



The Scottish Parliament  
Pàrlamaid na h-Alba

## Official Report

# MEETING OF THE PARLIAMENT

Tuesday 17 December 2013

Session 4

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## Scottish Parliament

*Tuesday 17 December 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. Our time for reflection leader today is the Rev Howard Hudson, the minister of Bridgeton, St Francis-in-the-East Church of Scotland.

**The Rev Howard Hudson (Bridgeton, St Francis-in-the-East Church of Scotland):** Good afternoon. A week tonight something rather strange will be happening. All over Scotland people will be going to church to celebrate the birth of a baby born over 2,000 years ago—born not here in Scotland but over 2,000 miles away in Bethlehem.

For Christians believe that that wee baby born in Bethlehem was none other than God himself being born as one of us: the creator of the universe becoming as human as you or me, to go through the same kind of things that we go through, feeling them as we do, and even, as the man Jesus, to end up dying, nailed to a wooden cross—and on the third day after that to rise again from the dead, never to die again, to make it possible for us to come into a special relationship with him. No wonder that not only all over Scotland but all over the world people will be celebrating the birth of the baby Jesus. For that tells us that God is not some distant deity with nothing really to do with the likes of us. He cares for us so much that he even became one of us. It tells us that we do not live in a world where everything relies just on us. There is far more to life than just what we can see and hear and touch.

The good news of Christmas is that in that wee baby born in Bethlehem God has come to us to make it possible for us to come into a special relationship with God. If that is true—and I and millions of other people have found that it is—then that is something so amazing that we should not ignore it, but let it affect all we say, think and do, for the glory of God and the good of the people of Scotland and beyond. So please do not just dismiss this as what you would expect from a minister, but take time to reflect on it and find out whether it is true.

Thank you and may you all have a very happy Christmas and a guid new year!

## Business Motions

14:03

**The Presiding Officer (Tricia Marwick):** The next item of business is consideration of business motion S4M-08627, in the name of Joe FitzPatrick, on behalf of the Parliamentary Bureau, setting out a revision to the business programme for today.

*Motion moved,*

That the Parliament agrees to the following revision to the programme of business for Tuesday 17 December 2013—

(a) after

*followed by* Topical Questions (if selected)

insert

*followed by* Ministerial Statement: Publication of review into safety and quality in NHS Lanarkshire

(b) delete

5.00 pm Decision Time

*followed by* Members' Business

and insert

5.30 pm Decision Time

*followed by* Members' Business—[Joe FitzPatrick.]

*Motion agreed to.*

**The Presiding Officer:** The next item of business is consideration of business motion S4M-08621, in the name of Joe FitzPatrick, on behalf of the Parliamentary Bureau, setting out a timetable for the stage 3 consideration of the Landfill Tax (Scotland) Bill.

*Motion moved,*

That the Parliament agrees that, during stage 3 of the Landfill Tax (Scotland) Bill, debate on amendment 1 shall, subject to Rule 9.8.4A, be brought to a conclusion no later than 15 minutes after the stage begins (excluding any periods when other business is under consideration or when a meeting of the Parliament is suspended or otherwise not in progress).—[Joe FitzPatrick.]

*Motion agreed to.*

## Topical Question Time

14:04

### Housebreaking (Festive Period)

**1. Sandra White (Glasgow Kelvin) (SNP):** To ask the Scottish Government what discussions it has had with Police Scotland regarding housebreakers during the festive period. (S4T-00547)

**The Cabinet Secretary for Justice (Kenny MacAskill):** The Scottish Government welcomes the positive and proactive approach that is being taken by Police Scotland to target what is a most upsetting crime, especially at this time of year. That targeted approach to housebreaking is set against a backdrop of an overall 39-year low in crime across Scotland, and it demonstrates that policing in Scotland is alert to the real issues and concerns of our communities.

The ability to quickly provide additional dedicated resources to target the crime in local communities across Scotland is a testament to the responsiveness and agility of our single police service. The Scottish Government welcomes the joint approach that is being taken with the Crown Office, which will see anyone accused of the offence facing trial on indictment. We hope that that, matched with the targeted action, will be a strong deterrent to those who are engaged in such activity.

**Sandra White:** I understand that the crackdown is taking place in areas where there has been an increase in the number of housebreakings. However, my constituency in Glasgow is not included and I wonder whether that could be reviewed.

**Kenny MacAskill:** The housebreaking initiative, operation RAC, has been implemented in areas where there has been an increase in the number of housebreakings involving homes, sheds and garages. Implementation resulted from a review of crime trends and a commitment to communities on the priorities that matter most to them. The member will know that such operational matters are for the chief constable, and I have every faith that the decisions that are taken are in the best interests of the safety and security of local communities.

On launching the initiative, Assistant Chief Constable Wayne Mawson stated:

"We recently launched our local policing campaign, which provides us with the opportunity to speak with individual communities and identify the issues or concerns specifically affecting their area. As a result, housebreaking has been highlighted as a priority for a number of our divisions and officers in these areas will be taking targeted

action to detect anyone involved and deter further offences from occurring."

Local communities and the member may care to raise the matter with police representatives. I have no doubt that good work is on-going, whether in regard to housebreaking or on other aspects of criminality that affect her area. I give her an assurance that the whole intention of operation RAC is to target that particular crime, taking account of the needs and requirements of individual communities. I suggest that she speak to the divisional commander.

**Sandra White:** I appreciate the reply from the cab sec. I have received correspondence from some constituents in Glasgow Kelvin, which has a large proportion of students who tend to go away over Christmas and new year. I will write back to those constituents and the community councils, and I will take his advice and speak to the chief constable and the local community police in the constituency. Thank you.

**The Presiding Officer (Tricia Marwick):** I am not sure that that was a question. Would you like to give a further response, cabinet secretary?

**Kenny MacAskill:** Much of this boils down to police and Crown statistics. Some areas of Scotland that have been hotspots were addressed earlier in the year, particularly Edinburgh and Kirkcaldy. It may be that other crimes are affecting the member's area more. Her willingness to consult the police will result in what we seek to get from Police Scotland—local policing with the ability to access national resources.

**Graeme Pearson (South Scotland) (Lab):** Sandra White makes accurate points. Concerns have also been raised about the capacity of the forensic science fingerprints bureau to provide adequate levels of support in the examination of scenes of housebreakings throughout Scotland, given the substantial backlogs of work and court preparation. Will the cabinet secretary have a look at that situation and ensure that the correct support is being provided for housebreaking examinations?

**Kenny MacAskill:** Absolutely. I am happy to do so. When I was at the forensic science laboratory in Dundee recently, I saw the new specialised equipment that allows crime scenes to be examined much better than ever before. The service is sometimes a victim of its own success in that greater information can now be obtained. No new concerns were raised with me in recent discussions with Tom Nelson, the head of forensic science at the Scottish Police Authority, but I am happy to seek the reassurance that the member wants.

The forensic science service in Scotland is in a good place, although it faces pressures because

of the nature and extent of recent advances in forensic science. Nevertheless, the service has served us well. The single biggest benefit that we could give it would be in stopping some of the routine work that is necessary because of the requirements of the law of corroboration. That would free up resources that it could concentrate on aspects such as those that have been raised by Graeme Pearson.

### **Judicial Complaints Reviewer (Annual Report 2012-13)**

**2. Alison McInnes (North East Scotland) (LD):** To ask the Scottish Government what its position is on the Judicial Complaints Reviewer's 2012-13 annual report. (S4T-00550)

**The Cabinet Secretary for Justice (Kenny MacAskill):** In September this year, I invited the Judicial Complaints Reviewer to prepare and publish her annual report for 2012-13. She published it yesterday. As the Judicial Complaints Reviewer is an independent office-holder, it would not be appropriate for me to comment on the content of her annual report. I am grateful to her for the work that she has undertaken.

**Alison McInnes:** The cabinet secretary previously claimed that the Judicial Complaints Reviewer would satisfy the public that there was an element of independent scrutiny and would ensure that the public's legitimate interest was protected, yet Moi Ali says that she has

"difficulty in providing the public with the necessary reassurance that the Cabinet Secretary envisaged".

She described her post as "window dressing" and claimed:

"Fundamentally the problem is the legislation ... it's judges judging judges' conduct."

How does the cabinet secretary intend to address the serious concerns that the Judicial Complaints Reviewer has raised? Will he do so before her term ends on 31 August 2014?

**Kenny MacAskill:** I am perfectly happy with the report that I have received and with the current structure, which follows from the Judiciary and Courts (Scotland) Act 2008. Although Alison McInnes was not a member of the Justice Committee when it considered the Judiciary and Courts (Scotland) Bill, a former parliamentary colleague of hers was. The then Liberal Democrat justice spokesman, Margaret Smith MSP, said:

"The bill proposes the creation of a judicial complaints reviewer. As we have heard, there has been some disagreement about that."

Bill Aitken had said that he was happy to leave conduct issues to the Lord President:

"I would not be happy if some elaborate bureaucratic procedure involving a judicial complaints reviewer was set up."

Margaret Smith went on to say:

"However, there is merit in an external view being taken on how the judiciary handles complaints about itself, and I am sure that the public at large agree."—[*Official Report*, 14 May 2008; c 8563, 8557, 8563.]

It might be that there has been a change in the Liberal Democrat position but, as an Administration, we stand by the fact that we have an independent Judicial Complaints Reviewer. We also have the 2008 act, which enshrines an independent judiciary, with the Lord President at the helm. The Government is satisfied with both and with both those officer-bearers.

**Alison McInnes:** The Liberal Democrats listen and learn. There is obviously a difference between some elaborate structure and something that works.

We need to listen to what Moi Ali is saying. She has made it clear that the resource allocation is insufficient to cope with the demands on the service. The annual budget is just £2,000 a year and she has no staff and no administrative support. She makes it clear that it is a real challenge fitting the work in. In her annual report, she highlights that the Judicial Complaints Reviewer needs to be "adequately resourced" if complainers are to

"receive a prompt and thorough review of their cases".

Backlogs should not be an inevitability. Does the cabinet secretary believe that it is appropriate to look again at the resources that are in place to support the delivery of the service?

**Kenny MacAskill:** We have sought to do so. Premises within the Scottish Legal Complaints Commission's offices were secured for the Judicial Complaints Reviewer to allow her access to all workplace essentials and some administrative staff support, but those arrangements did not work out as expected and the Judicial Complaints Reviewer elected to work from home.

This Administration has always been willing to put appropriate resources at the disposal of the Judicial Complaints Reviewer, but we should remember that she deals with remarkably few complaints. It appears that we established the correct structures under an act that the Parliament supported in 2008. On that basis, we are satisfied with the current structures.

## NHS Lanarkshire (Safety and Quality Review)

**The Presiding Officer (Tricia Marwick):** The next item of business is a statement by Alex Neil on the publication of a review of the safety and quality of NHS Lanarkshire. The cabinet secretary will take questions at the end of his statement, so there should be no interventions or interruptions.

14:13

**The Cabinet Secretary for Health and Wellbeing (Alex Neil):** In August of this year, the Scottish Government asked Healthcare Improvement Scotland to undertake a rapid review of NHS Lanarkshire's services. The report that HIS published this morning is the culmination of that review, and I would like to make a statement that sets out the Government's response.

The HIS report uncovers a number of areas in which, at times, the standards of care have fallen short of the Scottish Government's expectations for patients. All health boards in Scotland have been instructed that they must ensure that patient safety is their top priority. To support that, the Scottish patient safety programme has been working for more than five years to deliver ways to make Scotland's healthcare safer.

As part of the patient safety programme, hospital standardised mortality ratios are collected and published regularly online. The HSMR is based on a complex model that looks at the ratio of observed deaths within 30 days of admission to an acute hospital to the number of predicted deaths. Although a high HSMR is not, by itself, a definitive measure of the quality and safety of care, it serves as an important prompt for further investigation. HIS's report today states:

"a higher than predicted HSMR cannot be used to make judgements about the quality and safety of health services ... Instead it should be used as a 'smoke alarm' which alerts an NHS board to potential problems and leads to a more detailed review of safety and quality issues."

I highlight that the concerns about the progress in NHS Lanarkshire were identified thanks to our patient safety programme. The HIS rapid review was instigated on the basis of concerns about what the safety programme raised with regard to the HSMR figures that are routinely collected. It is worth noting here that, overall, NHS Lanarkshire has improved its HSMR. However, the rate at which Monklands hospital in particular is improving is insufficient and it lags behind other boards in Scotland. Wishaw hospital's HSMR has reduced by 17.6 per cent, which is greater than the overall change across Scotland of 12.4 per cent, whereas Hairmyres hospital's reduction is 7.1 per cent and Monklands hospital's is 4.3 per cent overall.

In conducting the rapid review we asked HIS, first, to provide an independent expert diagnosis of the factors that may underlie the HSMR figures, including assessing any systemic factors that may be impacting on the safety and quality of care and treatment being provided to patients in NHS Lanarkshire's acute hospitals; secondly, to consider whether the existing action by NHS Lanarkshire to address any key issues identified in the diagnostic phase is adequate and whether any additional steps should be taken; thirdly, to advise whether any additional support should be made available to NHS Lanarkshire to help strengthen and accelerate its improvement programme; and, fourthly, to advise on any areas that may require further action.

In reaching its conclusions, the HIS expert review team listened to the experiences of more than 300 patients and carers and of more than 200 members of staff, visited 40 clinical areas and reviewed 152 patient records. The team concluded that a broad range of improvements is necessary for NHS Lanarkshire to continue its commitment to deliver safe and effective patient care. That includes the need for stronger focus and leadership in implementing robust patient safety interventions and in the redesign of services.

Today's report makes 21 specific recommendations for NHS Lanarkshire to follow to improve its performance. To help NHS Lanarkshire deliver on those important recommendations, I am putting in place a governance and improvement support team to help NHS Lanarkshire make the changes necessary to improve its performance for the people of Lanarkshire. I have spoken this morning to the chair and chief executive of NHS Lanarkshire, and they have accepted the 21 recommendations from HIS in full and have welcomed the availability of the improvement support team to help them deliver the rapid and sustained improvements that are now needed. I expect those improvements to be made urgently and I have asked to be updated regularly. To keep Parliament informed of progress, I will ensure that regular updates are laid in the Scottish Parliament information centre and made available online.

I have made clear this morning that there will be a formal review of progress against the recommendations by the end of March 2014. The improvement team will be led by Jeane Freeman, chair of the Golden Jubilee national hospital; Malcolm Wright, chief executive of NHS Education for Scotland; and Professor Sir Lewis Ritchie, director of public health at NHS Grampian. Their focus will be on two crucially important areas: leadership and clinical quality improvement.

NHS Lanarkshire has indicated that, throughout the review period, it was responding to concerns



that were raised, and that it has already begun improvement work. That includes its planned investment of another £8.7 million to increase capacity, including the recruitment of 54 whole-time equivalent consultants, nurses and other clinical support staff in 2013-14.

While we should be under no illusion about the difficulties that have been highlighted, we should not lose sight of the commitment and dedication of staff across NHS Lanarkshire and indeed the whole of our health service. We have a record number of staff working in NHS Lanarkshire, including a record number of nursing staff. Today's report highlights areas for improvement, which will further support the staff of NHS Lanarkshire in providing the standards of care to which they rightly aspire.

Our continuing commitment to quality means that we will shine a light on areas where our NHS does not achieve the high standards that we expect and we will provide clear opportunities for improvement. As a Government, we will continue to support our patient safety programme, monitor our health service and take action when necessary to ensure that the best service is provided for the people of Scotland.

**The Presiding Officer:** The cabinet secretary will now take questions on the issues raised in his statement.

**Neil Findlay (Lothian) (Lab):** I thank the cabinet secretary for sharing his statement with me. However, such a brief statement that is devoid of much of the detail that we would have expected in a statement on such an important issue is a disgrace and an affront to the people of Lanarkshire, so will the cabinet secretary urgently bring the issue to the chamber in a debate so that we can discuss these life-and-death matters at length?

The report on NHS Lanarkshire should make the whole of Scotland sit up. It is a damning report that highlights problems with discharge information, poor levels of care, failures to escalate risks, failures to support patients whose conditions are deteriorating, poor quality of improvement systems, a lack of medical staff, a reliance on junior doctors, serious concerns about the level of nursing and a management regime and culture that appear at times to be completely out of touch with what goes on in the wards on a day-to-day basis. The review team heard that staff at all levels indicated that there was a state of perpetual crisis in NHS Lanarkshire regarding unscheduled care, yet that did not merit a mention from the cabinet secretary.

People have died unnecessarily in Lanarkshire due to failures in the NHS. I have no doubt that senior management will seek to pass the buck to

those hard-pressed staff who try to provide care despite the failings of management, but the reality is that this happened in the Cabinet Secretary for Health and Wellbeing's own constituency.

**The Presiding Officer:** Can we get a question, please?

**Neil Findlay:** The question is: what confidence can people have in those who lead NHS Lanarkshire and the cabinet secretary's ability to deliver safe healthcare across the rest of Scotland? Let us be clear that many of the issues that the report raises are not exclusive to Lanarkshire.

**Alex Neil:** First, on the detail, that is all in the report and the executive summary. I do not think that it would add anything for me to come here and repeat what is already in the report. The purpose of the statement was to give the Scottish Government's reaction to the report, which is what I did.

Secondly, I point out to the member that, under his Administration, we would not even have known what the problem was, because we did not have a patient safety programme and we did not measure hospital standardised mortality ratios. Those two initiatives alone are reasons why we now know what is going on.

Thirdly, I point out to the member that we have a record number of staff in NHS Lanarkshire—a record number of nurses, a record number of qualified nurses and midwives, a record number of consultants, a record number of accident and emergency consultants and so on. The report is about the management of those resources.

The budget for NHS Lanarkshire has been increased over the past six years by £180 million. It is getting £180 million more this year than it got in the year when Mr Findlay's party left office. I believe that the onus is now on the board and the senior management team of NHS Lanarkshire to address the issues, to turn the situation round and to report back within three months on what I hope will be significant progress.

**Nanette Milne (North East Scotland) (Con):** The report does indeed identify a number of very concerning shortcomings in patient care, staffing levels and the admission of emergency patients to their appropriate wards. In a number of cases, those concerns are identified as long standing. I therefore welcome the fact that the chair and chief executive of NHS Lanarkshire have accepted the 21 recommendations in the report and that the cabinet secretary has stated that NHS Lanarkshire will be closely monitored for progress.

When does the cabinet secretary expect that the first progress report will be available? How long does he expect that it will take to correct the most

pressing concerns that are identified in the report? How long will the governance and improvement support team be in place?

I thank the cabinet secretary for the advance copy of his statement.

**Alex Neil:** I have asked for a formal progress report by the end of March, and my team will monitor the situation on a week-by-week basis.

We anticipate that a number of the problems will be dealt with very urgently, in particular the way in which we measure the deterioration of particularly vulnerable patients. As I said in my statement, I have been assured during the review by the senior management team that action has already been taken to improve policies and procedures in relation to that. I hope that we will now see progress right across the board on the issues that have been identified, and that it will be visible to the Parliament. As I have said, I am happy to report to both the Health and Sport Committee and the Parliament more generally.

**The Presiding Officer:** As members are probably aware, many members wish to ask the cabinet secretary a question. I am confident that we can get through the whole list, but it would be helpful if members were to confine themselves to one question.

**John Wilson (Central Scotland) (SNP):** What action is proposed to improve early detection for patients whose clinical condition deteriorates in the hospital environment, and what is being done to ensure that those proposals are achievable? What consultation is taking place with carers and close family members in relation to patients in hospital?

**Alex Neil:** On the last point, the HIS team interviewed quite a number of patients and carers—I mentioned the number—and families, and, of course, it has gone through a number of files, including complaint files, to read what people had commented on. It also held a number of sessions in each of the three hospitals. Those sessions were advertised for patients, carers and families to attend.

An early-warning system is used in dealing with deteriorating patients. That is not a uniform system, as the early-warning system that would be used for particular types of disease is different from that which would be used for other types of disease. Therefore, there is not a single early-warning system, but the underlying principle is that the patient's condition is measured using a number of parameters, on an hourly basis if necessary, to ensure that they are receiving all the medical support and attention that are required. That is a very robust procedure that has been in place since the patient safety programme was introduced. We are further expanding and

developing the programmes on an on-going basis using examples of how the systems can be improved from across the board. We are also looking at international best practice to see where we can further improve in all aspects of the patient safety programme.

**Elaine Smith (Coatbridge and Chryston) (Lab):** Does the cabinet secretary recall that, when I campaigned against the closure of Monklands A and E, I called for more investment and improvement in that hospital? Given that the report says that NHS Lanarkshire staff

"at all levels indicate that there was a state of perpetual crisis ... regarding unscheduled care",

will the Scottish Government now commit to investing more funding as well as a support team to ensure that people get the care that they need? Will it also consider an additional minor injuries clinic at Coatbridge to help to alleviate the pressure on our A and E services?

**Alex Neil:** We have put in substantial additional investment. If members compare the spending in 2006 with this year's spending, they will see that there is a difference of £180 million. Next year, we have budgeted for another £25 million on top of that for NHS Lanarkshire.

In 2006, there were eight A and E consultants in NHS Lanarkshire; today, there are 29. There has been a 70 per cent increase in the number of paediatric consultants and a 55 per cent increase overall in the number of medical consultants. Monklands has had a substantial share of all those staff—including nursing staff—increases. As I have indicated, NHS Lanarkshire is in the process of recruiting further consultants and nurses, and a number of those will be allocated to Monklands.

The situation in the other two A and E units would have been much worse had Labour's proposal to close Monklands A and E gone ahead. *[Interruption.]*

**The Presiding Officer:** Mr Findlay will you stop chuntering away and shouting across the chamber.

**Linda Fabiani (East Kilbride) (SNP):** I will try very hard not to chunter, Presiding Officer.

I note in the report published this morning both examples of good care in East Kilbride and bad practice in Hairmyres hospital. How will the cabinet secretary ensure that, both immediately and beyond the three-month period, the top level of NHS Lanarkshire is forced to face up to its responsibility to provide good management to very committed staff and good service to the Lanarkshire public?

**Alex Neil:** As I said, I have spoken to both the chair and the chief executive of NHS Lanarkshire

and I am meeting the entire board on Thursday. I have made it abundantly clear to the chair and the chief executive—as I will to the full board—that I hold them totally accountable for the quality and safety of patient care in NHS Lanarkshire and turning round the situation identified in the report, and that I expect significant progress to be made by the end of March 2014. I have explained to the chair and the chief executive that, if significant progress has not been made by then, I reserve the right to take whatever additional action is required.

**Alison McInnes (North East Scotland) (LD):**

The cabinet secretary has repeatedly spoken about increased nursing levels but we know that vacancy levels are rising, with the number of posts lying vacant for more than three months rising sharply. Does he agree that posts lying vacant for many months with the resultant high usage of bank staff and large movements of staff between wards has contributed to inconsistent care and led to avoidable deaths? What additional support will he offer to strengthen the local improvement programme?

**Alex Neil:** Overall, one reason why there are so many vacancies is because we are recruiting so many additional staff. Today's vacancy position in NHS Lanarkshire is 157 full-time equivalent nursing staff. That is because of the recruitment exercise that we are engaged in. By definition, if a board goes out to recruit staff, there will be a period before the post is filled when a vacancy technically exists.

At this time in 2006, there were 41 consultancy vacancies in NHS Lanarkshire; today, there are 17. Bearing it in mind that we have increased the number of consultancy posts by 56 per cent and reduced the consultancy vacancies by more than half, that is a substantial achievement. We cannot blame consultancy vacancies as a contributory factor to the report's findings.

**Clare Adamson (Central Scotland) (SNP):**

Recommendation 20 of the report calls for a

"balance between generating data and ... the capacity to interpret ... it".

Will the cabinet secretary ensure that any lessons learned from a review of data use and its reporting across the system will be shared across health boards, so that best practice is undertaken across all health boards?

**Alex Neil:** We have a data initiative that operates right across the NHS, and there are two points to be made about data.

First, the systematic collection of appropriate data is absolutely fundamental to a good health service. As a result of the data that we collect through the science of informatics, we have reduced the number of amputations resulting from

diabetes by 40 per cent and the incidence of blindness resulting from diabetes by 80 per cent. Collecting systematic and comprehensive data is essential to a modern health service.

The second issue, to which Clare Adamson referred, is that we sometimes collect the same data too many times. Therefore, a number of initiatives are in place to ensure that the same data are collected only once and are stored appropriately, so that they are available for analysis. I take the point that we need to be more efficient in the collection and collation of data, not just in NHS Lanarkshire but across the whole system.

**Mark Griffin (Central Scotland) (Lab):**

Confidence in Monklands hospital has plummeted in my community, and it is understandable that people are choosing to take family members to Forth Valley or Glasgow hospitals. In light of the report, does the cabinet secretary have full confidence in NHS Lanarkshire's senior management, particularly given that it was noted that NHS Lanarkshire already has record staffing levels?

**Alex Neil:** I think that I have made it clear that I hold the senior management team and board of NHS Lanarkshire entirely responsible for NHS Lanarkshire's performance. If I am not satisfied after the March review, I will take any additional steps that I require to take.

There is no evidence of large-scale migration of patients from Lanarkshire to adjacent health board areas. Over the past six years there has been an 11 per cent increase in day patients across Lanarkshire, there has been a 2 per cent increase in in-patients, which is in line with the Scottish average, and the number of A and E presentations has remained static.

**Christina McKelvie (Hamilton, Larkhall and Stonehouse) (SNP):**

Will the cabinet secretary set out the steps that have been taken to ensure that NHS staff are supported and given the opportunity to escalate concerns about risks to the delivery of safe patient care? What further steps will he take locally to ensure that that is the case in NHS Lanarkshire?

**Alex Neil:** As the member knows, I have been very open about the need for staff to feel that they can report, without fear or favour, anything that in their opinion is going wrong. I am glad to report that the staff survey that Mr Matheson published on Friday shows that, for the first time ever, more than half the staff across the national health service in Scotland feel that they can blow the whistle on or report anything that is going wrong, without fear or favour.

That is a very welcome development. I aim to get the percentage up further, because I want staff

to feel that, if something is going wrong or something is happening that should not be happening, they can safely escalate their concern to the appropriate level of management at the earliest opportunity.

As I said, we are putting a support team into NHS Lanarkshire. Indeed, the review team and expert advisory group have been providing some support in recent times. We will continue to provide such support for as long as it is required; we will ensure that the HSMR in Lanarkshire at least reaches the Scottish average and that all the indices of performance are at the required level before we consider withdrawing the support team that we are putting in today.

**Siobhan McMahon (Central Scotland) (Lab):** I was concerned to read in the report that

“the management actions taken have not yet been sufficient to support safe, person-centred and effective care”,

and that

“consultants are finding the workload excessive.”

The report also notes:

“NHS Lanarkshire is particularly challenged as it needs to provide sufficient staffing across its three acute district general hospital sites.”

NHS Lanarkshire has indicated that it accepts all 21 recommendations from HIS. Given that this is a devolved matter, what support will the Scottish Government provide to ensure that NHS Lanarkshire continues to deliver high-quality patient care, particularly at Monklands hospital?

**Alex Neil:** I think that I outlined in some detail the budget, the additional staffing, the facilities and the investment in Monklands, with £14 million invested in physical facilities over the past 18 months. There is no doubt about our commitment to Monklands—unlike that of the member, who wanted the Monklands A and E closed, campaigned for the mental health unit at Monklands to be closed and, I understand, is even suggesting that Monklands hospital should be closed. I will take no lessons from her about Monklands hospital.

**Jamie Hepburn (Cumbernauld and Kilsyth) (SNP):** Does the cabinet secretary agree that proper use of the NHS workforce planning tool has a role to play in helping to improve the board's performance and in further reducing the HSMR, in particular at Monklands hospital, which serves my constituency? Does he agree that boards should regularly publish the projected staffing requirements that the tool produces?

**Alex Neil:** I absolutely agree. The member will be aware that as of April this year I made the workforce planning tool compulsory for all health boards in all situations. We can already see that

major improvements are resulting from that decision.

It is very important that we get the right mix of skills, and the right number of staff in the right place at the right time. That mix has to be based on evidence, and the workforce tool provides the evidence to allow managers to ensure the maximum and most effective use of our staff throughout the national health service at local and national level. Those matters are reviewed regularly, and I am happy to publish any additional information that members require.

**Margaret McCulloch (Central Scotland) (Lab):** The review report contains withering criticism of NHS Lanarkshire. It says that there is a

“disconnect between what they thought was happening and what was actually happening.”

It highlights practices that amount to an “under-reporting of risk” and unacceptable risk to patient safety. On medical staffing, it says that

“the inescapable conclusion is that the actions taken to date are inadequate.”

How could all that happen on this Government's watch, especially given the repeated complaints and media attention that NHS Lanarkshire has attracted since 2007?

**Alex Neil:** As I said earlier, on this Government's watch, we have identified and quantified the problem and put a solution in place, none of which would have been possible without the patient safety programme and measuring HSMR.

The member raised a valid point at the start of her question that goes to the role of the board of NHS Lanarkshire. I have been meeting non-executive directors of boards up and down the country and making it absolutely clear to them that their job is to scrutinise and question, to make sure that the information that they are getting is accurate, and to visit the front line and make sure that the information that they are being given reflects what is actually happening in the wards, hospitals and national health service. That has not been happening sufficiently at NHS Lanarkshire.

When my colleague Michael Matheson did the annual review of NHS Lanarkshire two months ago, he specifically asked the non-executive directors whether they were getting all the right information, and he got a positive response. Something has clearly gone wrong, which is why I have asked the entire board to meet me on Thursday to discuss exactly those issues. In future, the board will need to be more effective in managing and monitoring performance.

**Margaret Mitchell (Central Scotland) (Con):** The review report notes that NHS Lanarkshire answered 95 per cent of complaints within the

target of 20 working days. The national figure is 61 per cent. However, the review also raised the concern that the board's emphasis was on meeting the target rather than on undertaking a proper analysis of the complaint and responding in full to the issues raised. Does the cabinet secretary agree that a review of NHS Lanarkshire's complaints procedure is required? What will the Scottish Government do to ensure that NHS Lanarkshire addresses the problem?

**Alex Neil:** Yes, I agree entirely. That is a fair point and we are reviewing the complaints procedure across the country. I believe that complaints should be used as a management tool to inform the board and senior management team about where things are going wrong in a health board area.

A good example is NHS Grampian, which has devised a comprehensive complaints and concerns analysis system that does not look at just official registered concerns and complaints, but incorporates any adverse comments that are made in social, print and broadcast media of the services that it provides. I have asked the chairs of every NHS board in Scotland to look at NHS Grampian's system and adopt it or adapt it by copying it into their system so that their complaints procedure, which must be robust, fair and comprehensive, is not just about answering individual complaints but uses the complaints system as management intelligence to highlight and raise the alarm when anything is going wrong.

**Claudia Beamish (South Scotland) (Lab):** The review team found that there is considerable variation in the quality and system of care that is being delivered within all three hospitals. NHS Lanarkshire needs to take further action to develop a culture in which every opportunity is taken to learn from mistakes with the aim of improving patient care. An example of that is in the passing on of information between shifts. Can the cabinet secretary explain how that learning process will be undertaken and give us some reassurance about how it will be assessed?

**Alex Neil:** We have a body called the quality, efficiency and support team, which spreads good practice in the national health service in Scotland. We are working in a range of areas in which that kind of activity can be improved dramatically. A priority must be to improve it in Lanarkshire.

For example, at Yorkhill hospital, every morning at eight o'clock they have what is called a huddle, which involves a member of every ward in the hospital, usually the charge nurse. Accident and emergency is represented, too. They go through all the areas looking at the number of overnight admissions, the predicted admissions that day and the accident and emergency situation to ensure that all the requisite staff are being properly used,

where they are needed, that people are in the right beds, in the right wards, and, generally, that the hospital is running efficiently. Another huddle is held at two o'clock every day.

Since that system was introduced into Yorkhill, there have been substantial and significant improvements in patient safety and the standard of care, as well as in the levels of patient satisfaction, as measured by children and parents. I want to see a huddle carried out in every single hospital, every single morning, 365 days a year, throughout Scotland, because it is one of the initiatives that can help enormously in dealing with issues, particularly the changeover of shifts. It is a very good example, in practice, of how that kind of improvement can be made.

**Bob Doris (Glasgow) (SNP):** Could the cabinet secretary reassure the tens of thousands of constituents that I represent in areas such as Cambuslang and Rutherglen that their transfer from NHS Greater Glasgow and Clyde to NHS Lanarkshire in April 2014 is being appropriately planned for and resourced, given the pressures that the essential improvements outlined this afternoon will undoubtedly create?

**Alex Neil:** Absolutely. Again, while we need to take cognisance of and rise to the challenge of these problems, we should also get them in context. Even in Monklands hospital, which is the worst performer, the HSMR has improved by 4.3 per cent since 2007 against a Scottish average of 12 per cent. In Wishaw, it was 17.6 per cent and in Hairmyres it was just over 7 per cent. The objective here is to get NHS Lanarkshire up to and, ideally, beyond the Scottish average.

However, we should not lose sight of the fact that the HSMR in Monklands hospital has improved, albeit not nearly fast enough. On that basis I would be happy to recommend to any of Bob Doris's constituents—using my extensive medical knowledge—that they be treated in Lanarkshire.

**Michael McMahon (Uddingston and Bellshill) (Lab):** Can the cabinet secretary tell the chamber whether Healthcare Improvement Scotland reported directly to him in the first instance? Has the report that was published today changed in any way from its original draft? Did any discussions take place between the cabinet secretary's officials and Healthcare Improvement Scotland prior to publication of today's report? Was the report presented to the board of NHS Lanarkshire before publication and did NHS Lanarkshire have any opportunity to seek a redraft of the report?

**Alex Neil:** The process for this report was exactly the same as for every other report produced by Healthcare Improvement Scotland. I

emphasise that I did not see and had no part in any drafting of the report, and I did not see any draft until the final report was presented.

However, as is standard, once the review team has completed a draft report, it submits it to the senior management team—in this case, in NHS Lanarkshire—to check for factual errors. I believe that some redrafting was done as a result of that consultation, which we would normally expect. The report is amended if it is believed that the points being made at that stage—by NHS Lanarkshire in this case—are valid. There is always a bit of redrafting. Nevertheless, the conclusions and recommendations are entirely the work of Healthcare Improvement Scotland. It is an independent regulator and the report must be its report, which is what is published today.

**John Pentland (Motherwell and Wishaw)**

**(Lab):** The report notes that, at Wishaw hospital, the most common reason for breach of the four-hour standard was the wait for first assessment. However, constituents have told me that people sometimes give up and go away before they are assessed. What account does the report take of that?

**Alex Neil:** Our objective is for 95 per cent—rising to 98 per cent—of people who present to accident and emergency to be seen and either discharged back into the community or referred and admitted to a ward within four hours. The latest published figures show that the overall figure for NHS Lanarkshire was around 92 per cent, which means that it still has a way to go to get to 95 per cent and then 98 per cent. However, we should not lose sight of the fact that 92 per cent of people were seen and discharged or admitted within the four-hour timeframe.

When there are breaches, that is unacceptable, and the objective is to have zero breaches. However, I was at Wishaw yesterday with a constituent, in my role as an MSP. That particular patient had been in A and E for a total of eight hours, but it was a medical decision to keep them there. On reflection, the medics now think that that was a wrong decision, but it was a medical decision. I hear all the time that the issues are because of a shortage of beds or a lack of assessment, but that case had nothing to do with assessment or beds. There is a multitude of reasons why a breach might happen, but we are making substantial progress towards achieving the 95 per cent target. We have achieved it with the Scottish average and we now want to get to 98 per cent.

I should point out that, in 2006, the one time that the situation was measured under the previous Administration, the equivalent figure was that only 86 per cent of people were discharged or admitted

to a ward within the four-hour period. We have substantially improved the situation.

## Landfill Tax (Scotland) Bill: Stage 3

14:52

**The Presiding Officer (Tricia Marwick):** The next item of business is stage 3 proceedings on the Landfill Tax (Scotland) Bill. In dealing with the amendment, members should have the bill as amended at stage 2, which is SP bill 28A, and the marshalled list, which is SP bill 28A-ML. Should there be a division on the amendment, the division bell will sound and proceedings will be suspended for five minutes. The period of voting will be 30 seconds.

### Section 20—Credit: bodies concerned with the environment

**The Presiding Officer:** Amendment 1 is in the name of Michael McMahon.

**Michael McMahon (Uddingston and Bellshill) (Lab):** I will not take up much of the Parliament's time, because we have moved on in relation to the issue since stage 1.

When I heard evidence at the Finance Committee on the new criteria for the use of the landfill communities fund, alarm bells rang for me because, although the provision is well intentioned, we heard that organisations that seek to promote or further environmental projects in areas where there is no direct link to a landfill site foresaw the potential to use landfill communities fund moneys to further those projects. That is not of itself a major problem, but it takes away from the general principle of the landfill communities fund, which is that it should benefit those who suffer the disamenity of having a landfill site in their vicinity and who are subjected to noise and air pollution because of their proximity to a landfill site. The fund that supports those local communities should not be diminished in any way to support projects that have no connection to a landfill area.

We have to address the problem, as it is a matter of principle. I have had discussions with the Cabinet Secretary for Finance, Employment and Sustainable Growth, which have moved the issue on a fair way from where we were initially, for which I thank him. However, having spoken to representatives of those who use the landfill communities fund, I know that they are concerned that the fund might be diminished if the criteria are not set down clearly in the bill. They know the benefits that go to the local communities that are affected. That is why I have lodged amendment 1. I hope that the cabinet secretary will take on board the genuine arguments that have been made by those who see the inherent danger in changing the

criteria to widen the scope of the landfill communities fund. That would be a retrograde step.

It is not sufficient to have any protections in guidance; we have to see them in the bill. We must be absolutely clear what the landfill communities fund is for.

**Mark McDonald (Aberdeen Donside) (SNP):** An organisation in the constituency that I represent administers the landfill communities fund to a range of projects, some of which do not take place in communities adjacent to landfill. I ask Michael McMahon to clarify what would happen to the projects that that organisation funds, which are welcomed in my constituency, if his amendment was agreed to.

**Michael McMahon:** There is a set criterion at the moment that communities within a 10-mile radius of a landfill site can benefit from the tax that is collected in their area, which works well. We do not want to move away from that system. There is flexibility in it. We have heard arguments about its application in areas such as Skye, where the landfill site is 25 miles from the nearest settled community, but all the traffic to the site goes through that settled community, so there is a clear link between the landfill site and the community, which is affected by the site being in close proximity to it.

I am talking about the fact that, as we heard in evidence and discussed at the committee, projects that have no direct link with where the landfill fund comes from are looking on it as a source of funding. That is not right and it must be changed. That is why I hope that the cabinet secretary will support my amendment.

I move amendment 1.

**The Presiding Officer:** Three members wish to contribute. I intend to call all three but I urge them to be very brief.

**Kenneth Gibson (Cunninghame North) (SNP):** I thank Michael McMahon for giving us an amendment to debate.

As Michael pointed out, he met the cabinet secretary—

**The Presiding Officer:** Use full names, please.

**Kenneth Gibson:** Sorry?

**The Presiding Officer:** Full names. It is Michael McMahon.

**Kenneth Gibson:** Sorry. As Mr McMahon pointed out, he met the cabinet secretary—I see you preening yourself after saying that and putting me down, Presiding Officer. [*Laughter.*]

Michael—sorry, Mr McMahon—met the cabinet secretary along with me and Jean Urquhart to discuss the issue because there is broad agreement on the committee about it. The issue with which the cabinet secretary and, to be frank, all committee members have been wrestling is how we put what Michael and all of us want to achieve in the bill in a way that allows us to deliver it—[*Interruption.*] Sorry, Mr McMahon. Of course, there are diminishing resources from the landfill tax because we expect the take to decrease as the Government's zero waste policy continues to progress and achieve the zero waste targets that we all want to achieve.

We all want to achieve what Mr McMahon wants to achieve; the difficulty is how we put it in the bill. My concern is that the amendment does not do what we want it to do. I am keen that we have what he proposes, but guidance is a much better way of delivering it because we can include in that some of the nuances that he mentioned. There are so many anomalies, such as those that Mr McDonald mentioned, that we must deliver Mr McMahon's objective in guidance.

As the Finance Committee said in its report, we need the issue to be dealt with in a much less bureaucratic way. The money from the landfill communities fund must also be provided to community groups that do not have particularly high levels of community capacity. At the moment, some of those groups are losing out in favour of bigger organisations that are much slicker and which employ public relations companies and lobbyists. We want to ensure that the money goes to the people who should get it—those who are closest to landfill.

As was pointed out, 10 miles might not be a long distance on Skye but, from where I live in Kilbirnie, it is the distance to Paisley. It could be the distance from one side of the Glasgow to the other, and it is really ludicrous to suggest that one part of Glasgow would benefit from a dump on the other side of the city.

I am broadly sympathetic to, and supportive of, what Michael McMahon wants; I am just not convinced that the amendment is the way forward.

15:00

**Gavin Brown (Lothian) (Con):** Amendment 1 is an improvement on a similar amendment at stage 2 that was ultimately withdrawn. The lead committee said:

"The Committee is supportive of the principle that those communities most affected by landfill sites should be the ones to benefit most from the fund."

In response to the committee's report, the Scottish Government said that it

"is working to ensure this principle is reflected in the future design of the fund."

That principle is more likely to be reflected if it is embedded directly in the primary legislation. After reviewing section 20 of the bill, I do not think that the amendment would be out of place. The amendment does not go into greater depth than other subsections of section 20, so it would be entirely appropriate.

The issue is more important now than it was when the landfill tax was first envisaged for the very reason that Kenneth Gibson gave: resources will be diminishing. Therefore, it is even more important that the most affected communities benefit. That is why I intend to support the amendment.

**Iain Gray (East Lothian) (Lab):** I support Mr McMahon's amendment 1. Gavin Brown was right to use the word "principle". The bill is based on the principle that polluters should pay, and behind the amendment lies the principle that the landfill communities fund should be used to benefit communities that directly suffer the impact of landfill sites. Those communities should benefit directly from the compensation or mitigation that the fund provides.

In earlier debates, we established that the 10-mile limit is too limiting. In my constituency—East Lothian—there is a landfill site at Dunbar. The community there suffers the most direct effects of the site, but it is true that towns and villages throughout the county suffer a concentration of lorry traffic, for example, that brings waste to the site. It therefore makes sense that they, too, should be able to benefit from the fund.

Many extremely worthwhile and important projects in my local communities have received funding in the past as a result of landfill tax credits. I simply want to ensure that that is protected, particularly as resources reduce. The fund should therefore not be opened up to projects that might be worth while and desirable but which are really national rather than local and are far from the direct impact of any landfill site. Such a principle should be in the bill. I support amendment 1.

**The Cabinet Secretary for Finance, Employment and Sustainable Growth (John Swinney):** As Mr McMahon said, amendment 1 would insert the condition that money from the tax credit scheme or the landfill communities fund should be spent on environmental activities in the locality of a landfill site that is affected by the site's operations. In addressing the amendment, I will set out three points. We have had a number of constructive discussions inside and outside the Finance Committee that have helped to inform what I will say to Parliament and the position that I hope Parliament will support.



The establishment of eligibility through proximity is better set out in guidance and regulations. I intend to submit the draft regulations and guidance to a consultation process, in which views from all stakeholders can be taken on board and the correct balance can be arrived at.

In feedback from the consultation on the bill, one criticism was about the amount of red tape under the existing arrangements and the administrative burden that is associated with the scheme—Mr Gibson talked about that. That proved to be a deterrent to applications from potential beneficiaries. I fear that Mr McMahon's amendment would—inadvertently—further entrench that red tape and disincentive to applying.

On paragraph (a) in the amendment, I am keen to avoid a situation in which every project—such as the renovation of a community hall by a group—would have to prove that it is directly affected by and suffers a disamenity from a landfill operation. A project that was close to a landfill site that complied with environmental protection legislation and with permitting rules would be likely to find it burdensome and difficult to prove that it was directly affected by the site's operation, if we translated Mr McMahon's amendment into practice in administering the scheme. Away from the transport network, that may limit the spending of the fund to areas in very close proximity to a landfill site.

The presence of a landfill site has two main effects. The first is the disamenity that such a site causes to communities in its vicinity, and the second is the detrimental effect that it has on the wider environment. In my view, the fund should be able to address both those issues.

An overwhelming majority of respondents to the consultation supported the view that—

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

**John Swinney:** I will.

**Iain Gray:** Surely that is exactly the point on which the assurances that have been given cause concern. The argument that landfill has an impact on the environment and that a project anywhere in Scotland that addresses the environment would therefore legitimately benefit from the fund is exactly what the amendment seeks to avoid.

**John Swinney:** Mr Gray must consider some of the other possible implications of the amendment, such as that of making it ever more restrictive for applications to be successful under the fund rules and the tax credit scheme. I am concerned that we should avoid making it ever more difficult for projects to get past the threshold for support by

specifying that threshold in a fashion that makes the hurdle too great for projects to get over.

I have advanced the argument today that those issues should be dealt with in the detailed guidance that we will produce, on which there will be consultation. That would assist us more than creating an approach that would essentially make it much more difficult for projects to prevail.

An overwhelming majority of respondents to the consultation supported the view that funding for environmental and biodiversity projects should continue to be available through a Scottish landfill tax communities fund, on the basis that landfill sites contribute to climate change and are responsible for a sizeable element of Scotland's greenhouse gas emissions. Indeed, landfill emits 600,000 tonnes of carbon and equivalent greenhouse gases into the atmosphere every year.

I agree with the principle that those communities that are most affected by landfill should benefit from the money that is available in the fund. The fund that will be established under sections 18 and 20 of the bill will, I am sure, significantly benefit the communities in the locality of a landfill site. I agree that the fund should not be available to communities further afield that suffer no disamenity from having a landfill site nearby. However, we must also consider how the fund should reflect the impact that landfill sites have on the wider environment. Those issues need to be considered in the consultation process.

Although I have great sympathy for what Mr McMahon is trying to achieve, I believe that amendment 1 would impose conditions that are too restrictive. A community in the vicinity of a landfill site might not be able to access the fund simply because it was in the vicinity; it would also have to show that it was affected by operations at the site.

I believe that regulations and guidance are the best place in which to set out those mechanisms, which would allow for greater flexibility in their application. I assure Parliament that there will be detailed consultation on the formulation of any regulations and guidance in that regard.

I recommend that Parliament rejects amendment 1.

**The Presiding Officer:** Members will note that we have passed the agreed time limit for the debate on the group to finish. I exercise my power under rule 9.8.4A of standing orders to allow the debate on the group to continue beyond the time limit in order to avoid the debate being unreasonably curtailed. That means that I can call Michael McMahon to wind up and indicate whether he wishes to press or withdraw amendment 1.

**Michael McMahon:** Thank you for giving me the opportunity to wind up, Presiding Officer.

I thank the cabinet secretary for genuinely trying to reach an accommodation on my desires on the matter. We have moved to a point where there is not much distance between us, but, as often happens, that has become the sticking point.

I do not believe that there will be any additional red tape or obstacles put in the way of local communities that are directly affected. We are trying to uphold the criteria that currently exist; the 10-mile criterion takes away the problem, because a community in the vicinity of a landfill site is allowed to access the landfill communities fund.

Those who administer the landfill communities fund have done so successfully for a number of years, and the system works well. The problem is that other people now have designs on the funding, and we want to prevent them from accessing it. The obstacles that amendment 1 would put in place are aimed at stopping the dissipation of a fund for local communities so that it cannot be used for projects that have no direct link to local areas that currently benefit from that funding.

Unfortunately—although we have come very close, cabinet secretary—I will press my amendment, and I hope that the Parliament will support it.

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

**Members:** No.

**The Presiding Officer:** There will be a division. As it is the first—and only—division at stage 3, I suspend the meeting for five minutes.

15:10

*Meeting suspended.*

15:15

*On resuming—*

**The Deputy Presiding Officer (Elaine Smith):** We will now proceed with the division on amendment 1.

**For**

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)  
 Brown, Gavin (Lothian) (Con)  
 Carlaw, Jackson (West Scotland) (Con)  
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)  
 Davidson, Ruth (Glasgow) (Con)  
 Dugdale, Kezia (Lothian) (Lab)  
 Fee, Mary (West Scotland) (Lab)  
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)

Findlay, Neil (Lothian) (Lab)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Goldie, Annabel (West Scotland) (Con)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (East Lothian) (Lab)  
 Griffin, Mark (Central Scotland) (Lab)  
 Hilton, Cara (Dunfermline) (Lab)  
 Johnstone, Alex (North East Scotland) (Con)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)  
 Macdonald, Lewis (North East Scotland) (Lab)  
 Macintosh, Ken (Eastwood) (Lab)  
 Malik, Hanzala (Glasgow) (Lab)  
 Marra, Jenny (North East Scotland) (Lab)  
 Martin, Paul (Glasgow Provan) (Lab)  
 McArthur, Liam (Orkney Islands) (LD)  
 McCulloch, Margaret (Central Scotland) (Lab)  
 McDougall, Margaret (West Scotland) (Lab)  
 McInnes, Alison (North East Scotland) (LD)  
 McMahon, Michael (Uddingston and Bellshill) (Lab)  
 McMahon, Siobhan (Central Scotland) (Lab)  
 McNeil, Duncan (Greenock and Inverclyde) (Lab)  
 McTaggart, Anne (Glasgow) (Lab)  
 Milne, Nanette (North East Scotland) (Con)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Murray, Elaine (Dumfriesshire) (Lab)  
 Pearson, Graeme (South Scotland) (Lab)  
 Pentland, John (Motherwell and Wishaw) (Lab)  
 Rennie, Willie (Mid Scotland and Fife) (LD)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Smith, Drew (Glasgow) (Lab)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Stewart, David (Highlands and Islands) (Lab)

**Against**

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)  
 Brodie, Chic (South Scotland) (SNP)  
 Burgess, Margaret (Cunninghame South) (SNP)  
 Campbell, Aileen (Clydesdale) (SNP)  
 Campbell, Roderick (North East Fife) (SNP)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Constance, Angela (Almond Valley) (SNP)  
 Crawford, Bruce (Stirling) (SNP)  
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Don, Nigel (Angus North and Mearns) (SNP)  
 Doris, Bob (Glasgow) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Eadie, Jim (Edinburgh Southern) (SNP)  
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 Fabiani, Linda (East Kilbride) (SNP)  
 Finnie, John (Highlands and Islands) (Ind)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)  
 Johnstone, Alison (Lothian) (Green)  
 Keir, Colin (Edinburgh Western) (SNP)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lyle, Richard (Central Scotland) (SNP)

MacAskill, Kenny (Edinburgh Eastern) (SNP)  
 MacDonald, Angus (Falkirk East) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 Mackay, Derek (Renfrewshire North and West) (SNP)  
 MacKenzie, Mike (Highlands and Islands) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 Maxwell, Stewart (West Scotland) (SNP)  
 McAlpine, Joan (South Scotland) (SNP)  
 McDonald, Mark (Aberdeen Donside) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLeod, Aileen (South Scotland) (SNP)  
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)  
 McMillan, Stuart (West Scotland) (SNP)  
 Neil, Alex (Airdrie and Shotts) (SNP)  
 Paterson, Gil (Clydebank and Milngavie) (SNP)  
 Robertson, Dennis (Aberdeenshire West) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Russell, Michael (Argyll and Bute) (SNP)  
 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)  
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)  
 Wheelhouse, Paul (South Scotland) (SNP)  
 White, Sandra (Glasgow Kelvin) (SNP)  
 Wilson, John (Central Scotland) (SNP)  
 Yousaf, Humza (Glasgow) (SNP)

**The Deputy Presiding Officer:** The result of the division is: For 45, Against 65, Abstentions 0.

*Amendment 1 disagreed to.*

**The Deputy Presiding Officer:** That ends consideration of amendments. I ask members who are leaving the chamber to do so quietly.

## Landfill Tax (Scotland) Bill

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

The next item of business is a debate on motion S4M-08609, in the name of John Swinney, on the Landfill Tax (Scotland) Bill. I invite members who wish to speak in the debate to press their request-to-speak buttons now, but I indicate at this stage that we are extremely tight for time and it is likely that I will be able to give back-bench members only three minutes. I call John Swinney to speak to and move the motion. Cabinet secretary, you have no more than 10 minutes.

15:16

**The Cabinet Secretary for Finance, Employment and Sustainable Growth (John Swinney):** I welcome the fact that we have reached the stage 3 debate on the Landfill Tax (Scotland) Bill, which is the second bill establishing devolved taxes in Scotland under the powers in the Scotland Act 2012. The bill sets out the provisions and rules for a Scottish landfill tax that will replace the United Kingdom system of landfill tax from April 2015.

The devolved taxes will be administered using powers that are set out in the third bill establishing devolved taxes, which was introduced last week—the Revenue Scotland and Tax Powers Bill. As I explained to Parliament in June 2012, the arrangements for collection of the landfill tax will be undertaken by revenue Scotland working in conjunction with the Scottish Environment Protection Agency. The new body will be established and its powers will be granted through the Revenue Scotland and Tax Powers Bill.

I turn to the purpose of the Landfill Tax (Scotland) Bill. I want to see resource efficiency at the heart of our economy. The zero-waste agenda in Scotland is moving thinking about how resources are used and reused from the margins to the mainstream. Our priority for the future is supporting innovation and new ways of doing business as we move towards a more circular economy.

Putting the value of resources at the heart of our economy is an important priority for the simple reason that we live in a changing world, which is placing new pressures on how we manage the resources of this planet. The pressures from human population growth are huge and growing. According to the 2012 revision of the official United Nations population estimates and projections, the world population of 7.2 billion in mid-2013 is projected to increase by almost 1 billion people in the next 12 years, reaching 8.1 billion in 2025, with further rises beyond that.

That population is becoming increasingly affluent and urban. That means that our demands for resources are changing. We can no longer afford to throw material away in landfill sites. The actions that we are already taking are helping businesses to save money, create jobs and deliver economic growth.

Scotland's targets on climate change and waste are among the most stretching anywhere in Europe. We are leading by example. We have shown multimillion pound support for innovation in renewables and low-carbon technologies. On collaboration, Scotland recently became the world's first national Government to join the Ellen MacArthur Foundation's group of 100 global leaders committed to accelerating a more circular economy.

We believe that our open, collaborative, international approach to tackling resource issues will deliver real benefits for Scotland. It will bring new domestic industries in reprocessing and manufacturing and new supply chain opportunities for resource managers, and it could create up to 12,000 new low-carbon jobs and up to £1 billion of additional economic activity.

Before devolution, we recycled less than 5 per cent of our household waste. Today, the figure is more than 40 per cent. That increase in recycling has saved more than 4 million tonnes of carbon emissions since 2001.

We are seeing a similar transformation in food waste, as 1 million households in Scotland now have access to a food recycling service whereas five years ago there were no such services. Our waste regulations, which will come into force in two weeks' time, will also drive a step change in how businesses recycle. That will be a significant source of change and will show how we have used the devolved powers to maximum effect, taking decisive action to guarantee high-quality recycling.

By passing the Landfill Tax (Scotland) Bill this afternoon, the Parliament will be helping Scotland to keep the momentum as we make our economy truly sustainable by making landfilling prohibitively expensive. That will help to mitigate climate change, support economic diversification and create jobs in the process. Those are all substantial and desirable economic aims.

The landfill tax can be seen as the first and the most successful of the green taxes, and it continues to change waste management practices. The Scottish Government has given careful consideration to proposals for the landfill tax, and our proposals broadly reflect the existing United Kingdom landfill tax provisions, which are well understood by the waste industry and which are working well.

**Bruce Crawford (Stirling) (SNP):** I put on record my thanks to the Government for the way in which it has engaged with me on a matter concerning my constituents in Blane field. We are grateful. Last week, I received a letter from Richard Lochhead regarding owners who have contaminated property, through no fault of their own, which said that the Government will produce regulations to deal with the issue properly in due course. I put on record my thanks and the thanks of the people of Blane field for the way in which the Government has dealt with the matter.

**John Swinney:** I welcome Mr Crawford's comments. He has advanced the interests of his constituents in the Blane field area using all means available to him through the legislation. We will continue that discussion as we formulate the regulations that will implement the bill.

The public consultation on our proposals ran from October last year through to January 2013, and we asked consultees about two changes to the landfill tax. The first main change that we propose for the fund is the taxation of illegal disposals of waste. We had several reasons for bringing that forward.

First, illegal dumping is a problem with significant environmental impacts. It is an environmental crime and is rightly pursued and prosecuted as such. The additional penalty of a tax charge on illegal disposal should act as a powerful disincentive and prevent dumping.

Secondly, illegal dumping undermines legitimate waste operators, including landfill operators. Our proposals will support and encourage the great majority of enterprises in the industry that operate responsibly.

Thirdly, by clamping down on tax evasion in this way, there is an opportunity to gather additional revenue without increasing the tax burden. The Scottish Environment Protection Agency's knowledge of landfill activity and the industry will be crucial in identifying and prosecuting such cases. SEPA will bring together its tax and environmental protection regimes to achieve more efficient and effective compliance. That proposal has been welcomed by stakeholders.

The second key change that the bill brings about is the introduction of a Scottish landfill communities fund that meets the needs of Scotland. I have already made the Parliament aware of my intention to introduce a proposed enhancement to the tax credit arrangements under which the Scottish landfill communities fund will operate. At present, credits are capped at 6.8 per cent of the total tax liabilities of any operator in a year. As I made clear during the stage 1 debate, we propose to increase that cap by 10 per cent, to 7.48 per cent of an operator's tax liability. That is

intended to encourage operators to make higher contributions to the separate Scottish fund than would otherwise be the case.

As we landfill less, it is inevitable that less money will be available to the fund over the next decade. Increases in the credit cap will not offset that decline in the amount of material going to landfill and, therefore, in tax revenues. I will therefore ensure that the regulations and guidance are drafted so that as large a proportion of fund receipts as possible goes to projects, while the administration costs of the scheme are kept as low as is consistent with satisfactory management. I place on record my concern about the degree and level of the administration costs that are associated with the existing landfill tax scheme. My objective will be to reduce those significantly as part of the regime that we will put in place.

The landfill communities fund has been successful in leveraging match funding and helping communities that are affected by landfill. It is my intention that the Scottish landfill communities fund, which will be introduced in April 2015, will maintain its private funding status. That will allow projects that benefit from the fund also to seek match funding from the Government or the European Union, for example, which can often make a difference to the viability of a project.

I have also given consideration to the regulation of the Scottish landfill communities fund. It is my intention that regulations will provide for SEPA to regulate the fund from April 2015. By making the organisation that will be responsible for collecting the tax responsible for regulating the Scottish landfill communities fund, regulation of the fund and tax administration and collection will be more tightly controlled and more efficient than is the case under the current system.

There are two further points that I wish to make. First, we propose that key elements of the landfill tax, such as tax rates, potential exemptions for hazardous waste, detailed arrangements for tax credits, the operation of the landfill communities fund and the list of the types of waste that will fall into the lower and the higher tax bands, will be set out in secondary legislation. Taking that approach will enable the Scottish Government to consult properly on lists of waste materials and on the operation and administration of the tax. I note that the Delegated Powers and Law Reform Committee has commented on our proposals and is broadly content with them.

The second issue is the overall effect of the landfill tax on the Scottish budget. As Parliament is aware, that will depend on the block grant adjustment mechanism, which is the subject of ongoing discussion between the Scottish Government and the UK Government.

I am confident that we will have the legal and administrative systems in place in good time to collect a fair and efficient landfill tax in Scotland from April 2015. We will also have a tax that is appropriate to the distinctive nature of Scotland, that addresses the real issue of illegal dumping and that applies a distinctive approach to tax credits and to the landfill communities fund into the bargain. I look forward to taking the steps to put those measures into legislation.

I move,

That the Parliament agrees that the Landfill Tax (Scotland) Bill be passed.

**The Deputy Presiding Officer:** There is no time in hand. I call Iain Gray. You have a maximum of seven minutes, but I would like you to take less than that if possible.

15:26

**Iain Gray (East Lothian) (Lab):** In the stage 1 debate, I referred to the landfill tax as a new tax. In his closing speech in that debate, the cabinet secretary corrected me—it is, of course, not a new tax, although it is new to us.

We should acknowledge that the landfill tax is not only a tax that already exists but one that, on the face of it, is that thing that is usually anathema to Labour members, and which is often anathema to Scottish National Party members, too—a Tory tax. It was introduced by John Selwyn Gummer back in 1996, although I fear that it is not the thing for which he will be remembered.

Mr Swinney referred to the fact that the landfill tax also bears the distinction of being the first of those taxes or levies that, these days, seem to be something of a *bête noire* to Mr Gummer's successors in the Tory party in Westminster—a green tax. It was an early—indeed, the first—response to the realisation that we could not continue using the resources of our planet without thought and polluting it with carbon emissions without a care.

Mr Swinney eloquently explained why that imperative should exercise us no less today than it did 20 years ago. Indeed, all the evidence indicates that we have been too slow to respond and that the consequences have been ever quicker to emerge. The most recent Intergovernmental Panel on Climate Change report was the most urgent and damning yet on how our climate and our planet are changing.

We in Holyrood cannot be complacent about our own part in the problem and the obligation to find a solution. For example, we have set ourselves demanding targets for reducing carbon emissions, but we have repeatedly failed to achieve them, and we have not always proven ourselves willing

to take the actions that are needed to match our rhetoric.

**The Minister for Environment and Climate Change (Paul Wheelhouse):** Would the member accept that even in the worst-case scenario that is set out in “Low Carbon Scotland: Meeting our Emissions Reduction Targets 2013-2027. The Second Report on Proposals and Policies”, we will do more than the most ambitious Governments in Europe—Germany and Denmark—by achieving more than a 40 per cent reduction in emissions?

**Iain Gray:** I think that the minister has more confidence in RPP2 than I do, but let us see what happens as time unfolds.

That said, on diversion from landfill and increases in recycling, there has been tangible progress, to which the cabinet secretary referred. To that degree, we can claim that the landfill tax has been a success. At the time of its introduction, 54 million tonnes of municipal waste were sent to landfill per annum UK wide. By 2012, the figure had fallen to 19 million tonnes. Therefore, the tax that we inherit is a successful one, which is why it has support from across the chamber and those of all shades of political view. In legislating to pursue landfill tax as a devolved tax, the most important thing must be to create a framework that ensures that the tax continues that success. After all, by the Scottish Government’s own calculation, landfill still emitted in 2011 the equivalent of 600,000 tonnes of CO<sub>2</sub> into our atmosphere.

What the devolution of landfill tax does then is to give us the opportunity to consider how it operates and how we might use and change it so that it even more effectively and further reduces waste. It seems common sense that there is a law of diminishing returns here, with the gains made from a serious effort at recycling and reusing being easy progress to secure in the early years, and as time goes on there being a necessity to try harder and be smarter about how we deploy measures such as the landfill tax to get further gains.

Therefore, it is a pity that about something as basic as the rate itself and how many rates there might be, we still know very little. The cabinet secretary has said at every stage that he is minded to set a rate that is no lower than the one that he will inherit in April 2015, although he will not confirm that for us until September next year. At stage 1, there was considerable debate around waste tourism and whether differential rates would lead to reduced income as landfill was exported to England or, conversely, whether waste would be imported to landfill in Scotland. I do not think that we ever really got to the bottom of that, with the cabinet secretary expressing a view that it becomes an issue only if there is a differential of £15 per tonne, although committee witnesses

suggested that £10 per tonne would provoke such an effect.

That issue matters because it implies a rather limited capacity for us to use the new powers to choose our own rates and it seems to me to reflect a rather cautious approach by the cabinet secretary. Perhaps it is for the same reasons that we still do not have an indication of whether the Government favours an escalator in rates. That has been significant in the landfill tax’s success in the past, as there is surely a connection between its effectiveness in reducing waste and the fact that we are heading for a rate 10 times the original one introduced.

For the moment, we remain in the dark on whether the Government has any plans to introduce new rates to differentiate further between types of waste or, indeed, move any categories of waste between existing bands. The landfill tax is a fairly blunt instrument and an opportunity seems to have been missed to explore properly whether and how we could sharpen it. However, as regulations follow the legislation, we will no doubt return to those issues because there is a pressing need for action on waste and carbon, and we must do more than simply frame the bill.

On the positive side, I am pleased that if and when the changes are made, they will now be subject to the affirmative procedure. I am glad that the cabinet secretary listened to representations to that end. I regret that he did not find a way to meet on the face of the bill Michael McMahon’s concerns about the danger that the landfill communities fund might be diverted from the communities that are most affected by landfill. However, overall, the landfill tax is useful. It will now be appropriately devolved and it is potentially a powerful tool for the Parliament in pursuit of our environmental agenda. We shall certainly give the bill our whole-hearted support at decision time this evening.

**The Deputy Presiding Officer:** I now call Gavin Brown, who has five minutes or less.

15:33

**Gavin Brown (Lothian) (Con):** I think that the bill commands broad support across the chamber. It was a pretty good bill at stage 1 and it has been strengthened marginally during the stage 2 process in that the order-making powers in relation to the liability of controllers and the power to vary disposals have been changed to become subject to the affirmative procedure. However, the bill would have been marginally strengthened again today by having the provisions relating to the Scottish landfill communities fund on the face of the bill. From listening to the cabinet secretary, though, in the previous debate and subsequently

in his opening speech in this debate, I think that he and the Government are broadly in the same place as the Finance Committee. I hope that that translates into regulations of the type that he discussed.

Obviously, we welcome the increase to 7.48 per cent in the credit available. The aspiration of having lower administrative costs is commendable and we hope that it becomes the case in practice. I put on record my view that the cabinet secretary did engage on that issue. All that I would say in passing is that I wonder whether there is a way of ensuring that, when the consultation happens, residents of the communities that are most likely to be affected are able to be a direct part of it. Those organisations that regularly contribute to consultations are pretty adept at doing so, and I wonder whether there is any way of levelling the playing field, so to speak, so that communities that are definitely affected but are perhaps not good at voicing their concerns can be heard through that process. Perhaps the cabinet secretary could say something about that in his closing remarks.

Although there is nothing wrong with the bill, it is worth while to reflect on a couple of areas in which the Government will have to do further work when it comes to secondary legislation and the regulations. Waste tourism has already been touched on today and was heavily focused on in the committee process and the stage 1 debate. In my view, the analysis of waste tourism is still a little underdeveloped. Resources ought to be put into that at a Government level so that we can get to the bottom of whether it is likely to exist. We had strong representations to the committee about how sensitive small differences could be, and strong representations in the chamber from those who felt that waste tourism would not be an issue as it would not exist at all.

The issue matters because whether and the extent to which waste tourism exists will have an impact on the rates that the Government might put forward and that we might set as a Parliament and on decisions on whether it is worth having more than the two bands that we currently have. It also matters because it is a factor in whether we play about with what is in each band or in what would be in each band if we moved to having three bands, for example. It would be useful to hear from the Government what it intends to do as regards waste tourism in dealing directly with the UK Government. The Government said that it will continue to have discussions on the matter, but in paragraph 4 of its response to the committee's report, it stated:

"The Scottish Government has had no direct discussion with the UK Environment Agency on this matter."

That might have been superseded since the response was produced but, if not, it is important

that the Scottish Government takes those discussions forward so that we can get to the bottom of the waste tourism issue.

The next issue on which it is worth while to reflect a bit more is the taxation of unauthorised disposals. The cabinet secretary mentioned that in his speech and, again, I think that it is welcomed by members throughout the chamber. A tax charge on illegal dumping sends out a signal to those who do it and potentially will bring in a stream of revenue for the Scottish Government to use on suitable measures.

**The Deputy Presiding Officer:** You are in your final minute.

**Gavin Brown:** However, it is worth while to think more carefully about the ultimate policy objective of that. Is it simply to tax the same level of investigations as we currently have through SEPA or is there a policy plan to have some sort of crackdown or increase the scope and breadth of its work? If it is the former, that is good. If it is the latter, that is probably preferable, but we will have to think carefully about the resources that will be required in order to do that. The Chartered Institution of Wastes Management said:

"SEPA would require additional resources in order to bring such activities into the tax regime and to apply any criminal sanctions."

**The Deputy Presiding Officer:** I am afraid that you must close.

**Gavin Brown:** It is worth while to reflect on that. We will certainly support the bill this evening.

**The Deputy Presiding Officer:** We turn to the open debate. I am afraid that I can only give speeches of three minutes to four members. I apologise to the fifth member, whom I will not be able to call, and I make a plea for closing speeches to be shortened.

15:38

**John Mason (Glasgow Shettleston) (SNP):** It is always good to welcome a new tax, although I take the point that the landfill tax is, in fact, a replacement tax and that it is probable that many people will see little immediate change. I accept that it is a relatively small tax and that we hope that it will become smaller over time. Even with it, only about 15 per cent of taxes that are paid in Scotland will come under this Parliament's control. However, it is still an important tax, not least because it brings together environment policy and revenue raising. It is much to be welcomed that the tax and the fines to be paid by those who carry out unauthorised disposals are to be introduced.

Obviously, as with all taxes in Scotland, we need to be aware of what our neighbours and competitors are doing. We might want to have a

higher landfill tax for the good of the environment, for example, but there is little point in having that if it only shifts waste across the border and we suffer a loss of revenue. Therefore, the statement that Scottish rates will mirror UK rates and that the Scottish rate will be no lower than the UK rate in 2015 is pretty fair in the circumstances.

The rate of tax is still to be decided, of course—that has already been mentioned—but a number of red herrings are swimming around in that regard. Going forward, there is no certainty about UK tax rates, so neither businesses nor individuals can have any more faith in a UK Administration than in a Scottish one. In fact, it could be argued that John Swinney is much more boring—I am sorry; I meant to say more stable—than George Osborne, so we can expect more sensible tax decisions in Scotland than we might get in the UK.

We still have to wait and see whether there will be sensible decisions on the block grant adjustment. The odd thing about the landfill tax is that, if it is successful, the tax take will fall, and that must be taken into account when the block grant adjustment is made. All three block grant adjustments for the three taxes that we are taking over are the subject of negotiation between the Scottish and UK Governments.

The Revenue Scotland and Tax Powers Bill, which has been mentioned, was introduced on Friday, and I am certainly looking forward to considering it in detail in the Finance Committee. Tax avoidance is a topical issue, so we have the opportunity to put down some markers on that. Trying to achieve fairness can lead to complex legislation and that, in turn, can mean loopholes for those who can afford expensive tax advice, so we need to emphasise simplicity and tax legislation that is clear to all, including the courts. It is also encouraging that revenue Scotland is expected to cost around 25 per cent less than the cost of the same work being done by Her Majesty's Revenue and Customs.

In conclusion, the Landfill Tax (Scotland) Bill is the second of the proposed tax bills stemming from the Scotland Act 2012. I very much welcome the fact that such control is coming to Scotland. We have to accept that we have limited room for manoeuvre on landfill tax, but we need to tackle the huge problem of waste that we face, and the bill gives the opportunity to do so.

15:42

**Michael McMahon (Uddingston and Bellshill) (Lab):** Like the land and buildings transaction tax, the Landfill Tax (Scotland) Bill has been very technical, but it has had a remarkably straightforward and consensual passage on to the statute book.

It is important to observe that, although they have never been a major obstacle to the smooth passage of the bill, some concerns remain that many aspects of the tax are to be contained in subordinate legislation. To an extent, that approach has created a lack of clarity and certainty about issues such as rates of tax and the power to change the list of materials to be taxed, as Iain Gray pointed out.

Although the use of subordinate legislation has been somewhat contentious, members will know that I have been particularly exercised about the potential for the landfill communities fund to be raided for purposes that are beyond communities that are directly impacted by having landfill sites located near them. There can be no doubt that the landfill communities fund's purpose is to provide benefits from the taxes that have been raised from landfills where there is a clear and recognisable disamenity to local communities.

During evidence taking in the Finance Committee, I became concerned that organisations with a good appreciation of environmental issues indicated that they have designs on the resources available from the fund and are seeking to siphon off some of the moneys to help projects that are no doubt worthy but are entirely unrelated to the communities around which the landfill tax is generated. The suggestions that those groups put forward to review the scope of the landfill communities fund rang alarm bells with me, so I am glad that, despite the cabinet secretary's rejection of my efforts to have the issue addressed in the bill, he has moved from where he was at stage 1 to accepting the validity of my concerns and agreeing to develop in guidance the points that I have made about ensuring that the connection between disamenity and funding is made.

As I said at stage 1, any change to the current scope of the landfill communities fund would be fundamentally unfair and would violate the principles of environmental justice that we hope to deliver. There is no doubt that communities that are near landfill sites face more environmental problems as a result of landfill than those that are not. People who live near landfills have to deal with odours, dust, litter, noise and often visual intrusion, and changing the latitude of the fund would leave their communities with less money to mitigate the effects of landfill.

Opening the fund to broader environmental objectives coupled with the envisaged reduction in landfill tax receipts will inevitably produce less funding to landfill communities in the long run. It is only fair that the communities that are the dumping ground for waste should receive the maximum possible benefits from the taxation of those landfill sites. At the end of the day, the money is raised at



the expense of communities near landfills, so the money should be dedicated to those communities.

I thank the cabinet secretary for taking the issue on board. It is because of his efforts that I have absolutely no difficulty whatsoever in voting for the Landfill Tax (Scotland) Bill.

15:45

**Kenneth Gibson (Cunninghame North) (SNP):** As convener of the lead committee, I first thank the clerks, officials and witnesses who helped the Finance Committee in its deliberations as the bill progressed.

As we know, the Landfill Tax (Scotland) Bill will encourage and promote high levels of recycling and simplify the landfill tax system by making it more straightforward and easy to understand. As Scotland continues to build on the success of recycling and climate change policies, the amount of waste going to landfill will decrease, which is to be expected as we work towards achieving our climate change targets.

In evidence to the Finance Committee, the Cabinet Secretary for Finance, Employment and Sustainable Growth, John Swinney, said:

"My expectation is that, in the coming period, we will see a long-term reduction in the revenue from landfill tax. We accept that the success and effectiveness of recycling policies, which are part and parcel of the Scottish Government's wider approach to achieving the emissions reductions that are required under climate change legislation, will result in a reduction in receipts from landfill tax. Clearly, we will need to deal with that as a Government."—[*Official Report, Finance Committee*, 19 June 2013; c 2835.]

The bill also includes provisions for the taxation of illegal dumping, strengthening business opportunities for landfill operators to dispose of materials properly and effectively in accordance with the wider regulatory infrastructure. It will also bring all the activity into the Government's wider environmental agenda for more sustainable waste disposal, while deterring criminal activity.

Although the Scottish Government has not made a specific estimate of the expected tax receipts from landfill in 2015-16, the Finance Committee recognises the significant difference between the predictions and projections for landfill tax receipts in Scotland, which we discussed in detail at stage 1.

In October, the Cabinet Secretary for Rural Affairs and the Environment launched "Zero Waste—Safeguarding Scotland's Resources: Blueprint for a More Resource Efficient and Circular Economy". That plan builds on the success of Scotland's zero waste plan, identifying actions to shift the focus on to waste prevention and resource efficiency, thereby improving

productivity and competitiveness. The strategy sets out how

"In a circular economy, we keep products and materials in use for as long as possible, extract the maximum value from them whilst in use, then recover and regenerate new products and materials at the end of each service life."

The action plan aims to reduce waste in Scotland by 15 per cent over the next decade to improve competitiveness.

This bill will help Scotland meet its world-leading targets on climate change by establishing a tax system that supports the use of taxes and charges in environmental policy. That approach will compensate for environmental impact and encourage recycling by aligning tax with the aims of the zero waste plan, promoting high levels of recycling and diverting material resources from landfill into more sustainable forms of use.

The bill will also help businesses by ensuring that market distortions caused by illegal operations do not undermine legitimate business ventures, and it will simplify and streamline the administration and collection of landfill taxes by establishing a system that is simple, efficient and easy for landfill operators to understand and comply with. Collection and enforcement will align with the principles of better regulation. A tax credit scheme is incorporated that provides an incentive to operators of landfill sites to contribute financially to projects that meet environmental and social objectives.

15:48

**Malcolm Chisholm (Edinburgh Northern and Leith) (Lab):** An important argument in favour of increasing levels of fiscal devolution is that it can incentivise economic activity that brings more revenues to this Parliament. However, this particular piece of fiscal devolution works in the opposite direction since, ultimately, we want to collect as little tax as possible by incentivising people to move away from landfill.

That move has profound consequences for the block grant adjustment, which should basically be as small as possible. The bill's financial memorandum predicts that landfill tonnages in Scotland will

"significantly decrease over the coming decade with a corresponding reduction in receipts."

That is a necessary consequence of the laudable targets outlined in the zero waste plan, which proposes long-term targets of recycling 70 per cent of all Scotland's waste and only 5 per cent of remaining waste ending up in landfill by 2025. The Scottish Government estimates that landfill tax receipts will fall from £107 million in 2015-16 to around £40.5 million in 2025—that should be our

guiding figure when it comes to negotiations on the block grant adjustment.

Once we have this devolved tax, we need to drive it forward for economic purposes without worrying about the revenue consequences because the whole aim of the bill is to have less revenue, but we must also recognise the constraints facing us. Those have most commonly been expressed in terms of illegal dumping and waste tourism.

Sometimes the factors pull in opposite directions. For example, setting the rate for asbestos at zero would be good in stopping illegal dumping but would encourage waste tourism from England, and setting rates too high would encourage waste tourism from Scotland to England. The issues are complex, and careful deliberation is needed. It is therefore entirely right that the affirmative procedure should apply to the relevant secondary legislation.

Matters are a lot clearer in relation to the tax on illegal dumping. That is unreservedly good, as is the enhancement to the landfill communities fund, of which the cabinet secretary reminded us. Of course, we are disappointed that the Government rejected Michael McMahon's amendment, which took the right approach in insisting on a link between a project and a landfill site. I hope that the guidance will embody that principle in some way.

The principles of the bill are sound when it comes to incentivising new technologies that take us away from landfill and challenging illegal dumping. The bill falls short, however, in that there is no certainty about the rates or whether there will be an escalator. Those matters are within the control of the cabinet secretary, and I hope that we will hear about them as soon as possible, if not today.

**The Deputy Presiding Officer:** I apologise to Jean Urquhart, whom I have been unable to call. Gavin Brown, you can have a maximum of four minutes.

15:51

**Gavin Brown:** This has been a pretty good, if short, debate, which did not differ enormously from the debate at stage 1. That reflects the fact that very little has changed in the bill since then.

A highlight of the debate was John Mason's attempt to compliment the cabinet secretary on his personal qualities—I hope that John Mason never finds it in his heart to pay me a compliment, given the strength of his compliment to the cabinet secretary.

The prediction of landfill tax receipts is worthy of greater investment of time from the Scottish

Government. In paragraph 12 of its response to the committee's report, the Scottish Government set out its forecast for receipts between 2015-16 and 2024-25. The table looks pretty good, but the Government noted that the forecast

"has been produced internally by the Scottish Government and has not been independently verified",

and went on to say:

"Tax rates are assumed to remain as they are at present. No allowance has been made for receipts from taxing illegal landfilling at this stage."

It would be helpful if the Scottish Government published the work that it has done in a bit more detail, to give the outside world some background about the modelling that it used and information about what would happen to the projected receipts if certain things changed, such as the rate of the tax, how tax rates increase, and whether there are two or three rates. That would help us to take matters forward.

I think that I am right in saying that modelling by the Scottish Government and the Office for Budget Responsibility thus far has been on the tax as it currently stands. It would be useful to know what sort of tax the Scottish Government intends the landfill tax to be and what rates it proposes. We would then be able to get predictions on the tax from the OBR and from the Scottish Government that enable us to see what would happen if changes were made.

When the cabinet secretary makes his closing speech, it would be helpful to hear for how long he intends to set the tax when he sets it for first time. What approach does the Scottish Government intend to take? A number of witnesses to the committee made suggestions or requests in that regard. For example, the Convention of Scottish Local Authorities made a formal request in its written submission for the tax to be set for a five-year period. Other organisations suggested shorter periods. It would be useful to know the Government's intention, so that we can try to give a degree of certainty to the people who will be affected by the tax.

In paragraph 2 of its response to the Finance Committee, the Scottish Government gave the impression—I do not know whether this is correct—that it intends to set the tax on a year-by-year basis, when the draft budget is published each year. It would be helpful to know whether that is the case or whether the Scottish Government intends to provide a degree of stability and certainty by setting the tax for a longer period.

There is much to commend in the bill. There are issues to consider—waste tourism, the taxation of unauthorised disposals, the landfill communities fund and the tax rates that will be set—but I

reiterate that we will support the bill at decision time.

**The Deputy Presiding Officer:** I call Iain Gray. I apologise that I can give you only five minutes.

15:55

**Iain Gray:** This has been a short but interesting debate. It has also been a bit of a Donald Rumsfeld debate because a lot of known unknowns have been discussed. We do not know the rate at which the tax will come in. We do not know whether there will be an escalator or new rate bands. We do not know whether there will be any recategorisation of any type of waste. We do not know what the constraints are under which we will have to work to avoid waste tourism.

We also do not know the administrative arrangements for collecting the tax. We know that SEPA will be part of the system and responsible for it, but the cabinet secretary has made it clear that the way in which it does that will be down to revenue Scotland, a body that does not yet formally exist.

As Michael McMahon's amendment was rejected, we do not know how the landfill communities fund will be distributed. The cabinet secretary has also made it clear that we do not know how the block grant adjustment will work, although in all fairness that is not something he can decide by himself—I understand that.

I was quite taken aback by Mr Mason's apparent categorisation of the cabinet secretary as boring. I would certainly never—

**John Mason:** I wonder whether the member will accept my main point, which was that we can put more faith in John Swinney than we can in George Osborne.

**Iain Gray:** The degree to which we have to put faith in Mr Swinney is exactly the point to which I am coming. I thought that Mr Mason was rising to apologise to the cabinet secretary, but perhaps he will do that privately.

Because of all the things that we do not know, I think that the cabinet secretary has been intriguingly enigmatic about the detail of the bill. I say to Mr Mason that it is true that we will have to take a lot of the cabinet secretary's reassurances on trust. For example, throughout the bill process, he has insisted that the Scottish Government will be able to levy the tax more efficiently than has previously been the case. That would be extremely welcome, but I am not sure that the cabinet secretary has demonstrated why or how it will be possible, particularly because we do not yet know what the administrative arrangements for raising the tax will be. That is something that we have to take on faith.

We also have to take on faith that the cabinet secretary believes in the principle that communities that are most directly affected by landfill sites will be the ones that benefit directly from the tax credits, as they do at the moment. That is important because, as I have said already, the fund is likely to reduce.

Communities such as mine in East Lothian have benefited significantly in the past from those tax credits. Although I would be the last not to have faith in the cabinet secretary, he said that he wants to ensure that the communities that suffer get the benefit of the fund and then he said that he also wants to take account of the wider impact on the environment. That seems to be a complete contradiction. It is the former that we need to secure, and Mr McMahon's amendment would have done that. I still regret that the cabinet secretary did not feel able to support it.

In closing, I return to a point that I made at stage 1. A particularly welcome aspect of the Landfill Tax (Scotland) Bill is that it has its origins in the Calman commission and the Scotland Act 2012 that followed. It is therefore a significant demonstration of the fact that devolution is a flexible and dynamic constitutional arrangement.

During stage 1, I pointed out that it was the latest in a long line of changes to devolution, from the devolution of rail infrastructure through to the devolution of the Scottish welfare fund. On that occasion, I could hardly believe it but the cabinet secretary wilfully misrepresented my argument by suggesting that I was arguing that devolution was now complete and could never develop. That was not my point.

My point was that the bill demonstrates that devolution is the kind of dynamic and flexible settlement that the people of Scotland want: it allows us to sustain the benefits of shared risk and opportunity by being part of the bigger United Kingdom while making Scottish decisions—both administrative and fiscal, where that is appropriate—that enable us to be most effective, for example in reducing waste and landfill.

We will support the bill at decision time. We look forward to working with the Scottish Government as it develops the detail of secondary legislation on guidance and as we debate further how we deploy this new power most effectively for the benefit of Scotland.

16:00

**John Swinney:** It is a mark of the fact that there has been no real division on the substance of the debate that Mr Mason has been harangued by Mr Brown and Mr Gray. We should take considerable comfort from the fact that the Opposition has had so little to disagree with—although Mr Gray made

a valiant attempt at making himself disagreeable—that we have managed to reach a substantive amount of agreement on the bill.

Let me deal with a number of the points that have been raised in the debate. In his argument for fiscal devolution, Mr Chisholm made an important point about the block grant adjustment mechanism. Mr Chisholm's argument—if I can paraphrase it—was that, when there is fiscal devolution, we should be the beneficiaries of or responsible for any of the consequences of those fiscal decisions. I agree completely with that analysis.

When we come to the arrangements around the block grant adjustment, the principle that Mr Chisholm enunciated is important. When we have fiscal responsibilities under the settlement, we should be able, as the Administration, to retain the proceeds of those decisions as part of that block grant adjustment mechanism. That is certainly my view and it is one that I will take into discussions on the block grant adjustment.

Mr Gray, in one of his fairer remarks in the debate, made it clear that I cannot unilaterally decide the block grant adjustment mechanism—not yet anyway.

Mr Brown thought that there would be benefit in further explanation of our forecast. I have already made it clear to Parliament that the Scottish Government will establish an independent forecasting organisation to assist us in tax planning in Scotland. We need to do that to reflect the particular requirements of Scotland.

As Mr Brown will know, in its first attempt at a forecast of landfill tax for 2014-15, the OBR predicted that it would generate £145 million—a number that I found literally inexplicable. That has subsequently been revised down to £99 million, which is a reduction of 32 per cent. A variability in tax prediction by the OBR of 32 per cent is quite an alarming figure. That is why we will proceed with that aspect of our plans in due course.

**Gavin Brown:** Does the cabinet secretary accept that one reason for having a three-year lead time was so that we could look at the twice-yearly estimates until a position of stability was reached? Given the announcements two weeks ago from the OBR, the estimate appears to be a lot more stable now.

**John Swinney:** It is a lot more stable now because the original estimate was complete baloney. If the member goes back to the December 2012 forecast, he will see that literally within nine months the OBR took £40 million off its forecast. Its first forecast was just nonsense. The point that I am making is that accuracy in these estimates is important for wider financial planning.

**Mike MacKenzie (Highlands and Islands) (SNP):** I wonder whether that would encourage us to take other OBR forecasts, for instance for oil and gas revenues, with a very large pinch of salt.

**John Swinney:** We have to take care on a lot of those issues. Mr MacKenzie knows that the Scottish Government has a different view from the OBR on oil and gas predictions. Ours is based on industry evidence and investment plans that are being undertaken.

Mr McMahon has perhaps been the most divisive figure in the debate, since he forced us into a division today—I say that in the most respectful way possible. In the stage 1 debate, through stage 2 and into stage 3, he has pursued a clear argument on the proceeds of the landfill communities fund. I compliment him for his tenacity in that argument. I reassure him that the Government's approach, the work that we have undertaken and the discussions that have taken place away from the parliamentary channel will all be reflected as we proceed to the formulation of the guidance and regulations.

Mr Brown said that we need a level playing field in the way in which people can submit views to the consultation process, and I very much take that point to heart. We need to ensure that we have an open process of discussion that enables us to address the questions and establish the most effective way of proceeding.

The Government will give further clarity as we set out the detailed provisions on the implementation of the landfill tax legislation. I can confirm to Parliament that preparations are well under way for the establishment of revenue Scotland. The further detail that we have filled in on the powers of revenue Scotland in the Revenue Scotland and Tax Powers Bill, which was introduced to Parliament last week, will be an important and helpful clarification in the debate.

My final point is on an issue on which Mr Gray and I are on a similar type of journey. He argues that the bill represents the accumulation of more powers for the Parliament. I am all for more powers for the Parliament and I want to ensure that the Parliament has all the powers that are required to ensure that we make a difference to the quality of life of people in Scotland.

I see that we have been joined by Jackie Baillie, who in her usual fashion is muttering at my side on these questions. I simply say that welfare issues, which Ms Baillie comments on for the Labour Party, are just the issues that I want us to be able to resolve here in the Scottish Parliament. That would allow us to do things very differently from the way in which the House of Commons plans to do them.

I am delighted to close the debate, and I look forward to support for the bill at decision time.

## Violence against Women

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

The next item of business is a debate on motion S4M-08612, in the name of Shona Robison, on violence against women. We are incredibly short for time, so members will have to keep to their times. If the opening speeches could be slightly less than indicated, that would be helpful. I call Shona Robison to speak to and move the motion. You have a maximum of 10 minutes in which to do so, Ms Robison.

16:07

### **The Minister for Commonwealth Games and Sport (Shona Robison):**

On behalf of the Scottish Government, I am delighted to open this debate and to have an opportunity to reaffirm the Government's unreserved commitment to tackling violence against women. I cannot say strongly enough that violence against women has absolutely no place in our society.

I welcome the interest and support for the agenda among the members who are in the chamber and beyond. We might not always agree on every detail, but our desire and passion to see an end to violence against women in Scotland has united the Parliament since its earliest days. I sincerely hope that that continues to be the case.

Sadly, there is still much work to be done to eradicate violence against women in our society and beyond. Violence continues to be perpetrated against women and girls across the globe on a daily and unrelenting basis. In Scotland, women and girls continue to be the victims of domestic abuse, rape, sexual assault and other forms of violence such as commercial sexual exploitation and female genital mutilation. Also, the ways in which violence is being perpetrated are evolving. Social media such as Snapchat, Twitter, Skype and Facebook provide lots of different ways for us to communicate with one another but, regrettably, some people use those tools in a different way: to humiliate and exploit others. One example of that is revenge porn, which we debated earlier this year.

I know that there is a lot of interest in the Parliament on the issue of female genital mutilation, some of which was expressed during the human rights debate a week ago. As a form of violence against women and girls, female genital mutilation will be included in Scotland's strategy to tackle violence against women. The strategy will be the first of its kind in Scotland, reflect the spectrum of violence that is defined as violence against women and be published in the summer of next year following consultation in the new year. I will return to the subject in my closing remarks.

There is much work to do to achieve the vision of Scotland that we all want, but there is also much to be proud of. I pay tribute to the hard-working organisations on the front line that work day in, day out to help women and children who are affected by the scourge of domestic violence. Many other aspects of the situation are also worth referring to.

In its first year, Police Scotland has shown a great deal of commitment to, and leadership on, the violence against women agenda. It has made tackling domestic abuse and tackling rape two of its top three priorities. A new national rape task force, which works closely with specialist rape investigation units in each of the 14 divisions within Police Scotland, has been established.

Rape is now being taken as seriously as murder. Every rape investigation will be led by a detective inspector or someone above that rank, who will lead a team of people who have the same skill sets as those used in homicide investigations. Rapes committed after 1 April 2013, when the new single service was established, and which remain unsolved will be subject to cold-case reviews in the same way that murders already are.

The Scottish Government already proposes to remove the requirement for corroboration in criminal cases via the Criminal Justice (Scotland) Bill. That move, which is supported by Scottish Women's Aid, Rape Crisis Scotland and Victim Support Scotland, recognises the fact that corroboration can make the prosecution of sexual offences, which often take place in secrecy and without witnesses, particularly difficult. Removing the requirement for corroboration will enable compelling cases to proceed based on the best evidence, putting the focus squarely on the quality of evidence rather than its quantity.

The prevalence of domestic abuse in our society remains acute. More than 60,000 incidents of domestic abuse were recorded in 2012-13, an increase of 0.5 per cent on the previous year. It is likely that that increase reflects to some extent greater reporting of domestic abuse to the police and the confidence that those who experience abuse have in the response of the police and other partners. That is to be welcomed, but the Scottish Government is clear that 60,080 incidents of domestic abuse is 60,080 too many.

That is why the Government has increased funding to tackle violence against women, including domestic abuse, by 62 per cent since 2007, allocating £34.5 million for the 2012 to 2015 period. We recognise that, despite that, there are always pressures on budgets, particularly due to higher costs across many organisations. Nevertheless, compared to the funding support elsewhere, funding has increased and enabled much work to take place in our communities.

We have also strengthened the criminal law in recent years, introducing a new offence criminalising the breach of an interdict with the power of arrest where domestic abuse is involved. The Victims and Witnesses (Scotland) Bill, which was introduced on 6 February this year, will improve the support that is available to victims and witnesses through the justice system, putting victims' interests at the heart of continuing improvements.

To ensure that the Scottish Government fulfils its international obligations on violence against women, we propose to criminalise forced marriage. Everyone in Scotland who is eligible to marry or enter into a civil partnership has a right to do so freely. We have a proud record of tackling all forms of violence against women, including forced marriage. The legislation that was introduced in the Forced Marriage etc (Protection and Jurisdiction) (Scotland) Act 2011 was a clear statement of our intention to work towards its eradication. Our decision to criminalise forced marriage will ensure that Scotland is compliant with article 37 of the Istanbul convention and demonstrate that the country will not fail to meet its obligations to protect those who are at risk.

I am pleased to tell members that we have taken the decision to reshape our traditional model for consultation to encourage as many people and organisations as possible to engage and get involved in the consultation for the new violence against women strategy. We will invite and support stakeholders that deliver front-line services to host on our behalf discussion groups about the strategy with service users. Those groups will enable us to ensure that the strategy is built on service users' views and meets their needs.

We will set up a series of workshops with key stakeholders, including Police Scotland, Education Scotland, the Scottish Trades Union Congress and voluntary sector partners, which will take place in February next year. The main focus of those sessions will be on discussing how best to strengthen those organisations' commitments to tackling violence against women, which will be set out in the strategy.

From the new year onwards, we will widely circulate externally an outline structure of the strategy, which will be accompanied by consultation questions. That will ensure that all who are not directly involved in the discussion groups and meetings and who feel that they have something to contribute to the consultation have a mechanism to do so.

In Scotland, we have much to be proud of. We have been creative and we have truly embraced a multi-agency response to tackling violence against women. As the minister who is responsible for equality, I am immensely proud of what we have

achieved in Scotland across Administrations that go back to the Parliament's establishment. We have the opportunity to build on those successes and we must never be complacent.

That is why I have written to Professor Rashida Manjoo, the United Nations special rapporteur on violence against women, to invite her to visit Scotland during her official mission to the United Kingdom in April next year. She will visit the UK to examine UK laws, policies and practices that relate to violence against women, and I want her to hear about and see some of the fantastic things that are happening here in Scotland.

As I said at the outset, the Parliament has always engaged a great deal on the issue. We have been united in our condemnation of such violence, which we all agree does not accord with the vision of Scotland that we want. I very much look forward to further discussion with members in today's debate and beyond, as the development of the strategy progresses. I welcome members' input on the strategy.

I move,

That the Parliament reaffirms its commitment to ending violence against women; welcomes the development of Scotland's Strategy to Tackle Violence against Women, the first of its kind in Scotland; notes that the strategy will encompass the spectrum of violence defined as gender-based violence, and commends the valuable contribution that voluntary and third sector organisations have made to the shaping of Scotland's approach to violence against women

16:17

**Jackie Baillie (Dumbarton) (Lab):** I very much regret the necessity for the debate. I believe that all members across the chamber regret the fact that, in 21st century Scotland, we are still debating the increasing level of violence against women and the actions that must be taken to tackle its consequences.

The abuse of women—whether domestic or otherwise—is rooted firmly in gender inequality. It is overwhelmingly perpetrated by men and, although it is often blamed on drink, drugs or the results of old firm games, we know the truth: the root cause is wider gender inequality.

Such abuse is ultimately an abuse of power. We see that imbalance of power all around us—in the underrepresentation of women in the chamber, in the boards and senior management teams of our public bodies and in our justice system, to name but a few. While that imbalance of power continues, so will acts of violence against women. Members should make no mistake—abuse is no respecter of money or class; it can happen to any woman at any time.

The behaviours that constitute abuse are not simply forms of physical violence; they also encompass mental and emotional abuse. Ultimately, that is all about control. We need to recognise that there is a continuum of abusive behaviour, which includes not only domestic abuse but stalking, harassment and other actions. The issues are interconnected and complex, but we need to be clear that whatever solutions are arrived at are firmly rooted in recognising that the issue is about gender inequality and an abuse of power. Unless we address that, we will—ultimately—not succeed.

I will illustrate the continuum with the case of a paramedic called Maureen Gordon, who experienced abuse not just at home but at work. She worked for the Scottish Ambulance Service and so did her ex-partner, who was a manager. He engaged in what can only be described as a campaign of terror. He hounded her at work, tried to run her over in an Ambulance Service car, threatened to chop her head off with an axe and engaged in a range of other intimidating behaviours of which there are too many to name.

Shop stewards in the GMB union complained to managers 29 times—and Maureen lost count of how many times she did so—in a two-year period, but the only result was that no apparent action was taken by the Ambulance Service. She had to take a case to the courts, where her ex-partner received a custodial sentence and the sheriff slammed the Ambulance Service for failing to act on her complaints.

That should not happen in any workplace, never mind in a public sector organisation such as the Scottish Ambulance Service. I ask the Minister for Communities and Sport—or the Cabinet Secretary for Health and Wellbeing—to meet Maureen Gordon and her trade union, the GMB, to discuss her experience as a matter of urgency. I think that we would all agree that her experience is a disgrace and must not be allowed to happen in the future.

Maureen Gordon's partner is now out of prison with a tag, having served only a matter of months. He has been seen waiting for her to show up outside her mother's house and elsewhere. She appears to have been failed by her employers, and now by a justice system that allows her ex-partner to be out and about.

Maureen's experience is not isolated; the numbers of women who are experiencing domestic abuse are rising. In 2003-04 there were 40,000 incidents of reported domestic abuse, but by 2013-13 that figure had risen to 60,000, which we know is probably just the tip of the iceberg. The detail that lies behind the 2012-13 figures is worth considering. Of all the reported cases, 61 per cent involved repeat victimisation. Of that number, 30

per cent had experienced a single incident, another 30 per cent had experienced two or three, and 39 per cent had experienced four or more previous incidents.

**Shona Robison:** Does Jackie Baillie welcome, as I do, the focus that Police Scotland now has on ensuring that repeat offenders are kept under observation?

**Jackie Baillie:** I absolutely do, and I will talk about Police Scotland in a minute.

Scottish Women's Aid tells us that two women will be murdered each week by their partner or ex-partner, and Zero Tolerance backs that up with the very chilling statistic that for those in the 15 to 44 age group, men's violence kills or incapacitates more women globally each year than cancer, malaria, road traffic accidents and war combined. It is clear that the scale of the problem remains.

We used to talk about the three Ps—prevention, protection and prosecution—and I will address those elements in reverse order. On prosecution, we know that the domestic abuse courts are struggling, the case load is increasing and there is no additional resource to cope. There have been no prosecutions for female genital mutilation or for forced marriages, and there are very low numbers of prosecutions for trafficking, even though we know that those problems exist in Scotland. I very much welcome Police Scotland's renewed focus and the priority that it places on tackling domestic abuse and rape, but we need to be sure that the courts have the capacity to back up its work. I hope that the minister shares that aspiration.

On protection, I note that services are being cut despite demand increasing year on year. Women's Aid reports that 92 per cent of its services are working with reduced budgets, a third have had to make cuts and a quarter have had to make staff redundant. The impact of that is that women are increasingly being turned away as refuges have closed or reduced their capacity. If we are to encourage women to leave their abusers, we must ensure that there is sufficient resource in place. Notwithstanding what the minister has said, I urge her to address the matter alongside the strategy with the Convention of Scottish Local Authorities.

Finally, prevention is where the real prize lies. Changing attitudes and cultures takes time, but it is absolutely where we need to be, and that is the type of action that we need to take. A 2005 survey on young people's attitudes to gendered violence found that one in five young men believed that women provoked violence, and that one third of young men and one sixth of young women thought that using violence in an intimate relationship was somehow okay.

The challenge that we face is changing their attitudes and culture so that we can change the acceptance of gendered violence in the next generation. While I note the delay in publishing the strategy for consultation, I hope that the minister takes the time to get it right. I know that she will bring all her skills to the task, and we are committed to working with her in doing so. We need nothing short of a revolution to end the abuse of women, and I look forward to the strategy providing the framework to do just that.

I move amendment S4M-08612.2, to insert at end:

“against a backdrop of an increase in the total recorded number of domestic abuse incidents.”

16:25

**Margaret Mitchell (Central Scotland) (Con):** I welcome today's debate, which has become an annual one because, sadly, the vexing problem of violence against women and children is not diminishing but is, rather, continuing to manifest itself in a range of crimes, including sexual offences; offences involving prostitution; pornography, including revenge pornography; trafficking; female genital mutilation; forced marriages; and honour crimes.

In the limited time that is available to me, I want to focus on two of the most serious crimes: rape and domestic abuse, which are primarily, although not exclusively, directed towards women. In these areas, a worrying trend is emerging. Although the incidence of other crimes, including violent crime, is falling, the statistics show that violence against women appears to be on the rise. Last year, more than 60,000 domestic abuse incidents were recorded, which is nearly double the figure of 10 years ago. In the same time period, incidents resulting in a report to the procurator fiscal have risen from 9,000 to more than 23,000. Rape and attempted rape are also at a historic high, and sexual assaults rose by 3 per cent last year. Although that increase is partly due to increases in awareness and the commendable efforts of the Government, voluntary organisations and the police to encourage victims to come forward, the statistics nonetheless make for depressing reading.

Violence against women can and does ruin lives. Based on a study that was conducted for the United Kingdom Government, violence against women is estimated to cost £4 billion a year. The emotional cost and damage is beyond measure.

Quite simply, for significant progress to be made on tackling and seeking to eliminate violence against women, the Parliament—with a majority Government, that means the Scottish National Party—must do more than merely reaffirm its



commitment to tackling this violence in its ever-increasing forms.

The harsh reality is that women are being let down by sentencing that is not as robust as it should be. Only 12 per cent of those who were convicted of domestic abuse were handed custodial sentences, and the vast majority of them were sentenced to less than six months, which are the very sentences that the Scottish Government has taken steps to phase out.

Zero tolerance of domestic abuse is being let down by zero sentencing. When many of the perpetrators of this violence are being let off so lightly, it is not surprising that many women question whether the violence that is perpetrated against them is taken seriously. Furthermore, almost a third of those who are convicted in court are admonished and, to add insult to injury, the automatic early release of prisoners means that the vast majority of these violent criminals are released after serving only half their sentence. In 2007, the SNP promised to end that practice but no meaningful action has been taken to date.

**Shona Robison:** On the issue of prosecution, does Margaret Mitchell recognise that, where an incident of domestic abuse resulted in a crime or offence being recorded, a report was submitted to the procurator fiscal in 78 per cent of incidents in 2012-13? That is a substantial increase from the figure of 51 per cent in 2003-04.

**Margaret Mitchell:** I acknowledged that increase, and the awareness-raising work, at the beginning of my speech.

To its eternal shame, the SNP voted against the amendment to the Victims and Witnesses (Scotland) Bill that would have introduced a pilot to provide crucial independent legal advice to victims of rape and other sexual offences when permission to access to their medical records and irrelevant private information is sought. It is well established that the use—or, more accurately, abuse—of that information plays to the prejudices and myths that are known to persist in sexual offence trials, making a conviction all the less likely. I remind the minister that the women who find themselves victims twice in court as that abuse of personal information is used to discredit them have already passed the corroboration threshold. The abolition of corroboration will make absolutely no difference in those cases, other than to increase miscarriages of justice.

I would truly like to be consensual, but I am afraid that platitudes are not enough. I am afraid that, when opportunities to do something meaningful now to address this travesty of justice are rejected, I find it hard to be charitable to this majority Government that, on this issue, has become part of the problem.

**The Deputy Presiding Officer:** We come to the open debate. We are extremely tight for time, so I will allow speeches of four minutes. That could change, so it would be helpful if members could take less time.

16:29

**Sandra White (Glasgow Kelvin) (SNP):** I take this opportunity to highlight the invaluable work of the many organisations that are involved in helping women and children affected by violence against them. I give credit to the present Government and previous Governments for the continued importance that they have attached to this very emotive subject. I am sorry that the debate is not consensual, but I hope that we can continue to focus on why we are here, which is to try to help. I agree with Jackie Baillie: I do not want to come back to another debate on violence against women; I want to eradicate it. I hope that we can do that.

We had debates on this topic last month. Jackie Baillie had one, and I had one on Glasgow Women's Aid's 40th anniversary, in which I talked about the work that that organisation does to provide support and refuge for women, children and young people who experience many forms of domestic abuse. The continuing hard work and dedication of organisations such as Women's Aid and others mean that people suffering in an abusive relationship feel confident enough to come forward—that is an important point to remember—in the knowledge that support is out there.

I note the Labour amendment. I want to quote Lily Greenan, the manager of Scottish Women's Aid—I hope that Jackie Baillie and the Labour Party are listening. She said:

"We expect reported incidents of domestic abuse to continue to rise as the awareness of domestic abuse increases, professionals receive more training and as a result, women are encouraged to report the abuse they are experiencing to police ... We commend the high priority Police Scotland has given to tackling domestic abuse since its establishment in April this year."

I think that we have to listen to the experts on that point.

It is also worth noting that, as the minister said, funding has increased by more than 60 per cent since 2007 to £34.5 million for the period 2012 to 2015.

I welcome the proposed strategy, which is aimed at tackling all forms of violence against women. I look forward to the consultation and subsequent publication of the strategy next summer. I am very pleased that female genital mutilation will be part of the project and the consultation.

It might surprise Margaret Mitchell and the Conservatives to hear this, but I agree with the comments made by the leader of their party, Ruth Davidson, about the number of repeat victims, which continues to stand at around two thirds of reported domestic abuse victims. Members should listen for a minute. The fact that much of that abuse takes place in the home makes it very difficult for the abuser to be brought to justice, which leads to such behaviour being repeated. I think that we all agree that the cycle must be broken, but if we are to tackle the issue effectively, surely we have to look at corroboration, the requirement for which is preventing abusers from going to trial. Most incidents of domestic abuse, rape and violence against women take place behind closed doors with only the two people present. I agree with Ruth Davidson's comments and I hope that Margaret Mitchell also agrees with them. If abusers get away with it once, they will get away with it many other times.

The abolition of corroboration is one of the big measures that will ensure that more of the cases we are talking about can be brought to court and that justice can be seen to be done.

I note Alison Johnstone's amendment, which was not selected. I believe that the sentiment in it is certainly worth noting.

**The Presiding Officer (Tricia Marwick):** I need to ask you to start winding up.

**Sandra White:** We have mentioned domestic violence, but we also need to look at the austerity measures that are coming from the Westminster Government, particularly the bedroom tax and the cuts in welfare benefits. Those affect everyone, but they affect women who experience domestic abuse and violence even more. In some of the debates that have been held, Alistair Carmichael said that people who suffer domestic abuse—

**The Presiding Officer:** I am sorry, Ms White, but you have gone over four minutes.

16:33

**Rhoda Grant (Highlands and Islands) (Lab):** We live in a country that recognises prostitution as violence against women, but we continue to prosecute the abused while letting the perpetrator off scot free. Those who profit from that trade peddle the myth that people choose to be prostituted, and the Government continues to turn a blind eye.

There are many stories, but I will tell just one. A young woman is struggling financially and a friend suggests that she becomes an escort, getting paid for eating out and attending glamorous events. She decides that it might be worth pursuing and

signs up with an escort agency. Nobody told her that she was expected to have sex with clients.

She was given details of her first client. She was to meet him in an Edinburgh hotel. She arrived at the hotel only to be told to go up to his room. He expected sex—no glitzy occasion or dinner; just sex. She said no, he became enraged and the escort agency, which she called, told her that she had agreed to that and had to fulfil that part of the contract. She was terrified but complied because she was afraid that she would be seriously hurt if she did not.

She immediately told the agency that she no longer wanted to work with it, but its response was that if she did not continue to prostitute herself it would tell her family and friends that she was a prostitute. She was young, naive and trapped. The escort agency pretence was quickly dispensed with and she worked in a sauna for the most part. They drugged her and hardly paid her, and her life was one of basic slavery. She faced violence and was forced to have sex with clients—she was raped.

She said:

"People are not aware of what happens behind closed doors in the brothel. The minute you walk in you are scarred for life, it's like being raped 10 times a day and pimps telling you it's ok. You lose everything: dignity, identity, respect and happiness."

That is what the Scottish Government is allowing to happen in Scotland today, and what makes it so sad is that it is not a one-off—it is commonplace. Most women who are trapped in that trade are those whom the Government has let down already—those who are living in poverty and have nowhere else to turn, and care leavers who have been abandoned by the state with no fall-back.

**Sandra White:** I was at the same meeting and met the same people as Rhoda Grant. I listened to them, and not once did those people blame the Scottish Government at all. I am very disappointed that Rhoda Grant is raising that sensitive issue, which was expressed at a private meeting.

**Rhoda Grant:** I am not talking about the content of the meeting that Sandra White and I attended—that was from someone who spoke to me.

The Scottish Government had the opportunity to do something about the issue. I lodged a proposal for a member's bill, but the Government instructed members such as Sandra White not to sign up to it and the proposal fell, so she cannot say that it is not complicit in the trade. This Parliament used to have a proud history of tackling violence against women. I am sorry that that is no longer the case. We are now being left behind as other countries rapidly adopt the Nordic model, the latest being France, which did so in the past couple of weeks.

Ireland—both north and south—is looking to follow suit.

**Maureen Watt (Aberdeen South and North Kincardine) (SNP):** Will the member give way?

**The Presiding Officer:** The member is just winding up.

**Rhoda Grant:** Scotland will end up becoming a haven for prostitution, for gangsters and for traffickers who see us as being complicit in the trade. At some point, somebody in that situation is going to ask the Government what it is going to do about their human rights. We need to tackle the issue now and provide a safe space for survivors to be heard, as advocated by the Zero Tolerance Trust and SPACE International. Until we do that—

**The Presiding Officer:** I am sorry, but your time is up, Ms Grant.

16:37

**James Dornan (Glasgow Cathcart) (SNP):** It is important to recognise that, although we have taken huge strides towards eliminating violence against women and towards changing a culture that had accepted it for centuries, there is still a long way to go before we eradicate it completely. We cannot become complacent.

I hope that every member across the chamber will welcome the steps that the Government is taking to put in place Scotland's strategy to tackle violence against women—although it does not sound like it. It is the first strategy of its kind in Scotland, and as well as focusing our attention on the issue, it ties in more broadly to Scotland's national action plan for human rights, which is the first of its kind in the UK.

It is becoming ever more clear that violence against women is a matter of human rights. Over the past couple of decades, it has been seen more and more in that light, including at an international organisational level. The former secretary general of the UN, Kofi Annan, said in 1999:

"Violence against women is perhaps the most shameful human rights violation, and it is perhaps the most pervasive. It knows no boundaries of geography, culture or wealth. As long as it continues, we cannot claim to be making real progress towards equality, development and peace."

That rhetoric has been echoed by his successor, Ban Ki-Moon.

It is crucial that a strategy to tackle violence against women encompasses the full spectrum of gender-based violence, from domestic abuse to rape and human trafficking, in order to tackle the issues head on. The terms "violence against women" and "gender-based violence" are often used interchangeably, as most—but not all—gender-based violence is inflicted by men on

women and girls. It is important that we properly define what it is. It is violence that is directed against a person on the basis of gender and is almost always motivated by power. We must also understand that gender-based violence reflects and reinforces inequalities between men and women.

It is encouraging to see that the Scottish Government is working to reduce inequalities in many areas, all of which will indirectly feed into one another to eradicate gender-based violence in Scotland.

That approach is recognised by the UN commission on women, which stresses that it will take multiple approaches to tackle the issue, from Governments implementing policies to empower victims and prosecute perpetrators to the creation of a culture in which gender stereotypes are broken by encouraging men and boys to take an equal share of responsibilities in their homes and families.

The work of the white ribbon campaign in organising men and getting them to condemn other men who commit violent acts against women has a key role to play, as does the work of the violence reduction unit, which is headed by Karyn McCluskey and which has been at the forefront of groundbreaking research into methods to curb violent behaviour since it was founded in 2005. A method that it has found particularly useful is its mentors in violence prevention project, which involves an approach to gender violence and bullying prevention that is designed to train students to speak out against rape, dating violence, sexual harassment, bullying and all forms of violent and abusive behaviour. It does that by focusing on an innovative bystander approach and teaching viable options in response to incidents of harassment, abuse or violence.

That teaching method is particularly important because research that was conducted by Dr Nancy Lombard on young people's attitudes to violence found that men's violence against women was justified through the use of gender stereotypes, and that the triggers for violence that were identified were things that women had not done. The 10 and 11-year-olds concerned already had a view that the victim was to blame, not the perpetrator. That belief needs to be challenged at a younger age, and I hope that the strategy will look at that.

I am sure that the strategy will also recognise the importance of local groups and networks in the prevention of violence, including violence against women, and the vital support that they can provide for women and children. I am delighted that I will host a members' business debate in the early new year to highlight the work of the children experiencing domestic abuse recovery—

CEDAR—project and the Castlemilk Domestic Abuse Project, which includes the work of the women against violent environments group, in supporting women and children who have been affected by violence.

I look forward to seeing the strategy when it is launched next year and firmly believe that it will be crucial as we continue to work to change the blame culture and gender inequalities that we now recognise as being key factors that we need to address if we are stop violence against women once and for all.

**The Presiding Officer:** You need to bring your remarks to a close.

**James Dornan:** The only thing on which I agree with Margaret Mitchell is the hope that this is not an annual debate.

16:41

**Alison McInnes (North East Scotland) (LD):** The phrase “violence against women” is made up of three little words, but involves so much pain. It encompasses domestic abuse, rape, child sexual abuse, sexual harassment and intimidation at work, commercial sexual exploitation, forced and child marriages, honour crimes, stalking, verbal and emotional abuse and vile online bullying and abuse. It is a litany of misery that can be summed up by another three little words: abuse of power.

I pay tribute to the many organisations that work with the people who are affected by such violence. I acknowledge the progress that has been made and note that Police Scotland and the Crown Office and Procurator Fiscal Service have recently undertaken welcome initiatives on the issue.

However, we do not need to look far to find examples of how much more needs to be done. I will give just a few. In September, Scottish Women's Aid's annual census showed that, on one day in Scotland, 341 women and 257 children were living in a Women's Aid refuge. On that same day, a further 809 women and 319 children were supported by a Women's Aid group.

Last month, a video emerged of the University of Stirling's men's hockey team taking part in offensive and misogynistic chanting on a packed public bus. Last week, Laura Bates's everyday sexism project, which documents women's daily experiences of gender inequality, hit the 50,000 mark: it has collected 50,000 stories of abuse and harassment. Here is just one them:

“I'm only 14 yet almost every conversation I have with a guy involves them asking for nudes, my bra size and trying to sext me, and when I say 'Please stop' or 'No, you're rude', I'm called a bitch, whore and slut and they eventually stop talking to me. I'm 14 and this is considered normal for girls my age.”

A couple of weeks ago, a team at the University of Bedfordshire published “A qualitative study of gang-associated sexual violence towards, and exploitation of, young people in England”. I grant that it looked at the situation in England, but there are lessons for us to learn. It makes chilling reading and demonstrates just how little deep-rooted attitudes have changed in our country. I despaired when I read:

“Boys are predators, girls are prey, innit?”

That was the view of a 16-year-old boy. A young woman at a focus group explained fatalistically:

“I'm used to it ... It's normal ... It's wrong, but you get used to it ... Welcome to our generation”.

My goodness, there is a lot yet to do.

I therefore welcome the development of Scotland's strategy to tackle violence against women, but fine words alone will not bring about the kind of change that we need. We need a shared understanding and approach that must be at the forefront of everyone's minds every day. The report “Scotland's National Action Plan for Human Rights 2013-2017”, which was published last week, recommended that the strategy must be accompanied by an action plan. SNAP priority 6 urges that we adopt a comprehensive human rights-based strategy to tackle violence against women.

It is clear that we need to see investment in work that tackles the root causes and creates an understanding of women's inequality as a cause of violence against women. I urge the minister to ensure that the strategy prioritises work with young people in our schools, colleges, universities, workplaces, youth groups and young offenders institutions. We must do so much more to promote understanding of healthy relationships, equality and respect.

I will read from the foreword of the piece of research that I mentioned earlier:

“The final message therefore is that each of us has a role to play in combating the attitudes exposed in this report. From national and local government through to communities and individuals, we must support boys and young men to value healthy relationships and to understand ‘consent’. We must work with all children to ensure that women and girls are treated with respect, that there is a clear message that the sexual objectification of females will not be tolerated, and that children are brought up with hope and opportunities, channelling their energies and resourcefulness for their own and society's good.”

The strategy would do well to embody those words.

16:46

**Christina McKelvie (Hamilton, Larkhall and Stonehouse) (SNP):** There are two distinct but entwined threads in this debate. The first is that

men's violence against women continues to blight our country and to cause immense misery and suffering; it destroys its victims and their families and it lurks like the malevolent Gollum underneath the surface of normal life. The second thread is about justice but more particularly about access to justice; hundreds and perhaps thousands of women in Scotland are being denied the right to see alleged attackers stand trial in court.

Abuse of women comes in many guises, and we have heard of many of them today; they range from verbal degradation, rape, beatings, revenge porn and ritual humiliation, to the ultimate evil of murder. I am, with my colleague Malcolm Chisholm, co-convenor of the cross-party group in the Scottish Parliament on men's violence against women. We have heard a great deal from groups such as Rape Crisis Scotland, Scottish Women's Aid and Police Scotland about the kinds of evil abuse that certain men enjoy inflicting, mainly on their own partners but sometimes on their relatives or innocent strangers. It is not likely that members in this chamber would think that that happens only to a small minority of women living in very deprived areas of inner cities who fall victim to the Saturday night syndrome of the favourite football team losing the game and the alcoholic binge that usually comes with that, with the anger getting taken out in the privacy of the home. Have such women less right to justice? No, I do not think so.

We in Scotland have little idea of how much violence against women takes place. We know that almost 30,000 domestic offences took place between 2011 and 2012—that includes 307 attempted murders and 12 homicides, plus 485 sexual offences—and domestic common assaults made up 14,154 of the total. However, that is just the tip of the iceberg, and those involved directly with victims believe that the reality could be 10 times worse. We know that at least one in five women has suffered domestic abuse, but it might be more like one in three. That is a really scary thought.

We are not talking about a small section of society here, because men of all ages and backgrounds inflict abuse. I know from shocking and distressing stories that I have heard—I have heard some of them today—from women to whom I have spoken that marital rape is frequent and that the clichéd “I walked into the wall” story or the “I walked into the cupboard door” story are far more common than we might imagine.

Women's Aid says that together we can change it. That is the crux, because it is only together that we can and must change it. Violence of any kind is wrong, but violence carried out on someone because they are female, physically weaker or can do nothing to hit back is exploitative in an even more extreme way. The law and those who

practise it are sometimes viewed by society at large as antiquated, out of touch, resistant to change and restrictive. However, the new Criminal Justice (Scotland) Bill is progressive and focused on human rights, and entitlements through the bill for both suspect and victim will improve access to justice.

Lord Gill, the Lord President of the Court of Session, said last month that the requirement for corroboration was a “good rule” that was the result of centuries of deliberations by the country's finest legal and political minds. We used to think that capital punishment and burning witches were sensible, too, but perhaps we have moved on. The Cabinet Secretary for Justice and Lord Carloway argue that the requirement for corroboration is an outdated rule that has failed Scotland, and the Lord Advocate, Frank Mulholland, agrees with that. He has pointed out that in the past two years alone more than 2,800 cases of domestic abuse have been unable to proceed to court because they could not satisfy the requirement for corroboration. Research by the Crown Office and Procurator Fiscal Service shows that 268 out of 458—58.5 per cent—of criminal cases over 12 months were dropped after the initial court appearance even though they would have had a reasonable prospect of success had there been no corroboration test.

**The Presiding Officer:** Will you start winding up, Ms McKelvie?

**Christina McKelvie:** A further 141 cases were reported to the national sex crimes unit but had not been in court. The situation creates a double negative, in that judges do not see the cases in court and the victims do not get justice. Lord Carloway could find no other criminal justice system that operates like this. An end to this blatant discrimination against abused women, who have the right to justice, will be an important statement that together, as Women's Aid says, we can change it.

16:50

**Malcolm Chisholm (Edinburgh Northern and Leith) (Lab):** The motion reminds us of

“the valuable contribution that voluntary and third sector organisations have made to the shaping of Scotland's approach to violence against women.”

As it happens, many of those organisations celebrate their anniversaries this year. I pay tribute to 20 years of Zero Tolerance, 40 years of Glasgow Women's Aid, 40 years of Edinburgh Women's Aid and 35 years of the Edinburgh Women's Rape and Sexual Abuse Centre. I am glad that all those events have been marked in one way or another by the Parliament this year. The organisations' importance does not lie just in

their contribution to the strategy, which the motion refers to, or in the briefings that they sent us for this debate. For decades, they have led, educated and challenged, and in many cases they have provided essential and invaluable services.

Of course it is important that men are involved in challenging men who abuse, and I am glad that some Edinburgh footballers and rugby players have been involved in highlighting that today, but the reality is that it is women who brought the issue out of the shadows in the 1970s and, crucially, placed it within the context of gender inequality and unequal power relations between men and women.

We all recognise and celebrate the progress that has been made in many ways during the years of this Parliament, but there is no point in us spending the whole of this debate congratulating ourselves, although a great deal of good work has been done. We have to pay heed to the briefings that we have been sent by some of the organisations that I mentioned. Jackie Baillie has already mentioned the Scottish Women's Aid briefing, and I will refer to two points from that, without getting into the interesting area that Sandra White raised in her intervention. Scottish Women's Aid states that 68 per cent of women's aid groups have reported greater demand for their services, whatever the reason for that, and nearly a third of them have had to make cuts to their services as a result of reduced funding. We all understand the financial difficulties, but equally it is right that we highlight the concerns that Scottish Women's Aid has raised.

Zero Tolerance also sent us an interesting briefing that echoes some of the points that were made in the human rights action plan last week. It highlights concerns about domestic abuse courts. They were a great innovation, but there is a 23-week wait in Glasgow and a postcode lottery in Edinburgh. It also highlights other issues including the way in which rape cases are badly handled. If the Government would not accept Margaret Mitchell's amendment last week, it must at least take some action in regard to the human rights of rape victims. There is also the issue of there being no prosecutions for female genital mutilation and very few for trafficking. I pay tribute to Jenny Marra's work in that regard and hope that the Government will support her bill on trafficking.

An important part of the new strategy is prevention. It is an important part of the Istanbul convention, which I know the Government wants to accept. Again, the work of Zero Tolerance has been crucial in that area, both in challenging men in its groundbreaking campaigns and in developing materials for use in schools, for example. I hope that its updated respect materials

can be widely used in schools as the evidence is that they have been effective.

However, it is not just a question of challenging individual men. It is a question of challenging the wider culture, because increasingly we see that that is where the problems are perpetuated. Alison McInnes emphasised that. Last week, we heard at the cross-party group on men's violence against women and children about the horrific bus incident in Stirling, which is one example of the prevalence of a lad culture that is reinforcing those attitudes of men towards women that lead to violence and abuse.

**The Presiding Officer:** You need to bring your remarks to a close.

**Malcolm Chisholm:** Violence against women is a profound societal and cultural problem, but it is also perpetuated and reinforced by many of the products of that culture, which is why action against lads mags and indeed page 3 is also important.

16:54

**Maureen Watt (Aberdeen South and North Kincardine) (SNP):** If I had a Christmas wish, it would be that we did not have to debate this subject. The campaign about a child's Christmas wish that its parents did not shout and fight is one of the saddest that I have known.

We have no way of knowing whether the increase in recorded domestic abuse incidents represents an increase in domestic violence itself or a greater willingness to report cases in the knowledge that such abuse will be taken seriously by the police and other services.

I welcome the 62 per cent increase in funding since 2007 to £34.5 million between 2012 and 2015, and the comments from Scottish Women's Aid that, as the awareness of the issue increases and professionals receive more training, more women are encouraged to report the abuse that they experience rather than suffer in silence. I hope that it is the former.

I continue to be appalled by the discrimination against women that I come across and the lack of awareness among men of what is and is not acceptable behaviour. For example, I have received some appalling comments from pretty prominent people in the community about a recent high-profile sexual assault court case in Aberdeen. The idea that several women individually should not report behaviour that they find unacceptable and threatening shows a total lack of respect for women.

I agree with Jackie Baillie that attitudes are the key to eliminating domestic violence. Until we live in a country that has a thread of equality running

through every single aspect of society, we will have men who believe that it is acceptable to treat women as their inferiors and to commit acts of violence, whether physical or psychological, against them. That thread means parents giving the same opportunities to their children, whether boys or girls, and not steering them into gender-stereotyped roles from an early age. It means schools ensuring that all pupils have access to and assistance with science, technology, engineering and mathematics subjects so that all career opportunities are open to women and men. It means equal pay for work of equal value, and that means giving caring and nurturing roles the gravitas and value that they deserve.

I welcome the advent of a strategy that is aimed at tackling all forms of violence against women, and hope that a very large part of it will be about education about violence against women being totally unacceptable and as illegal as drink-driving or not wearing a seat belt. However, it should also be about penalties. That is why I welcome the proposed changes on the requirement for corroboration. Far too often, constituents of mine who have been subject to domestic violence have been unable to get redress in the courts. Those constituents have received excellent support from the police domestic violence unit in Aberdeen, but they, like the victims, are frustrated that allegations do not proceed to court, let alone conviction. I know that, in the north-east, the procurator fiscal is as frustrated as the victims and the police. The sooner corroborative evidence does not have to be from another person, but can be other obvious factors, the better.

Rhoda Grant should think hard about the consequences of what she proposed—forcing prostitution underground and hugely increasing the harm to women. That is why the proposal is not supported by groups that work in the area.

The song goes:

“no one knows what goes on behind closed doors.”

Those lyrics, like the sentiment, must be part of the past, not the future of a modern, safe, stronger and equal Scotland.

16:58

**Cara Hilton (Dunfermline) (Lab):** Violence against women was a significant issue in my election, but my concerns neither began nor ended with the behaviour of Dunfermline's former MSP. Throughout the world, 2 million women and girls every year suffer genital mutilation. Millions are raped—many in wars—and others suffer forced marriage or are the victims of honour killings. As Jackie Baillie has already highlighted, for the 15 to 44-year-old age group, men's violence kills or incapacitates more women around

the world every year than cancer, malaria, road traffic accidents and war combined.

Sometimes abuse is widely known about and even institutional, but it is often hidden and we are unsure of its extent. Most abuse and violence occurs within the family home, behind closed doors. That is an abuse of power and trust, mostly by men, which is surprisingly common. Indeed, at least one in four women in Scotland will experience domestic abuse at some stage in their life, and one in three cases either starts or escalates during pregnancy. Domestic abuse happens in every community in Scotland, and damages the lives of thousands of women, children and young people. There is no socioeconomic, age or cultural barrier to abuse, and there is no doubt that violence against women is rooted in persistent gender inequalities in our homes and workplaces, the media, and across society.

Scotland's progressive stance to tackling domestic violence is widely acknowledged and I hope that the new strategy will build on that. Many of the very positive measures taken here have resulted from multi-agency partnership working. A successful example of that approach in Fife is the CEDAR programme for children who have experienced domestic abuse and are suffering behavioural, emotional and social difficulties as a result. Another example is MARAC, the multi-agency risk assessment conference, which has been introduced to identify and protect the highest-risk victims of domestic abuse. Those programmes demonstrate the real benefits of partnership working—with police, health and council services working closely with voluntary sector organisations such as women's aid.

Last year, Fife Women's Aid gave support to 1,369 women, including 200 very high-risk domestic abuse MARAC cases. It does a fantastic job in supporting women across Fife. Unfortunately, however, funding for that vital work is not assured and is dependent on partners allocating resources in increasingly tight financial circumstances. Indeed, Scottish Women's Aid has found that almost one third of groups are reducing services due to funding cuts at a time when demand is higher than ever. It is the victims of domestic violence who are paying the price.

On 18 September, women's aid groups across Scotland took part in their annual 24-hour census to identify how many women, children and young people were supported on that day. A shocking 51 per cent of women and their children seeking refuge on that day were turned away because there was simply no room. It is simply unacceptable that women fleeing from abuse are unable to access help when they need it most. It is vital that more is done to ensure that domestic

abuse support services are placed on a secure financial footing.

Although most of us are looking forward to spending time with our families, for victims of domestic abuse, Christmas can be an extremely difficult and frightening time. I wish all victims the courage to seek help and I wish for the rest of us that we will provide it. We will never achieve the Scotland that we aspire to when thousands of our citizens live in constant fear. Violence against women is never acceptable—it is always a crime and we all have a responsibility to put a stop to it.

17:02

**Stewart Maxwell (West Scotland) (SNP):**

Domestic violence, 80 per cent of which has a male perpetrator and a female victim, and attacks on women by strangers have one common factor: the power that some men choose to wield over women. We all agree that violence against women is always wrong, in all circumstances.

It is sobering to remember that Scottish Women's Aid was only established in 1973 and that the first refuges for women who were victims of domestic violence were not set up in Scotland until that year. Only 40 years ago—that is within the lifetimes of most members of this Parliament—women who were being abused had nowhere to turn.

Scottish Women's Aid has indicated that 450 women contact women's aid in Scotland for the first time every week. Women's Aid, sadly, is still vital. However, some things have changed over the past 40 years. Who would now argue that women should be paid less than men for equal work? Women obtained 59 per cent of first degrees issued by higher education institutions in Scotland in 2011-12. Society's attitude to women has changed and women have more education and greater financial and legal power than they have ever had. That is excellent news but, sadly, there is still a long way to go and we must not become complacent—not in the face of 60,000 incidents of domestic abuse.

We have made progress but, worryingly, the rights of women to equal treatment and autonomy in the public sphere are being challenged. Last month, Universities UK, an organisation that provides guidance and support to universities and higher education institutions, including 15 such institutions in Scotland, issued guidance in which it indicated that it may be acceptable at an event to segregate the audience by gender if the speaker has requested that and his religious views are that women should sit separately from men at public events.

Apparently, according to Universities UK, if the room is separated on a left to right, rather than a

front to back basis, there is no discrimination as men and women are being treated equally. That may be legal—I am not convinced—but it is not right or moral. It allows, for example, a speaker, if he so wishes, to address his remarks and take questions from only one section of the audience.

The guidance states:

“Ultimately, if imposing an unsegregated seating area in addition to the segregated areas contravenes the genuinely held religious beliefs of the group hosting the event, or those of the speaker, the institution should be mindful to ensure that the freedom of speech of the religious group or speaker is not curtailed unlawfully.”

I am pleased to say that, under political and public pressure, Universities UK has now withdrawn that guidance and is in talks about a revision.

There is no balance of rights between the right to speak, which is not affected by where people sit in an audience, and the right of women to decide where they seat themselves at a public event. People are entitled to their beliefs and opinions, but they are not entitled to impose their views and restrict choices for women in the public sphere as a result of their beliefs.

The more we treat women as different, the less empowered they are. Violence against women is at the end of a continuum of abuse of power by men over women and disrespect for women's rights. Putting the beliefs of a speaker at an event at a university over the rights of the female students and staff at the university is the soft end of that continuum. Members should make no mistake: this is all about men asserting their power over women, and we must oppose it.

17:05

**Alison Johnstone (Lothian) (Green):** As members said, men's violence kills or incapacitates more women each year than cancer, malaria, road traffic accidents and war combined. That statement is in Zero Tolerance's briefing, and I had to read it several times. UN secretary general Ban Ki-Moon is right to insist that we

“take this issue with the deadly seriousness that it deserves.”

Violence against women affects us here in Scotland and affects women across the globe. We see it at its most extreme in countries where femicide occurs, and the resulting imbalance in the gender ratio is threatening women's lives in sinister ways and making it ever harder to attain the equality that is required if such practices are to be addressed.

When she was 14, Tarcila Rivera Zea was told that, as an Indian servant, she was not considered worthy of further education. Nearly 50 years later, she is the director of Chirapaq, which is a leading



agency that campaigns for the rights of indigenous women in South America, and she has spoken out against women's inability to access education or achieve economic autonomy. She recognises that women are often unaware of their rights, and she says:

"We believe that this situation of complete vulnerability, in which we find ourselves submerged, is a form of violence."

Her powerful words are worthy of much consideration.

Scottish Women's Aid, in its briefing for today's debate, said that 92 per cent of its services are working with a reduced or standstill budget, which represents a budget reduction, given inflation and increased energy costs—and that is at a time when almost 70 per cent of women's aid groups report greater demand for their services. We are told that the bedroom tax has resulted in women remaining longer in refuge and that fewer women are able to access refuge when they are at crisis point.

Our justice system appears to be unable to cope. Domestic abuse courts are under strain. In Glasgow, women need to wait longer for a domestic abuse case to be heard than they would wait for a generic case to be heard, even though the domestic abuse court is supposed to be much faster. As Malcolm Chisholm said, there is currently a 23-week waiting list, and access to courts is a postcode lottery, particularly in Edinburgh. The lack of dedicated resources must be addressed.

As Jackie Baillie and other members said, violence against women is rooted in persistent gender inequality. We must engage with all the issues that make it a shameful and persistent feature of national and global life. We need to intervene, to monitor and to demand change.

Last week I was made aware of a chain letter that is circulating among a group of 11 and 12-year-old girls. It is entitled, "Did U Know?" and it informs its young readers, "It's true. Guys DO insult you if they like you." That is not harmless and we must intervene. We need to ensure that our young boys and girls understand that abuse takes many forms and is never acceptable.

As Margaret Mitchell said, the social and economic cost of violence against women is enormous. Women suffer isolation, inability to work and the loss of wages. They might quite simply become scared stiff and utterly disempowered.

If a woman finds the inner resolve—perhaps after being encouraged by a poster or another woman's testimony—to contact one of the organisations that do incredible work with women and children who have suffered violence in any or

many of its forms, the least that we must do as a society is ensure that such organisations have the funding and resources that they need if they are to offer the support that their expertise and experience enables them to provide to those who need it.

**The Presiding Officer:** You must start winding up.

**Alison Johnstone:** I ask the minister to say whether she will meet local government colleagues and insist that they look at extending funding agreements with agencies, so that agencies can use their expertise to best effect.

17:09

**Annabel Goldie (West Scotland) (Con):** We have had a thought-provoking and timely debate, and all parties can agree that violence against women is a blight on Scottish society, which we must seek to eradicate. Sadly, debates on violence against women are a recurring feature in the Parliament. That is a matter for sorrow but it is also a matter of necessity, because the statistics on domestic abuse and rape make for depressing reading. Worldwide, violence against women is one of the most common but least punished crimes.

It is, of course, possible that those statistics show that victims are becoming increasingly confident about reporting incidents of violence because they believe that action will be taken. If that is the case, we can draw some encouragement from it. However, the fact remains that, in Scotland, violence against women is a pervasive social problem that affects every neighbourhood. It can be found in every social background, as Jackie Baillie powerfully illustrated.

We must continue to reassure victims that abusive behaviour is not normal. It is repugnant, disgusting and unacceptable, and victims must be supported in understanding that they are not to blame. The people who are to blame are the perpetrators, and the greatest protection that is available to them is silence. That silence is potent. It spawns in the mind of the perpetrator an illusion of power and control. Women must therefore be encouraged to report incidents and, when they do so, support must be provided and any convicted perpetrator dealt with appropriately.

My colleague Margaret Mitchell articulated her concerns that the warm words of the motion are not reflected in practice, and she cited various instances of her concerns. In particular, her comments about sentencing for domestic abuse offenders are entirely valid. Perpetrators in a third of domestic abuse cases received only a warning, which sends out totally the wrong message to

victims and to the criminals. I repeat our concern about automatic early release. The Scottish Government's promise to end that discredited practice for only the most serious offenders and violent criminals is betraying victims.

We must never forget that young girls can be victims of violence, either as witnesses to incidents of abuse or, heartbreakingly, as victims themselves. Alison McInnes referred to that. In January, I suggested that, to raise awareness and to help any youngster who is under threat, a smartphone app might be a way forward. The cabinet secretary, Alex Neil, seemed to be receptive to that idea, so perhaps the minister could outline in closing whether any progress has been made on that.

On a positive note, I welcome the development of the strategy to tackle violence against women. I hope that it will have the effect of enhancing the good work that is already being done by voluntary organisations. A great deal of excellent support is being provided by charities, not least Zero Tolerance, Scottish Women's Aid, and Rape Crisis Scotland, and I pay tribute to them all.

Victims need to be supported by a justice system that places victims first, and by adequate and long-term funding. In that connection, I am pleased to see that funding has been awarded until 2015, but I urge the Government to plan now for funding beyond that.

Violence against women includes modern-day slavery. I say to Rhoda Grant that I was encouraged to hear yesterday about the UK Government's draft legislation, which will disrupt and imprison for longer the organised criminal gangs that are behind much of the modern slave trade. I welcome indications that the Scottish Government is willing to explore a legislative consent motion for the bill. I also note Jenny Marra's efforts to introduce a member's bill to tackle the issue. I do not consider that those two bills will be mutually exclusive, and I hope that the best bits from each can be adopted in Scotland to provide the practical help that many victims are crying out for.

17:13

**Graeme Pearson (South Scotland) (Lab):** I rise to indicate my support for the motion in the name of Shona Robison and the amendment in the name of Jackie Baillie. I note that Sandra White took some exception to Labour's amendment and I like to think that she has misunderstood its nature. The amendment seeks to indicate an absence of complacency on our part about the current situation rather than imply criticism of on-going commitments.

**Sandra White:** Will the member take an intervention?

**Graeme Pearson:** I do not have enough time. I apologise to the member, but I have a lot to get through.

As I listened to the debate, I became aware again of the zero tolerance campaign from the 1970s. I was reminded of the shock and controversy that that campaign created as people struggled to understand who was being accused and what they were being accused of. That was probably the beginning of the realisation that men are the problem in this context and that, as was indicated by Alison McInnes, it is the habit of men to seek the abuse of power.

Nearly 40 years ago, I attended a course in the Federal Bureau of Investigation academy, where it was indicated to me that sex crime was nothing to do with sexual relationships but was an abuse of power and control by men, largely over women. In that regard, we have come a long way and many people now understand the nature of that abuse.

Today's debate has indicated that this is not only a crime issue. It is an issue of health in our communities; of our work life and our relationships in work; of the media and the way in which it reports on what we do in our communities; of the still continuous use of page 3; of the music business and the way in which it uses women as a commodity for selling music and fashion; of the way in which schools operate and the value that is placed on the part that women play in education; of the value that we place on women's involvement in sport; and of how we value work in a financial sense and the way in which we pay people who are engaged in work.

There was some controversy about the story that Rhoda Grant told. I like to think that that is frustration and anger here in the chamber about the reality of what is happening out there in the street. I have never met a woman engaged in what we describe as an industry—the sex industry—who wilfully, wantonly and willingly sold her body to a man in some cold, bleak place, in some loveless relationship. We need to face that fact and begin to come to terms with it. I would not want any woman in my family to engage in that kind of industry—if it is to be called that.

Where does that take us? It takes us to more than 60,000 reported incidents of domestic violence throughout Scotland. In 10 years, that number has doubled. We could ask whether that is because there are greater levels of confidence in the system to deal with it. However, the numbers continue to rise, which should give us concern.

Each year, nearly 50 per cent of murders take place in a domestic relationship and one in four women experiences domestic abuse. Those

numbers are frightening from any perspective—frightening that we now know about it and frightening that we need to be seen to do something about it for the future. If we do not, a modern Scotland is meaningless in real terms.

**Sandra White:** On the issue of taking cases to court and of prosecution, does the member support getting rid of corroboration?

**Graeme Pearson:** As the member knows, the Justice Committee is still taking evidence on that. From the outset, I have indicated that I want to hear all the evidence first. It has been fairly well rehearsed in this debate that this is not solely about what happens in a court. Changing cultures and attitudes in the street, in our schools, in our homes and in our families is what will make the difference, rather than how many people we do or do not prosecute.

As members throughout the chamber have indicated, support services need to be properly resourced and co-ordinated. Members have mentioned the role of COSLA in bringing together that co-ordination and playing a part in that national strategy. As has been indicated, the courts have a lot to do. Our domestic violence courts were supposed to deliver within six weeks. It is now 40 weeks or more before they can deliver. Families in that situation cannot wait for 40 weeks for some kind of respite and solution.

Corporate responses are important. Nothing has been said about our prisons and the part that they can play in educating those in their custody about gender issues, equality, attitudes and criminality. Equally, one would hope that, in the feedback to the consultation process, we get some profitable views on what we should do about the media and the way in which women are being marketed in our communities.

17:20

**Shona Robison:** I thank all the members who have participated in the debate for their many positive and constructive contributions. In that spirit, I should say that we will support the Labour amendment.

In my opening remarks, I said that I would return to the issue of female genital mutilation. I do so now, before I turn to some points that have been made in the debate. We absolutely need data that will help us to estimate more accurately the prevalence of female genital mutilation in Scotland. Data from the 2011 census that will allow a more up-to-date prevalence estimate to be calculated is due to be released in early 2014. We will, of course, make that information available to members as soon as we can.

Let no one be under any illusion: female genital mutilation will not be tolerated in a modern and multicultural Scotland. In Scotland, female genital mutilation is punishable by up to 14 years' imprisonment. We acknowledge that there have been no prosecutions for female genital mutilation in Scotland, but that is also the case in England and Wales, where there are many more women and girls from countries where female genital mutilation is prevalent. It is wrong to suggest that somehow Scotland is a soft touch on the issue.

We know that female genital mutilation is a difficult and sensitive issue and that there are a number of possible reasons why victims might feel unable or unwilling to report it to the police or other authorities. That makes work to raise awareness and to encourage reporting all the more important, which is why I am pleased to announce that the Scottish Government is providing additional funding of £15,000 to the Scottish Refugee Council and the Women's Support Project to carry out a project that will produce a baseline of information to help inform work to tackle female genital mutilation.

The project will involve identifying and analysing existing data; reviewing work that has been undertaken to tackle, prevent and raise awareness of female genital mutilation; and identifying and drawing lessons from successful projects and best practice in other parts of the UK and Europe, to help inform us on what works in terms of service provision, prevention and prosecutions. We are also in discussion with the Women's Support Project to develop a range of new information materials on female genital mutilation. I am happy to share more information with members about that at a later date.

We recognise that health professionals such as midwives, doctors and nurses play a crucial role in identifying girls who are at risk, recording incidents and offering support and onward referral to women. That is why we have initiated discussions with Gillian Smith, the director of the Royal College of Midwives in Scotland, to discuss the recommendations that were made in the report "Tackling FGM in the UK—Intercollegiate recommendations for identifying, recording and reporting", which was published by the Royal College of Midwives on 1 November 2013. I will update members on those discussions once they are a little further developed.

I turn to some of the points that were made in the debate. Jackie Baillie made a number of important points. Like many members, she said that the issue of violence against women is rooted in gender inequality and the abuse of power and that we need to tackle that to really tackle the issue. She asked whether we would meet

Maureen Gordon and her union representatives. I will ensure that the meeting request is progressed.

Like many other members, Jackie Baillie mentioned that the domestic abuse courts are extremely busy. The Scottish Government is of course aware of the problems that are associated with the volume of cases that come before the domestic abuse courts in Glasgow and Edinburgh. The criminal justice board in Glasgow is currently considering ways in which to address the issue, and additional trial diets have been set aside for domestic abuse cases to help handle the increased volume of cases that are coming before the court. Yesterday, Scottish Government officials met Sheriff Katherine Mackie and Police Scotland to discuss the difficulties that are currently being experienced by the Edinburgh domestic abuse court and potential actions that can be taken to deal with the issue. A further meeting will take place in the new year.

I was struck by Margaret Mitchell's rather negative tone. Two things are important to bear in mind. First, the funding that the Scottish Government provides, to which many speakers referred—the £34.5 million over the 2012 to 2015 period—contrasts starkly with the £40 million that the UK Government provides for the whole of the rest of the UK. Also, Margaret Mitchell should bear in mind the impact that the welfare reforms by her Government at a UK level have had on victims of domestic abuse. I do not want to strike a negative tone but, in response to her speech, I say to Margaret Mitchell that she should remember those two points.

Graeme Pearson said that people get angry and that Rhoda Grant had shown anger about her case. I do not mind people coming to the chamber and being angry about cases. However, I mind accusations being bandied about, such as—to quote Rhoda Grant—that the Scottish Government is complicit in the trade of prostitution and trafficking. I am sorry, but I find that deeply offensive personally and on behalf of the Scottish Government.

We have stood together on the issue since 1999. That is the strength of tackling violence against women. No one in the chamber has a monopoly of wisdom on the issue, and it does not benefit any of us—certainly not women who suffer violence—to break the cross-party consensus that exists on the issue.

**Rhoda Grant:** I would be interested to know what the Scottish Government will do about prostitution rather than hearing the minister's defence of the Government's stance.

**Shona Robison:** My point is that we stand together to tackle the issue and that Rhoda Grant

did herself a great disservice in the tone that she struck.

Alison McInnes made a very good speech. She talked about the priorities within the new strategy and including young people in that work. I am happy to take that forward.

Christina McKelvie reminded us of the powerful argument for doing away with the corroboration rules with the 2,800 cases of domestic abuse that could not proceed to court. We should bear that in mind.

Malcolm Chisholm, as always, reminded us of the challenges that some of our front-line organisations have. We absolutely acknowledge that point.

Maureen Watt reminded us about cases not proceeding to court.

I say to Alison Johnstone that COSLA is, of course, part of the violence against women strategy discussions. It is a key member of the group and, as we always do, we will discuss budgetary issues.

We will get back to Annabel Goldie about the smartphone app. I am not sure about it, but we will look into it and get back to her.

By and large, the debate has been positive. Women who suffer violence in Scotland deserve to have the Parliament standing together on the issue to send out a message to Scotland that violence against women will not be tolerated and that we will strain every muscle to do everything that we can to address it and, finally, we hope, eradicate that scourge from Scotland.

## **Standards Commission for Scotland (Reappointment of Members)**

**The Presiding Officer (Tricia Marwick):** The next item of business is consideration of motion S4M-08603, in the name of Liam McArthur, on the reappointment of the convener and a member of the Standards Commission for Scotland.

17:29

**Liam McArthur (Orkney Islands) (LD):** I speak to the motion in my name as a member of the Scottish Parliamentary Corporate Body to invite members of the Parliament to agree the reappointment of Ian Gordon as the convener and Jan Polley as a member of the Standards Commission for Scotland.

The role of the Standards Commission is to encourage high ethical standards in public life. It does that by promoting and enforcing the codes of conduct for councillors and members of devolved public bodies. In addition to promoting the codes, the commission receives reports from the Commissioner for Ethical Standards in Public Life in Scotland following his investigation into alleged breaches of the code. If the commission upholds the commissioner's findings, it determines the sanction to be applied in accordance with the legislation. The commission has five part-time members, one of whom is appointed as the convener.

Under the Scottish Parliamentary Commissions and Commissioners etc Act 2010, commission members are reappointed by the Scottish Parliamentary Corporate Body with the Parliament's agreement. The SPCB sat as a reappointment panel on 28 November. I chaired the panel and the other members were Mary Scanlon and David Stewart. I thank Tony Swabe for confirming by way of a validation certificate that the nominations are made on merit following a fair and robust reappointment process that conformed to good practice.

Details of the information that the SPCB considered and of the criteria on which Ian Gordon and Jan Polley were assessed are set out in the report that the SPCB lodged in the Scottish Parliament information centre. Ian Gordon and Jan Polley have built up considerable experience and expertise in the commission's work and we believe that they will continue to ensure that high ethical standards are upheld in public life. I am sure that the Parliament will want to wish them continued success in their roles.

I have pleasure in moving the motion,

That the Parliament agrees to the reappointment of Ian Gordon as the Convener and Jan Polley as a Member of the Standards Commission for Scotland under Schedule 7 of the Scottish Parliamentary Commissions and Commissioners etc. Act 2010.

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

## Point of Order

17:30

**Siobhan McMahon (Central Scotland) (Lab):** On a point of order, Presiding Officer. I wish to make a point of order under rule 7.3.1 of standing orders and in relation to section 7 of volume 3 of the “Code of Conduct for Members of the Scottish Parliament”, as issued by you. Those provisions refer to general conduct and conduct in the chamber and say:

“Members shall at all times conduct themselves in a courteous and respectful manner”.

During this afternoon’s ministerial statement on the publication of a review of the safety and quality of NHS Lanarkshire, the Cabinet Secretary for Health and Wellbeing, Alex Neil, made three unsubstantiated points when addressing my question. He said:

“There is no doubt about our commitment to Monklands—unlike that of the member, who wanted the Monklands A and E closed, campaigned for the mental health unit at Monklands to be closed and, I understand, is even suggesting that Monklands hospital should be closed.”

Given that there is no evidence to suggest any of those things and that I refute his misinformation, I seek your guidance and confirmation that he has the opportunity to correct the *Official Report* to reflect the position accurately.

**The Presiding Officer (Tricia Marwick):** The member should know that that is not a point of order. As I have said many times, I am not responsible for what members say in the chamber.

## Decision Time

17:32

**The Presiding Officer (Tricia Marwick):** There are four questions to be put as a result of today’s business.

The first question is, that motion S4M-08609, in the name of John Swinney, on the Landfill Tax (Scotland) Bill, be agreed to.

*Motion agreed to,*

That the Parliament agrees that the Landfill Tax (Scotland) Bill be passed.

**The Presiding Officer:** The next question is, that amendment S4M-08612.2, in the name of Jackie Baillie, which seeks to amend motion S4M-08612, in the name of Shona Robison, on violence against women, be agreed to.

*Amendment agreed to.*

**The Presiding Officer:** The next question is, that motion S4M-08612, in the name of Shona Robison, on violence against women, as amended, be agreed to.

*Motion, as amended, agreed to,*

That the Parliament reaffirms its commitment to ending violence against women; welcomes the development of Scotland’s Strategy to Tackle Violence against Women, the first of its kind in Scotland; notes that the strategy will encompass the spectrum of violence defined as gender-based violence, and commends the valuable contribution that voluntary and third sector organisations have made to the shaping of Scotland’s approach to violence against women against a backdrop of an increase in the total recorded number of domestic abuse incidents.

**The Presiding Officer:** The next question is, that motion S4M-08603, in the name of Liam McArthur, on the reappointment of the convener and a member of the Standards Commission for Scotland, be agreed to.

*Motion agreed to,*

That the Parliament agrees to the reappointment of Ian Gordon as the Convener and Jan Polley as a Member of the Standards Commission for Scotland under Schedule 7 of the Scottish Parliamentary Commissions and Commissioners etc. Act 2010.

## Moray Library Closures

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

The final item of business is a members' business debate on motion S4M-08484, in the name of Stewart Stevenson, on Moray library closures. The debate will be concluded without any question being put.

#### *Motion debated,*

That the Parliament condemns Moray Council's decision to remove a mobile library from service and close the libraries in Findochty, Hopeman, Portknockie and Rothes; believes that the decision to close four of its 15 libraries could have an adverse impact on families with young children and both older and disabled people; believes that libraries play a valuable role in communities and that the proposed closures would have a detrimental impact on education and learning and restrict access in rural communities to information technology services; further believes that this is particularly concerning as, it understands, the UK Government is increasingly making access to many services online only; notes that the Scottish Library and Information Council has commissioned a review of the Public Library Quality Improvement Matrix, which examines the quality of such services, and recognises the work of the Save our Libraries Moray campaign and others, which aims to bring together the communities affected by the council's decision.

17:34

**Stewart Stevenson (Banffshire and Buchan Coast) (SNP):** It is thought that the oldest library in the world was that at Ebla in Syria and that it was founded more than 4,500 years ago. It was based in what was then and is again a turbulent area of the world. After its destruction it remained unknown until the discovery of the text of an international treaty, inscribed on a clay tablet, in what people later realised was a library. Today it is a derelict archaeological site.

Today's changes for libraries in Moray are less dramatic, but the effects of closure can be profound for the communities of Findochty, Hopeman, Portknockie and Rothes. Closure removes a source of knowledge, diminishes opportunities for learning and reduces access to vital infrastructure such as the internet.

The initial proposals, which were passed by the Tory and independent councillors who run Moray Council, were to be even more draconian and were in clear breach of equalities legislation. Thankfully, some sense was restored when the legal consequences became more obvious to administration councillors. A vigorous community-led campaign, represented in the public gallery this evening by members of the save our libraries Moray campaign, showed just how disconnected the council had become from some of the communities that it must serve.

Lord Wellington, a Tory Prime Minister until he lost office over reform in 1830, was strongly opposed to education for all as he feared the consequences of knowledge. I absolutely do not suggest that today's Tories hold his views, but the effects of their cuts carry the risk of a journey to increased ignorance—just, perhaps, what Wellington might have wished.

For a party of business there are also practical effects to deplore. In rural Scotland, access to broadband can be limited or absent. For businesses big enough to pay VAT, and now required to submit their accounts online, loss of access to the internet via their local library is more than a mere inconvenience. When they have to travel further to access a terminal in a library, it takes time out of running a business, increases costs and risks default on tight HM Revenue & Customs rules.

For the unemployed, access to the internet is vital to get access to the benefits to which they are entitled. Of course, the unemployed are much less likely to have access to the internet in their own home. Moray Council itself relies on the internet: people who want to get a council house use that means of accessing that council service in increasing numbers. Libraries are not simply about books.

In my constituency, the communities of Findochty and Portknockie now have no library. My colleague Richard Lochhead, who is in Brussels tonight, texted me to share his similar concern about the communities of Hopeman and Rothes in the area that he represents.

The closures are driven by the need to manage the council's costs. When the Opposition in this place demands more money to mitigate the effects of cuts from the Tory-Lib Dem Westminster Government, we on the Government benches always ask from where that money should come. I will avoid the trap of proposing more expenditure without proposing from where it should come.

The council has proposals for a link road in Moray. Not to proceed with that would be an easy cut for the council to make. It would save much more than is needed to keep the libraries open and it would open for the council a wide range of other options that their current spending plans deny it. It would respond to genuine and significant public concern about the proposed route for the new road, and cancellation would protect important parts of the local environment.

Richard Lochhead and I joined road and library campaigners on the march and rally in Elgin on 12 October. It was abundantly clear that the council's current choices are not popular with a significant part of the Moray community.

For the cabinet secretary who will respond to tonight's debate, it is easier than it sometimes is, because it is not for her to direct Moray Council's policy on libraries. I do not expect to hear that she will change her approach to that. However, it might be useful to hear what value and benefits the Scottish Government thinks are delivered by libraries.

Is it not appropriate that we are having this debate on a day when, in our Parliament, we have an exhibition concerning a person who might be the patron saint of libraries, Andrew Carnegie, who, of course, was responsible for many libraries across Scotland?

On independence day, 4 July 1962, John F Kennedy said:

"to govern is to choose."

The responsibilities and opportunities of Moray Council are, of course, substantially less than those of JFK, but the council's politicians share with him a duty to serve. Making the right decision can enhance the lustre and reputation of those who make it—even though, in this case, doing the right thing will make it even more difficult for me to challenge my political opponents in future.

In governing, I suggest to Moray Council that it is time to choose libraries rather than roads.

17:41

**Rhoda Grant (Highlands and Islands) (Lab):** I congratulate Stewart Stevenson on securing the debate, and pay tribute to the save our libraries Moray campaign group, and welcome members of the group to the gallery. I met the group, and the people are thoughtful and hardworking and are passionate about retaining their library services. They have already saved three of the threatened libraries and continue to look for ways of saving the others.

Libraries are an essential service. They are places where people learn and can access information. They are a true equaliser, especially when those who cannot afford computers or internet connections are liable to be left behind. A local library can provide that access. Internet access is also important to businesses and local communities. As Stewart Stevenson said, VAT returns are now dealt with online, and the Scottish Government also asks people to apply to the rural development fund online. In some small communities, a library is the only source of an internet connection, because there is no broadband. By providing services online, Governments and councils can save money, but those who cannot access the internet stand to be left behind. Without libraries, the situation would be much worse.

Libraries are also places that give pleasure. There is something indulgent about sitting down and sticking your head in a good book. That is something that we perhaps do not all get a chance to do very often, but libraries ensure that that pleasure is available to all.

The equalities impact assessment was clear that the closure of Burghead, Cullen and Dufftown libraries—which have now been saved—would have impacted on equalities in those villages. However, from speaking to people who live in Rothes and use the library there, I know that they strongly believe that the impact assessment for their library was not carried out properly. It was conducted at the wrong time and there was little information about the assessment.

There is also a cost attached to the closure of the libraries. The libraries in Rothes and Hopeman have received European Union funding, and some of that will have to be repaid, at a cost of around £41,000. Had they been kept open for two more years, no repayment would have had to be made. Of course, we must also take account of the money that will be wasted, in terms of the match funding and the money that has already been drawn down. Surely that cost offsets much of the saving over the period.

A longer period of reflection would allow alternatives to be explored with regard to how we make use of those libraries and make them more cost effective. No one is arguing that the council has to find savings. The unfunded council tax freeze means that councils are facing tough decisions about how they fund vital services. However, I would have hoped that the council would have worked with everyone in the community, especially people such as those in the save our libraries Moray campaign group, who are keen to be proactive and find solutions.

I understand that the campaign group is now exploring the possibility of pursuing the community asset transfer route for Hopeman library, to provide a community hub as well as a library and internet access services. I commend it for that. I hope that it will receive support from the council and the Scottish Government to do that, which would allow at least some provision in the village. I very much hope that solutions can be found to the problems.

17:44

**Fiona McLeod (Strathkelvin and Bearsden) (SNP):** I start by referring members to two entries in my register of interests: I am a member of the Chartered Institute of Library and Information Professionals and the chair of the Scottish Library and Information Council.



I thank Stewart for bringing this debate—and not just on behalf of the library users of Moray and the campaigners who are here with us tonight. The passion of the library users of Moray was shown in the march and rally that Stewart referred to. For me, as a librarian, it is wonderful to be at a debate where I am listening to people such as Stewart Stevenson and Rhoda Grant laud libraries and say how important they are. I am sure that other members will impress me just as much with their enthusiasm for libraries.

To be very technical, when we look at library services, we have to go back to the 1887 legislation, which states that local authorities must provide an adequate library service for all.

There is no definition of what an adequate library service is, but for many years SLIC has looked at how we assess a library service and how we allow such services in Scotland to benchmark themselves against each other in order to reach at least a working definition of adequacy of library services. Stewart Stevenson's motion talks about the public library quality improvement matrix, which we use to carry out assessment and benchmarking. I want to get a bit technical and refer to the matrix. As Stewart Stevenson's motion states, the matrix is under review and one of the things that will be reviewed is its name. We will not call it PLQIM anymore; its name will be clear.

There are seven quality indicators for assessing libraries in Scotland. Previously when we looked at libraries, Moray came out as one of our five-star services. I found it quite interesting to take my seven quality indicators and cross-reference them with the paper that Moray Council wrote on 10 September 2013. I want to highlight a few indicators to show that Moray's five-star library status is definitely in danger. Indeed, not only is its five-star status in danger; I believe that it will no longer be providing an adequate library service. Therefore, Moray Council will not be meeting the legislative requirements, whether we have a definition of adequacy or not.

Quality indicator 1 is on access to information and refers to access to current information resources. A library service would get a very low rating if

"Access to current information resources is limited ... Minimal provision is made"—

and—

"This provision is not actively promoted by staff."

The council's paper states in paragraph 3.1 that it will end up providing

"a library service at the minimal level required by the Council".

I do not have time to go through the other six quality indicators, but that one example shows, I

think, that Moray Council really has to think very carefully before it proceeds any further along this route.

Librarians campaigned for library services, not for buildings. The demise of the book has been predicted for almost the whole of my library career of over 35 years and it has not happened in the digital age, so the buildings in which libraries are housed are still important, because we cannot yet provide a virtual library service without libraries to provide it from.

**The Deputy Presiding Officer:** I remind members to use full names when referring to colleagues.

17:49

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

I remind Stewart Stevenson that a majority of Moray councillors, including the planning convener, voted against the Elgin link road last week.

Like others, I welcome this opportunity to discuss the difficult budget decisions that Moray Council's independent-Conservative administration has to take to make the 11 per cent, or £30 million, reduction in its budget by 2017. I know that all Moray councillors would like to save and enhance the services that they currently supply, but that is not an option.

The independent-Conservative administration undertook a thorough consultation process with the public over several months, and unfortunately library provision was ranked lower than many other services by people in Moray. Although the administration has been criticised for the closure of the libraries, the Labour group agreed to seven of the library closures in February; by September, it suggested that four should close; and, in November, it said that they should all stay open.

At least Labour councillors in Moray offered some input to the budget debate, however. In February, the SNP group said that it had not had enough time or information to make the budget decisions, despite having the same time, access to officers and budget papers as everyone else. The SNP opposed all the library closures but offered no alternatives at all for savings—I take Stewart Stevenson's reasonable point on that issue. Nine months later, the SNP had still not come forward with any savings to save the libraries. Back in February, Stewart Stevenson condemned Moray Council for planning to close seven out of eight libraries in Moray, clearly oblivious to the fact that Moray has 15 libraries, not eight.

The Cabinet Secretary for Culture and External Affairs then intervened, criticising the decisions

that were taken by the council, which prompted the president of COSLA, Councillor David O'Neill, to write to the cabinet secretary, on 16 October, in response to her press release. He stated:

"I was astonished and angry when I saw what you apparently had to say on the matter not only because it is clearly a local matter"—

which is something that we are often told in the chamber.

**Fiona McLeod:** Will the member give way?

**Mary Scanlon:** I am sorry, but I cannot—I have only one and a half minutes left.

The letter continues:

"faced with the finances that your Government and councils have, demand for our services will always outstrip our ability to pay".

Councillor David O'Neill finishes by saying:

"I do not accept that you as a Government Minister, irrespective of your remit, should be involving the Government in something over which you can have only limited knowledge or understanding and is for decision through local democratic and accountable structures."

I agree with COSLA.

Mr Stevenson may also wish to condemn the SNP councillors in Perth and Kinross who have supported cuts to the council's cultural services of £281,000, including library closures. SNP-led West Dunbartonshire Council closed three of its libraries—

**The Deputy Presiding Officer:** Mrs Scanlon, I am afraid that the debate is about Moray library closures. Could you please return to that subject?

**Mary Scanlon:** Yes. At the end of the day, we know that difficult decisions must be made, and Moray Council will save £286,000 annually through the budget savings in the library service.

The area-based review has been set up since that experience. It includes councillors in Moray from every grouping on the council. They are working collectively and collaboratively to achieve the savings that are required over the next few years by looking at service sharing and other initiatives.

I also welcome the campaigners who are in the public gallery today. They have shown great spirit in their campaign and engage with many people in Moray. They are passionate about libraries, and I commend them for it. They can take a great deal of credit and satisfaction from the fact that, because of their efforts, Moray still has 11 out of 15 libraries.

Moray Council has many more difficult decisions to make, but I trust that it has learned from its experiences with library closures and can now move forward, working together as an entire

council to make the best decisions for the people of Moray against the background of ever-diminishing resources and increasing demands. We should all respect local decision making.

17:54

**Joan McAlpine (South Scotland) (SNP):** I add my congratulations to Stewart Stevenson for securing a debate on this important subject. Libraries are vital for many communities throughout Scotland, enhancing social cohesion, supporting and empowering community groups and encouraging lifelong learning. I represent South Scotland, which is a predominantly rural area, like Moray, where the ability to travel long distances, often without the assistance of reliable public transport, determines an individual's quality of life. In communities such as those that I represent, mobile libraries are of great value to people who are, themselves, less mobile.

The people who have been found to be most reliant on those services in various client surveys that have been conducted across the country, such as over-65s and mothers with young children, are already being disproportionately hit by Westminster's austerity agenda and cuts to public services.

A recent library customer survey that was carried out in East Lothian in my region found that 67 per cent of library users were female and that 30 per cent of the total number of customers were over the age of 65. In the light of that, I was alarmed to hear that East Lothian Council, as Moray Council did, is giving consideration to proposals to cut library services—particularly mobile library services—in the area.

**The Deputy Presiding Officer:** Ms McAlpine, as I said to Ms Scanlon, the debate is specifically on library closures in Moray.

**Joan McAlpine:** Right.

Two vehicles serve communities and individuals in the county whose access to libraries might otherwise be limited. The places that are served by those mobile libraries include sheltered housing, old people's homes, suburbs of some towns, farm cottages, villages, rural schools and play groups. Both mobile libraries have a fortnightly route calendar.

There has been no public consultation on the proposals and, as members can imagine, they are causing some alarm in the rural villages of the county. The discontinuation of one vehicle might deliver a saving of £5,000 a year for the council, but mobile libraries have been found to provide a service to the affected communities at a fraction of the cost of static services. Although I accept that in these tough economic times local authorities must

choose carefully how to spend limited funds, I urge authorities such as East Lothian Council and Moray Council to use what resources they have wisely and to protect the most valued services at the heart of our communities.

At a national level, the Scottish Government has strived to do that. In the face of a budget cut of £3.1 billion—or 9.9 per cent—over the current five-year spending review period, it has successfully prioritised and protected our national health service and abolished tuition fees while fully funding a council tax freeze that, by 2017, will have saved the average band D household £1,682. In comparison with the way in which the Scottish Government has been treated by the United Kingdom Government, local government has been treated fairly under the current Scottish Administration. As the Cabinet Secretary for Finance, Employment and Sustainable Growth announced last week, in 2014-15 and 2015-16 the local government finance settlements will be maintained at around £10.6 billion.

**The Deputy Presiding Officer:** Ms McAlpine, I would be grateful if you could return to the subject of Moray library closures before you conclude.

**Joan McAlpine:** The protection of local authority funding has meant that in Scotland we have not yet seen the mass of library closures the likes of which have been ubiquitous throughout the rest of the UK.

A preliminary scoping study that was conducted in March to gauge the extent and impact of local authority efficiency savings showed considerable variety across Scotland, but the position compares favourably with that in other parts of the UK, where closures have been more common. That is to be welcomed, but we must do more to prevent library closures.

**The Deputy Presiding Officer:** Before I call the minister, I remind all members that when members' business debates are on a specific subject, they should stick to that subject, particularly given that people will have come along to hear a debate on that specific subject.

17:58

**The Cabinet Secretary for Culture and External Affairs (Fiona Hyslop):** I, too, congratulate Stewart Stevenson on securing the debate. The motion highlights the many areas in which libraries have a real impact on our lives. For that reason, I think that it is an important issue to cover.

The proposal to close libraries in Moray has been a high-profile one. The council has decided to keep three of the branches open, although it is still shutting four and withdrawing one mobile

service. Ultimately, it is a decision for Moray Council's elected members, but I wrote to the council to express my concern and I urged it to reconsider.

The provision of library services is a matter for local authorities and the Scottish Government has no statutory powers or duties in relation to libraries. However, I point out to Mary Scanlon that some of the budget pressures that are being reflected have come from the allocation from the Conservative and Liberal Democrat coalition in Westminster. The Scottish Government has protected local authority spending in Scotland to such an extent that it is now a higher proportion of our total budget than it was when we came into office. I also point out that the library closures in Moray Council equate to the number for the whole of Scotland in 2012-13, which perhaps gives a perspective on the issue.

The Scottish Government believes that it is vital that adequate library services are provided for the good of communities across Scotland. We support the Scottish Library and Information Council to offer leadership to the sector, and through a partnership with it we have supported the development of the public library quality improvement matrix, as we heard from Fiona McLeod, to help evaluate library services and deliver quality provision that meets the needs of the communities that they serve. I remind Mary Scanlon and the Convention of Scottish Local Authorities that SLIC's responsibility is to inform and advise Government, which it does very well.

Traditionally, public libraries have loaned books. Recent figures from the Chartered Institute of Public Finance and Accountancy show that although loans of books are declining—down by 8.5 per cent—importantly the number of visits remains high at over 28 million per year. Libraries offer us not only books but much more besides, and I want to highlight two areas where they make a particularly significant contribution.

One area is the move to an increasingly online world, to which Rhoda Grant referred. In this digital age, libraries can and do play a pivotal role in helping people to take their first steps into the digital world. The Scottish Government is committed to increasing digital participation, and we are working with partners across the public, private and third sectors to develop innovative programmes that will be responsive to people's needs and offer, where possible, a choice of locations to best support learning requirements. Libraries play an important role in that because they provide equipment and internet access for those who do not have it, and training for those who are unsure of how to go about getting online. People without information technology skills increasingly see the library as a first point of

contact. As the motion recognises, people are increasingly expected to use online services in the UK Government's welfare system.

The Scottish Government's work with SLIC supports libraries to fully engage with the digital participation agenda. The £500,000 annual public library improvement fund has allowed digital projects to be delivered in, around and by public libraries across Scotland, ranging from beginners classes on basic IT to more advanced accredited courses that target all age groups, from the pre-school age—the cyber tots—to our older population of silver surfers. I commend SLIC for its on-going work in that area and its support for the agenda.

The second area where libraries make a significant impact is the development of good literacy skills. The Scottish Government recognises that a successful country requires strong and secure literacy skills. Our literacy action plan highlights the importance of reading as a valued activity from an early age and the benefits of reading in the home. The plan's vision is to improve literacy levels for all, from the early years through to adulthood, and support those with the lowest levels of literacy, breaking the well-evidenced link between poverty and deprivation, and poor literacy skills. That vision will require sustained commitment and continuing action at all levels of government, and support at all points of the education system and wider public services, including of course libraries.

The plan's delivery and impact is being overseen by the standing literacy commission, chaired by the chief medical officer for Scotland, Sir Harry Burns. In September 2012, the standing literacy commission published an interim progress report on the literacy action plan that said about libraries:

"Libraries in Scotland have a key role to play in improving literacy, as well as promoting a love of reading and books."

We support a number of schemes in Scotland that are aimed at encouraging people to read. For example, there is the bookbug, the Scottish Book Trust's early years programme; the play, talk, read campaign, which encourages parents and carers to play, talk and read more with their babies and young children; and, for the second time, book week Scotland, which was successful recently in promoting reading to all ages across Scotland. For the book week, 650 events were held across Scotland, including six in Moray, and Elgin library hosted the prize giving for the October reading challenge with the children's writer, Eleanor Updale.

I am proud to say that with SLIC's support, all local authorities took part in the book week; projects ranged from a film night in Bridgeton in

Glasgow to an evening with Christopher Brookmyre in Saltcoats; Edinburgh central library and Glasgow's Mitchell library hosted pop-up book shops; and Kirkcaldy museum and library had an interactive murder mystery night that was based on the Ann Cleeves novel "The Glass Room", in which performers took on the role of the main suspects. There was something for everyone, both young and old.

The role of public library services in supporting literacy should not be underestimated. Where better to encourage reading than in public libraries, which remain one of the free universal services that operate at the heart of communities across Scotland? In 2012-13, they loaned almost 22 million items and provided over 8 million hours of internet access. Saturday 8 February is national libraries day, and I think that we should all look for opportunities on that day and beyond to promote the work of libraries if we want to show how much their services are valued within our communities.

Interestingly, the Scottish household survey found that reading for pleasure remains the most popular cultural activity in Scotland. It is enjoyed by 63 per cent of the adult population, and a visit to the library is the third most popular type of cultural activity, at 29 per cent, after films and live music. I find it hard to believe that the experience of Moray is an exception to that experience in the rest of Scotland.

Libraries loan almost 22 million items a year, as I have mentioned, and they received more than 28 million visits in 2012-13. A vibrant library service is being delivered in Scotland. We have a great deal to look forward to, with new and innovative services, but they must be there for communities to use them. As Stewart Stevenson's motion recognises, our libraries are something to be proud of, and we should continue to support them.

*Meeting closed at 18:05.*

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