking our justice system down before more communities are disenfranchised by the SNP's choices. I ask every member across the chamber who has a court under threat of closure to vote with their conscience and stand up for the principle of fair access to local justice that their constituents deserve.

**The Deputy Presiding Officer:** That concludes the debate. I thank Roseanna Cunningham and Jenny Marra for their courtesy in apologising to the chamber for being slightly late for the start of the debate.

## Business Motions

17:30

**The Deputy Presiding Officer (Elaine Smith):**

The next item of business is consideration of business motion S4M-06309, in the name of Joe FitzPatrick, on behalf of the Parliamentary Bureau, setting out a business programme.

*Motion moved,*

That the Parliament agrees the following programme of business—

Tuesday 30 April 2013

2.00 pm Time for Reflection

*followed by* Parliamentary Bureau Motions

*followed by* Topical Questions (if selected)

*followed by* Scottish Government Debate: The Implications for Scotland of the Royal Charter on the Self-regulation of the Press

*followed by* Business Motions

*followed by* Parliamentary Bureau Motions

5.00 pm Decision Time

*followed by* Members' Business

Wednesday 1 May 2013

2.00 pm Parliamentary Bureau Motions

2.00 pm Portfolio Questions  
Rural Affairs and the Environment;  
Justice and the Law Officers

*followed by* Scottish Conservative and Unionist  
Party Business

*followed by* Business Motions

*followed by* Parliamentary Bureau Motions

5.00 pm Decision Time

*followed by* Members' Business

Thursday 2 May 2013

11.40 am Parliamentary Bureau Motions

11.40 am General Questions

12.00 pm First Minister's Questions

12.30 pm Members' Business

2.30 pm Parliamentary Bureau Motions

2.30 pm Scottish Government Debate:  
Redesigning the Community Justice  
System

*followed by* Parliamentary Bureau Motions

5.00 pm Decision Time

Tuesday 7 May 2013

2.00 pm Time for Reflection

*followed by* Parliamentary Bureau Motions

*followed by* Topical Questions (if selected)

*followed by* Scottish Government Business  
*followed by* Business Motions  
*followed by* Parliamentary Bureau Motions  
 5.00 pm Decision Time  
*followed by* Members' Business

Wednesday 8 May 2013

2.00 pm Parliamentary Bureau Motions  
 2.00 pm Portfolio Questions  
 Health and Wellbeing

*followed by* Scottish Government Business  
*followed by* Business Motions  
*followed by* Parliamentary Bureau Motions  
 5.00 pm Decision Time  
*followed by* Members' Business

Thursday 9 May 2013

11.40 am Parliamentary Bureau Motions  
 11.40 am General Questions  
 12.00 pm First Minister's Questions  
 12.30 pm Members' Business  
 2.30 pm Parliamentary Bureau Motions  
 2.30 pm Scottish Government Business  
*followed by* Parliamentary Bureau Motions  
 5.00 pm Decision Time—[*Joe FitzPatrick.*]

*Motion agreed to.*

**The Deputy Presiding Officer:** The next item of business is consideration of business motion S4M-06311, in the name of Joe FitzPatrick, on behalf of the Parliamentary Bureau, setting out a timetable for consideration of the Forth Road Bridge Bill at stage 2.

*Motion moved,*

That the Parliament agrees that consideration of the Forth Road Bridge Bill at stage 2 be completed by 3 May 2013.—[*Joe FitzPatrick.*]

*Motion agreed to.*

**The Deputy Presiding Officer:** The next item of business is consideration of business motion S4M-06316, in the name of Joe FitzPatrick, on behalf of the Parliamentary Bureau, setting out a timetable for consideration of the Post-16 Education (Scotland) Bill at stage 2.

*Motion moved,*

That the Parliament agrees that consideration of the Post-16 Education (Scotland) Bill at stage 2 be completed by 31 May 2013.—[*Joe FitzPatrick.*]

*Motion agreed to.*

## Parliamentary Bureau Motions

17:31

**The Deputy Presiding Officer (Elaine Smith):**

The next item of business is consideration of two Parliamentary Bureau motions on the designation of lead committees at stage 1 of the Landfill Tax (Scotland) Bill and of the Children and Young People (Scotland) Bill. I ask Joe FitzPatrick to move motions S4M-06317 and S4M-06318.

*Motions moved,*

That the Parliament agrees that the Finance Committee be designated as the lead committee in consideration of the Landfill Tax (Scotland) Bill at stage 1.

That the Parliament agrees that the Education and Culture Committee be designated as the lead committee in consideration of the Children and Young People (Scotland) Bill at stage 1.—[*Joe FitzPatrick.*]

**The Deputy Presiding Officer:** The questions on those motions will be put at decision time.

The next item of business is consideration of two Parliamentary Bureau motions on the approval of Scottish statutory instruments. I ask Joe FitzPatrick to move motions S4M-06320 and S4M-06321.

*Motions moved,*

That the Parliament agrees that the Welfare Reform (Consequential Amendments) (Scotland) (No. 2) Regulations 2013 [draft] be approved.

That the Parliament agrees that the CRC Energy Efficiency Scheme Order 2013 [draft] be approved.—[*Joe FitzPatrick.*]

**The Deputy Presiding Officer:** The questions on those motions will be put at decision time.

## Decision Time

17:32

### The Deputy Presiding Officer (Elaine Smith):

There are seven questions to be put as a result of today's business. I remind members that, if the amendment in the name of Kenny MacAskill is agreed to, the amendment in the name of Margaret Mitchell will fall.

The first question is, that amendment S4M-06306.2, in the name of Kenny MacAskill, which seeks to amend motion S4M-06306, in the name of Lewis Macdonald, on access to justice, be agreed to. Are we agreed?

**Members:** No.

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

### For

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)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (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, Aileen (South Scotland) (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) (Ind)  
 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, Claire (Mid Scotland and Fife) (Lab)  
 Baker, Richard (North East Scotland) (Lab)  
 Baxter, Jayne (Mid Scotland and Fife) (Lab)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (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)  
 Harvie, Patrick (Glasgow) (Green)  
 Henry, Hugh (Renfrewshire South) (Lab)  
 Hume, Jim (South Scotland) (LD)  
 Johnstone, Alex (North East Scotland) (Con)  
 Johnstone, Alison (Lothian) (Green)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Macdonald, Lewis (North East Scotland) (Lab)  
 Macintosh, Ken (Eastwood) (Lab)  
 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)  
 McInnes, Alison (North East Scotland) (LD)  
 McMahon, Michael (Uddingston and Bellshill) (Lab)  
 McMahon, Siobhan (Central Scotland) (Lab)  
 McNeil, Duncan (Greenock and Inverclyde) (Lab)  
 McTaggart, Anne (Glasgow) (Lab)  
 Milne, Nanette (North East Scotland) (Con)  
 Mitchell, Margaret (Central 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)  
 Scott, Tavish (Shetland Islands) (LD)  
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)  
 Smith, Drew (Glasgow) (Lab)  
 Smith, Liz (Mid Scotland and Fife) (Con)



### Abstentions

Finnie, John (Highlands and Islands) (Ind)  
Urquhart, Jean (Highlands and Islands) (Ind)

**The Deputy Presiding Officer:** The result of the division is: For 62, Against 49, Abstentions 2.

*Amendment agreed to.*

**The Deputy Presiding Officer:** Therefore, the amendment in the name of Margaret Mitchell falls.

The next question is, that motion S4M-06306, in the name of Lewis Macdonald, on access to justice, as amended, be agreed to. Are we agreed?

**Members:** No.

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

### For

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)  
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)  
FitzPatrick, Joe (Dundee City West) (SNP)  
Gibson, Kenneth (Cunninghame North) (SNP)  
Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
Hyslop, Fiona (Linlithgow) (SNP)  
Keir, Colin (Edinburgh Western) (SNP)  
Kidd, Bill (Glasgow Anniesland) (SNP)  
Lochhead, Richard (Aberdeen) (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, Aileen (South Scotland) (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) (Ind)  
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, Claire (Mid Scotland and Fife) (Lab)  
Baker, Richard (North East Scotland) (Lab)  
Baxter, Jayne (Mid Scotland and Fife) (Lab)  
Biagi, Marco (Edinburgh Central) (SNP)  
Bibby, Neil (West Scotland) (Lab)  
Boyack, Sarah (Lothian) (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)  
Harvie, Patrick (Glasgow) (Green)  
Henry, Hugh (Renfrewshire South) (Lab)  
Hume, Jim (South Scotland) (LD)  
Johnstone, Alex (North East Scotland) (Con)  
Johnstone, Alison (Lothian) (Green)  
Lamont, Johann (Glasgow Pollok) (Lab)  
Macdonald, Lewis (North East Scotland) (Lab)  
Macintosh, Ken (Eastwood) (Lab)  
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)  
McInnes, Alison (North East Scotland) (LD)  
McMahon, Michael (Uddingston and Bellshill) (Lab)  
McMahon, Siobhan (Central Scotland) (Lab)  
McNeil, Duncan (Greenock and Inverclyde) (Lab)  
McTaggart, Anne (Glasgow) (Lab)  
Milne, Nanette (North East Scotland) (Con)  
Mitchell, Margaret (Central 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)  
Scott, Tavish (Shetland Islands) (LD)  
Simpson, Dr Richard (Mid Scotland and Fife) (Lab)  
Smith, Drew (Glasgow) (Lab)  
Smith, Liz (Mid Scotland and Fife) (Con)

### Abstentions

Finnie, John (Highlands and Islands) (Ind)  
Urquhart, Jean (Highlands and Islands) (Ind)

**The Deputy Presiding Officer:** The result of the division is: For 61, Against 50, Abstentions 2.

*Motion, as amended, agreed to,*

That the Parliament notes the Scottish Government's decision to accept all of the recommendations made by the Scottish Court Service in its paper, *Shaping Scotland's Court Services*, published in April 2013; acknowledges that the recommendations of the Scottish Court Service need to be viewed against the backdrop of unprecedented cuts to the Scottish budget by the UK Government; notes the Scottish Court Service's belief that the proposals will support a future court structure fit for the 21st century, and recognises that the Justice Committee will scrutinise the recommendations, including the proposals on closures, as part of due parliamentary process.

**The Deputy Presiding Officer:** The next question is, that motion S4M-06317, in the name of Joe FitzPatrick, on the designation of a lead committee for the Landfill Tax (Scotland) Bill, be agreed to.

*Motion agreed to,*

That the Parliament agrees that the Finance Committee be designated as the lead committee in consideration of the Landfill Tax (Scotland) Bill at stage 1.

**The Deputy Presiding Officer:** The next question is, that motion S4M-06318, in the name of Joe FitzPatrick, on the designation of a lead committee for the Children and Young People (Scotland) Bill, be agreed to.

*Motion agreed to,*

That the Parliament agrees that the Education and Culture Committee be designated as the lead committee in consideration of the Children and Young People (Scotland) Bill at stage 1.

**The Deputy Presiding Officer:** The next question is that motion S4M-06320, in the name of Joe FitzPatrick, on approval of a Scottish statutory instrument, be agreed to.

*Motion agreed to,*

That the Parliament agrees that the Welfare Reform (Consequential Amendments) (Scotland) (No. 2) Regulations 2013 [draft] be approved.

**The Deputy Presiding Officer:** The next question is, that motion S4M-06321, in the name of Joe FitzPatrick, on approval of an SSI, be agreed to.

*Motion agreed to,*

That the Parliament agrees that the CRC Energy Efficiency Scheme Order 2013 [draft] be approved.

**The Deputy Presiding Officer:** That concludes decision time. We move to members' business, and I ask those who are leaving the chamber to do so quietly. I will allow a short pause to let members leave the chamber or change seats.

## Crown Post Offices

**The Deputy Presiding Officer (John Scott):**

The final item of business is a members' business debate on motion S4M-05708, in the name of Jamie Hepburn, on the future of Scotland's Crown post offices. The debate will be concluded without any question being put.

*Motion debated,*

That the Parliament condemns proposals by Post Office Limited to close five Crown post offices in Cumbernauld, East Kilbride, Stornoway, Perth and Alloa, moving them to become franchises in retail outlets at alternative locations; regards this as potentially dismantling part of the established post office network, which may result in a loss of service for the public; is concerned for the continued employment of post office staff and considers that the proposal will have a damaging effect on the already fragile health of town centres and high streets; praises the existing Crown post office network in Scotland for an invaluable service to the community, and acknowledges calls for these proposals to be dropped.

17:38

**Jamie Hepburn (Cumbernauld and Kilsyth)**

**(SNP):** Although control over postal services presently remains reserved to Westminster, concern about the shape of those services is uppermost in the minds of many of my constituents in Cumbernauld and Kilsyth and, indeed, of people across the country. It is therefore right that this Parliament has the chance to debate such matters, and I begin by thanking the members who supported my motion and enabled it to be discussed this evening.

Although my interest in the matter arises because the post office branch in Cumbernauld town centre is one of those affected, the motion notes that other branches are affected, including that in East Kilbride, in Linda Fabiani's constituency. I lodged the motion with her support; I view her very much as the co-sponsor of tonight's debate and look forward to hearing from her later.

I thank members who will participate in the debate. That participation is, doubtless, because the Post Office's plans might affect their areas, like Linda Fabiani's area and my area. I look forward to hearing what they have to say.

I understand that representatives of the Communication Workers Union who represent postal workers are in the public gallery. I welcome them to the Parliament and congratulate them on their Crown post offices campaign, which is represented by the badge that I am very happy to wear. I thank them for meeting me previously to discuss the matter. In the interests of fairness and transparency, I should also thank the management of Post Office Ltd for meeting me.

Cumbernauld and Kilsyth has already experienced changes to the shape of its post offices in recent years. I was hugely disappointed when the Post Office decided to close its branches in Banton, Queenzieburn and Kildrum. Those closures came in the face of widespread local opposition, as communities value their local post offices and recognise that they are an important component in the social fabric of their area. The loss of those three branches was hugely contentious, and I very much regret their removal.

I mention that to demonstrate that the latest proposal is not isolated; rather, it is the latest in a line of alterations that, it could be argued, have led to a diminution of local post office services. I also mention it because it relates directly to the current proposal, to which I will return.

It is important to be clear about the issue. The latest proposal is not identical to previous proposals on closures that I have mentioned, at least in respect of Cumbernauld. This time, there is at least a commitment to retaining a branch in the area, but that does not mean that concerns that have arisen from the proposal do not remain.

There are some 373 Crown post offices throughout the United Kingdom. They are branches of the Post Office that are run directly by it rather than by a franchisee. The Post Office is talking about franchising some 70 Crown post offices throughout the UK. Five branches in Scotland are included in the programme: the aforementioned branches in Cumbernauld and East Kilbride and the Crown post offices in Perth, Alloa and Stornoway. The reassurance that a branch will at least be retained at those sites, albeit with a franchisee, is tempered by a number of concerns that have been expressed by the CWU and others who are worried about the proposals.

First, there is the impact on staff who work in the Crown post offices that are under threat. They might be able to move under the Transfer of Undertakings (Protection of Employment) Regulations to any new franchisee. The other options are redeployment elsewhere or a compromise agreement that involves them leaving the company. Given that the options for redeployment seem to be diminished by a reduction in the Crown post office network, it is hard to see where they might be deployed to. That and the fact that some staff might not want to TUPE to any new employer might result in a compromise agreement being viewed as the most attractive option for staff, which would mean a loss of experienced and well-trained members of staff in the post office network.

From my meeting with a representative of the CWU, I understand that Crown post office staff are provided with regular training to ensure that they

are equipped with the necessary skills to deal with customers' requests for assistance. It is unclear that any franchisee will continue that rigorous training, and that could reduce the skills sets of the staff and diminish the post office customer experience.

There are concerns about the experience of franchising Crown post offices thus far. Some 85 such post offices were transferred to franchise holders in 2007. In November last year, Consumer Focus published a report that assessed the level of service, accessibility and queues at high street post offices. The report, which is entitled "Are you being served? Service, accessibility and queues at High Street post offices", demonstrated that Crown post offices had performed the best on accessibility, shown the most significant improvements since 2009 and scored high on the quality of service.

On the other hand, the report said that one of the franchise holders, which had secured the overwhelming majority of the offices that were transferred in 2007, was the worst performer on queue times, and it scored badly on the quality of service and accessibility. In other words, the Crown post offices were performing better than the former Crown branches that had been transferred to a franchisee. That raises a clear concern about the likely impact on the customer experience.

There are also concerns about where any franchisee might locate one of the five Crown post offices in Scotland that are encompassed in the proposal. Might it relocate a branch to a place that is less convenient for those who use it? Might the premises not be as well set out as the current premises that are used?

The location is important for Cumbernauld. I mentioned that Kildrum post office was closed previously; part of the rationale for that was that the Cumbernauld town centre branch was located close by. However, that branch might now be moved. If it ends up being further away than the location of the old Kildrum post office, that will undermine the case that was made when that post office was closed. I believe that that would mean that people in my area had been fed a false premise to justify in part the Kildrum closure.

I remind members that I set out the importance of being clear about the issue. To be clear, the proposals might come to nothing, and perhaps no potential franchisee will be identified for any of the branches, which would mean that no transfer could take place. I will certainly be interested to see where in Cumbernauld could be identified as an alternative location for the current branch, as it is not immediately clear where that might be or who might be interested in it.

Let me also be clear with the management of Post Office Ltd that, if the proposals are advanced, the concerns that have been raised by the CWU, by many local people in the areas affected, by me and, doubtless, by other members in the debate must be listened to and taken seriously. The people who use Scotland's Crown post offices will expect nothing less.

17:46

**Margaret McCulloch (Central Scotland (Lab)):** A great deal of uncertainty hangs over the future of the post office network in Scotland and across the UK. We must acknowledge that much of the uncertainty arises from a sense that the Government is not entirely forthcoming about its intentions for the service's future. The Government said that post offices should be the front office for Government, but its record is one of reducing services and failing to provide the bankable contracts and firm guarantees that would put the Post Office on a secure footing. Given that context, I completely understand why trade unions, small businesses and service users are so concerned about the latest proposed changes, which will put Crown post offices at risk.

The Post Office states that network transformation is not about closures but about franchising. However, if franchising means that Crown post offices move out of key town centre locations and that the overall level of service is reduced further, to be frank, I worry about the consequences for communities. Franchising of post offices is still uncommon, but it is by no means new. In 2011, Consumer Focus reported that franchised post offices were among the worst performing in the country on queue times and scored badly on measures of service, quality and accessibility. In addition, what happens if a franchisee finds that the post office is no longer commercially attractive? Can it just pull out and leave behind it a gap in service?

Neither the Government nor the Post Office has done anything to suggest that it has learned from experience or put in place measures to stop a new commercial operator downgrading or closing its service later. However, that could happen in any of the 70 outlets that are affected, which account for 20 per cent of the Crown network and 770 post office workers across the UK. Those workers have already taken industrial action in opposition to the policy and to defend their terms and conditions.

I will focus on what the changes will mean for local communities and in particular for our town centres. I do not need to tell anyone about the difficulties that our town centres face, which are not just the acute pressures associated with a retail slump and low aggregate demand but long-term pressures such as the rise of supermarkets,

the growth in out-of-town retail and, more recently, the shift to online shopping. It is incumbent on the Post Office as a state-owned company to take an equally long-term view of how it adapts to change, so that it does not just respond to recent developments but shapes services for the future.

It has been disappointing to see local authorities, public bodies and state-owned enterprises give up on town centre buildings and move to out-of-town locations, with no regard to the economic footprint that they leave behind. I hope that ministers in the Scottish and UK Governments can discourage that practice, especially when big employers or busy services are concerned.

In East Kilbride, where I live, the post office is always busy and it attracts customers of all ages and backgrounds into our town centre because of the essential service that it provides. In doing so, the post office is not just proving its own viability but supporting other retailers, too.

If that service were to be curtailed in any way or relocated to a less central location—even a busy supermarket—an important part of the community and the town centre that we all value would be displaced. The same can be said for post offices in other parts of my region and other parts of the country where the position of local town centres is far more fragile. The Post Office should be part of the solution to town centre regeneration and not part of the problem.

In recent years, there has been a great deal of restructuring in the Post Office and the Royal Mail to secure the service for the future. Let me be clear that I am not against reform and that I accept that the Post Office must strengthen its financial position. However, franchising will in effect lead to the closure of major stand-alone post offices in town centres and high streets and will set back town centres when we should be trying to regenerate those vital public places and take them forward.

I join the CWU in appealing for the United Kingdom Government to end its ambivalence towards our post offices and support the service, which is vital to many of our communities.

17:51

**Annabelle Ewing (Mid Scotland and Fife (SNP)):** I congratulate my colleague Jamie Hepburn on pushing for and securing this debate on the future of Scotland's Crown post offices. As we have heard, the plans to close five Crown post offices with a view to selling them as franchises in retail outlets pose a real threat to the service that is provided to customers in the areas that would be affected. Those areas include two in Mid Scotland and Fife—Perth and Alloa. My colleague

Keith Brown hopes to speak about the Alloa Crown post office, as it falls within his constituency, so I will focus on the one in Perth, although I put on the record the fact that I share Keith Brown's concerns about the situation with the Alloa office, which he has expressed. I am sure that he will expand on those concerns this evening.

In Perth, my colleague Pete Wishart, the Scottish National Party member of Parliament for Perth and North Perthshire, has been working with local representatives of the CWU to set up a public meeting, which is to be held on Thursday 2 May at 7 pm in the A K Bell library. I hope that there will be good attendance on the night. I welcome to the public gallery representatives from the CWU. I am pleased that they have made an effort to come and hear the debate, because I know how worried CWU members are about the possible effects on their livelihoods.

The franchising of the Crown post offices is a worrying development that seriously undermines the credibility of the Post Office as a national service provider. The treatment of members of staff and the uncertainty that is being created are not good enough. I believe that the proposal cloaks a restriction in services in the guise of improvements for the customer. The reality is that no one will truly benefit from the plans—they are simply the next stage in the ideologically driven privatisation of the postal service.

Extended opening hours might be welcomed, but not if there is a concomitant reduction in the services that are available to the customer. It is one thing for sub-post offices to supplement their income from postal services, particularly in rural settings where they might be the only retail outlet in a village, but I am talking about a Crown post office on one of the main thoroughfares through the city of Perth. Frankly, people should not have to struggle past tins of beans to renew their passport. Real concerns have been raised about proper access and convenience for the elderly, the disabled and parents with buggies.

When the Post Office announced its intention to close or franchise 20 per cent of the remaining network of Crown post offices across the UK, fears were immediately raised about job security for the 800 or so people who work in those offices, along with uncertainty for the future of other Crown post offices. I am not convinced that the Post Office will be successful in securing the franchise opportunities that it seems to think exist, because to me the scheme bears all the hallmarks of something that has been drawn up by someone in an office somewhere who has a numerical target to hit and a map, but not a single clue about the actual circumstances of the post offices in Perth and elsewhere.

The post office premises on Perth's South Street are superbly situated because they are in the centre of downtown Perth and are well frequented. Anyone who has used the service or walked by at its busiest time will see that, even with all the counters staffed, the queues can be lengthy because of the number of people who want to transact their business there. It is difficult to see how that situation can be improved. Indeed, the service would probably deteriorate in smaller premises.

No Post Office staff should be left in this situation. They should be allowed to get on with what they do best, which is serving the customers—the people of Perth—with a full range of Post Office services. That is what the people of the fair city of Perth want.

17:55

**Mary Scanlon (Highlands and Islands) (Con):**

I thank Jamie Hepburn for bringing the debate to the chamber and for the measured tone of his speech. The first debate that we had on post offices was brought by a colleague of mine, David Mundell, whose aunt ran the local post office in Moffat. That was many moons ago.

Although tonight's debate is specifically on Crown post offices, it is worth congratulating its partner, the Royal Mail, on its excellent campaign called save our Royal Mail, which is now helping to reverse loss-making elements of its business and bringing it back to break even or into profit. As an MSP who represents the Highlands and Islands, I commend the one price universal service that is enshrined in law and would need a majority vote in the House of Commons and House of Lords to overturn it.

When I read the motion, I thought there was a contradiction in it because, in the same sentence, it talks about closing five Crown post offices and moving them to retail outlets. However, Jamie Hepburn's speech was very clear about retaining the services.

Crown post office branches operated at a loss of £46 million in 2011-12. Any move to retain the full service and reduce overheads will release taxpayers' money to fund other essential services. As other members have said, the programme is not a closure programme. In fact, the coalition Government is investing £1.34 billion up to 2015 to sustain the post office network.

As an MSP for the Highlands and Islands, I would like to focus on the Stornoway post office. When I read about what is happening in the *Stornoway Gazette*, I contacted Post Office Ltd, which confirmed that, even if it is put out to franchise, the Stornoway office will remain a Crown post office. There is a commitment that

there will be no compulsory redundancies and the opportunity to move to a retail outlet has not yet been advertised. If no retail partner is found, the post office will remain where it is and operate as it is. It costs £1.57 for every pound of income that it generates.

When I heard the announcement that the post office at Stornoway had been identified as one that could be partnered with a retailer, I—as Annabelle Ewing did—contacted the Post Office to ask how that would affect the services that are on offer. The response confirmed that the same range of Government services will be available. The only possible change will be around financial services; a new retail outlet such as the Co-op might choose to provide its own financial products instead of the Post Office's ones. Apart from that, the service will be a like-for-like service, if not an identical one.

We all need to question our support for the post office network. When I looked at the motion, I wondered how often I use a post office and how I could use it more. I do my road tax online, pay my television licence by annual direct debit, and buy stamps at retail outlets. I use the post office for financial products, currency exchange, and to send parcels. The days of standing in a queue for the family allowance have changed and Post Office Ltd is now modernising to adapt to those changes.

17:59

**Linda Fabiani (East Kilbride) (SNP):** First, let me say that standing in queues for post office services is something that many people in East Kilbride do every day of the week. The post office provides an absolutely necessary service for some people, including those who are not online, to whom we owe that as an obligation.

I thank Jamie Hepburn for lodging the motion for debate. I also thank the Post Office representative and the CWU's Liam Murphy who—separately, I might add—met me and gave me some super information. One point about the Post Office's stuff is that, interesting though the material might be, the language that it uses is very different from the reality. In any information that the Post Office has ever sent to me or any other MSP, the word “franchise” is never used. Instead, the Post Office talks just about what a wonderful service will be maintained, with no mention of the potential loss of services.

East Kilbride post office has 14 members of staff, covering approximately eight positions, with a combined experience of 280 years—280 years of service. I was privileged to meet some of those staff on Friday, when they were campaigning against the proposals. What struck me was that every member of the public to whom the staff

explained why the post office was shut that afternoon was fully supportive of maintaining East Kilbride town centre's post office as a Crown post office.

On language, I think that it is also interesting that the Post Office's note about the vote in favour of the first planned industrial action states:

“The result is therefore based on the votes of 68 per cent of Post Office Crown network staff, with the overall vote ... equating to 60 per cent of those staff. ... The result shows that a significant proportion of our staff”

back our plans. Hey! That reminded me of the 1979 referendum. It is absolute sophistry. It is ridiculous.

The Post Office says that there will be no redundancies, but that is only because the union won that argument in a court case. The Post Office talks about a compromise agreement costing up to £20 million—or about £3,500 per person—as if that is hugely generous. For 280 years' combined service, that is not hugely generous at all to people who have shown commitment and dedication all those years. The Post Office also says that it could redeploy people, but for the staff in East Kilbride their nearest Crown post office is in Motherwell or Glasgow.

That is difficult enough for staff, but it is also not right that residents of Scotland's largest town would not have access to a Crown post office. Many franchisees do very well and give excellent service, but I contend that in a city or large town the franchise outlets should be complementary to the Crown post office. I have been told that, on more than one occasion lately, customers have been directed to the big post office in the town centre when they have had queries that proved to be difficult.

As we have heard, surveys have shown that the Crown post offices are top for service. That is due to the staff's dedication and commitment to on-going and regular training. That service to the public is becoming more and more important in the hard times that people are currently going through. With the move into financial services, I understand that the Post Office intends to trial current accounts—somewhere in England, initially—so it is more important than ever that we maintain good staff training.

I was particularly interested to hear that, after shutting two Crown post offices in Newcastle, the Post Office now says that a Crown post office is needed there. That is proof that there is a difference between a Crown post office and a franchise post office. Even if the Post Office wants to save money by ditching dedicated premises, why, rather than franchise to a supermarket, cannot it look at doing a deal to rent space while maintaining that Crown status?

Finally, we have heard that the Post Office says that its Crown post offices run at a £40 million loss. That has been scaled down from the £70 million that was originally reported. Mary Scanlon said that, in the stuff that she looked at, the Crown post offices were said to run at a loss of £46 million. It looks to me as though that figure is coming down all the time, so it may be that we will get to the reality.

This matters very much. I hope that, when a public meeting is arranged in East Kilbride—which I know lots of people will attend—I am able to be there, too, because I feel passionately and strongly about the issue. A Crown post office is a service that people deserve, and the people of East Kilbride certainly deserve it.

18:04

**Keith Brown (Clackmannanshire and Dunblane) (SNP):** I am grateful to Jamie Hepburn for securing a members' business debate on the future of Scotland's Crown post offices, and I am pleased to have been given the chance to speak about an important issue for my constituency. It would be true to say that my constituents are bewildered and bemused by what is happening in the Post Office.

This is not the first time that post offices in my constituency have been under threat. In 2008, the then Government presided over the closure of a number of post offices in the local area, including those at the University of Stirling, at Fairyrburn in Alloa and at Kinnesswood in Kinross-shire. I can perhaps give some encouragement to my colleagues by noting that the Post Office was forced to abandon plans to close the Crook of Devon post office when I and the local community argued successfully that that would be completely unacceptable.

The support for the closure programme under the previous Government in 2005 and 2008 gave the green light for post office closures then and set the stage for the UK coalition Government's support for the current proposals.

It has been mentioned already that the Crown post office offers a full range of services provided at high standards. The staff in Alloa are well trained and have 100 years of experience between them—that is not quite the 280 years that Linda Fabiani mentioned but is, nevertheless, a huge amount of experience. That experience could be lost if the plans to close the post office and find what is described as a retail partner do not work.

As members of the Crown network, those staff receive training every week. They attend workshops and are kept abreast of the latest changes to products and procedures through various avenues. That experience and training is

an important part of the service that the staff provide—as members have said with regard to post offices in their areas, the Alloa post office regularly has queues and is very well regarded. I have received feedback that customers go to Alloa post office instead of Stirling, which has been franchised and is now upstairs at the back of WH Smith. People go to Alloa instead because of the level of service that they get there and the post office's accessibility.

Crown post offices such as Alloa provide a dedicated specialist service to communities that will not be easily replicated by a counter or two in a bigger shop. In any event, when I met representatives of the Post Office, they could come up with no suggestions of anyone in Alloa who could possibly take on the franchise.

Alloa Crown post office is a valuable asset and an essential part of the local economy, and it is well used by local people and businesses. In response to Mary Scanlon's point, I say that I put as much business as possible its way, as it is more or less right across the road from my office.

Currently, Alloa post office is located in Drysdale Street in Alloa—for those who do not know Alloa, that is right in the heart of the town centre—and it is readily accessible for those who wish to use the service. If the plans go ahead and the Crown post office is franchised, there is a real possibility—perhaps an inevitability—that that vital service will be removed from the town centre. The only organisations that can take on the service might well be supermarkets, which are not in the town centre.

The post office brings people into the town centre, and there is a concern among local businesses about the potential knock-on effect that closure could have on their business and livelihoods.

Since the plans were announced, I have met representatives of CWU and Post Office Ltd, and I have written to the chief executive, Paula Vennels. I remain unconvinced about the argument for franchising Alloa Crown post office. Claims that it costs £1.43 to generate every £1 of income at Alloa are disputed by the CWU, and even if that is the case I have yet to receive evidence that suggests that any serious steps have been taken to turn that around. Assurances that there will be no reduction in services cannot be guaranteed.

Margaret McCulloch and others raised a number of issues about post offices that have been franchised, including accessibility, the range of services that are available, the quality of service and the increased length of queues. Of course, there is evidence of so-called retail partners taking on a franchise and then choosing to withdraw from the franchise at a later date, which has meant that

communities have lost the service completely. I do not want that to happen in Alloa.

I have written to the UK postal affairs minister, Jo Swinson, asking her to meet me at my office in Alloa to discuss the issue further and to see for herself the local situation but, unfortunately, she has not afforded me the same courtesy that I often extend to ministers of the UK Government who have a constituency interest in an issue.

In 2008, I pledged to stand against any future moves to diminish post office services further in my constituency and I stand by that today. The UK Government claims to be investing £1.34 billion to ensure that the post office network is sustainable for the future, with £70 million being spent on modernising Crown branches. I would like to see some of that investment in my constituency, in Alloa Crown post office.

The petition that I launched in partnership with Alloa town centre business improvement district has attracted more than 2,500 signatures and clearly demonstrates that my constituents want to retain their Crown post office and the excellent services that it provides.

18:09

**The Minister for Energy, Enterprise and Tourism (Fergus Ewing):** I congratulate Jamie Hepburn on securing this important debate on an issue that affects many parts of Scotland, as we have heard. The motion that he has brought before Parliament refers to the serious impact that the changes could have on Cumbernauld, East Kilbride, Stornoway, Perth and Alloa. We have heard from across the chamber evidence to back up the proposition that the impact is likely to be considerable should the proposals go ahead.

The fact that there will be a consultation means that the debate can form part of the consultation. We have heard from many members in that regard—Linda Fabiani, for example, noted that there will be a public meeting in East Kilbride, which is expected to be well attended. We heard from Keith Brown and Annabelle Ewing that the same will apply in Alloa for the reasons that they stated.

I recognise the assistance, information and support that the CWU provides to elected representatives here and in Westminster on the matter. There has been a debate in Westminster as well.

The debate seems to be characterised by the questionable nature of many of the statistics and figures that the UK Government has put forward. I noted from the text of the *Hansard* report of the Westminster debate that that was a feature that Jo

Swinson answered. There seems to be substantial doubt about the figures.

As a minister, the first thing that one must do is get the facts right. If the facts are wrong, the solutions will necessarily be wrong. Therefore, I urge the UK Government to listen carefully to the detailed criticism that we have received in this debate and others about the facts on which it is proceeding because there is serious questioning about the level of the losses.

I think that it was Linda Fabiani who said that, originally, the claim was made that the losses of the Crown post offices were £70 million, but that has now gone down to £46 million. What happened to the £70 million? What is the breakdown of the £70 million and of the £46 million?

**Mary Scanlon:** Linda Fabiani questioned where I got the £46 million figure. I have the *Hansard* report, and I took the figure from Jo Swinson's comment in a debate led by Gordon Banks, the Labour Party member for Ochil and South Perthshire. I just wanted to tell members where I got that figure.

**Fergus Ewing:** I am grateful for Mary Scanlon's intervention. I make it clear that my remarks were not addressed towards her—I accept that her record on speaking on post offices is beyond question—and that my question was to the UK Government. It came up with the figures. If it comes up with a figure for the losses, it needs to explain them. It needs to set them out and provide a computation. I would like to see that, and so would a lot of people who work in the five Crown post offices that are affected, because it concerns their jobs.

Are we really going to place such uncertainty over the people who have had so many centuries of experience between them? I thought that it was rather ungallant of Mr Brown to have pointed that out. I hope that he does not lose favour with some of the ladies who work in Alloa post office. Are their jobs really to be put under threat on the basis of figures in which we have little confidence? I suggest not.

I will make two general points about the overall issue of losses and how they can be dealt with in a difficult situation—I recognise that the situation is difficult. Unlike the UK Government, we balance our budget and live within our means. We cannot print money. It would be nice to be able to print money in life, as we could then say, "Let's go out and print a few tenners. We can go on the town tonight." We cannot do that and we cannot borrow money either.

**Linda Fabiani:** Was that an offer, minister?

**The Deputy Presiding Officer:** Order.



**Fergus Ewing:** No, it certainly was not an offer.

To be serious, I will make a couple of points. First, has the UK Government made any analysis of the head office costs? I make that point because it has been put to me by postmasters of small rural post offices that, if Post Office Ltd wants to consider where savings could be made, it could make an analysis of those costs, which has never been done. Perhaps it should be. I am told that Peter Mandelson described Post Office Ltd as a Government department. I know from running Government departments that it is possible to make savings, so perhaps POL should consider possibilities in the head office. I make that point in all seriousness. It must be done.

Secondly, the network transformation figure of £1.34 billion is a huge amount of money. I met Ed Davey in his former role in 2012—incidentally, nobody mentioned the franchise proposal then; I think that it was dreamed up sometime later. I hesitate to say that it was dreamed up on the back of an envelope, but it has that appearance to it, does it not?

At my meeting with Ed Davey, the network transformation proposals were described. According to POL, only 3,700 of 11,500 outlets make a profit. Scotland has approximately 1,200 post offices and a significantly higher proportion of them are loss making. Network transformation proposes that only 400 of the 1,200 offices would be converted to the mains model and the rest would be converted to the local model.

The proposals indicate that, under the local model, income would drop from about £30,000 to about £10,000 a year. I have obtained those figures from some local postmasters, and I cannot comment on their absolute accuracy, but they indicate that there would be a serious threat to local post offices as well. If two thirds of their income is taken away, how on earth can they be expected to survive?

The network transformation proposal needs to be examined in the light of using some of the resource to tackle the problem of preserving the Crown post offices, analysing more properly and rationally, stepping back from the franchise proposal, going back to the drawing board and thinking the matter through.

I pay tribute to all the staff who work in post offices. All of us here deal with the public, and we know that people can get very upset. Sometimes, that is not easy to deal with. Post office staff do not have an easy job. The experience that they have accumulated over a long period should not be cast aside so lightly. Scotland deserves more. The workers in our Crown post offices most certainly deserve more.

*Meeting closed at 18:16.*



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