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Pàrlamaid na h-Alba

Official Report

MEETING OF THE PARLIAMENT

Tuesday 12 November 2013

Session 4

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Scottish Parliament

Tuesday 12 November 2013

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

Time for Reflection

The Presiding Officer (Tricia Marwick): Good afternoon. The first item of business is time for reflection, for which our leader today is the Rev Bruce Sinclair, minister of Overtown parish church in Overtown, Wishaw.

The Rev Bruce Sinclair (Overtown Parish Church, Wishaw): Presiding Officer, members of the Scottish Parliament, I recently discovered that, out of 845 ministers in the Church of Scotland, only 48 are under the age of 40 and only three are under the age of 30. I stand here as one of the 48—as a novelty, it would seem, or perhaps an anomaly, though when I was ordained in 2009, I did not think of myself as being either of those things.

I have found that there are many challenges to being a young minister working alongside a congregation but, equally, there are many joys and opportunities. One of the things that I am passionate about is encouraging and enabling young people to explore their faith.

Over the past four years, I have been involved in the Church of Scotland's national youth assembly, which, like the Scottish Youth Parliament, is a forum for young people to challenge and feed into a national structure, and make sure that their voices are heard. By being encouraged to participate in that way, young people aged 17 to 25 can feel—and indeed are—more part of the church. Although it is not the event's primary objective, some of those involved may even go forward for ministry.

The theme of the 2013 national youth assembly was identity, which encouraged the young people to explore who they are, to see themselves as valued within a faith community and to discover more about how they can be part of a society more broadly.

We are blessed with many faith traditions in Scotland, many of which are continually being challenged to draw together and involve all generations of their community in decision making. Secular communities in Scotland are no different. We are all challenged to live as a community together, both locally and nationally, and create a vision for our shared future. When I reflect on that, a verse from the Bible resonates deeply with me:

"Your sons will prophesy, also your daughters; your young will see visions, and your old will dream dreams."

As a young minister looking at proceedings such as the national youth assembly and the Scottish Youth Parliament, I am continually impressed by the passionate commitment of many younger adults to making life and society a more tolerant and tolerable place for us all. I believe that their commitment to working together is a positive vision for Scottish society today and into the future.

Thank you.

The Presiding Officer: Thank you.

We were all saddened and devastated to learn of the sudden passing of Helen Eadie at the weekend. Our thoughts are with Helen's family: Bob, Fiona, Jemma, all her grandchildren and other family members. I inform members that a book of condolence for Helen is available for members to sign in the black and white corridor. A motion of condolence for Helen will be taken next week, when we will be able to pay our full tribute to her.

Business Motion

14:04

The Presiding Officer (Tricia Marwick): The next item of business is consideration of business motion S4M-08279, in the name of Joe FitzPatrick, on behalf of the Parliamentary Bureau, which sets out revisions to the business programme for this week.

Motion moved,

That the Parliament agrees to the following revisions to the programme of business—

(a) Tuesday 12 November 2013

after

followed by Topical Questions

insert

followed by Ministerial Statement: Common Agricultural Policy Budget Allocation

(b) Wednesday 13 November 2013

after

followed by Portfolio Questions
Infrastructure, Investment and Cities;
Culture and External Affairs

insert

followed by Ministerial Statement: Electricity Market Reform—[Joe FitzPatrick.]

Motion agreed to.

Topical Question Time

14:04

Typhoon Haiyan (Scottish Government Assistance)

1. Liam McArthur (Orkney Islands) (LD): Presiding Officer, I echo your sentiments with regard to the desperately sad passing of Helen Eadie.

To ask the Scottish Government what assistance it is providing to the Philippines through its international development fund following typhoon Haiyan. (S4T-00508)

The Cabinet Secretary for Culture and External Affairs (Fiona Hyslop): The typhoon that struck the Philippines on Friday is one of the worst in history to make landfall and has caused untold destruction and devastation to the Filipino people. I know that members will join me in expressing the Scottish people's deepest sympathy and condolences, and I have written in those terms to the ambassador and consul general of the Philippines.

Following today's launch of the Philippines typhoon appeal by the Disasters Emergency Committee, I announce that the Scottish Government will donate £600,000 to the appeal. The funds will be spent by some of our leading aid agencies working in the region to provide much-needed relief for the people who are affected, including clean water, food, shelter and medical supplies. In addition to announcing the Scottish Government's donation, I take this opportunity to urge the people of Scotland to dig deep and help to support aid agencies that are responding to the devastation that the typhoon caused.

Response teams from non-governmental organisations, which include Scottish aid workers, are already in the Philippines assessing the situation and beginning to distribute relief supplies. I pay tribute to their work.

Liam McArthur: I very much welcome the announcement of the provision of £600,000 in aid. The unfolding disaster, which has affected millions in the Philippines, has been brought home to people in this country in the most graphic detail. I share the cabinet secretary's view that the public in Scotland will respond quickly and generously, as they always do, to support the efforts of Oxfam, the British Red Cross, the Scottish Catholic International Aid Fund and other international aid bodies that are striving to help the people who are suffering.

Given the gravity of the situation and the constantly changing conditions in the disaster

zone, will the Scottish Government commit to keeping under constant review, in close collaboration with United Kingdom ministers and DEC, the support that it can offer? In particular, will the cabinet secretary advise the Parliament of the specific steps that have been taken to direct assistance to elderly, young and disabled people and other people who might be least able to stand in queues for long periods awaiting food, clean water and other essentials?

Fiona Hyslop: We will keep in touch with the UK Government and the aid agencies. The conditions are desperate, and the weather is causing further difficulties in the area.

The Disasters Emergency Committee is made up of representatives from different organisations, as the member is well aware, including the British Red Cross—Norman McKinley is chairing the Scottish Disasters Emergency Committee—Age UK and Save the Children. In the context of other disasters, we have found that targeted help for the groups and individuals the member mentioned is important, because they are the most vulnerable people in a very difficult situation. The member's point is therefore well made.

The disaster has resonances of the boxing day tsunami, given the degree and extent of the devastation. Because of the disparate nature of the area's island geography, there is still a lack of knowledge about what is happening. Constant attention and vigilance is therefore required. There must be an immediate response, as well as a continuing response over the weeks and months ahead.

Liam McArthur: I share the cabinet secretary's concern about the immediate issues that face the population in the Philippines.

It is clear that, as well as providing the immediate humanitarian aid that is crucial to ensuring that further life is not lost, the international community needs to help countries such as the Philippines, which was ranked third by the United Nations in a league of countries that are most likely to be affected by climate change disasters, to be better prepared in future. Will the Scottish Government undertake to work with the UK Government to help to take a lead in ensuring that such help and support is forthcoming from the entire global community?

Fiona Hyslop: Devastating disasters such as we have just witnessed cannot be prevented, but there can be planning to help countries to respond and to mitigate some of the risks.

We in this country are committed to climate justice. We were one of the first countries in the world, if not the first, to develop a climate justice fund. We doubled our contribution to the fund only weeks ago. It is important that there is an

immediate emergency response to disasters, but Liam McArthur is quite correct to say that we must also consider the wider impact of climate change in relation to the devastating disasters that are increasingly happening.

Jamie McGrigor (Highlands and Islands) (Con): Will the cabinet secretary join me in paying tribute to the individual Scots aid workers who have already flown out to the Philippines and who have the support and best wishes of all in the chamber?

Fiona Hyslop: Yes. It is important that we recognise how quickly so many respond to such incidents and, indeed, the fact that they are already there on the ground. I agree with Mr McGrigor that we should send our best wishes to all aid workers either from Scotland or from elsewhere who are seeking to bring relief in what is a very trying and difficult situation.

Jim Eadie (Edinburgh Southern) (SNP): Will the cabinet secretary join me in paying particular tribute to the Mercy Corps, which is the largest international non-government organisation headquartered in Scotland, with 35 staff based in my constituency? As well as working to provide shelter and water and ensure hygiene, what more can the Scottish Government do to make its expertise and experience available once the television cameras have been switched off to ensure that we can assist long-term recovery and build resilience to mitigate the impact of any future natural disasters in the region?

Fiona Hyslop: Jim Eadie has very appropriately mentioned the Mercy Corps and its contribution to international relief. Having had the opportunity to visit the organisation in his constituency, I know that such organisations are constantly vigilant and are constantly dealing with emergency situations.

However, the member is also quite right to highlight the issue of resilience and reconstruction. The chamber might not be aware of this, but one of our most eminent architects, John McAslan, was involved in some of the housing restoration work that took place after the disaster in Haiti. We will certainly see what expertise and so on we can identify and mobilise, but it is very important that all nations work together on this. Even as we speak, the United Nations has launched an appeal and I have spoken to Commissioner Kristalina Georgieva about the humanitarian aspects of co-operation across the European Union. We have expertise to offer and I am sure that everyone will want to know that Scotland is behind the aid efforts and that we want to do whatever we can to help people in a situation that we can only imagine. We will do everything that we can to help.

Common Agricultural Policy Budget Allocation

2. Angus MacDonald (Falkirk East) (SNP): To ask the Scottish Government what the implications are of the common agricultural policy budget settlement in light of the United Kingdom Government's outrageous decision not to pass on the immediate uplift in Scotland's budget allocation. (S4T-00507)

The Presiding Officer (Tricia Marwick): I remind members that, when they ask questions in future, they must ask the question exactly as it is in the order paper and not add outrageous words.

The Cabinet Secretary for Rural Affairs and the Environment (Richard Lochhead): I thank the member for raising this issue. As he will be aware, I will be making a full statement to the chamber on the budget allocation immediately after this question.

The decision not to pass on the added budgets provided by Europe to the UK is hugely disappointing and will severely limit what we can deliver in this country under the future common agricultural policy. There will be less resource to support our food producers and we are now left with very difficult choices about how we allocate our budgets in Scotland.

We considered that the full convergence uplift should rightly have come to Scotland because the UK was awarded it only because of Scotland's very low average rate of direct payment supports, which was less than half the European average per hectare. All other parts of the UK are either at or above the European Union average. Without the convergence uplift, Scotland's average per hectare rate will be only €128 per hectare by 2019, when the EU's lowest average rate for member states will be €196 per hectare.

The Presiding Officer: Given that a statement on the common agricultural policy budget allocation will immediately follow topical questions, Angus MacDonald has waived his right to ask supplementary questions.

Common Agricultural Policy Budget Allocation

The Presiding Officer (Tricia Marwick): The next item of business is a statement by Richard Lochhead on the common agricultural policy budget allocation. As the cabinet secretary will take questions at the end of his statement, there should be no interventions or interruptions.

Cabinet secretary, you have 10 minutes.

14:14

The Cabinet Secretary for Rural Affairs and the Environment (Richard Lochhead): I am grateful for this opportunity to update Parliament on developments relating to farm payments and rural development funding from 2014 following the United Kingdom Government's announcement on 8 November on the common agricultural policy budget allocations for the devolved Administrations.

I know that the chamber appreciates that Scottish farming is deeply dependent on European payments to help our farmers compete and remain viable, to support our rural economy and, of course, to put food on our tables and to care for Scotland's environments. The CAP budgets also support wider rural development and environment schemes the length and breadth of Scotland.

Earlier this year, the European Union set its seven-year budget framework for 2014 to 2020. That included member states' allocations under the common agricultural policy's direct farm payments, which are known as pillar 1, and rural development payments, which are known as pillar 2. At the time, the Scottish Government was deeply disappointed with the deal that was negotiated by the United Kingdom, given Scotland's demands for a fairer share of the EU budgets. However, once we knew the wider CAP budget at the EU and UK levels, all that remained was for the UK to announce the internal UK split of that budget.

For pillar 1, Europe adopted a formula called external convergence. That increased the payments per hectare for all member states in which payments were below a threshold that was set at 90 per cent of the EU average. In addition, Europe said that no member state should end up with an average payment of less than €196 per hectare. Had Scotland been a member state, Scottish farmers and crofters would have received the full benefit of external convergence, which would have been an extra €1 billion—£850 million pounds—over the seven years, because our average payment per hectare is well below the EU threshold. However, while Scotland is part of the

UK our low average payment is offset by the average payments in England, Wales and Northern Ireland. As a result of that, the UK as a whole received only €223 million—around £190 million—from external convergence. Nevertheless, despite our historically low share of funding, there was a chink of hope for Scotland. The average payment levels in England, Wales and Northern Ireland are all above the EU's threshold. It was, therefore, clear that the UK's uplift was a direct result of the low payments in Scotland. Were it not for Scotland, there would be no uplift for the UK; therefore, in the interests of justice, 100 per cent of the UK's convergence uplift should come to Scotland.

In a debate here on 1 October, it became clear that other parties shared that view. On 14 October, in an unusual step that illustrated Scotland's unassailable case, rural affairs spokesmen from Labour, the Conservatives and the Liberal Democrats joined me in writing a letter on the matter to Owen Paterson at the Department for Environment, Food and Rural Affairs. However, in his announcement last Friday, Mr Paterson delivered a slap in the face to Scottish agriculture by deciding that the uplift would not be allocated to Scotland after all. Instead, he divided it among all parts of the UK even though the average payments in England, Wales and Northern Ireland are already above the EU's threshold.

As a result of that decision, Scotland's pillar 1 budget—direct payments for farms—will fall from €597 million in the current scheme year to €580 million in 2014 before recovering slightly to €587 million in 2019. That is a drop of 1.6 per cent in cash terms between 2013 and 2019, and it is an even bigger drop in real terms. Scotland will now receive just over 16 per cent of the external convergence funds rather than 100 per cent of them, which will leave us with an average payment of €128 per hectare in 2019. We are starting with an average payment of €130 per hectare, which is the lowest level in Europe, and we will be even further away from the EU threshold by 2019.

The rest of the external convergence money will go to England, Wales and Northern Ireland, even though, in 2012-13, the average payment in Wales was €247 per hectare, which is 26 per cent above the minimum of €196 per hectare and 90 per cent above the average payment in Scotland; the average payment in England was €265 per hectare, which is over twice as much as the average payment in Scotland; and the average payment in Northern Ireland was €339 per hectare, which is more than two and a half times the average payment in Scotland.

During my time in this job, there have been many examples of UK policy undermining Scottish agriculture. I thought that Hilary Benn's decision a

few years ago not to compensate sheep farmers for foot-and-mouth disease was a low point, but this is even worse than that. The decision goes against the intentions of the EU, it defies the wishes of the Scottish Parliament and it takes away from Scottish farmers and crofters resources that should be theirs and on which their livelihoods depend. It is no surprise that Scottish farming and crofting leaders are bitterly disappointed by Mr Paterson's decision.

The UK Government tries to defend its decision by quoting figures not on a per-hectare basis, but on a per-farm basis. However, that is spurious for several reasons. Different countries have different minimum farm sizes for the purposes of CAP budgets and policy, so there is no like-for-like comparison. The quality of land in Scotland is also much lower, with 85 per cent of our land having less favoured area status, so farms here are bound to be bigger. Most important, Europe's entire external convergence process is based on a per-hectare formula. Europe decided that, for convergence, payments per farmer are totally irrelevant.

It is ironic that, during the recent agriculture negotiations, Owen Paterson was the first to remind other member states at every opportunity that payments per farmer were a misleading and irrelevant measure. Indeed, in June he made the same point to our Rural Affairs, Climate Change and Environment Committee. However, now, when it suits him, Owen Paterson is using the opposite argument to take funds away from Scottish agriculture. Moreover, Paterson argued to cut the CAP budget even more deeply than was agreed by Europe, but he is now saying that Scotland's cash is required to help to mitigate cuts elsewhere in the UK. That is rank hypocrisy.

Friday's announcement contained two additional elements on pillar 1—the direct payments—that are presumably intended to sweeten the bitter pill. The first is that there is to be a review of the formula by 2016-17. However, the UK has made it clear to me that that review will look only at the next EU budget period, which starts in 2021, and that there will be no change whatever before then, so that is another red herring. In any case, what is a promise from Westminster worth when a UK general election and a referendum on EU membership are due to be held before then?

The other additional element is on voluntary coupled support, which is a part of the policy that is vital for our livestock sector. Scotland asked the UK to secure the option of using up to 15 per cent of our direct payments budget for coupled support. Unfortunately, the UK accepted an unlevel playing field—a deal that let other member states use 13 per cent of their direct payments budget for coupled support, but which limited us to a figure of

8 per cent. Therefore, with the support of the industry, I asked Owen Paterson whether Scotland could apply coupled support above 8 per cent of our budget, provided that the UK as a whole remained below 8 per cent. Owen Paterson's reply to me merely says that the UK Government is prepared to think about increasing our level of 8 per cent. In any case, that is just damage limitation, given the unlevel playing field that we are starting with, and it would give no extra money to Scotland, as any extra coupled support would have to be funded from within Scotland's existing budgets. That is small comfort to Scotland's farmers in the context of the overall direct payments decision.

I have spoken about pillar 1 of the CAP, on direct farm payments, but Friday's announcement also covered pillar 2, which is important not only to farmers, but to all those who are interested in the environment and our rural communities. Here, the European Commission started with high hopes of replacing the current arbitrary allocations with a system that would be based on objective criteria. That principle, which was strongly supported by the UK Government, should have benefited Scotland, given that under the old system—the existing system—we started out with lower pillar 2 or rural development funding per hectare than every member state.

However, vested interests resisted change and the final deal was based, essentially, on historical figures, except that 16 member states insisted on getting special uplifts. The UK could easily have argued for such an uplift for Scotland, especially given our position of having the lowest payments in the UK and Europe, but it chose not to do so.

In relation to the within-UK decision, the Scottish Government urged DEFRA to stick to its principles and to use objective criteria, but DEFRA has chosen to go with history, so Scotland will get €477.8 million of pillar 2 or rural development funding for 2014 to 2020. That is 18.5 per cent of the UK total, which is the same as our share in 2007 to 2013. The UK Government makes much of the fact that, in cash terms, that is a 7.8 per cent increase but, by the UK Government's own figures, it equates to a 5.5 per cent decrease in real terms.

The overall result of the UK Government's negotiations and decisions is that Scotland will get the lowest per-hectare funding in Europe—our rate will be lower than that of every member state in both pillars of the new CAP. In pillar 1, even the lowest funded of the other member states will get one and a half times what Scotland will get per hectare. Ireland will get twice our rate and Belgium will get three times our rate.

On pillar 2—the rural development funding—the comparisons are even worse. Even the EU

average is more than six times our puny rate of €12 per hectare, and member states such as Austria and Slovenia will get 15 to 20 times the amount that we will get per hectare. Our environment and our rural communities will be much worse off. The position that we find ourselves in is deeply regrettable.

As I said at the outset, we will have some tough decisions to take in the times ahead. We are talking about the future of our rural communities, our environment, farming businesses, food businesses, village facilities and other rural facilities. The issue is extremely serious for Scotland. I deeply regret the appalling budget position that we are in as a result of the UK Government not making Scottish agriculture a priority. When I meet farmers' leaders later this afternoon, I will assure them that the Scottish Government will continue to work with them and our rural communities to make the case for justice and fairness.

The Presiding Officer: The cabinet secretary will now take questions on the issues raised in his statement. I intend to allow around 20 minutes for questions, after which we will move on to the next item of business. It would be helpful if members who wish to ask a question were to press their request-to-speak buttons now.

Claire Baker (Mid Scotland and Fife) (Lab): I thank the cabinet secretary for an advance copy of his statement. I share his frustration and disappointment that Scotland is not to receive the uplift in full. We agreed across the political parties that there was a valid argument for Scotland to receive that money because of our current low per-hectare share. I believe that the UK Government has made the wrong decision on allocation. CAP reform is necessary and convergence is a key part of that reform. Although in proposing a review the UK Government appears to recognise the importance of that, the distribution of the funds within the UK will do nothing to deliver convergence within the UK and it is a missed opportunity.

However, although I share the cabinet secretary's disappointment, I do not come to the same conclusions about Scotland's role within the UK. The Scottish National Party can give no guarantees on what a negotiated entry into the EU would mean for Scottish farmers and the support that they would receive now and in the future. That debate will continue over the next year, but after today the cabinet secretary needs to work with the UK Government to map out how we achieve convergence within the UK. The review, which he has been very dismissive of, is key to that. There is an opportunity to adopt a Scottish approach and to push for key asks around objective criteria,

independent scrutiny and reduced timescales. Is he able to agree to that approach?

Richard Lochhead: First, I welcome Claire Baker's support for the convergence uplift coming to Scotland. Her support was valuable in helping to make Scotland's case. In response to her comments, though, I should point out that an independent Scotland simply could not do any worse than it has in the negotiations that the UK Government carried out.

I must remind the member that Europe adopted a formula that applies to all member states. It does not apply to some member states but not to other member states; it applies to all member states. Therefore, if Scotland was a member state, the formula would have applied to Scotland and we would have gained €1 billion euros and not faced the cut that we currently face. That is the benefit of being a member state in the common agricultural policy negotiations.

On the UK Government's agreement to have a review, I have to say that 2017 is quite far away from now. It is post the in/out referendum on Europe—which will be in that year if the UK Government happens to be returned to office—and, of course, it is post the next UK general elections in 2015. Given that I am already dealing with probably my fifth secretary of state from DEFRA over the past five or six years, I think that we will have had even more down the line by 2017. I therefore feel that the commitment to a review is pretty worthless to Scotland and Scottish agriculture. We had the opportunity here and now to deliver the uplift for Scotland, but unfortunately the UK Government has decided to give us a slap in the face, ignore justice and fairness, and deliver a cut instead of a substantial increase.

Alex Fergusson (Galloway and West Dumfries) (Con): I, too, am grateful to the cabinet secretary for the advance copy of his statement. I very much share the disappointment of everyone in the chamber that the UK Government was unable to deliver the convergence uplift to Scotland; I would not have signed the cross-party letter to which the cabinet secretary referred had that not been the case. However, I would venture to suggest that if Richard Lochhead had been secretary of state at DEFRA, he would probably have made a very similar decision.

I have to say that I disagree with the cabinet secretary's opinion of the review that the UK has promised and to which Ms Baker referred. First, in an effort to be positive, I wonder whether the cabinet secretary would agree to work again with other parties in the chamber to explore the possibilities for improving Scotland's position on area-based CAP funding that I believe the promised review of funding allocation undoubtedly offers. Secondly, whether we like the decision or

not, the fact is that the cabinet secretary now knows exactly what resources he has to play with and must now get on and deliver a Scottish CAP, as he has the flexibility to do. In delivering that CAP, will he acknowledge that the 7.8 per cent uplift in pillar 2 support should reduce the need to modulate funding from pillar 1, which is designed and should be used for direct support of Scotland's farmers?

Richard Lochhead: Again, I thank Alex Fergusson for his support for Scotland's position. I know that our agricultural sector very much appreciated the cross-party support that it had for its case for 100 per cent of the uplift to come to Scotland.

On pillar 2 budgets, even with the cash increase of the pillar 2 funds, we will still have the lowest level of rural development funding in the UK and the whole of Europe. That is something not to celebrate but to regret.

The member's first question was about whether I will work to improve the formula for Scotland and our future budget negotiations. Of course I will do that. I always work in the interests of Scottish agriculture. What I have been doing for the past few years, and specifically in the past few months in relation to the budget negotiations, is putting the interests of Scottish agriculture first. It is just a real pity that Alex Fergusson's counterpart, his colleague in the Conservative Party south of the border, is not doing likewise.

The Presiding Officer: We move on to back benchers' questions to the cabinet secretary. I remind members to ask a question. If they try to avoid making statements, we will get through the many members who wish to ask a question.

Stewart Stevenson (Banffshire and Buchan Coast) (SNP): I wonder whether the minister can welcome what Alistair Carmichael said on his website on 25 June 2013 in relation to an EU decision. He said that

"peripherality is a characteristic that should be supported and protected",

suggesting that he might have been part of the consensus that emerged on the subject. Is it not time that Alistair Carmichael became Scotland's man in London and not the other way round?

Richard Lochhead: I believe that, when the new Secretary of State for Scotland, Alistair Carmichael, looks back—I was going to say "in a few years", but perhaps even in a few days—he will be deeply embarrassed by his comments in response to Owen Paterson's decision last Friday. More important, however, I think that his constituents in Orkney and Shetland will be deeply disappointed and will feel betrayed by the lack of support that they have had from the Secretary of

State for Scotland on the issue. However, it is not too late for him to get behind Scotland's cause in the coming days and weeks over the issue and the fact that he stood by Owen Paterson's completely indefensible decision.

I congratulate Stewart Stevenson on his detective skills. He is quite right to highlight that comment from June 2013. We have special challenges in this country, and that is why a formula is in place to ensure that the funding is decided on a per-hectare basis.

The Presiding Officer: I remind members to keep to questions that are based on the statement that they have just heard from the cabinet secretary.

Claudia Beamish (South Scotland) (Lab): I reiterate that we share the cabinet secretary's frustration with the UK Government's decision. We also appreciate that he does not have confidence in Owen Paterson's review. However, in view of the continuing importance of modelling for the shift from historic to area-based payments, which has not yet been completed, can the cabinet secretary reassure us on the timescale for finalising the work to allow the review to proceed?

Richard Lochhead: Various pieces of work are under way, and our own consultations in Scotland are about to be launched on the rural development programme and the direct payments element of the common agricultural policy.

On the member's comment about not having confidence in the review, I note that we have another dispute with the UK Government over the fact that our producers' red meat levies go south of the border and are not used for promoting Scottish red meat produce. After raising the issue with UK Governments for several years, we were promised a few months ago that a review will happen in the future; likewise with the really important issue of the funding formula and convergence of payments between Scotland and the rest of Europe.

Last week, the decision could have been made in Scotland's favour. It was not made in Scotland's favour, but we were promised a review a few years down the line. It is a fudge, and that is all that we are getting from the secretary of state, Owen Paterson.

Annabelle Ewing (Mid Scotland and Fife) (SNP): Further to this truly rotten deal for Scotland from the Westminster Government, what specific impact will the real-terms decrease in pillar 2 funding have on the key issue of the environment? I am very worried about that.

Richard Lochhead: As I said in my statement, there are two sources of funding through the common agricultural policy. The first is direct

payments for farming and food production, and the second is rural development funding, which is pillar 2—and unfortunately we have a rotten deal there as well. Many of the schemes to support Scotland's natural environment, such as forestry and agri-environment schemes, are funded through pillar 2, so we are missing a huge opportunity to help many communities, organisations and, most important, Scotland's environment by having a proper funding stream and a proper deal under pillar 2.

Liam McArthur (Orkney Islands) (LD): I, too, thank the cabinet secretary for early sight of his statement. Although he rather glossed over the importance of the decision to increase coupled support for Scotland's livestock farmers, I certainly recognise the disappointment on convergence and the need for a change to the funding model.

Could the cabinet secretary clarify his plans for moving away from the historic production model? I assure him that there will continue to be support across the chamber not only for an early review but for the early introduction of changes following that review, certainly before 2020.

Richard Lochhead: I gave a very cautious welcome to the decision to increase coupled payments from 8 per cent. We understand that the Secretary of State for Scotland has said that that could potentially go to 10 per cent, although we are still waiting for the Secretary of State for Environment, Food and Rural Affairs, Owen Paterson, to confirm that. I do not think that anyone in this chamber seriously views a move from 8 to 10 per cent as a fundamental shift that will help to bring huge benefits to Scottish agriculture. It is perhaps a small step in the right direction, but other countries are getting 13 per cent, which perhaps puts it into perspective.

On plans for moving from an historic to an area basis, which is the big challenge of the new policy in Scotland, we will, as I said, launch in December the consultation on how the options are shaping up. The question is whether the transition is quick or slow, and that is one of the fundamental questions that we are speaking to the industry about.

Graeme Dey (Angus South) (SNP): Given the settlement, the UK Government's plans for an in/out referendum on Europe and, of course, the Tories' confirmed intent to all but wipe out direct support for Scotland's farmers, does the cabinet secretary agree that the only way to provide certainty and a fair deal, and to secure a long-term future for Scottish agriculture, is through independence?

Richard Lochhead: We find ourselves in a strange set of circumstances. If we were independent in Europe, we would have €1 billion—

£850 million—more for direct payments for food production in Scotland. As part of the union, we are not getting near enough our fair share of even the UK allocation, never mind Europe's allocation. If we go outside Europe under a Conservative or Labour Government down south—those parties have policies of removing direct support from Scottish agriculture—there is the potential to have no support for agriculture in Scotland. We would be at the mercy of a Government in London that was outside the common agricultural policy, so the likelihood is that there would be no direct support for Scottish agriculture. That is the serious choice that faces our farmers, crofters and rural communities.

Jamie McGrigor (Highlands and Islands)

(Con): Can the cabinet secretary guarantee that the new Scottish rural development programme will be up and running on time? Can he set out what measures he envisages might be in the new SRDP that will benefit crofters in particular, given concerns that the previous options were impractical and did not cater adequately for small producers, who need the subsidy most of all? Assuming that the Scottish Government can take responsibility for any challenge that comes from Europe in relation to increasing coupled payments to 10 per cent, how does the cabinet secretary envisage that being split between the beef and sheep sectors?

Richard Lochhead: There were a number of questions in there.

On preparation for the new rural development programme, we will launch a consultation in a few weeks' time. I have already put on record our desire for the programme to be a lot simpler and a lot more focused, and we want to learn the lessons from the existing rural development programme, which at times has been too bureaucratic and has not provided the right support to the right people, albeit that overall it has been very successful. The Scottish Government did not design the existing rural development programme, of course; we inherited it from the previous Administration.

On the use of coupled payments, again I have put it on record that I envisage that there is a case for supporting the beef sector through the use of that mechanism. It is clear that it will all depend on what the final percentage is in respect of our budget for coupled payments and the results of our consultation. There are differences in support for the beef and sheep sectors through coupled payments. Some approaches are more complicated than others in terms of delivery. We must take all those factors into account.

Mike MacKenzie (Highlands and Islands)

(SNP): Does the cabinet secretary agree with the comments of the Scottish Crofting Federation's

parliamentary spokesman, Norman Leask, who is a constituent of Alistair Carmichael, that the UK Government's decision amounts to a "political heist"? What impact will it have on crofters in Scotland?

Richard Lochhead: I agree with the comments of crofting leaders, who must be gutted by last week's decision, given the fragility of many of our crofting communities. The reason why support exists in the first place, of course, is to help our crofters meet the various challenges that they face, from the climatic and geographical challenges to the challenges of the fragile communities in which crofting is often based. That is why the funding is so important. It is about not only the direct payments to farms and agriculture, which many crofts benefit from, but how much money can be made available to the rural development programme, from which the less favoured area payments and other support for crofting flow. The debate is therefore relevant and crucial for our crofters in Scotland.

Graeme Pearson (South Scotland) (Lab): The cabinet secretary mentioned the Secretary of State for Scotland's apparent commitment to a willingness to move towards a coupled support level of 10 per cent. We are all disappointed with the current arrangements with the UK Government, and I am sure that farmers from across the south of Scotland will share that disappointment. When will the cabinet secretary begin the necessary work to produce a suitable case for a change to the percentages? What timescale does he think will apply to that work?

Richard Lochhead: In the letter that I received last Friday from Owen Paterson, the Secretary of State for Environment, Food and Rural Affairs, he announced the regrettable decision but said that he is willing to consider giving Scotland some of the UK's flexibility to use our budget to move from 8 to 10 per cent for coupled payments to support livestock. However, he also appeared to suggest that there might be some legal and other bureaucratic issues around that and that those would have to be ironed out. My officials will speak to UK officials to find out exactly what obstacles the UK envisages and how we can access that potential extra flexibility.

Angus MacDonald (Falkirk East) (SNP): What impact will the UK Government's decision have on the wider Scottish economy, given that every £1 of output from agriculture is estimated to generate an additional 80p in other parts of the economy? Does the cabinet secretary agree that the only way to guarantee Scottish farmers and crofters a better deal when CAP is next negotiated is for us to have a seat at the top table, which can only be secured with a yes vote in September?

Richard Lochhead: To answer the member's latter point first, it is obvious to all that I believe that every political party in the Scottish Parliament gives Scottish agriculture a higher priority than any party running the Westminster Government would ever give, which is illustrated by the appalling track record of successive Westminster Governments.

The point about the wider benefit of agricultural support to the rural economy is important. We are not just talking about the direct payments that go to farmers through the first pillar of the policy; we are talking about money that is spent in other businesses in our local communities—we are talking about the whole supply chain in wider rural communities. When they get their single farm payment through the CAP, farmers invest it locally in services and the supply chain, which is of huge benefit to rural employment and the rural economy.

The UK Government's decision is a blow not just to our farmers but to Scotland's wider rural economy.

Alison Johnstone (Lothian) (Green): I apologise to the cabinet secretary for missing the beginning of his statement but thank him for early sight of it. I recognise that this is a deeply unfair settlement for Scotland. Can he comment on how much more difficult it will be to meet climate change and biodiversity targets? What steps will the Government take to ensure that we meet those targets?

Richard Lochhead: Alison Johnstone asks a good question. One of the new common agricultural policy's key objectives is to ensure that agriculture across Scotland and all Europe is greener than it was before. Of course, many of the measures that will have to be adopted will come through not just regulation of direct payments but the rural development funds for agri-environment schemes and other low-carbon schemes that I would like to see included in the new rural development programme for Scotland. The less funding that we have available, the less we can make those special and important projects happen throughout Scotland, and that is to the detriment of Scotland's biodiversity, natural environment and climate change targets.

David Stewart (Highlands and Islands) (Lab): Does the cabinet secretary share my view that pillar 2 rural development projects are vital for reducing poverty, promoting ecosystems and enhancing competitiveness? The programme's participants are farmers and the wider rural community. When will the cabinet secretary make a decision on the level of voluntary modulation from pillar 1 to pillar 2?

Richard Lochhead: The pillar of funding that comes through the common agricultural policy for

rural development—pillar 2—is very important and, as David Stewart suggests, we are able to transfer funds between the two pillars: we can take funds out of pillar 1, which is farming support, and put them into pillar 2, which is rural development funding. Many pillar 2 schemes also benefit agricultural and wider rural Scotland.

We must take a decision on the balance of that transfer, or the extent to which we impose a transfer, by the end of this year, and there will be a mini-consultation with the industry before we decide what percentage we should transfer from pillar 1 to pillar 2. As I have just implied, there is likely to be a transfer from pillar 1 to pillar 2 because of our appallingly low pillar 2 allocation for rural development. If we want to deliver the benefits that David Stewart refers to, we have to have a substantial rural development budget.

The Presiding Officer: That concludes questions to the cabinet secretary on his statement.

Regulatory Reform (Scotland) Bill: Stage 1

The Presiding Officer (Tricia Marwick): The next item of business is a debate on motion S4M-08240, in the name of Fergus Ewing, on the Regulatory Reform (Scotland) Bill.

I call Paul Wheelhouse to speak to and move the motion.

14:45

The Minister for Environment and Climate Change (Paul Wheelhouse): I am pleased to open the debate on the general principles of the Regulatory Reform (Scotland) Bill. A number of committees—in particular, the Economy, Energy and Tourism Committee and the Rural Affairs, Climate Change and Environment Committee—have taken both written and oral evidence in their consideration of the bill. I thank all those who gave evidence to the committees.

I also thank those who responded to the various consultations for their invaluable contributions. Those contributions have provided firm foundations for the legislative proposals that have been introduced and important clarity on a shared understanding of where change is needed.

I have read the committees' reports, and I am pleased to note that the committees agree that the bill's principles are sound and that they are broadly supportive of them.

Both the Minister for Enterprise, Energy and Tourism and the Minister for Local Government and Planning are alongside me today, reflecting the fact that regulatory reform is a cross-government agenda. The three of us will be pleased to speak to our respective portfolio interests in the bill during the debate.

As members will be aware, the Scottish Government has a clear and unambiguous purpose. That purpose is to focus Government and public services on creating a more successful country, with opportunities for all Scotland to flourish, through increasing sustainable economic growth.

The key components of that purpose—a successful and flourishing Scotland, the creation of opportunities for all, and sustainable economic growth—cannot, and will not, be achieved in isolation from one another. Put simply, our country will not flourish without sustainable economic growth but such growth will be of little value if it does not lead to the better, flourishing Scotland that we all want to see.

The bill will improve the way in which regulations are developed and applied, creating

more favourable business conditions and better protecting our environment. It will support and empower regulators and provide a clear line of sight between regulatory activity and the Scottish Government's purpose. Collectively, the changes will support those who are regulated to comply; support the protection of communities, businesses, individuals and the environment; and support more effective and transparent delivery by a wide range of regulators.

The bill will introduce a range of measures to deliver consistent and proportionate regulation while maintaining local accountability. That will include both the definition and implementation of national standards and systems and a duty on regulators to give due regard to sustainable economic growth in their decision making.

A statutory code of practice will also be developed, which will describe in more detail how regulators will apply regulatory principles and good practice in order to find the optimum balance between regulatory and economic factors.

Jenny Marra (North East Scotland) (Lab): Will the minister explain how the principle of sustainable economic growth will be tested given that it has no clear legal definition?

Paul Wheelhouse: I will come on to that point, and I hope that Jenny Marra will understand as I develop my speech just how we will take forward the approach.

The bill also contains provisions to improve the performance of planning authorities by establishing a link between planning fees and performance. In addition, the bill will change the mechanism for bringing legal challenges to offshore energy decisions.

The bill aims to give clarity to regulators on what is expected of them. There are those who say that the protection of the environment and the promotion of sustainable economic growth are incompatible and that it is an either/or choice. I understand and respect their view, but I disagree with the argument that has been made. The two approaches can be compatible, mutually supportive and in harmony.

Scotland's environment is a national asset that is worth protecting not only because of its beauty and contribution to our national identity, but because it is vital to our economic success. Our understanding of the ecosystem services delivered by our environment and natural resources is developing apace, and we estimate that our natural environment generates between £21 billion and £23 billion of value a year for Scotland.

Many of this country's most successful sectors, such as tourism, food and drink—for example, trout and salmon farming and shellfish growing—

and renewables, depend on a clean and healthy environment. It therefore makes absolute sense, from an individual commercial as well as a national economic perspective, that we protect those resources not just for now but for future generations.

As I said in evidence to the RACCE Committee,

“SEPA’s primary purpose is and will remain the protection and improvement of the environment.”—[*Official Report, Rural Affairs, Climate Change and Environment Committee*, 5 June 2013; c 2323.]

That includes the sustainable management of natural resources.

At present, both the Scottish Environment Protection Agency and the businesses it regulates operate in an unnecessarily complex legislative landscape. Much of that is down to the iterative way in which regulation has been developed over the years, particularly given the significant requirements created by Europe. It has resulted in complexity and a lack of transparency for regulated sectors and businesses. The new framework that the bill will deliver will be easier for regulated businesses and SEPA to understand and administer. That will lead to efficiencies for both and, it is hoped, improved compliance levels.

As a result of the bill and as part of our wider better environmental regulation programme, SEPA will change the way in which it prioritises its regulatory activities. That will ensure that its resources are directed towards the most important, highest-risk activities that have the greatest actual or potential environmental impact on communities. Most of all, the bill will protect our environment and, in the round, reward and encourage good behaviour. Let us help to prevent non-compliance rather than mop up breaches after the fact.

The bill is not a leap into the unknown. We already have an example of better environmental regulation in the way in which the water framework directive has been implemented in Scotland.

Jenny Marra: Can the minister clarify whether he has the power to reorganise SEPA’s activities through regulations? Does he require primary legislation for that?

Paul Wheelhouse: The bill includes a number of measures that are required. We certainly feel that the bill will move SEPA and other regulators on to a footing that provides them with more enforcement powers so that they are more able to take action to prevent serious breaches of environmental regulation. I hope to explore those issues further as I develop my speech, but I will happily come back to Ms Marra’s point later.

The implementation of the water framework directive has enabled the creation of a single

permissioning structure and simpler, more consistent procedures. That is similar in approach to the model that we intend to introduce for the other regimes. The benefits of that approach have included: excellent stakeholder engagement; close working between the regulator and the regulated; a better understanding of regulations; and a simpler, more efficient regulatory service. The European Commissioner for the Environment, Janez Potočnik, praised Scotland’s approach as an exemplar when he visited the Royal Highland Show earlier this year.

Improving regulation is an important agenda not only in Scotland but elsewhere in the United Kingdom and across Europe. However, it is important to recognise that, while the agenda elsewhere is focused on deregulation or a “bonfire of red tape”, our agenda is clearly focused on better regulation and on ensuring that things work effectively for regulators and those that they regulate. Our vision is for Scotland to be a world leader in environmental protection, and I believe that the best way to achieve that is through creating a system of consistent, proportionate and targeted regulation that works.

The statutory purpose for SEPA that the bill will introduce will give recognition to the broader role that SEPA has and recognise the importance of the environment to our economy and to the health and wellbeing of our communities. It is important to note that, although the purpose is new, the need to balance environmental, economic and social considerations is not. As we heard in the evidence to committees, balancing judgments are already taken by SEPA, Scottish Natural Heritage and other regulators on a daily basis. The new statutory purpose for SEPA will formalise what is already current practice and will help to provide a line of sight from the Scottish Government’s purpose to what our public bodies deliver.

Let me reiterate for the record that we reject the argument that our agenda is about sacrificing the environment to promote economic growth, as some have suggested. As is right and proper, SEPA’s primary purpose is, and will remain, the protection and improvement of the environment. Section 38 of the bill gives primacy to the function of environmental protection, including the sustainable management of natural resources. That will always be at the top of SEPA’s hierarchy of responsibilities. However, the approach reflects the fact that we cannot look at issues in isolation.

The fundamental principle of sustainable development is that it integrates economic, social and environmental objectives. SEPA’s new statutory purpose acknowledges the three elements of sustainable development but gives clear primacy to the environmental element. I want to be clear in placing that point on record.

Claudia Beamish (South Scotland) (Lab): In view of those remarks, why does the minister not see it as appropriate to include the term “sustainable development” on the face of the bill?

Paul Wheelhouse: I point out to Ms Beamish that, as I hope to explore further, section 38 establishes SEPA’s three areas of responsibility: health and wellbeing, which represents the social dimension; sustainable economic growth, which represents the economic argument; and, above both, environmental protection and the sustainable management of natural resources. Although the term “sustainable development” may not be used, the three pillars—if you like—of sustainable development are included in the bill in a clearer and more explicit way than would be the case if there was simply a reference to “sustainable development”.

Let me be equally clear that the duty to contribute to sustainable economic growth will not replace the duties that bodies have as regards sustainable development. Ministers will continue to give guidance on sustainable development in line with statutory obligations.

The bill will also give SEPA a wider, more strategic range of enforcement tools to deploy. Combined with the new sentencing options that are being given to the criminal courts, those will play a key role in tackling poor performance and non-compliance. The polluter-pays principle is already widely accepted and supported. The proportionate enforcement powers that we propose will ensure that the offenders pay the price for remedying damage that is done to the environment.

All responsible businesses, large and small, will benefit from an effective environment protection system for Scotland. By focusing resources on the greatest environmental harms, SEPA can more effectively target lawbreakers, support non-compliers to become compliant with regulations, and protect communities and our natural environment. To put the new enforcement tools in context, SEPA’s approach has been, and will continue to be, about achieving the right outcomes. Sometimes that needs enforcement tools, but sometimes it does not.

This morning, I opened a conference in Peebles at which the focus is on the approach that we have taken in Scotland to reducing diffuse pollution. That approach has involved SEPA in a programme of partnership working with the rural sector. There is always the need for a regulatory backstop but, to achieve the maximum benefit for water quality, SEPA has worked closely with the sector and farmers through a campaign to provide advice on compliance with the diffuse pollution general binding rules and to improve performance.

The outcome of that approach has been encouraging, with 79 per cent of farms that have been revisited by SEPA having improved their performance without the need to revert to enforcement measures. That is a clear example of the proportionate and effective approach that SEPA has taken and wants to continue to take in other areas. The conference has attracted interest from Government, regulators and the rural sector across the rest of the UK. Further, our approach has been quoted by Commissioner Potočník as an exemplar in Europe, and a recent Chinese delegation is considering how the approach could be adopted in China.

Let me be clear that, where individuals and businesses deliberately or negligently damage the environment, the powers in the bill will enable SEPA to take robust enforcement action. Criminality will not be tolerated. During a visit to a waste site on the outskirts of Edinburgh earlier this year, I was horrified to hear evidence of serious threats of violence being made against SEPA officers and in some cases their families, as well as evidence of stalking of SEPA officers on social media. That is totally unacceptable. I can therefore confirm that the bill will be supported by a stage 2 amendment that will make such behaviour a specific offence.

As I said at the outset, I welcome the vital contribution that stakeholders have made to the development of the bill. I also acknowledge and appreciate that there are diverse and strongly held views on a number of areas that the bill covers. We are committed to working with stakeholders, and I encourage all stakeholders to continue to engage to help shape the work. The bill is largely an enabling bill, and much of the detail will be set out in regulations. Our door remains open for stakeholders to help shape the development of those regulations and their associated guidelines.

The bill is not about introducing new regulations; it is about strengthening the effectiveness of regulations that the Parliament has approved. It is about delivering better regulation. We have strong stakeholder support for much of that work, which will deliver greater regulatory consistency and transparency, efficiency benefits for regulators and the regulated, and protection of the Scottish public, businesses, communities and the environment. However, some will not benefit from the work: serial poor performers, who are a burden on their competitors and a risk to sustainable economic growth and all that it stands for.

I commend the Regulatory Reform (Scotland) Bill to the Parliament and I urge members to support the principles underlying it at decision time.

I move,

That the Parliament agrees to the general principles of the Regulatory Reform (Scotland) Bill.

The Deputy Presiding Officer (John Scott): I call Murdo Fraser to speak on behalf of the Economy, Energy and Tourism Committee.

14:58

Murdo Fraser (Mid Scotland and Fife) (Con): I am pleased to contribute to this debate on behalf of the Economy, Energy and Tourism Committee, which is the lead committee on the bill. I thank all those who provided written and oral evidence to the committee, as well as my fellow committee members and members of other committees that considered the bill at stage 1. I also thank our team of clerks, who supported us so ably, and the members of the Scottish Parliament information centre who provided advice.

The committee welcomed the introduction of the bill and agreed to recommend to the Parliament that its general principles be agreed, although I should say that that was not a unanimous view of the committee, as two members dissented. As the lead committee, we took evidence on parts 1, 3 and 4. I will concentrate on the issues that are raised in our stage 1 report.

As the minister pointed out, the bill is wide ranging and covers a range of discrete policy areas. Part 1 has three main proposals: first, it gives the Scottish ministers the power to encourage or improve consistency in the exercise by regulators of their functions; secondly, it introduces a new duty on regulators to contribute to achieving sustainable economic growth; and, finally, it includes a code of practice to assist regulators.

The aim of the enabling power is to improve how regulations are developed and applied so that they create a more favourable set of business conditions while delivering environmental benefits. Standardisation of the way in which regulations are implemented is intended to tackle the economic impact on the business community of dealing with inconsistently applied regulations.

The committee heard concerns that the power for ministers would centralise decision making and, thus, remove democratic accountability and local knowledge from the decision-making process. That point was made particularly by local authorities.

The committee welcomed the fact that the Scottish Government and the Convention of Scottish Local Authorities agreed a memorandum of understanding to achieve consistency in the exercise of regulatory functions and future national standards. We also welcomed the collaborative approach that demonstrates and hope that it will result in national standards that are

transparent and workable and which take account of local circumstances.

The Minister for Energy, Enterprise and Tourism (Fergus Ewing): The Scottish Government places on record its gratitude to COSLA and to Stephen Hagan for the assistance that he has given in the work that we have done in that regard. I offer Mr Fraser, as convener of the committee, an unqualified assurance that our collaborative work with COSLA will continue throughout the bill's passage to ensure that it does not imperil local democracy in Scotland.

Murdo Fraser: I thank the minister for that assurance, which I am sure committee members will welcome.

The committee heard that there is widespread support for inclusion in the bill of exemptions that enable regulators to opt out of national standards where exceptional local circumstances exist. Witnesses asked for clarity on the circumstances in which an exemption would apply and for a consistent approach to be adopted.

We recommended that the exemption criteria be included in the forthcoming code of practice or the guidance that will accompany the bill. It is a little disappointing that the minister did not agree that that is necessary, but the proposal to publish ministerial directions in respect of the exemptions or variations is welcome. It would be helpful if, when he speaks, the minister could clarify where those directions will be published and how he will ensure that regulators are aware of them.

I turn to probably the most contentious issue in the bill, which is the duty on regulators to contribute to achieving sustainable economic growth. We received a lot of evidence on that provision and witnesses raised a number of concerns about it. We also heard that, at the moment, there is no legal definition of sustainable economic growth and, as a consequence, regulators could face legal challenges in respect of how they choose to comply with the duty.

The committee was clear that, for regulators to be able to comply with the duty, they must understand its meaning. During the evidence-taking sessions, we heard many different definitions of sustainable economic growth—somebody even suggested the one from Wikipedia, although I am not sure that that is helpful to the law-making process—but the Scottish Government provided us with its definition and explained that that is the one that it wants regulators to use.

Because, in the end, it might be a matter for the courts to decide, the Scottish Parliament and Government have a duty to minimise the risk. The committee asked the Scottish Government to ensure that its definition of sustainable economic

growth be explicitly stated. If it will not appear in the bill, it must be absolutely clear in subsequent guidance. We also asked for a commitment to be made that drafts of guidance be submitted to Parliament for scrutiny prior to being published.

In his response to our report, the minister indicated that the definition will be included in the code of practice, which is subject to parliamentary scrutiny, but he made no mention of providing in the guidance to regulators details of how they will be expected to comply with the duty. Given the importance of that point, I would be grateful if he would address it when he speaks later.

The Law Society of Scotland, among others, expressed the firm view that the duty raises questions of legal enforceability. Many witnesses questioned how regulators would be able to demonstrate that they have contributed to achieving sustainable economic growth and expressed concerns that it might leave their decisions open to legal challenge. There was a particular concern in relation to planning applications and, therefore, we were pleased that the minister decided to exclude the planning functions of local authorities from compliance with the new duty.

Many witnesses also raised concerns about a conflict of interest. We heard in an intervention by Jenny Marra about the existing definition of sustainable development. Some people said that it would be better for that to be in the bill because it is better understood. The Scottish Government was quite clear in its response to that and, in evidence, the minister said that regulators were not to prioritise sustainable economic growth over other duties and that the code of practice would provide guidance to them on balancing competing duties. That, again, is why the code is so important.

The committee wants to take evidence from stakeholders on the draft code of practice before the final version is laid before the Parliament. We also welcome the Scottish Government's commitment to publish the guidance that will accompany the bill and to consult widely on the draft code.

I turn to part 3 of the bill, which deals with three points, the most contentious of which is the issue of linking the level of planning fees to the performance of a planning authority. It is clear to the committee that an efficient and effective planning system benefits us all. We heard a lot of views from the business community that it wants to see a more streamlined planning system.

The business community was of the view that the 20 per cent uplift in planning fees that will be introduced should be reflected in an improvement in planning authority performance. However, many

of those who gave us evidence thought that reducing the income to underresourced planning authorities would only exacerbate the problem. The committee welcomed the minister's confirmation that positive measures would be used initially before any reduction in planning fees.

When it came to measuring performance, the committee was not convinced that the Scottish Government's statistical data could adequately determine the performance of planning authorities. The committee welcomed confirmation that the Scottish Government will now use quantitative and qualitative measures to assess performance.

We are aware that COSLA remains opposed to linking planning fee levels to the agreed performance markers. It is important that that issue is resolved prior to the conclusion of the bill's parliamentary passage. Any update on progress from the minister today would be welcome.

The Minister for Local Government and Planning (Derek Mackay): Will the member take an intervention?

Murdo Fraser: Right on cue, minister.

Derek Mackay: I may never convince COSLA that a penalty mechanism is in its interests. However, the Scottish Government believes that it is in the interests of the planning system not only to have positive mechanisms to improve performance but to have a penalty mechanism should all else fail.

Murdo Fraser: I am grateful to the minister for that intervention. It is interesting that, during stage 1 evidence sessions, there was a clear divergence of opinion between the business community, which was very enthusiastic about those proposals, and people on the other side, particularly in local authorities, who were much more concerned. The adoption of a conciliatory approach by the Scottish Government, which is more about carrot than stick, will go down very well with COSLA.

I am aware that I am short of time so I will briefly cover a couple more points.

The committee largely welcomes the marine licensing provisions in the bill, which will streamline the current process. Similarly, there was unanimous support for improving the certificate of compliance for mobile food vans so that those who travel around the country selling burgers and ice creams no longer have to get 32 separate licences but can rely on one, which I am sure will be very welcome.

The Government has indicated that a number of amendments will be introduced at stage 2. One of those is on primary authority, which we look forward to taking evidence on at stage 2. There was some suggestion at the last minute that there

will be other proposals: one on the imposition of fixed penalties in relation to carrier bags, one on the abandoned mines provisions in the Control of Pollution Act 1974 to deal with cases in which contaminated land falls to the Crown, and one on allowing the Scottish ministers to authorise fuels that can be burned in smoke control areas. We look forward to hearing more details about those amendments, either in the course of the debate or subsequently.

This is a comprehensive, wide-ranging bill. It is well intentioned and has generally been welcomed. It was certainly the majority view of the committee that it should proceed.

15:08

Jenny Marra (North East Scotland) (Lab): As the Federation of Small Businesses has pointed out, regulation is necessary to protect our environment and communities from harm. Through the bill, we have the opportunity to enshrine in law the expectations, practices, relationships and penalties for the many bodies that carry out regulatory functions. Sadly, however, the bill falls short of such expectations.

Labour members' speeches today will cover different sections of the bill. My colleague Margaret McDougall will focus on part 1 and Claudia Beamish will examine some of the environmental aspects in part 2. That leaves me to introduce the main areas that we feel need to be addressed. Central to our concerns, and reflected in a wide range of evidence to the Economy, Energy and Tourism Committee, is the loss of local accountability when regulations are made, changed or removed.

The bill will give the Government a great deal of power over future regulatory reform, but there is little in the way of scrutiny of how that power will be used. Indeed, the committee report states that it heard from many witnesses who had difficulty understanding the implications of the proposed enabling power because of the lack of detail on the circumstances in which it would be used, or to whom it would apply. The Scottish Council for Development and Industry and the Law Society of Scotland both expressed concern that there is no clarity around the duty, which makes it difficult to interpret what the bill will achieve in practice. The Law Society urged Parliament to clarify the approach that the Scottish Government is taking.

My fear is that the approach that the Government is taking is to centralise the power to set, change and create new regulations that will fulfil the more modest policy intention of providing national standards in regulation. In the process, we are losing transparency and accountability, because the bill will not allow Parliament to

scrutinise those powers, although they are being centralised, or to scrutinise the changes to the regulatory frameworks that they will bring.

Given that a number of businesses and stakeholders are voicing similar concerns, we need to know what action the Scottish Government is taking to ensure that changes will be made democratically and transparently. In particular, I urge the Government to reconsider whether the super-affirmative procedure is a more democratic way of exercising its powers.

With regard to the national standards themselves, I appreciate that there is a need to eradicate duplication and inconsistency. However, must that come through the sacrifice of local decision making? Unison and the Scottish Trades Union Congress have both questioned whether the legislation strikes the right balance. Unison stated:

"Authorities must be able to set their own standards and respond to local situations."

Although I am glad that the minister is working with COSLA, I urge the Government to consider whether the bill needs to be amended to reflect the memorandum of understanding that has been agreed. As Andrew Fraser of North Ayrshire Council said:

"It is unusual for legislation to require a non-statutory memorandum of understanding to make it acceptable and workable."—[*Official Report, Economy, Energy and Tourism Committee*, 5 June 2013; c 2946]

I agree. We need legislation that is sustainable on its own. If the Government is to introduce national standards, it has a responsibility to balance those standards with the duty on local authorities to respond to local needs.

In turning from a provision that is not in the bill to one that should not be in it, I will touch on the duty to promote sustainable economic growth. Just 29 per cent of those who were consulted agreed that that duty should be in the bill; there are serious concerns about how it will work in practice, which have already been aired. The STUC, in its submission to the committee, argued strongly that a mandatory duty on regulators to pursue economic growth could create a conflict of interests in relation to their function to regulate.

Paul Wheelhouse: I am grateful to Jenny Marra for taking an intervention, but I hope that she picked up the point that I made in my opening speech that we have a situation in which SEPA, for example, is being asked to look at sustainable economic growth in the context of health and wellbeing, but the overriding statutory duty on environmental protection and sustainable management of natural resources takes primacy in that arrangement of three different duties. Those are three pillars of sustainable development.

Jenny Marra: I thank the minister for that clarification. From my reading of the bill, it seems to me that the duty on sustainable economic growth overrides many of the other regulatory considerations—we are looking for clarification on that—and that is certainly the concern of many people who gave evidence to the committee. Only 29 per cent of those who were consulted agreed that the duty should be in the bill, because it overrides other regulatory functions. The STUC notes that duties that were placed on the Financial Services Authority that prevented it from introducing new regulatory barriers or discouraging the launch of new financial products severely weakened its ability to regulate the banking sector effectively, which illustrates that conflict of interests.

Scottish Environment LINK has said that the duty could override environmental protection or wellbeing and the Law Society has raised significant concerns about the validity of a duty that is not properly defined in law, as we have rehearsed this afternoon. Unison has stated that without a legal definition it will be hard for regulators to make clear-cut decisions, and they may be left vulnerable to challenge through the courts, even with the minister's proposed code of practice.

Fergus Ewing: Does Jenny Marra not recognise that, on the regulator's duty in respect of sustainable economic growth, section 4 quite clearly states:

"In exercising its regulatory functions, each regulator must contribute to achieving sustainable economic growth, except to the extent that it would be inconsistent with the exercise of those functions to do so?"

That surely makes it clear that what Jenny Marra has said—that the economic duty would override those functions—is factually incorrect.

The Deputy Presiding Officer: Ms Marra, I will give you a little more time.

Jenny Marra: I do not accept the minister's assertion. If there is a duty with regard to sustainable economic growth without a properly defined legal interpretation of that, the matter becomes a very grey area that is open to many arguments in court. That is the view of the Law Society of Scotland and of many people who gave evidence to the committee. It may not be the minister's view, but only 29 per cent of consultation respondents agreed that the duty should be included. I think that we will have an on-going debate about that this afternoon, and probably at stage 2 and stage 3, but we should really get to the nitty-gritty of what the impact of the duty will be.

The implications were put to the committee by Professor Andrea Ross of the University of

Dundee—a legal expert—who wrote to the committee:

"Regardless of how this government interprets sustainable economic growth, there is no guarantee that a future government or the courts will not interpret it to mean a stable economy with no mention of its impact on ecological and social sustainability."

Given the level of opposition, I am not convinced that the duty should be in the bill. I see no reason why the widely used and legally defined duty for sustainable development is insufficient.

Derek Mackay: For clarity, will Jenny Marra tell me whether the Labour Party supports sustainable economic growth?

Jenny Marra: The Labour Party does indeed support sustainable economic growth, but not at the cost of absolutely everything else, such as hard-fought-for health and safety regulations that are very important to workers and our local authorities.

I fear that the bill suffers from one narrow aim: to centralise power. The detail is scant on how it will be used, but we know that that power will be exercised here in Edinburgh, rather than in our communities. Regulations must work for the communities that they keep safe, the businesses that they affect and the environment that they protect.

We are uneasy with much of the bill and when we take out those concerns we are left with a reorganisation of SEPA, for which we do not need primary legislation. That leaves us with not much to support at all.

Paul Wheelhouse: Will Jenny Marra take an intervention?

Jenny Marra: I have taken all the interventions so far, but I think that I am out of time.

The Deputy Presiding Officer: The member is close to closing.

Jenny Marra: We will vote against the principles of the bill tonight and we hope that the Government will reconsider many of the measures before stage 2.

15:18

Gavin Brown (Lothian) (Con): We welcome much of what is in the bill today. We think that it is a step in the right direction, although there is still much to do on regulatory reform, both in principle and in the bill itself, so we will vote for the bill at 5 o'clock today.

It is a common complaint from business of all shapes and sizes that the volume and burden of red tape is too much. In the recent Federation of Small Businesses in Scotland survey, 45 per cent

of those who were surveyed said that the cost of compliance had risen over the past year, and 29 per cent said that the time that is taken in order to comply with regulation had increased over the past year. Some regulation clearly is necessary and some of it is less so, but having as much regulation as we have can stifle potential and innovation and, ultimately, make us less productive as a country.

We welcome the bill, the better regulation agenda and, indeed, the work of the regulatory review group. It is not just regulation itself, of course, but the way in which it is interpreted and enforced that causes much of the angst across the business community.

Let us look at some of the key issues, many of which have been touched on. First, section 4—which is entitled “Regulators’ duty in respect of sustainable economic growth” and is to be read in conjunction with sections 5 and 6—provides that regulators

“must contribute to achieving sustainable economic growth”.

That is a principle that I and my party support—indeed, there was something pretty similar in our manifestos in 2007 and 2011. The provision gives a signal that sustainable economic growth is a priority for Government. It raises the profile of the issue, and it sets out a clear vision: Scotland needs sustainable economic growth.

I do not agree with Jenny Marra’s suggestion that the provision will override all the other duties that regulators have. The minister was right to point out the precise wording of section 4 in that regard. Two parts of the section are relevant. First, section 4 provides that regulators

“must contribute to achieving sustainable economic growth”.

The achievement of sustainable economic growth is therefore not an overriding duty, but something to which regulators must contribute.

Secondly, in relation to the duty to make such a contribution, section 4 provides for a clear exception for all regulators, where

“it would be inconsistent with the exercise of”

their

“functions to do so.”

Before we even consider that guidance will be produced, those two points in section 4 mean that the argument about the duty overriding all other duties is overblown and ought not to be central to the debate.

Questions were asked and fair points were made by people who are against and people who are in favour of the principle. The conclusion was

that the success of section 4 and the bill as a whole will depend almost entirely on the guidance and code of practice that the Government will issue under sections 5 and 6. The FSB was right to say that how the code is monitored and reported on will determine how effective it will be in changing practice. I hope that ministers will focus on that in their speeches, in the context of subsections (2) and (3) of section 4.

Fair questions were asked by people who are in favour of the principle. How will we ensure that the duty is enforced at operational level, where it matters? How will we avoid legal challenge? That is a fair question, which Jenny Marra and other members asked. None of us wants to see time being taken up in the courts. How will we ensure that the meaning is narrowed down, so that that does not happen?

People who are concerned that the section 4 duty might override other duties have asked how it will sit alongside regulators’ primary purpose, and how regulators will balance their priorities. It is crucial that the code of practice and guidance are right in that regard, so I was pleased to hear from the Economy, Energy and Tourism Committee’s convener that the committee will take evidence on the code of practice and the guidance in order to ensure that Parliament and the Government get things right.

It is possible to get things right. I trawled through the written submissions to the committee and noted that the Office of the Scottish Charity Regulator said that it

“already reports on sustainable growth, as required by”

section 32(1)(a) of the Public Services Reform (Scotland) Act 2010. The approach in the bill is therefore not without precedent. One regulator must already comply with a provision, the wording of which is pretty close to what is in the bill. There is much to be done, but I am persuaded that it can be done at stages 2 and 3.

We heard about primary authority partnerships. We strongly approve of the approach, which will bring cost efficiency for businesses and local authorities, and greater consistency across the board, which is important for all concerned. It would be helpful to hear from the minister, in his closing speech, about the analysis of the responses to the consultation, and about the Scottish Government’s updated position on that.

We heard about the planning authorities. I do not know whether the planning minister will speak in the debate, but it would be helpful to hear from the Government what its definition of unsatisfactory performance is likely to be, what levels of reduction we are talking about and what measures could be put in place.

Derek Mackay: Will Gavin Brown take an intervention?

Gavin Brown: Do I have time, Presiding Officer?

The Deputy Presiding Officer: Yes, you do.

Gavin Brown: I am happy to take the intervention.

Derek Mackay: I thank Gavin Brown. I do not have a dedicated speaking slot, but I am here to answer questions such as those he has asked. We have a high-level group, which has established high-level principles around what is good performance, thereby enabling us to define poor performance. There will be a range of measures whereby we will be able to determine whether a planning authority is performing well or not, in the way that Murdo Fraser outlined.

The Deputy Presiding Officer: You should close now, Mr Brown.

Gavin Brown: I am grateful for the minister's intervention and am pleased to hear that work is being done on the matter. I simply note that Audit Scotland said that data must be qualitative and quantitative, and that the SCDI—which is very pro-business in much of what it says—warned of creating

“false incentives to prioritise speed over optimal results.”

Both pieces of advice are worthy of note.

As the committees that have been involved have made clear, there is still work to be done on the bill and no doubt other suggestions will be made in the course of the debate. However, because it is a step in the right direction, we will support the bill, come 5 o'clock.

The Deputy Presiding Officer: We move to the open debate.

15:25

Mike MacKenzie (Highlands and Islands) (SNP): I am pleased to speak in the debate not just because I am a member of the Economy, Energy and Tourism Committee, but because of my previous career of running a business for many years, when I often used to ask myself, “Who regulates the regulators?”

It was clear to me then that much of our regulation was inconsistent and disproportionate, and that regulatory powers were often placed in the hands of people who used them unwisely and without proper regard for the wider consequences. That said, I fully acknowledge that I have a particular genetic defect that sometimes gave me difficulties when it came to dealing with regulators. Members might not be surprised to learn that I completely lack the forelock-tugging gene; as hard

as I try, I cannot force my hand up to grasp it. Regulators did not always appreciate that.

The recent FSB survey of its members indicated that a substantial proportion reported an increase in the cost of dealing with regulation over the past year. I wonder how that cost has increased over the past 30 years, although I suspect that we already know what the answer is. I also wonder about the wider cost to our country with regard to growth or, indeed, the lack of growth and prosperity, and about the impact on numbers of jobs, on living standards and on tackling poverty. In this matter, I pay particular regard to the voices of small businesses, because the burden of regulation often falls most heavily on their shoulders—in other words, the shoulders of those who are least able to bear it.

That said, I fully understand the need and requirement for regulation. After all, without it, we cannot function as a civilised society, and the quality of our life and environment would plummet. As a result, in considering improvements to regulation, we need to make it more consistent and make it a less blunt instrument. I believe that that is exactly what the bill will do—not as a final solution, but as a step on the road towards better regulation.

With regard to environmental regulation, I believe that the bill gives SEPA a valuable toolkit that will enable it to protect our environment more effectively, thereby freeing up resources to tackle serious environmental problems and crimes while offering a lighter regulatory touch to businesses that have every intention of complying.

It is often the case that regulation varies from one local authority to another for no good reason.

Alison Johnstone (Lothian) (Green): Is Mike MacKenzie aware that, in its written evidence, the STUC said that Scotland is already

“a good place to do business”

and that it is

“part of the second least regulated product market in the developed world and the third least regulated labour market”?

Mike MacKenzie: I am not quite sure exactly how one might measure that, but I certainly listen carefully to Scottish businesses on these matters.

As I was saying, regulation often varies from one local authority to another for no good reason. The committee heard evidence to that effect. Some regulators, principally local authorities and COSLA, said in evidence that they are unhappy about that because it conflicts with the concept of local democracy. Unfortunately, they were unable to give a single example of it happening in practice; it seems that their concerns are purely abstract. In any case, I welcome the Government's

assurance that it is prepared to consider exceptions.

Witnesses also expressed concern about the economic duty. I am afraid that the apparent opposition of some regulators to sustainable economic growth rather makes the case for that duty to be enshrined in legislation. I cannot understand why anybody should be opposed to that duty, or why the term “sustainable” seems not to be understood. Much of the discussion seemed to be merely semantic, and none of the witnesses was able to give a single practical example to illustrate their concerns.

Alison Johnstone: I can give Mike MacKenzie an example. The building of a golf course on a site of special scientific interest is an example of the environment taking second place to economic considerations.

Mike MacKenzie: As I said, none of the witnesses gave us an example and, in some quarters, the jury is still out on that matter.

Planning fees prompted some interesting discussion. Some witnesses were firmly of the belief that, because planning delivers a public good, full cost recovery through fees is inappropriate. Our planning system is the midwife to sustainable economic growth, so I am delighted that the minister is focusing on a range of improvements that will help to deliver that growth while protecting and improving the quality of our built and natural environments. The notion that sustainable economic growth is incompatible with that is a dismal notion that could condemn us to slow growth and failure to achieve any of our aspirations. The minister intends to increase planning fees, but it is only proper that developers and the public alike also see an increase in performance.

I look forward to the forthcoming code of practice, which will offer reassurance to anyone who has remaining doubts about the bill, and to the enhanced and economic growth that the bill will help to deliver.

15:31

Margaret McDougall (West Scotland) (Lab): I am happy to take part in the debate as a member of the Economy, Energy and Tourism Committee. The Regulatory Reform (Scotland) Bill aims to cut back on the hoops that certain organisations need to jump through by streamlining and standardising certain parts of the process. However, I have several concerns that I hope will, at the very least, be addressed at stage 2. I will focus on the increasingly centralised agenda that is displayed in the bill and the planning changes that are set out. I will also briefly mention street traders’ licences.

Local democracy is central to our society and, where possible, we should devolve powers to where they are most applicable. Although we all support consistency, we must not strip local councils of their functions. In written evidence to the committee, COSLA spokesperson Michael Cook stated:

“Local communities should remain empowered and have the right to differing standards to reflect different locally required outcomes.”

Mike MacKenzie: Will the member take an intervention on that point?

Margaret McDougall: I need some time to proceed.

Unison stated in written evidence:

“Authorities must be able to set their own standards and respond to local situations. National standards and systems conflict with the bottom up approach recommended in the Christie Commission report which the Government welcomed. Local authorities have a range of different aims”.

Mike MacKenzie: Does the member acknowledge that, although Mr Cook made that theoretical point, he was unable to give any practical examples of where that has occurred?

Margaret McDougall: COSLA was very straightforward in not supporting the proposal. I will use another quote from COSLA later in my speech.

I fully agree that, in most cases, there is no one-size-fits-all solution. Planning authorities operate in diverse communities and need different strategies and solutions for their own unique situations. Otherwise, we run the risk of national standards undermining local democracy.

Derek Mackay: Will the member take an intervention on that point?

Margaret McDougall: I will do so if the minister is brief.

The Deputy Presiding Officer: Please be brief, minister.

Derek Mackay: Is the member not conflating what she sees as consistency or centralisation and what we propose for planning? South of the border, if a planning authority is performing poorly, the minister takes absolute control of that planning department through his inspectorate. I am not proposing that for Scotland. We propose to encourage conditions that will improve performance and, if that fails, that the poorly performing planning authority will not enjoy continued increases in planning fees, which would be unfair.

Margaret McDougall: I thank the minister for that intervention, but I think that all those who gave evidence agreed that removing funding from

a local planning authority would be detrimental to that authority.

We should not be looking to burden local authorities with a set of national standards that do not work for them. Although I acknowledge the need for consistency, I argue that it might be better for that to be provided not by central Government but through best practice guidelines and co-ordination.

The proposal to link planning application fees to the performance of the planning authority would mean that the Scottish ministers could reduce fees to underperforming planning authorities when it was felt that they were operating less than satisfactorily. We need to be extremely careful about the way in which the proposal is implemented. Despite the proposal forming a relatively small part of the bill, the question on it was one of the most frequently answered of all the consultation questions.

The Royal Town Planning Institute stated in its submission that it was

“disappointed that Ministers intend to pursue a statutory mechanism to penalise authorities who they consider under perform”.

It went on to say that it would be “counterproductive to withdraw funding”, and that

“a national continuous improvement programme ... should be put in place”.

What does the Government mean by unsatisfactory performance? That is not defined anywhere in the bill. Who will make the decision about whether performance is satisfactory or unsatisfactory? In an earlier intervention, the minister mentioned that there was a working group. When will that working group report to the committee or to the Parliament?

Derek Mackay: Will the member take an intervention?

Margaret McDougall: Yes.

The Deputy Presiding Officer: The member is now in her final minute, so Mr Mackay's intervention must be very brief.

Derek Mackay: I will be happy to share all the workings of the high-level group with all members so that they are fully informed about the key performance indicators. I hope that that will give the member some reassurance.

Margaret McDougall: I am now running very short of time.

What role will democratically elected councillors play under the new system? I understood that it was their job to scrutinise the process. Is that function to be removed? COSLA is not supportive of the bill's proposal, as Stephen Hagan stated in

his letter to the Economy, Energy and Tourism Committee, in which he described it as

“fundamentally too much Ministerial interference in the operations of a specific council service”.

What discussions is the Scottish Government having with councils to resolve the issue? What role will councillors have under the new system?

I hope that the Scottish Government will take on board the concerns that I have raised and make the necessary changes at stage 2 to avoid the distinct feeling of creeping centralisation that local authorities are experiencing in relation to some of the proposals in the bill.

15:38

Graeme Dey (Angus South) (SNP): I do not think that any reasonable person would question the wisdom or desirability of what the bill seeks to achieve—surely everyone benefits from improved regulation and an improved ability to regulate. The challenge in relation to the areas of the bill that the Rural Affairs, Climate Change and Environment Committee scrutinised as a secondary committee lies in ensuring that, in facilitating sustainable economic growth, we in no way compromise or give rise to the possibility of compromising protection of our environment or our natural heritage.

The committee's scrutiny of the bill centred on part 2, which covers environmental legislation, along with those areas of part 1 that relate to SEPA and SNH. In its submission, SNH revealed that it had no difficulty with the principles of the bill but admitted that it was not fully clear on its priorities and purpose. It should be acknowledged that SEPA revealed itself to have a clear understanding of its role. It stated that its new general purpose, as drafted in section 38 of the bill, accurately reflected the manner in which it currently operates.

The Minister for Environment and Climate Change told the committee that he did not intend the duty on sustainable economic growth to subvert in any way the existing regulatory duties of SEPA and SNH, and that regulators would take economic impact into account only when there was no conflict. Despite that, the committee came to the view that, given SNH's hugely important role in securing the conservation, enhancement, understanding, enjoyment, sustainable use and management of the natural heritage, a provision similar to the one that is provided for SEPA in section 38 might reasonably be included.

The minister indicated that he did not feel that to be necessary. However, although we were largely reassured by the minister's evidence, we remained of the opinion that the hierarchical model that is set out in section 38 might still be deployed

to provide that clarity. The intention is understood, but we were simply of the view that it might be more clearly understood were the Government prepared to take the suggested approach.

The minister indicated that regulators would be able to identify the outcomes of their new duties in future annual reports, but the committee was concerned that if regulators were unclear on what the duty would mean for them in practical terms, that would impinge on their ability to report. However, we welcomed the Government's commitment to produce, in consultation with stakeholders, appropriate guidance.

The undertaking given that the statutory code of practice will be comprehensive and define what is expected of regulators as regards their duties under section 4 is also to be welcomed, provided that the guidance includes clear instruction on how to resolve any conflict that arises between compliance with their primary functions and achieving sustainable economic growth.

Of course, things have moved on with the creation of the Scottish regulators code of practice working group to develop the draft code, with a view to entering into full consultation later in the year, and the Minister for Energy, Enterprise and Tourism reiterating in evidence and again today that sustainable economic growth is not to be prioritised over other regulatory objectives but is simply something to which regulators must have regard. The direction of travel is therefore one that satisfies the concerns of this member of the committee.

However, concern was expressed in the evidence that we took about how a high-level code of practice that is designed to be applicable to a wide range of regulators could be meaningful and effective. Subsequent ministerial reassurance that the new code was designed not to replace but to complement the detailed and specific subject codes that are already in existence—in other words, the already well-functioning codes specific to individual regulators would remain their driver—has helped to allay those fears. However, like the Economy, Energy and Tourism Committee, we in the Rural Affairs, Climate Change and Environment Committee might well renew our interest in the subject prior to the draft code being finalised and laid before Parliament.

I very much welcome the planned enhancing of SEPA's powers of enforcement through the bill and planned Government amendments. The package of measures that we might end up with by stage 3, judging by what is in the bill as drafted and the Government's proposed stage 2 amendments, will give those who police and protect our environment the means to do so effectively. I welcome the planned new section focusing on SEPA's investigatory powers with a

view, among other things, to determine any financial benefit that has accrued in relation to serious environmental crime.

I similarly welcome the proposed amendments to schedule 2, which will mean that permits can be varied, suspended or revoked if the holder ceases to be deemed a fit and proper person and that a permit transfer can be refused if the would-be transferee is not a fit and proper person. I also welcome the intended amendments to sections 69 and 166 of the Criminal Procedure (Scotland) Act 1995.

Concerns were raised that SEPA might use its new powers to impose fixed-penalty fines in relation to weaker cases rather than pursue the issue through the court process. However, SEPA stated in evidence that in practice it would still have to carry out a thorough investigation into the evidence and that guidelines to be provided by the Lord Advocate would further direct its approach. The committee was told that the nature of the offence and whether criminal intent was involved would be taken into account in determining the balance of probability.

As a member of the committee, I was particularly pleased to learn that regulations made under the bill will enable SEPA to consider issues on a company-wide basis rather than an individual-site one. That will ensure that organisations that have a corporately bad attitude to the environment will be appropriately held to account, not just slapped across the wrist because at an individual location level their actions are not deemed to be significantly serious. Plans to issue publicity orders are also a step forward, because they might be used alongside or in place of alternative sentences, and someone who is convicted of an offence would be required to make public details of the misdemeanour and the sentence imposed.

Discretion on whether to deploy that approach would lie with the courts. However, it strikes me that, used in a commonsense way, that would draw a distinction between a one-off accidental breach and a perpetrator deliberately playing fast and loose with the environment. It is another useful weapon in the environmental protection armoury. Allowing directors of a company and similar office-holders to be prosecuted for the offence of failure to comply with a publicity order in certain circumstances is a logical accompanying step.

I welcome moves to better protect SEPA officials from threats of violence and intimidation. The committee heard of cases of serious organised environmental crime in which SEPA officials had been subjected to such threats. SEPA officers do hugely important work on our behalf

and they must be afforded the fullest protection and backing.

15:44

Claudia Beamish (South Scotland) (Lab): As a member of the Rural Affairs, Climate Change and Environment Committee, I identify myself with many of the remarks that my colleague Graeme Dey made.

I want to speak about the term “sustainable development”. I ask ministers to consider including that in the bill and, further, I ask them not to include the term “sustainable economic growth” without a clear statutory definition. I do not believe that this is just semantics. As others have said, the term “sustainable economic growth” lacks legal clarity, and in my view it does not represent a sufficiently holistic approach, so it is more likely to founder. There is already a term whose legal meaning is clear and which is holistic by definition, and that is “sustainable development”. For those reasons, and others that colleagues have raised, we will not be able to support the bill at this stage.

Paul Wheelhouse: Will the member take an intervention?

Claudia Beamish: Very briefly. I want to develop my point.

Paul Wheelhouse: I am grateful to the member. I hope that I will not disrupt her flow. I just wanted to point out that, at the European environment council level, the member states are currently discussing the definition of sustainable development, and the German Government has pointed out that it does not even include the word “environment”. In European policy, a lot of thinking needs to be done on how to define sustainable development. In section 38, we make it quite clear to SEPA exactly what we mean.

The Deputy Presiding Officer: I will give you a little extra time, Ms Beamish.

Claudia Beamish: I will go on to develop arguments about the rationale for adopting the five pillars of sustainable development, so I will proceed on that basis.

As we all know, sustainable development takes into account the social, environmental and economic, which in my view fuses them into one and provides a way forward. Sustainable economic growth, though, is wrong-footed in that way. Further, the word “sustainable” has had too many meanings attached to it when it is the precursor to “economic growth”. Does the phrase refer to growth that is sustainable or to an environmental or social brake on growth? Further, sustainable economic growth can entail irredeemable degradation of the planet, increasing inequality and even arms production, and a poor

diet leading to obesity. Those are bad factors, but they are still defined in that way. Sustainable economic growth can also entail debt, which can be sustained for decades, as we have seen.

Significantly, there appears to be confusion about what sustainable economic growth really means. There is concern about the lack of clarity in policy definition itself, which could cause confusion in the development of regulation as the Government and successive Governments act in a range of areas. Even worse, in the draft marine plan, which is out to consultation, we read:

“The ... High Level Marine Objectives ... reflect and incorporate the five guiding principles of sustainable development, which the Scottish Government acknowledges as an important element of increasing sustainable economic growth.”

So sustainable development now becomes a subset of sustainable economic growth in Scottish Government policy.

As we have heard, there are concerns that confusion may lead us to the courts. In written evidence to the Rural Affairs, Climate Change and Environment Committee, Professor Colin Reid of the University of Dundee stated:

“It is unsatisfactory for legislation to impose a legal duty where there is so little clarity as to its meaning”.

I think that we can all agree that legislation must be robust and clear. The recent Crofting (Amendment) (Scotland) Act 2013 is a salutary reminder of what can happen to people if it is not. In the words of the Law Society of Scotland’s written submission to our committee,

“Effective legislation is best made with precise terms.”

The term “sustainable economic growth” is not clear and precise enough. We are more likely to get it right with the term “sustainable development”, as it reflects a more holistic approach, and a range of stakeholders argue for it to be used in the bill.

Scottish Environment LINK is concerned about the economic growth duty on regulators. It states:

“We know of no legal definition of sustainable economic growth and, therefore, have no assurance that it aligns with the sustainable development definition and principles”

The Scottish Council for Voluntary Organisations highlights in its briefing that the importance of sustainable development was recognised in the passage of the Water Resources (Scotland) Bill, which was amended at stage 2 in response to the Economy, Energy and Tourism Committee’s recommendation to give equal emphasis to all three pillars of sustainability rather than just the economic aspects.

The national performance framework aims for a flourishing and prosperous Scotland through the balance of 50 indicators including biodiversity,

carbon and equality issues and, as members know, much work is being done on the appropriateness of gross domestic product being Scotland's only top-line measure of progress. Strangely, the two committees that were involved in the passage of the bill were unable to agree on that issue at stage 1.

Mike MacKenzie: Will the member take an intervention?

Claudia Beamish: I am sorry, but I cannot do so now.

The Deputy Presiding Officer: The member is in her final minute.

Claudia Beamish: The Economy, Energy and Tourism Committee, which is the lead committee, noted the "conflicting views" of stakeholders, but asked only that "sustainable economic growth" be "explicitly stated and explained in subsequent guidance",

but not on the face of the bill. That is not good enough.

The Rural Affairs, Climate Change and Environment Committee, which is the secondary committee and my committee, expressed concerns in its report to the lead committee. It said:

"The Committee agrees with stakeholders that if a duty to contribute to achieving sustainable economic growth is to be included in the Bill then, to ensure clarity and to safeguard against any reinterpretation of its intended meaning at a later date, a definition of the term should be included on the face of the Bill."

Finally, that committee said:

"The Committee remains unclear as to why the term sustainable economic growth has been used in the Bill rather than sustainable development on the grounds that while neither has a statutory definition sustainable development has international recognition and is understood legally across a number of regimes and jurisdictions. The Committee recommends that the Scottish Government bring forward amendments to the Bill at Stage 2 to include a definition of sustainable development in section 38 of the Bill."

I whole-heartedly support that approach.

15:51

Bruce Crawford (Stirling) (SNP): I hope that, whatever our differences are this afternoon, we can agree on the need to place an emphasis in the bill on assisting business in Scotland and on creating an environment in which business can flourish, while recognising that we need to offer protection to people and the natural environment in which they live.

I will discuss a particular case in my constituency that is presenting considerable challenges to a number of my constituents. A situation has arisen through no fault of their own,

and the current regulatory framework does nothing to ease their plight.

The bill is an opportunity to look afresh at the regulatory framework and identify ways in which to improve it—for instance, by making legislation that promotes better consistency of approach across the country and thus assists businesses in understanding what standards are expected, while acknowledging local circumstances.

I was taken by the mention of "pointless inconsistency" in the MSP briefing from the Federation of Small Businesses. That is what the bill is really about. That clearly causes frustration to businesses and I hope that it can be addressed by the bill's proposals, as it is a recurring theme with the businesses and individuals I speak to in my constituency, particularly regarding the actions of local authorities and organisations such as SEPA and SNH.

Another key aspect of the bill is the environmental standards that it encapsulates. I very much welcome that thrust.

I turn to an environmental matter in my Stirling constituency. The bill has the potential to have a major beneficial impact on some of my constituents. I will explain what I mean.

Around 18 months ago, I was contacted by constituents from Blanefield about contaminated land in a part of the village that had been built on the site of an old printworks. It was found that the houses, which were built in the 1930s, were situated on land that had been contaminated with high levels of lead and other hazardous substances. After testing and retesting, 13 properties are now in need of remediation due to the level of contamination. The residents in Blanefield and Stirling Council have come together to work to find the best possible solution to that matter, but they face many obstacles.

First, the cost of remediation to Stirling Council and my constituents is extremely high, partly due to the cost of the landfill tax. Estimates suggest that the cost of cleaning the land is likely to be over half a million pounds.

Secondly, my constituents' main concern after remediation is that, although the land may be made safe, their properties will still be listed on the contaminated land register. As things stand, if a local authority finds a site to be a significant threat to human health, it may issue a notice that identifies the land as contaminated and places it on the contaminated land register, but even when the land is remediated and no longer meets the contaminated land criteria, it will remain on the register, as the legislation does not provide for a site to be taken off that public record. My constituents will have to endure the stress of their homes being on contaminated land, the financial

cost of remediation and the upheaval during the clean-up process, and, once the land has been made safe, their properties will remain on the contaminated land register. As members can imagine, that is causing my constituents a great deal of unease.

The bill will provide an opportunity to alleviate some of my constituents' anxieties. I have been in correspondence with the Minister for Environment and Climate Change about the issue and he was able to inform me of the Scottish Government's intent that the bill should give local authorities the power to declare that land that they have previously identified as contaminated is no longer contaminated and need not remain on the register. Closer examination of the bill's provisions on that subject suggests, however, that further clarification is required. I say that because Stirling Council officials have pointed out to me what the SPICe briefing paper has to say about section 34:

"Section 34 relates to contaminated land and special sites, and amends the Environmental Protection Act 1990 by proposing the following provisions: ...

enabling the local authority or SEPA to remove from a register of contaminated land a notice designating a special site; if it considers that the land in question should no longer be specified as such."

However, that provision appears to relate only to designated special sites and the SPICe briefing describes a special site as follows:

"This is a specific designation for land where e.g. oil has been extracted, purified, or refined; or explosives processed or manufactured."

There does not appear to be a provision that would allow the land that could be determined to be contaminated land on the former Blanefield printworks site to be removed from the register of contaminated land once it has been remediated.

Providing this example, as I have done today on behalf of my constituents in Blanefield—I have no doubt that there are other affected communities in Scotland—demonstrates an area in which ordinary individuals' lives could be improved by the bill. I look forward to hearing the Scottish Government's response today, or certainly before stage 2, so that I can consider whether to lodge amendments.

In the meantime, I fully support the bill's intent to bring a better regulatory framework into being in Scotland.

15:57

Alison Johnstone (Lothian) (Green): I thank the witnesses, who have given valuable input into the bill, and the clerks for their sterling work. As always, they have enabled us to scrutinise the bill and bring it to stage 1.

I dissented from the committee's recommendation to the Parliament that the bill be passed and I will argue why I believe that changes should be made.

Section 4 of the Regulatory Reform (Scotland) Bill introduces a new duty for regulators. If the bill is passed, the regulators that are named in schedule 1, such as local authorities and the Food Standards Agency, must, when carrying out their regulatory functions,

"contribute to achieving sustainable economic growth, except to the extent that it would be inconsistent with the exercise of those functions to do so."

That provision hands regulators a conflicted remit. We are asking that, while regulators are doing their main job, they should focus on another job, unless that other job distracts them from their main job. As confusing duties go, that one is up there. In a world of limited resources, focusing on another outcome will inevitably reduce someone's ability to deliver their primary purpose.

Paul Wheelhouse: I hope that I made it clear in my opening remarks that this provision is not a case of distraction; it is a case of looking at where there is a conflict. Indeed, the Minister for Energy, Enterprise and Tourism made the same point. If there is a conflict between the regulator carrying out their sustainable economic growth function and their primary objective, they are not required to do the former. If a regulator's primary objective is environmental protection, it is only right and proper that it should prioritise that.

Alison Johnstone: When the Minister for Energy, Economy and Tourism gave evidence to the committee, he suggested that that was not the case. It is okay for ministers to say one thing, but what is written in the bill is what becomes law. In Scotland, we should be passing legislation that is clear and focused and gives our public bodies and businesses clarity about what is expected of them. It is not good enough to argue that the courts can decide in cases of doubt.

The FSB's briefing for today says that 51 per cent of its members found that the most challenging aspect of regulation was interpreting which regulations applied to their business. The new duty will make the picture no clearer and it could make the role of the regulator less clear.

Regulators help to stop the tiny minority of people who may cheat or deceive, thus gaining an economic advantage over businesses that are playing by the rules. This is how regulators help our economy to operate smoothly: they enable a fair, competitive environment for business to develop and they should be allowed to focus on their main purpose.

Unison reported that many of its members were concerned that the duty

“will leave their decisions open to a range of challenges when they give priority to ensuring public safety over that of the environment.”

The Law Society of Scotland said that it would

“make it less easy for the regulator to make a clear-cut decision.”—[*Official Report, Economy, Energy and Tourism Committee*, 26 June 2013; c 3099.]

It also questioned our ability to enforce such a duty, and suggested that that may just add a further complication to process. Andrew Fraser from North Ayrshire Council thought that

“the duty will end up as a lawyers’ charter”.—[*Official Report, Economy, Energy and Tourism Committee*, 5 June 2013; c 2955.]

The bill will allow—and the Government plans to produce—guidance and a code of practice to help, among other things, regulators interpret what the economic duty means for them. I welcome the role that the committee will play in considering the code, but the primary problem remains: the duty in primary legislation risks diluting the main role of regulators and skewing decision making, instead of promoting a balanced consideration of economic, social and environmental priorities. Regulators such as SNH already have a challenging enough time protecting our environment.

Let me be clear: nobody wants regulators to act in inefficient or overly complicated ways and unnecessarily interfere with business, but they must be able to focus on their job. I have yet to see convincing evidence that there is a major problem here that requires regulation. Regulators are willingly engaged with the regulatory review group and good progress is being made in non-legislative ways. Why add complications with unnecessary legislation and new duties when collaborative initiatives are working?

The definition of sustainable economic growth, as we have heard, received a lot of attention from witnesses and the committee. That is quite right—the phrase has never appeared in primary legislation before. The bill is a first and it should be scrutinised closely. I do not have strong views on where or whether any definition is spelled out. The real question is whether that is the right duty to place on regulators in the first place.

During scrutiny it became clear that the duty would play havoc with decisions made in the land use planning system. Under current legislation, as I have mentioned, a golf course took precedence over a site of such special scientific interest that an eminent scientist described it as

“Scotland’s equivalent to the Amazon.”

I welcome ministers’ intentions to lodge an amendment to exclude a local authority’s planning functions at stage 2, as I can only imagine what decisions could arise if a duty to promote

sustainable economic growth impacted on planning decisions.

To me, the Economy, Energy and Tourism Committee’s report on the subject reads like a cogent argument against any economic duty, but the conclusions, agreed by majority vote, do not follow. There was significant witness concern, both during the bill’s consultation and stage 1 scrutiny, that the duty would skew decision making. Many suggested that the duty should refer to sustainable development. That term is understood well: it has international currency, it is embedded in Scots law and it explicitly balances economic, social and environmental issues. I hope that the minister will explain why that concept in law was not used instead.

It is the Government’s right to focus policy on a single purpose, even if some of us question the concept, but there is a difference between the Government’s policy and what the Parliament should write into law.

The Deputy Presiding Officer (Elaine Smith):

Before moving on to the closing speeches, I remind members that all members should be in the chamber for closing speeches if they have participated in a debate. I note that Margaret McDougall is not in the chamber.

16:03

Jamie McGrigor (Highlands and Islands)

(Con): I am pleased to close today’s debate for the Scottish Conservatives. I, too, thank those organisations that have provided briefings for today, and those who took part in the various consultations. I commend the Economy, Energy and Tourism Committee, ably led by my friend Murdo Fraser, on a thorough stage 1 report. I also welcome the work undertaken by the Rural Affairs, Climate Change and Environment Committee as secondary committee in relation to part 2 of the bill.

There have been some good speeches from across the chamber and a good deal of consensus. Gavin Brown has set out the Scottish Conservative position. I therefore want to pick up on some of the issues that have emerged during the debate.

There has been general agreement that the Scottish Government’s five principles of better regulation, namely that the bill should be transparent, accountable, proportionate, consistent and targeted where needed, are sensible and appropriate.

There has also been recognition of the need to ensure that, while regulation should protect Scotland’s built and natural environments, which are key assets for our country that are vital for our

economy and wellbeing, it should do so without placing undue burdens on business and should help to support economic growth. We all recognise that this is a balancing act—and a challenging one.

The volume, type and cost of regulation is a big issue for businesses throughout Scotland, especially small and medium-sized enterprises, including many SMEs in my region of the Highlands and Islands, which often raise the matter with me. Last year, the Federation of Small Businesses said that around 30 per cent of its members cited regulation as the biggest barrier to growth, with 62 per cent of its members reporting that the costs of complying with regulation have increased over the past four years. The Confederation of British Industry Scotland stated:

“Red tape is a significant and avoidable constraint on business investment and growth”.

Policy makers need to address that issue.

Regarding part 2 of the bill, I welcome the proposals to update the role of SEPA as our environmental regulator and I welcome the fact that SEPA’s objectives will include helping to achieve sustainable economic growth—we all need growth. I was pleased to note that, in its submission to the Rural Affairs, Climate Change and Environment Committee, SEPA stated that it is committed to continue

“Engaging much more with business”

and

“Ensuring that environmental regulation is not unnecessarily burdensome on businesses”,

which I must say has often been the case in the past. CBI Scotland has been positive about the progress that SEPA has made in those regards, and I hope that that can continue.

On part 3 of the bill, I welcome the proposal in section 40 for a single appeals system for offshore marine energy projects. On section 41, I note that the linking of planning fees to performance was one of the most frequently answered of all the consultation questions. We support the Government’s aim of seeking to eliminate undue delay in the planning system and we support the linking of planning fees to performance, as that should incentivise planning authorities. We are aware of concerns about how planning authority performance will be measured and we look forward to seeing the Scottish Government’s guidance on that. We also agree with representatives from the business sector that they should be able to expect an improvement in performance from increases in planning fees.

In conclusion, the Scottish Conservatives support the consolidation and streamlining of regulation at every level, wherever that is possible.

The Minister for Environment and Climate Change will know that my crofting constituents—many of whom I visited last weekend on Skye—would dearly love to see that applied to some of the legislation that engulfs their sector, although some of those issues are being considered by the crofting law group’s sump.

We want regulation that is concise, precise, easy to understand and transparent. We look forward to the bill helping to achieve that aim and we look to ministers to improve the bill further at stages 2 and 3.

16:08

Jenny Marra: I began the debate by talking about the importance of regulation to our communities and to our environment. Regulations keep us safe, they contribute to sustainability and they make the everyday easier. For regulatory reform to work, it must be built by Government, yes, but also by the communities that benefit directly from it.

Under the bill as it stands, I fear that we will lose the democratic element to our regulation, lose the input of the representatives who are closest to people and, therefore, risk suffering from regulation that works against our local communities and businesses rather than with and for them. I completely agree with Bruce Crawford that regulation is about creating the conditions for business to flourish while protecting people. I completely agree with that assertion, which the Minister for Enterprise, Energy and Tourism challenged me on in my opening speech. We want to see the ideal conditions for business, but we need the balance that Bruce Crawford talked about. I do not think that the bill goes to the heart of striking that balance properly.

I am not opposed to national standards, but the bill must do the responsible thing by telling us unequivocally how national standards will work with our local authorities, whose duty is to serve the needs of the community.

Principles in a memorandum of understanding offer small comfort compared to the clarity of the law, but I fear that the Government is not prepared to clarify its law because it does not yet know the impact of the changes that it proposes. What good is a duty to promote sustainable economic growth to a regulator whose function is to penalise businesses when they flout environmental standards? How will that balance be struck and who will make that decision? The experts—the Law Society of Scotland, which regulates and represents its members—tell us that it might be the courts, which are already overburdened, yet we are being asked to take comfort in a code of practice that has not yet been thought of.

I ask the minister to seriously consider the issue. The cart is being put before the horse. All that we really know is that power will come to Edinburgh, but we do not know how it will be used. The bill will give the Government the power to introduce, amend and delete regulations without proper oversight by the Parliament. That is the stuff of a Government that is more concerned about where power lies than about how the power is used and that is not why we fought for this Parliament.

I urge the Scottish Government to seriously consider the remarks of the Law Society with regard to section 4, "Regulators' duty in respect of sustainable economic growth". The guidance that Fergus Ewing relied on earlier in his intervention has not yet been thought of or drafted, but it is what the lawyers would refer to in deciding on such cases. It is worth reiterating the Law Society's concerns. In written evidence, it said of the duty:

"The underlying question in relation to the avoidance of burdens on commerce must be whether the imposition of this new duty actually contributes to better regulation or merely adds a further complication to process. If the duty is imposed, the failure to write it into decisions, difficult, as it is to apply, may only result in generating a further ground for appeal of the decision."

I ask the minister in his closing remarks to address that concern about section 4. Concerns have been voiced from across the chamber. The duty will cause problems in local authorities and in the courts, so I ask the Government to review the issue before stage 2.

I want better regulation for Scotland, but I do not believe that the bill guarantees that in any way. My colleague Claudia Beamish made a good case for including a provision on sustainable development in the bill; that was echoed eloquently by Alison Johnstone. I ask the Government to make that one of its considerations.

We have made clear our view that the principles of the bill are currently unsupportable, although I hope that the Government is listening carefully and will come back with alternative proposals.

Gavin Brown: The Economy, Energy and Tourism Committee recommended to the Parliament that the general principles of the bill be agreed. Half the Labour members on the committee voted against that, and half the Labour members voted in favour of it. Can the member explain that?

Jenny Marra: That is exactly correct. I am clarifying our position, which is that the general principles of the bill are unsupportable. I hope that the Government listens carefully to those considerations and comes back with proposals that we can support.

16:14

The Minister for Energy, Enterprise and Tourism (Fergus Ewing): I thank members for their contributions to the debate. I pay tribute to Murdo Fraser, the convener of the Economy, Energy and Tourism Committee, for the way in which he presented the arguments, and I thank the clerks of that committee, who as always performed a power of work in the background to assist members in their scrutiny of the bill.

We have had a useful debate, although I cannot say that any of it has been desperately surprising, because we have rehearsed and rehashed arguments that were put at some length in committee and perhaps probed to a greater extent, as is possible given the committee procedure.

I hope that I will cover most of the points raised in the debate but, as always, I am happy to correspond with any member should I fail to deal with any significant point in this relatively short speech.

Better regulation is an important example of the Government's determination to use every available lever to support sustainable economic growth and make Scotland a more successful country with opportunities for all to flourish. The Regulatory Reform (Scotland) Bill is a key element of our continuing work to deliver better regulation.

As Jamie McGrigor stated, better regulation should be characterised by a number of principles: it should be transparent, accountable, proportionate, consistent and targeted. Those principles have been expounded and developed by Professor Russel Griggs and the regulatory reform group, whose recommendations are always worthy of careful scrutiny by members of the Parliament and have helped us enormously in a great many areas of Scotland's economic and environmental life.

The bill will help to provide a favourable business environment, in which companies can grow and flourish. Successful businesses create wealth and jobs, as well as improving communities and ordinary people's lives.

I was delighted at the support that the business community in Scotland evinced for the bill. Much reference has been made to the Federation of Small Businesses, which has taken a particular interest in the bill. It starts off its briefing not by talking about business, economic growth and jobs but by saying:

"We know that regulation is necessary to protect communities and the environment from potential harm. We also know that it protects small businesses, employees and the public from the irresponsible and unscrupulous practices of a minority."

That is the beginning of the FSB's comments and it is extremely welcome.

We are for better regulation, not for removing all regulation. Regulation meant that children were no longer put down mines or up chimneys. Regulation—the Parliament has seen a lot of it—helped to deal with some of the horrific illnesses and problems associated with asbestos. Regulation has produced a health and safety regime in our oil and gas industry that is regarded as an example to other countries around the world.

Regulation is not per se wrong but necessary. However, it must be the best regulation and conform to the principles that we have described. Laws and regulations play an essential role in fostering a prosperous, fair and safe society. They provide essential rights and protections for citizens, consumers, workers, businesses, communities and the environment. In so doing, they also support sustainable economic growth. However, as ever, we are ambitious for Scotland and want much better regulation—better in concept and development.

I am delighted to have worked, along with the Scottish Government officials to whom much credit is due, with our key stakeholders, especially COSLA. I mentioned Stephen Hagan and those who work with him in COSLA. We have spent quite a lot of time trying to reach a modus operandi with which COSLA and local authorities in Scotland can broadly feel comfortable. We are on course to achieve that, but that work will continue.

We have also engaged closely with SEPA and SNH on their role. Paul Wheelhouse has led that aspect of the work. In his opening remarks, he covered clearly how it relates to the bill's provisions.

I am delighted that the bill reflects the views and active input of the key stakeholders. To suggest that it does not is somewhat unfair to all those who have been involved in that serious work. However, the committee's consideration of the bill will also enhance it, and we will lodge a number of amendments based on its recommendations. We listen carefully to what the committees say, as is right and proper.

I am delighted, too, that Mr Wheelhouse will lodge amendments designed to protect those who are working for SEPA from assaults and attacks on them in the course of their employment. That was covered very clearly by Graeme Dey in his contribution. As Mr Wheelhouse indicated, protection will be extended to employees who face that type of threat in their work in the same way as we have extended such protection to other emergency services workers.

Out of a sense of inquisitiveness, I turn to those members who would vote against the bill today and say to them that, were the bill to go no further, one effect would be that that protection could not be extended to the workers of SEPA. This is really an issue for members of the Labour Party to consider. Were they, as appears to have been indicated, to vote against the principles of the bill—rather than being split down the middle, which is what they appear to have been in committee—rather than to try to amend it, improve it and deal with the points that Claudia Beamish and others made, the effect would be to deny SEPA employees the very protection that I would have expected Labour members to wish to extend. Perhaps, even at this late stage, they will reconsider.

I turn to what is perhaps the main point, which Jenny Marra—to be fair to her—Alison Johnstone and several other members mentioned, and that is economic growth. As I think the committee has recognised and acknowledged, we have made it absolutely clear that the duty in respect of sustainable economic growth will be clearly set out in a strategic code of practice. I recall that we alluded in committee to the fact that John Swinney has already provided a definition of sustainable economic growth in response to parliamentary written question S4W-10994. Although the code of practice will not necessarily duplicate that definition, the suggestion that there is no definition perhaps means that people need to pay a bit more attention to what we have said in the course of this session of Parliament, including what the Cabinet Secretary for Finance, Employment and Sustainable Growth said in responding directly—as is right and proper—to a parliamentary question.

Having listened to businesses, and with the endorsement of local authorities, we are minded to lodge amendments to introduce a framework for primary authority in Scotland, which will deliver consistent regulation through partnership working with local authorities. A more supportive business environment through consistent, effective and efficient regulation will be provided through other specific measures in the bill, such as the integrated framework for environment regulation; linking planning fees to satisfactory performance of planning authorities; speeding up the process of resolving legal challenges to offshore marine energy projects; and introducing a transferable certificate of compliance for mobile food businesses applying for street traders' licences.

Incidentally, that matter was originally raised by a member of the CBI at a meeting that I had with it a couple of years ago. That shows, I hope, that this Government is ready to, and does in practice, consider and respond to appropriate matters raised by businesses and organisations such as

the FSB, the CBI, the SCDI, the Scottish Chambers of Commerce, the Institute of Directors and, of course, the trade representative organisations.

I thank those representatives of the STUC with whom I have engaged. It is fair to say that we have not reached total agreement on matters but, of course, we continue to engage regularly and very seriously with the STUC.

I am determined that we will promote among all Scottish regulators a broad and deep alignment with the Government's purpose of focusing government and public services on creating a more successful country, with opportunities for all of Scotland to flourish through increasing sustainable economic growth. I believe that Parliament shares that ambition, as indeed do regulators and business. We will therefore continue with a team Scotland approach, working with regulators, business and others to deliver sustainable economic growth for Scotland.

Regulatory Reform (Scotland) Bill: Financial Resolution

16:25

The Deputy Presiding Officer (Elaine Smith):

The next item of business is consideration of motion S4M-06623, in the name of John Swinney, on the financial resolution for the Regulatory Reform (Scotland) Bill.

Motion moved,

That the Parliament, for the purposes of any Act of the Scottish Parliament resulting from the Regulatory Reform (Scotland) Bill, agrees to any expenditure of a kind referred to in Rule 9.12.3(b) of the Parliament's Standing Orders arising in consequence of the Act.—[*John Swinney.*]

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

Dundee City of Culture

The Deputy Presiding Officer (Elaine Smith):

The next item of business is a debate on motion S4M-08254, in the name of Fiona Hyslop, on Dundee, city of culture.

I call Fiona Hyslop to speak to and move the motion. Cabinet secretary, you have eight minutes.

16:26

The Cabinet Secretary for Culture and External Affairs (Fiona Hyslop): I start by offering my congratulations to Dundee on being shortlisted to become 2017 United Kingdom city of culture. I know that a collaborative approach was taken, with contributions and support from a range of individuals and organisations who helped to put together such a strong bid for Dundee and for Scotland.

I pay tribute to the bid team, some of whom are in the public gallery today, but I also recognise that it is the involvement of Dundonians and the embracing of culture by the entire city that make Dundee's bid so special.

I am sure that members will agree that, if given the opportunity, Dundee would showcase the 2017 city of culture programme to the world. That is clearly demonstrated by the cross-party support that I am very pleased to see in Dundee's bid document.

On behalf of the Scottish Government, I reiterate my full support and backing for Dundee's bid. The timing of the debate is opportune as, later this week, the bid team will, alongside Swansea Bay, Leicester and Hull, make their final presentation in the bid to become the 2017 UK city of culture in the current UK city of culture, Derry/Londonderry.

Earlier this month I recorded a message of support for Dundee at the Hannah Maclure gallery, which exhibits the work of artists and designers working with digital media. The gallery also hosts events to celebrate and showcase Dundee's diverse local culture with an exhibition programme that brings new and exciting work to a local and international audience. The venue was fitting, too, because the curator of the gallery is also the curator of the Neon festival, Scotland's only digital arts festival, which was taking place that week in Dundee. That encapsulates perfectly the real connections and flourishing partnerships that are the very essence of Dundee's bid.

Dundee's website, we Dundee, has helped connect people to the bid, allowing them to help shape and be involved in it. The website shows the tremendous imagination and enthusiasm that

people have exhibited in relation to what becoming city of culture 2017 would mean to them individually and for the city. If members have not yet seen the website, I recommend that they do.

Dundee's bid is based on the strength of the creative and cultural sectors of the city. It is focused on the vision of encouraging discovery, regeneration and transformation. It intends to deliver a robust legacy that will build youth and community engagement through cultural activities. The bid's signature events will attract international audiences, and a series of major events throughout the year will build on the city's existing programme of mini-festivals and events, based on Dundee's strongest characteristics as chosen by Dundonians: the river, the light, the people and the environment.

Dundee City Council has taken a lead in using culture and creativity to help to tackle wider social issues in a range of innovative ways and has a strong track record of embedding culture into Dundee and further afield. The further positive impact that being the city of culture would bring would be a fitting legacy for Dundee as it continues to use culture and creativity as a catalyst to promote regeneration—an area that the city has been a pioneer in. City of culture 2017 status offers a potential tipping point—a chance for the city to use culture to power the momentum of regeneration that has been growing in recent years. The redevelopment of the waterfront is reconnecting Dundee city centre to the River Tay. In the last two decades, Dundee has invested significantly in culture and creativity as its future direction.

The famous royal research ship Discovery, Robert Falcon Scott's Antarctic exploration vessel, which was built in Dundee, is back home and berthed in the city harbour, providing an inspirational focus.

Culture and creativity are at the heart of developments in Dundee, which is delivering a large £1 billion waterfront regeneration programme. It includes the £45 million Victoria and Albert Dundee museum, which will showcase Scottish contemporary design and international exhibitions to tell the fantastic story of Scotland's design history.

The foundations in Dundee are strong: from cartoon illustration, gaming, Oor Wullie and Desperate Dan to Dundee Contemporary Arts welcoming over 300,000 people each year to a diverse and challenging programme of visual art, cinema, workshops, education and research. Dundee has variety.

Discovery, Scotland's international film festival for young audiences, has just celebrated its 10th anniversary. The Dundee Repertory Theatre is a

leading Scottish cultural institution, comprising the only full-time repertory theatre company in the UK, Scotland's contemporary dance company and a cutting edge creative learning team. The rep has won awards consistently and developed an international reputation for the breadth and quality of its work.

Caird Hall is one of Scotland's most popular city centre conference and cultural venues, which played host to the finale of the BBC Scottish proms in 2010 and 2011 and is used for a wide variety of classical and contemporary concerts, conferences and other civic events.

The recently refurbished McManus—Dundee's art gallery and museum—has won many accolades for its sensitive representation and for the quality of its refurbishment. From exhibits that relate to the life of early man in the area, stunning paintings and decorative art through to artefacts from industries past and present, the city's collections, many of which are recognised as being of national significance, give an insight into Dundee and its people. Testament to that, following the McManus's reopening in 2011, more than 160,000 people now visit each year.

Dundee's vision is to use culture and creativity to help to create a step change and close the circle of opportunity by using city of culture status to help to ensure that more people attend cultural events and activities. It wants to celebrate and embrace the culture of the city and its people and make it highly relevant, inclusive and accessible.

There is a focus on engaging with those who are deprived, disadvantaged or disengaged through long-term projects based in each of the city's eight local communities, which will bring together creative partners with host communities at the centre. This, for me, is the heart of the bid: people, communities, and the recognition of the fundamental importance of culture to place and the profound impact that it has on our very quality of life. Dundee understands, as we do, that culture is pivotal to our wellbeing and the bid says so much about the type of city that it wants to be.

I have not yet cited the impressive economic benefits that the 2017 city of culture status may bring. The key finding outlined that if Dundee were to be the city of culture, it would benefit from tourist expenditure of up to £80 million and the creation of up to 1,000 full-time equivalent jobs.

I do not focus solely on the economic benefits, however. A benefit of culture is that it invites us to reflect on who we are and gives us an understanding of what we can become as individuals, a community and—in Dundee's case—a city.

That is what delights me about Dundee's bid. It is committed; it is bold; and it is ambitious.

I move,

That the Parliament endorses Dundee's bid to become the UK City of Culture 2017 and congratulates Dundee on reaching the final stage of the competition; recognises the significant contribution that Dundee makes to Scotland's rich cultural life and welcomes the local and national benefits that being UK City of Culture 2017 would bring while acknowledging that this accolade will strengthen the city's growing reputation as a hub of cultural and creative excellence; agrees that the timing is right for Dundee as an international centre for the creative industries, the home of the world-renowned centre, Dundee Contemporary Arts, and the proposed £45 million V&A at Dundee; considers that the city is a national success story with a huge amount to offer to locals and visitors alike and would be a deserved holder of this prestigious title; notes the cross-party support behind the bid and congratulates the team behind Dundee's bid document, *Tipping Point*, on producing an excellent submission and welcomes the involvement of so many people and organisations in the process, which has seen the bid go from strength to strength, and recognises that, if successful, the city will benefit from tourist expenditure of up to £80 million and the establishment of up to 1,000 full-time equivalent jobs.

16:33

Jenny Marra (North East Scotland) (Lab): In Dundee, I would like to see

"Urban meadows like the New York Highline";

"An old boat parade with lighting and music";

"sculptures of Broons characters throughout the city";

"the Tay bridge lit at night";

"A massive river pageant in the Tay".

Nobody can say that we Dundonians are not romantic, ambitious and jealously proud of our beautiful home, because those are all suggestions for Dundee's 2017 city of culture celebration.

The suggestions came from the people of Dundee using we Dundee, a new digital interactive community hub that allowed the team to pull together inspiration and ideas from all our citizens. I believe it to be a first in the United Kingdom. Everyone had their say on what they want Dundee to celebrate in 2017—a special year for them. The bid is a community bid, made up of the voices of Dundonians singing proudly for their city.

Feats of engineering, computing, a history of jute—weaving and spinning, hard work

"shifting bobbins coarse and fine"—

and our tough experiences in the mills and the factories make up our stories and our struggles, all of which encouraged Dundee to seize cultural opportunities when they reappeared in our city, when the RRS Discovery sailed home in 1986.

Culture, music, art and drama are nothing without a story and a struggle. They are about the art of making the everyday beautiful. That is why our cultural renaissance has been so successful, so inclusive and so pervasive in the city. Our city

is not divided when it comes to embracing culture. Music rings out from venues throughout the city, and art galleries are successful—especially the newly refurbished McManus galleries, which the culture secretary mentioned.

In Dundee, we are united in the love of our home city and the culture that it boasts. However, our city is divided in terms of the share of wealth and opportunities. That is why the greatest challenge of the 2017 bid is to ensure that the year of celebration reaps benefits for all our communities. Our greatest challenge in Dundee is to create wealth and opportunity in communities that suffer the blights of unemployment, drugs, shorter lives and the desolation that wrecks dreams.

That is at the core of why Dundee is bidding for the important city of culture status. We know the transformative effects of culture. We have witnessed Dundee's transformation over the past 40 years from a post-industrial city to an exciting hub of scientific research, with some of the finest engineering minds in the world staying in the city and creating new companies and opportunities in the life sciences, medicine, technology, computing and gaming.

We witnessed the deluge of Dundonians into the Dundee Contemporary Arts centre when Donald Dewar opened its doors in 1999. We remember the fun of the Dundee 800 and the community spirit of "Witch's Blood". We know that with a well-thought-out bid, as our bid is, and a well-funded plan for 2017, city of culture status for Dundee will make a difference to the lives of many of our citizens. It will raise our aspirations further and give us shared and individual memories of the beautiful everyday, centred around our prized V&A at Dundee on the waterfront.

That is why I am delighted that there is cross-party support in Parliament for the Scottish Government's motion, which clearly indicates the unequivocal support of the First Minister and the Scottish Government and its agencies, who stand four-square behind the bid. That is what we need, if we are to win. Our competitors are fierce, and rightly have aspirations for their communities that are similar to our aspirations for Dundee. Our bid needs unequivocal commitment from all levels of government in Scotland if it is to be a success for Dundee and the whole of Scotland. That is why I am delighted that the culture secretary has given such a commitment tonight. We will vote for the Government's motion at decision time, with pride and with hope.

16:38

Liz Smith (Mid Scotland and Fife) (Con): The Scottish Conservatives are very pleased to put on

record their strong support for Dundee in its bid to become the UK's city of culture in 2017, and we compliment the work of the Dundee Partnership, which put together the "Tipping Point" document, which is an impressive appeal, not just because of the quality of the submission, but because it has successfully brought together so many people in the city and the community, as the cabinet secretary said.

Local media teams and *The Courier* newspaper are to be warmly congratulated on the positive coverage that they have given the campaign, and on helping to generate public support, including by supporting the ambassadors who represent Dundee's many faces and who share a passion for, and pride in, the city.

There can be no doubting the extraordinary transformation that is taking place in the city of Dundee. I remember, from when I was a very young child, visits to my parents by one of my mother's best friends, who was an international opera singer. She was Dundee born and bred, and I remember the occasion on which she told my mother, with great sadness, that she would—very reluctantly—be moving away from Dundee. That was the advice that her musical colleagues had given her because, in those days, Dundee did not do culture.

How different she would find things today, in a Dundee that is vibrant with cultural development in theatre, art, dance and music, and in which there is extensive regeneration of industry and commerce. She would see the huge success stories of the universities of Dundee, Abertay and St Andrews, and the hinterland of the Tayside college sector, which have allowed the area to build such a strong international reputation and to play a leading role in the education of young people and in raising their aspirations.

It was, of course, in the 1970s—as has been mentioned—that tough times hit the city very hard, especially with the decline of the jute industry. Dundee struggled to compete with the other Scottish cities and became only too well known for its social and economic problems, rather than for anything else.

It was at that time that the RRS *Discovery*—which Jenny Marra mentioned—was very nearly sent to the breaker's yard, but for the intervention of the Maritime Trust. Just like the city, the ship had enjoyed a glorious past, especially when it was the focal point for the British expeditions to Antarctica, including the first successful expedition of Robert Falcon Scott and Ernest Shackleton. It had been used by the Hudson Bay Company and in the 1914 to 1918 war effort, and it carried supplies to the White Russians in 1917. However, as the ship became increasingly outclassed by other merchant ships, her future—and that of the

city—became very uncertain. Now, of course, there has been a complete transformation, and Discovery has won numerous awards for its museum and visitor centre, and is very much on the international map. The phrase, “One city, many discoveries” is very well chosen and will, I hope, act as a good-luck charm next week when the all-important decision is made.

What have been the reasons for Dundee’s resurgence? On top of the significant developments that took place some 30 to 40 years ago, such as the building of Ninewells hospital and the Wellgate shopping centre, and the return of the RRS Discovery, there has been the inspiration that has allowed Dundee to lead the international field in biomedical research and in the gaming industry, and in constructing the extraordinary £45 million V&A waterfront development that the cabinet secretary mentioned.

There are many who say that Dundee’s resurgence is down to the sheer resilience of its people and its ability to rise to new challenges, which make a difference. Undoubtedly, its recent economic diversity, rather than its depending on a few industries, has been a large part of Dundee’s success. If we look to cities such as Liverpool, which was the 2009 European city of culture, we see that diversity is one of the necessary ingredients for development. With that development and economic regeneration comes a new-found confidence and the inspiration for bringing about social regeneration through the celebration of our culture. We should not underestimate the effect that that can have.

The bid team has decided to combine the celebration of the river and the Dundee environment with a celebration of the rich diversity of its people, and it is focusing on how that unique combination can shed light on the pathway for future generations. I find that to be one of the most powerful aspects of the bid, and I am pleased to see that within that celebration there are commitments to young people, to raising attainment across the city, and to the people in underrepresented communities who so often lose out. As the bid team has said clearly, it is

“Your City, Your Culture, Your Year”,

whoever you may be.

Success in such competitions depends so much on good preparation, as we found out when Perth was seeking city status. I am sure that the bids from Leicester, Swansea and Hull will make for a very tough opposition, but I think that we can be confident that the Dundee bid is well prepared and makes a passionate claim for Dundee’s recognition as the 2017 UK city of culture. I wish everyone the very best of luck.

16:44

Alison McInnes (North East Scotland) (LD):

As a regional member for North East Scotland, I am privileged to represent the city of Dundee. I have witnessed the remarkable journey that the city has been on. The sense of determination among its people to bring about change is admirable.

Many years ago, while I was still an Aberdeenshire councillor, I visited the city on a planning study tour to see the importance of public open space and public art in urban regeneration. What Dundee City Council was doing then was on quite a small scale compared to the regeneration that we are witnessing today, but it carried the hallmarks of creativity, imagination and determination that have propelled Dundee to this important tipping point.

What a regeneration there has been. The city’s approach—first, to recognise that a cultural renaissance could be a powerful catalyst for change and, secondly, to harness that cultural energy—makes Dundee a very special place, and the UK city of culture team has recognised that by shortlisting the city. Feedback at the time of the shortlisting said that the bid was particularly strong in respect of how it talked about the city’s journey over the past 10 years, using culture to regenerate the city through Dundee Contemporary Arts, the McManus galleries and museum, the Dundee Rep theatre and the fabulous V&A at Dundee.

The judges were positive about the consultation, and were especially impressed with how the team engaged with people through the we Dundee website, which Jenny Marra has spoken about, as well as with the number of people who have been involved. Council members, universities, community and cultural groups, young and old people, businesses and local media have all pulled together to make the best possible case for Dundee. My Liberal Democrat colleague Councillor Fraser Macpherson told me recently that

“the all-party working together to positively support Dundee’s bid, has been the best example of co-operation between politicians of all political hues in many a year.”

I echo that.

Dundee would be an outstanding choice for the accolade of UK city of culture, and I fervently hope that it is successful. There is nothing superficial about the bid, which addresses the real needs of Dundee. It does not shy away from the stark fact that a third of the city’s population lives in the poorest 15 per cent of areas in Scotland. It does not ignore the fact that Dundee’s educational outcomes are poorer than the Scottish average, nor does it gloss over the fact that the current level

of participation in cultural activity in Dundee is divided between the poorer and the better-off areas. Dundee's bid is about social regeneration through culture, and the step change will be to use culture and creativity to enable a more confident community to evolve that will address those inequalities. Dundee will use the year of culture to connect different parts of the city more effectively, and to ensure that those who live in its deprived communities are able to enjoy fully the benefits of its creative and cultural resources. That would be a truly lasting legacy, which we should endorse.

On the wider impact, I believe that there will be significant benefits for the whole North East Scotland region. At the core of the economic impact will be increased visitor spend and an uplift in economic activity related to culturally led tourism. VisitScotland has recognised that the north-east underperforms at the moment and that Dundee has a key role as a city that is at the centre of a region of great natural beauty. The visitor impact of the year of culture would be an increase of 50 per cent in the total number of visitors to Dundee during the year, and a sustained higher level of visitors beyond that. The combination of completion of the V&A, the development of new hotel opportunities and the improvement of transport links also places Dundee in a great position to attract cruise ships, as well as UK based tourists.

Dundee: "One city, many discoveries". All of us can praise that vibrant city but, truth be told, there are still too many Scots—and, indeed, visitors from further afield—who have yet to visit Dundee and find out for themselves what is there to be discovered. I hope that the city of culture bid will encourage a great many more people to make their own visits of discovery.

I congratulate *The Evening Telegraph* on its campaign. It was uplifting to read some of the online comments about what people love about Dundee. One comment summed it up for me:

"Dundee people are proud of a city which has seen hard times but is reinventing itself as a modern city which embraces change and new opportunities."

I have no doubt that this should be Dundee's moment.

16:50

Jean Urquhart (Highlands and Islands) (Ind):

On behalf of the Independent and Green group, I would like to echo the support for Dundee's city of culture bid that has been expressed by members across the chamber.

Dundee is, in many ways, a microcosm of Scotland. It is a city with a proud industrial heritage that is reinventing itself for the 21st century and leading the way in video games

technology and biomedical research. Over the years, it has been infused with Irish, Italian, Polish, Asian and Chinese immigrants—to name but a few—and both of its top-class universities continue to attract students from all over the globe.

The continued investment by the Scottish Government in Dundee's waterfront will transform the way in which its citizens interact with the city and will, I hope, add further architectural excellence to Dundee's many cultural accomplishments. I am assured by my Dundonian researcher that the city's football teams—of which I know absolutely nothing—particularly the one that plays in dark blue, are also worthy of mention for their European heritage and exciting style of play.

What really makes Dundee worthy of its bid, though, is its people and how they have shaped their sense of self through the bid. Artists and writers are now thriving in a city that is universally recognised to be bursting with opportunity and ambition. From Sheena Wellington's show-stopping performance of "A Man's a Man for a' that" at the opening of the Parliament in 1999 to the wry observations and brilliant talent of the much-missed Michael Marra, Dundee's contribution to Scotland's traditional and contemporary folk scene is legendary. Its links to Deacon Blue, Snow Patrol and The View and its annual blues bonanza demonstrate that that musical legacy continues to the present day.

New publishing firms such as Teckle Books and the success of the Bob Servant novels perfectly encapsulate the irreverent Dundonian sense of humour. Those success stories beget popular events, with the DCA's Dundead horror festival and the Dundee literary festival being other highlights of a packed cultural calendar.

The bid for city of culture status gives Dundee an opportunity to celebrate all her heroes. There are too many other cultural strings to Dundee's bow to mention: the McManus galleries, the impending V&A museum, DC Thomson, Brian Cox, AL Kennedy, William McGonagall—I could go on.

It is worth noting in particular the continuing success of Dundee Contemporary Arts and Dundee Rep, not least because both were established at a time when some would have suggested that arts funding should be a lower priority for the city. As two key drivers of Dundee's continued regeneration, I believe that they have demonstrated the intrinsic worth of cultural investment, and they are two potent symbols of the dedication of the city of Dundee to its artistic community. They are successful because they are used—and used well—by the folk of Dundee.

Dundee fully deserves to be awarded city of culture status, and I hope that, when the judges take in the spectacular view as their train travels over the silvery Tay, they realise that they have just arrived in a city of great culture in any year.

16:53

Fiona Hyslop: I thank everyone for their contributions, and I thank the Parliament for enabling us to have the debate this week, which is an extremely important week for the bid preparation and the delivery of the bid.

The city of culture competition represents an exciting opportunity for Dundee and for Scotland to promote our cultural and creative talent, and to showcase our inspiring buildings and places to the world. The aspirations of Dundee's bid chime with my vision for a Scotland that promotes its talent both at home and to the world.

The timing is right—the city of discovery, Dundee, is on a journey on which the potential is unrivalled. It deserves the opportunity to demonstrate the creativity and cultural heartbeat of what the city has to offer. Alison Johnstone talked very well in her speech about that journey. Given where Dundee has been and is going, the city of culture bid comes at the right time for Dundee to grasp it as an opportunity and to succeed.

The recently announced programme of focus years includes the year of innovation, architecture and design in 2016, and the year of history, heritage and archaeology in 2017. All that would help in the lead-up to the city of culture 2017, particularly because of the strengths and talent that Dundee has in those areas. The bid brings a wealth of opportunities to align and boost relevant activity with a view to focusing on visitors from across the globe who are keen to learn more about this country's rich history, architecture, heritage and culture. Reflecting on my visit to the Derry/Londonderry city of culture 2013 to hear about and see that city's experience, I know that it is not just about what happens in the year but that the lead-up to the year is really important. The showcase focus years will therefore be of benefit in the lead-up to city of culture 2017.

I want to reflect, too, on the partnership to which a number of members referred, including Liz Smith. The partnership that we see in Dundee, not just for the city of culture bid but generally, is something on which Dundee should be congratulated. I know that Joe FitzPatrick and Shona Robison, as the local MSPs, are passionate in their advocacy of Dundee, but they also reflect what I think is the important unique selling point of Dundee, which is the fact that it can bring together the council, the universities, media

and business. Other cities could probably take a lesson from that partnership, which has been one of the catalysts for making the bid especially strong.

Alison McInnes was correct in identifying the benefits of the bid for the wider north-east, including Angus and Perth. She is right about the potential that needs to be realised for tourism in that wider area.

The Deputy Presiding Officer: Cabinet secretary, can I stop you for a moment? There is a bit too much noise in the chamber. Can we show some respect, please, for the cabinet secretary's closing speech?

Fiona Hyslop: Thank you, Presiding Officer. This speech is about respect for Dundee, so I hope that everybody will get behind the motion at decision time.

It is entirely right that through this debate the Parliament recognises the contribution that Dundee makes to the rich quality of the cultural offering that we have in Scotland and outlines clearly our support for Dundee's bid to become the 2017 city of culture. As we have heard, Dundee lives and breathes culture and creativity. Last year alone, more than 2,400,000 people attended cultural venues in the city and over 280,000 people attended festivals.

A bid centred on discovery, regeneration and transformation would be an ideal demonstrator for Dundee as a city of culture because it would show how those things can be done well in a city that is facing and overcoming challenges. Jenny Marra was right to talk about the challenges that the city faces and the opportunity that the city of culture bid gives to tackle them. I think that the bid is very strong indeed on the themes of discovery, regeneration and transformation.

The city is physically being transformed before our eyes. However, the city of culture bid can ensure that there will be a spiritual and cultural change that can be the heartbeat of the city going forward. It is not just about the physical aspects but about the cultural aspects.

As the Scottish culture secretary, I am excited and enthusiastic about supporting the Dundee bid, and support for it has been exhibited from across the chamber today. Recognition as 2017 city of culture would perfectly encapsulate Dundee's philosophy and allow Dundee to build on the successes of the Derry/Londonderry city of culture this year. Dundee's bid provides an opportunity for culture and creativity, and for helping people of all ages and backgrounds come together from communities across Scotland, the UK and further afield. The bid presents an unrivalled opportunity to help widen access and participation and to raise

the quality and diversity of our cultural offerings across communities in Dundee.

Dundee is a city that is proud, confident and rooted in culture and heritage. It is a city that not only cherishes its diverse heritage and traditions, but continually seeks to create further opportunities to share and to celebrate. I hope to see Dundee designated the 2017 city of culture and I am delighted that we can come together on a cross-party basis across the chamber to back the Dundee bid. Good luck, Dundee. [*Applause.*]

Water Bill

16:59

The Deputy Presiding Officer (Elaine Smith):

The next item of business is consideration of motion S4M-08265, in the name of Nicola Sturgeon, on the Water Bill, which is United Kingdom legislation.

Motion moved,

That the Parliament agrees that the relevant provisions of the Water Bill, introduced in the House of Commons on 27 June 2013, relating to the treatment of applications for a water supply or sewerage services licence or in connection with safeguarding the movement of fish through the border River Esk, so far as these matters fall within the legislative competence of the Scottish Parliament or alter the executive competence of the Scottish Ministers, should be considered by the UK Parliament.—[*Margaret Burgess.*]

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

Decision Time

17:00

The Deputy Presiding Officer (Elaine Smith):

There are four questions to be put as a result of today's business.

The first question is, that motion S4M-08240, in the name of Fergus Ewing, on the Regulatory Reform (Scotland) Bill, be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Adam, George (Paisley) (SNP)
 Adamson, Clare (Central Scotland) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Allard, Christian (North East Scotland) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Biagi, Marco (Edinburgh Central) (SNP)
 Brown, Gavin (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Campbell, Roderick (North East Fife) (SNP)
 Carlaw, Jackson (West Scotland) (Con)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Don, Nigel (Angus North and Mearns) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Eadie, Jim (Edinburgh Southern) (SNP)
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Fergusson, Alex (Galloway and West Dumfries) (Con)
 Finnie, John (Highlands and Islands) (Ind)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hume, Jim (South Scotland) (LD)
 Hyslop, Fiona (Linlithgow) (SNP)
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)
 Johnstone, Alex (North East Scotland) (Con)
 Keir, Colin (Edinburgh Western) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McArthur, Liam (Orkney Islands) (LD)
 McDonald, Mark (Aberdeen Donside) (SNP)

McGrigor, Jamie (Highlands and Islands) (Con)
 McInnes, Alison (North East Scotland) (LD)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMillan, Stuart (West Scotland) (SNP)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Rennie, Willie (Mid Scotland and Fife) (LD)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Urquhart, Jean (Highlands and Islands) (Ind)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Wilson, John (Central Scotland) (SNP)

Against

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Baxter, Jayne (Mid Scotland and Fife) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Dugdale, Kezia (Lothian) (Lab)
 Fee, Mary (West Scotland) (Lab)
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Hilton, Cara (Dunfermline) (Lab)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Rutherglen) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Malik, Hanzala (Glasgow) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDougall, Margaret (West Scotland) (Lab)
 McMahon, Michael (Uddingston and Bellshill) (Lab)
 McMahon, Siobhan (Central Scotland) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 Murray, Elaine (Dumfriesshire) (Lab)
 Pearson, Graeme (South Scotland) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Smith, Drew (Glasgow) (Lab)
 Stewart, David (Highlands and Islands) (Lab)

The Deputy Presiding Officer: The result of the division is: For 74, Against 35, Abstentions 0.

Motion agreed to,

That the Parliament agrees to the general principles of the Regulatory Reform (Scotland) Bill.

The Deputy Presiding Officer: The second question is, that motion S4M-06623, in the name of John Swinney, on the financial resolution on the Regulatory Reform (Scotland) Bill, be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Adam, George (Paisley) (SNP)
 Adamson, Clare (Central Scotland) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Allard, Christian (North East Scotland) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Biagi, Marco (Edinburgh Central) (SNP)
 Brown, Gavin (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Campbell, Roderick (North East Fife) (SNP)
 Carlaw, Jackson (West Scotland) (Con)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Don, Nigel (Angus North and Mearns) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Eadie, Jim (Edinburgh Southern) (SNP)
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Fergusson, Alex (Galloway and West Dumfries) (Con)
 Finnie, John (Highlands and Islands) (Ind)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hume, Jim (South Scotland) (LD)
 Hyslop, Fiona (Linlithgow) (SNP)
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)
 Johnstone, Alex (North East Scotland) (Con)
 Keir, Colin (Edinburgh Western) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McArthur, Liam (Orkney Islands) (LD)
 McDonald, Mark (Aberdeen Donside) (SNP)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McInnes, Alison (North East Scotland) (LD)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMillan, Stuart (West Scotland) (SNP)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)

Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Rennie, Willie (Mid Scotland and Fife) (LD)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Urquhart, Jean (Highlands and Islands) (Ind)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Wilson, John (Central Scotland) (SNP)

Abstentions

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Baxter, Jayne (Mid Scotland and Fife) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Dugdale, Kezia (Lothian) (Lab)
 Fee, Mary (West Scotland) (Lab)
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Hilton, Cara (Dunfermline) (Lab)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Rutherglen) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Malik, Hanzala (Glasgow) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDougall, Margaret (West Scotland) (Lab)
 McMahon, Michael (Uddingston and Bellshill) (Lab)
 McMahon, Siobhan (Central Scotland) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 Murray, Elaine (Dumfriesshire) (Lab)
 Pearson, Graeme (South Scotland) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Smith, Drew (Glasgow) (Lab)
 Stewart, David (Highlands and Islands) (Lab)

The Deputy Presiding Officer: The result of the division is: For 74, Against 0, Abstentions 35.

Motion agreed to,

That the Parliament, for the purposes of any Act of the Scottish Parliament resulting from the Regulatory Reform (Scotland) Bill, agrees to any expenditure of a kind referred to in Rule 9.12.3(b) of the Parliament's Standing Orders arising in consequence of the Act.

The Deputy Presiding Officer: The third question is, that motion S4M-08254, in the name of Fiona Hyslop, on Dundee, city of culture, be agreed to.

Motion agreed to,

That the Parliament endorses Dundee's bid to become the UK City of Culture 2017 and congratulates Dundee on reaching the final stage of the competition; recognises the significant contribution that Dundee makes to Scotland's rich cultural life and welcomes the local and national benefits that being UK City of Culture 2017 would bring while acknowledging that this accolade will strengthen the city's growing reputation as a hub of cultural and creative excellence; agrees that the timing is right for Dundee as an international centre for the creative industries, the home of the world-renowned centre, Dundee Contemporary Arts, and the proposed £45 million V&A at Dundee; considers that the city is a national success story with a huge amount to offer to locals and visitors alike and would be a deserved holder of this prestigious title; notes the cross-party support behind the bid and congratulates the team behind Dundee's bid document, *Tipping Point*, on producing an excellent submission and welcomes the involvement of so many people and organisations in the process, which has seen the bid go from strength to strength, and recognises that, if successful, the city will benefit from tourist expenditure of up to £80 million and the establishment of up to 1,000 full-time equivalent jobs.

The Deputy Presiding Officer: The fourth question is, that motion S4M-08265, in the name of Nicola Sturgeon, on the Water Bill, which is United Kingdom legislation, be agreed to.

Motion agreed to,

That the Parliament agrees that the relevant provisions of the Water Bill, introduced in the House of Commons on 27 June 2013, relating to the treatment of applications for a water supply or sewerage services licence or in connection with safeguarding the movement of fish through the border River Esk, so far as these matters fall within the legislative competence of the Scottish Parliament or alter the executive competence of the Scottish Ministers, should be considered by the UK Parliament.

The Deputy Presiding Officer: That concludes decision time.

Size 10 Models and Mannequins

The Deputy Presiding Officer (John Scott): Moving swiftly on, the final item of business is a members' business debate on motion S4M-07688, in the name of Dennis Robertson, on action over size 10 models and mannequins. The debate will be concluded without any question being put.

Motion debated,

That the Parliament considers that low self-esteem and eating disorders can be encouraged by the reinforcement of an unrealistic ideal that it considers is being promoted by fashion retailers that use size 10 models and mannequins; believes that the dress size of the average British woman has grown from 12 to 16 in a decade, while stores continue to display the latest fashions on size 10 mannequins; acknowledges calls for work to be done across the country, including in Aberdeenshire and in rural areas, to ensure that unhealthy lifestyles, which can lead to eating disorders, are not promoted by fashion retailers, and notes the lead being taken by Debenhams in introducing size 16 mannequins in its Oxford Street store.

17:04

Dennis Robertson (Aberdeenshire West) (SNP): I am pleased to bring this debate to the chamber this evening. I welcome to the public gallery members of the public who have an interest in the debate, and I welcome those who are following the debate online.

It is fitting that this debate comes soon after Jackie Baillie's debate last week on no more page 3. I mention that because it, too, was about body image. Sarah Boyack made a pertinent contribution to that debate. She mentioned body image and its impact on even our youngest people, and I think that she mentioned clothes that were fashioned for three-year-olds.

Mannequins in our high street shops do not reflect the people in our streets. They do not reflect the reality of the shapes and sizes of people in our society. They are there to extenuate the fashion that is draped over them. They are often size 10 or below, they often have extenuated limbs, and they tend to be on the slightly tall side.

I welcome the steps that Debenhams has taken. In September, Jo Swinson MP said that we should axe size 10 mannequins from all our high street stores because they do not reflect the people and the shapes and sizes that we come in. Debenhams has taken that seriously. It has decided to use mannequins up to size 16—it still has sizes 10, 12 and 14. It also reflects people of an older age group, people with disabilities and people from ethnic minority backgrounds. That is to be welcomed, but it is happening only in the Debenhams store in Oxford Street in London. If Debenhams really wants to make the impact that I hope it wants to make, it needs to roll that out into

all its stores in the United Kingdom, and the retail industry needs to look at what it is doing and why it is doing it.

Members know that I have personal experience of the impact of the image that is portrayed in the fashion industry. I learned only today that Edinburgh college of art, which is now part of the University of Edinburgh, has taken a stance against the so-called size zero, thin or skinny—whatever the term may be—in portraying fashion. It has decided to embrace people's different shapes and sizes. All the students who take the college's fashion degree now look at society as a whole and embrace that image.

The impact is global; it is not just here in the UK. When I was doing the research for the debate, I came across an interesting fact. Israel has introduced legislation that says that models cannot walk on the catwalk unless their body mass index is 18.5 or over. I am not calling for legislation; I am calling for a sense of reality. If we are going to have mannequins in our high street shops that illustrate the fashion that is out there, they need to be life size, and they need to reflect the sizes and shapes of people in our communities.

The fashion industry is taking that seriously. Led by the editor of *Vogue Italia*, 19 other editors of the *Vogue* magazines globally have a health pact. They have decided that it is irresponsible of them to have the emaciated models who have been in their magazines for years. They, too, look at the BMI of models whom the magazines photograph and who portray the fashion industry.

If we are to make an impact to assist people who have low self-image about their shape and body size, it is imperative that the industry takes a lead on that. The industry can be part of a solution, not part of a problem. It can listen to the calls from me in the chamber this evening and from the wider community, and I believe that it is listening. People are no longer satisfied to see glorified images in high street shop windows that do not bear any resemblance at all to people's shapes and sizes.

In conclusion, mannequins or photographs in fashion magazines do not cause eating disorders but they exacerbate the condition in people who are predisposed to or have an eating disorder. They hinder those people who are on the pathway to recovery by putting up barriers and obstacles. I urge the retail industry to get real and show us images that reflect the shape and size of people in the communities in which we live.

17:10

Jackie Baillie (Dumbarton) (Lab): I congratulate Dennis Robertson on securing

debating time for this issue and on the power of his contribution.

We know that hundreds of people seek assistance every year from the national health service for eating disorders, and we also know that they are predominantly but not exclusively women. That said, we do not actually know how many people are suffering in silence without any support.

The size 10 model or mannequin is not the sole reason for eating disorders—Dennis Robertson said that very well—but it has an impact by playing into the gender stereotype of the so-called perfect woman. The dimensions of that perfect woman bear little resemblance to reality, and I will return to that issue later.

There is an impact. The Royal College of Psychiatrists published a report on eating disorders and media influence in 2010. It found that images of the perfect, airbrushed, pre-teen body type as something that is attainable and the marginalisation of eating disorders are the norm in the media. There was clear evidence of the propagation of unattainable body ideals. Size 10 mannequins and models are the fashion industry's expression of that.

However, it has to be said that mannequins were not always that skinny. They have lost weight over the years. Let us not forget that the mannequins of the 1950s and 1960s all portrayed a far more curvy female form than they do today, such as that of Marilyn Monroe. Nowadays, even supermodels are considered to be insufficiently skinny. Look at what happened to supermodel Christy Turlington—the mannequin that was based on her body size was slimmed down, which is entirely ridiculous given how slim she is already.

With due respect to our supermodels, none of them resembles the real women whom we see on our high streets, in our communities or, dare I say it, in this chamber. I hope that retailers are beginning to understand that. I join in the chorus of congratulations to Debenhams on using size 16 mannequins, starting with its shop in Oxford Street. Like Dennis Robertson, I hope that that will spread nationwide. We know that Marks and Spencer and TK Maxx have already taken steps to promote body confidence through marketing, and that is great.

There is a clear business case for using mannequins and models that are over size 10. There is interesting research out there, but the results are not really surprising when we think about them. That research, from the University of Cambridge, suggests that—surprise, surprise—women are more likely to purchase clothing if they see models who are the same size as themselves. That seems to be common sense, but the data are

staggering. Women's purchasing intentions increased by 200 per cent—and believe me, we are ready to shop at the drop of a hat anyway—for same-size models, and dropped by 64 per cent when the models were just too skinny. I described it as the imagine-yourself-in-that-outfit effect. Same-size models make business sense for retailers.

I am told that the average dress size in the United Kingdom is a 16, but many mannequins are a size 6 not a size 10, and I do not even begin to understand what size zero is all about.

I will finish with some information about the Barbie doll, which I thought was fascinating. Every second that passes, two Barbie dolls are sold worldwide. The target market is young girls aged from three to 12. It is a multibillion pound industry each year. Barbie is 5 foot 9 inches tall, she has an 18 inch waist and her ideal weight is 110 pounds. Slumber party Barbie, introduced in 1965, comes with the bathroom scale permanently set at 110 pounds and a book entitled "How to lose weight", with directions inside simply stating, "Don't eat."

Let us not make the same mistake with the next generation of women; let us stop objectifying them and understand that we all come in different shapes and sizes.

17:15

Christine Grahame (Midlothian South, Tweeddale and Lauderdale) (SNP): I congratulate Dennis Robertson on securing the debate.

Decades ago someone said that a woman cannot

"be too rich or too thin."

That was Wallis Simpson, the Duchess of Windsor. Not so long ago, someone said:

"Nothing tastes as good as skinny feels."

That was Kate Moss, super model. The slogan was put on t-shirts and ads until it was banned by the Advertising Standards Authority.

More recently, even the Duchess of Cambridge was complimented on how slim she had got so soon after the birth of her child. The same media had previously directed abuse at the Duchess of York, who happened at one time to be rather voluptuous, because she was not slim enough.

The model, Sophie Dahl, had a curvaceous plus-size figure, but the change in having such a model created a hoo-hah. To conform, she slimmed down to a size 10, if not a size 8. The voluptuous Nigella Lawson, who licks her fingers when she is making chocolate cake, has lost two stones. Very rarely do we see a female television

presenter who is not very slim, if not thin—and I am told that television puts half a stone on a person.

I watch *Downton Abbey*. The women actors on that programme are almost androgynous in build—every single one of them. Practically every image that young girls see—whether on advertisements, on television, in plays or in the media—implies that to be slim is to be good is to be successful.

Members should not take only my word, as someone who is a media watcher. By the way, I may not be Marilyn Monroe, but I relate to that era—bring it back I say. The Royal College of Psychiatrists, in its 2010 report on eating disorders and the influence of the media, talked in relation to visual imagery about

"The promotion of the thin body ideal. Pre-teen or underweight models are used as the predominant image with a lack of diversity in body size, shape, age and ethnicity ... The portrayal of physical perfection as attainable ... and the norm through extensive use of digital enhancement or airbrushing."

Jackie Baillie referred to that. It said:

"There is a lack of reality-based imagery."

Magazine content is exactly the same. Body critical articles, particularly those targeting celebrities for having eating disorders or having put on weight, show photographs of them in bikinis, with a bit of a tummy, even after they have just had a child. Such critiques force women to take a certain view of themselves and underrate their other qualities.

The Royal College of Psychiatrists in its 2010 report recommends the following:

"Use of role models throughout the mass media that cover a diversity of weight, shape, age, disability and ethnicity.

Cessation of the use of underweight models.

Raising awareness of use and extent of digital manipulation of images through use of a kite mark."

That is very important, because young girls look at magazines and think that people really look like that—well, they do not.

The problem perhaps starts with seeing slimness or the cult of thinness as a goal or an achievement. We are all guilty of doing that. We congratulate someone on losing weight—we do that in here. How many MSPs would admit to having been on a diet or have said that they are on a diet, should be on a diet, have come off a diet or have failed on a diet?

People do not always diet for health reasons. In fact, it is rarely for such reasons; rather, it is to do with vanity, self-esteem and receiving the praise that follows from our colleagues. However, taken

to extremes, as Dennis Robertson rightly mentioned, dieting has disastrous consequences—it exacerbates an emotional and mental predilection to take it even further than the rest of us.

I commend Dennis Robertson for bringing the debate and I commend Debenhams for using size 16 mannequins—though why it stopped at size 16 I do not know, as there are lots of women out there who are more than a size 16. However, I offer one word of caution. We have been here before with the shops and with models, so let us watch that there is not a relapse on the promise and that the change is not just for the time being. Rather like Sophie Dahl, we could then be back on that diet.

17:20

Nanette Milne (North East Scotland) (Con): I, too, thank Dennis Robertson for lodging the motion for this evening's debate. The background to the debate is well known, and we all know Dennis Robertson's personal reasons for taking such a keen interest in the subject.

Eating disorders such as anorexia nervosa are often exacerbated by the presence in culture, on the television and in the printed media of fashion models who are incredibly tall and thin. Sadly, many young girls feel the need to aspire to this level of so-called beauty and go to extreme lengths to look like Kate Moss or, indeed, the current top supermodel Cara Delavingne.

Body confidence is a very challenging aspect of modern living that has to be taken seriously, so I pay tribute to the Westminster Government for its campaign to raise awareness of the issue. Launched three years ago, the campaign's primary theme is to tackle the causes of negative body image and to give people the tools to challenge the images that they see that can contribute to low personal self-esteem.

The progress report that was published in May this year is a very constructive document—if members have not read it, I encourage them to do so. As a starting point, the report contains some startling statistics, such as that one quarter of children aged 10 to 15 are unhappy about their appearance and 50 per cent of women feel under pressure to look good at all times. The Government has been working in a number of areas to address those issues through an advisory group, with members drawn from across industry and the third sector, to promote positive and diverse representations of appearance in the media.

The Government has also been working with All Walks Beyond the Catwalk, which is a fantastic campaign group that challenges the fashion

industry's dependence on one body ideal. Constructive work between that group and Edinburgh college of art has led to the diversity network, which promotes positive attitudes to body diversity within fashion education and aims to inspire the next generation of graduates and designers to create fashion for a wider range of body shapes and sizes.

The current concept in the fashion world that tall and slim equals beautiful certainly needs to be challenged, and I am glad that that is now beginning to happen. Just as we are all individuals with the right to respect and choice in how we live our lives, so, too, we are all different in size, shape, character and colour. No one should portray us as requiring to fit into certain measurements in order to be considered attractive.

Indeed, if we look at how size and shape have changed through history, it is evident that tall and thin was not always regarded as beautiful. Successive generations tend to be bigger than their predecessors. For example, I am much taller and broader than my mother was, age for age, whereas I am already shorter than my 13-year-old grandson. I do not think that the fashion world has really acknowledged that change, as it continues to design clothes that look good on tall, thin people but not on those who are smaller or more curvaceous. Personally, I find it increasingly difficult to shop on the high street, because much fashion suits only those who are young, slim and trendy, whereas in the real world we have an increasing population of still active older people who want to look smartly and attractively dressed.

I live in hope that by using models and mannequins that are representative of modern-day society, while accepting nonetheless that there are too many people in the western world who are significantly overweight, we might get a fashion world that caters for all shapes and sizes and which allows people to feel comfortable in their own skin and makes them less likely to copy the images that we currently see on the catwalks of high fashion.

The recent press coverage of the Debenhams mannequins has contributed considerably to the debate, and I note that Debenhams is not the only outlet that is moving away from what could be described as the body perfect mannequin; Marks and Spencer and TK Maxx have followed suit. Even from a purely commercial point of view, recent evidence has found that women are more likely to purchase clothing if they see it on a shop model the same size as them.

I am also pleased to see that, in its advertising, Debenhams has also used models who reflect the reality of society, including women over 40, an amputee and a size 18 model. However, there is

still scope for mannequins to be more representative of what the human form actually looks like, and I look forward to that happening.

Once again, I thank Dennis Robertson for bringing this serious issue before us this evening.

17:24

Mark McDonald (Aberdeen Donside) (SNP): I congratulate my friend and colleague Dennis Robertson on securing the debate and on bringing this important issue to the chamber. Dennis has been an extremely strong campaigner on the issue and related topics since he entered the Parliament and it is fantastic that he is again bringing the issue to the Parliament's attention.

I am interested in the comments on media perception. In doing a bit of googling ahead of the debate, I ended up on the *Daily Mail* website, looking at an article that was trying to make out that size 16 models are not different from the norm. Unfortunately, the sidebar contained links to other articles saying things such as, "Wow! Look at Helena Christensen's fantastic bikini body," or, "Look at the weight that Kim Kardashian has lost since she had her baby." In essence, that completely and utterly nullified the message of the article. We should bear it in mind that the media has an important role in relation to its enforcement of body stereotypes.

I want to talk about the way in which mannequins, body size and body perception issues affect men. The charity Beat has argued that male eating disorders in the fashion industry are increasing because of a shift in emphasis from muscular men to slender and skinny men. Beat says that it has seen a rise in the number of men with eating disorders and it is trying to draw attention to that.

I was interested in Jackie Baillie's remarks on the evolution of the mannequin. The company Rootstein has attracted controversy lately with its new mannequin, homme nouveau, which sports a 35-inch chest and a 27-inch waist. In 1967, the Rootstein classic mannequin had a 42-inch chest and 33-inch waist; in 1983, the mannequin that was referred to as the muscleman had a 41-inch chest and a 31-inch waist; and, in 1994, the mannequin that was known as the swimmer had a 38-inch chest and a 28-inch waist. Now, the company has gone to a 35-inch chest and a 27-inch waist.

It is depressing that such companies do not see the impact that those changes have on society. From my perspective, when I started to put on weight towards the end of my teens, I stopped wearing jeans because I had the perception that jeans were what skinny people wore and that they

would not suit somebody who had put on a lot of weight. There is that perception out there.

Jackie Baillie also made an interesting point about Barbie. Likewise, a body perception is passed across through the dimensions of male action figures. "Evolving Ideals of Male Body Image as Seen through Action Toys", an article by professors at Harvard University medical school, McLean Hospital and the University of Massachusetts Boston, reviewed physiques of male action toys such as GI Joe, or Han Solo and Luke Skywalker from "Star Wars". The review found that the figures have become more muscular over time, with many contemporary figures far exceeding the muscularity of even the largest human bodybuilders. Those toys can lead to perceptions.

Beat makes the point that, although images and mannequins alone do not cause eating disorders, they reinforce perceptions and stereotypes. An individual's negative perception is reinforced if their body image is not reflected in the mainstream media or in the supermarkets that they shop in. In tackling the issue, it is important that we do not say that by having size 16 mannequins we will prevent people from developing eating disorders—the logic is not as simple as that. However, if we move to a situation in which people see their size represented in the media and on the high street, that will remove some of the negative perception and the isolation that those who have an eating disorder can feel.

I will finish with a quotation from one of the case studies on the Beat website. One person says:

"I just wish that being a size 14 was considered as beautiful as a size 8."

The message that we should send out is that, regardless of your size, you are beautiful.

17:29

Malcolm Chisholm (Edinburgh Northern and Leith) (Lab): I am pleased to have the opportunity to speak in this members' business debate. I congratulate Dennis Robertson on bringing the debate to the chamber and on all the passionate campaigning that he has done to raise awareness of body image issues and eating disorders.

It is encouraging that some of our larger department stores—particularly flagship stores in high-profile city centres—are starting to challenge the unvarying use of size 10 mannequins. I hope that that will set a precedent that others will follow. There is nothing wrong with size 10 mannequins in the presence of other sizes, but sizes 10 to 16 are all considered healthy for different body types. The issue is that mannequins are not representative of that fact.

Various studies have examined the link between low self-esteem, eating disorders and the reinforcement of an unrealistic physical ideal through media and advertising. The *Journal of Social and Clinical Psychology* carries a range of articles, but one entitled "Does Size Matter? The impact of model's body size on women's body-focused anxiety and advertising effectiveness" is particularly pertinent to the motion. Emma Halliwell and Helga Dittmar of the University of Sussex write:

"An increasing number of studies shows that exposure to thin ideal bodies in the media has negative effects on young women's body images, at least in the short-term."

The findings of their research were significant. In a study analysing the content of three different types of advertisement, they measured how effective campaigns were in promoting products and examined the psychological impact on body anxiety. They concluded that, as they expected:

"exposure to thin models resulted in greater body-focused anxiety among women who internalize the thin ideal than exposure to average-size models or no models. Yet, advertisements were equally effective, regardless of the model's size."

If that is indeed the case, there is cause to push for the adoption of models who will challenge the industry's perception of what sells.

There has been a long-term trend toward very thin living models and mannequins. That results in culturally embedded preconceptions of attractiveness and acts against the reality for most people. The unrelenting use of thin models serves a broader agenda that feeds a multimillion pound industry, but the psychological wellbeing of thousands of people—old and young alike—is detrimentally impacted if the education and reinforcement of positive alternatives is non-existent. The UK Government held a body image summit in June 2000 to discuss the need for policies regarding such media images, and the British Medical Association concluded:

"the media play a significant role in the aetiology of eating disorders".

It is essential to reach people at an early stage in school and ensure that all young people have support in establishing their own positive sense of self and being healthy in body and mind. The majority of eating disorders evolve in the teens and early 20s but, increasingly, negative self-image is becoming apparent in children, not teenagers. We simply cannot dismiss such a deeply ingrained and damaging psychological disorder as a teenage fad or some form of attention-seeking behaviour.

Debenhams has set a precedent in placing size 16 models beside the standard size 10. It has also recently agreed to discontinue the use of airbrushed images and urged others in the

industry to follow suit. We have only to dip into news coverage of the issue to see that the move has been accepted with immense positive reactions across the board, from industry commentators to activists and the broader public.

The ethical imperative that the emerging research and figures place on retail groups means that the argument for the status quo is rapidly becoming unsustainable. Profit margins cannot take precedence over the mental health of future generations and all in the advertising industry must recognise that they and the customer both stand to benefit from the exchange. They will continue to sell the same amount of clothing. They will continue to be able to use attractive people to promote their products. However, those models will reflect the beautiful diversity of the citizens of this country who, rather than feeling like uncomfortable visitors in stores, will see their own images reflected back in the clothes that they desire. What an empowering step that will be towards finally accepting the bodies that we have and celebrating differences rather than an abstract and culturally embedded physical ideal.

I congratulate Dennis Robertson and commend his remarkable strength of character in continuing to fight for such a worthy cause.

17:34

The Cabinet Secretary for Health and Wellbeing (Alex Neil): I, too, join the chorus of congratulations to Dennis Robertson on raising the issue. I also congratulate him on the tremendous contribution that, in his short time in the Parliament, he has made to bringing these important issues to our attention.

Every speech tonight has been excellent. The debate shows the Parliament in its best light. If some of the members' business debates were repeated during the day, people might see the Parliament in a better light.

This is a complex and contentious issue and everyone should play their part in tackling the unhelpful and unrealistic ideals that can lead to unhealthy lifestyles. Debenhams has taken the lead in recognising that, and the store's mannequins have been referred to by nearly every member. Dennis Robertson has suggested that Debenhams will roll them out across the country. I hope that that happens and that others in the industry repeat its example.

I want to quote fairly extensively from an organisation called Beat, which has been set up to beat eating disorders. These quotations are extremely relevant to our discussion about the relationship between eating disorders and marketing and image in the modern world. Beat says:

"Body image is a topic that continually seems to attract attention. A report published by the All Party Parliamentary Group ... on Body Image revealed that over half the UK public suffer from negative body image which can lead to health and relationship problems, low self esteem and hinder participation at school and progression at work."

It says:

"The causes of eating disorders are complex"—
which we all know—

"and not yet fully determined but include genetic, psychological, environmental, social and biological influences. Poor body image and low self esteem are key factors in the development of eating disorders and social and cultural pressures are strong in this area."

The image presented by modern advertising through mannequins, press adverts and TV adverts all play a part in that.

Beat goes on to say:

"A preoccupation with weight and shape is one of the key features of current popular culture. And these cultural ideals are not solely relevant to women—boys and men also feel these pressures but for them they relate to the 'need' to be muscular, toned and athletic."

Christine Grahame: In the list of influences, the cabinet secretary has not mentioned the commercial advantage to companies of all the dieting fads, medicines and pills out there. It is in the interests of those companies to keep the issue on the boil, as it were, so that people will continue to purchase those products—and fail—because there is a lot of money to be made from them. Perhaps the cabinet secretary should also mention that influence.

Alex Neil: I agree entirely with what Christine Grahame said.

Beat draws attention to a study carried out in Fiji on the influence of the media on body image

"before and after the wide exposure to television. The study found that key indicators of disordered eating were significantly more prevalent following exposure. Narrative data revealed participants interest in weight loss was a means of modelling themselves on television characters."

The study, which was carried out by Professor Anne Becker about eight years ago, was called "Eating behaviours and attitudes following prolonged exposure to television among ethnic Fijian adolescent girls" and was published in *The British Journal of Psychiatry*.

Another study, by Dr Aric Sigman, in *The Biologist* in October 2010,

"showed that there is a strong link between eating disorders and visual media. Repeated exposure to images of thin women alters brain function and increases the propensity to develop eating disorders."

The 19 editors of *Vogue* magazines around the world have recently launched a welcome health initiative

"to reflect their commitment to the health of the models who appear on the pages and the wellbeing of their readers."

That is an important initiative, because *Vogue* is a world leader in fashion media. It is a major statement, which I hope the rest of the industry heeds.

The reason for my extensive quotes is that we now have scientific research to prove the links between eating disorders and what goes on in the media and television and with mannequins in shop windows. The industry can no longer be in denial about that link. It is incumbent on all of us to do everything that we can to get the industry more widely to recognise that link and the damage that it is doing by promoting an image of thinness, and to change its practice.

As Jackie Baillie pointed out very articulately, the irony of the situation is that, if the industry does that, it will be good for business because it will clearly reflect the needs and aspirations of the wider population in our society.

Dennis Robertson: The cabinet secretary's point is well made about it being good for business. However, will it not also be good for the health of individuals and our communities, which is what we are striving to achieve? It is not about low body weights, although we are striving to move away from obesity as well; we are looking for healthy lifestyles and healthy people. That is really what we should be aiming for.

Alex Neil: Absolutely. Dennis Robertson makes the point very well indeed. The point that I am making, which I think Jackie Baillie was making, reinforces Dennis Robertson's point. Promoting health can be good business as well. There is no conflict between promoting good health outcomes and being able to run a successful fashion business in all its different guises.

Dennis Robertson has brought this issue to our attention in a way that has not been done before. By highlighting the example of mannequins, he has served this cause very well indeed. The Parliament has, I hope, responded accordingly.

We should all commit ourselves to doing whatever we can to change the situation for the health of young women in our society in particular. I hope that we will see much less damage done to their health in future, particularly through eating disorders. As Dennis Robertson said, the size of mannequins—or indeed TV exposure—is not the cause of eating disorders, but it exacerbates the situation for young women in particular who are predisposed to trying to look like what they perceive to be the proper image of a modern young lady.

Meeting closed at 17:42.

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