



The Scottish Parliament
Pàrlamaid na h-Alba

Official Report

MEETING OF THE PARLIAMENT

Thursday 6 February 2014

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Scottish Parliament

Thursday 6 February 2014

[The Presiding Officer *opened the meeting at 11:40*]

General Question Time

Scottish Borders Council (Garden Waste Collection)

1. John Lamont (Ettrick, Roxburgh and Berwickshire) (Con): To ask the Scottish Government what discussions it has had with Scottish Borders Council about the council's proposals to withdraw the garden waste collection service. (S4O-02887)

The Cabinet Secretary for Rural Affairs and the Environment (Richard Lochhead): The decision to withdraw that service is a matter for the Scottish Borders Council. Therefore, there have been no formal discussions between the council and the Scottish Government prior to any decision being made. Furthermore, there is no statutory duty on councils to provide a household garden waste collection service, although that is a service that many households across Scotland benefit from.

John Lamont: The percentage of household waste recycled by Scottish Borders Council decreased by more than 3 per cent in 2012. That shows that progress has not just slowed but is in fact going backwards. Moreover, the council has conceded that the proposal will reduce its recycling rate even further. Taken with a total lack of public consultation accompanying the move, does that not make a mockery of the Scottish Government's zero waste plan?

Richard Lochhead: I understand that in recent years there have been technical changes to how Scottish Borders Council's recycling figures were calculated, but other plans are in place that will see the council increase its recycling rates. I understand that there are plans to roll out food waste collections to more than 20,000 households in the Borders—that is a statutory obligation. I am confident that Scottish Borders Council and other councils across Scotland will increase their recycling rates, which will be good for the environment and local communities.

Christine Grahame (Midlothian South, Tweeddale and Lauderdale) (SNP): Does the cabinet secretary share my sympathy for authorities such as Scottish Borders Council in this continuing recession, particularly given that the situation is compounded by their efforts to ameliorate the Tories' bedroom tax? Will he

confirm that there may be an opportunity for community councils in my constituency to access the climate challenge fund so that they can set up local recycling projects for green waste? If so, may I arrange to meet his officials to pursue the matter?

Richard Lochhead: I agree that it is bit rich of Conservative members not to recognise the difficult decisions that local government must take in response to the Westminster cuts that have been imposed on Scotland.

However, with regard to the garden waste collection service in the Borders, if help can be made available to social enterprises or small businesses so that they can take advantage of any gap that is there to be plugged, I will ensure that my officials advise the council and meet Christine Grahame in the first instance to see how those thoughts can be taken forward.

Chief Constable (Meetings)

2. John Pentland (Motherwell and Wishaw) (Lab): To ask the Scottish Government when the Cabinet Secretary for Justice last met the chief constable and what was discussed. (S4O-02888)

The Cabinet Secretary for Justice (Kenny MacAskill): I last met Sir Stephen House on Tuesday 14 January, and I will next meet him on Monday coming. Policing in Scotland is performing excellently, crime is at a 39-year low, violent crime is down by almost half since 2006-07, homicides are at their lowest since records began, the risk of being a victim of crime is falling and confidence in the police is high and rising.

John Pentland: Will the cabinet secretary play a part in deciding Police Scotland's corporate business strategy and its financial savings plan for 2013 to 2016 due in March this year, or will he continue his hands-off approach to the chief constable's demolition of Police Scotland?

Kenny MacAskill: The member raises two issues. First, I will meet Sir Stephen House and Vic Emery to discuss various matters, including the financial challenges that the police face. Those are challenges that are faced in every other walk of public and private life in Scotland, given the Westminster cuts that are coming in.

It is right and appropriate, given the legislation that Parliament passed for a single police service, that Police Scotland is held to account by the Scottish Police Authority. We must also bear it in mind that we should not have routine political interference by a Cabinet Secretary for Justice in a public service that is meant to be kept non-political.

I will discuss matters with Sir Stephen House and Vic Emery, but if John Pentland has concerns,

it is important that he approach the Police Authority. However, given what I have said, it appears to me that Scotland's police service is outstanding. That is how it was and that is how it remains. Indeed, as the records and statistics continue to show, the service is improving.

The Presiding Officer (Tricia Marwick): I call question 3 and the late Liam McArthur.

Electricity Grid Reinforcement (Orkney)

3. Liam McArthur (Orkney Islands) (LD): It is just-in-time delivery, Presiding Officer.

To ask the Scottish Government what discussions it has had with SSE regarding options for reinforcing the electricity grid in Orkney. (S4O-02889)

The Minister for Energy, Enterprise and Tourism (Fergus Ewing): Reinforcing the electricity grid in Orkney and its subsea links to the mainland is a top priority for the Scottish Government. We engage regularly with SSE on the issue directly and through wider forums, including the intergovernmental Scottish islands renewables project.

The Scottish Government remains committed to finding a solution for Orkney and works with all parties to find solutions that can enable the islands to realise their great renewables potential. On 24 February, I will chair an islands electricity grid summit in Stornoway, which SSE and others—including representatives of the United Kingdom Government—will attend.

Liam McArthur: I thank the minister not only for his answer but for the commitment that he has shown to the issue over a number of months. He will be aware that a grid steering group was established to consider the issues, including those around the need to reinforce the grid locally. Unfortunately, the announcement in November last year, which in effect closed off those options, led to a drop in confidence and real concern about the future of a number of projects, including a number of community-owned projects in Orkney.

Is the minister prepared to meet SSE to discuss how the options for reinforcing the local grid in Orkney might be progressed from this point?

Fergus Ewing: Yes, I will be happy to raise those issues with SSE. I will also shortly meet Councillor James Stockan who, as Liam McArthur knows, chaired the Orkney grid constraints working group. The group's report was submitted in December last year and we will study it carefully.

Members across the chamber will want to ensure that the islands achieve their potential in renewables. I am keen to work closely with Liam McArthur, who has worked hard on these matters.

Jamie McGrigor (Highlands and Islands) (Con): Will the minister confirm whether the Scottish Government has plans for how to attract more students into the engineering sector? The lack of skills has been highlighted as a major concern for the development of smart grids, a development that would benefit Orkney greatly.

The Presiding Officer: Minister, I think that that is a bit wide of the mark but, if you want to make an attempt, feel free.

Fergus Ewing: I will have a bash, Presiding Officer.

Jamie McGrigor makes a fair point that, for renewables projects in the islands to achieve success and for us to achieve our potential across the spectrum of massive opportunities throughout Scotland in renewable energy and oil and gas, we need to encourage and, indeed, inspire young people to pursue careers in engineering. The private sector, universities and the Scottish Government are doing a huge amount of work to achieve precisely that, and I am happy to discuss those matters further with Mr McGrigor.

Exports

4. Chic Brodie (South Scotland) (SNP): To ask the Scottish Government what plans it has to boost Scottish exports. (S4O-02890)

The Cabinet Secretary for Finance, Employment and Sustainable Growth (John Swinney): Scottish exports have performed well in recent years, despite difficult global trading conditions. The recent global connections survey showed that Scottish international exports, excluding oil and gas, were worth £26 billion in 2012, an increase of £1.4 billion on 2011. Exports of food and drink were worth £4.7 billion of that.

We know that exporters face a difficult global environment and we are supporting more businesses to develop the skills to go international. Through Scottish Development International, we provide a range of support to businesses, including smart exporter events and services that have benefited more than 4,100 Scottish company delegates since 2010.

Chic Brodie: The outstanding international global currency levels export figure for Scotland of £26 billion for 2012 that was declared last week, taken with the projections from the Scottish national accounts project for exports to the rest of the UK and for total imports, give Scotland an onshore trade deficit of £6.3 billion. However, when North Sea international exports are added, there is a trade surplus of £7.5 billion.

The Office for National Statistics says that the United Kingdom trade deficit is £33.6 billion. Will the cabinet secretary confirm that the balance of

risk in a currency union, or even a monetary union, with the rest of the UK does not lie with Scotland?

John Swinney: The statistics that Mr Brodie raises highlight the significant contribution that Scottish trade would make to a currency zone. As an illustration of Scotland's economic strength, they demonstrate the strong platform of internationalisation that the Government has supported in the Scottish economy. We are determined to continue that in the years to come.

Police Scotland (Meetings)

5. Cameron Buchanan (Lothian) (Con): To ask the Scottish Government when it last met representatives of Police Scotland and what issues were discussed. (S4O-02891)

The Cabinet Secretary for Justice (Kenny MacAskill): I last met representatives of Police Scotland in Inverness on 30 January, to discuss how communities in the Highlands are benefiting from the single service. As I said earlier, not only is policing in Scotland performing excellently but, in stark contrast to England and Wales, we are protecting police numbers and have more than 1,000 more police officers than we had in 2007.

Cameron Buchanan: The decision that was taken this week by the City of Edinburgh Council to suspend its licensing regime for saunas has involved work with partner agencies to ensure the safety of those who work in saunas and a number of court actions against the council. Does the cabinet secretary agree that it would have been far better for the decision to have been taken in good time, and in discussion with all those who are affected? Does he accept that the decision represents an example of the single police force imposing a Strathclyde approach to policing and totally ignoring local policing priorities?

Kenny MacAskill: I do not accept that at all. I was recently at a meeting with Councillor Gavin Barrie and other councillors who sit on the relevant board in the council. They had, quite rightly, been in discussions with Police Scotland and the local commander, Mark Williams. I fully understand the decision that was taken by the City of Edinburgh Council, and think that it is appropriate. Equally, Police Scotland will continue to enforce the law and, as has always been the case with the police approach to prostitution, put at the heart of the issue the protection of those who are vulnerable. That has always been the situation, in Strathclyde, in Lothian and Borders and in Police Scotland.

Canal Network (Glasgow Anniesland)

6. Bill Kidd (Glasgow Anniesland) (SNP): To ask the Scottish Government what economic growth opportunities the canal network in Glasgow Anniesland offers local communities. (S4O-02892)

The Minister for Transport and Veterans (Keith Brown): Scottish Canals has identified a number of locations along the Forth and Clyde canal where investment can create economic opportunities for the wider canal network. Creating destinations in Bowling to the west and Port Dundas in the city centre will help to stimulate a critical mass of activity whose benefits are expected to be felt along the entire length of the canal, from Anniesland and Maryhill to Clydebank and beyond.

Bill Kidd: Can the minister expand on the plans to work with the Scottish Waterways Trust and any other partner organisations to develop the recreational and commercial opportunities that could produce job opportunities on the Forth and Clyde canal, as it passes through Glasgow Anniesland at considerable length?

Keith Brown: Scottish Canals regularly works with the Scottish Waterways Trust, which is a charitable organisation that is related to Scottish Canals. A great deal of work is undertaken in light of the trust's views.

As I have said previously, the work that has created all the regeneration activity, including, most recently, the Glasgow paddle sports centre, has been done with partners such as Glasgow City Council and Diageo. That is leading to a situation in which fresh life is being breathed into this underexploited asset—our canals—and into the communities that are adjacent to them.

Patricia Ferguson (Glasgow Maryhill and Springburn) (Lab): As the minister indicated, the Forth and Clyde canal plays a significant part in the economic regeneration of my constituency of Glasgow Maryhill and Springburn. I am grateful to the Minister for Local Government and Planning for agreeing that the projects in my area should be included in the national planning framework 3. That is a major boost.

Does the minister agree that the opportunities that are available along the Forth and Clyde canal, including the redevelopment of the Diageo site, will be a major economic factor in the area for at least the next 10 years, and that the project is well worth the commitment and ambition of the partners involved?

Keith Brown: I would not disagree with that. That is why, when we have had recent consequential money, or any opportunity at all to fund shovel-ready projects, Scottish canals have been at the forefront of our consideration. That has been the case in Glasgow—I mentioned the paddle sports centre at Pinkston—and on the canal itself. We have encouraged people to live on the canal, which has not happened for many years. Work has been done on canals across

Scotland, including in the Forth valley and the north of Scotland.

We are talking about real opportunities. We will continue to support the opportunities that arise in Glasgow, working with Diageo, as Patricia Ferguson mentioned, and we will also consider how we can help the wider regeneration of the area.

Access to Justice (South Scotland)

7. Jim Hume (South Scotland) (LD): To ask the Scottish Government what action it is taking to safeguard access to justice in communities in South Scotland. (S4O-02893)

The Cabinet Secretary for Justice (Kenny MacAskill): The Legal Services (Scotland) Act 2010 gave the Scottish Legal Aid Board the new function of monitoring the availability and accessibility of legal services, with reference to relevant factors that relate to urban and rural areas. Ministers will be guided by the board on access to justice in communities in South Scotland, but the judicially led and independent Scottish Court Service—not the Scottish Government—is responsible for Scotland's courts.

As part of its long-term vision for the court estate, the Scottish Court Service has outlined to the Justice Committee that it intends to consider integrated justice centres in four areas. The first feasibility study is under way in the Borders. The SCS and Scottish Borders Council are jointly undertaking the study with other justice partners.

Jim Hume: I met members of the feasibility study group yesterday. As the cabinet secretary said, it is looking into the future of court services in the Borders. Those people confirmed that closing the Duns and Peebles courts presents major problems of access to justice for witnesses and victims of crime in the Borders. Will the cabinet secretary concede that the Scottish ministers have in effect created a situation in which access to justice will be fundamentally impaired precisely by the move to close the Duns and Peebles courts? Does he agree that the future of the Selkirk and Jedburgh courts hangs in the balance because of that?

Kenny MacAskill: I welcome the continuing discussion between the Scottish Court Service and Scottish Borders Council. They appear to be seeking to reach the best possible and most workable solution for the Borders that will take into account demographic, topographic and a variety of other changes as they take place. No proposals have been put to us beyond what has been discussed with the Justice Committee. Such matters remain with the Scottish Court Service. I encourage Jim Hume to continue the dialogue with the council and the Court Service.

Unemployment

8. Clare Adamson (Central Scotland) (SNP): To ask the Scottish Government what progress it is making in tackling unemployment. (S4O-02894)

The Cabinet Secretary for Finance, Employment and Sustainable Growth (John Swinney): The economic recovery gained momentum in 2013 and Scotland has had 18 months of continuous growth. Alongside that, improvements have occurred in the labour market. The number in employment rose by 90,000 in the year to September-November 2013. At 72.7 per cent, Scotland's employment rate for the same period remains above the United Kingdom rate of 72.1 per cent.

Clare Adamson: I acknowledge the encouraging figures in the latest employment statistics, but does the cabinet secretary agree that, with an independent Scotland, we would have control to implement measures that could further strengthen youth employment, such as the European Union's youth guarantee?

John Swinney: The European youth guarantee is a particularly beneficial measure to support and enable young people to fulfil their economic potential. The Minister for Youth Employment, Angela Constance, has pursued it vigorously in various ways and directly with the United Kingdom Government. It would have been much more helpful to young people in Scotland if the UK Government had given the European youth guarantee a positive response. I assure Clare Adamson that the Government of an independent Scotland would have the flexibility and the opportunity to give the European youth guarantee renewed support and impetus and to improve the employment prospects of young people in our country.

Foster Families

9. David Torrance (Kirkcaldy) (SNP): To ask the Scottish Government what action it is taking to increase the number of foster families. (S4O-02895)

The Cabinet Secretary for Education and Lifelong Learning (Michael Russell): We should show great appreciation for all our foster carers. The Scottish Government has provided more than £1 million to the Fostering Network, partly to enable it to raise awareness of fostering through its annual campaign. Many local authorities run campaigns, which have been successful in reducing the shortage in the number of fostering households. The gap was 1,700 in 2011 and is now 850.

No one can be complacent. Last year, the Scottish Government ran a fostering recruitment and retention seminar in support of foster care

fortnight and established a forum to share experiences. We also recently announced our response to the foster care review.

The Presiding Officer: Briefly, Mr Torrance.

David Torrance: According to the Fostering Network, at least 850 foster families are needed in Scotland. Fife Council has a target of approving 60 new foster care placements by September 2015. What additional support measures is the Government considering to ensure that every child is provided with a suitable family?

The Presiding Officer: Briefly, Mr Russell.

Michael Russell: I indicated that the shortage is reducing, but more can be done. The funding that we provide to the Fostering Network helps to support local recruitment, as the foster care review will. I would be happy to ensure that David Torrance meets Aileen Campbell, the relevant minister, to discuss further what can be done in his area.

First Minister's Question Time

11:59

Engagements

1. Johann Lamont (Glasgow Pollok) (Lab): To ask the First Minister what engagements he has planned for the rest of the day. (S4F-01873)

The First Minister (Alex Salmond): Later today, I will be doing one or two wee things to take forward the Government's programme for Scotland.

Johann Lamont: That is such a relief to me, because we know that one person's wee things are another person's ridiculous frippery.

On Tuesday, in what the *Financial Times* described as the highest-profile intervention yet from business, the chief executive of BP, Bob Dudley, said that he was against Scotland leaving the United Kingdom. He said that there is too much uncertainty, including about what currency an independent Scotland would use. In response, the First Minister told BBC Scotland that,

"of course, there are many, many chief executives who are firmly in favour of Scottish independence."

Will the First Minister name the "many, many chief executives" of oil companies such as BP who are in favour of Scottish independence?

The First Minister: There are hundreds of people in Business for Scotland, who are Scottish businesses arguing for the welfare and benefit to the people of Scotland that would come from independence. The most important thing that Bob Dudley said was that the investment plans of BP—which were announced very recently, just in the past two years—would continue. That is absolutely right, because they are made on an economic basis. BP recognises that just as, over the past 40 years, it has been extremely business sensible and lucrative for it to invest in the North Sea, so that will be the case over the next 40 years.

We should look at the investment decisions that are being made and the "sparkling performance"—to quote Ernst & Young—of inward investment in Scotland. The substantial investment decisions that are being made in Scotland are what indicate confidence in Scotland's future and are what Johann Lamont should recognise as not wee things, but very substantial things indeed.

Johann Lamont: The First Minister has got a problem with the big things, such as answering the question that he was asked. Not for the first time, the First Minister is deciding for people what they are saying. He tells the rest of the United Kingdom what is in its interests in relation to currency; he tells Europe what it thinks about what might

happen to Scotland in the future; and now he is telling Bob Dudley what he thinks the future is for his company. The First Minister should listen to what Bob Dudley said, rather than assert what he said.

BP has invested £35 billion in the North Sea and is planning to invest another £10 billion by 2017. BP's North Sea investment employs 4,000 people, and to date it has extracted more than 5 billion barrels of oil and gas. I suggest that we listen to what Bob Dudley says.

The First Minister said that "many, many chief executives" back Scottish independence. I ask again: will the First Minister name the "many, many chief executives" of companies that are comparable to BP who back independence?

The First Minister: As I said, Business for Scotland has hundreds of members, who are people arguing for independence for Scotland.

Johann Lamont accuses me of putting words in Bob Dudley's mouth, so I shall quote him exactly from the *Daily Express* of 5 February. Talking about projects including the Greater Clair exploration scheme, he said:

"They'll keep production ... going past 2050".

I quote him exactly in pointing out the substantial investments that BP and other companies are making in the waters around Scotland at present.

It was not always like that—I have a range of quotes here—because investment dried up in the period under Labour Government because of the constant tax changes, and that is not to mention the 2011 Alexander-Osborne swipe at the industry, which also dried up investment. That is why production has been declining over the past few years. However, thanks to the investment that is going in, Oil & Gas UK forecasts that production could reach 2 million barrels a day by the end of the decade, up from 1.5 million barrels a day in 2013. The investment talks.

What Bob Dudley says is important, but I have been looking at what another Bob, Bob Holman, has said in *The Herald* today—[*Interruption.*] Well, he is Keir Hardie's biographer and therefore he should be listened to with respect. He said:

"I am a member of the Labour Party, which is against Scottish independence, but I will be voting Yes in September. My decision is not because I have strong nationalistic feelings, but because I believe in democracy and equality."

Perhaps Johann Lamont should also listen to the many Labour Party members who have been declaring for yes, such as Alex Mosson, Charles Gray, Mary Lockhart and John Mulvey; she should look at the reasons why they are declaring for yes, then perhaps even she will decide to see the

arguments for justice, equality, prosperity and investment in an independent Scotland.

Johann Lamont: Sorry, but I was only taking the First Minister at his word when he said that

"there are many, many chief executives"

who support independence. As he said it, I presumed that he would be able to give us at least one name, rather than all that displacement activity.

On Tuesday, the chief executive of Sainsbury's, Justin King, said of Scotland:

"Once it is a separate country, we and other retailers will take a view of what the cost structure is, and of course the revenue structure too. If you were to strike that today, there is no doubt Scotland is a more costly country in which to run a grocery retail business."

Sainsbury's says that independence has negative consequences, and so do Asda and Morrisons. Together, they employ—[*Interruption.*] It might not matter to SNP members, but it matters to shop workers the length and breadth of this country. The chief executives of BP, Sainsbury's, Asda and Morrisons have all warned about the consequence of independence. The First Minister says that

"there are many, many chief executives"

who are in favour of his plan. Again, I ask him to name the "many, many chief executives" of businesses that are comparable to BP and the supermarkets who actually back him.

The First Minister: The supermarket argument fell flat when it was run the first time in December and it falls flat again. It is not shop workers whom Johann Lamont is quoting—[*Interruption.*]

The Presiding Officer (Tricia Marwick): Order.

The First Minister: That is the point of the argument about what is important to Scotland. In today's *Daily Record*, Margaret Curran said:

"we need to stop talking like the political elite".

Johann Lamont has talked about nothing else but the political elite in this question. Margaret Curran says:

"I could talk until the cows come home about currency unions ... But if you are sitting home at night watching television, that is not the language you talk in."

That is the exact point. Let us talk the language of people. Let us talk about jobs and investment—[*Interruption.*]

The Presiding Officer: Order.

The First Minister: Let us talk about the transformation of childcare, about the bedroom tax and about what this Parliament has achieved. Do not cite the elite; cite the people of Scotland, who are rallying to independence. [*Applause.*]

The Presiding Officer: Order.

Johann Lamont: It is obvious that the First Minister's special advisers have been on double time trying to find him words to put in a space so that he does not have to answer the question. It is precisely because we are concerned about the consequences for ordinary people that we challenge the First Minister on his obsession of the past 40 years. Is it not the case that rule number 1 in Alex Salmond's book of communication is to assert something that is untrue and keep on repeating it often enough in the hope that people will believe it to be true, even when it is not?

The First Minister cannot explain what the currency would be in an independent Scotland, but every major supermarket—not the elite—says that the price of groceries would go up, and the chief executive of one of our biggest oil companies has recommended that Scots should reject separation. The Institute of Chartered Accountants of Scotland says that he has failed to answer basic questions on pensions.

The First Minister's response is to stick his fingers in his ears and carry on regardless. At what point does the First Minister acknowledge that the chief executive of BP, our supermarkets and ICAS might know what they are talking about? At what point will he accept that leaving the United Kingdom will be bad for the people of Scotland?

The First Minister: Let us deal with the oil industry. When commenting on the white paper, Malcolm Webb, the chief executive of Oil & Gas UK, which represents the whole industry, said:

"We are particularly encouraged with commitments to encourage exploration and measures to maximise the economic recovery of the oil and gas reserves. We also welcome reassurances on future decommissioning relief and the commitment to consult on future fiscal changes."

In terms of Johann Lamont—[*Interruption.*] I am quoting about things that matter. Investment dried up during the Labour Government because of taxation changes and it dried up during 2011 after the dawn raid from Osborne and Danny Alexander. Now, investment is surging in the North Sea and the waters around Scotland; investment will take place and production will therefore increase.

Our advisers did not have to work into the wee small hours to find the quotations that I used; they came from pages 8 and 9 of the *Daily Record* this very morning and say exactly what Johann Lamont will not admit. This is Margaret Curran, Johann Lamont's friend and ally. I am not talking about the Labour MPs who will not turn up at the conference because they do not like Johann Lamont's policies; I am talking about her friend and ally Margaret Curran, who said:

"we need to stop talking like the political elite and start talking about the issues that really matter to people in the street"—

the wee things, the things that really matter. She said:

"I could talk until the cows come home about currency unions ... But if you are sitting home at night watching television, that is not the language you talk in."

Will Johann Lamont take advice from Margaret Curran, if she will not take advice from me?

On what the Government is doing in relation to chief executives, the *Financial Times* this very morning reports on a senior defence executive's comments on the use of the dark arts, saying that the Government—that is the UK Government—[*Interruption.*] Well, I am just quoting the *Financial Times*, which I am sure that Johann Lamont reads every morning, because of her friendship with all those chief executives, and which reports that the UK Government's putting

"pressure on companies to speak out against independence suggests ... anxiety about"

the opinion polls and the referendum result.

That is what is happening at the moment, and that is exactly why the wee things, like jobs, investment, the bedroom tax and transformational childcare, will carry the day in September.

Prime Minister (Meetings)

2. Ruth Davidson (Glasgow) (Con): To ask the First Minister when he will next meet the Prime Minister. (S4F-01869)

The First Minister (Alex Salmond): I have no plans, but there is a very good chance of meeting the Prime Minister on 24 February in Aberdeen. If reports are accurate, he and his ministers will be in Dyce on the same day as the Scottish Government Cabinet will be in Portlethen, just 10 miles away. I know that the STV studios in Aberdeen are free that evening. Surely that is the evening when, instead of the Prime Minister talking down to Scotland from the seat of power in London, the debate can take place that people in Scotland want to see.

Ruth Davidson: Not waving but drowning, and sounding increasingly desperate. I can see why the First Minister wants to throw the chaff out there—[*Interruption.*]

The Presiding Officer: Order.

Ruth Davidson: Today's Justice Committee report makes clear that

"the case has not been made for abolishing the general requirement for corroboration",

and asks the Government to look again at that hugely controversial proposal. That is a significant and rare intervention. Will the First Minister give his response?

The First Minister: The response is from the Cabinet Secretary for Justice, who has asked Lord Bonomy to look at the safeguards in the matter. Lord Bonomy's credentials in these things surely cannot be disputed; he is a human rights judge and practitioner over many years and is hugely respected. It is right and proper that the justice secretary has asked someone of such distinction to review the legislation and make clear that, in removing the general rule of corroboration, there is not the risk of miscarriage of justice.

I ask Ruth Davidson to reflect on this. We know that there are miscarriages of justice in Scotland at the moment, and those miscarriages of justice are the hundreds—some people argue that there are thousands—of cases that cannot come to court, in which the victims do not get their day in court and do not get access to justice because, instead of deciding on the sufficiency of evidence, which is the general principle in law across many jurisdictions, we have, uniquely, a general rule of corroboration, which makes it impossible to take some cases, in particular sexual cases and domestic violence cases, to court. If Lord Bonomy's review can, with appropriate parliamentary safeguards, identify a route forward, surely that is something that, because of our concern for victims, the whole Parliament could find its way to support.

Ruth Davidson: I do not doubt the Government's concern for victims. Every party in the Parliament is concerned about victims, but victims of crime are best served by secure and sound convictions. Removing the requirement for corroboration will change permanently a criminal justice system that has served this country for centuries. It should not be considered lightly. The Law Society of Scotland, the Faculty of Advocates, the Scottish Human Rights Commission and two former heads of the judiciary all say that the plan is wrong.

We are now talking about the integrity of this Parliament. Members are being asked to vote through a bill that we know to be deeply flawed on the ground that Kenny MacAskill has said that he will sort it later. There is an obvious solution. We should leave the scrapping of corroboration out of the bill, ask Lord Bonomy to report on the whole issue and then look at it again. Surely it is better to make good law later than bad law now.

The First Minister: After Lord Bonomy makes his findings, the proposal will come back to committee, to consultation, and then to Parliament, so it is impossible to argue that the integrity of Parliament is being jeopardised by something that requires committee and parliamentary support. That is the safeguard.

Ruth Davidson should take a very close look at what the Lord President said this morning:

"I am grateful to the Cabinet Secretary for his sensitive response to the widespread discussion of this proposal, and for his usual courtesy in letting me see the terms of reference before they were finalised. The proposed review will enable this issue to be looked at at greater length by a body of experienced professionals. The terms of reference should allow a thorough consideration of the issues."

If the Lord President can welcome Lord Bonomy's review, the Parliament should welcome it, with the parliamentary safeguards.

When the issue was raised, I think by Willie Rennie, a few weeks ago, I referred to a case and I think that some in the press corps were confused about it, so I want to make it exactly clear. The case is that of Lee Cyrus, in which a trial could not be brought in Scotland because of the lack of corroboration. Ruth Davidson's colleague Murdo Fraser appeared on STV news on 13 December, and this is what he said:

"I am very concerned that we are not seeing criminal proceedings in Scotland against this individual. I think this is an issue that the justice secretary, Kenny MacAskill, needs to be looking at to see why that is the case, and why his victims here in Scotland are not getting justice."

The reason why the victims in Scotland were not getting justice was the general rule of corroboration. The Solicitor General for Scotland's letter to Annabelle Ewing of 31 December said that there was no prosecution because of a lack of corroboration.

That case and, more importantly, hundreds and perhaps thousands of others cannot be brought to court, not because of the insufficiency of evidence but because of a general rule that is unprecedented in any other legal system. That is why this change is right and proper, with the appropriate parliamentary safeguards. I could say to Ruth Davidson that it is right and proper to question that, but it is not right and proper for one member of her party to demand from the justice secretary an explanation of why a case cannot get to court, and then, when he finds out that it is through lack of corroboration, not to have the integrity to come to the Parliament and say that he now understands that. It is not acceptable to have a Tory representative on a committee who refuses to acknowledge the demands that her own party has made on STV.

Cabinet (Meetings)

3. Willie Rennie (Mid Scotland and Fife) (LD): To ask the First Minister what issues will be discussed at the next meeting of the Cabinet. (S4F-01870)

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

Willie Rennie: I heard what the First Minister said to Ruth Davidson on corroboration. To say that he needs someone as distinguished as Lord

Bonomy to fix the problem simply shows how bad it has got. Appointing Lord Bonomy does not restore justice; it simply papers over the cracks with a veneer of respectability. Is it not better to work out the fix before you deliberately cause the problem? Lawmaking in reverse is a shoddy way to expect Scotland's Parliament to act. Does the First Minister not see that?

The First Minister: I do not think that Willie Rennie is expressing the position fairly. The appointment of Lord Bonomy is, as the Lord President said today, a

"sensitive response to the widespread discussion of this proposal."

I would have hoped that that at least could be welcomed across the Parliament. It is not a quick fix; a distinguished judge is looking to make absolutely certain that, as the change is made, appropriate safeguards are there to prevent miscarriage of justice. That is a substantial point. Any recommendations would, before implementation, have to come back to the committee for discussion and back to the Parliament for approval. By definition, this change cannot take place unless and until the Parliament is satisfied with the proposals that come forward.

Given that the justice secretary has been prepared to do that, does Willie Rennie not accept that there is a real problem? After his second question, I will come on to the people who have identified the real problem, who are asking for justice. Does he not accept that the way forward that the justice secretary has indicated is one about which reasonable people can say, "If we can protect against miscarriage of justice, surely we should allow these hundreds or thousands of people access to justice"?

Willie Rennie: What the First Minister is doing is asking Lord Bonomy to fit new locks to the stable door a year after the horse will have bolted. The First Minister gives soothing words in this chamber, but he knows that this is a complete shambles.

Three weeks ago, I warned the First Minister that his plans on corroboration were "crackers". He said that they were

"exactly the right thing to do."—[*Official Report*, 16 January 2014; c 26634.]

I said that the justice secretary was "cack-handed". The First Minister said that he was "doing his best." Since then, Kenny MacAskill rushed an unsigned letter to the Justice Committee just minutes before its report was finalised. Within minutes of the report's publication, he rejected it.

The First Minister knows that this is a shambles and that it cannot go on. Will he now overrule the

justice secretary before he causes serious damage?

The First Minister: There are two things to say. First, if Willie Rennie thinks that somebody of the distinction of Lord Bonomy accepts a remit in a matter of minutes and in a rush, he seriously underrates the distinction of the judge concerned and the seriousness with which he will discharge his responsibilities.

Secondly, I repeat, so that it is well understood, that nothing in this regard can happen unless it carries the support of the committee and eventually the Parliament. It will not be implemented unless and until that happens.

Let us hear the other side of the matter. A press release issued by Rape Crisis Scotland this morning states:

"Rape Crisis Scotland is extremely disappointed that the Justice Committee has been unable to back the removal of the requirement for corroboration."

Let us listen to Mary-Ann Davidson, who waived her right to anonymity to point out to the committee in what I think was very reasonable language the impact of the general rule of corroboration, which made it impossible for a successful prosecution for her as a victim of a very serious crime. She pointed out that the impact of that is

"not something that victims are making up."

We have a general rule that makes it impossible to bring many cases to court. I know that there are people on the Labour benches who believe that. It was in the Labour Party manifesto that this rule should be changed. Because many hundreds, perhaps thousands, of people cannot get their cases brought to court because of this general rule, there is a feeling of serious injustice.

I say again that if Lord Bonomy can review and provide for safeguards to make sure that there is no danger of miscarriage of justice, surely the Parliament can in its heart find a way and means of allowing thousands of people to get access to justice, so that justice can be done and can be seen to be done.

Bedroom Tax (Extra Financial Assistance)

4. Jim Eadie (Edinburgh Southern) (SNP): To ask the First Minister what representations the Scottish Government is making to the United Kingdom Government regarding its legal ability to provide extra financial assistance to those affected by the so-called bedroom tax. (S4F-01876)

The First Minister (Alex Salmond): I was going to say that there was general agreement throughout the chamber in yesterday's debate—apart from the Conservative Party—that the proper mechanism to provide regular financial assistance

directly to tenants who are affected by the bedroom tax is discretionary housing payments.

The Scottish Government has made a substantial number of representations to the United Kingdom Government on the matter, starting on 31 January 2012, when Keith Brown, as the responsible minister at that time, asked for an amendment to the bedroom tax to exempt people who could not downsize.

We then asked for exemptions for the most vulnerable people, after which, on 6 March 2013, Margaret Burgess asked for the bedroom tax to be scrapped. We then asked for DHP funding to be raised so that we could back it in Scotland. Now, of course, we are asking for the ceiling to be removed on discretionary housing payments, because it is the best mechanism to provide assistance to people in Scotland who are suffering from the bedroom tax, and so that those people get the help that they deserve.

This week has been a good week for Parliament because we have been addressing issues that are of great popular concern in Scotland. One of those issues is certainly the inequity and injustice of the bedroom tax.

Jim Eadie: Does the First Minister agree that it was no “wee thing” for the parties in this chamber to put aside their differences and to unite to approve the budget yesterday? However, the time has come for the UK Government and Iain Duncan Smith to do the right thing and to raise the cap on the level of discretionary housing payments in order to mitigate fully the impact of the obscene and hated bedroom tax on 80,000 people in Scotland. They must do it and to do it now.

The First Minister: There are two issues here. I absolutely agree with Jim Eadie that removal of the cap would be a simple thing to do. It would be done at no cost to Westminster and could be completed by 1 April. We await the answer from the Department for Work and Pensions.

We should also bear in mind the wise words of Carwyn Jones, whose Administration has taken a different route. He pointed out in the Welsh Assembly this very week that while the powers of a devolved assembly can be used to mitigate, there is a danger—as he put it—that policies that should be scrapped at UK level are being forced as extra costs on to Scotland and Wales. This Parliament cannot mitigate the full extent of the injustice of the welfare changes that are being visited on the people of Scotland, which is exactly why it should have control over these matters in order that we could implement social justice in this country.

Alcohol Misuse

5. Rhoda Grant (Highlands and Islands) (Lab): To ask the First Minister what steps, beyond minimum pricing, the Scottish Government will take to tackle alcohol misuse. (S4F-01878)

The First Minister (Alex Salmond): We have an alcohol framework, which contains more than 40 actions to rebalance Scotland's relationship with alcohol through legislative change, increased funding, and improved treatment and support services, and by building an environment that supports the cultural change that is necessary in the longer term.

We have invested record sums—£237 million since 2008—in tackling alcohol misuse. We also have £200 million targeted at treatment support services and prevention, including education and awareness campaigns.

Rhoda Grant: Will the First Minister support the measures in Dr Richard Simpson's proposed shifting the culture bill, which includes limiting the amount of caffeine that is allowed in premixed alcohol products? He will be aware of the McKinlay study on young offenders at HMP Polmont, which found that more than 43 per cent of those who could identify it consumed one particular brand of caffeinated alcohol—a brand that makes up less than 1 per cent of alcohol sales.

Does the First Minister also agree that bottle tagging would identify the people who are responsible for selling those products to people who are under the legal age for alcohol purchase?

The First Minister: I have already said to Richard Simpson that we will look carefully at all proposals, because this is a matter on which we in Parliament should act jointly.

On Rhoda Grant's first point, there is much dispute about the basis of the research. On her second point, we are willing to take a good look at bottle tagging.

Rhoda Grant should accept that the substantial body of evidence demonstrates that affordability is a key driver in increased consumption, so addressing price is a crucial element of any credible long-term strategy. That is why this Government believes that a minimum price per unit of alcohol, as part of the wider package of measures that I have listed, would be the most effective way to tackle alcohol misuse in Scotland.

Child Poverty

6. Roderick Campbell (North East Fife) (SNP): To ask the First Minister what steps the Scottish Government is taking to reduce child poverty. (S4F-01875)

The First Minister (Alex Salmond): Progress is being made on child poverty. That progress was seen in a report that was published by the Joseph Rowntree Foundation at the weekend, which shows that child poverty fell 10 percentage points in the 10 years to 2011-12. That is about twice the decrease that has taken place in England.

However, no one in the chamber can ignore the stark warning from the Child Poverty Action Group that, as a result of welfare cuts, it is possible that by 2020, an additional 100,000 children will be in families that are forced back into poverty, which will reverse in substantial part the improvements that have been made over the past 10 years.

Roderick Campbell: I welcome the First Minister's answer. Can he tell me how independence would provide further opportunities to address child poverty? *[Interruption.]*

The First Minister: I would have thought that such opportunities would be pretty obvious—even to members on the Labour benches.

When the Child Poverty Action Group says that the welfare changes that will affect families throughout Scotland may put 100,000 children back into poverty, even Labour members might acknowledge that having control of such things in Scotland would be a tremendous asset and would help to prevent that circumstance. Only when Scotland's future is in Scotland's hands and Parliament has the full powers of independence will we truly be able to tackle child poverty and ensure that the "wee things" and the big things in Scotland are put to rights.

Jenny Marra (North East Scotland) (Lab): How about tackling child poverty now? Children in 22 of the poorest primary schools in Dundee are having their early years practitioners removed, which is being done in order to meet the 600 hours childcare commitment. Parliament will agree to provide more money for that commitment. Will the First Minister meet the leader of Dundee City Council to ensure that that childcare commitment will not come at the detriment of support for reading and writing in primary 1?

The First Minister: Jenny Marra asks us to tackle child poverty now. The percentage of children who were in poverty before housing costs was 21 per cent when we came to office. That percentage has dropped to 15 per cent, which is substantially due to the measures that this Government has taken. How exactly does Jenny Marra suggest we tackle child poverty now? Every serious child poverty organisation pinpoints the social security cuts and changes as the threats, when it comes to child poverty in Scotland. Jackie Baillie wants the powers over such things to be kept at Westminster, but can Jenny Marra have

the courage to say that they should be controlled in Scotland by this Parliament?

The Presiding Officer: That ends First Minister's questions. Members who are leaving the chamber should do so quickly and quietly.

Food Banks

The Deputy Presiding Officer (Elaine Smith):

The next item of business is a members' business debate on motion S4M-08742, in the name of Stuart McMillan, on society's increasing reliance on food banks. The debate will be concluded without any question being put.

Motion debated,

That the Parliament notes with concern the ever increasing rise in the number of people relying on foodbanks in Scotland and across the UK; considers that it is not only the unemployed, but also those underemployed or underpaid who are increasingly becoming reliant on foodbanks to feed themselves and their families; acknowledges the hard work and dedication of the staff and volunteers at foodbanks in West Scotland and across the rest of the country, and believes that changes to benefits, rises in energy costs and static incomes have helped contribute to such a large increase in the need for such aid.

12:33

Stuart McMillan (West Scotland) (SNP):

I thank all members—particularly Opposition members—who supported the motion, which has allowed the debate to take place. That has given the Parliament the opportunity to discuss what is a worrying issue in Scotland and, indeed, across the whole of the United Kingdom. It is an issue that I would much prefer not to discuss, but we need to do so.

I thank the Trussell Trust, Barnardo's, Oxfam, Nourish Scotland and Citizens Advice Scotland for providing briefings prior to the debate. I welcome representatives from the Trussell Trust, who are in the public gallery. The commitment and dedication of the volunteers at the Trussell Trust and at other emergency food providers are to be wholeheartedly commended. I also thank everyone across Scotland who volunteers their time in their communities, whether in food banks or in other activities, to provide support for those in need.

It is important to put on the record the work of food banks and what they are. A food bank is a place where, after referral, people can go to obtain food.

The Trussell Trust's food banks provide a minimum of three days' worth of nutritionally balanced emergency food; they also support people in crisis. Clients cannot obtain unlimited food—they may redeem up to three food bank vouchers in a row. More than 90 per cent of the food that is given out is donated by the public. I saw that at first hand when I took part in a food collection day before Christmas at the Tesco store in Port Glasgow. I was genuinely overwhelmed by the generosity of the public on that day.

Every person who goes to a Trussell Trust food bank is referred by a professional such as a social worker, a welfare rights adviser, a tenancy support worker or a school liaison officer, and the food bank tries to work with the individual to help them to resolve the underlying cause of the crisis.

Members who look at the scale of the issue will be shocked. In 2011, there was one Trussell Trust food bank operating in Scotland, but by October 2013, the number had increased to 43. There are more than 400 food banks operating throughout the UK, and the Scottish Government report, "Overview of Food Aid Provision in Scotland", which was published in December 2013, identified 55 food banks and soup kitchens. However, many independent, community and small-scale providers are not reflected in the figures.

A report that was published by Church Action on Poverty and Oxfam stated:

"We estimate that over 500,000 people are now reliant on food aid—the use of food banks and receipt of food parcels—and this number is likely to escalate further over the coming months."

That is a UK figure.

However, there are concerns that the figures reflect only part of the problem. Nourish Scotland is concerned that the statistics that show increased demand for emergency food provision are just the tip of the iceberg. In fact, Citizens Advice Scotland told me that, in January alone, Scottish citizens advice bureaux advisers referred more than 400 people to a food bank or other emergency support. That is the highest monthly figure that CAS has ever seen.

Oxfam told me that visits to West Dunbartonshire Community Foodshare's service have increased markedly. The service had 186 visits last October, 215 in November, 237 in December, and 358 in January this year. The increasing trend is affecting families, too: there were visits from 36 families in October, 64 in November, 123 in December, and 145 in January.

Of the 1,967 vouchers that have been distributed by the Inverclyde food bank since it started operating in April 2010, 250 have gone to families and 266 to single parents. In total, those 1,967 vouchers have fed 2,571 adults and 974 children.

More recent figures for Scotland estimate that somewhere around 55,000 or more Scots rely on emergency food aid. As Oxfam states,

"No one turns up at Foodbanks because there is an opportunity for free food. They are driven there in sheer desperation."

The charity indicates that 34 per cent of those who turn to emergency food banks are experiencing some sort of benefit delay. Citizens Advice

Scotland and the Trussell Trust put the figure at 30 per cent.

Citizens Advice Scotland states:

"Evidence from bureaux, and from food banks themselves, indicate that benefit delays and welfare reform are driving increased need for food parcels."

According to the Trussell Trust,

"Since April 2013, welfare reforms have impacted many people and resulted in more referrals to foodbanks as a result of benefit delays or changes."

As we know, people on benefits usually have the lowest incomes, with no savings to cover unforeseen circumstances. Even a slight delay in receiving benefit can mean that they have no money to buy food for themselves or their children.

One of the most alarming pieces of evidence from Oxfam highlights the depths of some people's distress. Some people who use food banks have actually started handing back food, not because they do not need the food that they have been given but because they cannot afford to turn on the electricity to cook it. What does it say about our society when people cannot even afford to cook the food that they have been given?

Despite all that evidence, the UK Westminster Government fails to act—and it is not just the coalition Government, as we are now in the middle of a Dutch auction between the Tories and Labour to see who can cut benefits the most.

As if that is not bad enough, we heard the news this week that members of the House of Lords are complaining about the declining standards of their subsidised catering facilities, with one peer being "scarred" when his table booking was cancelled suddenly and his party were "unable to lunch elsewhere" because his wife was wearing a tiara. That surely proves that the Westminster elite is completely out of touch with the reality of austerity UK.

However, there is an opportunity to change all that.

Neil Findlay (Lothian) (Lab): Will the member take an intervention?

Stuart McMillan: Not at the moment, thank you.

The Deputy Presiding Officer: The member is finishing.

Stuart McMillan: Monday's *Financial Times* highlighted that Scotland is a wealthy nation, but our wealth is squandered by incompetence at Westminster, with a Parliament and an elite that care more about tiaras than folk who are in sheer desperation.

Between 2011 and 2013, Scotland experienced faster growth in the number of food banks launching with the Trussell Trust than any other

part of the UK. Food banks have helped 48,921 people since 1 April last year. According to Barnardo's, Christmas dinner came in a food parcel for a "disturbing" number of children last year because of the impact of rising living costs and changes to the welfare system.

I did not get involved in politics to mitigate anything, to welcome the increased number of food banks or to provide food parcels for Christmas dinner. I got involved to help Scotland and its citizens achieve all that they can be.

The Deputy Presiding Officer: Before I open up the debate, I indicate that a great number of members wish to speak. However, I will not be able to call them unless the debate is extended and, even if it is extended, I will have some difficulty calling everyone. However, I am minded to accept from Stuart McMillan, under rule 8.14.3 of standing orders, a motion without notice to extend the debate by up to 30 minutes.

Motion moved,

That, under Rule 8.14.3, the debate be extended by up to 30 minutes.—[*Stuart McMillan.*]

Motion agreed to.

The Deputy Presiding Officer: Speeches must be of four minutes, please.

12:41

Kezia Dugdale (Lothian) (Lab): I congratulate Stuart McMillan on securing the debate and I associate myself with his comments about all the volunteers who make our food banks run week in, week out.

I have visited a number of food banks in the Lothians; I have also visited the Cyrenians' FareShare project, whose people go round all the big supermarkets to collect canned and other goods, gather it all in one place and then distribute it to the food banks. I guess that if there is any good news to be found in the food bank agenda it is the fact that some people are being given the opportunity to gain skills through their work with organisations such as the Cyrenians and other social enterprises that facilitate food banks. Although there is a lot about food banks that angers us a great deal, the work that those people do helps them to regain access to the labour market.

The Citizens Advice Scotland report that feeds its briefing for today's debate mentions payday loans, and it would be remiss of me not to recognise the degree to which payday loans increasingly force people to turn to food banks for help. I very much like the reference in Stuart McMillan's motion to people who are unemployed, underemployed and underpaid all being reliant on

food banks. I think that that gives us a broad picture of the groups of people who rely on them.

Whenever I talk about payday loans, I try to make the point that it is wrong to assume that people who go to payday loan companies are necessarily vulnerable. The statistics tell us that a large number of people who use those companies own their own homes, are in full-time work and have families, cars and all the rest of it. They also tend to have too much month left at the end of the money, which is what forces them to go to payday loan companies and food banks for help.

I want to talk specifically about a very vulnerable group of people in Edinburgh—people in temporary accommodation—who are heavily reliant on food banks and have an increasing propensity to use them because of difficult circumstances. There is huge demand for affordable housing that cannot be met in Edinburgh, where it is quite possible for people to live temporarily in flats or bed-and-breakfast accommodation for three months or, in some cases, for up to six months. The problem is that someone who lives in a hostel or a B and B has no access whatsoever to kitchen facilities, although they might be lucky, as some B and Bs in Edinburgh give people access to a kettle. However, if they go to a food bank for a food parcel, there is a massive reduction in the types of items that they can take.

In an article in *The Guardian* a few weeks ago, Patrick Wintour talked about a food bank within a food bank and the notion of a kettle box, with food banks having to make up bags of food whose preparation requires no electricity or heat. Food banks are having to accept that a kettle box of food, which is made up of dry crackers and biscuits, tinned sweetcorn and tinned potatoes, for example, will not remotely meet nutritional standards. There is no chance of such food meeting daily nutritional requirements, never mind meeting the needs of people who live off it for six months. I want to emphasise that—I expected to speak further down the speakers' list, so that I could add to what other speakers said.

We must be careful not to promote certain activities by the way in which we provide public services through our local authorities. The City of Edinburgh Council, for example, meets the full cost per night for hostels and B and Bs in the city. I challenge it to ask what it gets in return for the £45 per head that it pays out, regardless of whether a room is filled. At the moment, those hostels and B and Bs get £45 a night to provide no kitchen facilities and only the possibility of access to a kettle so that people can feed themselves.

As much as we share our rage today about the propensity for people to have to rely on food banks, we need to ask some hard questions about

what our local authorities are doing and the degree to which we can help them to stop things such as kettle boxes becoming an ever bigger part of our food bank problem.

The Deputy Presiding Officer: If members wish to be called earlier or later in a members' business debate, they can advise the Presiding Officer of that and the reasons for it, and requests will be taken into account and accommodated as much as possible.

12:45

Jamie Hepburn (Cumbernauld and Kilsyth) (SNP): I advise that I am quite happy to be called at this stage, Presiding Officer.

I congratulate Stuart McMillan on securing this debate on what is a very important issue. Like him, I regret the need to have the debate, because a society as wealthy as ours should not need food banks. However, it is important that the Parliament debates the issue, and on that basis I thank Stuart McMillan.

The use of food banks is an important issue both in the West Scotland region, which Stuart McMillan represents, and across Scotland. In my area, we have food banks in both Cumbernauld and Kilsyth—they are small, independent, local initiatives—and other organisations, such as the Salvation Army, that provide resilience for people. I put on the record my thanks to those organisations for their efforts.

Through the work of the Welfare Reform Committee, we know that even in the smallest and most remote communities in Scotland there is a tendency for food banks to play an ever more important role in providing assistance to our fellow citizens.

The Deputy Presiding Officer: Mr Hepburn, I am sorry to stop you. I do not know about other members, but I am having some difficulty hearing you. Will you adjust your microphone? I also ask broadcasting staff to check the sound level. Thank you.

Jamie Hepburn: I will try to shout as well, Presiding Officer. Let us see if that helps.

The Welfare Reform Committee will engage with the issue and look at the role of food banks in due course.

The Trussell Trust advises that it launched its first food bank in 2000. That reminds us that food banks have been required for a longer time than the welfare reform period, but there can be no doubt that that process has been the major driver of the increased reliance on food banks. The Trussell Trust states that, between April 2013 and the beginning of February 2014, the reasons given

most often for food bank referrals to it included benefit delay at 30 per cent and benefit change at 20 per cent. Oxfam states:

“Most people ... who turn to emergency food banks are experiencing some sort of benefit delay.”

Barnardo's Scotland mentions

“cuts to the levels of welfare support ... delays in getting benefits”

and the

“stricter sanction regime”

as being important drivers of the increased reliance on food banks.

As Stuart McMillan said, there has been a large growth in the number of food banks that the Trussell Trust supports, from one food bank to 43 in the period 2011 to 2014. That is the period over which the welfare reforms have been put in place.

In the face of that reality, we do well to remind ourselves that the UK Government wrote a letter to Glasgow City Council in which it claimed that its welfare reform process is not the driver of the increased number of food banks. Incredibly, it claimed that the increase was due to supermarkets reducing their food waste—so it is supermarket efficiency that is the driver and not the UK Government's welfare reform process. Frankly, UK Government ministers are divorced from reality. I regret that there are no members of the UK Government parties in the chamber to defend that position. It would have been interesting to hear whether they concur with it.

However, I believe that supermarkets have a role to play, and I will give an example from my constituency. Kilsyth community food bank recently entered a partnership with the local branch of Lidl, which will now provide it with food that it can no longer sell but which is still edible. That is a sensible approach on which both organisations should be congratulated. In this day and age, it is frankly criminal for supermarkets to dispose of edible food by putting it in the bin and sending it to landfill. To my mind, that is a greater crime than a desperate person feeding themselves by retrieving such foodstuffs that have been binned. Supermarkets should be supporting food banks.

I thank Stuart McMillan once more and hope that, if we ever debate the issue of food banks again, we will be talking about an historical aberration rather than an on-going reality.

The Deputy Presiding Officer: I again ask members to keep to the four-minute limit. I allowed Mr Hepburn a bit extra for the interruption.

12:50

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

First of all, I thank Stuart McMillan for bringing the issue to the chamber. I have to say, though, that I regret the tone of some of his comments. I do not imagine that he does, but I certainly do.

When I attended *Holyrood* magazine's recent food conference, I noted that the debate shifted to an issue that was not part of the programme: the extreme contrasts in Scotland with regard to food. The Parliament often has debates on Scotland's food and drink sector and celebrates how good our export figures are or the excellence of our produce. However, there are people in Scotland who are living in food poverty, and we must address such extremes.

Food poverty is increasing across the UK. Indeed, the Trussell Trust's briefing makes it clear that the number of people whom it supports has increased dramatically. Benefit changes have undoubtedly pushed families and individuals into situations where they can no longer feed themselves or their households. For many people, the benefit cuts have been punitive. Moreover, emergency food is often needed because benefit payments have been delayed or because of difficulties and delays in the transition between different payments. Surely those in the chamber who support the welfare changes cannot support a welfare system that is dysfunctional and failing in its administration.

For those who are living comfortably, a few days' delay in their income will make little difference, but for those who are poor and living on the margins of society, such delays can have a big impact. The CAS briefing shows that more than two thirds of clients who needed a food parcel were experiencing issues with the benefits system. However, if we see that as the only reason, we cannot fully address the problem. Those who work in the field have cited redundancy, the low-wage economy, zero-hours contracts, mental health problems and crisis situations as examples of the other pressures that people are facing.

Income is key to addressing the issue. Wages and benefits have not kept pace with the increase in the cost of living, which includes the increase in food prices. Indeed, Barnardo's briefing says that between 2007 and 2012 food prices rose between 19 and 47 per cent. Such figures also contribute to the debate on how we can make food affordable while still providing a fair income to the producer.

Last week, the Parliament debated the common agricultural policy. Many of our farmers receive public money to produce their excellent produce and, although they provide multiple benefits for our environment and rural economies, we simply

cannot get away from the fact that lots of people in Scotland cannot afford to buy that produce. It might be difficult for some to imagine that the cost of a family meal could be beyond a person's budget but, as Kez Dugdale pointed out, some people are in a desperate situation. Food banks have had to create kettle packs for people who have no cooking facilities or money to pay their energy bills.

There has been a growth in food banks in my own region, with six now open in Fife. When I visited the Trussell Trust in Dundee, I spoke to Ewan Gurr about the organisation. I also recently attended the launch of Kirkcaldy Foodbank and would like to recognise the hard work of the churches and faith groups across Kirkcaldy that came together to create it. Support from the community and local businesses has been strong, but the demand puts pressure on communities. Yesterday, the local papers reported that Glenrothes food bank had run out of food and was unable to provide support to people. There are also food banks in Leven, Dunfermline, Cupar and Anstruther—indeed, they are all across the kingdom, from poor to affluent communities.

From my visits to food banks and from talking to volunteers, I have seen that the creation of food banks is a community response to the increasing poverty that people see around them and that it is a charitable act. However, I have also seen that people do not accept that it has to be this way. In his recent and deeply regrettable comments on food banks, Iain Duncan Smith looked to deny their reality, but if we accept their reality we can deal with the issues that have given rise to the need for them. We should support food banks but our aim, through measures such as a living wage, a functioning and fair welfare system and better pay and conditions at work, must be to see the end of them.

The Deputy Presiding Officer: Many thanks. If members keep to four minutes, we should get everyone in.

12:54

Nigel Don (Angus North and Mearns) (SNP): I thank Stuart McMillan for securing this debate but, like everyone else, I regret that we are even having to talk about the issue. This is really not where we should be in 2014 in Scotland.

Although I do not want to rehearse the figures that other members have mentioned—they are on the record, so there is no need to do that—if two thirds of those who report to food banks are citing benefit issues as their main concern, it is important that the UK Government understands that and looks at the systems. The systems should work;

we should not be in position whereby we do not give people enough money.

I also note that fewer than 5 per cent of food bank clients are homeless. Therefore, we have a structural problem because those who have a roof over their head and may well be working are nonetheless living in poverty. That is not, I suspect, where historically we would have thought our communities would need help; we have tended to believe that it was the down-and-outs who were the problem. Instead, we are talking about ordinary people who just do not have enough money. That is a slightly different situation to be in from what we might have thought would be the case.

Members have mentioned the fact that recent food price increases have been disproportionate. I am grateful to Kezia Dugdale for her comments on the nutritional effect of not being able to cook food. However, a person in that position would not even be able to heat, let alone cook food. Furthermore, the absence of heating cannot possibly do any good to the human body.

The Scottish Government report that looked at the issue recently—I think that it reported in the past two or three months—noted that the Trussell Trust statistics were probably quite representative of what is happening in Scotland. That is helpful—I am looking at the Minister for Housing and Welfare when I say this—because it looks as though the data is being collected and that we will have a sensible handle on what is going on, even if we would rather not have the problem at all.

I have visited Angus food bank, particularly the food bank in Brechin where I stay. I pay tribute to those who work and volunteer there—and those who train the volunteers—as well as those who manage the food banks across the country. That is enormously important work. I also note that this is not a problem that will go away. However much we want to blame the UK Government for the situation and even though a lot of it does land at its door, part of it is, I guess, just a consequence of the international downturn that we have seen, although a lot depends on how you respond to that situation. The issue will not go away any time soon. We will continue to need volunteers in our communities; we will continue to need donations. Jamie Hepburn mentioned that supermarkets can play a part in that, but our communities—we, as members of our local community—will have to donate food and encourage others to do so because in Scotland we are going to have to look after our own.

I hesitate to point this out, but I like to think that if we had the powers of an independent country, we would be able to deal with some of the situation. However, for the moment, we will have

to do so with the resources that we have. That, Presiding Officer, includes you and me.

12:57

Jackie Baillie (Dumbarton) (Lab): I join others in congratulating Stuart McMillan on securing the debate but I, too, wish to express my disappointment because it struck me that part of his speech had more to do with an argument about the constitution than the reality that people are living with. We are facing a cost of living crisis, the like of which has not been seen since the 1930s. Incomes are stagnating at best and falling behind at worst. I will illustrate that point. Since 2010, wages in Scotland have fallen in real terms by £27.30 a week. That is £1,420 a year, which is a lot of money for a low-paid worker.

The Joseph Rowntree Foundation's report "A Minimum Income Standard for the UK in 2013" highlighted that the cost of a basket of essential goods and services has increased by almost 25 per cent in the past five years. That is staggering. The cost of bread, milk, electricity and gas are all up. Over the three years since the Tories came to office, prices have risen faster in the UK than in any other G7 country. Times are tough and they are increasingly tough for the employed, as well as the unemployed.

I am particularly pleased that the work of West Dunbartonshire Community Foodshare has been highlighted. That organisation is in my constituency. I have been out on a number of occasions, helping it to collect food and donations in the communities that we serve. I pay particular tribute to not just the management committee but all the hard-working volunteers that support it. The organisation was recently awarded £50,000 by the Big Lottery Fund and I am extremely grateful that that has happened because the service is finding that demand is increasing. I will not repeat the figures that Stuart McMillan has shared; suffice it to say that the number of people using the service has increased by 100 per cent just in the past four months and, over the same period, there has been a staggering 400 per cent increase in the number of families using the service.

The Trussell Trust reported in April 2013 that the number of people in Scotland using food banks had risen by 150 per cent from 5,726 to a staggering 14,318. It will now, of course, be more. One third of those were children and one fifth were in full-time employment. The latest research from the Debt Advisory Centre Scotland shows that one Scot in 10 borrowed money to pay for food in July last year. One in 10 is 500,000 people. We can only begin to imagine what the numbers are like now.

Although we are very grateful for the work of all the volunteers in communities throughout Scotland, it is a damning indictment of our society that food banks even exist. It appears from anecdotal evidence from Citizens Advice Scotland that some local authorities have been sending people to food banks rather than providing crisis grants.

Of course, all that is happening while the Scottish welfare fund remains hugely underspent. The most recent figures published show that only 11 per cent of the £33 million available has gone out the door. That is at a time when the need is self-evident. That benefit has been devolved. It is in our hands already, but we cannot get the money out of the door. I think that the minister would agree that that is appalling and it would be helpful to know what action is being taken.

We asked the Scottish Government to commission research and I am pleased that that has now been published, but what will the Government do? Of course we should challenge the Tories and Lib Dems at Westminster, but it is not enough for the Government simply to wash its hands and blame Westminster. We created the Parliament to protect people when times are tough. Let us not turn the matter into yet another issue that is seen through a constitutional prism but take action to protect people who are suffering in communities throughout Scotland now.

13:01

Neil Findlay (Lothian) (Lab): For anyone with an interest in social and economic justice and fairness, this, of all debates, must get the political juices and emotions flowing. However, I am equally embarrassed, ashamed and angry at having to take part in such a debate in a wealthy, developed nation. People in my home village, my county, my country, throughout the nations of the UK and way beyond cannot feed their children, their families or, indeed, themselves.

More than 50,000 of our fellow Scots sought help in the past year alone. That is the equivalent of every man, woman and child in a full Ibrox or Celtic Park on a Saturday going hungry. It is a huge and growing scandal. Those who present to food banks are decent people. They are often hard-working people who are keeping down a job or several jobs trying to survive but they are forced to wipe away their tears, swallow their pride and walk through the doors of the food bank to ask for help to feed their children.

I have been unemployed but I am very fortunate that it was for a short period and neither I nor any members of my family have ever ended up going hungry. I cannot imagine what it is like to look into the cupboard or fridge and see little or nothing

there—indeed, I do not think that any of us can. I cannot imagine the mental turmoil, the pressure, the feelings and thoughts that people experience in the days and weeks leading up to the time when they are forced into a situation in which the food bank is their only option. We can only wonder how that feels. Even the thought of it makes my stomach churn as I speak. God knows what it is like for those who are in the real-life situation.

We must be honest that the growth in the use of food banks has not occurred by chance. It has not occurred because of an individual's behaviour. It has not happened because of somebody's bad luck. It has happened because of deliberate political choices and a decades-long adherence to the doctrine of neoliberalism. That is an ideology that promotes the rule of the market, the free movement of capital and goods, deregulation, trickle-down economics, an attack on organised labour and freedom from the state. It celebrates reducing public expenditure for social services such as health and education, promotes privatisation and promotes individualism over a collective approach to our economy and society.

It is a doctrine that has dominated political thinking over the past 40 years and has resulted in the mass redistribution of resources from poor people to rich people; repeated attacks on trade unions; market deregulation; the privatisation of our public services including, in some countries, the water that people drink; and poverty and food shortages across the developing world, which are now coming to us in the developed world. At the same time, the biggest corporations have been rewarded with yet more tax cuts and profits. All the time, benefits, services and social protection have been reduced. Food banks, homelessness, low pay and insecure work are the symptoms of such a system.

Stuart McMillan referred to Westminster as the problem. I am as happy as anyone to put the boot into the Tories and the Liberals, but there are food banks in France, Spain and across the EU. Tory cuts exacerbate the problem, but they are not the root cause of the problem. That is much, much deeper. Of course, it is telling that not one Tory or pathetic Liberal could turn up to this debate to take the consequences. They are usually here for every members' business debate, yet there is not one of them here today.

I would like this to be a world in which we see feeding people as our priority over profit, and in which we use new technology and human ingenuity to banish the scourge of hunger for everyone.

13:06

Gordon MacDonald (Edinburgh Pentlands) (SNP): I, too, thank Stuart McMillan for securing the debate.

In terms of total gross domestic product, the UK is the seventh wealthiest nation, yet it is the sixth most unequal of the Organisation for Economic Co-operation and Development countries. A study by the Trussell Trust states:

“over 50% of children living in poverty in the UK are from working households and many of the people helped by food banks are in work”.

The latest figures from the Trussell Trust highlight that, in the six months to September 2013, 350,000 people received three days' emergency food from one of its food banks. That is eight times the 41,000 who needed support in the year to March 2010, which in turn was substantially up from the 3,000 who needed support from the trust in 2005-06.

In Scotland, it is estimated that nearly 49,000 people have received assistance from a food bank in the 10 months to January of this year. In my constituency, there are food banks in Broomhouse, Oxbgangs, Saughton Mains, Sighthill and Wester Hailes.

Why, in such a rich country, do so many people require support from food banks? A survey that was carried out by the Trussell Trust last year found that 34 per cent of people using food banks needed help as a result of benefit delay, that 19 per cent were there due to benefit changes and another 18 per cent were there as a result of low income. Only 4 per cent were referred to the food bank because they were homeless. Citizens Advice found that

“delays in payments ... Jobseeker sanctions ... sickness benefit reassessments”

and the bedroom tax

“are all placing a significant burden on many low income families and making it difficult for them to put food on the table.”

An Oxfam study found that

“Some of the increase in the number of people using food banks is caused by unemployment, increasing levels of underemployment, low and falling income, and rising food and fuel prices.”

The difficulty of falling income is further compounded when we factor in the fact that food prices have risen by nearly 13 per cent above inflation over the past six years, and the costs of gas and electricity have increased by 37 per cent since October 2010. At present, the welfare system and the setting of the national minimum wage are reserved to Westminster. The UK Government has witnessed those rises but has

done little to ensure that benefit levels and the minimum wage have kept pace with inflation.

The Oxfam report “Walking the breadline—the scandal of food poverty in 21st century Britain” highlights growing concern. It says:

“the UN’s Special Rapporteur on the Right to Food ... recently pointed to increases in the number of food banks in developed countries as an indicator that governments are in danger of failing in their ‘duty to protect’ under the International Covenant on Economic, Social and Cultural Rights ... which states that all citizens should have access to adequate diet without having to compromise other basic needs.”

The Scottish Government has tried to mitigate the effects of the welfare cuts by establishing the Scottish welfare fund. The budget that was passed yesterday will increase the money that is available through discretionary housing payments to the limit of close to £23 million that the Department for Work and Pensions has imposed. I welcome John Swinney’s announcement yesterday that, if the DWP refuses the request to lift the cap on discretionary housing payments, the Scottish Government will make a further £12 million available to social landlords to prevent evictions that would be due solely to the bedroom tax.

The Deputy Presiding Officer: Conclude, please.

Gordon MacDonald: Instead of compensating for Westminster benefit cuts, surely it would be better to tackle the problems of poverty head on in Scotland by controlling the benefits system here in Holyrood. Scotland in the 21st century is a wealthy country, but Westminster is taking us back to Victorian poverty levels. We need to build a society that we can all be proud of. The opportunity to begin doing that will come in September.

13:10

Cara Hilton (Dunfermline) (Lab): The existence of food banks in Scotland is truly saddening; it shames and embarrasses us all. What is worse than their existence is that the need for them is growing day by day and week by week. I was shocked to read in the Citizens Advice Scotland briefing that, from April to September last year, almost six times as many Scots turned to food parcels as did so in the same period the year before.

As other members have said, it is ironic that food banks also showcase what is good about our society. Volunteers who offer their time and energy to ensure the success of their local food bank display amazing civic duty and all that is inspiring and best in people.

However, as Neil Findlay pointed out, this is 2014, not 1914. We are one of the richest

countries in the world. When we hear about mums and dads walking miles each way to pick up food to put on the table for their children, when we hear that senior doctors and academics are concerned that hunger in Britain has reached the level of a public health emergency and when teachers tell us that children are turning up at our schools hungry, that makes me extremely angry and I know that colleagues across the chamber—except for the no-show Tories and Lib Dems—feel the same.

There is no doubt that the austerity measures, taxation policies and welfare reforms that the coalition Government has implemented have been key factors in the rise of food banks. We have seen tax cuts for the richest millionaires, while hard-pressed families have had their tax credits cut and their child benefit frozen. The bedroom tax hits the poor and the disabled hardest, while the Government turns a blind eye to tax evasion by multinational companies. Reforms to benefits have seen people sanctioned and left penniless.

I visited Dunfermline Foodbank recently and I was told that, in the week when the bedroom tax was introduced last April, the numbers seeking food parcels went up by 180 per cent. The organisation told me that clients are increasingly turning to it as a result of benefit sanctions. People are increasingly desperate and have nowhere else to turn, yet the food bank can help them for only a few days. What happens to someone who has been sanctioned for months? How are they supposed to put food on the table, never mind pay their electricity bills, put shoes on their children’s feet and pay their bus fare to go to work or to seek work? The only choice that is left to some people is to steal or to starve.

Before Christmas, a constituent who had already had his three food parcels came to see me at my surgery. He had two packets of frozen burgers to last the week. What type of society are we living in when we allow that to happen? In 21st century Scotland and across the UK, no child should go to school with an empty belly and no mum should be choosing between heating and eating. No family should be left destitute because of a welfare system that penalises rather than supports people.

Of the 2,147 cases that Dunfermline Foodbank has dealt with since last April, 1,255 were a direct result of benefit changes or delays. A further 205 were due to low pay—people did not have the money to last the month. John Drylie, who does an excellent job of running Dunfermline Foodbank, tells me that the bedroom tax is at least a factor in almost all cases and is the sole factor in many.

Yesterday, we secured agreement on mitigating the effect of the bedroom tax in Scotland, which I hope will make a difference to families in Dunfermline and across Scotland who are

struggling to make ends meet. Just as it was time yesterday for Holyrood to use the powers that we have to change people's lives, now it is time for the UK Government to wake up and face up to the cost of living crisis that it has created. It is time to end the scandal of families in our country going hungry. The UK Government's denial has gone on long enough. It is time for action.

The Deputy Presiding Officer: I must keep members tight to their time or, I am afraid, I will not be able to call everyone.

13:14

Ken Macintosh (Eastwood) (Lab): I, too, thank Stuart McMillan for bringing today's debate to Parliament and allowing us to discuss food banks. As he has highlighted in his speech and in the motion, the rapid growth in food banks across our country is simultaneously one of the most welcome and one of the most disturbing developments in our society. The passion with which so many members have spoken—Cara Hilton is an excellent example—shows how much the subject has touched us all.

As a demonstration of our capacity for charity, selflessness and generosity, food banks are entirely admirable. The volunteers who run them, the members of the public who donate to them and the churches and other voluntary groups that sponsor and organise them stand out as a beacon of compassion at a time when it feels as though the bile and lack of sympathy of spiteful austerity are the order of the day. When I have spoken to the volunteers at the East Renfrewshire food bank, in my constituency, or at Netherauldhouse, in James Dornan's constituency, which I visited last week, the message has been the same: yes, they are pleased to provide the service, but they hope not to be there for too long, as they hope that there will be no need for food banks in the future.

As members will know, the Welfare Reform Committee will shortly hold an evidence session on food banks, which I hope will be able to shed some light not just on why they have sprung up in such numbers but on what the Parliament's response should be. We are used to the concept of relative poverty in this country, but the return of food poverty in a wealthy economy and society is deeply troubling. What on earth has happened to our welfare state if we cannot ensure that everyone gets a square meal?

We certainly do not have all the answers to shape our response, but we can make a number of observations. I agree entirely with Claire Baker, who accurately listed a number of factors and centred on income—low income, in particular—as one of the main concerns. I also agree entirely with Nigel Don's comment that very few banks are

for the down and out and the homeless. According to, I think, the Trussell Trust, less than 5 per cent of those who use food banks are homeless. They are often working people with dependants. In fact, two of the women whom I met at the food bank last week drove there in their own cars. All of them, however, were struggling to get by, and most of them had suffered from the welfare reforms in one way or another. Those to whom I spoke had all heard of the food bank through word of mouth and had then been given a referral strip by the jobcentre. The staff or volunteers at the food banks go out of their way not to be judgmental or to preach, but there is an awkward relationship to navigate and the potential for stigma or shame. In our parliamentary inquiry, it will be essential to establish a clear sense of the emotions that are felt by those who use food banks, so that we can understand and learn from the experience.

Anecdotally—I do not wish to digress—I have heard that the use of benefit sanctions is a huge factor. One constituent has raised with me the possibility that benefits staff are being encouraged to meet targets for increasing the number of sanctions. That strikes me as an even more pressing issue than the bedroom tax in driving people to rely on food banks. There are clear questions for our UK Government if the DWP is referring people to food banks but is also imposing sanctions. There are clear questions, too, for the Scottish Government, as Jackie Baillie highlighted. What is the role of the Scottish welfare fund? Oxfam states:

"Oxfam's experience in food shortage situations around the world tells us that giving out cash, not emergency food parcels, is more effective and also a far more dignified approach."

The cost-of-living crisis is hitting us all but, as Neil Findlay powerfully pointed out, it is too simple to point to benefit cuts as being the only reason for the situation. I celebrate the benevolence and commitment of others, but there are questions for our Governments to respond to with similar compassion.

13:19

James Dornan (Glasgow Cathcart) (SNP): I, too, thank Stuart McMillan for bringing the debate to the chamber, and I thank the Trussell Trust for all the good work that it has done both in the food banks and around the debate.

The subject is probably one of the most schizophrenic for a politician to deal with. My local MP, Tom Harris, and I, along with local councillors, were at the launch of the Netherauldhouse food bank, and it was an event at which I felt simultaneously proud and ashamed. I felt proud of the work that the church and local volunteers were

doing, the goodwill of local supermarkets, such as the local Morrisons in Newlands and others, and the people who donate food, but I felt shame that that was needed in 2013.

In 2012, I visited south-east Glasgow's food bank on Butterbiggins Road. I have some statistics from there. In the year 2012-13, it fed 682 people. In the first three months of 2013-14, it fed 1,200. There is a huge impact locally and nationally. The national figures are staggering and some of them have been discussed already. In 2006, approximately 3,000 people used food banks in the UK; now, the number is almost 350,000. That should terrify us.

I am in a fortunate position. December is kind of the month for kids, so every December we try to get people to donate toys, which we dish out to charity from my office. Last year, having been at the launch of the Netherauldhouse food bank, we decided that we would ask people to donate toys and food and we would pass them on to the local food bank. We were overwhelmed by the generosity of constituents and the community. We managed to fill a few cars and get them up to the food bank, where the food was gratefully received and well used.

While I was talking to people at the food bank, they told me that just that morning they had fed a family of eight. As has been mentioned a number of times, people who use food banks are not people who have not worked for 10 years or are struggling to find a place to stay, but people who have an established life. Many of them will be working and many of them have families to bring up, and have been bringing them up until circumstances change and they go from having a reasonably stable life to not being able to feed their kids. How bad must that be?

Like Neil Findlay, I have been unemployed and, unfortunately, for a while I was pretty poor. I had a young family at the time and I know how difficult it was, but I was never in that kind of situation because I had a support network around me. To have to forgo your pride to make sure that your family gets fed does not bear thinking about. We as politicians have a huge task ahead of us to mitigate that.

I am not going to play party politics here; it is far too serious an issue to do that. The only thing that I will say is that councils are responsible for the Scottish welfare fund and councils are responsible for ensuring that the money is used properly. We should be wary of trying to score points on that issue—I am not even going to mention my council.

I was very impressed with Cara Hilton's speech, which I thought was good, as were Neil Findlay's and others'. Kezia Dugdale made a very good point about councils paying no matter what they

get. I will look at whether there is any scope to ensure that, if that does happen, it is looked at.

The Deputy Presiding Officer: You must conclude, please.

James Dornan: Okay. Once again, I thank Stuart McMillan and I thank the Trussell Trust for all their good work. Congratulations.

13:23

Patricia Ferguson (Glasgow Maryhill and Springburn) (Lab): I add my congratulations to Stuart McMillan for securing the debate.

I joined the Labour Party at the time of the miners' strike in the 1980s. I vividly recall collecting foodstuffs to help support striking miners and their families at that difficult time, so to find myself, 30 years later, standing at a supermarket, collecting food to be distributed to needy constituents, quite frankly appals me.

What do that time and this one have in common? It is quite simple: the Conservatives are in charge. The Conservatives are a party that knows the price of everything and the value of nothing and that seems to be insulated from the reality of the lives lived by so many of our constituents. It surely is no coincidence that the number of people relying on food banks has risen as welfare reforms bite, food and fuel prices increase, and wages are pegged. Unexpected delays in processing benefits do not help, either. Single people, pensioners, families, those who have recently come to our country and are particularly vulnerable, those without work and those with work are having to look to someone else to help to feed them and their families.

Across the country, food banks have to support more and more people every week. Even in the radio programme, "The Archers", a recent storyline featured one of the families having to use a food bank to get by, but that was fiction and not the grim reality that faces so many across the UK and beyond.

Local police have indicated that the demographic of shoplifters has also changed significantly in the past few years, with more and more of those who are apprehended being identified as having stolen because they just cannot afford to buy food.

If the need for food banks appals me, and it does, the commitment and dedication of those who volunteer and organise food banks inspire in equal measure. In my constituency, the Greater Maryhill Foodbank is the largest and best known. Starting with a few people associated with Maryhill parish church, it has grown, and in less than nine months now has some 21 partner organisations and several outlets covering more than half of my

constituency. It has organised Christmas lunches and Christmas presents for children, and it depends entirely on donations and volunteers, like so many other food banks that we have heard about today. I am pleased to say that it also has significant help from our local supermarkets, which is welcome.

I know that the volunteers who staff our food bank do it because they see need around them and because they want to help their neighbours. They do not do it for praise or for recognition, but I want to single out a few people and, through them, acknowledge all the others who help out. First there are the inimitable Deacon Jim Hamilton—if Jim did not already exist, we would have to invent him, so ubiquitous is he in the life of Maryhill—and Sheila Ramsay, the parish worker who, with Jim, sparked the idea in the first place. I should also mention Julie Hyslop, whose enthusiasm for her community knows no bounds but who has found herself working for the project on an almost full-time basis.

I mentioned that the Conservatives are responsible for much of the problem, and they are, but there are measures in place that we can pursue. I hope that, in closing, the minister will be able to say what other measures can be taken to ensure that the money that exists for the welfare fund can stop being in council coffers and be pushed out to those who need it most.

I wait and work for the day when everyone at the Greater Maryhill Foodbank is redundant because no one in our communities needs the service that it so faithfully provides. Let us hope that that day comes soon.

13:27

James Kelly (Rutherglen) (Lab): Like Patricia Ferguson, I recall the miners' strike of 30 years ago and my experience of working with other colleagues in Cambuslang to organise food collections during the strike. It is an absolute scandal that, 30 years on, we see evidence of food banks all over Scotland. As the Trussell Trust's submission says, 23,000 food parcels were issued between April and September last year. That is shameful in a modern society.

In assessing the reasons for the growth in food banks, it is clear that there is a cost-of-living crisis. We are seeing food prices increasing, incomes decreasing—as people's incomes do not match the increases in food prices—and fuel prices rocketing. With each 5 per cent increase in fuel prices, 46,000 people are added to the fuel poverty roll. One of the primary reasons for that is the policies that are being pursued by the Conservative-Lib Dem coalition at Westminster. I regret the tone of Stuart McMillan's comments, in

which he tried to lump the Labour party in with those in the coalition who are pursuing these policies.

Like others, I pay tribute to those who operate the food bank in my area, in Rutherglen and Cambuslang. In particular, I thank Brendan Rooney and Thérèse Reid. I attended a church service in Rutherglen last night to highlight the work that is carried out by the 60 volunteers. One young man who recently presented himself at the food bank did not even have a plate or a cup, never mind a microwave or a cooker to cook the food. That shows the difficulty of the cases that food banks have to deal with, and there is a lot of excellent work being done by those in Rutherglen and Cambuslang to service that food bank.

I regret the existence of food banks throughout Scotland. We must look at what can be done to move the situation forward. It is absolutely clear that alternative policies that put people and communities first need to be pursued at the Westminster level.

The administration of the Scottish welfare fund must also be looked at. The fund is absolutely welcome, of course, but I think that every member in the chamber would agree that, where we have such funds in place, we must ensure that they get down to those who need them. I would be interested in hearing the minister explain what more the Government can do to ensure that the funds get down to needy communities and individuals.

To sum up, it is regrettable that there are so many food banks in the country. We all need to speak out loudly and clearly for an alternative approach that moves us away from their existence.

13:31

The Minister for Housing and Welfare (Margaret Burgess): Like other members, I congratulate Stuart McMillan on securing the debate. It is clear that we feel passionately about our citizens having to turn to food banks to eat.

Everyone who has spoken in the debate, I think, has said that it is absolutely unacceptable that anyone in a country as prosperous as Scotland should have to rely on food banks and that so many of our citizens are living on inadequate incomes. That concerns all of us, of course, as is evident in the efforts that are made by the providers of food banks, the volunteers who distribute the food and work in the centres, and all the people and organisations that donate to ensure that some of our most vulnerable people get food on the table.

A number of members have mentioned that Scotland is a wealthy country. Last week, however, the Joseph Rowntree Foundation published a report that said that living standards fell between 2008-09 and 2011-12, which increased the proportion of people living below the minimum income standard to 21 per cent. The report summary says:

"in 2011/12, the proportion of families below the standard rose sharply, as benefit and tax credit cuts started to kick in."

That is a clear indication of the damaging impact of the welfare cuts that are coming from Westminster, which will, it is estimated, reduce benefits in Scotland by more than £4.5 billion in the five years to 2015.

Where is that money taken from? It is taken from the very people whom we have been talking about in this debate: workers on low incomes, families, those with long-term illnesses or disabilities, tenants in receipt of housing benefit, and people in the most vulnerable circumstances. They are precisely the people whom society should be helping, not harming. That tells me that we have a failed welfare state in the UK.

Jackie Baillie: I could not agree more with the minister but, given independence, the case for which some of her back benchers have made, which of those cuts would she reverse?

Margaret Burgess: I will move on. We have already said a number of things in the white paper, which I will touch on later, about how we would proceed in an independent Scotland but, for me, one thing is clear: we would have a welfare system that looks after those who need it most; that we all have a stake in; and from which we know what to expect when we need it. I might talk a bit more about that later.

I am sure that we are all aware of constituents who turn to food banks when they struggle to make ends meet. We should try to understand the issues and help as much as we can. That is why the Scottish Government commissioned research on the nature of food aid provision in Scotland, which Nigel Don referred to earlier. That research was published in December. We now understand more about the extent of emergency food aid in Scotland and that welfare and benefit changes are a major cause of the substantial increase in the use of food banks.

As members have probably heard, I met Lord Freud last week. At that meeting, I took the opportunity to give him a copy of our research and to inform him of some of the damaging impacts of the Government's welfare reform programme on our citizens in Scotland. Meanwhile, the UK Government's research on food banks remains unpublished by the Department for Environment,

Food and Rural Affairs. Perhaps that is why we have no representatives of parties in the UK Government in the chamber today; clearly, they are not as concerned about food banks as others are.

We have heard a lot about the cost of living and the low incomes of many people in Scotland. Part of the contract between the people of Scotland and the Scottish Government is our defence and extension of certain core universal services, rights and benefits through the social wage. That includes increasing the provision of free nursery education; freezing council tax; paying the living wage to all staff covered by the public sector pay policy and encouraging other employers to follow our lead; and, from January, extending to families throughout the country the entitlement to free school meals for all children in primaries 1 to 3, which will be worth around £330 a year for each child who takes those meals up. We have also made efforts to mitigate some of the UK Government's welfare reform proposals.

Neil Findlay: I am reluctant to get into party politics, but I ask the minister: who is most affected by the cuts to council services? Is it people on the lowest income or people on the highest income?

Margaret Burgess: As I said earlier in the statement, we have a contract with all the people of Scotland. By freezing council tax, paying the living wage and having free prescriptions, we are helping families; we are not leaving people out. That is the contract that we have with the citizens of this country. We have made efforts to mitigate some of the worst impacts of welfare reform policies. We have provided £40 million to protect people from the 10 per cent cut in council tax benefit and £7 million for welfare mitigation. We have invested £9.2 million in the Scottish welfare fund.

A lot of questions have been raised about the Scottish welfare fund and I absolutely agree with members. The fund was set up to ensure that money got out to the people who needed it most. It is a new fund; we know that councils have never had to operate it before. As was mentioned, early on, take-up of the fund was not as we anticipated. However, as I announced in the chamber last week in answer to a question, our informal feedback from local authorities and informal statistics to December show that since we introduced easier access to the fund and changed some of the criteria, we have seen take-up rising much higher. That information has been shared with the Welfare Reform Committee and it shows that the fund will be taken up and is now being used in the way that it should be. People are not directed from the welfare fund to food banks if they would qualify for the welfare fund; it is only if they

do not meet the criteria for the fund that a local authority will send them to food banks. If anyone has examples of something different happening, we need to have them.

That is about mitigation and, as I have said, we are mitigating the impact of UK Government policies in Scotland. However, mitigation is not enough. In "Scotland's Future", our white paper on independence, we set out why we believe that there is a better way for social security in Scotland. I appreciate that we all share the same views on food banks, but I feel strongly that the way forward for Scotland is to be an independent country and to ensure that we have a social security system in which we all have a stake—one that we contribute to when we can and, in turn, are able to access when we need to. It needs to be fair, transparent and sympathetic to the challenges faced by people, and respectful of personal dignity, equality and human rights. Benefits should not relegate those who cannot undertake paid work to a life of financial uncertainty and poverty. Welfare support needs to support a standard of living that ensures dignity and enables participation in society.

I believe passionately that independence would allow the Scottish Parliament to make decisions on welfare; reverse the most damaging of the Westminster changes; ensure that we have a system that better meets Scotland's circumstances; and allow us to build a fairer and more prosperous country where—as everybody in this chamber agrees—we do not want to see food banks.

The Deputy Presiding Officer: Before I suspend Parliament, I put on record the point that members who participate in members' business debates should not leave the debate before the closing speeches, unless they have a pressing reason to do so, which the Presiding Officer has been notified of. Doing otherwise is discourteous to Parliament.

13:39

Meeting suspended.

14:30

On resuming—

Local Government Finance (Scotland) Order 2014 [Draft]

The Deputy Presiding Officer (John Scott): Good afternoon, everyone. The first item of business is a debate on motion S4M-08916, in the name of John Swinney, on the draft Local Government Finance (Scotland) Order 2014.

The Cabinet Secretary for Finance, Employment and Sustainable Growth (John Swinney): The draft finance order that we are considering today seeks agreement on the allocation of revenue funding to local government for 2014-15 to enable local authorities to maintain and improve the vital services on which communities throughout Scotland depend. In addition, it seeks agreement on the allocation of funding since the 2013 orders were discussed and approved by Parliament. As well as seeking Parliament's approval on the order, I confirm the laying of legislation on business rates and on the council tax exemption for articulating students.

Next year, 2014-15, is the third of the current three-year settlement, and local authorities were advised of the provisional allocations this time last year. I updated that information as part of the annual consultation process and will summarise the changes that have taken place since.

In 2014-15, the Scottish Government will provide councils with a total funding package that is worth more than £10.6 billion. That includes revenue funding of more than £9.8 billion and support for capital expenditure of more than £773 million. The finance order seeks Parliament's approval for the distribution and payment of £9.3 billion, out of the revenue total of £9.8 billion. The remainder will be paid out as specific grant funding for which separate legislation already exists, or it will be distributed later.

I will lay a second order before Parliament next month to pay the £70 million to compensate all councils that freeze their council tax again in 2014-15, which will be the seventh consecutive year of the freeze. I am pleased that a number of councils have already declared that they will freeze their council tax and I encourage the remainder to follow suit, thereby providing much-needed financial respite to households throughout Scotland.

I will also use the second order to distribute the majority of the council tax reduction scheme funding and any further agreed changes to discretionary housing payments. As the whole Parliament is aware, and as we discussed during

yesterday's budget debate, the United Kingdom Government's imposition of the spare-room subsidy rules—or bedroom tax—is having a significant impact on some of the most vulnerable in our society.

Legislation constrains our ability to fully mitigate the effects. However, as I confirmed to Parliament in the debate yesterday, we will make available—subject to approval by the UK Government—a further £12 million, thereby bringing the total direct support from the Scottish Government to almost £35 million for 2014-15, to address the implications of that damaging tax. The Government is clear that our preferred route for the distribution of those resources is through discretionary housing payments, which can be made directly to the individuals who are affected.

The most important change to the figures that I announced in December is the inclusion of second-year funding for the Scottish welfare fund. We are coming to the end of its first year of operation and are working jointly with the Convention of Scottish Local Authorities to ensure that vulnerable applicants are provided with the support that they need this year and in future.

For 2014-15 we will again provide councils with £37.9 million. The remaining changes, which amount to £4.2 million, include £4 million for the one-plus-two language policy and £0.2 million for the business gateway website.

The 2014 order also seeks approval for the changes to the net increase of £20.4 million in 2013-14 funding allocations that was either held back from the 2013 order or has been added to fund a number of agreed spending commitments that have arisen since the 2013 order was approved. Those include £27.5 million for the teachers induction scheme; £20 million for discretionary housing payments; £4 million for the one-plus-two language policy; and £2.5 million towards the national care contract.

The total additional funding of £61.3 million has been partially offset by the recovery of £40.9 million of outstanding committed and uncommitted police reserves that were returned to the Scottish Government after Police Scotland was set up.

I should also explain that the total revenue funding to be paid out to councils in 2014-15 but not included in this order includes £86.5 million to be paid directly to criminal justice authorities; £343 million for the council tax reduction scheme; £70 million to freeze the council tax; £27.6 million for the teachers induction scheme; and £7 million for the council tax reduction scheme administration costs.

The £70 million to fund the council tax freeze will be added to the individual local authority settlement totals when I bring forward the local

government amendment order in March for those councils that have budgeted to both freeze the council tax in 2014-15 and maintain teacher numbers in line with pupil numbers and secure places for all probationers under the teachers induction scheme.

Since the order was laid, we have announced a further £15 million in 2014-15 to deliver a phased expansion of eligibility for our childcare offer of 600 hours for the most vulnerable two-year-olds, and we will provide an additional £13 million to fund free school meals for all schoolchildren in primaries 1 to 3 from January 2015. We will be working with our local government partners to implement and distribute those additional resources.

Although not part of today's order, the overall package for local authorities includes support for capital funding in 2014-15 of over £773 million, delivering on our commitment to maintain local government's share of the overall capital budget.

I turn now to business rates, which are a key issue for Scotland's business community. To maintain the competitive advantage that has been enjoyed by Scottish businesses since 2007, last December I announced that we will cap the annual increase in the business rates poundage to 2 per cent in 2014-15. Today, I have provided additional certainty for small businesses across Scotland by legislating for the small business bonus scheme for the next two financial years, meeting our manifesto commitment to maintain the scheme for the lifetime of this parliamentary session. Last December, I announced that I would go even further than that manifesto commitment, and legislation has been laid today that extends the small business bonus scheme to a further 4,000 eligible properties.

The Scottish Government recognises the importance of town centres in supporting local economies. That is why the Minister for Local Government and Planning has today laid legislation to extend the fresh start relief scheme. In addition, he announced on 15 January a summit to discuss payday lending and gambling shops on Scotland's high streets. Ahead of that summit, I can announce today that legislation has been laid to ensure that, from 1 April, payday lenders will no longer be eligible for business rates reliefs.

By delivering on our manifesto commitments to maintain parity with English poundage rates and confirming the small business bonus scheme thresholds and expanding the scheme, I have underlined the Government's commitment to maintain Scotland's position as the best place to do business, with a business rates relief package that is estimated to be worth over £590 million in 2014-15.

In line with our commitment to widen access to higher education by removing potential barriers to participation, I am pleased to announce today, too, that following our recent public consultation we will shortly lay legislation to implement our commitment to exempt articulating students from council tax. That legislation will extend the existing exemption from council tax that is available to those who meet the criteria defining a student for council tax purposes so that it includes articulating students: those progressing from higher national certificate or higher national diploma study at college to second or third year of first degree-level study at university. This support for alternative progression routes will help us to widen access to education for all, increasing opportunities for our young people to develop the learning and skills that will equip them for the future.

In summary, the total funding from the Scottish Government to local government next year amounts to over £10.6 billion. By working constructively with our local government partners, we have agreed an overall funding settlement and package of measures to help maintain and evolve the services on which the people of Scotland and the businesses of Scotland depend.

I move,

That the Parliament agrees that the Local Government Finance (Scotland) Order 2014 [draft] be approved.

14:39

Sarah Boyack (Lothian) (Lab): Yesterday's debate on the budget resulted in Labour and the Scottish National Party agreeing that we would bin the bedroom tax. I warmly welcome that. In the debate last year, I asked the SNP to work with us when we debated local government finance. The bedroom tax is a policy based on Tory ideology, with no understanding of the reality of the lives of the thousands of tenants who live in council and housing association properties. There are simply not enough affordable houses for people who need them. The policy ignores the realities of families—for example, children having needs because they are studying for exams, carers looking after a relative and people with disabilities. Last year, I knew from talking to Labour councils across the country that they were worried that the bedroom tax was pushing into debt tenants who had never been in debt and destabilising council and housing association budgets.

We can take pride from yesterday, when we worked as the Parliament that we were set up to be and used our powers to protect people. Today's debate is about our councils' capacity to do the same—to use the increasingly scarce resources that they are allocated, to work with the increasingly centralist policy framework that they have been given and to try to plan ahead to

address challenges such as the care of older people and climate change. Those are no longer challenges for the future; they are with us now. We look to local government to deliver better-quality environments, well-planned housing for communities, local economic action to support local jobs and training, and the high-quality education and social care services that give us all not just the best start in life but the best support and care throughout our lives when we need it.

We do not see today as a complete cause for celebration because, although extra resource is being put in to tackle the bedroom tax, the overall financial settlement for local government is not good news. It is a story of cuts, of centralisation and of impacts on front-line services resulting from the SNP's financial straitjacket. Every MSP will know of the tough decisions that our council colleagues are making. The SNP has broken local government finance, with nearly 35,000 jobs being cut from local government since 2008. As Audit Scotland rightly documents, the challenge of delivering health and social care under the budget settlement will add to the pressures on care workers and the families who rely on their services. We need committed care staff who are paid a decent wage and are well trained and motivated. The loss of local authority jobs is bad for local economies, too, especially in economically fragile areas, as it has a negative impact on local economic activity and businesses.

We believe that the Scottish National Party Government is on pause and is more concerned about independence than about the reality of people's lives. More could be done. For example, we could create flexibility for councils to benefit financially from tourism and to build local renewables and heat and power infrastructure to keep people warm and keep energy affordable. At present, only a few councils are able to do that given their scale. My colleague Richard Baker will talk about the need to give businesses more support and to give local authorities the support that they need to do that.

Local government costs have risen by 10 per cent since 2007 but, with this budget, £637 million has been cut since 2008-09. The SNP's white paper talks grandly about life post-2016, but it does not address the realities of the cost-of-living crisis for people now. The SNP is proud of its underfunded council tax freeze—we heard that again today—but it hits hardest those people on low and modest incomes, or the people whom the SNP says it is meant to help.

Mark McDonald (Aberdeen Donside) (SNP): The Labour Party issued leaflets in Dunfermline and Cowdenbeath saying that it backed the freeze and would continue to do so. Did it run them past the member before it put them out?

Sarah Boyack: Absolutely. When we look at the budgets that are being set across the country, we see that the choice between keeping the council tax freeze or losing even more money is not a palatable one for our councils. The point that I am making is that the council tax freeze is predicated on tackling the cost-of-living crisis, yet the people it hits directly in their pockets are those on the lowest incomes, who most deserve our support.

For example, the council tax freeze most benefits those with the largest houses. This year, the annual benefit for people in band F, G and H houses is more than £300, but for those in band A houses it is under £100. Then there is the increase in charges for services across the country. In 2003, income from charges equated to 40 per cent of the money raised by the council tax. Today, the figure is nearly 60 per cent.

The finances are crucial. The real-terms funding cuts at a time of increased demand and the impact of Tory austerity policies mean that something has to give. The Joseph Rowntree Foundation told us last year that local government cuts have the severest impact on poorer communities, that we will see local councils withdraw from front-line services and reduce and ration services and that the most vulnerable will be hardest hit—we have debated that in the chamber before. This is a tough settlement for local government.

I welcome some of the announcements that the cabinet secretary made today, especially on payday loans. We have been constructive over the past year. For example, we supported the increase in planning fees to ensure a degree of cost recovery and last year we proposed working jointly to mitigate the bedroom tax.

This settlement will be a challenge to local government. Last year, the cabinet secretary described his deal as a flat cash settlement but it was not, because local authorities had to make cuts to balance the books. We received the figures for today's budget only at 5 past 2 and will examine them in more detail after the debate.

The Deputy Presiding Officer: You should be drawing to a close, please.

Sarah Boyack: Last year, we warned about the removal of local control of policing and this year we have seen cuts without consultation in police counters and control rooms. That move is not in line with the Scottish Government's town centre-first policy and does not support local employment strategies.

Good things are being done, but they are happening against the tough budget settlement that our councils face. Councils want and are ambitious to do more, but they need the ability to do that and the Scottish Government is not doing enough to help them.

Although we will vote for the motion at decision time, we will do so with a heavy heart. Our communities deserve better.

14:45

Cameron Buchanan (Lothian) (Con): With the Parliament's approval of the Scottish Government's budget yesterday evening, I can confirm that the Scottish Conservatives will support the order, as it addresses the distribution of the £10.5 billion of local government moneys that have already been agreed. However, the debate provides a useful opportunity to consider the broader issues that surround the funding of our local authorities, particularly the transparency of the process.

We face challenging times as a consequence of the necessary action to deal with the deficit and, although welcome signs of strong economic growth are coming through, the Local Government and Regeneration Committee heard much evidence of the financial pressures on all local authorities. Scottish Conservative support was crucial in bringing about the council tax freeze and we have supported its retention to date, as it has proved a lifeline for many hard-pressed and struggling families. That said, a burden has been placed on councils to maintain both the freeze and the front-line services for which they are responsible and, given such circumstances, there is an even greater need for full and frank disclosure of local authority spending priorities. Councils must be accountable to taxpayers.

The committee heard evidence that councils are already balancing the delivery of so-called statutory services and discretionary services. However, the cabinet secretary rightly made the point that, instead of choosing which services to deliver, we should be examining how we deliver them. That said, it is critical that decisions on prioritising services are completely transparent.

In that respect, there is room for improvement. As the body that represents local authorities, COSLA should be leading by example, which is why its lack of engagement with the committee on its budget discussions was so regrettable. We need to have a dialogue with the organisation if we are to get the fullest picture of what is actually happening on the ground.

Indeed, significant shifts are already taking place in councils' use of fees and charges to fund services. That was not immediately clear from published data, and it took last year's Accounts Commission for Scotland report to disclose the increasing use of charges as a cash generator. The report revealed that income raised in that way equated to more than half that raised through council tax and was worth £1.3 billion last year.

However, the committee found that councils were using net expenditure data, which did not include details on revenue raised from charges and fees. That is neither acceptable nor good practice. We must have clarity on that point and the Government must ensure that councils report fully on where their income is coming from.

We also need transparency if we are to monitor local authority progress in growing the income base and encouraging business. I welcome the projected 8.3 per cent real-terms increase in non-domestic rates income, which has been helped in no small measure by the UK Government setting the pace in support for businesses by capping the increase in business rates at 2 per cent. That move has undoubtedly forced the Scottish Government's hand; indeed, it raises the question of what could be achieved if the Scottish Government were to commit to more of a business growth agenda.

That brings us to the business rates incentivisation scheme, which I have to say is an incentivisation scheme like no other for the simple fact that it is bereft of any incentives. Mr Swinney regularly tells us that his hands are bound by COSLA and the local authorities, although one suspects that it might be a bond of convenience. Given that the 2012-13 targets are still to be revised and the 2013-14 targets have yet to be published, the goalposts have been not so much shifted as locked away in the changing rooms.

Although we support the order this afternoon, we also seek action from local authorities and the Scottish Government to improve accountability in and transparency of future funding.

14:49

Kevin Stewart (Aberdeen Central) (SNP): The leader of the Opposition has been using the term "real world" quite a lot of late, but I think that, sometimes, the Opposition sees the real world as some kind of fantasy land.

We heard Sarah Boyack talking about the SNP's financial straitjacket. The reality is that we work with a fixed budget that is set by Westminster. Her Labour colleagues created the economic shambles that we all must deal with, and the Tory and Liberal coalition is adding to the woes by continuing with austerity. We must recognise what has happened and why there is a financial straitjacket, which is of not this Government's making but the making of Governments past and present at Westminster.

Let us look at how the fixed amount of money that we get is being divvied out. Between 2007-08 and 2012-13 the Scottish budget increased by 6.4 per cent, but local government's budget increased by 8.9 per cent—higher than the increase in the

budget as a whole. Surely no one can deny that fact.

We have heard again today an attack on the council tax freeze yet, as my colleague Mark McDonald rightly pointed out, when it comes to elections the Labour Party is all too keen to support the council tax freeze. It is about time it told the people of Scotland the truth about what it would do with council tax if it was in power.

Sarah Boyack: We would be equally keen to hear what the SNP is going to do to make local government finance fairer. It promised to do that in its past two manifestos, but we will be waiting until after 2016, I think.

Kevin Stewart: I will tell Sarah Boyack how we could make almost everything fairer—by voting for an independent Scotland on September 18. That is the reality of the situation. We do not have to put up with Labour Governments that trash the economy and Tory and Liberal coalitions that continue austerity programmes. What we need in Scotland is control over our own affairs so that we can deal with things fairly—and the sooner, the better.

Alex Johnstone (North East Scotland) (Con): I want to give the lie to this concept of a fixed budget. I believe that in 1997 the Scottish people voted for tax powers. The power to vary income tax by up to 3p in the pound lies in the SNP's hands. Why has it not used it?

Kevin Stewart: The last thing that one would want to do to the people of this country at this moment would be to raise the basic rate of income tax. If we had control over other taxation levers, the situation might be different. Let us face facts: Alex Johnstone and his party want to decrease the amount of money that this Government has to spend. His leader has called for a decrease in that rate of taxation, which would mean even less for local government and other public services, so I will take no lessons from Mr Johnstone in that regard.

Let us look at the things that this Government is having to mitigate with moneys that could go into other public services. The bedroom tax mitigation, which is most welcome, the Scottish welfare fund and the council tax reduction scheme are all things that this Government is implementing to mitigate the effect of the nonsense that the Tory-Liberal coalition is putting forward. That £0.25 billion over the next few years could do much to provide front-line services, but no, we have to provide a safety net for the poor because the Tory-Liberal coalition will not.

I urge Parliament to support this settlement.

14:53

Willie Rennie (Mid Scotland and Fife) (LD):

That was a rather excited contribution from Kevin Stewart. It takes a Fifer to point out that not once did Kevin Stewart mention the fact that his finance secretary has not funded Aberdeen City Council to the level that he promised before the election.

Kevin Stewart: The finance secretary most certainly did that. There have been changes in the three-year settlement, as Mr Rennie knows. However, let me ask Mr Rennie—

The Deputy Presiding Officer: Is this a speech or an intervention?

Kevin Stewart: Will Mr Rennie support me in calling on Aberdeen City Council's leaders to ask COSLA for a change to the funding formula to take account of population changes, which would allow Aberdeen to get much more money than it currently does?

Willie Rennie: I will intervene on Kevin Stewart's intervention so that I can devote some of my four minutes to what I hoped I would be able to say.

That was a long-way-round way of saying that John Swinney did not fulfil the commitment that he made that the floor funding amount would be 85 per cent of the Scottish average. Aberdeen is at about 80 per cent—79 per cent, in fact—of the average. John Swinney may come up with all the excuses under the sun about fire and police, but the commitment was to Aberdeen City Council, not to the police or the fire services.

My calculation is that Aberdeen citizens are being short-changed by £89 for every man, woman and child. John Swinney said that that would not happen. He will come up with a long and complicated explanation—as he normally does on such occasions—about how it is a three-year settlement and it has to be agreed at the beginning, but the commitment was for the full term and he was not able to follow through and fulfil it. People in Aberdeen will ask Kevin Stewart why he did not raise that in the chamber when he had an opportunity to stand up for his city instead of standing up for his Government.

However, I welcome the extra contributions that local government is receiving for nursery education and free school meals; we supported the budget yesterday on that basis. We argued for the nursery education measure before Christmas, so we are delighted that it is now being implemented. The task force that I have been invited to join to ensure that it is implemented effectively will be good; I hope that it will ensure roll-out to two-year-olds from vulnerable and workless households. People throughout Scotland will welcome that.

I will remark again on Kevin Stewart's outstanding speech—it was as if the world had not changed in the past two years. He forgot to mention that 130,000 extra jobs are being created because of the Con-Dem coalition, as he would describe it. He said that that plan would not work but it has, and it is delivering. We need to do more, but without Kevin Stewart's advice.

14:56

Richard Baker (North East Scotland) (Lab):

Although, in many ways, Parliament's consideration of the local government finance order is something of a formality, it is important to mark the extent of the funding problems that Scotland's local authorities face.

I do not pretend for a moment that Mr Swinney has not had to deal with cuts in his budget, but time and again ministers have passed on the pain to local government—a move that has been exacerbated by a council tax freeze that is now completely underfunded by the Scottish Government. That has, inevitably, resulted in reduced local services and the loss of more than 30,000 jobs in our councils.

In written evidence to the Local Government and Regeneration Committee, Unison told us:

"No one disputes that the Scottish Government has to manage a difficult budget imposed by Westminster. But within that budget there are choices to be made and councils are clearly the losers."

That is borne out by the figures, with £637 million having been cut from the local government budget since 2008-09.

In my region—North East Scotland—the impact of the settlement is acute. Willie Rennie was right to point out the particular difficulties that Aberdeen City Council faces, given its underfunding situation.

Mark McDonald: Will Richard Baker give way?

Richard Baker: If I have time later, I will give way to Mr McDonald, although I might not have time.

From a dwindling pot, Aberdeen City Council and Aberdeenshire Council receive shares of funding that are among the lowest in Scotland. That greatly restricts what our councils can do to provide services and invest in the local economy.

Dennis Robertson (Aberdeenshire West) (SNP): Will Richard Baker give way?

Richard Baker: I will give way if I have time later.

That second point—on investing in the local economy—is pertinent to the debate because the cabinet secretary promised in 2011 to introduce a

business rates incentivisation scheme, under which councils would retain a proportion of the business rates that they collected above the target that was set by ministers. Mr Buchanan rightly referred to that in his speech.

That announcement was welcomed in North East Scotland—a region whose economy is, of course, crucial to the whole country. However, ministers have, in effect, reneged on the promise. They have moved the goalposts by revising the targets so that councils will receive a fraction of what they would have received under the original scheme.

Kevin Stewart: Will Richard Baker give way?

Richard Baker: I will take a brief intervention from Mr Stewart.

Kevin Stewart: If memory serves me well, the Labour Party in Aberdeen rejected the business rates incentivisation scheme when the Government first proposed it, just as it rejected tax incremental financing. Unless it has proposed a thing, it is not happy about it. Has the council changed its mind on the business rates incentivisation scheme and on TIF?

Richard Baker: Mr Stewart tries to blame the councils, as Mr Swinney did yesterday. I will come on to exactly why that is wrong.

The fact is that ministers have moved the target. In Aberdeen, that means that, rather than receiving £5.8 million, the city is now scheduled to receive only £300,000 from the scheme under the revised targets. That is a massive difference.

It is ridiculous for Mr Stewart to try to blame COSLA for lack of progress, as John Swinney did yesterday, because if councils had agreed to proceed with the current proposition, it would mean that they would forsake millions of pounds that should be going to local authorities. Ministers have said that it would mean an unjustified windfall for councils, but they are quite happy to secure that windfall for their own budget.

It is particularly important for North East Scotland that ministers finally make good their pledge on this scheme. I hope that they will, because the current arrangements mean that the region is losing out, despite its importance to the Scottish economy. On council funding, funding for health services, public sector jobs and, most recently, plans to close Aberdeen's fire and police control rooms, North East Scotland is getting a raw deal.

Yet, even as ministers asset-strip the region of its key services, their proposition is that North East Scotland will, through its oil and gas industry, foot the bill for separation. No wonder that argument is not winning favour in North East Scotland. I ask ministers to think again on all those issues. In

particular, I ask Mr Swinney to assure us today that he will work collaboratively and constructively with COSLA to make progress and at least alleviate the impact of a settlement that is bad for North East Scotland, as I have said, and for councils across the country.

15:01

John Swinney: I am glad that Cameron Buchanan is on the Conservative front bench today, because we heard an eminently more sensible contribution and stance than usual. I hope that that does not destroy Mr Buchanan's recently developed career in Parliament. I welcome the Conservatives coming to support the Local Government Finance (Scotland) Order 2014, even if they were unable to support the budget yesterday, which is a matter of deep regret. I agree with Mr Buchanan about the importance of transparency around the information on local authority spending, and it is important that that spending be properly and fully scrutinised.

I am not going to try to rehearse all the arguments to Mr Rennie. We have been round the houses a couple of times about Aberdeen. However I will correct one thing that he said, by informing him that Mr Stewart, the member for Aberdeen Central, stands up for Aberdeen city on every possible occasion, as he did in what I thought was a spirited and emphatic contribution to the debate this afternoon.

On the funding floor of 85 per cent of the average and Aberdeen, let me tell Mr Rennie and Mr Baker that, because of this Government's decisions, Aberdeen City Council is receiving £7 million over three years that it would not be receiving had the needs-based formula been applied.

Willie Rennie: The funding floor is 85 per cent.

John Swinney: Yes, Mr Rennie, it is 85 per cent, because we have gone through the basis of the calculation that is undertaken in all of these approaches.

Mr Baker has a brass neck to come here and complain about local authority funding in Aberdeen, given that the Labour Administration—in fact it was, I say to Mr Rennie, a Labour-Liberal Democrat Administration—did not lift a finger in eight years to sort out Aberdeen City Council's financial issues. He has a second layer of brass neck because the Labour Party was shoving out leaflets in the Glasgow North East by-election that complained about all the money that was being spent in Aberdeen at Glasgow's expense. He should be careful what he wishes for, when the Labour Party issues leaflets in Glasgow complaining about funding for Aberdeen. The fact is that this Administration has put in place financial

support for Aberdeen City Council that it has never had before.

Sarah Boyack and Richard Baker voted for the budget yesterday. I therefore find many of their remarks today a bit on the odd side. They appear not to realise the financial constraints within which we operate. Sarah Boyack said that there has been a £637 million reduction in local government funding. That might have something to do with the fact that police and fire expenditure is no longer part of the local government financial settlement and is, in fact, paid directly by the Government. That arrangement is a result of legislative change that—if my memory serves me right—the Labour Party voted for in Parliament.

My final point is on the business rates incentivisation scheme. I read to Parliament the letter that was sent to me by Councillor Kevin Keenan, of COSLA, in June 2013. The issue with the business rates targets is that the pattern of appeals decisions in relation to the business rates revaluation meant that local government would have had a windfall gain in one year and the Government would have had a loss the next year. We do not have to be mathematicians to work out that, although local government might have been prepared to take the windfall gain in one year, it would not have been prepared to contribute to that loss the next year because of the exceptional change in the statistics. Anybody occupying the seat that I occupy would have arrived at exactly the decisions that I have arrived at.

We will present material to Parliament when we have agreement with COSLA. We continue to seek that agreement and will do so in good faith.

New Psychoactive Substances

The Deputy Presiding Officer (John Scott):

The next item of business is a debate on motion S4M-08950, in the name of Roseanna Cunningham, on responding to the challenges of new psychoactive substances in Scotland.

The debate is quite tight for time. If Ms Cunningham has fired up her machine, she will have 13 minutes as soon as she is ready to go.

15:06

The Minister for Community Safety and Legal Affairs (Roseanna Cunningham): Thank you, Presiding Officer—my device is charging as I speak.

I remind members that we live in a time when the international drug market is changing profoundly. I think that all members are aware that a huge variety of substances is now available. A growing number of them are not classified in the drugs legislation, so responding to them is problematic.

It is understandable that most of us are increasingly concerned about the growing availability of substances that are sold as legal highs. We are discouraging the use of that term, because—unfortunately—it leads people to assume that they must be safe, when they are not. That is why the motion uses the term “new psychoactive substances”; we could also call them new drugs.

The new drugs are designed to produce similar effects to illegal drugs, such as ecstasy, but they fall outside the control of the United Kingdom Government’s Misuse of Drugs Act 1971. They are often labelled and sold as plant food or bath salts, or marked as not fit for human consumption. Those are all tactics used by sellers to avoid the law.

The substances are easily accessible. They can be bought online and on our high streets in so-called head shops. A survey by DrugScope found that the substances are also sold at petrol stations and in takeaways and newsagents. As new drugs, their health effects are completely unknown. We know that they can be harmful and that there are reports of people being admitted to hospital and sometimes—tragically—dying after taking them. To put it simply, whether or not a substance is controlled, it is impossible to know its content. Dangers are associated with every drug.

We have seen the events last weekend in Glasgow and Ayrshire. The police investigation continues and it would probably be inappropriate for us to discuss those events. I am sure that

everybody agrees that our thoughts are with the families who have been affected.

I will put the new drugs into context as we consider the implications for policy and practice. The most commonly used drug in Scotland is still cannabis. There is a legacy of problem opiate use that stretches back decades, with which we are all—sadly—familiar.

Responding to the new drugs, like any other drug, will be an integral part of the overall drugs strategy in “The Road to Recovery”. The strategy is underpinned by a holistic and person-centred approach to treating drug use, regardless of the substances involved. Until now, most of the emphasis has been on opiate use, but we must remember that the strategy covers a great deal more than that.

Members who attended the drugs debate in November will be pleased to hear that my summary of the Government’s achievements will be swift. The rate of drug use among the general adult population has fallen since 2006 and drug use among young people is at its lowest level since 2002. Some of the battles are beginning to be won. We have dramatically reduced waiting times for drug treatment and maintained record investment in front-line drug services and support. We have moved into the third phase of delivering the strategy, which involves driving forward improvements in quality across drug services in Scotland. However, we cannot be complacent. We need to be mindful that different drugs bring different and new challenges.

Evidence from the United Nations and the European Union highlights the increased availability of the new drugs internationally. In 2012, the EU’s early warning system identified 73 new drugs—a number that has risen steadily over recent years. The new drugs present a constantly evolving challenge, not just because of the apparent ease with which they can be produced and subsequently tweaked, but because of their ease of supply and sale online. Technological advances in global communications have created an unregulated and open online marketplace for drugs. According to the EU, the number of online shops is growing, with 693 identified across Europe in 2012—the number will be much higher now—and I am aware that some members have experienced the problem in their constituencies. Across the world, Governments are grappling with the new challenge. Global problems need global solutions, and new psychoactive substances are increasingly on the agenda of international institutions such as the UN.

Although the control of drugs is a reserved issue, the challenges from the new substances are a concern to the Government. Last year, I hosted a national event at which I invited experts from

enforcement, health, education, research and the third sector to share information and experiences of how the new substances are affecting Scotland. I was reassured to hear of the considerable knowledge that is available on new psychoactive substances and the valuable work that is already being undertaken across the country. It is clear that no sector can tackle the problem alone and that a collective and co-ordinated response is required.

Last year’s event was the first step towards further action. Informed by those discussions, we have taken action in four areas: tackling supply, preventing demand, enabling our workforce to respond, and understanding the scale of the issue. I will deal first with tackling supply. Aside from the UK Government’s temporary banning order and the Misuse of Drugs Act 1971, there is no bespoke legislation available in Scotland to address the supply of new psychoactive substances. Police Scotland has been working with trading standards to explore the powers that are available under civil and criminal law, such as reckless conduct and trading standards powers to seize and test substances and take action against their sale.

We have been working with Police Scotland to review enforcement activity and will continue to explore the range of devolved powers that may be available to tackle the sale of new psychoactive substances, which would include planning and licensing powers. I welcome the Home Office’s announcement in December of a review of the legislative powers that are available to address the supply of the drugs. I have been asked to contribute to the review and will host a workshop for experts in enforcement from the police, trading standards and local government to inform Scotland’s response.

I turn to preventing demand. It is essential that we prevent drug use in the first place or stop its escalation through the timely provision of advice on drugs and their risks to all those who need it. That includes addressing the dangers of polydrug use, which increases the risks even more. Substance misuse education in schools is delivered through the health and wellbeing strand of the curriculum for excellence. Our know the score helpline and website offer free confidential advice on drugs, including new psychoactive substances. The website was refreshed in December to make it more user friendly and accessible by mobile phone. We will produce new leaflets and posters on new psychoactive substances for know the score to support services and to raise awareness of the dangers of the drugs. Starting tomorrow, we will also run Facebook adverts to raise awareness of the dangers of the drugs and to get people to visit the know the score website to get information.

Together with partners, we are providing teachers with resources to respond to the new drugs. Police Scotland receives funding from the Scottish Government to deliver choices for life, a substance misuse education programme for schoolchildren. In 2013, educational resources on the new drugs were developed for high-school children. This year, Crew is developing national educational resources for teachers and youth workers on new psychoactive substances and other stimulant drugs. A range of education work is already taking place.

Responding to any new drug and offering support that is person centred is the approach that underpins our whole drugs strategy. We are, therefore, investing in the development of the workforce to prepare them for the challenges ahead. To develop the capacity of drug and youth workers, since 2010 we have funded Crew to provide training and information on new drug trends to Scotland's 30 alcohol and drug partnerships, as well as drugs services and other services.

The Scottish Drugs Forum has been commissioned to develop the capacity and quality of interventions around new psychoactive substances and stimulants in, for example, housing and employment services for young people. Last September, I was pleased to open the joint Scottish Drugs Forum and Crew conference on new drug trends in Scotland. I hope that members took time to read the information that the SDF and Crew provided for today's debate.

The constant challenge of new substances affects the figures that we report. As a direct result of discussions at the event that I hosted last year, we have refreshed our data collection tools to help improve the information on new psychoactive substances, which will help us to further understand their prevalence and impact. The way in which we collect data on new drugs has also been considered in the consultation for the new integrated information system for drug and alcohol treatment and outcomes, which is led by the national health service's Information Services Division.

In August, the annual drug deaths statistics, which are published by the National Records of Scotland, reported for the first time on drug deaths where new psychoactive substances were found in the body. The figures showed that, in 2012, new psychoactive substances were present in 47 drug deaths. In 32 of those cases, pathologists judged that such substances were directly implicated, and in five cases they were the only substances that were implicated. In the coming months, the next annual report from Scotland's drug-related deaths database will provide analysis of the

circumstances around deaths involving new psychoactive substances to identify risk factors and inform policy and practice.

We have made changes to the 2013 Scottish schools adolescent lifestyle and substance use survey, or SALSUS, which gathers information from schoolchildren on alcohol, drugs and tobacco, as well as to the next sweep of the Scottish crime and justice survey. National data is supplemented by organisations in the third sector, which collect data on drug trends that are observed by services and at music festivals. To strengthen all that work further, I will commission research on the prevalence and use of new psychoactive substances in Scotland.

Kezia Dugdale (Lothian) (Lab): Can the minister tell us when the fieldwork will start for SALSUS?

Roseanna Cunningham: I will advise the member separately on precisely when the fieldwork will be done. I think that the survey is done biannually, so probably the fieldwork will be on-going for a period. I will get back to the member on that.

It is clear that new drugs are a challenge not just for Scotland but for the United Kingdom and internationally. The Scottish Government continues to work with the UK Government and other Administrations to gather and share information and to ensure that Scottish interests are represented in reserved matters. The Scottish Government regularly cascades requests for information from the Home Office's drugs early warning system to ADPs and drug services in Scotland.

In June 2013, the Home Office temporarily banned NBOMe and Benzofury-type substances. Members would find it hair-raising to google those substances and have a look at how they are sold. The Home Office thanked health and enforcement partners in Scotland for their contributions to the drugs early warning system, as their expertise helped those drugs to be banned.

We must look outwards and monitor the approaches that are taken elsewhere to new psychoactive substances. Three types of responses have emerged internationally. Some countries use consumer safety or medicines legislation, some have extended and adapted existing drug control laws and others have created bespoke legislation to tackle new psychoactive substances. No country has yet found a solution. New Zealand got some attention for its product licensing approach, but it is far too early to know whether that will be successful.

I close by restating the need for us all to work together to address the challenges that are presented by changing drug trends. The health

implications of new psychoactive substances can be just as serious as those of controlled drugs, so we must challenge the myth that legal equals safe. I wanted to have this debate to ensure that new drugs are placed firmly on the parliamentary agenda. I hope that we will have an informed and productive conversation on the challenges of new psychoactive substances and on how Scotland can best respond. I look forward to hearing members' views.

I move,

That the Parliament acknowledges that drug markets are changing internationally with the increased global availability of new psychoactive substances (NPS); recognises the challenges that NPS pose to Scotland in the areas of enforcement, public health, prevention and research, challenges that are common to other parts of the UK and internationally, and endorses a collective and co-ordinated approach to responding to NPS in Scotland by all organisations and individuals that have a role to play addressing the supply of these substances through enforcement activity, reducing the demand in their use through prevention, ensuring that services are able to respond and looking at what can be learned from approaches from across the UK and elsewhere.

15:19

Elaine Murray (Dumfriesshire) (Lab): I am pleased to take part in the debate, as it is important that we highlight the issue in Parliament. As we know, human beings have always had a propensity for indulging in substances that can change our state of mind to introduce euphoria, hallucination or relaxation. Young people in particular can be tempted by their curiosity to try out new experiences and are often less risk averse than many of the rest of us. Some drugs agency workers have told me that, with substances that are not illegal, there is the added incentive that use or possession of them will not attract a criminal record. Therefore, some people think that the reduction in the use of illegal drugs might be due in part to the increased use of new psychoactive substances.

It is unfortunate that experimentation has become much more dangerous in recent years, due to advances in two areas: chemistry/biochemistry and information technology. When I was a young undergraduate chemistry student, chemists knew that they could mix certain reactants together under particular conditions to produce a pharmaceutical substance, but the exact mechanism through which the reaction took place and how it affected the brain and body and the consequent physiological and psychological effects were not well understood.

Over the past 40 years there has been huge development in knowledge about the mechanisms of chemical reactions, which means that

compounds can be tailor made. There is also knowledge about how parts of compounds bind to receptors in the brain, and their effects. That means that whole families of compounds that have particular physiological and psychological effects can be fairly easily produced.

As the minister said, advances in information technology mean that when the substances have been produced they can be sold online to individuals anywhere in the world. Given the use of bitcoins and other alternative forms of payment, it is extremely difficult to control sales.

The exponential development of knowledge therefore makes the control of so-called legal highs very difficult. I very much agree with the minister that the term "legal high" is not in any way helpful and makes substances sound innocuous. People think that something that is legal must be safe. The preferred terminology—new psychoactive substances, or NPS—is far more accurate.

New psychoactive substances have been developed to mimic the effects of illegal drugs. They are marketed in ways that bypass legislation, with no product warnings to consumers about possible side effects as there would be for prescribed medication, and no guarantee of product purity. As the minister said, new psychoactive substances were implicated in the deaths of 47 people in Scotland in 2012 and are thought to have contributed directly in 32 of those cases.

The UK Government has responsibility for banning and classification of illegal drugs and considers drugs on a case-by-case basis. It recently banned the hallucinogenic NBOMe and Benzofury, which are ecstasy-type substances. More than 200 substances have been banned since 2012. However, whenever a substance is banned, a similar substance can be designed and produced to take its place.

In December, the Home Office announced that it will undertake a review that could lead to changes in UK legislation. An option that is under investigation is the automatic ban on drugs that are substantially similar in chemical structure to illegal drugs. However, the solution might not be as simple as it sounds, given that some substances that are medically useful might be similar in chemical structure to some illegal drugs. Too strict a definition might constrain research into potentially useful new legal medical drugs. Countries that have adopted such a measure have made exclusions for food, medical and other products. Of course, it is unfortunate that provision for exclusions can create loopholes.

Products are often marketed as something other than new psychoactive substances, such as plant

food or bath salts. I understand that the UK Government is looking at legislation in Poland and the Republic of Ireland that attempts to control the internet sale of such products, with regard to their safety and their use as a drug—although how the substance is used ultimately depends on the purchaser rather than the seller.

Whatever legislative proposals come out of the UK review—and none of the suggestions that I mentioned will be easy to implement—education and increasing public awareness will be crucial. A simplistic just-say-no message will not succeed. It has not succeeded in the past and it probably will not succeed with new psychoactive substances.

The purpose of our amendment, which I hope that the Government will accept, is to reinforce the message that anyone who is tempted to indulge in new psychoactive substances needs to be aware of the dangers that are posed by some substances and indeed other substances that might be present, having been produced at the same time.

The term “legal high” is misleading and dangerous. These are not cosy, legitimate products, which make people feel good; they are pharmaceutical compounds that have been deliberately manufactured to bind to receptors in the brain and simulate the effects of illegal drugs. They are as dangerous as those drugs, both psychologically and physically.

The United Nations Office on Drugs and Crime produced an informative report, “The challenge of new psychoactive substances”, which goes into a lot of detail, including chemical structural detail. Despite that detail, the report notes that many of the substances contain unfamiliar molecules and that research on most new psychoactive substances is very limited.

Nigel Don (Angus North and Mearns) (SNP): I am conscious that the lady did more chemistry than I did, but I know where she did it because I did it at the same place. Surely one of the realities of organic chemistry is that no product is pure; they all come with other bits of functionality that will be there in some proportion. It is not physically possible to get purity in these substances.

Elaine Murray: That is absolutely correct. There will always be other substances in these products. They might not be active but we do not know that, and because we have no control over them, we have absolutely no idea of what else is in there as well as the active substance.

Synthetic cannabinoids, for example, are functionally similar to the controlled cannabis derivatives, and their side effects can include cardiovascular problems and psychological disorders; some might lead to seizures and irregular heartbeat, and some might be carcinogenic.

Cathinone is a derivative of the khat plant, and it is sometimes called meow meow. I used to wonder why, but I know now. It has a similar effect to amphetamines, but little is known about the mechanism of its action, and its side effects can include agitation ranging from mild to extreme psychosis. It is often marketed as bath salts or plant food.

Ketamine, which has been around since the 1980s, is used as a tranquiliser for horses. If anyone has ever seen a half-tonne horse go down after having taken ketamine, they can imagine what it does to a human being. It can also affect long-term memory.

There are a number of variations on mescaline, which is powerfully hallucinogenic, and some of them can have very long-lasting effects. They can cause agitation, seizures, and liver and renal failure.

Piperazines were developed initially as antidepressants but were later found to have similar properties to amphetamines. They were taken off the market because they were liable to abuse, but they are still being sold as pep or party pills and they have similar effects to amphetamine and methamphetamine.

There are also plant-based substances. People might think that something that is herbal or a plant is okay, but as we know a number of plant-based compounds can contain a cocktail of toxic alkaloids that can have extremely serious psychological and physical effects.

We are debating the issue in the shadow of a terrible event that took place at the weekend when a young woman tragically died after taking a particular type of product. That product—if it is the one that it is thought to be—might have contained para-methoxyamphetamine, which is five times as powerful as ecstasy; as we know, many people have been hospitalised through taking that.

The message that went out before was about the danger of illicit drugs, and the message that needs to go out now is that the so-called legal drugs are just as physically and psychologically dangerous as the illicit drugs that they have been designed to emulate. The user does not know what else they might contain and what dangers are presented by those compounds.

I was very pleased to hear from the minister about the steps that the Scottish Government is taking to spread the message that these are not benign, legal substances. They are hard core and physically and psychologically dangerous, and that message has to go out. Young people who might be tempted to take these substances need to understand the dangers that they might encounter in doing so.

I move amendment S4M-08950.1, to insert at end:

“and promoting public understanding of the dangers of NPS”.

15:28

Alex Johnstone (North East Scotland) (Con):

Although I can claim to have a higher in chemistry, I cannot claim to have the depth of knowledge of Elaine Murray or even Nigel Don, who intervened on her. I will therefore avoid some of the critical issues that have been mentioned previously.

Nevertheless, I take the opportunity to welcome the debate. Although the issue of new psychoactive substances has been subject to question and previous discussion in Parliament, the fact that this is the first Government debate on the subject indicates the importance that the Government attaches to the issue and its determination to deal with the problems that it has raised. I will therefore happily vote for the motion tonight and, of course, for the Labour Party amendment.

The fact that we are dealing with this problem should not be taken in isolation. We have had similar problems in the past when a craze for a substance has led to significant health problems, particularly among young people. Many members will be aware of the problems that existed because of the inhalation of solvents some time ago. That did eventually pass, and we all welcome that it did.

Many of the problems that we are addressing today were addressed in some form at that time. I was delighted to hear from the minister that Police Scotland is looking at the possibility of working with trading standards to ensure that the use of these substances is not unfettered and that planning and licensing laws are being considered as options.

I was aware that there was a problem with new psychoactive substances, but its extent was brought home to me surprisingly quickly during the Christmas recess. I was contacted by a number of people in the Arbroath area who had experienced quite acute problems as a result of the sale of these substances.

In Arbroath, the issue of so-called legal highs remains a grave concern to parents and other residents, because these substances are not sold furtively, as one might expect, but openly from ordinary retail premises. That gives them a facade of acceptability and safety, which they do not have and which, in the opinion of many, they should never have had.

Before the Arbroath against legal highs group was formally founded, I met Arbroath residents and a number of Angus councillors in December,

who wished to express their frustration that these products, which were being sold as plant food, research chemicals or, in one case, as incense, were so freely available, without any kind of licensing and that, consequently, the local authority had very little ability to challenge their sale.

The meeting that I attended was a catalyst for forming the group. Its Facebook page attracted hundreds of people within hours of it being set up. The current membership stands at more than 1,800. Substantial interest has been expressed through that route.

The Arbroath campaign has had considerable coverage in the local media. That reflects local concerns, which are exacerbated by the fact that one of the shops selling the substances opened just two doors down from a support centre that helps people with addiction issues. Another has opened directly across the road from the award-winning community alcohol free environment—CAFE—project, which works with vulnerable and marginalised young people.

It is clear to me that everything that can be done to address the issue of the sale of these products must be done. I know that the concerns are not limited to Arbroath; others around Scotland and further afield are rightly protesting at the easy availability of these substances, which can do so much harm to those who take them under the misunderstanding that they are somehow legal.

The reason why the term “legal high” is so dangerous is that if the substances are described as “legal highs” there can be a misunderstanding that they are somehow acceptable or safe. In fact, the problem is that they have not been tested or regulated and we do not know whether they are safe. As a result, some young people in particular take the substances believing that there is some kind of protection associated with the term “legal high” when, in fact, exactly the reverse is the case.

The work of the campaign in Arbroath goes on, and I commend whole-heartedly those who are involved for how they have conducted themselves, often in the face of overt hostility from those in some quarters who wish to see the trade continue. The situation must not be allowed to continue. I urge both Governments, north and south of the border, and all relevant organisations to work together to find a solution to a problem that continues to exercise those who genuinely care for their communities.

In dealing with this problem, we will have to cast the net wide. We have already heard at some length from the minister how she intends to deal with the problem when the opportunity arises. In this age of the internet, it is increasingly dangerous to control these substances. As a

consequence, I believe that it is necessary for us to work hard to educate young people in particular that it is not acceptable to use such substances of any kind simply for recreational purposes.

The use of drugs in our society has caused many problems over the years. Some of our biggest problems are associated with drugs that have already been mentioned. I believe that that problem is gradually beginning to become less serious, not least because of the work that has been done by successive Governments to overcome it. It would be such a disappointment if, at the time of a potential victory, we found ourselves facing another wave of substance abuse. That is why we must stamp on this hard now.

15:34

Graeme Dey (Angus South) (SNP): One thing that can be said about the rise of new psychoactive substances is that there is unanimity inside and outwith the Parliament both in the recognition that there is an issue to be tackled and in the desire to come up with an effective solution. Whether it is our colleagues in Westminster or local government, Police Scotland or drug workers in our communities, all of us know that this is a situation that requires an appropriate response.

As we have heard and, I am sure, will continue to hear this afternoon, the problem is just what form that response should take. In the context of the debate, it is important that we acknowledge a fundamental misconception at the heart of the issue, in that new psychoactive substances users believe that legal—as in so-called legal highs—equals safe, when it most definitely does not.

It is also important to put the scale and nature of the problem into context. That is not easy. Neither Police Scotland nor the NHS records new psychoactive substances-related incidents in a manner that readily allows for the formation of an accurate picture. We need a solid information base so that we can begin to understand who is using new psychoactive substances, their age profiles—because it is possibly too simplistic to say that we are dealing only with teenagers here—and the consequences of the substance use.

In accident and emergency, we need better recording of what kids who present may have taken. As I understand it, at present the recording of such cases is done on the basis of reaction suffered and how that has been addressed. All too often, new psychoactive substances overdoses have, to some extent at least, been influenced by the taking of other substances such as alcohol. However, the involvement of new psychoactive substances in such cases surely requires to be mapped in a way that allows us to measure the

growing impact of the abuse. It was good, therefore, to hear from the minister of the Scottish Government's plans.

In 2013, for the first time, the drug-related death statistics contained new psychoactive substances-specific data, but it appears that we are coming up short in pulling together data concerning those who—thankfully—do not suffer fatal consequences from dabbling in new psychoactive substances.

When people present to the NHS with mental health issues, we need to get clarity about whether the use of new psychoactive substances may have been a factor. Again, the undertakings from the minister today are welcome.

Even with improvement in data collection, it would remain difficult to determine the exact scale of the issue because, in reality, the information at our disposal would largely relate to the number of people who have had an immediate or consequent adverse reaction, or, in the case of Police Scotland, have been identified in other circumstances.

When it comes to informing the debate, we have the results of an internet survey of more than 1,000 16 to 24-year-olds throughout the UK, which was carried out on behalf of the Angelus Foundation. The survey found that up to 44 per cent of respondents believe that so-called legal highs are safer than illegal drugs; 58 per cent have friends who have taken new psychoactive substances; 39 per cent know where they could access new psychoactive substances; and 45 per cent have been offered them.

Specific to the area of the country that I represent, an Angus-based drugs worker with a leading young persons charity told me earlier today that well over half of his case load currently involves people using new psychoactive substances and that almost 100 per cent of referrals since Christmas relate to new psychoactive substances and/or cannabis use, indicating a changing trend in drug use.

Interestingly, throughout the county we have three so-called head shops—two in Arbroath and one in Montrose—that sell new psychoactive substances over the counter. I say interestingly because there are only two more in the whole of the rest of Tayside—one in Dundee and one in Perth. My understanding from Police Scotland is that the total number of such premises throughout the country is not into treble figures. Why, then, are there two shops in a rural town the size of Arbroath?

Of course, premises selling so-called legal highs are, strictly speaking, doing nothing illegal. As a parent, though—let alone the local parliamentarian—I find it unsettling that such

shops in my constituency have opened close to youth and drug rehab projects. Alex Johnstone mentioned that earlier. I also find it disconcerting to hear of head shops in Scotland issuing loyalty cards and doing buy-one-get-one-free offers over the festive season.

I commend Police Scotland for the way in which it has responded to the rise of new psychoactive substances, and I acknowledge that, as legislators, we need to find a way to equip it with the legitimate powers to really tackle it. Among other things, last year Police Scotland issued instructions to officers that any new psychoactive substances material seized should be sent for analysis. That was prompted by the discovery that around 27 per cent of the substances that had been checked contained traces of controlled drugs.

I wonder whether such evidence, supported by testimony from the purchaser confirming where they bought the new psychoactive substances and what advice they were given regarding usage, could open the door to prosecutions. I am no lawyer, but I understand that there are other potential legal avenues that could be and are being explored.

I believe that section 9A of the Misuse of Drugs Act 1971 suggests that it can be deemed an offence to trade in apparatus that could be used for consuming drugs. Presumably that would cover bongs, grinders and so on—the kind of equipment that is openly available in head shops, although I recognise that bongs can also be used for the consumption of tobacco.

I am told that, back in the 1980s, successful prosecutions were mounted in the midst of the glue-sniffing epidemic, under the heading “reckless conduct”, which the minister referred to in her opening remarks. I understand that that covered the over-the-counter sale of, say, 30 tubes of glue or of a collection of items that, added together, might be deemed to be a glue-sniffing kit. How might that approach be deployed now?

Let us say someone is sold a bong, a grinder and a couple of bath salts, the bath salts—rather surprisingly—coming with a price tag of £20 to £30. Could it reasonably be assumed that those items are for the purposes of getting high, especially when the product carries a charge that indicates that it is not being used for its legitimate purpose? Given the potential consequences of that, might that be deemed reckless conduct on the part of the seller?

That said, we have to be careful that we do not end up applying a sticking plaster to a wound that requires more considered treatment. My understanding is that, often, what is sold in the shops is more expensive and has less “bang for

your buck” than what is available online. Once the knowledge levels of users increase, they will turn to internet sourcing. That may lead to those head shops closing, but it will not remove the issue that those shops have contributed to the creation of.

Head shops stimulate the market, but new psychoactive substances abuse will continue—and in some respects may become even more problematic—even when such shops have vacated our high streets. Indeed, according to the Scottish Drugs Forum, the vast majority of supply is coming through the internet already and discounted bulk buying is feeding localised small-scale networks. We therefore have to look beyond simply removing head shops from our midst—desirable as that would be.

15:40

Graeme Pearson (South Scotland) (Lab): I am grateful to the minister for outlining the understanding that the Government has developed in relation to new psychoactive substances. I also acknowledge the contribution thus far from members and their understanding of the challenge that we face, in particular Graeme Dey, who has outlined some understanding of the technical difficulties that lie beyond the initial challenge.

The problem was outlined and responded to earlier: 47 families in Scotland suffered a death in 2012 as a direct consequence of the use of new psychoactive substances. Lying behind each of those deaths is an international challenge, because many of the chemicals that are involved in new psychoactive substances are sourced in bulk from China and India.

No legal framework is available to control the development of new psychoactive substances outcomes, as the chemists involved gradually change the formula that lies behind the chemicals, thereby extending their reach outwith criminality. There is a supply chain for class A drugs that is currently used across Europe to deliver new psychoactive substances into the European market. The Netherlands, Belgium and Turkey play a major part as a nexus for that supply chain.

Importantly, from the point of view of those who sell new psychoactive substances this is profit largely without jail and this is profit largely without tax. This is a business that has developed with an amoral approach: although they know full well that those who purchase new psychoactive substances are taking a chance and consuming dangerous drugs, the sellers pretend to all and sundry that the products are not for human consumption. They are kidding no one with that approach, but in the absence of an ability to carry out presumptive tests on all the substances that are available, it is

difficult for the authorities to maintain a current understanding of the challenge.

Often, as was referred to earlier, class A drugs are found within the legal high supply. Those legal highs, as they are called by young people, can have a higher strength impact than the class A drug that they seek to replace. The stimulant MDPV, which appeared for the first time in 2008, has been responsible for 100 known deaths across Europe since then and hundreds of incidents in various countries across the world, so it is a problem that affects more than Scotland.

A pattern is developing. The drug is created, introduced to the market and promoted largely on the internet. People consume the drug and its fame is transferred by word by mouth. It is viewed by the authorities and, once it is discovered, it is tested and becomes regulated and the content is made illegal. As a result, the use of the drug falls significantly but, by that time, the chemist has moved on.

We have had the experience of BZP, GBL and other drugs that have gone through that process. Such drugs have been sold as fish food or plant food not for human consumption, and yet their role on the internet is well understood.

What should we do? What do we need to understand in taking things forward? Many aspects have already been covered in earlier speeches. We need to connect our statistical analysis to the database that is maintained by the European Monitoring Centre for Drugs and Drug Addiction. Statistics held there in relation to Scotland and the UK are poor in the extreme. We should be updating the centre with our information and receiving information about the trends that it identifies.

We should initiate more testing of recoveries in order to identify new substances as they come on to the market. For those substances that are recovered without engagement with an accused, it is important that we identify the detail of what they contain.

Education has been mentioned, and it is clear that young people and their parents have not been educated about the impact of so-called legal highs in our communities. To some extent we have lost ground, as legal highs are well understood by teenagers who react to the sales of such substances in their own communities.

We should engage with HM Revenue and Customs. The people who sell these substances are making substantial profits, and we are entitled to know whether those profits are being declared. If they are not, HMRC should pay attention. That would put pressure on the sales, and we could achieve the desired outcome by a different method.

Members have mentioned trading standards, for which product safety is an issue, and it is clear that they should become involved. We should monitor imminent European legislation that may assist us in dealing with the new psychoactive challenge.

Ireland introduced legislation in 2010 to attack the use of psychoactive substances and their effects. However, the problem is that, once a case arrives at court, it becomes very challenging to produce a prosecution. As the minister indicated, the evidence from New Zealand is in its early days, but it does not look particularly promising in terms of taking us forward to a solution.

Our young people need to know that these drugs are dangerous and should be avoided. We should encourage parents to ensure that our younger generations avoid new psychoactive substances at all costs.

15:46

Willie Coffey (Kilmarnock and Irvine Valley) (SNP): We should be grateful for that contribution from Graeme Pearson, in which he shared his experience from his former role in the then Scottish Crime and Drug Enforcement Agency.

I am pleased to contribute to the debate to help to raise awareness of the dangers of new psychoactive substances, which appear to be increasingly available not just in Scotland but throughout the world. According to a report in *The Guardian* last September, the UK has become an international hub for websites selling those substances, with our postal workers operating as unwitting drug mules and delivering to thousands of customers who can buy the stuff easily online.

I tried a Google search last night and the first website that appeared in my hit list was a site offering to sell and deliver to me. I got no further than that, thankfully, because my system blocks the site from being accessed, but that is not the case for every online user.

The *Guardian* report showed that approximately 670,000 young folk in the UK aged between 15 and 24 claimed to have taken those substances and the numbers will continue to rise unless something is done about the issue.

As several members have said, here in Scotland, 47 deaths were recorded in 2012 in which one or more psychoactive substances were implicated in the cause of death. As the minister said in her opening speech, there is a huge danger to our young people. The term “legal highs” somehow implies that those substances are safe, tested and regulated, but—as Alex Johnstone mentioned—nothing could be further from the truth. They are anything but safe. Only

the manufacturers know what is in the packets, and those substances are certainly not regulated or safely controlled in any way. Someone who takes such substances is taking a risk with their life and we must help to alert our young people to the dangers that they face when they are tempted into buying and taking what are potentially killer substances.

Of course, although we probably all agree that action is needed, it is not entirely clear what the most effective action would be. The science works far quicker than the law, and invariably we are playing catch-up. The manufacturers vary the substances slightly to evade whatever legal restrictions can be put in place, and by the time we may get a ban in place, another variant will be on the market.

The only legal weapons that we have are the Misuse of Drugs Act 1971 and the more recent temporary class drug order from 2011, which are both reserved to the UK, as is the regulation of internet services. I know that the Scottish Government is fully behind all the collaborative efforts to tackle the issue. However, unless jurisdictions around the world can outsmart the producers and peddlers of these substances, I am sure that we will continue to lag behind, which will ultimately put more of our young people at risk.

Methods of tackling the issue vary from country to country. I understand that Ireland has now banned the so-called head shops, which sell the potentially legal substances in question in the high street, and that it has made it a criminal offence to advertise, sell or supply them if they are not specifically controlled under existing legislation. That might be one way of dealing with the science and regaining some control over the rate of production of the drugs. In America, the substances are automatically banned if they are "substantially similar" to the chemical structure of substances that are already illegal, meaning that close chemical variants are also illegal. Portugal maintains a list of the substances that pose a public health risk and prohibits their advertising and distribution, which is punishable by fines and closure of premises.

The minister will be aware of the WEDINOS—Welsh emerging drugs and identification of novel substances—project and website that provides a mechanism for people in Wales to bring in substances that they may have purchased and have them fully tested and analysed. Anyone can check on the website and see what the products contain. The site also offers harm-reduction advice that can be shared in an attempt to give people at least some information that might help them.

There is a variety of attempts at tackling the issue around the world. I understand that the Home Office is reviewing what can be done here

and intends to make some announcements in the spring, which I am sure the Scottish Government will be keen to contribute to.

The minister outlined some of the work going on in Scotland to complement other efforts. Last year, the minister organised an event with partners from the police, health service, community and youth organisations to see what could be done here to tackle the problem of new psychoactive substances. It is probably no surprise that those colleagues identified the need to tackle the supply of such substances. I am aware that we are looking at measures involving the police and trading standards officers seizing and testing substances on sale. Whether we can proceed as in Ireland and ban the shops that sell the stuff will depend on the Home Office review findings, but I am certain that the Scottish Government will contribute to the process and support whatever measures are proposed. Colleagues also asked for more help to try to reduce demand and to offer training for our alcohol and drug partnerships. I am glad to see that that is under way.

Two key areas that we need to do some hard thinking about are how to cut off the online route that offers sellers an easy and legitimate outlet to their market and how best to tackle the classification issue, perhaps as in Ireland, so that only named and controlled substances may legally be supplied. I believe that if we can get a firm grip on those two areas, we can make real progress in not only cutting off the supply of the substances to our young people, but overcoming the problem of keeping pace with the speed at which science can be applied in order to thwart the law.

I am happy to support the Government's motion and I look forward to the rest of the debate.

15:53

Alison McInnes (North East Scotland) (LD): I, too, am grateful to the minister for arranging this debate and for providing an update on how the Scottish Government is seeking to confront the challenges posed by new psychoactive substances. Any opportunity to shed a little more light on this shadowy but increasingly prevalent industry is welcome.

A decade ago the creation of new drugs was much rarer, which afforded authorities the opportunity to properly assess the risk. Now, their emergence at a record pace of more than one a week, according to the European Monitoring Centre for Drugs and Drug Addiction, demands greater attention. The centre points out that

"the speed with which new drugs appear means that, as soon as one new psychoactive substance is identified by the authorities and controlled, a replacement is already on the shelves."

The Scottish Drugs Forum has described the problem as a “moving target”.

Legal variants of existing drug compounds are being manufactured on a commercial scale for sale through so-called head shops, the internet, illicit sellers and reportedly even from convenience stores and petrol stations, as we heard from the minister. The ease with which they can be procured is worrying. Many of them come in professional-looking packaging with branding to make them appear more legitimate; others provide no information at all. However, one thing is certain: consumers do not know what they are buying. The legality, strength, purity and effect of the substances can vary significantly, even among what appears to be the same product.

The experience of the drugs service Crew 2000 suggests that user dependency is becoming more common, that many people underestimate the dosage and that, as we heard, the majority mix new psychoactive substances with other substances such as alcohol, making them more potent.

My colleagues from the north-east Alex Johnstone and Graeme Dey mentioned the two head shops in Arbroath that have been the subject of local controversy and attracted significant local media attention. That is partly because the most recent shop is situated just two doors away from a drop-in centre operated by St Andrew's church for people who are contending with alcohol or drug addiction. As Alex Johnstone said, local residents have responded by forming the group Arbroath against legal highs.

I understand that such shops represent only a small corner of the market, but they are unmistakable. Given that cigarettes are now hidden from public view, residents are understandably asking whether it is right that such shops are able openly to display and promote new psychoactive substances and drugs paraphernalia. The evidence must lead us to ask how we can best protect the public. How do we ensure that the law is not rendered ineffective by what strikes me as a reckless and unpredictable market?

I turn to the Scottish Government's approach. The concerted effort to use the term “new psychoactive substances” or “NPS” instead of “legal highs” strikes me as apt. The label “legal highs” gives the substances more credibility than they should have as it suggests that products are acceptable or safe when that is not the reality. Consumers should be under no illusions. Many of the products have not been properly tested. In the absence of dependable information on new drugs, education and early intervention play an increasingly important role in enabling people to identify the dangers and understand for

themselves that they are putting their health at serious risk if they do not know what harmful substances the products contain.

I welcome and support the Scottish Government's commitment to working with its partners, including the know the score campaign and Police Scotland, to raise awareness, particularly among young people. The inclusion of new psychoactive substances in the drug-related death statistics is good a step forward, but it is important that we gather more evidence. We need to understand what draws people to these substances. In the context of Scotland's problems with drugs and alcohol, it would also be valuable to establish to what extent new psychoactive substances interact with other substances and whether they may be so-called gateway drugs.

The minister mentioned trading standards. It would be helpful for the Scottish Government to follow the UK Government's example and produce guidance for local authorities on enforcing trading standards legislation with regard to shops that operate in this area.

There is no doubt that it is essential to take a multi-agency approach but, as others have said, neither Scotland nor the UK can deal with the problem in isolation, as the industry transcends national boundaries. We should work closely with our UK and EU partners to share knowledge, anticipate new threats, maximise the authorities' ability to conduct investigative forensic analysis and research, determine risk and build our capacity to confront the challenge.

The coalition government has already put in place the forensic early warning system and it has banned some 200 substances, but I am pleased that the Liberal Democrat Minister of State for Crime Prevention, Norman Baker, is going further and leading a Home Office review to examine how other countries' regimes differ from ours. I understand that it will report back later this year, and I am sure that the Scottish Government awaits its findings with interest, as I do. We have a responsibility continually to monitor what is working elsewhere, explore alternatives and consider whether there are more effective ways in which to respond.

The minister's approach is sound. We should have practical, sustainable policy that is shaped by the advice of professionals, from scientists to youth workers and health professionals to the police, focused on prevention and harm reduction and enhanced through collaboration and innovation, and it must be informed and led by the evidence of what works, not guesswork or populism.

15:59

Sandra White (Glasgow Kelvin) (SNP): I thank the minister and fellow members for their speeches, which have been constructive. We all agree that something has to be done about new psychoactive substances. The work that the Scottish Government has done with Police Scotland, the choices for life campaign, outreach support through Crew 2000 and modern technology is welcome. We need to get the message across that new psychoactive substances are dangerous.

I concur with my fellow members who mentioned head shops. There are a number of those shops in my Glasgow Kelvin constituency and the most shocking thing about them, apart from the paraphernalia that they sell, is that tourists and others can unwittingly walk into them because they advertise other supplies besides these substances, which I believe should be banned. Because some people simply wander into these shops without realising what they sell, and given everyone's concern about the issue, I suggest that these shops be looked at. Like other members, I also think that the use of the term "legal high" should be addressed as it gives out entirely the wrong message.

In recent years, new psychoactive substances have rapidly changed the global drugs market. Substances that are not under international control but which mimic the effects of controlled substances are now pretty much widely available and have the potential to pose a serious risk to public health and safety. As other members have pointed out, despite their being marketed as a legal alternative to controlled substances, users cannot be certain of either the health risks of using them or their legal status.

As has been mentioned, the internet has created a global marketplace, making access to and distribution of these substances easier for people of all ages. It is also important to highlight, as the police have done, the potential for organised criminals to exploit the market for these substances.

Given the quite frightening speed at which that market has developed, given the wide availability of and access to these substances and given the concerns about their increasing use, the issue has become very significant and it is good that we are debating it this afternoon. However, although it is international in nature and requires collective global action, there is still no standard national or international approach to the matter. I know that many countries have adopted broader legislative approaches to controlling new psychoactive substances. New Zealand has already been mentioned, but I note that on 1 January 2012 an act came into force in Austria controlling new

psychoactive substances listed in regulation by the Austrian Minister of Health and which are not subject to the 1961 or 1971 UN drugs conventions. Moreover, in Hungary, Government legislation took effect on 3 April 2012 that created a schedule C to existing legislation listing such drugs appearing on the market. In any case, although New Zealand, Ireland and these other countries have put into effect proposals to stop the supply of these substances, we do not yet know how successful they have been.

I was very pleased to read the G8 statement of intent on new psychoactive substances, which was published on 25 June 2013 and commits signatories including the UK, the United States of America, Canada, France, Germany, Italy and many others to putting in place a range of measures to address the challenges posed by such substances, and to sharing intelligence on them, their impact on public health and the various supply routes. As all members have made clear this afternoon, we have to work constructively and collectively on this matter. New psychoactive substances represent a danger to the whole of our society, particularly our young people. Last week's tragedy in Glasgow has already been mentioned and, of course, my sympathies and everyone else's go out to the family affected.

We need a global approach to the issue. As members have pointed out, the Scottish Government has been doing a very good job but the availability of these substances on the internet makes things very difficult to police. I know that we are working with the UK Government on this but I wonder whether the minister can give us an update on what has been happening in that respect. In her opening speech, for example, she referred to the latest information that is coming out.

The minister also mentioned the drugs strategy and I hope that we might have a regular debate on it so that we can find out what progress is being made. The issue is certainly important. Certain drugs might be legal—and I hate to use that term in connection with these substances—but they pose a particular threat simply because they can be bought off the internet. As Graeme Dey said, anyone can go into one of these head shops and pay X amount of money for these substances but they are a lot cheaper on the internet. Moreover, criminals can get access to a lot more of them.

There is a lot to be said for this debate. I thank everyone for their good contributions and hope that we can move forward in tackling what is a very serious international situation.

16:05

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

We live in an increasingly complex world. Global trade and communications have changed so much about the way we live and the nature of the challenges that society has to face, so a response to the growth in the trade and popularity of new psychoactive drugs must address those issues. The combination of legal and illegal substances in new psychoactive substances, the international nature of their production, the fact that sale is on the internet, and the struggle of our knowledge and education to keep pace with growth in availability are all challenges that we face in preparing an appropriate and effective response. The Scottish Drugs Forum briefing states that

“an adequate response will be multifaceted and involve local, national and international initiatives and co-operation.”

This is not an issue that Scotland can address alone.

It is difficult to identify the scale of the problem in Scotland. We have little information on the prevalence of new psychoactive substances, although I recognise the on-going work that the minister outlined in her opening statement.

I recently met Clued Up Project, which is a drug and awareness project in Kirkcaldy that was set up almost 18 years ago. It provides substance misuse support and information to young people under the age of 25, as well as employability services to those over the age of 18. In my discussion with the project about its work, one of the most striking issues was the growth and popularity of legal highs. We discussed the challenge of the growing prominence of new drugs and how organisations such as Clued Up provide services, support and advice. Having worked in alcohol misuse and illegal drug taking for many years, and having, therefore, a lot of knowledge in those areas, I know that the growth of new drugs presents challenges in providing accurate information as well as in identifying appropriate support and health services.

I was interested in the most recent Scottish schools adolescent lifestyle and substance use survey, which suggests that use is not that common among young people and is having little overall impact. That is difficult to establish; this is an area that is developing quickly and the growth in internet sales makes it difficult to establish some figures. Clued Up is carrying out its own survey of young people to try to establish the prevalence of new psychoactive substances in Fife. The survey launched in December and Clued Up has already received more than 200 returns. Initial analysis shows that more 12 to 18-year-olds have heard of what they recognise as legal highs, and have a higher level of knowledge than 19 to 25-year-olds.

The problem has the potential to grow, which perhaps gives us an indication of where services need to be focused.

Alcohol and drug partnership budgets are weighted towards pharmacological treatments, with less emphasis on prevention and early intervention work. Although some of the evidence around the use of more commonly problematic illegal drugs suggests that concentrating resources in those areas is appropriate, increasingly evidence is being gathered by those who work in the field that shows that legal highs are a growing problem, in which young people are more engaged and for which they are clearly the target market. That suggests that refocusing of some support services is needed.

Alongside specialist support services, schools play a vital role in educating young people on the issue as well as in supporting young people with the drug issues that they face. We need to reflect on whether there is adequate training and awareness raising among teachers.

We have to ask whether we have appropriate and sufficient services to deal with growing use, and how we should address the perception of acceptability and legitimacy. Figures that Crew 2000 collected over the 2013 festival season suggest that almost 10 per cent of reported drug use was of new drugs. Brighton opened the first legal high clinic to try to raise awareness of the dangers of abusing such substances and to help people to quit their addictions. Leeds now offers a similar service.

From the evidence that was collected by Crew 2000 we see common education challenges. There are difficulties in providing accurate information and advice on new drugs, and there is difficulty in understanding the effects of multiple drug use, in understanding appropriate dosage, and in identifying and addressing dependency issues. The evidence also highlights that new drugs are popular in settings in which there are drug-testing regimes because detection methods cannot keep pace with the production of new substances.

So-called legal highs are just drugs that are not yet regulated by law, often because they are so new that not enough is known about them to decide whether regulation is needed. That makes establishing a public health response to them pretty difficult, but it is important that we challenge the myth that “legal” means safe.

One of the biggest challenges is about how to deal with growth in production and use of new psychoactive substances. To move a substance from a legal class to an illegal class often looks like the solution, but the market is lucrative and innovative. Replacements are soon created,

marketed and sold while legislators struggle to keep pace with what is happening. The chemical codes of banned substances can be changed quickly to make them legal again. In 2011, for the third year in a row, a record number of substances—49—were detected for the first time throughout Europe.

The pace of change in, and the variety of, the products means that suppliers maintain the ability to sell them in retail outlets. That is a growth area in Scotland and throughout Europe, as members from Angus highlighted. However, online sales, about which other members spoke, also increase products' availability and present marketing opportunities that are different from those that are provided by the high street retail sector. In one year, the number of online retailers has doubled to at least 639 online shops.

Online sales are extremely difficult to tackle, and that is not something that the Scottish Government can do alone. We need also to explore how we can close loopholes that allow the products to be sold and marketed in high street shops, particularly in terms of planning and labelling for human consumption. However, online shopping presents a whole other set of challenges, and we should recognise that it is clearly the growth retail area.

The UK Government review is due to report on regulatory and legislative measures in the spring. The continuing culture of and—we must acknowledge it—popularity of illegal drug taking suggest that even if we increase the number of banned substances, the challenges to public health and wellbeing will not go away. Therefore, as a priority, we must support the agencies that work in communities throughout Scotland and which are at the front line of addressing the continuing challenge.

16:11

Mark McDonald (Aberdeen Donside) (SNP):

As other members have said, the issue is complex. It is fair to say that, if there were a simple solution to it, we would probably have arrived at it by now. Nonetheless, I hope to offer some suggestions of how we might tackle new psychoactive substances.

I noted the report that the House of Commons Home Affairs Select Committee produced in December, which spoke about there being an epidemic of new psychoactive substances and outlined a range of points on which the select committee wanted the Home Office—because, obviously, it has the powers on drugs law—to take action. I am sure that the Scottish Government will be consulted at all times during that process.

My colleague Graeme Dey mentioned head shops. He was correct to highlight that there is a difficulty in cracking down on such shops, but I recently noted reports in the Aberdeen *Evening Express* of action that Police Scotland took against at least one of those premises in the city of Aberdeen. There are a number of such premises in Aberdeen, including at least one in my constituency.

As has been identified, the difficulty is that some, but not all, of the substances to which we are referring are often found within, or are predominant components of, items that can be purchased legally in other ways. Therefore, simply to ban the chemical compound would not necessarily solve the problem and may lead to other problems in other areas. It is not quite as simple as banning a certain chemical compound, because that can have a knock-on effect on items that are perfectly legally available already. To come on to where Parliament perhaps has some legislative competence on the issue, we need to consider whether regulation can be put in place, particularly through licensing legislation.

The other aspect, besides the argument about banning chemical compounds, is the paraphernalia that head shops sell. As others have said, although what they sell is probably more commonly associated with use of illegal drugs, it also includes paraphernalia that could—I emphasise “could”—be used for legitimate purposes.

Perhaps considering whether licensing legislation could be applied to such premises or the products that are sold in them might allow greater scrutiny of their operations, much tighter controls by the police and more regular visits by the police and trading standards officers without the need for tip-offs on activity, or other leads to follow. It would be part of the normal licensing renewal regime.

That would also allow the opportunity to consider whether burdens could be placed on the distributors of the products—for example, a requirement to ensure that they are confident that a product that they are selling will be used responsibly. When we license people to sell alcohol, we assume that they will take the necessary steps to ensure that the people who purchase alcohol are of the correct age to purchase alcohol and that they will not distribute that alcohol to people who are underage once they have purchased it. Such elements could be built into legislation. I hope that the minister will consider that.

A more difficult issue is online sales, which my colleague, Willie Coffey, and Claire Baker mentioned. This is not a new issue, nor is it unique to the problem that we are discussing. As Claire

Baker and Alison McInnes rightly identified, it will require that work be done locally, around these islands and across the international stage in Europe and beyond.

It is worth taking the opportunity to apply pressure to internet service providers to ensure that they think about how that content is accessed. Willie Coffey spoke about the fact that such websites are blocked on his server. Other servers might not have that safeguard in place, and controls might need to be applied by the user. Again, we need to think about that and determine whether pressure can be applied to internet service providers to ensure that they think about how they regulate the content that is being made available to the people who sign up to their service.

We also need to be cognisant of the impact and role of social media. We must be cognisant not just of the welcome role that they will play in promotion of the Scottish Government's message or how they have brought together people who are concerned about the issue—as in Arbroath, as was highlighted by Graeme Dey and Alex Johnstone—but of how they are used to promote and share information on new psychoactive substances and where and how they can be obtained. We need to examine how that is being done and think about applying pressure to social media providers to ensure that they are aware that their sites are being used in that way, and to suggest to them that they need to think about how they regulate the content that is being uploaded to their forums.

Work is being done in the north-east with schools, the police and local authorities working together to raise awareness. We have to ensure that we are vigilant throughout the process. There is a fine balance to be struck between raising awareness of the dangers and avoiding raising awareness of the availability. That also needs to be factored in.

There is cross-party consensus on the issue, which is welcome. If we work together, we will reach some form of resolution.

16:17

Kezia Dugdale (Lothian) (Lab): Drugs policy is very much on my mind at the moment, not least because I am halfway through season 3 of "Breaking Bad", which I am sure that many members are currently enjoying.

I come to the debate also wearing the hat of the co-convenor of the cross-party group on drugs and alcohol. I see that the other co-convenor, John Finnie, is also in the chamber. I hope that he will contribute to the debate. The next meeting of the cross-party group is about legal highs, so if

members find that they are stimulated by this debate, they can come along and continue the debate there. We are crying out for members, and the group's future relies on MSPs engaging in the issues. I worry, sometimes, that we do not talk enough about drug and alcohol policy.

I was struck by what Graeme Dey said about the number of head shops in Arbroath. The problems he has with prevalence of the shops in Arbroath strikes me as being similar to the arguments that we have around payday loan shops, in relation to the degree to which we can control the types of retail premises that open up on our high streets and what planning and licensing powers we have to allow us to curtail the types of shops that we do not like. I think that there is probably a wider conversation to be had about the role of planning and licensing in addressing some of the problems that we face in relation to town centre regeneration.

However, I say to Graeme Dey that evidence from the Scottish Drugs Forum suggests that the vast majority of legal highs are bought online. Head shops tend to be where people buy their first legal high, but once they have tried it once or twice, they buy online because, to be quite frank, that is where the better deals are. SDF also tells us that buying online encourages bulk purchasing, which brings into play a problem that has not been talked about today, which is the degree to which online purchasing leads to people who take legal highs becoming dealers themselves. They buy in bulk and sell what they have bought to their mates, with a 20 per cent levy, which means that they can consume what they want to consume for free, because they have profited from their friends. We need to understand the degree to which online sales promote that culture, and we need to understand how we will address that as part of our criminal justice response and the public health response that we need to develop.

I was really pleased to hear Roseanna Cunningham mention the know the score campaign and the further advertising that is in the pipeline. Has she considered doing more social-media targeted advertising? What do I mean by that? It is great that we have had a really good know the score website for a long time, but it relies on people going to it for the information that they are looking for.

Technological advances mean that we can now put adverts in front of people who visit certain websites. The technology exists that allows us to know who has visited legal high websites and, when they next log into their Facebook, Twitter or other social network account, to put in front of them adverts that warn them against using legal highs, or which at least give them the information that they need to take the drugs safely. I

encourage the minister to look at the degree to which her social advertising budget is being targeted at people who we know are consuming legal highs regularly.

Who are those people? We know from the SDF that they are a varied group. Some of them would not consider taking illegal drugs but, broadly, the people who take legal highs are ambivalent about the substances' status in society—they will take the legal highs regardless of that. The people are also ambivalent about what they are taking.

The SDF tells us that many people who take legal highs do so regularly and never face any problems in taking them. I mention that because it is important to remember that a lot of people are consuming legal highs without appreciating some of the side effects that we are talking about. In a sense, the market regulates itself. If a product is bad, people stop taking it and it works itself out of the market. The SDF was keen for those points to be made in the debate.

Throughout the debate, I have heard many people say that we should not use the term "legal highs", because that suggests that the substances are safe. However, there are plenty of legal things that are not safe, including alcohol and tobacco. That is not a petulant point; we need to be careful about the language that we use in the drugs debate. If we as policy makers and legislators do not talk the language of the people who use the drugs, we will be even further removed from them when we consider the public policy solutions. I am comfortable with the term "legal high", because that is what the people on the streets, in nightclubs and at home—wherever they use legal highs—call them.

That brings me on to how we monitor use of legal highs. As much as local responses are critical to addressing the issue appropriately, I encourage the minister to consider that we need consistency from one alcohol and drug partnership to the next, so that we have a national picture that we can rely on.

In my final minute, I will put an idea to the minister. Previously, when people took pills—legal or otherwise—in Edinburgh, they used to be able to hand in one of those pills to Crew 2000 on Cockburn Street, which would pass it to the police. The police would pass it to the Scottish Police Services Authority, which would test it. A poster would then be put in Crew's window to warn people about the drug and let them know what they were taking. That was public health messaging in practice. However, that work is no longer done because of cuts in the Scottish Police Authority.

Is there scope for the minister to consider working with universities? Perhaps universities in

the city of Edinburgh could set up a social enterprise to work together with Crew 2000 to allow drugs that are being taken on the streets to be safely handed over to the authorities for assessment. Posters could then be put in Crew's windows, so that young people and others who are consuming legal highs are better informed about what they are taking and can make the choices that they want to make about the drugs that they consume.

The Deputy Presiding Officer (Elaine Smith):
I call Dennis Robertson.

16:23

Dennis Robertson (Aberdeenshire West) (SNP): I would have been happy to stay seated and let Kezia Dugdale continue.

The debate has been interesting and consensual. We have heard that we have many more questions and hurdles and that we might not fully realise yet the complexity of what we face.

I was interested to hear Mark McDonald's speech. He offered the minister some advice, which perhaps had merit.

Kezia Dugdale made the point that the majority of legal highs—new psychoactive substances—that are out there are coming through the internet. Basically, that is what people want and it is how people access such substances. However, we are maybe in danger of stereotyping the users at the moment. I know that surveys have been conducted, but we tend to focus on the young people themselves.

I took part in the debate in November about opioid misuse, in which we looked at how far we had come. We looked at the pathways, the journey and "The Road to Recovery", and we acknowledged that the numbers are decreasing. However, are they decreasing in that area because we are starting to see an increase in another area? That would be worrying. The worrying thing about the legislative framework is that it cannot work in isolation—it cannot cover just Scotland and the UK. Perhaps it cannot even cover just Europe, as new psychoactive substances are a global problem. Because our young people—I am not sure at what age someone stops being a young person—are mobile, they go on long weekend trips for either hen or stag parties and have holidays in places such as Turkey, where the substances are perhaps more readily available. We must try to ensure that the message gets out there that the substances can be dangerous.

Kezia Dugdale said that the majority of the people who take the substances suffer no ill effects. Regardless of the fact that they do not

know what the substances are and the fact that there is nothing on the packet to say whether they should take one or two three times a day, as there is for prescribed drugs, to some extent people enjoy—I use that term very loosely—the fact that they are taking a substance that gives them a high. Personally, I do not understand that and have always found the taking of any drugs, unless they are prescribed drugs, difficult to understand. I have witnessed the impact of people taking drugs, which is death, and I have seen the impact on their families. When we talk about finding solutions, we should be talking about raising awareness.

Many years ago, I was involved in tackling drug, alcohol and solvent misuse among young people. Alex Johnstone made the point that we managed to get around the problem of solvent misuse, but that was because it had very physical signs. The problem that we have with the new substances cannot be resolved in the same way.

The minister said that she has been invited to be part of the Home Office's review group. I pity the Home Office. I am sure that the minister will make a contribution and ensure that her voice is heard. When we are looking for solutions, we must not be insular but must acknowledge that the new psychoactive substances are a problem not just for Scotland, the UK and Europe, but globally.

How do people become aware of the availability of the substances through the internet and head shops? Kezia Dugdale is right that that happens partly through the social media network. Social media can be used in two ways: to raise awareness of the problems of new psychoactive substances but also to promote them. That is part of the problem that we have in the internet age, and we have seen it happen in other areas—I have spoken before about pro-anorexia websites. We need to get the balance right. Young people use social media, and if we are going to get our message across—as we do in our education system through the curriculum for excellence, which I applaud—we must use all the tools that are available to us, including the ones that our young people will focus on. We must get the message across through social media and through know the score so that people can access, understand and share the information. We can debate the problem here, but I am not sure how many young people listen to what goes on in this chamber.

We need to use the tools that are available to us. I hope that the minister will consider the social media factor in thinking about getting the information out to our young people. There is a huge global problem, and I think that it is beyond what we can measure at the moment. As Claire Baker touched on, we only hear about the people

who land up in A and E or in the mortuary. The problem is much bigger and it is beyond the figures that the SDF has provided and perhaps beyond the knowledge of the alcohol and drug partnerships in our communities, but at least we are making a start and there are initiatives out there to try to resolve the problem.

I wish the minister well and I applaud the initiatives that have been taken so far. I sincerely hope that the minister will take on board some of the constructive comments that members have made.

16:30

John Finnie (Highlands and Islands) (Ind): As many colleagues have said, the issue is complicated, and we are all a bit wiser thanks to the briefings that we have had from a number of organisations. However, certainly on a personal level, I still feel that I have but scratched the surface of the information that is out there. The SDF told us that NPSs—I will just use the shorthand at this stage in the debate—or legal highs are a potential danger to users. I very much enjoyed Kezia Dugdale's speech and I agree that it is important that we use the terminology of legal highs. As Dennis Robertson said, I do not think that many users of legal highs are likely to be listening to the debate or are likely to view it or read the *Official Report* subsequently. That issue about information is perhaps one that we have to address.

The key words are "legal" and "high". I suggest that it is difficult to second guess people. It is the fact that people get high from alcohol or legal drugs that attracts 17-year-olds to taking them, albeit that alcohol is illegal for them to consume. I do not think that the word "legal" necessarily has the attraction that the word "high" has in the scheme of things. However, even that small point shows that we need evidence. It is vital that such evidence comes from the appropriate source. We need a balanced response to the issue and, at the head of that response by a country mile, I would like to see education. The SDF, Crew and the harm reduction teams are clearly involved in that.

The motion talks about law enforcement and the challenges of enforcement. At the risk of being out of kilter with all previous speakers, I point out that there is a debate to be had as to why there should be enforcement on legal issues, and certainly with regard to legal highs. The police's role in the choices for life scheme is important. Clearly, the police wish to have more powers to deal with the issue, but what are the implications of the law enforcement agency seeking more powers on the issue? Where would that stop? Around the globe, people take a range of substances to stimulate

themselves. We need to be cautious that we are approaching this properly.

I asked a couple of young folk about the issue, and they had a totally different attitude from me and perhaps other members. Indeed, the swift response that I got from someone was that we should legalise cannabis. I do not propose that we do that, but we can learn from experience in other jurisdictions, most recently Uruguay, about the implications for new psychoactive substances of that particular act. We must also consider the consequences of turning something that is presently legal into something illegal. We know that law enforcement and legislators struggle to keep up with the pharmaceutical people, but our approach needs to be entirely evidence based.

Drug users are the informed consumers. My colleague Alison McInnes said that consumers do not know what they are buying. Members might think that that is terrible, but some folks think that it is a bit of a lucky dip. They think, "You never know—it might be good or it might be bad." That is why some folks end up buying dog worming tablets.

Head shops have been talked about a great deal, and there has been collaborative working on that issue. Much has been said about packaging. The Crown Office and Procurator Fiscal Service is looking at issues of reckless conduct. I was grateful to be invited along to the meeting that the minister talked about. A trading standards officer who was there was puzzling with the thought that, if someone is content with spending £22 on bath salts, how do we approach that?

Kezia Dugdale talked about bulk purchases, and our briefing was helpful in highlighting the free sample issue and self-funding dealerships, which I would describe as pyramid selling—that is capitalism; it works well in that field, just as it works well for Governments as they trade in their drugs of choice, alcohol and tobacco. The SDF briefing also talks about alternative lifestyle choices, and we know how alcohol advertising promotes lifestyle choices. If anyone is listening to the debate, they might therefore get a whiff of hypocrisy from what we are saying.

I heard a lot about quality control, although I do not think that everyone talked about support for testing. The initiative in Wales was mentioned, and I support such an approach. It is hugely important that people can make informed choices about everything that they do.

Injecting is a small part of the picture, we are told. In a previous debate, which has been mentioned, I talked about supervision of injecting, which is a significant way of reducing harm, not just for individuals but for communities.

The SDF tells us that in the vast majority of cases no issues are reported. Labour's amendment talks about promoting understanding, but will we get all the knowledge or just the downside? If examination of drugs shows that there are no ill effects, does that mean that they are okay?

There are challenges for the police, who at operational level have not always been supportive of approaches to harm reduction such as needle exchanges and searching people as they leave premises. I urge that there be no tokenism or quick publicity-seeking fixes to deal with head shops, which are a small part of a much bigger issue. Let us be pragmatic, not patronising.

16:37

Mary Scanlon (Highlands and Islands) (Con):
We have heard many excellent speeches. I welcome the debate.

Kezia Dugdale made a good point about the term "legal high". We do not want to be seen to be advertising; I could not help thinking that we should perhaps talk about "so-called legal highs".

I commend the work of the Arbroath against legal highs group, which I understand from Alex Johnstone has done excellent work.

I welcomed the UK Government's announcement in December that it would conduct a review of new psychoactive substances and consider a range of options, including legislation, to enable dangerous substances to be dealt with more speedily and effectively. The Scottish Government's national event in April, at which I heard from police, the NHS and others, was also welcome. We all know that there are no easy answers, but if we work together, not just in the United Kingdom but worldwide, we might be able to find a way forward.

The United Nations Office on Drugs and Crime "World Drug Report 2013" estimated that 8.2 per cent of young people in the United Kingdom have taken a new psychoactive substance. That is the highest rate in the European Union, and we should be concerned about it. No one can underestimate the challenge and the considerable difficulties in that regard.

There are many reports of concerns and police warnings, and the NHS has treated children as young as 12 who have used so-called legal highs. In the region that I represent, there was a death at the Rock Ness festival last year. Many so-called legal highs also contain controlled illegal drugs.

Members talked about the shops—there is one in Nairn. The owners of such shops continue to do business, covering themselves by misusing the word "legal", which certainly does not mean "safe",

and by marking products “not for consumption”, although they know perfectly well that the products are being purchased for consumption.

It is worrying to hear that people who would not take an illegal drug are taking new psychoactive substances, which are dangerous when taken on their own and have even more serious side effects when they are taken with alcohol.

Kezia Dugdale also mentioned people accessing drugs from high street shops. According to the Scottish Drugs Forum, that can lead them to take the next step of buying in bulk over the internet at cheaper prices, which can lead to higher consumption by the individual. It can also lead them to start selling on the products. With 639 online shops, that would not be difficult.

The Scottish Drugs Forum’s trends survey shows a rise in the use of new psychoactive substances in the past 18 months, and Crew’s analysis of clients at its drop-in service in Edinburgh shows that 38 per cent of its clients seek information on new psychoactive substances. I think we should be concerned about that figure.

More information is needed on presentations at accident and emergency units. According to the Scottish Drugs Forum, there is no means of gathering information about such cases at either the health board level or the national level. Last month, the researcher who works for my colleague Jackson Carlaw sent a freedom of information request to all NHS boards in Scotland on the recording of the use of new psychoactive substances. The response confirmed that only NHS Ayrshire and Arran has been recording the number of patients admitted to accident and emergency units because they had ingested legal highs. In 2009-10, the figure was 14 a year, and in 2013-14, it rose to 46. However, four other NHS boards are now gathering that information. In the remaining nine boards, the information is either not held or not held in a retrievable format, or the board did not record whether the ingested substance was legal or illegal.

There is no doubt about the challenge that is presented to staff as a result of the uncertain and unpredictable nature of the component parts, or, to use Elaine Murray’s language, the molecules of new psychoactive substances. Last year, the National Records of Scotland said that in 47 deaths new psychoactive substances were found in the body, in comparison with 52 in England and Wales. However, the figure could be an underestimate, given the lack of information gathered about presentations at accident and emergency units. On the other hand, the figure could be accurate if all those who died following the ingestion of a new psychoactive substance were, in fact, tested.

Given the age range of the people who are using these substances and the range of symptoms there is no doubt about the difficulty. For example, a 40-year-old or 50-year-old person who presents with cardiac arrest or stroke is unlikely to be tested for a new psychoactive substance, yet we know that people of that age take those drugs. I make this point in a constructive way: the police and the NHS need information and support so that they know best how to treat a person when they are not sure what substance the patient has taken or, indeed, what is in that substance.

I hope that the debate helps to highlight the mental health problems that are related to legal and illegal drug use. Those problems have always been complex, and their causes and effects have often been disputed by patients and professionals.

16:43

Rhoda Grant (Highlands and Islands) (Lab):

This has been a really constructive debate that many members have added to through their expertise and learning. I hope that the minister has found it helpful, especially as she is looking at solutions to the problem and working with the UK Government on it.

It is difficult speak about the debate without mentioning, as many members have, the 47 deaths that have been caused by these new drugs. We extend our sympathies to the families of those who have died and hope that we can do something about the situation before many more die. We also need to pay tribute to the organisations that are doing good work out there. I started taking notes of all the organisations that people mentioned, but it would take up most of my time if I went through them all. Suffice to say that we all appreciate their work, which we hope will inform the debate and how we deal with the situation.

Graeme Pearson pointed out what is behind this: profit and greed, with no regard whatever for the impact on the individuals and their families who suffer as a result.

There was a lot of discussion about the terminology. Do we use the term “legal highs”, the phrase “new drugs” or the unpronounceable “new psychoactive substances”? The latter does not really roll off the tongue and I do not see it getting an awful lot of traction.

Kezia Dugdale suggested—John Finnie emphasised the point—that we use the term “legal highs” because that is what is understood out there. I often wonder whether that term is promoted by those who sell these substances or by the media because it sounds jinglistic. Would the term “new drugs” begin to grow legs and run if

we had some help from our friends in the media? Would it become a more descriptive definition?

Graeme Dey, I think, referred to a survey carried out in Arbroath, which found that 44 per cent of those questioned thought that these substances were safer because of the word “legal”, which suggested that they had been legalised, when in fact it is just that they have not been illegalised. We need to give that more thought. The stakeholders and the groups working with the people affected are using the term “new drugs”, so perhaps we should consider that.

A lot of members talked about the dangers of new drugs. It is clear that nobody knows what the side effects are—not the users and not the agencies that try to support users or deal with the consequences. Therefore, it is very difficult for people to pull together a response. Sometimes, such substances are more dangerous than substances that are illegal.

It was interesting to listen to Elaine Murray and Nigel Don discuss chemistry. I have to say that chemistry was not my forte. I do not think that I even got my O grade, far less my higher, in chemistry—it was way over my head. I always thought that a drug was a drug and that people could tell what it was. However, sometimes it is not so clear. If the substance cannot be boiled down—for want of a better phrase—to a chemical compound, it becomes more difficult to assess the side effects. As Alison McInnes said, it is about how the substances interact with other substances—new drugs, alcohol or other drugs.

Sandra White said that the new drugs could pose a greater threat to health because they are so accessible. There is so little information about them out there.

Claire Baker mentioned the Crew 2000 briefing, which said that people are really unsure about what dosage to take. Some new drugs take time to be effective. Someone might try a little, decide that it is not working and then take a bit more and a bit more over a long period, by which time they have overdosed and the drugs are having pretty fearsome impacts on their health. We need to consider that.

Some have said that the drugs are not always dangerous and they do not always have an ill effect. I do not think that we can gauge their long-term effects, such as the impact on mental health, which they interfere with to cause a reaction that is not natural. We do not even know the impact that some legal drugs have on mental health, and exactly the same applies to these new drugs.

A lot of people talked about how we can legislate to make these new drugs illegal. It was quite clear that if we do that, we will just be chasing, because the moment we make one

compound illegal, it will be tweaked slightly and will come back as something else. That could have a worse effect, because we would not know the impact of the new combination.

Willie Coffey said that perhaps we should look at the issue the other way round and should sell only drugs that are named and controlled and which people understand. That might be a way of dealing with all this.

A number of speakers, such as Elaine Murray and Dennis Robertson, talked about the decrease in illegal drug taking and the increase in the taking of new drugs, and the question was asked whether the increase in the taking of new drugs was down to people's fear of getting a criminal record. I think that it was Kezia Dugdale who said that that was not the case, and that the increase might be down to cost. The cost of illegal drugs is much higher. New psychoactive substances are much more accessible—they are available on the internet with buy-one-get-one-free offers or quantity discounts.

A lot of tools have been talked about—I notice that I am running out of time to discuss them. Members discussed the use of social media and the internet. Another issue is the use of licensing, although I wonder whether licensing might give the impression that new psychoactive substances are legal. Perhaps we need to enable councils and the like to ban not only certain payday loan establishments but head shops from the high street.

Graeme Pearson made what was perhaps one of the more useful suggestions, which was about using HM Revenue and Customs. HMRC normally gets whoever it is looking for, so it might be worth exploring that avenue.

We need to consider who uses new psychoactive substances, because it is the same things—poverty, low self-esteem and the like—that cause people to turn to substances that make them feel better.

The Presiding Officer (Tricia Marwick): I call Roseanna Cunningham to wind up. Ms Cunningham, if you could continue until 5 pm I would be obliged.

16:51

Roseanna Cunningham: I thank members for their valuable contributions this afternoon, which have highlighted the complexity of the issue. Between us we have covered every potential upside and downside of various suggestions. It is useful, though, that we recognise that not all suggestions are without pitfalls.

It is clear that the challenges that Scotland faces from the new drugs are common to other parts of

the UK and internationally. If we are to tackle the issue, no one sector can do it alone and no one country can do it alone.

Throughout Scotland, through different initiatives and organisations, a lot of work is taking place to respond to the supply and use of these new drugs. Again, as a country we cannot do that alone.

Following the national event that I hosted last April, I made the new drugs a priority for Scotland's alcohol and drug partnerships. I asked ADPs to report on any local needs assessments of the impact of new psychoactive substances on local populations, and their responses. It is encouraging that ADPs are delivering local training events to raise awareness among the public and workforce, and gathering data to help inform the development and delivery of local strategies to address the use of the new drugs.

It is also reassuring that local drug trend monitoring groups, comprising representatives from the statutory and third sectors, have been established throughout Scotland, from the Borders and Grampian to greater Glasgow and Clyde. Those networks are vital in sharing information on new drug trends and co-ordinating local responses, including disseminating health alerts and facilitating training. I hope that that good work can continue.

I was delighted to see that two projects—mid-Galloway youth productions' film "Legal Highs—Don't Do It!", and the new drug trend awareness programme in the Scottish Borders—were shortlisted for safer communities awards in 2013. Both projects raise awareness of the dangers of new psychoactive substances, with the Borders project winning the prevention and problem solving category. I know that all members would wish to join me in congratulating them on that.

As I mentioned in my opening remarks, in November, the Parliament discussed the Government's response to the independent expert review on opioid replacement therapies, including the development of an alcohol and drug quality improvement framework, the principles of which are equally important for those affected by the new drugs.

Claire Baker mentioned visiting an organisation in Kirkcaldy. Yesterday morning, I, too, was in Kirkcaldy, not to visit the same organisation but to visit FIRST—Fife Intensive Rehabilitation & Substance Misuse Team—which provides drug support services in Fife. FIRST told me that people were beginning to present with issues related to the use of the new drugs. It made a strong comment that the use of the drugs is in no way confined to teenagers. One of the difficulties about this debate is that we fall back into the easy

assumption that we are talking about an age group, that is, teenagers. We need to remind ourselves that that is not necessarily the case. It is therefore vital that we help the workforce to respond and that we ensure that measures are in place to know when progress in someone's recovery journey is being made.

I thank Mary Scanlon for reminding us of the huge challenge that this issue is for the NHS. Indeed, clinicians on last year's working group discussed the issues that confront them when somebody turns up at A and E and they have absolutely no idea what has been taken and no likelihood of knowing it before they have to help deal with the issue there and then. Mary Scanlon has rightly reminded members that if somebody in their 50s or 60s is admitted to A and E, it would probably never occur to anybody at that stage that it might be related to the new drugs.

I reassure Elaine Murray—as I should have at the start—that I am happy to accept the Labour amendment. I had forgotten that she has a very pertinent professional expertise to bring to the debate. She may have lost one or two of us during her remarks, but nevertheless it is helpful to be reminded that members in the chamber have a lot of expertise.

A number of members, including Alex Johnstone, Graeme Dey and Alison McInnes, mentioned the head shops in Arbroath and Montrose and Sandra White flagged up the shops in her constituency, emphasising the in-your-face reality on the high street. More than one member will have grimaced at the idea of loyalty cards and BOGOF offers in that particular market.

Many members mentioned education. As well as the enforcement summit that we will hold, I have outlined the various initiatives that we are promoting to bolster the ability of know the score to help support services and raise public awareness of the dangers of such drugs across Scotland. Of course, the recourse to Facebook is to get information on to a very widely used forum. As with everything pertaining to online activity, there is an upside as well as a downside, as Kezia Dugdale reminded us. That also applies to testing, which will be part of our considerations, including investigating the Welsh initiative. However, testing is a challenge when the product itself is constantly changing, so there is never a simple, straightforward answer.

In response to Kezia Dugdale's earlier question, I can say that the survey fieldwork for SALSUS started in August. It will be finished at the end of this month and it will be reported on in autumn, so she will be able to look out for that.

Graeme Pearson made an interesting suggestion about the potential involvement of

revenue and customs officers, which I will take on board, as well as Alison McInnes's suggestion about guidance for trading standards officers.

Willie Coffey, Kezia Dugdale and Mark McDonald emphasised the internet traffic—we all know how difficult the internet is to control. I reassure members that everything, including use of the licensing powers, will be explored.

Claire Baker raised the issue of available data. I assure her that we have made significant improvements to our data collection tools. I have also commissioned research to understand more fully the prevalence and use of those new drugs in Scotland. That research will inform future policy and practice on the issue.

I will also be asking our nationally commissioned drugs organisations—the Scottish Drugs Forum, the Scottish Recovery Consortium and Scottish Families Affected by Alcohol and Drugs—to further support and contribute to our response on new psychoactive substances in 2014-15. The issue of those new drugs will also be raised as a challenge to our independent expert stakeholder groups, including the Drugs Strategy Delivery Commission, the national delivery group and the national forum on drug-related deaths.

We all have a responsibility to work together to respond to the huge challenges that new drug trends bring to Scotland; only by working together will we address the supply and use of new psychoactive substances in our country. This afternoon's debate was an example of how the Parliament can constructively bring to bear its collective understanding and knowledge on an issue on which—as we all recognise—there are no easy answers.

A number of members made constructive suggestions, and I reassure each and every one of them that those suggestions will be examined incredibly carefully. I hope to be able to get back to individual members on any specific issues that arise from the points that they have raised.

I hope that other members in the chamber will feel, as I do, that today's debate has been an extraordinarily useful two hours. I hope that when we next return to the chamber to discuss the issue, although that may not be very soon, we will all feel that this debate has been a stage along the way in our progress.

Presiding Officer, I wonder whether you really need the extra 15 seconds, and whether or not you wish me to sit down.

The Presiding Officer: You can sit down slowly in the next five seconds.

Roseanna Cunningham: Thank you very much, Presiding Officer—I hope that the Presiding Officers have enjoyed the debate too. [*Applause.*]

The Presiding Officer: Ms Cunningham, I am obliged.

Decision Time

17:00

The Presiding Officer (Tricia Marwick): There are three questions to be put as a result of today's business. The first question is, that motion S4M-08916, in the name of John Swinney, on the draft Local Government Finance (Scotland) Order 2014, be agreed to.

Motion agreed to,

That the Parliament agrees that the Local Government Finance (Scotland) Order 2014 [draft] be approved.

The Presiding Officer: The next question is, that amendment S4M-08950.1, in the name of Elaine Murray, which seeks to amend motion S4M-08950, in the name of Roseanna Cunningham, on responding to the challenges of new psychoactive substances in Scotland, be agreed to.

Amendment agreed to.

The Presiding Officer: The next question is, that motion S4M-08950, in the name of Roseanna Cunningham, on responding to the challenges of new psychoactive substances in Scotland, as amended, be agreed to.

Motion, as amended, agreed to,

That the Parliament acknowledges that drug markets are changing internationally with the increased global availability of new psychoactive substances (NPS); recognises the challenges that NPS pose to Scotland in the areas of enforcement, public health, prevention and research, challenges that are common to other parts of the UK and internationally, and endorses a collective and co-ordinated approach to responding to NPS in Scotland by all organisations and individuals that have a role to play in addressing the supply of these substances through enforcement activity, reducing the demand in their use through prevention, ensuring that services are able to respond and looking at what can be learned from approaches from across the UK and elsewhere and promoting public understanding of the dangers of NPS.

Meeting closed at 17:01.

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