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Pàrlamaid na h-Alba

Official Report

MEETING OF THE PARLIAMENT

Thursday 23 April 2015

Session 4

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Scottish Parliament

Thursday 23 April 2015

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

General Question Time

UK Visas and Immigration

1. Gordon MacDonald (Edinburgh Pentlands)

(SNP): To ask the Scottish Government what relationship it has with UK visas and immigration. (S4O-04234)

The Minister for Europe and International Development (Humza Yousaf): The Scottish Government has regular contact with UK visas and immigration on matters relating to Scotland's interests and priorities. We will continue to press the United Kingdom Government to provide an immigration system that meets Scotland's needs.

Gordon MacDonald: I was contacted by two constituents who required assistance on an immigration issue. As there are no members of Parliament at present, I was approached as a local member of the Scottish Parliament. On contacting UK visas and immigration, I was told the following:

"If they have not already done so, they can contact a Westminster parliamentary candidate during the current pre-election period."

Does the minister agree that that decision undermines our democracy, in that UK visas and immigration is suggesting that constituents contact a member of the public for assistance rather than an elected representative?

Humza Yousaf: Yes, I agree entirely with the member. It is completely unacceptable that any department of the UK Government could demonstrate such a lack of respect for the hard-working members of the Scottish Parliament across the entire chamber. It is essential that our MSPs are able to represent their constituents appropriately.

I call on the incoming UK Government, whoever is in it, to take a respectful approach to Scotland's MSPs and to work with us to best serve the people of Scotland. This is a practical and pragmatic issue, as Gordon MacDonald rightly demonstrates, but it is also about people's lives. People and their families are getting ripped apart because of UK immigration rules, and hard-working MSPs are being completely dismissed by that UK Government department. I agree entirely with the member—it is an affront to our democratic mechanisms and it is completely unacceptable.

Christine Grahame (Midlothian South, Tweeddale and Lauderdale) (SNP): On a point of order, Presiding Officer. It is about respect. There was nobody on the Opposition front benches for general questions, although that has changed now. I think that that is disrespectful to you and to members in the chamber—do you share my concern?

The Presiding Officer (Tricia Marwick): There is no such rule and all the members who wish to ask a question are here in the chamber, which is the priority.

Defibrillators (Funding)

2. Nanette Milne (North East Scotland) (Con):

To ask the Scottish Government whether it will use consequential funding to help provide defibrillators in public places. (S4O-04235)

The Minister for Public Health (Maureen Watt): "Out-of-Hospital Cardiac Arrest: A Strategy for Scotland" was published on 27 March 2015. It is a five-year plan to improve Scotland's response to out-of-hospital cardiac arrests, with the aim of saving an additional 1,000 lives by 2020.

At the Scottish cardiac arrest symposium on 27 March, as well as launching the strategy I announced that £100,000 of health consequentials spending will be used to support the delivery of the OHCA strategy. Work with stakeholders is now in hand to ensure that that funding is used to best effect to strengthen the chain of survival to deliver improved cardiac arrest outcomes.

Nanette Milne: Following the budget, George Osborne announced £1 million for defibrillators south of the border, which will result in an extra £100,000 for the Scottish Government to spend. Will the minister commit to that money being used to help fund defibrillators in public places across Scotland? Will she agree to undertake a review into the siting of defibrillators in public places in Scotland to provide an accurate picture of their availability?

Maureen Watt: I agree with Nanette Milne. I mentioned the chain of survival and that is absolutely crucial. It is not just about the provision of defibrillators—it is about rapid recognition of cardiac arrest; early bystander cardiopulmonary resuscitation response; early defibrillation; effective pre-hospital resuscitation; and advanced post-resuscitation care. I absolutely agree with Nanette Milne—lots of organisations are fundraising and have provided defibrillators, and it is very important that we map where they all are and that the Ambulance Service knows where they are so that it can inform the bystander CPR response.

Nursing at the Edge

3. Malcolm Chisholm (Edinburgh Northern and Leith) (Lab): To ask the Scottish Government what support it will provide to the kind of nurse-led initiatives highlighted in the Royal College of Nursing Scotland campaign, nursing at the edge. (S4O-04236)

The Cabinet Secretary for Health, Wellbeing and Sport (Shona Robison): The Scottish Government welcomes RCN Scotland's nursing at the edge campaign and the excellent work that is highlighted in its report. Nurses have a critical role to play in tackling inequalities by empowering communities and individuals to be involved in decisions that affect their care; helping to assess and address local population health needs; and providing specialist support and intervention, particularly for vulnerable individuals, families and groups.

Wide-ranging work is under way to strengthen that contribution further. We will continue to ensure that we have the right number of nurses in place with the right skills to deliver high-quality care to the people of Scotland, whatever their needs.

Malcolm Chisholm: Does the cabinet secretary agree that, as well as taking general action to deal with inequalities in society, it is important that the health service should have specific initiatives to address the needs of those who are most disadvantaged and vulnerable in society, and that the kind of nurse-led initiatives that the RCN highlights are a very important part of that?

Will the cabinet secretary meet the RCN to discuss how those nurse-led initiatives can be promoted, including discussion of training and research issues, so that the new integration authorities can provide the best services possible to address the health inequalities outcome?

Shona Robison: I meet the RCN regularly, and I am happy to meet it on the specifics of the nursing at the edge campaign and the issues that Malcolm Chisholm has raised.

The new integrated joint boards have a responsibility to look at how they invest to tackle health inequalities in the communities that they serve. There is an important opportunity through integration to do that more effectively. I am happy to meet the RCN and take forward the issues relating to the campaign.

The Presiding Officer: Question 4, in the name of Graeme Pearson, has been withdrawn for understandable reasons.

Rolls-Royce (East Kilbride)

5. Margaret McCulloch (Central Scotland) (Lab): To ask the Scottish Government what

recent discussions it has had with Rolls-Royce regarding its presence in East Kilbride. (S4O-04238)

The Deputy First Minister and Cabinet Secretary for Finance, Constitution and Economy (John Swinney): The Scottish Government's economic development agency Scottish Enterprise is in regular contact with Rolls-Royce. Scottish Enterprise officials most recently met Rolls-Royce at its East Kilbride and Inchinnan sites on 31 March, following the company's announcement of potential job losses at its United Kingdom facilities. The purpose of that meeting was to discuss the implications of the announcement and what support could be provided to reduce any impacts on the company's sites in Scotland.

Margaret McCulloch: The decision of Rolls-Royce to withdraw from East Kilbride and move to Renfrewshire was, as the cabinet secretary knows, meant to secure jobs. Now we know that there will be a wave of redundancies. Will the Scottish Government urge Rolls-Royce to seek an alternative to job losses and to co-operate with the local council in finding a new use for its soon-to-be-vacant site in East Kilbride?

John Swinney: It is important that we recall that the announcement that Rolls-Royce made on 26 March was part of a group restructuring exercise that was previously announced in November 2014 and affects 2,600 Rolls-Royce staff worldwide, so it is not a specifically Scottish issue aside from the short-term point that Margaret McCulloch raised.

Maintaining employment will be at the heart of the representations that the Government makes through Scottish Enterprise to Rolls-Royce, and will form part of our approach to finding mechanisms and interventions that will support employment in Scotland on behalf of Rolls-Royce.

The move to Inchinnan is taking place as was previously announced. The Government will continue to discuss with Rolls-Royce the importance of employment in Scotland, and we will do whatever we can with the support that is available to us to assist the company in undertaking that dialogue.

Finally, Margaret McCulloch raised the issue of the future of the site in East Kilbride. I appreciate the significance of that manufacturing site, and it is important that the company works constructively and actively with South Lanarkshire Council and with Scottish Enterprise to find ways of ensuring that such an important and prestigious manufacturing site is used for further manufacturing activity in future.

Linda Fabiani (East Kilbride) (SNP): I highlight to the cabinet secretary that co-operation is indeed crucial in such situations, and I ask him—yet

again, sadly—to impress on South Lanarkshire Council the idea that co-operation works both ways, and that it would be useful if the council would include all political representatives and parties in the area in the struggle to bring work to East Kilbride through the East Kilbride task force.

John Swinney: It is important that there is co-operation on those points. I am thinking of the experiences that we have had in different circumstances where we have had to deal with employment loss. One example that springs to mind is when we convened the task force in West Lothian to deal with the Halls of Broxburn issue. We invited and welcomed participation from constituency members elected to this Parliament who were party colleagues of mine, but we also included representatives of the Labour Party who were constituency members for the area in Broxburn.

It is important that we try, whenever possible, to work collectively and collaboratively to address difficult circumstances that are affecting members of the public and the uncertainties that come with the loss of employment.

NHS Fife (Meetings)

6. Claire Baker (Mid Scotland and Fife) (Lab): To ask the Scottish Government when it last met NHS Fife and what issues were discussed. (S4O-04239)

The Cabinet Secretary for Health, Wellbeing and Sport (Shona Robison): Ministers and Government officials regularly meet representatives of NHS Fife to discuss matters of importance to local people.

Claire Baker: The cabinet secretary will be aware that the First Minister, in her previous role as health secretary, stated her desire to get bonuses in the health service under control. Earlier this month, following a freedom of information request by *The Scotsman*, it was found that that had not been achieved and that there is continuing use of discretionary awards and discretionary payments—the latter having risen by £3.5 million. I therefore ask the cabinet secretary whether she has discussed bonuses with NHS Fife and whether she is aware of any plans by the board to award such payments.

Shona Robison: Claire Baker will of course be aware that distinction awards, which were paid under the previous Administration, were stopped under this Administration, led by the First Minister when she was Cabinet Secretary for Health and Wellbeing. Discretionary payments are different from distinction awards, as I am sure the member will be aware. That has always been part of the system and it continues to be so. It is important that the member understands the difference

between distinction awards and discretionary payments, but I am certainly happy to write to her to explain that in more detail so that she fully understands the difference.

South Lanarkshire Council (Meetings)

7. Linda Fabiani (East Kilbride) (SNP): To ask the Scottish Government when it last met South Lanarkshire Council. (S4O-04240)

The Minister for Local Government and Community Empowerment (Marco Biagi): Ministers and officials regularly meet representatives of all Scottish local authorities, including South Lanarkshire Council, to discuss a wide range of issues as part of our commitment to working in partnership with local government to improve outcomes for people in Scotland.

Linda Fabiani: The next time that the minister meets South Lanarkshire Council, will he tell it about the successful application by East Kilbride and District Shopmobility for a people and communities fund grant, which the organisation was recently given? Will he impress on the council the particular needs of town centres in new towns when it comes to town centre regeneration?

Marco Biagi: The Scottish Government was pleased to highlight shopmobility when we launched the online town centre toolkit just a few weeks ago. I know that the member has been extensively involved with East Kilbride and District Shopmobility, including helping it at the start of the process to get the PCF grant, which shows the contribution that members can make. I pay tribute to her constant, repeated personal representations to me in the run-up to the announcement. I was pleased that shopmobility received support from the people and communities fund, which is now part of the community empowerment fund, helping groups across the country.

Margaret Mitchell (Central Scotland) (Con): Because of the Raith interchange construction work, Bothwell residents have been subjected to construction lorries parking illegally on the road in front of driveways and have had to put up with excessive dust, dirt and noise. Will the minister confirm whether South Lanarkshire Council has oversight of that part of the construction work? If it does, will he urge it to look into the issues that I have outlined?

Marco Biagi: I urge all councils to respond to issues raised by people living in their areas. I undertake to write to the member with further information once I have had the chance to investigate and to discuss the issues with the council in question.

Ayrshire College (Student Support Funding)

8. Margaret McDougall (West Scotland) (Lab): To ask the Scottish Government what its response is to reports that Ayrshire College is facing a shortfall in student support funding. (S4O-04241)

The Cabinet Secretary for Education and Lifelong Learning (Angela Constance): The Scottish Government is committed to ensuring that students at all colleges across Scotland are supported throughout their studies. Ms McDougall will be aware that, earlier this year, I announced that the estimated £7 million shortfall in student support funding for 2014-15 would be met. Since then, the Scottish Further and Higher Education Funding Council has been working closely with colleges including Ayrshire College to ensure that all students remain financially supported. Going forward, the Scottish funding council will ensure that funding for student support is matched more closely to colleges' estimates of need, and I understand that that will result in an additional 10 per cent, or £900,000, in student support funds for Ayrshire College in 2015-16.

Margaret McDougall: This year, Ayrshire College and other colleges had to cover a shortfall in student support funding by using depreciation funds—money that is not meant to be used for that purpose. Some colleges do not even have that money to spend. The situation simply is not good enough, and students are suffering because of a lack of funding. What assurance can the Scottish Government give that student support will be fully funded next year, so that colleges do not have to use depreciation funds to vire funds from discretionary funds into bursaries, which means that colleges are then unable to meet requests from students—particularly mature students with hardship challenges such as housing costs?

Angela Constance: I had hoped that Ms McDougall would welcome the additional funds that have been made available to Ayrshire College. In addition to the £900,000 being made available in core student support, £320,000 in student support is available for students funded through the European social fund. That is an additional £1.2 million of funding for student support in Ayrshire College, which is now receiving a total of £10.5 million for student support. That is a 47 per cent real-terms increase in student support since 2006-07.

The Scottish funding council has made additional funds available as part of the in-year redistribution process. We will carry out the same exercise for 2015-16, and we will of course look to a longer-term solution.

A valid debate is going on in further education about an entitlement-based system versus a

discretionary system. We are alert to that debate, and we are engaging with the relevant stakeholders.

Chic Brodie (South Scotland) (SNP): It is understood that the reclassification of the college sector by the Office for National Statistics changed the financial reporting rules, resulting in confusion and in the freezing of about £17 million of Scottish colleges' cash budgets. Was the Scottish Government consulted on that change? What is being done to ensure that that money is not lost to the sector?

Angela Constance: Mr Brodie touches on an important point. As a result of the unwelcome ONS reclassification, colleges became subject to two sets of financial reporting rules, and a conflict arose between those two sets of rules, which in effect froze £17 million of cash from budgets. It is not helpful when United Kingdom bodies make changes that have a far-reaching impact on Scottish institutions.

Notwithstanding the change and the challenges that are caused by it, the Scottish Government and the Scottish funding council worked together with the college sector to allow colleges to release those funds to spend on shared priorities. That included putting more money into supporting students financially, which I am sure we can all agree is an imperative for enabling students to complete their studies.

Charter for Budget Responsibility

9. Mark McDonald (Aberdeen Donside) (SNP): To ask the Scottish Government what assessment it has made of the potential impact on the lowest-income households in Scotland of the spending reductions required to achieve the targets laid out in the charter for budget responsibility. (S4O-04242)

The Minister for Local Government and Community Empowerment (Marco Biagi): The three largest parties in the most recent United Kingdom Parliament signed up to the charter for budget responsibility, which commits them to billions of pounds of further cuts in public services and the benefits system in the first years of the next Parliament. We know that the most deprived parts of the UK have borne the brunt of the UK Government's austerity programme. With child poverty organisations warning that an additional 100,000 children in Scotland could be living in relative poverty by 2020—after housing costs—because of UK Government welfare reforms, it is essential that we adopt an alternative approach to cutting the deficit, as advocated by the Scottish Government.

Mark McDonald: Does the minister agree that we cannot sustain further austerity, which results

in those with the least being hurt the most? Does he share my belief that we need to see a commitment to public spending increases, which would ensure that we can help those who need it most and get our economy working to its full potential?

Marco Biagi: I agree that modest increases in public spending would still see the deficit come down year on year. That approach would also ensure that the ideological cuts that have prolonged the recession can be replaced by an investment in recovery.

First Minister's Question Time

12:00

Engagements

1. Kezia Dugdale (Lothian) (Lab): This is my first opportunity in the chamber to pay tribute to Tom McCabe, who made such a contribution to the Parliament and to Scotland. I know that I speak for the whole chamber when I say that he will be sorely missed by members of all parties.

To ask the First Minister what engagements she has planned for the rest of the day. (S4F-02736)

The First Minister (Nicola Sturgeon): I, too, take the opportunity on behalf of my colleagues to pay tribute to the late Tom McCabe. He was the first member to be elected to this Parliament in 1999. He was a distinguished member and minister. Above all else, he was a fantastic human being. He will be missed across the chamber, not least by his Labour Party colleagues. He will be particularly missed by his family. Our thoughts and condolences are with them at this time.

Later today, I have engagements to take forward the Government's programme for Scotland.

Kezia Dugdale: Today's *Edinburgh Evening News* exposes the Scottish National Party's parliamentary candidate for Edinburgh South, Neil Hay, as an anonymous troll who described the majority of Scots as traitors. I am sure that the First Minister will rightly condemn that. I note that Mr Hay has apologised, but that is not enough. Will the First Minister sack Neil Hay as the SNP's candidate?

The First Minister: First, Kezia Dugdale is right: I condemn the language used and the comments made, as I always do when anyone steps out of line on Twitter, Facebook or any other medium. Neil Hay has rightly apologised. Given that we face an election two weeks today, it is up to the voters to decide.

I wonder whether Kezia Dugdale agrees with me that it is important that we all condemn intemperate statements on Twitter, regardless of where they come from. On 4 April, a senior Labour activist described the SNP as "Fascist scum". For completeness, will Kezia Dugdale tell us what action Labour took against that activist?

Kezia Dugdale: If the First Minister had told me who that was, I would have been delighted to respond. [*Interruption.*] No, hang on a second—she has not spelled out exactly who that was. I take the matter very seriously. I will talk to her after First Minister's questions, because it would

be hypocritical of me not to react to what she says and I will do so with due consideration. I hope that she will take that seriously.

The First Minister's condemnation of Neil Hay is welcome, but it does not go far enough. We are talking about a man who is categorically challenging the right of pensioners to vote. [*Interruption.*] I am afraid that he is—just look at the detail of his tweets. I encourage the SNP back benchers to take just a minute to look at what he said. He is challenging the right of pensioners to vote in the general election.

In recent weeks, the First Minister has had to apologise to victims of online abuse by her supporters. She has apologised to James Cook of the BBC, to Faisal Islam of Sky News and to a young television debate audience member who happened to say that she liked what the Labour Party had to say. Rather than simply empathising with the victims, she needs to show leadership and take on the perpetrators. That should start with the sacking of Neil Hay.

It is clear that the First Minister has a problem with words. Her candidate in Edinburgh calls more than half of Scotland's population traitors. At the last First Minister's questions, Nicola Sturgeon could not even bring herself to utter the words "full fiscal autonomy". I know that she does not agree with the assessment of the Institute for Fiscal Studies—earlier this week, she described it as "academic". Will she confirm when the SNP will publish its own costings of full fiscal autonomy for Scotland?

The First Minister: Bear with me while I try to work my way through that diatribe of utter nonsense from the Labour Party.

I find myself wondering, two weeks out from polling day, whether we will ever get to a stage in the campaign when Labour tries to give the Scottish public a single positive reason for voting for it. Is it ever going to move on from "SNP bad"? Perhaps Labour should reflect on the fact that it is such conduct and behaviour that is leaving it lagging in the opinion polls.

As Kezia Dugdale outlined quite well in the first part of her rather complex question, I lead by example when it comes to calling out behaviour that I consider to be unacceptable, and I will always do that, regardless of who that unacceptable behaviour comes from. In the case of Neil Hay, I am doing it today. He has apologised and the voters get the chance to cast their verdict two weeks today.

In direct response to Kezia Dugdale's question, the senior Labour activist to whom I was referring is Ian Smart. He appears regularly on television for Labour, putting across the Labour case. He described us as

"The heirs of Arthur Donaldson ... Fascist scum then. Fascist scum forever."

That was on 4 April. It was not the first time that he has made such remarks. Again, before Kezia Dugdale lectures me on what she expects me to do about SNP members, I politely suggest to her that she puts her own house in order.

On Kezia Dugdale's point about full fiscal autonomy—there, I have said it—Scotland's fiscal position, when we become fiscally autonomous, will depend on a number of things. It will depend on our economic performance between now and then. It will depend on the detail of a fiscal framework that will be agreed to determine Scotland's contributions to continued reserved responsibilities. It will depend on the treatment of taxes that, under a devolved settlement, cannot be devolved, such as VAT and excise duties. However, as I go round the country talking to voters, that is not what they are asking me about. They are asking what is going to happen now, this year, next year and the year after, and I am able to tell them that I want real-terms spending increases in every year of the next Parliament. Labour is boasting that it will make cuts, so perhaps Kezia Dugdale will take the opportunity to tell us today how many cuts, how many billions and where the axe is going to fall under Labour.

Kezia Dugdale: The difference is that Neil Hay passed the SNP's vetting procedure. Neil Hay is on the ballot paper. [*Interruption.*]

The Presiding Officer (Tricia Marwick): Order.

Kezia Dugdale: I take what the First Minister has said about Ian Smart very seriously indeed, but Neil Hay is on the ballot paper, and I will not take any lectures from the First Minister about the conduct and behaviour of SNP activists.

On the issue of full fiscal autonomy, it is quite clear that the First Minister did not like the question, but she owes the people of Scotland an honest answer, because we know that the SNP's plans to cut Scotland off from United Kingdom-wide taxes would mean an end to the UK state pension for Scotland. Here is the thing. On page 5 of the SNP's manifesto, it claims to back UK-wide taxes such as the mansion tax, yet on page 11 it supports ending UK-wide taxes. It beggars belief.

We know that the SNP's plans for full fiscal autonomy would mean massive austerity, but we know that the plan for UK-wide spending would mean the same, because this morning the impartial experts at the IFS said that the SNP will impose austerity for longer than any other party and that, under the SNP, the block grant for Scotland will be cut. Can the First Minister tell us why she wants to keep austerity going?

The First Minister: It is genuinely quite difficult to take Labour or Kezia Dugdale seriously when they come to the chamber and utter phrases such as, “The SNP wants to end the state pension.” That is not just insulting the SNP; that is insulting the intelligence of every person in the country. If anybody wants a reason, crystallised in a nutshell, why Scottish Labour is dying before our very eyes, there it is.

I will continue to campaign in this election on a clear, consistent position. I do not want to see cuts over the next Parliament. I want what it says in the summary of the IFS report that was published this morning—increases in real terms in spending in each and every year. That is my position.

Since this Parliament last met, we have seen Labour trying to pretend that it did not want cuts in Scotland, only to be slapped down by its bosses from Westminster, who said, “No, there will be cuts.” Does Kezia Dugdale want to take this opportunity to come clean and tell us how much the cuts will amount to under Labour and where the axe is going to fall? Those are the questions that we are still waiting on an answer to.

Kezia Dugdale: The First Minister swiftly passed over this morning’s news from the IFS, but it is very serious news indeed for the SNP. It says that the SNP is offering to spend less than Labour, and that it wants austerity to last longer than any other party does. That is what it says. She needs to read the detail of the report.

The truth is that the First Minister can dismiss some of the experts some of the time—*[Interruption.]*

The Presiding Officer: Mr Bibby, Mr Smith.

Kezia Dugdale: —but she cannot dismiss all of the experts all of the time. The IFS says that the SNP’s rhetoric does not match the reality of its plans for continued austerity.

The truth is that, whatever the First Minister is calling it, full fiscal autonomy is a bad deal for Scotland. It is not autonomous, it is not responsible and, after this morning, we know that it simply is not credible. The SNP can change the name of its policy, but it cannot change the facts. Does she still think that billions of pounds of cuts to Scotland’s schools and hospitals really are just “academic”?

The First Minister: What a total and utter ramble that was.

I have said repeatedly—I will say it again today—that I want to take longer to eliminate the deficit than other parties do. That is because I want us to have the ability to invest more in our economy, in our public services and in lifting people out of poverty. That is a clear difference

between my party and the other parties that are represented in the chamber.

The IFS report that was published this morning is full of assumptions and speculations. I will give members three points on which it gets the SNP’s plans wrong. First, it gives no credit for any increases in revenue from the tax rises that we are proposing. Secondly, it gives no credit for the increased revenue that we would receive from cracking down on tax avoidance—ironically, the report credits the SNP with being the only party not to simply make up figures on tax avoidance, but, unfortunately, it then credits the other parties with their made-up figures.

The fundamental misassumption at the heart of the IFS report is this: it assumes that the SNP would cut borrowing by 2019-20 to 1.4 per cent of gross domestic product. That is not our plan. Our plan is for borrowing in that year to be 1.6 per cent of gross domestic product.

Those are the misassumptions in the IFS report. However, one of the first pages in the summary of the IFA’s report states that the SNP

“would increase total spending in real terms in each year”.

That is our position. We know from Labour—we know it from Ed Miliband, we know it from Ed Balls and we now even know it from Jim Murphy—that Labour would impose additional cuts. That is the choice that people in Scotland have to make. They can have spending increases with the SNP or cuts with Labour, and the polls are beginning to suggest which one they would prefer.

Prime Minister (Meetings)

2. Ruth Davidson (Glasgow) (Con): I would like to add my condolences and those of my party to the McCabe family. I knew Tom McCabe from the other side of the fence, and interviewed him when I was a journalist. He always struck me as a very strong Labour man, but as being fair in his dealings with everyone. He was the very best of parliamentarians, and he will be missed.

To ask the First Minister when she will next meet the Prime Minister. (S4F-02734)

The First Minister (Nicola Sturgeon): I have no plans in the near future.

Ruth Davidson: On Tuesday, the Scottish Government finally U-turned on its misguided plan to scrap corroboration. It brought to a close one of the most shameful episodes in this Parliament’s history.

Last year, when legitimate concerns were raised, the former justice secretary dismissed them as being part of a unionist conspiracy, and accused opponents of, in his words,

“selling out the victims of crime.”—[*Official Report*, 27 February 2014; c 28376.]

Today, Lord McCluskey—the former Solicitor General—writes that concerns within the Scottish National Party’s own ranks were silenced for fear that they would upset the independence referendum campaign. He adds:

“The way in which the SNP government handled this whole matter rings alarm bells for anyone concerned about democracy in Scotland.”

I agree. Does the First Minister?

The First Minister: No, I do not. I am not sure whether Ruth Davidson has ever tried to silence Christine Grahame, but in my experience that is simply not possible.

Ruth Davidson raises an important issue that deserves to be treated seriously and substantively. The SNP Government put forward the proposal to abolish the general requirement for corroboration for a very good reason. I suspect that this objective is shared across the chamber: we want to see more people who commit crimes in private—crimes such as sexual assault and rape—brought to trial and, if found guilty, brought to justice. That is our motivation, and it is a good, sound motivation that I think everybody would agree with.

The former justice secretary listened to the concerns that were being raised, which is why he asked Lord Bonomy to carry out the work that he has now carried out. Lord Bonomy produced his report on Tuesday, and I take the opportunity to thank him and his team for the work that they have done. They have recommended a range of changes to the justice system that they think should go ahead if corroboration is to be abolished. The current justice secretary has, rightly and properly, decided that we need to pause and consider those reforms, such is their substantive nature and the way in which they would change the justice system, in the round and in an holistic way.

I take the view that the SNP Government has handled the matter appropriately and correctly. Also, because of the position that we are now in, we can evidence that the concerns that have been raised have not been swept aside; on the contrary, they have been listened to and acted on. The Government and the Parliament now have the time to look at those issues in the round. I think that that is a good outcome that members across the chamber should welcome.

Ruth Davidson: Those who raised concerns had sound motivations, too, and they were publicly traduced in this chamber by an SNP minister. The First Minister’s problem is that this is not an isolated case. There is a pattern of a majority SNP Government steamrolling through its plans

without paying any heed to rational and reasoned argument. That has happened not just on corroboration but on offensive behaviour at football matches. Worst of all, it has happened in relation to the named person legislation, which imposes a state-appointed guardian on every child and young person, stripping resource from those who need it most and interfering in everyone’s family life.

The First Minister has already delivered a U-turn on her predecessor’s plans on corporation tax and she has U-turned on the creation of a new women’s super-prison. She has now done the right thing and U-turned on corroboration. Families are asking her whether she will do the right thing on named persons and U-turn on that, too.

The First Minister: Ruth Davidson has just demonstrated why some people out there in the general public have become so cynical about politics and politicians. When a Government presses ahead with a plan, that is described as steamrolling, and when we take the chance to listen, reflect and admit that we might not have got everything right, that is described as a U-turn. What we have done is actually the responsible and sensible thing.

Ruth Davidson’s characterisation of the SNP Government’s approach to the issue of corroboration is simply not borne out by the facts. If we had been determined to push ahead regardless of the concerns that had been raised, corroboration would have been abolished by now. That would already be law, and the fact that it is not proves that we have taken the time first, under Kenny MacAskill, to set up the Bonomy review and now, under Michael Matheson, to act responsibly on that review.

On the named person issue, Ruth Davidson cannot go on describing things that have been democratically passed by a majority of the Parliament as being somehow against the democratic wishes of the country just because she does not agree with them. The named person legislation is about making sure that we are doing everything in our power to protect vulnerable children. I stand by that legislation and will continue to stand by it. I will also continue to lead a Government that does everything in its power to ensure that the most vulnerable children in our society have the protection that they deserve.

Stuart McMillan (West Scotland) (SNP): The First Minister will be aware that around 90 jobs are threatened at the DBApparel Playtex factory in Port Glasgow. The company has been based there for many decades, and the workforce was told last week about its potential future. What action can the Scottish Government take to try to save those jobs and assist the workforce in Port Glasgow? Can the First Minister assure me that

representatives of the Scottish Government, its agencies and the partnership action for continuing employment team will be on hand to assist those who are affected?

The First Minister: Like Stuart McMillan, I am very concerned to learn of potential redundancies at the DBApparel factory in Port Glasgow. I know that this will be an incredibly anxious time for the company's employees and their families. Our thoughts are with them at this difficult time.

I give the chamber the assurance that Scottish Enterprise is already engaging with the company and exploring all possible avenues for support. PACE support has been offered to the company for any employees who might be affected by redundancy. That support will continue to be available.

I assure Stuart McMillan that the Government and its agencies will do everything that we can to provide the support that is needed, both to the company and to any employee who might be affected by a redundancy situation.

Unemployment

3. Gavin Brown (Lothian) (Con): To ask the First Minister for what reason unemployment has increased in Scotland. (S4F-02751)

The First Minister (Nicola Sturgeon): Unemployment is down by 14,000 over the past year and is now 70,000 below its recession peak in 2010. It is up over the last quarter, in part because more people are moving into the labour market who previously were not looking for work.

Labour market participation—those who are in work or actively seeking work—has now reached an all-time high, at just under 3 million. That increase comes as last week's gross domestic product figures confirm that the Scottish economy continues to grow. As demand grows and more people understand that there are job opportunities to be had, more people enter the labour market.

Gavin Brown: I am not sure that the First Minister's answer fully responds to the question. The United Kingdom as a whole saw a significant decrease in economic inactivity and unemployment, while Scotland saw a decrease in economic inactivity but an increase in unemployment. What is the First Minister's explanation for the difference?

The First Minister: First, my answer directly addressed the question. The question was "for what reason has unemployment increased in Scotland", and I gave a direct answer to that.

Our employment rate is higher than the UK's employment rate and our inactivity rate is lower, so we are performing well when it comes to

employment. What the recent increase in unemployment says, though, is that there are more people coming into the labour market, which means that we have to continue to work with our partners and agencies to ensure that we are helping those people into work. We will continue to do that.

The overall trends in the Scottish economy are positive and we should not try to suggest otherwise. As more people see that there are opportunities in the economy, more people will come into the labour market looking for work and we will continue our efforts to support them as best as we can.

As well as the work that the Cabinet Secretary for Finance, Constitution and Economy does, we now have the Cabinet Secretary for Fair Work, Skills and Training. That absolutely demonstrates the determination of this Government not only to support people into employment but, once they are in employment, to ensure that they are paid decent wages and have fair work. We will continue to focus on that very hard indeed.

Mark McDonald (Aberdeen Donside) (SNP): Does the First Minister agree that the austerity agenda proposed by Mr Brown's party and signed up to by the Labour Party would have a negative impact on the economy and would hinder efforts to get more people into work in Scotland?

The First Minister: In a sense, we do not have to look to the future to know that; we know that from the experience of the past five years. Economic experts—

Ruth Davidson (Glasgow) (Con): There has been a rise in unemployment.

The First Minister: Well, one economic expert, from the University of Oxford, was quoted yesterday saying that austerity over the past five years has held back economic growth. That is a fact borne out by the views of economic experts right across the country.

My argument is simple: if we have fiscally responsible spending increases instead of cuts over the life of the next Parliament, we can invest—not just in protecting our public services and lifting people out of poverty but in the kind of things that get our economy growing faster. That has to be good for everybody across the country.

Child Sexual Exploitation

4. Christina McKelvie (Hamilton, Larkhall and Stonehouse) (SNP): To ask the First Minister what action the Scottish Government is taking to investigate current and historical child sexual exploitation. (S4F-02735)

The First Minister (Nicola Sturgeon): Child sexual exploitation is an abhorrent crime and has

a devastating impact on its victims and their families. All children and young people have the right to be cared for and protected from harm and to grow up in a safe environment.

In November last year, we published the national action plan to tackle child sexual exploitation. It sets out a range of actions for the Government and its partners, including the establishment of Police Scotland's national child abuse investigation unit, which was launched this week. The unit will provide specialist support to complex and serious child abuse investigations, including cases of child sexual exploitation.

That diverse range of work, which we are undertaking in collaboration with partners across the country, will help to ensure that incidences of child sexual exploitation are identified and acted on and that perpetrators are brought to justice.

Christina McKelvie: The First Minister will know that, for victims, to be believed and to have trust in the system are paramount. Will she reassure the victims groups and the individuals I have worked with that the police and the support services stand ready to ensure that victims receive the correct support to secure the justice that they so badly desire?

The First Minister: I give that assurance. The safety and protection of children is essential. It enables them to reach their potential, and we are absolutely committed to doing whatever we need to ensure that that happens for all our children.

The Government continues to work in partnership with Police Scotland and the Crown Office and Procurator Fiscal Service to do all that we can to give people who have been exploited, abused or harmed trust in the system so that they can come forward to tell what has happened to them knowing that they will be listened to and with the confidence that, where there has been criminal activity, it will be investigated and prosecuted appropriately.

That is why we have supported the establishment of the national child abuse investigation unit. A glance at some of the appalling stories of sex offences committed against children that appear in our newspapers demonstrates the need for that unit. It also shows that our approach of supporting a national sex crimes unit in the Crown Office is working because that makes a difference in successfully prosecuting those heinous crimes and working to keep our children safer.

We will continue to do everything that we can to ensure the safety of our children, which must be one of the most important responsibilities not only of any Government but of any society.

Iain Gray (East Lothian) (Lab): Yesterday evening, the Cabinet Secretary for Education and Lifelong Learning wrote to members to tell them that the announcement of the chair, panel and remit of the public inquiry into historical child abuse will be delayed until next month. We all want to get that right, but the First Minister must understand that the delay will damage the fragile trust that survivors have in the process. Will she give us a guaranteed date for the announcement to help to allay those survivors' concerns?

The First Minister: I hope that Iain Gray takes this as a genuine request for his co-operation. If we all work together across the political boundaries in the chamber, we can make sure that our efforts to get the process right do not damage the trust of those who have the biggest interest in the inquiry.

As Iain Gray said, Angela Constance wrote to members last night to say that there will be a slight delay in the announcement of the terms and chair of the inquiry. The only reason for that is that we are determined to get those things right because it is important to the victims of abuse that we get them right and that they get the opportunity to have their experiences recounted and recorded and to have the sense that they have the justice that they are looking for.

Please—this is a plea to everybody in the chamber—hold the Government to account by all means, but let us not divide on the issue. Let us make sure that we work together to ensure that the process builds trust and confidence and does not help to undermine it.

Crime Statistics (Recording)

5. Elaine Murray (Dumfriesshire) (Lab): To ask the First Minister what the Scottish Government's response is to recent reports that police officers are manipulating the recording of crime statistics by using their discretionary powers to prevent reported incidents being recorded as crimes. (S4F-02745)

The First Minister (Nicola Sturgeon): Recorded crime in Scotland is subject to independent, rigorous and transparent inspection and regulation that involves scrutiny by the national crime registrar, the Scottish Police Authority and Her Majesty's inspectorate of constabulary for Scotland.

In November 2014, Her Majesty's inspectorate published its largest independent audit to date of police incident and crime recording decisions. That audit found that Police Scotland's own auditing of crime recording is good.

Elaine Murray: Unfortunately, the Scottish people do not seem to have confidence in Police Scotland's crime statistics. A recent survey by the

Scottish Police Authority reports that three quarters of respondents do not believe the Scottish Government's assertion that crime in Scotland is falling.

In the light of the reports in the press at the weekend, will the First Minister ask Audit Scotland to undertake, as a matter of urgency, an investigation into the accuracy of recorded crime statistics, so that victims of crime can be confident that the crimes that they report are not being downgraded to meet crime statistics targets? Is that another MacAskill mess that his successor will be forced to try to rectify?

The First Minister: I took time in my original answer to set out the inspection and regulation that recorded crime is already subject to in Scotland. I thought that it would have been a reassuring answer for Elaine Murray, but clearly it was not. Anyway—let me have another go.

People contact the police for a variety of reasons, which generally results in an incident being created on the command and control incident management system. Many incidents—for example, assisting the public and crime prevention activity—are recorded but do not result in a crime report being raised. That longstanding practice is routine—it is legitimate and it is completely in line with what other police forces do.

Interestingly, part of the audit that I referred to earlier looked at non-crime-related incidents—incidents that are reported to the police but which never result in a crime report. The audit found that the vast majority—87 per cent, to be precise—of the more than 1,200 such incidents that it sampled had been classified correctly. Only a minority—6 per cent—of the incidents that had not been classified correctly related to a crime clearly being committed but no crime report being traced.

I would have thought that the view of Her Majesty's inspectorate, which in the audit described the recording of crime and incident decisions as "good", would be sufficient for Elaine Murray. We will continue to ensure that those matters are robustly scrutinised, because the general public—this is where I agree with the member—have the right to know that and to have confidence in the system.

Food Banks

6. Clare Adamson (Central Scotland) (SNP): To ask the First Minister what the Scottish Government's response is to figures from the Trussell Trust suggesting that the number of people in the United Kingdom relying on food banks is expected to pass 1 million. (S4F-02738)

The First Minister (Nicola Sturgeon): The number of people experiencing food poverty is increasing, which is utterly unacceptable in a

country as prosperous as ours is. The Trussell Trust figures continue to show that the most common reasons for people using food banks are benefit changes and delays, and low income. The UK Government must take responsibility for the impact of its welfare reform—or welfare cuts, as I prefer to call it—programme.

We are investing almost £300 million, including £1 million over the next two years to combat food poverty, to help those who are most affected by the changes. However, if we want to see a reduction in people being forced to rely on food banks, we need a party that will seek to reverse the undoing of our social security system and will not continue to rip it apart. That is what my party wants to do.

Clare Adamson: Does the First Minister agree that—with mounting evidence from the third sector and from front-line professionals that the austerity policies of the UK coalition Government have had a devastating and appalling effect on the most vulnerable people in our society—the way to achieve a progressive alternative is to vote Scottish National Party on 7 May? [*Interruption.*]

The Presiding Officer: Order.

The First Minister: Labour members seem to be getting quite excited at the prospect of voting SNP on 7 May. Maybe more are going to do it than even we expected.

The austerity agenda that the coalition parties have presided over and want to continue, and the cuts that Labour clearly wants to continue, will drive more and more people to food banks. We know that if the Tories get their way, the worst welfare cuts are still to come. I want to see an alternative to that. I do not believe that it is right that we continue to see some of the most vulnerable people in our society being driven into poverty. That is why I want a reversal of the cuts and why I want modest spending increases, and it is why this Government will continue to prioritise getting more and more people on to the living wage. We will keep doing that and we will keep standing up against the cuts that would make matters worse.

DG Food and Drink

The Deputy Presiding Officer (John Scott):

The next item of business is a members' business debate on motion S4M-12801, in the name of Joan McAlpine, on DG food and drink. The debate will be concluded without any question being put. I invite those who wish to speak in the debate to press their request-to-speak button now or as soon as possible.

I invite members and, indeed, members of the public who are leaving the chamber to please do so quickly and quietly. I call Joan McAlpine, who has seven minutes.

Motion debated,

That the Parliament understands the importance of food and drink to the Scottish economy; believes that the Year of Food and Drink 2015 is a chance to spotlight, celebrate and promote Scotland's natural produce; considers that food and drink are an important part of Scottish cultural identity and heritage and are key strengths in promoting Scotland as a holiday destination; recognises as an example of best practice the collaborative activities between food businesses, organisations and the public sector across Dumfries and Galloway to raise awareness of the economic importance of food and drink production in the region; congratulates DG Food and Drink and Dumfries and Galloway Council on developing and launching Scotland's Artisan Food Trail, a new tourism trail to encourage food tourism during the Year of Food and Drink and beyond; congratulates the food and drink industry in Dumfries and Galloway for embracing the opportunities presented by the Year of Food and Drink, and looks forward to seeing Dumfries and Galloway increasingly recognised across Scotland and beyond as a food tourism destination.

12:34

Joan McAlpine (South Scotland) (SNP): I am delighted to speak in this debate, which will highlight the opportunities and achievements of the 2015 year of food and drink.

Scotland's larder is a vital part of our economy and is central to our heritage and cultural identity. Food tourism, which I will talk about, brings together those different strands in promoting food as a visitor experience and enriching Scotland in a variety of ways. I want to talk about some examples of how the sector in Dumfries and Galloway has been making the most of the themed year.

Food and drink generate £43.52 million locally, and they employed 964 people in full-time or part-time jobs in 2012. The region is, of course, a major beef producer and accounts for a large volume of Scotland's dairy output. This week, MSPs had the chance to enjoy the superb produce from the south-west when catering students from Dumfries and Galloway College took over the members' restaurant. The college is expanding its catering division, which again reflects the potential of the

industry not least in creating jobs and offering apprenticeships.

Recognition of the sector's importance has resulted in the creation of DG food and drink, which is led by the marketing expert Lorna Young. DG food and drink is a business information and support service that is provided on behalf of Dumfries and Galloway Council and which caters for all aspects of the industry, from production to retail and hospitality.

One aspect of that support is Scotland's artisan food trail. The trail is financed with £15,000 from the council and £15,000 from the Scottish Government's community food fund, which is designed to support local initiatives. The Dumfries and Galloway food trail will be launched next month. A website and a database of food-related businesses, events and experiences are included. Other DG food and drink initiatives for the industry include a website to promote farmers markets, which, to use a food metaphor, have mushroomed in recent years. Next week, the regional tourism conference in Dumfries and Galloway will highlight the sector's potential as a visitor attraction and encourage local tourism businesses to use local produce.

DG food and drink is also building up the sector's ability to market itself. Last week, it funded an event that taught skills in the highly specialised area of food photography.

The challenge for anyone who embarks on a food and drink-inspired holiday in Dumfries and Galloway is, of course, what to miss out. There are just too many businesses on the list to name them all. If members pardon the pun, I will give them just a taster of what is on offer.

Kilnford is a large mixed farm at Ingleston that is famed for its grass-reared belted Galloways, blackface sheep and free-range pigs. It has a farm shop with a famous delicatessen as well as a restaurant and a nature trail, which attract visitors from miles around.

Barony Country Foods was established in response to growing customer demand for high-quality rainbow trout and venison from Barony College's deer and trout farms. The business now offers a wide variety of fish, poultry and game and operates a traditional Scottish smokehouse. All the produce can be bought online.

Similar added-value businesses can be seen in the dairy sector. Cream o' Galloway offers a very attractive visitor experience alongside its delicious product, as indeed does Drummur farm ice cream parlour in the village of Collin, which is just outside Dumfries. There is also the award-winning Criffell cheese from Loch Arthur, made by residents of the Camphill community, which has its own dairy, bakery and brand-new farm shop.

I could add several chocolatiers, including the extremely creative Abbots in Langholm and Liz Cole in Moniaive, who makes the world's first tartan chocolate. That chocolate can be purchased in the Scottish Parliament gift shop.

Scotland's newest whisky producer, the Annandale Distillery, is just outside the town of Annan. After the distillery closed in 1918, it lay derelict, as many distilleries did, until it was lovingly restored by the international marketing entrepreneur Professor David Thomson and his wife Teresa. The building is of considerable architectural significance, and the Thomsons have spent £10.5 million turning it into a quality visitor attraction. Its single malts honour two local sons. Robert Burns, who was an exciseman in those parts, inspired the Man o' Words single malt, and Robert the Bruce, who was Lord of Annandale before he was King of Scotland, inspired the more peaty Man o' Sword. The distillery's location makes it the first in Scotland, and it will act as a gateway to Dumfries and Galloway. I respectfully suggest to the cabinet secretary that he visit that distillery. He would find that a very satisfying experience and perhaps a great way to start off the food trail.

Although whisky is our best-known spirit, the artisan food trail will also feature beverages that are less commonly associated with Scotland. For example, in Langholm, Waulkmill produces a 100 per cent Scottish craft cider from traditionally grown apples and pears. Like other small cider producers, that business plays a vital role in preserving ancient orchards and apple varieties. It also offers delicious day courses in cider making via the do something delicious website, which highlights food experiences and gives consumers right across the UK the opportunity to purchase them.

However, as with other craft-cider producers, Waulkmill is under threat, despite the best efforts of local and national Government here in Scotland. The United Kingdom currently has a duty exemption for small-scale cider producers that dates back to the time of Chancellor Denis Healey. However, the European Union now wants the UK to drop that exemption, which could put many of those cider producers out of business. In fact, considerable concern about the proposal has been expressed by craft-cider producers. As members might imagine, they are concentrated in the west country of England, but the move will clearly affect Scotland as well.

DG food and drink believes that the UK Government could fight the EU proposition by highlighting the fragile, traditional and localised nature of craft-cider production in its response to the EU, which I understand will be submitted quite soon. Anything that the cabinet secretary can do

to help by pointing out to the Treasury that Scotland is also affected by the ruling will certainly be most welcome in Dumfriesshire—although I realise that the Scottish Government cannot influence the matter, given that Scotland is not a member state of the EU. In the meantime, however, Waulkmill is still open for business in Langholm, producing cider vinegar and apple juice as well as the strong stuff, and it is well worth a visit by people making their way along the artisan food trail.

In conclusion, I again congratulate DG food and drink and Dumfries and Galloway Council and wish them well in their work with the region's food producers. Now that we are planning summer holidays and short breaks, I urge everyone to consider heading south in this special year to enjoy a taste of Dumfries and Galloway.

12:42

Elaine Murray (Dumfriesshire) (Lab): I congratulate Joan McAlpine on securing the debate and giving us the opportunity to celebrate and promote some of Dumfries and Galloway's greatest assets.

Savour the Flavours was very successful in promoting local food and drink in Dumfries and Galloway during the period of its operation from 2009 to 2013, and I and others were very concerned when the organisation did not feel able to apply for a continuation of its contract with Dumfries and Galloway Council. I met the council and other representatives, and a number of members met the cabinet secretary himself, to try to seek a resolution that would have enabled the organisation to continue to operate, and I was sorry when the problems were not resolved.

However, the drive to capitalise on Dumfries and Galloway's wealth of fine food and drink has continued under the successor organisation, DG food and drink. Together with Dumfries and Galloway Council, it has developed a £30,000 project to encourage food tourism during the year of food and drink 2015, with £15,000 of the funding being provided by the council and the other £15,000 coming through the community food fund.

Dumfries and Galloway is, of course, already famous for its food and drink. We have some major players, including Pinneys of Scotland in Annan, which is a subsidiary of the Seafood Company and has an exclusive contract to produce all the seafood products sold by Marks and Spencer. Arla Foods UK, a farmer-owned European dairy co-operative that involves 3,000 British farmers, has based its Scottish factory outside Lockerbie, where it processes 180 million litres of fresh milk, 30 kilotonnes of cheese and 10

kilotonnes of butter per year, with the cheese and butter being marketed under the Lockerbie Creamery brand.

Joan McAlpine mentioned Cream o' Galloway ice cream, which is well known both within and outwith Dumfries and Galloway. For several years now, Mr and Mrs Finlay have developed a visitor attraction linked to their ice cream and cheese production. Established in 2004, Uncle Roy's Comestible Concoctions are produced in Moffat and are now sold around the world. Many other producers that might be less well known but which are equally excellent include Abbotts Chocolates, whose products are hand made in Langholm; the tartan chocolates that are sold in the Parliament shop, which are made in Moniaive; bespoke cakes that are produced in Dumfries; By Heck! preserves, which are produced just outside Lockerbie; the Damn Fine Cheese Company—which is what it calls itself; it is not me getting excited about it—in Thornhill; Waulkmill cider, which Joan McAlpine mentioned and which is from Langholm; The Little Bakery in Heathhall; and Wee Sweetie, which I believe is home based in Dumfries.

Those are just a few of the traders that are involved with DG food and drink. What could be better than enjoying those products in their region of origin while appreciating the countryside and the mild climate that contributes to the quality of many of them by having a beneficial effect on the raw materials that go into them?

Many products are available through the network of farmers markets that are held regularly across the region—the dates can be found on the dgmarkets website—and in the shops, restaurants and cafes in our towns and villages. Joan McAlpine described one of those, which is probably only about a mile from my house and is one of my favourite places to buy food.

The food trail project, which is to be launched in the near future, builds on existing strengths. The most popular visitor attractions in the region are all food and drink producers and they will feature on the main food trail, along with the artisan and microbusinesses that are less well known at a national level, but which provide opportunities for new-start enterprises. Local food festivals and events are being promoted, and a series of photography workshops is taking place this week to ensure that food and drink tourism businesses can advertise their wares as effectively as possible through traditional and social media.

All that requires collaborative working among the private sector, the public sector, community groups, industry groups and events organisers. The ability to work collaboratively is another strength of Dumfries and Galloway's food and drink sector.

I congratulate Lorna Young of DG food and drink on her work in organising the project, and I wish the food trail every success during this year of food and drink.

12:46

Alex Fergusson (Galloway and West Dumfries) (Con): I am delighted that Joan McAlpine has brought the subject of DG food and drink to the chamber, and I congratulate her on doing so, especially as I understand that the impetus for the debate sprang from a Scottish Government press release from last year about the upcoming year of food and drink that failed to mention Dumfries and Galloway at all. I am delighted to have the opportunity to correct that record.

I have represented part of Dumfries and Galloway as a regional or a constituency MSP since 1999. Over that time, the food and drink sector has been the one sector in which there has been significant expansion. I am very tempted to mention specific businesses, but the danger is that I would fail to mention all the other wonderful businesses that exist, so I will resist that temptation. It has been truly wonderful to witness the expansion in the sector and to see it arrive at its current position, whereby the region can genuinely boast a range of food and drink products that can and perhaps should be the envy of many other regions.

According to the Scottish Government's figures on growth sector statistics for Dumfries and Galloway, the number of registered businesses under the six recognised headings comes to a total of 3,260. Of those businesses, 2,045—almost two thirds—are food and drink related. They employ some 9,600 people and have a turnover of £516 million a year. That would be a pretty important economic input in any region, but in Dumfries and Galloway it is absolutely essential.

Therefore, the year of food and drink is very well timed from our region's point of view, as is the creation of DG food and drink. I confess that when I first heard of the initiative, I had some doubts, because I was a huge fan and supporter—as I know other members were—of Savour the Flavours, which Elaine Murray mentioned and which was another first-class Dumfries and Galloway initiative. Savour the Flavours was an organisation that was at arm's length from the council. It was held up as a benchmark for regional food promotion by everyone involved in the food sector, from the cabinet secretary downwards. I believe that it was successful largely because it was an arm's-length organisation, and I was very disappointed when the plug was, in effect, pulled on it because of some accounting technicalities. I do not mean to imply that anything

untoward was happening—that was not the case. I still think that that situation could have been dealt with satisfactorily if a little more time had been devoted to the problem.

That said, we seem to have moved on, to an extent, from the promotion of regional food products to the promotion of national food and drink products. However, I believe that regional branding still has a great deal to commend it. If I have a concern about the year of food and drink, it is that there seems to be a great deal of focus on export and overseas markets when there is still much more that we can do locally. An example of that is the promotion of food tourism, in relation to which I have great hopes for the DG food and drink initiative.

DG food and drink's development of the food trail, which focuses on artisan food production, is tailor-made for the region and will be launched in May. It is centred on existing food-based visitor attractions, some of which members have mentioned, and it will develop a range of activities, such as foraging excursions and community food events. The potential is absolutely immense and I wish it every success.

DG food and drink has, in effect, taken over next week's regional tourism conference and I have just learnt this morning—and I am delighted to be able to say—that for the first time ever the conference is a complete sell-out.

DG food and drink is, in essence, a support base. Artisan food and drink producers are, by their very nature, small and focused, and they usually do not have the time or—possibly—the expertise to see beyond the varying demands of their business. The initiative aims to provide support, expertise and, importantly, training and education in a host of ways. If it gets it right, the food and drink sector can indeed become the envy of other regions and, I suspect, other countries. That is quite a claim, but it is also quite an aim: one that is surely worth trying to achieve.

12:51

Graeme Dey (Angus South) (SNP): I congratulate Joan McAlpine on securing this opportunity to place Scotland's wonderful larder in the spotlight, especially in this year, Scotland's year of food and drink. She is quite right to highlight Dumfries and Galloway's contribution in that regard. In terms of truly effective showcasing of local produce, Dumfries and Galloway has very much been an exemplar for the rest of Scotland.

The Savour the Flavours initiative, which Elaine Murray and Alex Fergusson mentioned, was a fantastic example of what could be achieved through effective working with producers, chefs, retailers, farmers markets, manufacturers, event

organisers, schools and consumers to raise awareness of an area's exceptional local produce. An evaluation of the programme's work found that events led by Savour the Flavours not only helped to grow awareness of the local food sector but encouraged new visitors to the area. The initiative addressed the other key issue of the perception among businesses that local food is expensive and difficult to source.

I first encountered the initiative at the 2011 Royal Highland Show, where Savour the Flavours was competing with other regions in a food wars event, and I was hugely impressed. No one should underestimate the impact that the initiative had in promoting local businesses to a wider market. An example of that was Waulkmill Cider, which Joan McAlpine mentioned. That firm joined Savour the Flavours when it represented Scotland on the EU stand at international green week in 2013, to demonstrate an exemplar model of rural development. Waulkmill secured its first export order on the back of that event. The artisan food trail seems an appropriate successor to Savour the Flavours.

My area of Angus has been making considerable inroads into the food and drink export market, not least in the shape of Arbroath-based preserve maker Mackays. When Mackays was bought in 1995 by Paul Grant, it served only the domestic market and then only to a very limited degree. Now, as well as featuring on the shelves of six UK supermarkets, its jams, curds and marmalades are sold in more than 50 countries. Mackays has recently been shortlisted in the export business category at Scotland Food and Drink's excellence awards. I wish Mackays all the best for the event at the end of May, along with Ogilvy Spirits, which has been shortlisted in the alcoholic drinks category and to which I will return later.

Some good work is being done by Angus Council to support what is a high-quality and varied local food and drink sector. Angus is the only UK member of the European network of regional culinary heritage. Started in 1995, that body aims to promote regional food, artisanal production and distinct culinary tradition to tourists, consumers and retailers. Additionally, the taste of Angus promotional campaign, which has been running successfully for a number of years, last year decided to expand to include business support as well as promotion. Angus Council is also working with Dundee and Angus Convention Bureau to ensure that local food is showcased at local conferences and events. Angus was slow in getting its act together compared with Dumfries and Galloway, but we are now much more effectively profiling the area's rich food heritage both within and outwith Angus.

Of course, no mention of Angus and food would be complete without referencing the Arbroath smokie. It has been great to see renowned smokie producer Iain R Spink welcoming travellers to Scotland, with his picture adorning the arrival halls in our airports. It is also pleasing that smokies are featuring heavily in the promotional work that is being undertaken as part of the year of food and drink. The smokie is listed on Scotland Food and Drink's blog as one of its must-tastes for the year, and there is a special smokie trail in VisitScotland's "A Taste of Scotland's Foodie Trails" brochure.

I want to highlight a relatively new arrival on the food and drink scene, which is innovative potato vodka. Ogilvy Spirits, which I mentioned earlier, has had its product on the market for only three months, but it recently received a double gold medal for its packaging and a silver medal for its spirit at the 2015 San Francisco world spirits competition. The business was only launched as a diversification project by tenant farmer Graeme Jarron, but what a success story it has become.

In Angus and elsewhere in Scotland, we are mixing the innovative with the traditional as, in this year of food and drink, we showcase all that our country has to offer. As Dumfries and Galloway led with Savour the Flavours, so other parts of Scotland have followed.

It would be remiss of us, in a debate on Scotland's food and drink, not to acknowledge the role of this cabinet secretary in the success story that Scotland's food and drink has become. Ministers in the Parliament are rightly held to account if areas of their portfolios do not perform as well as we might wish, so let us give credit where it is due and recognise that the leadership of Richard Lochhead in this area has been first class, as evidenced by the greatly increased profile and the growing value of food and drink to the Scottish economy.

12:55

Stewart Stevenson (Banffshire and Buchan Coast) (SNP): I am sure that Graeme Dey will be answerable at a later stage for referring to the cabinet secretary's profile.

I join other members in congratulating Joan McAlpine on extolling the virtues of Dumfries and Galloway and the food that is produced there and on giving those of us from elsewhere in Scotland the opportunity to talk about the important cultural Scottish identity and heritage that come from food and drink across Scotland.

Scottish food and drink has even joined the current election campaign. I saw in one of today's papers that apparently someone in the south-west of England was complaining that the Scots were

taking over the full English breakfast down in Devon, where haggis has become part of the meal. I think that that is great because haggis is wonderful food—and I suppose that even in south-west England it is probably optional.

There are bigger success stories in our food and drink industry. Reports have come out in the past 24 hours that, for the first time, the value of our farmed salmon exports has crossed £500 million mark. I think that there will be very few members of this Parliament who have not eaten salmon products that come from processing facilities in my constituency.

There are small successes as well. The Barra snail is now the connoisseur's snail of choice in French restaurants, not only in France but in Scotland. The addition of virgin rapeseed oil is improving the quality of cooking and salads throughout Scotland and internationally—that started in the north-east of Scotland. We now have garlic farms in the cabinet secretary's constituency.

Food is an important part of tourism, and tourism is a very important industry for us. Food will bring people to Scotland and, of course, if we do not get it right, it will make sure that they do not come back. When we talk about food, we are not necessarily talking about Michelin-starred outlets, although those are excellent and greater in number than they were in decades past; we are perhaps talking about simple things such as the quality of food in local fish and chip shops. I am delighted that, when I go to my local outlet for fish and chips, I generally have the choice of six or eight different kinds of fish, all locally sourced and all absolutely excellent. I have previously referred to the fact that Dumfries and Galloway was where I very first had yoghurt, in the 1960s. I continue to have fond memories of that.

The point about the industry is that two thirds of our food and drink businesses reckon that they are going to increase their staff over the next four years. A significant number of areas are entering the sustainable food cities scheme. We expect that, by 2016, more than 50 areas across the United Kingdom will have entered that scheme.

One thing that we dealt with at First Minister's questions was food banks, and that raises the issue of food being available to people with limited resources. It also raises the issue of food and diet. The obesity problems we have now are because of the preparation of much of our good-quality food. If we have good-quality food, we can prepare it better and deliver it to address that agenda as well.

I will close by mentioning one dish that is available in my constituency—a modest enough dish that costs about £1. It is Downies of Whitehills

Cullen skink Scotch pie: the most wonderful Scotch pie in the world. Good food can be very affordable indeed, and I hope that Downies continues to produce that Scotch pie to entertain my palate and digestive system and those of people throughout Scotland.

13:00

Mike MacKenzie (Highlands and Islands) (SNP): In our previous debate on food and drink, Alex Fergusson expressed the concern that, as we had debated the subject on a number of occasions, there was a danger of us repeating ourselves. I assure Mr Fergusson that I will not repeat myself on this occasion. Presiding Officer, I also assure you that I will not repeat the offer that I made to the Presiding Officer in the previous debate, inviting her out on a date—I am sure that you will not be disappointed about that.

Our food and drink sector is undoubtedly a success story. Whisky is the UK's top drinks export, and our farmed salmon is now the UK's top food export. However, although our food and drink travels well, especially in this year of food and drink, it tastes best when it is sampled here in Scotland.

I am thinking of the two mackerel that I still catch every year, cooked along with new potatoes for supper on the shore, watching the sun going down over a softly sighing warm summer sea. I am thinking of breakfast of sweet, pink, freshly caught brown trout, on the shores of a secret lochan high up in the hills in the early morning, watching the dawn come up. I am thinking of the best bannocks that I have ever had in Tingwall on Shetland, fresh-baked by an elderly lady, that I instantly fell in love with. A man can usually only dream of bannocks like that.

For those outlanders who are not so inclined to wild food, adventure or romance, Scotland now has many hotels, hostels and restaurants where you can sample those rare delights and instantly feel at home in their warm embrace; eat in good and convivial company; and sip a smoky dram and embroil yourself in the mysteries of a good book in front of an aromatic peat fire.

However, our excellent food and drink—our fine and healthy produce—should not be the province of visitors alone. It has always been a curious irony that we Scots snack on Scottish seafood in Spain but ignore it when we are at home.

There is much added value to be gained from eating our own fare: supporting our local economies; our farmers, crofters and fishermen; our abattoirs, butchers and bakers; and the whole local supply chain that is only too keen to put wholesome healthy food on our tables. In doing so, we also reduce our food miles, and thereby

help to save our environment from the curse of carbon: the element that is so necessary to life on this planet but at the same time capable of destroying it.

That is why I am glad that we have launched a further food initiative—the becoming a good food nation initiative—to encourage our public authorities, councils and health boards to lead by example by procuring and using local food and by signing up to offering fresh, seasonal, local and sustainable produce in any and all of the food outlets over which they have jurisdiction.

Scotland's food and drink story is so far successful, but success can build on success and there is still more that we can do to build a healthy economy, with healthy minds and healthy bodies, on a diet of our own local food. I look forward to visiting Dumfries and Galloway—in the not-too-distant future, I hope—to sample some of the fine fare on offer there that I have heard about this afternoon.

13:04

The Cabinet Secretary for Rural Affairs, Food and Environment (Richard Lochhead): I congratulate and thank Joan McAlpine for bringing the motion before Parliament today. Between them, Joan McAlpine, Alex Fergusson and Elaine Murray did a fine job for the tourist board in Dumfries and Galloway by extolling the virtues of that wonderful part of Scotland, which is what we are largely discussing today. I thank Joan McAlpine particularly for her tour of the food and drink produce of that great region. I can tell her that I have thought carefully about it and have decided to accept her invitation to visit one of the distilleries in her area. I very much look forward to receiving that invitation. I, too, find visits to distilleries very satisfying.

I congratulate Graeme Dey on managing to discuss Mackay's jams and Arbroath smokies during a debate on Dumfries and Galloway, which was well done. I also congratulate Stewart Stevenson on introducing us to the Cullen skink Scotch pie, which I admit I had not heard of. However, I know the company that produces the pies well, so I look forward to tasting one of them in due course. Stewart Stevenson also managed to introduce into the debate the processing of Scottish salmon at a Fraserburgh factory. Of course, we also found out, for all the people out there, that the key to Mike MacKenzie's heart is a couple of freshly baked bannocks.

Members provided a good tour of Scotland's food and drink industry, of which we are all very proud. The food and drink sector is growing in strength and stature, and the reputation of Scotland's natural larder is now world renowned. It

is amazing to think that, between 2008 and 2012, food and drink turnover in this country increased by more than 21 per cent, whereas the figure for the UK was just over 8 per cent. That is perhaps an indication of just how well the industry in this country is doing.

Food and drink turnover here is now just under £14 billion. Another fascinating thought, to which Stewart Stevenson and others alluded, is that the UK's biggest food export is now Scottish salmon, which has broken the £500 million barrier for the first time, and the UK's biggest drink export is of course Scotch whisky. It is a huge achievement for Scotland that, even though we make up just over 8 per cent of the UK population, the biggest food and drink exports come from this country.

A food and drink revolution is taking place, and it has a long way to go. Of course, we are largely discussing today the food and drink revolution in Dumfries and Galloway. In Dumfries and Galloway and throughout Scotland we have fantastic food that is tasty to eat, nutritious, fresh and environmentally sustainable. That is why the people of Scotland are very proud of the food and drink industry and of Scotland's larder, and it is why the Government decided to designate 2015 as Scotland's second year of food and drink.

Food and drink are not just an industry, because the products play a key part in our identity and in promoting Scotland around the world as a tourism destination, which aspect of course featured heavily in many members' contributions. Building on the momentum of the year of homecoming, we are continuing to promote the increased use of Scottish produce across the tourism and events industry.

As we have heard, Dumfries and Galloway has much fine food and drink produce, whether it is the fresh seafood from along the Solway coast, Galloway beef from the rolling pastures of that fantastic region or the variety of cheeses that many members have mentioned. Dumfries and Galloway has one of Scotland's richest larders. As Joan McAlpine and others mentioned, many initiatives are under way as part of the year of food and drink to celebrate Dumfries and Galloway's produce. For example, there will be the food town day on 6 June in Castle Douglas, which will be a showcase for the region's iconic products. The year of food and drink's special events fund is contributing £4,000 to help make that happen. There will be artisan producer stalls, cooking demonstrations and so on.

As many members have mentioned, we have to promote more and more the tourism potential of our food and drink larder. The Scottish Government is giving more attention than ever before to food tourism, as indeed is the industry. Food and drink account for around 20 per cent of

tourism spend while visitors are in Scotland. That is why a lot of effort is being made to have much more collaboration between tourism and food businesses, with local agencies and others working to help support local economies, because that is certainly a way in which to generate more jobs and attract more people to our country.

There is a lot of evidence that more people are spending more money on local food than they would otherwise do because they are willing to pay a premium if they know the provenance of the food. It is worth while for local food businesses and the hospitality sector in different regions of Scotland, including in Dumfries and Galloway, to source more local food. That is what visitors from abroad or from elsewhere in Scotland want to experience, and they are willing to pay for it. It is good business, and there is a big future there.

As part of our innovative approach to promoting the tourism experience in terms of food, we are establishing agritourism monitor farms. We have one at the Laggan Outdoor centre at Gatehouse of Fleet. That is a new initiative that is aimed at promoting agritourism. I recently received an invitation to go there, so I hope to visit the centre in due course. Scottish Enterprise and other organisations are working behind that initiative, and they are extending the monitor farm concept that exists elsewhere into agritourism.

The new artisan food trail is being established in Dumfries and Galloway. That, too, is being supported: it is receiving £15,000 from the community food fund to assist with development, and there will be match funding for that exciting, innovative initiative from the local council. That collaboration between local authorities, local initiatives, Scottish Government funds and everyone else is certainly delivering dividends.

As we are discussing food and drink in south-west Scotland, it is worth mentioning that we of course have the raw materials available for the fantastic ice cream that has been mentioned by many members. I am speaking, of course, about the dairy sector and its importance in south-west Scotland. The Scottish dairy action plan that we launched recently, which brings together a whole series of measures, has at its heart adding value to the raw material. Whether it concerns ice cream, cheese or other products, if we add value to the raw materials in local economies in Dumfries and Galloway, that will create many more local jobs as well as, we hope, developing more products for the marketplace. The dairy plan—ensuring that the raw materials to which we can add value are there for the future—is very important for the future of food and drink in Dumfries and Galloway and elsewhere.

There is not much time left. I am sure that, after talking about all this fantastic food and drink, we all want to go and eat some for lunch.

There are many initiatives happening at the moment in Dumfries and Galloway. It is a fantastic area, with so many fine companies using their ingenuity, hard work, imagination and innovation to produce new food and drink products, taking them to the international marketplace and attracting more people to Dumfries and Galloway to enjoy them on the companies' doorsteps. That is fantastic for Scotland's global reputation as a food and drink country and it is fantastic for local economies.

Dumfries and Galloway is playing a huge role in the year of food and drink, and I congratulate everyone involved, in particular Joan McAlpine on securing the debate.

13:12

Meeting suspended.

14:30

On resuming—

Air Weapons and Licensing (Scotland) Bill: Stage 1

The Deputy Presiding Officer (Elaine Smith): Good afternoon. The first item of business this afternoon is a debate on motion S4M-12994, in the name of Michael Matheson, on the Air Weapons and Licensing (Scotland) Bill.

The Cabinet Secretary for Justice (Michael Matheson): I am happy to open this stage 1 debate on the Air Weapons and Licensing (Scotland) Bill.

I thank my colleague and predecessor Kenny MacAskill, who brought forward the bill last year. I also thank the Local Government and Regeneration Committee, the Finance Committee and the Delegated Powers and Law Reform Committee for their work in considering the bill.

I was pleased to note from the Local Government and Regeneration Committee's report that it supports the general principles of the bill, in particular the licensing of air weapons. I am grateful to that committee for the manner in which it took evidence at stage 1. It invited a wide range of stakeholders to give evidence in the spirit of drawing out changes that will, in line with the aims of the bill, best improve the relevant licensing regime in Scotland. The evidence and the committee's report have been extremely valuable in helping the Government to reflect on whether we can make further improvements in particular areas, and the committee will have seen my response to its report.

I am pleased to be able to update the wider Parliament by providing an overview of the bill, which is in four parts. Part 1, which covers air weapons, sets out a new licensing regime for air weapons to be administered by Police Scotland. Part 2, which covers alcohol licensing, amends the existing licensing regime for alcohol licensing that is included in the Licensing (Scotland) Act 2005. Part 3, which deals with civic licensing, amends the existing licensing regimes included in the Civic Government (Scotland) Act 1982. Finally, part 4 sets out general provisions.

I will look at air weapons first. The licensing of air weapons has been on our agenda for quite some time. Our 2007 manifesto set out plans to tackle that, and we reiterated that aim in our 2011 manifesto. Following the Calman commission's report in 2009, responsibility for the regulation of most air weapons was devolved in the Scotland Act 2012. Kenny MacAskill introduced the bill having chaired a firearms consultative panel of

experts and carried out a wider consultation on the principles of licensing.

The aim has been to set out a regime that parallels existing firearms legislation where appropriate and is therefore familiar to the police and to shooters, but which is relatively light touch in its practical application.

The Local Government and Regeneration Committee suggested a few amendments in its stage 1 report. I have already responded to those recommendations, but I would like to mention a couple of the most prominent issues.

The first relates to Police Scotland and the need to smooth the transition workload for the work that it will undertake for the introduction of the licensing. Officials are still discussing that with the police to ensure that the impact of the new regime is minimised as far as possible. We are considering whether that is best achieved by way of an amendment at stage 2 or through regulations under the bill.

The second issue is the proposal to add some form of identifier mark to air weapons to support the certificate system. The Scottish firearms consultative panel agreed at a very early stage that it would be appropriate to license a person rather than the gun itself, and continuing discussions with stakeholders, including Police Scotland and the Gun Trade Association, confirm that there is little or no support for a proposal to mark weapons individually. Such a move would place immense additional burdens on the police, the trade and shooters while doing little to help tackle criminal misuse of air weapons. As a result, I do not intend to lodge at stage 2 amendments to introduce an identifier mark.

On the bill's alcohol licensing provisions, it was made clear in the consultation that people do not want a root-and-branch review of alcohol licensing legislation. However, certain areas are not working as effectively as they should be and, instead of proposing a radical overhaul of the regime, the bill examines those areas to find ways to improve the existing system. For example, the bill will take forward a commitment made in the 2011 Scottish National Party manifesto and create new offences of giving alcohol or making it available to a child or young person for consumption in a public place. That will allow Police Scotland to address the problem of the drinking dens where vulnerable young people can congregate to share alcohol.

The bill introduces a fit-and-proper test for both premises and personal licence applications, and licensing boards will also be able to consider spent offences. Those changes have been widely called for and will assist licensing boards in ensuring that only those who are fully appropriate can hold such a licence.

With regard to licensing board practice, we have clarified that an overprovision assessment can relate to an entire board area and can take account of licensing hours. We have also considered statements of licensing policy. Despite some very good practice at board level, such statements often fail to have the strategic impact that we had hoped, and as a result we are amending policy statements to ensure that they align better with local government elections. Such a move will encourage a new board to take stock, gather evidence and set a policy statement that reflects its own views and aspirations.

The bill contains a number of fairly technical amendments. For example, it amends the final licensing objective to include young people alongside children. The distinction between "children" and "young persons" can create difficulties for licensing boards in dealing with issues relating to young persons and can mean that issues involving 16 and 17-year-olds cannot be considered in relation to the protecting children objective. The amendment in the bill ensures that licensing boards have the power to consider such issues as part of the licensing objectives. There are also a number of provisions that should be welcomed by the trade, such as the removal of the five-year ban on reapplying for failure to render a personal licence refresher training certificate and the imposition of a duty on boards to report on their income and expenditure.

The bill improves the effectiveness of civic licensing regimes with a variety of reforms across a wide range of areas. For example, the bill will tighten up the licensing of metal dealers to ensure more effective regulation of the industry and to make it more difficult for metal thieves to dispose of stolen metal. It will deliver that objective by ensuring that all dealers are licensed, banning the use of cash as a payment for scrap, tightening record-keeping arrangements and requiring proper identification of customers.

The bill will allow communities to have a greater say over whether lap dancing takes place in their areas by giving local licensing authorities the power to control the number of licences for sexual entertainment venues in particular localities. Central to that proposal is the belief that local communities should be able to exercise appropriate control and regulate sexual entertainment venues that operate within their areas. Local licensing authorities are best placed to reflect the views of the communities that they serve and to determine whether sexual entertainment establishments should be authorised and under what conditions.

The bill simplifies the licensing of theatres by merging it with the public entertainment licensing regime, which will allow some theatres that

currently have two licences to operate with a single licence. In addition, the new licensing regime will be more flexible, in that it will replace mandatory licensing with a discretionary system that will allow local licensing authorities to exempt smaller theatres if they so choose.

The bill also aims to bring greater consistency between and within taxi licensing regimes and private hire car licensing regimes. Local authorities are responsible for the taxi and private hire car licensing regimes. They have discretion in applying a local regime that best meets the specific requirements of their local area and can take account of the views of customers and the trade. In general, that local process works well, but we are aware that there have been a number of concerns about the taxi and private hire car licensing regimes for some time. Those concerns were highlighted by stakeholders during informal discussions and were further reinforced during the public consultation exercise.

Specific provisions in the bill include the power to refuse to grant private hire car licences on grounds of overprovision; the extension of driver testing to allow testing of private hire car drivers; and the removal of the contract exemptions from the licensing and regulation of taxis and private hire cars, which will bring hire cars that are used on contracts into the regime.

In part, the provisions acknowledge that, in parts of the country, taxis, private hire cars and contract hire cars are essentially operating in a very similar market. Some of the distinctions that have been made between their modes of operation—for example, the distinction between pre-booked cars and vehicles that use ranks or can be hailed—have been blurred as a result of changes in technology.

In addition to the amendments to specific regimes that are covered by the Civic Government (Scotland) Act 1982, the bill includes provisions that will have effect across the licensing parts of the 1982 act, the aim of which is to create greater consistency and clarity in the licensing regime.

The bill includes a number of provisions that are aimed at improving the operation of all civic government licensing regimes and clarifying compliance with the European Union services directive. Specific provisions include giving the Scottish ministers the power to make provision for the procedure to be followed at or in connection with hearings.

The bill introduces a new role—that of civic licensing standards officer. Civic licensing standards officers will have broadly the same powers and duties that authorised officers have under the 1982 act, but they will have specific functions in relation to providing information and

guidance, checking compliance, providing mediation and taking appropriate action on perceived breaches of conditions to a licence that has been provided under the 1982 act.

I have set out the Government's thinking on some of the key areas of what is a wide-ranging bill. I look forward to hearing the views of colleagues and to working with the committee as we continue with the bill's passage through Parliament.

I move,

That the Parliament agrees to the general principles of the Air Weapons and Licensing (Scotland) Bill.

14:44

Kevin Stewart (Aberdeen Central) (SNP): It is my pleasure to speak on behalf of the Local Government and Regeneration Committee. The Air Weapons and Licensing (Scotland) Bill is an important and necessary piece of proposed legislation.

Before I embark on discussing the core of our deliberations, I will take a moment to set out the key role that licensing plays in Scotland. Licensing assists in preserving public order and safety, reducing crime and advancing public health. I will return to those objectives later, as they were the backdrop to our scrutiny and are fundamental to the recommendations that we made in our report.

Although we recognise the importance of those objectives, few of us consider the relevance of licensing to our daily lives. For those we spoke to, licensing is about their livelihoods, the services that they use and the activities in which they take part. The bill is wide ranging and deals with the complexities of licensing various activities, such as owning or using an air weapon, selling and purchasing alcohol, operating taxis or private hire cars, dealing in scrap metal, holding public entertainment events and running sexual entertainment venues.

Some obvious headline stories emerged from the bill—for example, the creation of two new licensing regimes: one for air weapons and the other for sexual entertainment venues. Both those aims are praiseworthy, but they are not the only stories that we uncovered. I will focus members' attention on the other, perhaps less immediately obvious, parts of the bill—on topics that I and my colleagues believe are equally worthy of prominence in the debate and which perhaps have a wider impact on those living and working in modern Scotland. Modernity is another key theme that I will explore.

I will talk about how the committee set about the task of scrutinising this diverse bill. The bill was introduced in May last year, which afforded us

time over the summer months to issue our call for evidence, which closed at the end of September and received 146 responses. The responses came from a wide section of stakeholder groups such as local authorities, drug and alcohol partnerships, equality organisations, energy and transport providers and the police, to name but a few. We also heard from a wide range of interested individuals.

Alex Fergusson (Galloway and West Dumfries) (Con): I understand that, when the committee undertook its scrutiny, Police Scotland was able to give statistics on airgun crime from April to July 2014, but that the figures for the year up to April 2014, unlike those for all previous years, had not been published and had been delayed until autumn this year. Did that give the committee any difficulties in having up-to-date information?

Kevin Stewart: We had information and data from a number of years about air weapons offences. We are all far too aware of the deaths and injuries that have taken place and the maiming of animals that has gone on across the country. That information gave us a good guide and is why I and the committee think that the air weapons licensing regime should be put in place.

As I said, we heard from a wide range of individuals and took a wide range of evidence. I thank all those who responded for the part that they played in helping us to examine the bill's proposals.

Committee members had the opportunity to inform ourselves on the constituent subject areas. We held a number of informal meetings with academics, industry representatives and licensing experts to aid our understanding. I thank former committee members Mark McDonald, Stuart McMillan and Anne McTaggart for their work in exploring the various strands. They put in a huge amount of effort in doing so. While thanking members past, I will also mention the new committee members, as it was Clare Adamson, Cara Hilton and Willie Coffey who picked up the baton and carried it to the finishing line. We held nine themed evidence sessions and heard from the cabinet secretary, culminating in our stage 1 report being unanimously agreed to and published.

Before I move on to the specifics of our scrutiny and recommendations, I will say a little about the committee's engagement activities. Engagement is a key priority for our committee. We have had close to 4,000 new engagements with ordinary people, over and above the well-kent faces. Many hold views on local government, and people need to be encouraged to share those views with us. Engagement is a long-term relationship in which trust is earned.

We published a promoted Facebook post on taxis and private hire cars in the Highland area because a gap had been identified in the information that we had and we needed to seek further views. That post was shared by 56 people. Our YouTube video on taxis and private hire cars was also a success; it amassed close to 1,000 views, which demonstrates the public's level of interest in the topic. Comments that we received fed directly into our thinking on the bill proposals.

Responses to our video suggested that, in the minds of users, taxis and private hire cars are to all intents and purposes the same. One of our principal recommendations is that the Scottish Government should consider a full review of all aspects of taxi and hire car licensing because, if a licensing system was being designed now, it would—in our opinion—be implemented differently.

Our experience of engagement has shown us that, to be successful, engagement has to be well targeted, relevant and accessible. People have to feel that they are being listened to, and the value of their comments needs to be demonstrated. Only then will we encourage the quieter voices to enter the discussion.

I preface my comments on our findings by saying that we support moves to license air weapons and to have a separate licensing regime for sexual entertainment venues. We have made a few recommendations on how to improve those proposed regimes, although others may like to comment on those aspects.

I will concentrate on some of our key recommendations concerning the alcohol, taxi and private hire car, and metal dealer provisions. The alcohol provisions in part 2 of the bill contain a number of proposals, but I shall focus on two areas—determining overprovision of alcohol and alcohol licensing objectives. Our recommendations on those areas explicitly link to the overriding objectives of advancing public health and preserving public order and safety.

I will give a little background on overprovision. Licensing policy statements must contain a statement as to whether there is overprovision of licensed premises in any locality in a licensing board's area. The bill would change the definition of overprovision to enable licensing boards to consider licensed hours as well as the number and capacity of licensed premises. It would also clarify that the whole of a board's area can be classed as a locality for the purposes of carrying out the assessment. Trade bodies firmly opposed those changes and questioned their proportionality. On the other hand, the police, health boards and alcohol and drug partnerships strongly supported the changes. We support the latter group and

would go further in efforts to reduce the harm that alcohol can cause to some.

On licensing statements, we heard suggestions that professional organisers abuse the occasional licence system to evade the requirements for fully licensed premises and that such events add to the overprovision of alcohol in an area. A similar concern was raised about members clubs. Alcohol Focus Scotland observed that, in the Borders,

“22% of all licensed premises are members’ clubs.”

We therefore recommend that club licences and occasional licences must be included when licensing boards assess provision.

Given the overwhelming evidence that we received of harm and links to disorder from overconsumption, we also recommend that an additional licensing objective be added to the Licensing (Scotland) Act 2005 to include the reduction of alcohol consumption.

We spoke to a number of organisations and individuals involved in the taxi and private hire car trade and to those who license it. Changes in the market from the advent of hire car booking apps must take place in a framework that recognises the fundamental principle that licensed drivers in licensed vehicles are the ones who folk can safely use. We want to ensure that the public know that when they call, hail or use an app to get a car, they are entering a licensed vehicle with a licensed driver. Further reasons for licensing include the delivery of an accessible, reliable and affordable service to customers while preventing opportunities for criminal activity. Police Scotland told us that regulation

“ensures that legitimate business thrives and provides opportunity to prevent organised crime groups from gaining a foothold in this industry.”

Licensing of metal dealers is extremely important. Metal theft is not a victimless crime and we have heard that it not only costs people a great deal of money but has created dangers. We must ensure that the maximum penalty for breaching licensing conditions is updated from the current sum of £5,000.

I hope that my speech provided a flavour of the range of issues that the committee encountered in scrutinising the bill and that it set out some of the areas of the bill that we wish to be strengthened. Licensing is important to the lives of us all: it keeps us safe, cares for our health and reduces the opportunity for crime in our communities. I commend the committee’s stage 1 report to the Parliament.

14:55

Alex Rowley (Cowdenbeath) (Lab): Labour supports the principles that are set out in the

policy memorandum to the bill. We will support the bill at stage 1 today, and we are keen to work with the Government to agree any stage 2 amendments that we think can improve the bill as it progresses to stage 3.

I put on record our thanks to the Local Government and Regeneration Committee for its work in scrutinising what is a lengthy and complex bill with many different parts, all of which are important in their own right. I wonder whether lumping together all those areas of licensing and trying to come up with improvements—often by adding to previous legislation that is outdated—is the best way to make legislation.

The policy memorandum states:

“The principal policy objectives of this Bill are to strengthen and improve aspects of locally led alcohol and civic government licensing in order to preserve public order and safety, reduce crime, and to advance public health. This is being achieved through reforms to the existing systems to alcohol licensing, taxi and private hire car licensing, metal dealer licensing and; giving local communities a new power to regulate sexual entertainment venues in their areas.”

In the time that I have available this afternoon, I cannot possibly cover everything that has been packed into the bill, but it is worth drawing to members’ attention some of the views that arose in the evidence that the committee received.

The committee’s report states:

“The Bill is what could be described as a ‘pick and mix’”.

I am not sure that that is the best way to deal with all the matters that the Government wants to address, and I believe that a future Government will have to return to some aspects of the bill sooner rather than later.

The minister told the committee that he had no plans to review the 1982 act fundamentally, as it was reviewed only about 10 years ago and found to be fit for purpose. However, the practitioners, who are out there on the front line dealing with the legislation daily, had something different to say.

The Society of Local Authority Lawyers and Administrators in Scotland licensing group said:

“We would re-iterate that the Act is now 30 years old and it is becoming increasingly difficult to address modern business activity within the structure of the Act.”

The City of Edinburgh Council said that

“continued amendment of the Act is not helpful”,

and one of the council’s officers told the committee that

“the 1982 act has probably passed its sell-by date.”

Glasgow City Council agreed, and one of its officials told the committee that

“Any change would have to be substantial. I am teetering on the brink of saying that I do not think that enough amendments could be made to the bill to address the issues. The fundamental issue is that the 1982 act has been in place for more than 30 years. It has served its purpose; it has had its time. It needs to be rebuilt from the ground up, in line with the 2005 act, and to set out an entirely different framework for how we approach licensing”.

I suggest to the minister that he should look again at the evidence that was given on those provisions of the bill. The Glasgow City Council official suggested that

“Parliament would have to go right back to the beginning and start again with the 1982 act, so that it could pass legislation that is fit for purpose in a modern Scotland.”—
[*Official Report, Local Government and Regeneration Committee*, 18 February 2015; c 2, 6.]

I know that the SNP has a majority and can pass what it wants, but it is important that we get it right. Too many voices are suggesting that we cannot keep amending 30-year-old legislation if we are to do what is best for Scotland, and I would want to take up that issue with the minister.

I move on to the proposals for air weapons. As the committee’s report said, there are two camps on the proposals: those for and those against. Labour will support the proposals and the principle of the policy memorandum, which we believe the bill achieves, to recognise the need to protect and reassure the public in a way that is proportionate and practical. I am pleased to note that the Government supports many of the points that the committee made and will make sure that there is plenty of publicity in the lead-up to the legislation coming into effect and that those who no longer need an airgun are encouraged to hand in those weapons. As I said, we have heard the arguments from both sides of the debate, but for me the evidence shows clearly that the legislation is the right thing to do.

We believe that the introduction of a licence for sexual entertainment venues is necessary, as no adequate regulation is in place. The bill will empower local authorities to determine whether such venues can operate in their areas, which is a step in the right direction. Representations have been made and the committee has made specific recommendations that I hope will be implemented at stage 2.

We will want to explore with the Government other concerns and possible amendments for stage 2 that have been raised by groups such as Zero Tolerance, which include the issue of not allowing under-18s to work in such venues. The committee looked at that and I know that the minister did not think that the bill could address it, but we would like further discussion with him about that. The fact that the bill does not provide for a fit-and-proper-person test for a licensee of a sexual

entertainment venue has been raised as an issue, and we would welcome further discussion of that.

There is no provision in the bill to restrict the signage and advertising of sexual entertainment venues. Again, we would like further discussion of that. There is no provision for community consultation on the granting of sexual entertainment venue licences. In line with the Community Empowerment (Scotland) Bill, which the committee looked at, we should explore that area further.

There is no provision in the bill on licensing fees. There is a view that they should be much higher than those for running a venue that is open to all sections of society, such as a cafe or a pub. Many English and Welsh local authorities have imposed high fees since their new sexual entertainment venue regime came into force. For example, Birmingham City Council charges more than £6,200 for a sexual entertainment venue licence, whereas a skin-piercing licence costs £87, and Manchester City Council charges £4,425 for a sexual entertainment venue licence, whereas a cafe licence starts from around £100. The argument has been made that we should look again at the cost of licences and at whether sexual entertainment venues should pay a higher licensing fee.

The bill does not require a licensing policy statement; that is discretionary. We would prefer it to be mandatory, so that a licensing committee could make a public statement about its intentions for the licensing of sexual entertainment venues and its understanding of the wider policy environment in which they operate. Again, we would like to discuss that with the minister. I hope that we can have a dialogue with him on all those matters over the coming weeks.

On the changes to the licensing of taxis, we heard evidence from taxi operators, the Scottish Taxi Federation and licensing boards, all of which were fairly positive about the proposals. I have written to operators in my constituency and will meet them soon to get their take on where we are at.

The bill’s scrap metal proposals will bring us into line with the rest of the United Kingdom, which is important, as there are no borders when it comes to the theft of such materials. Metal thefts threaten public safety and cause a huge amount of disruption to the energy supply, transport, communication and other industries that people rely on. Labour supports the bill’s proposals on that issue.

I have highlighted certain issues and I hope that we can all work together to strengthen aspects of the bill at stages 2 and 3. I hope that the minister

will consider the fairly overwhelming evidence from practitioners on the 1982 act.

15:05

Cameron Buchanan (Lothian) (Con): The Air Weapons and Licensing (Scotland) Bill covers a wide range of matters. As such, consideration of a broad range of principles is required, and I will touch on some of them.

Before I venture into the specific details, I will first set out two overarching principles that underpin our position. The first is that legislation should be passed only when it is considered to be good government, not just when it is thought by some to be good politics. Secondly, legislation should be targeted. Law-abiding people should not find themselves caught under a legislative net just because it is politically expedient for the Government to impose obligations.

The area of the bill concerning airguns—or “air weapons”, as the Government wants to call them—raises concerns both in principle and in practice. The bill seems partly to be about looking tough, rather than sensibly tackling pressing issues. Indeed, crimes involving airguns fell by 75 per cent between 2006 and 2013—a figure that surely indicates that the problem of misuse is receding rather than growing. No doubt some people will want to intervene at this point to say that criminal misuse of airguns should be tackled whether or not those levels are falling. I absolutely agree on that point, but making a big show of requiring the licensing of all airguns is not a sensible way of going about it. It may gather less attention, but better enforcement of existing legislation would be a targeted and better act of government.

Kevin Stewart: Does Mr Buchanan recognise that we are talking not about the licensing of individual weapons but about the licensing of individuals, and that, in the course of the committee’s deliberations, we heard about cases of maimings? We heard about a serious incident in Durham, and there have of course been deaths in the past. Does he not think that individuals who have those weapons should have to be licensed before they can get them?

Cameron Buchanan: Is there any evidence that licensing will reduce those instances? I am not sure about that. Some people will want to intervene but, at any rate, criminal misuse of airguns should be tackled whether or not the levels of misuse are falling. As I said, I agree with the point, but making a show of licensing all airguns is not a sensible way of going about it. It may gather less attention, but better enforcement of existing legislation would be a targeted and better act of government.

Kevin Stewart: The member has again fallen into the same trap about the licensing of individual weapons. We are not talking about the licensing of each individual weapon; we are talking about the licensing of people who own those weapons. We have to get that right.

Cameron Buchanan: Yes, I know that—thank you very much.

Making everyone who wants to own or use an airgun apply for a licence is certainly not targeted. Why should innocent users who want to shoot for sport be forced to go through a cumbersome licensing process that charges for the privilege? I for one consider that, when there is a problem, a Government should seek to address it without imposing itself unnecessarily. Lazily casting the legislative net over every current and potential airgun user certainly breaches that principle, which is particularly worrying when the problem in question is confined to a tiny minority of users.

Furthermore, a vast new airgun licensing regime would bring practical difficulties. We estimate that, at the moment, there are around 500,000 airguns in Scotland, which are untraceable to all intents and purposes. For Police Scotland to license and track them would be very difficult—although I know that that is not proposed—and the people who are using those airguns will go under cover.

This question is crucial: is it in the public’s best interests to invest police time and resources on licensing airguns—or licensing people to use airguns—when Police Scotland increasingly faces budgetary constraints and pressures on its staffing infrastructure? Most people would think not.

I move on to the alcohol licensing provisions. First, I agree that overconsumption of alcohol is a very serious problem, which must be addressed. I also think that it is useful to clarify the licensing boards’ powers so as to avoid confusion or uncertainty in future. However, it is important that aspiring small business owners do not face unnecessary barriers to entry that their competitors do not have to face.

On a similar note, I remain concerned about licensing authorities’ potential power to refuse to grant a licence for a private hire vehicle on the grounds of overprovision. That is anti-competitive and simply not in the best interests of the people whom we should be helping: the consumers. Greater provision of private hire vehicles would allow more people to access that form of transport than ever before. However, this Government proposes to erect barriers to entry that would block consumer benefits, as well as prevent the creation of jobs in an expanding industry.

The mechanism to allow licensing authorities to require knowledge tests for drivers of private hire vehicles has a similar effect. I do not think that

knowledge tests are necessary with the advent of TomTom, Garmin and satellite navigation. Furthermore, regulatory barriers to entry will restrict the industry's growth, which will cost jobs and act against consumers' interests. I will always maintain that Government should support innovation and refuse to protect vested interests from fair competition that they find inconvenient.

Having said all that, I am in agreement with some areas of the bill. The removal of the requirement for metal dealerships to hold metal for 48 hours before processing it is a welcome example of Government stepping back and removing costly regulation. On a visit to William Waugh scrap metal recyclers in Granton, I saw the large amount of space—and therefore expense—required to comply with that law. The provisions prohibiting payment in cash will also help to increase transparency, which will be beneficial provided that the definitions are clear.

As for the provisions on theatres, they may bring increased flexibility and consistency across the licensing of public entertainment venues, which would be welcome.

In a bill of so many parts, of which some are sensible, it would have been beneficial if the bill had been divided into two, as Alex Rowley stated.

It is clear that the bill will need to be amended substantially at the next legislative stage. As a result, I will lodge amendments at stage 2 that will seek to apply the principle of sensible, targeted government throughout the bill. Accordingly, I hope that the debate will draw out into the open the key areas of the bill in which work is still needed. I have touched on some aspects; my colleagues may come on to others.

On some aspects, such as the licensing of airguns, a considerable change in policy is required. However, I reiterate my view that some of the bill's provisions appear to be sensible. From that position, I will seek to amend the bill to make its overall impact targeted, beneficial and fair.

The Scottish Conservatives will abstain when voting at decision time.

15:12

Clare Adamson (Central Scotland) (SNP): As the committee convener mentioned, I came somewhat late to the bill, having joined the committee in November last year. However, I pay tribute to the many witnesses who contributed to the stage 1 proceedings whether by appearing before the committee or providing written evidence. I also thank the many organisations and stakeholders that submitted briefings for today's proceedings.

It has been mentioned that the bill is broad and diverse, and that many topics fall within its remit. I suspect that I will not be able to cover all the areas in the bill, although I hope to link them because my main concern is about safety. Every committee member and everyone in the chamber wants to see safer and healthier communities. I am sure that we all agree that that is the outcome that we would want from the intended changes.

I thought that there was more consensus on the committee. I am surprised that the Conservatives have chosen to abstain in the vote, because all committee members agreed the stage 1 report. Indeed, there did not seem to be much contention about it at the time.

Cameron Buchanan: Unfortunately, due to my relatively limited parliamentary experience, I did not realise the full implications of my acquiescence at stage 1, which was why I agreed to the bill.

Clare Adamson: Thank you for that explanation, Mr Buchanan.

Alex Rowley talked about the bill's complexity and said that bringing together so many items was a mistake. His point reminded me of an old joke about a traveller who, when seeking directions from a local, was met with the response, "Well, I wouldn't start from here." We are here. We do not have a blank sheet of paper. We must work within the constraints, the capacities and the existing law in this place and at the local government level. How the Government has presented the bill is possibly the only way forward to address the serious issues in it.

Despite some of the comments that have been made this afternoon, I think that the bill proposes a proportionate and reasonable approach to airgun licensing. We cannot forget where it has come from. Few of us will forget the two-year-old boy, Andrew Morton, who was killed in Glasgow, or his parents' campaign to have the issue of airgun licensing addressed in Scotland. I believe that that campaign was a nominee for, if not the winner of, one of the press awards in the year following Andrew's death. Individual tragic cases such as that, which show that the system is completely inadequate to protect our communities, have driven us to where we are at the moment.

We now have the right balance between protecting communities and allowing the legitimate use of shooting in a safe environment to continue. We have taken evidence from scouting organisations, from people who work with airguns in their day-to-day lives, and from apprentices, and the bill strikes the right balance for what is in the best interests of our communities.

Alex Fergusson: I totally agree that the type of crime to which Clare Adamson referred is utterly unacceptable in any society, but can she tell me

what evidence she heard at the committee that suggests that a regime to license the people who own airguns would prevent that sort of crime? I simply cannot find that sort of evidence.

Clare Adamson: I was at the committee when the police gave evidence and spoke of their frustration at their inability to address airguns in premises where they suspected that other crimes had been committed. Whether that is domestic abuse, drug crime or any other kind of crime in our community, the inability to do anything about airguns being present in those areas is a concern, so I found the police evidence compelling.

The Scottish firearms consultative panel estimates that there are 500,000 air weapons currently in circulation in Scotland. One of them is in my loft and has been for the past 20 years, and I believe that that is the case with most such weapons. They have been bought for recreational use at some point. My husband and his father were both scout leaders and used the gun to train scouts, but nonetheless the weapon remains in circulation. The amnesty period, and the opportunity for people to hand in weapons that are no longer in use, will make our communities safer.

I am running out of time, but I want to turn to metal dealers, metal theft and what that means to our communities. I represent the Auchengeich area of Moodiesburn and was appalled that, after all the fundraising that had been done by the local community and miners there to make a memorial to the Auchengeich disaster of 1959, the memorial was stolen within a matter of weeks. That was a real emotional blow to the community and one that was felt by everyone from an industrial background in the Lanarkshire area. The memorial was replaced, thanks to a generous donation from a local businessman, but when things affect our built heritage, our memorials, the fabric of our communities and our historic buildings, it has a detrimental effect that cannot be measured—whether it is the theft of lead from a church roof, the destruction of an historic building or indeed the theft of memorials, which is happening more and more.

We must look at the often disproportionate impact on the economy of an area where the value of the metal theft is as nothing to the disruption to infrastructure such as telecommunications or rail and road infrastructure. I am glad that that is being addressed in the bill.

I am not sure whether I have much time left, Presiding Officer.

The Deputy Presiding Officer: Just a little bit.

Clare Adamson: I shall just mention the taxi app situation. There was a lot of talk about the changes in technology and, as a technologist, I was interested in that. Only last week, there was a

case of alleged crime in Edinburgh, in which a young woman got into what she thought was a private hire car and was taken away and sexually assaulted. When we put safety at the very heart of what we are doing, we should look to the opportunities of apps, some of which provide a picture of the driver and the licence of the car that is picking someone up, as well as tracking the journey. Although such apps are seen as a threat in some areas, I think that there is a great opportunity to improve safety, which will be driven by the market.

15:19

Cara Hilton (Dunfermline) (Lab): I add my thanks to everyone who has contributed to getting the bill to this stage and who has provided us with excellent evidence and briefings. Like Clare Adamson, I am new to the committee—I joined in January—so I missed some of the evidence that was received.

As Alex Rowley said, Scottish Labour will support the bill at stage 1 but, as he also pointed out, the bill is so wide ranging that it might have been more effective to have several smaller bills rather than tagging everything together.

I intend to focus on section 68 of the bill, which I believe needs to be strengthened considerably. In his briefing for today's debate, Scotland's Commissioner for Children and Young People, Tam Baillie, has drawn our attention to the fact that the bill as drafted would allow children under the age of 18 to work in sexual entertainment venues, as long as there is no actual entertainment taking place at the time. Zero Tolerance has expressed serious concerns about the provision and has warned that it could create a groomers charter, allowing venues to employ teenage girls to work as cleaners, for example, and to then persuade them to become dancers when they reach 18. It also highlights the fact that many of those venues screen pornography in the background, which gives rise to concerns about child protection.

During stage 1 evidence, the Cabinet Secretary for Justice advised that those issues could not be addressed within the scope of the bill, but Zero Tolerance and the Commissioner for Children and Young People disagree. I share the view that no child under the age of 18 should be allowed to work in or attend a sexual entertainment venue in any capacity. I hope that the Scottish Government will look again at this area to see how we can protect young people more.

In respect of the proposed regime, although there is no doubt that sticking to the status quo simply is not an option, and Scottish Labour supports change in principle, we need to consider

carefully whether the bill could have unintended consequences. There is a real risk that, in licensing these venues, the Scottish Government could end up normalising a harmful form of sexual exploitation. As Zero Tolerance pointed out in its briefing note for today's debate,

"if we are to move beyond women's value and worth being located in their bodies and their perceived sexual attractiveness, we need to move beyond seeing sexual entertainment venues as normal and harmless."

That view is echoed by the Commissioner for Children and Young People, who has said that the idea that children could be working in these venues and exposed to degrading images of women simply does not sit well with the Scottish Government's strategy, equally safe, to end violence against women and girls. The strategy rightly places at its heart recognition of the links between discrimination, objectification and violence against women. It aspires to

"create a strong and flourishing Scotland where all individuals are equally safe and respected".

However, normalising such venues risks sending out the wrong message to young people and especially to young girls. We only need to look at the customer reviews of the venues to get a real flavour of the lack of respect that the clientele have for the women who work there.

There is a risk that, by regulating the sector, we could end up expanding an industry that is harmful to women and is especially harmful to our children, undermining all the work that has been done to address unequal power relationships, tackle gender stereotypes and achieve true gender equality. I hope, therefore, that the Government will be favourable to the section being amended at stage 2.

Sticking to the theme of protecting children and young people from harmful sexual images, another area in which I believe that the bill could go much further is in the restriction of the display of harmful sexualised content in areas where children could see it, such as on supermarket shelves. I would like to highlight the fantastic girl guides campaign, girls matter, which is aimed at ensuring that the issues that matter to girls are addressed in the 2015 general election campaign. Although in recent months we have spent many an hour arguing about full fiscal autonomy and about which of us is the most anti austerity, the girls matter campaign calls for politicians to take action on the issues that really matter to children and young girls. One of the key issues on which it asks politicians of all parties to take action is children's exposure to harmful sexualised content in the media.

Kevin Stewart: Will the member give way?

Cara Hilton: I have no time, sorry.

The issue is absolutely vital, because the campaign's research has found that 75 per cent of girls and young women aged 11 to 21 and 48 per cent of seven to 10-year-olds believe that there are too many images of naked or nearly naked women in the media; that the majority of young girls—almost 60 per cent—have experienced sexual harassment at school, college or work in the past year; and that a staggering 40 per cent of them say that they sometimes feel ashamed of how they look and that they do not take part in fun activities like sport because they are self-conscious. Given the images that girls are exposed to on a daily basis, on YouTube, in music videos and in magazines and newspapers, is it any wonder that so many of them feel pressure to conform to ideals that are often unachievable?

That does not just undermine girls' self-esteem; the harsh reality is that the way that women are portrayed in the media and at such venues entrenches gender inequality and the unequal power relationships that are at the root of abuse and violence against women and girls. I do not want my six-year-old daughter to grow up in a Scotland where women are viewed as sexualised objects or where women are judged on how they look. I want my daughter to grow up in a society in which gender is no barrier to success and where every child is treated as equal. It is time that we started to take responsibility for making sure that the images of women and young girls that are portrayed in the media are realistic, and we have the opportunity to do that here and now, in the bill.

We could make it an offence to knowingly display harmful sexualised content on the front pages of magazines and newspapers that are within children's sight. I intend to submit amendments on such a measure at stage 2. The bill also gives us scope to put in place restrictions on signage advertising sexual entertainment venues. The cabinet secretary referred to that in his letter to the committee, and I hope that we can make progress on the issue.

We all aspire to a Scotland in which equality is not just an aspiration but a reality, and we should use the powers in the bill to make that happen. Let us show that girls really do matter and ensure that their voices are heard. We must do all that we can in the bill to tackle the exploitation of women and girls wherever and whenever it takes place.

The Deputy Presiding Officer: I have indicated that there is a little bit of time in hand for interventions. It is, of course, up to members whether they want to take interventions. However, I suggest that, if they do not, they should try to stick to their six minutes.

15:26

Gil Paterson (Clydebank and Milngavie) (SNP): I share all the views that Cara Hilton has expressed with regard to broadcasting explicit scenes or posting them on the internet. Unfortunately, the Parliament does not have any powers to do anything about that.

I am not a member of the Local Government and Regeneration Committee, but the bill appeared, from its title, to be straightforward enough. However, as organisations and constituents starting to contact me ahead of the debate, I realised that the bill is wide ranging in its aims. I applaud the Scottish Government for that and the Local Government and Regeneration Committee for the extensive work that it has carried out on the bill at stage 1.

I will focus primarily on two aspects of the bill. First, I will address alcohol licensing, which is part of the larger approach to dealing with our relationship with alcohol and the negative impact that it has on a number of our citizens and communities. Secondly, I will look at the provisions that aim to tackle the increasing problem of metal theft in our country.

As a former member of the Health and Sport Committee, I have been involved in a great deal of evidence taking, including round-table discussions, on the impact of alcohol on Scottish society. The Scottish Government and all parties represented in the chamber are committed to tackling the problem. The impact of alcohol on the health of adults is well documented, but alcohol has an even greater effect on the health of young people. That is why I am pleased that the Scottish Government has announced, in the bill, that it will close the legal loophole that allows adults to purchase alcohol for someone under the age of 18 if the alcohol is then consumed in public. That loophole has encouraged young people to engage in drinking in outdoor drinking dens, which is detrimental to their health and has led to concerns being expressed by people who are afraid of groups of young people, especially if they have been drinking. For the provision to work, however, I advise that the police use their discretion and avoid being overactive in their enforcement, as that would only lead to the drinking dens going underground, which may make them harder to police.

Although there must be a focus on those who purchase alcohol, it is also paramount that, when a licensing board is considering someone's application to sell alcohol, the board is provided with wide-ranging information to ensure that the applicant passes a fit-and-proper-person test. The test exists in many licensing regimes, and I am pleased that the bill will incorporate it into ours. That will offer some comfort to families across

Scotland that those who hold an alcohol licence have been through a vigorous process, that they can be trusted and that their character is "fit and proper" to sell alcohol. Those are positive steps in the campaign to change our relationship with alcohol and I very much welcome the proposals.

As I stated, the second aspect of the bill that I will focus on is the provisions that aim to reduce metal theft. I have been approached by a number of constituents, including those from a religious background, who have raised their concerns over the increasing problem of metal theft and whose establishments have been subject to that crime. Not only does metal theft have a negative effect on those affected but it has a dangerous impact on those who carry out the thefts.

I am pleased that the Scottish Government acknowledges that efforts to reduce metal theft require legislative action. The proposals in the bill offer that action. While it is important to take preventative action to ensure that metal theft does not happen in the first place, it must be made very uncomfortable for the thieves to try to dispose of the stolen metal. If we introduce effective regulation of the metal-dealing industry, it will become more difficult for thieves to dispose of their stolen material.

Genuine metal dealers, who provide a valuable service to the community, and manufacturers will be protected by the legislation because it aims to target the unscrupulous dealers who offer a way for metal thieves to dispose of their stolen goods. It is hoped that, by cutting off that route, metal thieves will be discouraged from stealing in the first place, ensuring that our churches and railways are not despoiled and damaged.

I did not focus too long on other aspects of the bill as I am sure that colleagues will do so in greater detail. However, I welcome the Government's commitment to licensing air weapons. It is one of the most significant parts of the bill. If it protects one child or one animal, I am for it. In the wrong hands, air weapons are a danger to our communities and wild, pet and farm animals. The system proposed in the bill offers measures that are proportionate and practical.

I commend the bill to Parliament.

15:33

Elaine Murray (Dumfriesshire) (Lab): I am not a member of any of the committees that have considered the bill and will focus my contribution on three areas.

The first is air weapons. I have no wish to prevent people with a legitimate reason for owning an airgun from being able to do so—I do not think that anyone in Parliament wants airguns to be

banned altogether—but it should be recognised that airguns are weapons. They use pneumatic technology. In fact, air weapons were used in hunting and in war in previous centuries, until firearms technology overtook them.

We know that air weapons can kill—Clare Adamson referred to the horrific case of the murder of two-year-old Andrew Morton—but the extent of the misuse of air weapons was revealed by Assistant Chief Constable Wayne Mawson in evidence to the Local Government and Regeneration Committee when he advised that, between April and July 2014, Police Scotland recorded 84 offences specifically involving air weapons. Of those,

“six involved injuries to animals”

and

“nine involved injuries to humans—one of which was an attempted murder”.—[*Official Report, Local Government and Regeneration Committee*, 3 December 2014; c 20-21.]

Air weapons are often implicated in criminal activity. Almost half of firearms-related offences involve air weapons. They are frequently used in attacks on domestic and wild animals. Last year in Dumfries and Galloway, there were reports of a 13-year-old pet cat having to be destroyed after an airgun pellet injured its legs. Air weapons are often used against rabbits, rodents and other animals that are considered to be pests, but they are not always used by people who are trained how to use them properly, so there are cruelty and animal welfare considerations that militate against the continuation of unregulated ownership of air weapons.

I am not sure that I really followed Cameron Buchanan’s argument, but it seems to me that the logical extension of that would be to ban the licensing of firearms. We could apply the same argument to that licensing regime, but I do not imagine anybody particularly wants to reverse the situation.

We need to take air weapons seriously. There are an estimated 500,000 of them in Scotland, which presents a challenge. I understand the argument that the law-abiding, responsible airgun owners who use their guns for legitimate purposes will probably be the first to comply, but law-abiding people are the first to comply with most legislation.

I also appreciate that there are resourcing issues for Police Scotland and that ministers are seeking ways of ameliorating those pressures. The committee made a number of recommendations in that regard.

The committee is right to strongly recommend that there needs to be a comprehensive public information campaign that begins well in advance of the commencement of the licensing regime.

That should be about informing owners but it is also an opportunity to change attitudes towards air weapons and make the public realise how dangerous they are and the sort of damage that they can do in the wrong hands.

When I was a child, my father had an air rifle and enjoyed what I understand from the report is known as plinking. He even allowed my sister and me to do it on occasion—probably at some danger to our neighbours, I imagine, in my case. In those days, that sort of ownership and use of airguns was totally acceptable, and he kept the airgun safely locked away. However, that was 40-odd years ago and attitudes need to move on. The dangers of the misuse of air weapons to humans and animals outweigh the argument that anyone who wants to enjoy informal target practice at home should have the right to do so.

I also welcome the long-awaited proposals on measures to deter metal theft, although I agree with the committee that they could be further strengthened.

Back in 2014, Ivor Williamson, the owner of Rosefield Salvage in Dumfries, visited one of my advice surgeries to argue for a ban on all cash payments for metal. He believed that that was the only way to combat illicit trade in metals. Genuine metal dealers such as his company have nothing to fear from a national register for metal dealers in Scotland, for example, or the modernisation of the definition of a metal dealer.

Metal theft inconveniences at the very least, and often endangers lives. I live near the A75 and have noticed that a stretch of the fence there is routinely taken away from a field where children play, where dogs are walked and where there could be a danger from people running on to the road.

My final comments on the bill relate to the proposals for licensing the sexual entertainment industry, prompted by the Court of Session’s opinion in *Brightcrew Ltd v City of Glasgow Licensing Board*.

I agree with the Scottish Government’s violence against women strategy that commercial sexual exploitation constitutes violence against women and that it is harmful not just to the women who are exploited but to all women because of the attitudes towards women and their bodies that it promotes. I would prefer that no such establishments existed.

I cannot accept the argument that the commercial provision of entertainment providing sexual stimulation is necessary to attract business conventions to a city, as one witness appears to have suggested. In my view, establishments that encourage men to objectify and depersonalise women have no place in a modern and

progressive country. I have sympathy with the arguments for an outright ban and that regulation might imply acceptance of the attitudes towards women that such establishments promote. However, I also agree with Zero Tolerance that regulation is better than the current situation.

Local authorities in Scotland have taken different views on the sexual entertainment industry—as they have done on prostitution—so it is perhaps appropriate that such decisions be taken at a local authority level. However, I hope that it will be possible for a local authority that does not wish to allow any such activity to set “the appropriate number” of venues in its area at zero. I hope that many authorities will do so.

I will mention a suggestion that is related to the appropriate number of venues but which is not in the bill. Various members of local authorities have told me that they feel powerless to prevent the proliferation of betting shops and gambling establishments in some communities. That is not part of the bill, but I hope that, at some stage, we will give some consideration to whether local authorities need to have more powers to set appropriate limits for the number of gaming and betting establishments in particular communities.

15:39

Colin Keir (Edinburgh Western) (SNP): I am not a member of the Local Government and Regeneration Committee but I thank it for producing the report, which is welcome.

I will restrict my comments to the sections in part 3 of the bill that relate to taxi and private hire car licensing. In my previous life as an Edinburgh councillor, I was the convener of the regulatory committee. In effect, that made me the spokesman for the then administration on taxi and private hire car licensing.

As the Local Government and Regeneration Committee report points out, the main reason for licensing taxis and private hire cars is that the general public must have confidence in the knowledge that it is safe to get into a vehicle and that there is a fit-and-proper-person behind the wheel. There is also the issue of ensuring that any operating company is not a front for organised crime.

My first television interview on licensing as a local politician some years ago was in relation to an incident where a young lady got into a vehicle thinking that it was a taxi. She was taken by the driver to a secluded spot where she was subjected to a serious sexual assault. That is why I feel so strongly that we must have a robust licensing system. For the most part, the taxi and private hire trade is of a similar mind. If we have such a system, those who have been subjected to such

attacks in the past will feel that we as legislators are listening to them and that everyone is safe using taxis and private hire cars at any time.

The Civic Government (Scotland) Act 1982 was written at a time when the technology that we know did not exist. No one had thought of mobile phones as we use them today—they were massive in the early days—and certainly nobody had heard of such things as apps.

On booking offices, I absolutely disagree with the comment attributed in paragraph 311 of the report to Audrey Watson of West Lothian licensing board. Although Police Scotland could investigate nationally, in my opinion it is vital that booking offices are local to the licensing authority area or a short distance from the area in which they are licensed to operate. That allows the police or the licensing authority to easily check on driver and vehicle movements. To say, as Audrey Watson suggests, that a booking office did not have to be in Scotland would demand an almost unlimited amount of trust to be placed on a taxi or PHC operator.

Although most operations are professionally run, there have been the odd exceptions over the years. I believe that local licensing authorities should have not only the right to suspend a driver or vehicle or an operator’s licence but, in extreme circumstances, the right to be able to revoke a licence—a right that they do not have just now. I say that because there are examples of unscrupulous operators changing the day-to-day named operating manager or the ownership of an incorporated company while they fight a licence suspension in order to give the impression that there has been a substantive change to the business.

I know that the current convener of the regulatory committee at the City of Edinburgh Council, Councillor Barrie, would be supportive of such a change as he has informed me of his frustrations in combating unprofessional and unsafe practices within a small minority of the taxi and PHC trades in Edinburgh.

In local licensing systems, booking offices are key to public safety and to the ability to access records. That has to be the case for traditionally run taxi and PHC companies but also for those that use apps as a method of communicating with their customers. Indeed, any company—apps based or traditional—should be allowed to operate only if they do so taking cognisance of local conditions set down by the local licensing authority.

I turn to the issue of limiting numbers of vehicles and unmet demand. In my experience, that has been one of the most contentious subjects over many years, particularly here in the city of

Edinburgh, and I suspect that it will be again if we decide to extend the right of licensing authorities to limit private hire car numbers.

I have absolutely no objection to the limiting of numbers, having seen the mess that some cities get themselves into with vast numbers of unregulated PHCs or taxis. Oddly enough, the comments made by Mr Buchanan in the debate echo those made in a debate that we had in the city council back in 2007—I have to say that the Conservatives have not changed their view in that time.

I was a supporter of the policy to limit taxi numbers when I was in charge of licensing here in the capital. However, in order to help licensing authorities, an accepted method of calculating unmet demand, which has always been a problem, should be made available and agreed. It has been too easy for those who have had licence applications refused to run off to the sheriff court and make an appeal that is based on there being no real, accepted methodology in place. In a licensing system in which litigation has been frequently used by many, it would make sense to make a more prescriptive change to the Civic Government (Scotland) Act 1982 for certain circumstances, in order to make things easier for local authorities as well as to keep the cost of licence applications or amendments manageable for applicants.

I welcome the report and say well done to the committee for it. I have no problem in principle with limiting taxi numbers or with the ability to ensure that private hire drivers can be tested if that is done locally in a correct manner. I would also like to see currently exempt drivers and vehicles, such as stretch limousines, brought into the regulated system for safety purposes.

I once again commend the committee not just for its scrutiny of the bill but for opening up the discussion in the report, which has been very useful.

I support the general principles of the bill.

15:46

Tavish Scott (Shetland Islands) (LD): I apologise for being a minute late at the start of proceedings. I have no good reason at all for that; my legs just did not get me here quickly enough.

I have some sympathy with the cabinet secretary in respect of his responsibilities for licensing. I had responsibility for a licensing bill back in 2005, and I recall that the best advice that I received on how to understand the extent of the problem of overprovision as part of the issues that the Government was dealing with was very simple. It came from the most senior civil servant in the

department and it was to spend as much time as I could in the bars of Glasgow and Edinburgh at 1 o'clock on a Saturday night. That was not exactly the advice that I expected to get from a senior civil servant, but I nevertheless considered it very carefully.

I also spent a lot of time with a Strathclyde Police division looking at what happened at 3 am on a Sunday morning and how it dealt with that. I still recall in some detail the night that I was out with that division. The incidents were few and far between. When we went back to the police headquarters for the briefing after the evening to look at how the division had handled various incidents, to review what had happened and to discuss where it knew there were and were not flashpoints, it was interesting to reflect on the number of incidents that had taken place. In some ways, nothing changes in Scotland. We are still dealing with such things.

I heard the cabinet secretary's opening remarks about making an overprovision assessment across an entire board area. In passing, it strikes me that that will create significant issues. I am sure that the committee will reflect on that at stage 2. I recall some of the debate from some years back, and the trade certainly will reflect on that.

I have sympathy with the argument that Alex Rowley made on the bill being, in effect, a consolidated one. I seem to recall Westminster always being criticised for producing consolidated bills for Scotland. We seem to do quite a lot of that in Edinburgh nowadays.

There is some merit in the argument that a number of members across the chamber have put forward that something as clear-cut as air weapons deserves a piece of legislation in its own right. The licensing aspects that the cabinet secretary has introduced clearly have a common theme and there is a common area of responsibility. There could have been tidier legislation by dealing with matters in that way, not least for the reasons that Mr Rowley gave. There are arguments about the lengths of some of the regimes that have been in place and how they should be assessed.

I want to make some remarks on the air weapons licensing proposals, particularly from a rural perspective. I do not think that anyone disputes that there are problems with the ownership and inappropriate use of airguns. I believe—and the evidence supports this—that there are a greater number of such incidents in urban Scotland than there are in rural and island areas. However, in justifying the bill's proposals, the current Cabinet Secretary for Justice and, indeed, the previous Cabinet Secretary for Justice have quite rightly mentioned well-publicised incidents in which young children have been hurt

by the completely wrong use of an airgun. Those cases are appalling and have rightly been condemned, but they have also been prosecuted through the laws of Scotland that we already have. That point has to be borne in mind.

The question, therefore, is whether the proposed introduction of blanket restrictions will have a significant impact on individuals and practices that currently present absolutely no risk to public safety. That fact should be taken into account in any careful consideration of this matter. Moreover, as I understand it, these measures will not be much of a deterrent—if any deterrent at all—to those who are intent on acting irresponsibly. The cabinet secretary might say that the same argument could apply to many things, and he would be right; however, I think that when we bandy about terms such as “proportionality”—as we always do in these kinds of debates—there is a requirement on us all to make a judgment on these matters instead of jumping to the highest or lowest common denominator, depending on how you view a particular argument.

There is a greater risk for Government with regard to the licensing regime. I understand from experts that low-powered airguns would be subject to a higher level of restriction than double-barrelled 12-bore shotguns and even smooth-bore cannon. I am not arguing that there will be a sudden upsurge in the use of smooth-bore cannon but, as the evidence to the committee during its consideration of the bill and indeed to members in recent days suggests, it could be argued that, as a result of the bill, individuals might be allowed to trade up to more powerful weapons. That would be a perverse and bad outcome that neither I nor the Government would want.

I appreciate that the Government is under pressure to act. Ministers are always under pressure to do something in response to an incident, particularly the kind of tragic incident that has happened in the past, but Government is also about making a hard assessment of alternatives. I therefore urge the cabinet secretary to consider two things. First—and I am not sure whether the cabinet secretary mentioned this, but it was certainly mentioned by other members—it is thought that there are 500,000 airguns in Scotland, and an amnesty would take an awful lot of them out of circulation. Indeed, Clare Adamson, who is no longer in the chamber, told us that there is still a gun in the loft of her family home. I am sure that there are many such cases across Scotland, and an amnesty would, as in other circumstances, be a positive way of reducing the sheer number of guns in Scotland.

Secondly, I strongly advocate educating young people about firearms. The PlayStation and online games that my boys play invariably involve guns,

and our national news is dominated at the moment not just by politics but by reports of people drowning in the Mediterranean while trying to escape from Libya, where there is no rule of law, only the rule of the gun. There is no doubt that young people are influenced by what they see on television, by the reporting of such events and by what they read online, and I believe that parents and schools absolutely have a responsibility to talk about guns and the reality of what they can mean.

The Government is rightly concerned about public safety, but the crime statistics suggest that the number of incidents involving air weapons is small and falling. Indeed, the evidence to the committee was very clear about that. I could contrast that situation, as others have, with knife crime, which is running at significantly higher levels. No one is suggesting that we should license the possession of kitchen knives—that would plainly be ludicrous—but the fact is that it is easier to buy any kind of blade. As a crofter in Shetland put it to me the other day, more murders happen as a result of knife crime than will ever happen as a result of airguns, and I ask the Government to bear that proportionality argument in mind in introducing this licensing legislation.

15:53

Sandra White (Glasgow Kelvin) (SNP): I thank the Local Government and Regeneration Committee for its scrutiny of the bill and the attention that it has paid to all the submissions, including mine, in what has been an arduous and at times emotional task. The committee has taken evidence on air weapons, the supply of alcohol, taxi licences, metal theft and sexual entertainment venues, and I thank the clerks for the work that they have carried out for the committee and for me as part of the process.

I am not a member of the Local Government and Regeneration Committee but, for many years now, I have taken an interest in the effects of the sexual entertainment industry on women and girls and the wider public's perception of the matter, particularly men's perception of women as a result of exploitation, and I welcome the fact that the regulation of venues such as lap-dancing clubs that offer sexual entertainment has been included in the bill. In 2005, the Government of the time—in which, as Tavish Scott has just pointed out, he was a minister—set up a working group on adult entertainment following concerns that were expressed about the lack of controls on adult entertainment activity.

The working group recommended that sexual entertainment should be regulated, but no such regulation was introduced. In 2010, I sought to amend the Criminal Justice and Licensing (Scotland) Bill to that effect. Although my

amendment was supported by the Scottish Government at stage 3 of that bill's consideration, the Parliament did not agree to it. To say that I was disappointed is an understatement.

Undeterred, I have continued to pursue the issue, and I thank the Scottish Government for incorporating that amendment, which has been worked on since 2010, into this bill. I welcome the Local Government and Regeneration Committee's comments on that and other issues. I am very pleased that such so-called entertainment is to be regulated and licensed. Mairi Millar of Glasgow City Council said:

"it strikes me that we have licensing legislation and regulations to cover everything from window cleaning to selling burgers from a van or selling chewing gum at 3 o'clock in the morning under late hours catering regulations, but adult entertainment activity is currently not regulated."—[*Official Report, Local Government and Regeneration Committee*, 14 January 2015; c 17.]

I could not put it better myself. I think that it is high time that such activity was regulated.

I was struck by some of the examples that other members have given in relation to the licensing of adult entertainment, and I want to give a couple of examples of my own. Not far from here, a lady who works in an adult entertainment venue was attacked while she was walking along the street with her child. The person by whom she was accosted and attacked was someone who had been a customer in that venue. It was disgraceful that she was attacked in that way while she was going about her local business. What does that say about such venues?

I have also been contacted by women who work for corporate businesses who have been denied promotion because they refused to take to sexual entertainment premises corporate clients who had flown in or come up from other areas. Sexual entertainment venues must be regulated, not only because of the effect that they have on how women are perceived, which other members have commented on, but because, as Elaine Murray said, it is not the case that they are good for attracting businesses. It is disgraceful that women in corporate companies are being discriminated against because they will not take clients to such premises.

I turn to some of the recommendations that the committee made in its report, particularly on the issue of having an appropriate number of sexual entertainment venues and of whether to have a discretionary or a mandatory regime. I welcome the Scottish Government's commitment to provide guidance to licensing authorities on what constitutes an appropriate number of venues, as the committee recommended. I note the committee's recommendation that the licensing of sexual entertainment venues should be

mandatory, but my original proposal, which the Scottish Government has incorporated in the bill, was for an opt-in system. It is a fact that only four or five local authorities operate such entertainment licences. The Scottish Government has indicated that it thinks that an opt-in system that gives local authorities a choice is sufficient. I agree with Elaine Murray's view that local authorities are best placed to decide just how many licences they should have in their area.

A number of other issues have been raised, such as that of under-18s working in such clubs. I do not know what kind of work they would be doing, or whether it would be against EU regulations to prevent people between the ages of 16 and 18 from being able to work as cleaners or whatever in such premises. I would like that to be looked at, because it is important to consider the people who hang about in such clubs, whether within or outwith working hours. I also want to raise the issue of a fit and proper person. Both those issues should be looked at.

On the recommendation that there be a single body to deal with SEVs, as I will refer to them, alcohol and advertising, I am worried that if we went down that road, it might take longer to set up a new regulatory body and to legislate for that. I think that we have waited long enough for legislation to tackle sexual entertainment, which objectifies women. I am concerned that, if we went down that road, everything might have to be thrown out and we might need to start again. Perhaps the cabinet secretary could pick up on that or it could be looked at at stage 2.

Certainly, the bill is a step forward. Everybody has said that they will support the bill and I hope that it makes it through stages 2 and 3. We must ensure that women are no longer objectified by this form of so-called sexual entertainment.

16:00

Jayne Baxter (Mid Scotland and Fife) (Lab):

The bill is wide ranging and far reaching, and it is important that it is subject to scrupulous scrutiny in the Parliament. The scale of the bill's ambition, however, leads me to believe that it would have been far better if it had been divided into smaller parts, so that each area could have been scrutinised as closely as possible. The provisions in the bill could easily have formed the larger part of several bills. When the Scottish Government considers issues of this significance in future, it should deal with them in discrete bills, to ensure that the Parliament's legislation is as robust and effective as possible.

The licensing of the ownership of air weapons is a hugely important topic. I am sure each of us can recall the tragic cases that have been in the news

over the years of air weapons leading to deaths and serious injuries. The approach adopted in the bill is therefore to be broadly supported. It is important that we keep in mind that there are some, albeit very limited, reasons for people to own and use air weapons. Shooting sports are as legitimate as any other and we should avoid stigmatising people who choose to participate in them. We must, however, remember that air weapons are weapons. We cannot allow further tragedies to take place across Scotland involving air weapons. I am pleased that there is cross-party agreement on this topic—or at least there was until today's debate. I hope that we can get that cross-party agreement back.

As the committee noted, it is important that there is a well-funded and well-implemented publicity campaign across the country to ensure that all those affected by the changes that are contained in this long and fairly technical bill are aware of the implications of the new regime. Many people own an air weapon and no other form of firearm and might therefore be unaware of the conditions for applying for and holding a firearms certificate.

We would all agree that the current regime for the regulation of adult entertainment venues is inadequate. The question that is central to the bill is whether it goes far enough. I agree entirely with the principle of leaving to local authorities the last word on whether an adult entertainment venue receives a licence. As a former councillor, I believe that it is important that democratic accountability on a ward level combined with councillors' experience in making various quasi-judicial decisions is utilised in relation to such venues. Local authorities currently can decide only whether an adult entertainment venue is permitted a licence for the provision of alcohol. It is only proper that local authorities are empowered to evaluate whether such venues should be allowed in the first place. I endorse Elaine Murray's comments about extending that power to cover other sorts of venues such as betting shops and perhaps payday loan shops.

There are those who would like the bill to go much further, and those voices should be heard in the bill's future stages. The bill deals with an important moral question and we should strive to ensure that those with strong feelings on the topic are able to put forward their case. We should also examine the apparent loophole regarding holding fewer than four events of an adult nature a year. If the legislation can be circumvented with such ease, it is hardly worth implementing in the first place.

I turn to the bill's proposed changes to alcohol licensing. The abuse of alcohol is an enormous problem right across the country. Scottish

Government-funded research has estimated that the costs of alcohol misuse in Scotland are somewhere between £2,883 million and £5,396 million per year. It is imperative, therefore, that our licensing scheme is appropriate, robust and effective. The bill seeks to amend fairly old legislation. It would have been preferable for the Scottish Government to introduce a less piecemeal and more fundamental set of reforms for alcohol licensing in Scotland. We should look more broadly at how effective the current regime is across the country. Future Governments will have to examine the issue in a more fundamental way, sooner or later.

The remainder of the bill deals with a series of highly specific forms of licensing. I return to my previous point that the bill is far too broad for us to properly scrutinise all its provisions, but I will briefly mention two key elements of the remainder of the bill.

The taxi licensing scheme has always been predicated on the idea that taxis have a significant business advantage, as they are able to accept bookings on the spot. However, that benefit has been reduced by the near-universal use of mobile phones. It is widely accepted that most journeys of this nature are now pre-booked. It appears that that trend is set to continue with the advent of taxi-booking mobile phone apps.

Those technological advances call into question the entire approach that has been adopted for the licensing of taxis in Scotland. Recognising that, however, we can still say that the specific provisions that are contained in the bill are acceptable and should be approved by the Parliament.

The proposed changes to the regulation of scrap metal dealing also seem sensible. They are very similar to the approach that has been adopted in England, which seems to work well. With that in mind, I see no reason to oppose the changes that the bill proposes.

All in all, the bill seems acceptable in principle. As it is technical and applies to many specialist groups, it is important that the Scottish Government listens closely to the concerns and advice of experts in the relevant fields, campaigners and businesses affected by the proposed changes. The Law Society of Scotland in particular has raised several concerns regarding various aspects of the legislation. The Scottish Government should pay close attention to those concerns and amend the legislation accordingly.

The bill deals with several key topics. It is important that we get the level of regulation on them right. Additionally, it is important that we ensure that when such questions are considered in the future, we are able to consider them in

greater detail and, where appropriate, in separate legislation.

16:06

Willie Coffey (Kilmarnock and Irvine Valley) (SNP): I add to those of our Local Government and Regeneration Committee convener, and other members who have spoken so far, my thanks to the many people and organisations who took the time to offer their views and give evidence. I also thank our committee clerking team, who have done a great job in putting together the committee's report.

The purpose of any licensing system is, of course, to regulate legal activities that have the potential to cause harm to individuals who engage in them and to the wider public who may be affected by them. In this case, we are looking at use of air weapons and at licensing as it relates to taxis, metal dealers and various public entertainment activities. The bill will, rather than regulating ownership, make it an offence to use, possess, purchase or acquire an air weapon without holding a certificate. When an offence is committed, it will be more about who committed the offence than about who owns the weapon that is used.

On air weapons, I am pleased that the Government has accepted the committee's first recommendation, which is to support a public information campaign that will give the public the information that they need in advance of a certification system's being put in place. A website and other social media tools will give people information about how to hand in unwanted weapons and about the certification process itself, right through to how they might wish to dispose of a weapon under the new scheme, along with all the appropriate information on fees and timescales. That will be a very important part of engaging with owners and clubs and it will also serve the wider public interest.

The committee also wanted to ensure that the bill will not prevent remote sales to people who live outside Scotland; that recommendation has also been accepted by the Government and I understand that an amendment at stage 2 will facilitate that. It will simply mean that an air weapon can be bought in Scotland and delivered to a registered firearms dealer in England or Wales for collection.

The issue of whether to introduce an air weapon marking and identification system was discussed at some length by the committee, but I see from the Government's response to that idea that it, Police Scotland and the Gun Trade Association do not think that it is really necessary. Other legislation is in place to deal with criminality

involving weapons, so a marking system would not be critical in helping to prove any case that might be brought to court. There is quite a detailed explanation from the Government on that, which I hope clarifies the issue.

One of the key alcohol licensing proposals is the creation of a new offence of supplying alcohol to young people for consumption in a public place. Members will know that although it is currently illegal to buy alcohol on behalf of a child, it is not illegal to buy alcohol to share with a child. The bill will close that loophole by making it an offence for a person aged 18 or over to share alcohol with a person under 18 in a public place. That includes private property, where drinkers may have accessed it illegally. The purpose is to help us to tackle outdoor drinking by children and young people. The proposal has widespread support.

I note the Government's intention to consider the reintroduction at stage 2 of a fit-and-proper-person test for a person who wishes to hold an alcohol licence. Although there was agreement on that from some of those who gave evidence to the committee, there were also some reservations expressed, mainly with regard to linking the test to the broader licensing objectives and the possibility that that would give rise to further litigation. I hope that consideration of that issue at stage 2 will help us to resolve it one way or the other.

There are a few recommendations that will strengthen the desire for local licensing boards to consult the public, health boards and alcohol and drug partnerships on a variety of issues relating to alcohol. It is hoped that the more informed our boards are, the better will be the decisions that they make. The relevant parts of the committee report, which are supported by the Government, are more about reminding everyone that there is some good experience out there and that there are data to be shared before decisions are ultimately taken.

I have two points to make on the taxi licensing provisions in the bill. One relates to a situation in which a taxi driver who may be the subject of numerous complaints in one authority seeks to obtain a licence in another authority—forgetting, of course, to reveal that he has been the subject of such complaints. The response from the Government says that authorities can already make inquiries on such matters, and that Police Scotland, as a single entity now, should be able to assist. However, Police Scotland may not have such data recorded. I feel that in order to enhance the protection of the public who use taxis—in particular, vulnerable young women—there must be more than an expectation that authorities should try to find out from a neighbouring authority about any complaints that may have been made about an applicant. A Scotland-wide response to

the issue is needed: authorities should record all such complaints and other authorities should be able to access that information easily. Anything less than that will do nothing to reduce the risk.

On the less controversial issue of knowledge, I support the committee's view that the knowledge test should apply to all drivers, regardless of whether the service is a taxi or a private hire car. Members of the public expect, when they get into a car, to be taken somewhere by a driver who actually knows where he is going. I had an unfortunate experience a few years ago when a private hire taxi driver in Edinburgh did not have a clue where Hibernian's Easter Road football stadium was. I hope that any guidance notes on the bill that are issued by the Government will strongly encourage adoption across the board of the knowledge test.

The Air Weapons and Licensing (Scotland) Bill will, through its many provisions, strengthen public safety in Scotland and provide opportunities for the public and civic Scotland to engage with their local licensing boards on these very important issues. I am happy to support the general principles of the bill at stage 1.

16:12

Rhoda Grant (Highlands and Islands) (Lab): I will speak specifically about section 68 of the bill, which will introduce a licensing regime for sexual entertainment venues such as lap-dancing clubs. I pay tribute to Sandra White for the work that she has done on the issue over the years; I am sure that she is very pleased that the bill has been introduced.

The licensing of such venues became an issue in Inverness, where the licensing committee said that it was powerless to prevent a licence from being granted to a lap-dancing club in the city, despite the violence against women partnership's warning about the impact that such a venue would have on the area. I therefore welcome the move to empower local authorities to prevent such clubs from opening in our towns and cities.

The Scottish Government's document, "Equally Safe: Scotland's strategy for preventing and eradicating violence against women and girls", recognises commercial sexual exploitation, including stripping, lap-dancing and pole dancing, as violence against women. It tells us that

"these activities have been shown to be harmful for the individual women involved and have a negative impact on the position of all women through the objectification of women's bodies".

It therefore seems to be a little perverse that we are licensing venues that perpetrate violence against women.

My preferred option would be that we ban all such venues from our country and seek to create an equal society in which women are valued and not sold as commodities. However, the proposed licensing regime is better than the current situation, in which licensing committees feel powerless to prevent such venues from opening. Zero Tolerance tells us that there is

"no place for a highly gendered form of sexual entertainment in Scotland."

In its briefing, it states that these venues are places where men often seek to buy sex, which means that women are often moved from sexualised entertainment into prostitution.

Such venues also encourage gender inequality, which impacts on all women and, indeed, on our whole society. If we are to live in an equal society, we have to stop such venues operating, because they treat women as commodities to be sold for the sexual pleasure of men. They are not normal entertainment venues, and other countries have none—for example, Iceland. The countries that will not tolerate such forms of entertainment tend to give gender equality a much higher priority than those that do.

The licensing regime must be mandatory. Every venue, regardless of how often it provides adult entertainment, should be subject to the licensing regime. Local authorities must carry out equalities impact assessments on the venues before issuing licenses, taking into account the venues' impact on the wider society in their local area. I also wish to see violence against women partnerships being statutory consultees when licences are applied for. Local communities must have a say on whether licenses should be granted, and local authorities must be allowed to have a policy of having no venues at all in their area.

Other members have talked about the bill allowing young people under the age of 18 to work in venues at times when sexual entertainment is not taking place. However, there are often in such premises pornographic images that children working there would have access to. Again, Zero Tolerance warns us of the implications of allowing young people to work in such environments and tells us that, in essence, it creates a groomers charter.

Allowing that would also normalise such entertainment and exploitation in the eyes of very young and vulnerable people working there. Young girls would also be vulnerable to being enticed to become sexual entertainers when they turn 18. Any young person working there would be at risk of developing unhealthy attitudes to sexual relationships. I believe that the bill must be amended to protect young people from the exploitative nature of those premises.

The committee received a submission from Child's Eye Line UK regarding public display of sexualised images to children. I believe that that organisation has a point and that Cara Hilton's point on that was well made: such images should not be on display publicly. We have the power to ban the display of cigarettes—and are proposing to do so—because they are dangerous and harmful, but so are sexualised images because they impact on gender violence and inequality. The bill provides an opportunity to ban the public display of such images, so I hope that the Government will give that due consideration.

The bill does not have a fit-and-proper-person test for licensees of sexual entertainment venues, although people who apply for liquor licences are subjected to a fit-and-proper-person test. That is surely an oversight, so I hope that the bill will be amended to change that anomaly.

Licensing must also ensure that employment law is adhered to. Women who work in sexual entertainment venues are often charged appearance fees and can be fined, meaning that they can end up earning little or nothing at all. We all agree that we should be implementing the living wage and not promoting zero-hours contracts, and that we should be protecting workers. If we allow those venues to operate, we need to make sure that they are working within the law and that the people who work in them are treated and paid properly. Again, that can be addressed through the licensing regime.

I firmly believe that sexual entertainment venues have no place in a modern equal society, and that we should be banning them rather than licensing them. However, the bill's provisions are a step in the right direction, and I hope that all local authorities will take the opportunity to refuse all licenses for such venues in their areas.

The Deputy Presiding Officer (John Scott): I call Stewart Stevenson, to be followed by John Wilson. You have a generous six minutes.

16:18

Stewart Stevenson (Banffshire and Buchan Coast) (SNP): I think that it is appropriate for me to report, before I start my speech, that I am a member of the Banff Town and County Club, which is a licensed premises such as are referred to in the bill. I do not intend to speak on that part of the bill.

This is an interesting debate. One of the things that we perhaps ought to think about is that the problem of alcohol abuse and licensing and controlling alcohol is hardly new. Christopher Smout, the renowned historian who wrote the book "Century of the Scottish People: 1830-1950"—he is essentially a social historian—spoke

of a village in East Lothian that had one public house for every 14 occupants. There were special circumstances: it was a village to which many people came seasonally to work in agriculture. The problem is not exactly a new one.

The problem also existed when the Immature Spirits (Restriction) Act 1915 was passed. I have a personal interest in that act, because my father's cousin was responsible for it. Lloyd George had wanted to ban the sale of alcohol altogether, because of the effect that alcohol had on the munitions factories and the military towns around the UK during the first world war. James Stevenson persuaded the Government that it might be more effective simply to prohibit the sale of immature spirits. That is why whisky is kept in bond for three years. The aim was not to improve the quality of the whisky—although it had that secondary effect—but to restrict its supply, because there was seen to be an issue at that time. The improvement of the brand that is Scotch whisky that flowed from the 1915 act was an incidental benefit for whisky, because it meant that there was no longer poor-quality stuff on the market and whisky could be trusted as a quality product.

We can move forward to the reforms of the 1960s. Before then, there were one or two things to do with licensing in Scotland that we have totally forgotten about. For example, there was the veto poll. Teddy Taylor, the Tory MP for Cathcart for many years, was a very strong exponent of that. I think—subject to confirmation—that Cathcart was the last area in Glasgow where there was a total veto. The population had requisitioned a poll under the appropriate legislation and voted to have no licensed premises in their area. That was the provision that applied after the war, up to the reform in the early 1960s.

A licence granted for sale of alcohol on a Sunday had to be for a hotel. The definition of "hotel" meant that, if someone was going to sell drink on a Sunday, somebody had to be resident in the hotel. Therefore, across Scotland were hotels that advertised seven-day licences that had one room where somebody lived permanently at a discounted rate so that the licence was not discontinued. I happened to know one poor unfortunate, now deceased, called John Dalrymple, who got thrown out of the home that he had lived in for 30 years when the legislation was reformed in the 1960s. We should not imagine that any generation of politicians has been able to identify all the perfect solutions to what is quite a substantial problem.

I admit that I first entered a pub and consumed drink on 21 March 1959. It was in the Register Tap in Edinburgh, following a 3-3 draw in the Calcutta cup at Murrayfield, and there was a need for

consolation. Members are probably able to work out that I may not have been fully of age. Indeed, the barman asked me to sit behind the door in case a policeman popped his head round—things were a lot more lax in the old days. The provisions that are before us now are much better. Of course, my grandfather would not have approved at all, because he was a member of the society of Rechabites, who went around trying to get people to sign the pledge. He was against drinking in all its forms.

I used to have an airgun when I was a kid. It was not the kind of airgun that people can get now. It struggled to propel its .177mm lead pellet more than about 30 feet—the guns that we have now are more significant. If I wanted to carry it in a public place, I needed a licence, but that was simply a question of going to the post office, handing over 10 bob and getting one. It was really just a way of recording who had the licences, and it seemed to be utterly pointless.

I commend the policy position that Cara Hilton has taken. I have enormous sympathy for what she expressed regarding sexualisation of the female image. I absolutely agree on that. I caution her, however: she appeared to suggest that she would lodge at stage 2 amendments to do with the media and the internet. They would not, of course, fall within the powers that we have in this Parliament. I thought that it would be useful to spell out why that would be a risky thing to do. When bills are introduced, the Presiding Officer's office has to say that they are *intra vires*—in other words, that they are within the powers of the Parliament. As amendments are lodged at stage 2, it is up to the lead committee convener to come to a view. At stage 3, it is up to the Presiding Officer to select—or not to select—amendments.

Of course, we can pass legislation that is *ultra vires*. However, when it goes for royal assent, if it is judged by the palace's legal advisers to be *ultra vires*, royal assent will not be given. It is not simply a matter of the little bit of the bill that is *ultra vires* being struck out—although it could be at a later date if there is a dispute—because that would cause the whole bill to fall.

Although I utterly sympathise and agree with what has been said, including what was said by Rhoda Grant and others, I simply advise that because there is no policy difference among us, we must be very careful to take good advice. If that advice is that we can do what is proposed, I would be utterly content and I would be behind any such amendments, but we must be very careful on such matters.

It is appropriate that I record our gratitude to Sandra White for her work over a significant period on sexual entertainment venues. She has not been the only person articulating the argument,

but she has been the one who has utterly stuck with it. It is to her eternal credit that we see in the bill her not inconsiderably small hand writ large.

I wish the bill every success as it passes through its subsequent stages in Parliament.

16:26

John Wilson (Central Scotland) (Ind): I come to the debate as the Local Government and Regeneration Committee's deputy convener. I sat through many committee evidence sessions, and pay tribute to our witnesses as well as to the many individuals who made submissions during our stage 1 consideration of the bill.

Like other members, I will talk about the sections that I think are of importance, which is not to say that every section is not important.

On air weapons, which, in part, lend their name to the bill, this Parliament has only been able to legislate in the area following the transfer of powers under section 10 of the Scotland Act 2012. It took too long to give Parliament that legal competence.

When the bill talks about air weapons, it is not talking about all air weapons, as we do not have the competence to license all air weapons. The power to license certain air weapons will continue to be held by the UK Government. Those weapons are defined as handguns that can fire above six foot pounds and rifles that can discharge at 12 foot pounds. We must ensure that, when we roll out the legislation, individuals are aware of the distinction that exists between air weapons, that those that are seen to be "specially dangerous" will still come under Westminster's jurisdiction, and that we will have the right to regulate and legislate on and to license only air weapons that are below those limits.

We must also bear in mind the committee's discussions on the cost of licensing—the individual, not the weapon; the committee convener quite rightly said that we are not licensing weapons. Firearms and shotguns are registered because they have registration marks, but air weapons do not have such marks. Firearms and shotguns must be registered by the licence holder against a certificate. Under the licensing regime in the bill, it is the individual who will be licensed, not the air weapon that they hold.

On the suggested fees, there has been discussion about what someone would be charged to become a licence holder. Westminster is considering the fee for a firearm or shotgun licence, which currently sits at £50, and I am sure that it will return to the issue after 7 May. However, the figure that is being quoted for a firearm licence is £88, and for a shotgun licence it is £79.50.

We must bear that in mind when we talk about potential full cost recovery in relation to a licensing regime for air weapons. As Tavish Scott said, we must not encourage individuals to look at the cost of licensing an air weapon at £80 and think that they could instead apply for a shotgun licence at £79.50, or a firearm licence at £88. The trading-up debate is there. Individuals who may have a licence, and who may be appropriate people to hold one, could trade up to hold a firearm or a shotgun rather than holding an air weapon.

A number of members have commented on the estimated 500,000 air weapons that are currently located in Scotland, which is something that we really need to address. We need to find a way of reducing that number. If we cannot reduce it, we need to find a way of introducing a licensing regime that does not clash with the peaks and troughs of the shotgun and firearms licensing that is currently taking place. We would hate to see the introduction of air weapons licensing coming at the peak of the licensing period for shotguns and firearms. The Police Scotland evidence indicated that there were peaks and troughs in relation to such licensing.

Those are the issues that we need to address, and I welcome the fact that the cabinet secretary has taken on board a number of the issues that the committee raised about air weapons.

The licensing of adult entertainment venues has been adequately covered by a number of members. I welcome the opportunity to consider the amendments that will be lodged and I will consider them with interest when they come before the committee.

I will talk about scrap metal dealers, because there is an issue there. Other members have mentioned the risks to life and health that are posed by people who steal scrap metal to sell on. We looked at fines, and the convener mentioned the £5,000 fine that can be imposed on somebody who is caught stealing scrap metal. The difficulty is that the overall cost of the damage that is done by some of the thefts that take place is far greater than that. We heard evidence from one of the power companies, which estimated that the damage could cost in the region of £40 million over a period of time—not including the costs to individual households and communities. The maximum fine at the moment is only £5,000, and it would be appropriate to make fines or penalties commensurate with the overall damage that is caused by those thefts.

Clare Adamson mentioned the Auchengeich miners' memorial, which was stolen. I was at the unveiling with the First Minister and other MSPs, and fortunately for that community, the sculptor had not destroyed the mould from which he had produced the sculpture, so he was able to replace

the sculpture and we had a second unveiling. The difficulty is that many communities throughout Scotland do not have such an opportunity when thefts take place, because they do not have the original moulds and cannot reproduce sculptures or other items that have been stolen.

We have started the process. I hope that, when the committee considers the stage 2 amendments, we can get to a piece of legislation that will be not only meaningful but future proofed against developments in relation to issues concerning taxis, private hire cars, apps and various other things that will need to be considered.

The Deputy Presiding Officer: We now move to the closing speeches. I call Alex Fergusson.

16:34

Alex Fergusson (Galloway and West Dumfries) (Con): I am happy to be concluding the debate for the Scottish Conservatives, although, like other members, I am not a member of any of the committees that have been involved with the bill.

I have to say that I find myself somewhat perplexed by the bill and by the general principles that we have been debating this afternoon. As Cameron Buchanan noted in opening the debate for the Conservatives, there is a great deal in the bill that we welcome, even if we believe that some provisions might require modest amendment at later stages. I particularly welcome part 2, on alcohol licensing, for instance—I know that the issue is close to your heart, Presiding Officer—and I also welcome the sections that deal with scrap metal licensing.

However, we have a real sticking point when it comes to the Government's proposals on air weapon licensing, and it is on that aspect of the bill that I will concentrate, given that it is the single reason why we are unable to support the general principles at decision time. I dearly wish that, as Alex Rowley and Tavish Scott have said, part 1 had been in a separate bill. However, we are where we are on that front.

I want to make one thing clear at the outset: whatever our views are on part 1, gun crime—any gun crime—is utterly abhorrent, whether it be carried out against human, pet, wild animal or bird. That is something on which everyone in the chamber can agree. We on the Conservative benches will always support robust enforcement of existing or additional legislation where there is an unequivocal evidence base that it will be effective in achieving its aims. However, I cannot find evidence that that will be the case in this instance.

Let us not forget that, as has been said, between 2006-07, when there were 683 offences

involving air weapons, and 2012-13, when there were 171, there has been a drop of 75 per cent in reported incidents involving air weapons. Colin Keir mentioned a debate on the subject that took place in 2007 and said that the Conservatives' position had not moved since then. That is not true. On the basis of those figures, our position has actually hardened, because it seems to me that a drop of 75 per cent is quite significant. In fact, it is a significant reduction in anyone's language and it is, presumably, the result of the successful implementation of existing legislation and also of increased education initiatives by the Scottish Government and shooting organisations, for which they are to be commended. That is proof, if proof were needed, that the carrot often works better than the stick. Of course, on occasions such as this, they can also work well together.

On the subject of annual figures, I am concerned, as I said in an earlier intervention, that the most recent air weapon offence statistics—those for 2013-14—are not available. They should have been published in November 2014 but, apparently due to difficulties in collecting the data, they will not now be published until October this year, which is almost a year late and is certainly too late for them to inform this debate. A cynic—not me, but a cynic—might wonder why they cannot be produced by Police Scotland this year, while the bill is under consideration, when they have been produced regularly in previous years, and especially as Police Scotland was apparently able to quote figures from April to July 2014 in evidence. It seems to me that something is not quite right there, and it does not do this debate any favours.

Kevin Stewart: As Alex Fergusson has pointed out, we have moved to a new policing regime, with Police Scotland instead of the previous eight forces.

As the start of his speech, Mr Fergusson said that he would support a separate bill, but would not support part 1 of this bill, which deals with the subject. What would be different in that separate bill from the proposed legislation on air weapons in this bill that would make him support that one but not this one?

Alex Fergusson: I think that I am being misquoted, because I did not say that I would support a separate bill; I said that there should be a separate bill. What I do not like about this aggregated bill is that, at the end of the day, if this sticking point remains in place, we will have to vote against the bill. That would be a great pity, because there is so much of it that we believe is good. If there had been a separate bill, we could have disassociated ourselves from it and supported the parts of this bill that we agree with.

Whatever the figures that are not available turn out to be, there is no evidence at all that I can find that a licensing system will reduce crime. Indeed, if the possession of an airgun without a licence becomes a crime, the bill can only increase the crime statistics, which is surely the very opposite of what the Government intends.

Stewart Stevenson: I suggest to the member that no one cares about the statistics, whether they are up or down. We care about what happens on the ground and improving public safety.

Alex Fergusson: The point that I am trying to make is that I cannot find anything in the proposed regime that will improve public safety. I will come back to that later. Mr Stevenson's intervention has brilliantly made me lose my place. It was well timed.

I now come to the practicalities of introducing the licence. The British Association of Shooting and Conservation—and, indeed, other shooting organisations on whose behalf it was speaking—has pointed out that, at the moment, it can take up to nine months to process a shotgun or firearms licence. Police Scotland is in the process of reducing the number of civilian licensing officers from 34 to 14, so it will have to train up police officers who, I presume, will be taken off the beat in order to fill the gap. Their task will then be to cope with the demand created by owners of some 500,000 air weapons wanting to obtain a licence. All those weapons, less the ones that will be surrendered during any amnesty period, are untraceable anyway, as airguns do not have unique identification numbers—and the cabinet secretary is right not to try to introduce such a system. The Law Society helpfully pointed out the difficulties of the situation, and I can only wish the police good luck with it when the bill is passed. It can only create a mountain of extra work and bureaucracy for an already overstretched police force, with no measurable impact on airgun crime. I therefore find myself asking what all this is for.

I do not think that the bill is about public benefit, despite Alex Rowley's arguments, to which I listened very carefully. They were convincing in many ways, although I am afraid that they did not convince me. Tens of thousands of people will be caught up in a licensing scheme that will involve an incalculable number of inquiry officer visits to applicants' homes for the purposes of verification and which has an indicative cost of at least £85 per application. That huge public expense is going to be incurred for no calculable public benefit or reduction in crime, and a new regulatory infrastructure will be required to oversee the system.

The Deputy Presiding Officer: You must conclude, please.

Alex Fergusson: I think that part 1 targets the wrong people, as future offenders will not be those who have obtained a licence. It will do nothing to preserve public safety, as the Law Society points out in its submission, in which it highlights the real possibility that many untraceable air weapons will simply disappear into the wrong hands as and when a licensing scheme is introduced. In addition, Police Scotland's infrastructure is ill equipped and underresourced to do what it will be asked to do.

The cabinet secretary strikes me as a sensible man—I told him that I would be nice about him. He has seen sense on corroboration; I hold on to the hope that he will see sense on this as well.

16:42

Alex Rowley: There has been a lot of consensus in the debate, as there was in the committee. On all sides of the chamber, there is a willingness to see the bill go forward and be passed. I hope that we can work together over the coming weeks and that the minister will give an indication in his summing up that he is willing to work with the various groups that have put forward different arguments today so that we can find a way to continue that consensus.

The consensus broke down because of the Conservative Party's view on air weapons, which I do not agree with. Elaine Murray pointed out that the committee was advised that 84 offences had been committed over a period. Representations were also received from animal welfare organisations and other organisations that highlighted the issues that can arise around air weapons. As Elaine Murray said, at the end of the day they are weapons. I am therefore supportive of that part of the bill and the Labour Party will support it.

John Wilson talked about fees, and the committee picked up on the point about full cost recovery for the licensing of air weapons. I know that the matter seems still to sit with the UK Government, but the committee picked it up and talked about being able to recover all the costs. It is important that we pick up those points from the report.

In his response to the report, the minister indicated that he is fairly positive about some areas of the report and will pick up some of its recommendations. The committee produced a number of recommendations, so I hope that we can discuss those with the minister in the coming weeks.

Kevin Stewart talked about all the people who gave up their time to give evidence to the committee. It would be good to demonstrate that it is worth while taking the time and trouble to give

evidence to Parliament and that the issues in that evidence are being taken on board. I hope that we can pick up some of those issues.

A number of members talked about the proposals for licensing clubs. The Brightcrew decision meant in effect that there was no regulation of sexual entertainment venues. Even those who have said that they would rather that those clubs did not exist welcome some kind of regulation. Some members made the point that local authorities are well placed to make decisions about whether venues in their area should be licensed. At the end of the day, local authorities are held to account by the electorate. Those of us who support the devolution of decision making to the lowest possible level believe that it is right, on an issue as important as this, that local authorities should have the final say. Nevertheless, Cara Hilton and others pointed out that there are still a number of issues that we would like to discuss with the minister. I congratulate Sandra White, who I know has pushed that issue for some time.

On whether young people aged 16 to 18 should be able to work in those venues, I know that there has been an argument about employment law but, again, if the minister is open to it, we can discuss the issues and, hopefully, pick them up and take them forward.

Willie Coffey talked about licensing authorities sharing information about taxi operators. He asked a lot of questions about that in the committee. There is a recommendation on page 55 of the report that there should be more discussion in that regard. I am not sure whether that could be included in an amendment at stage 2 or whether the minister is open to having that dialogue. I would hope that he is and that we could pick that up and move that forward.

Clare Adamson talked about taxi apps and the importance of safety in relation to taxis. She gave the example of a woman who was sexually assaulted after getting into a vehicle that she thought was a private hire car. The committee heard evidence from an academic from the University of Edinburgh who is an expert on taxis, not just in Scotland but throughout the world. His view was that, as soon as the legislation is passed, it could be out of date because of new technologies. I know that Willie Coffey has more expertise in the field of technology, but that part of the bill may have to be considered again in future.

Kevin Stewart: One of the key things that the bill should achieve is that folk know that they are getting into a licensed vehicle with a licensed driver. That is the essential element in all of this. Whatever we do, technology-wise and so on—in terms of hailing or apping or whatever—the key thing to keep folk secure is to keep that licensed driver and licensed vehicle element in place. We

should do everything possible to ensure that that continues.

Alex Rowley: I agree entirely with Kevin Stewart.

In his opening speech, Cameron Buchanan wondered whether we were being too heavy handed in treating taxis and private hire cars in a similar way in licensing. However, the evidence does not suggest that. Those who gave evidence to the committee—the taxi operators who operate private hire as well as the Scottish Taxi Federation—all seemed to be fairly positive about, and in favour of, the proposed legislation. I was struck by the pride that the taxi operators took in the quality of training, skills and expertise that they expect their drivers to have, so the proposals were broadly welcomed.

A number of members have said that they would like to consider amendments to a number of areas of the bill, particularly the regulation of sexual entertainment venues, and I ask the minister to indicate that he is willing to meet members who have concerns and want to lodge amendments to see whether we can maintain the consensus that we have had in the debate as we go forward to stages 2 and 3 and pass the bill.

16:51

Michael Matheson: I am grateful to all the members who have contributed to the debate. I have listened carefully to many of their comments and the issues that they raised.

I understand some of the frustrations that members have about the bill being presented with several different component parts to it. That is not unfamiliar and unusual in the Parliament. There are parts of the bill that would be difficult to have as bills on their own because they are limited in nature. However, I acknowledge that the bill acts as a vehicle to make changes that were needed to a number of aspects of legislation, such as the Licensing (Scotland) Act 2005.

I am also conscious of the point that Tavish Scott made. He has been in the Parliament as long as I have and I do not think that we have gone through a parliamentary session in which some form of licensing legislation was not necessary. Because of circumstances that develop and from which we learn, we have to go back and consider amending the legislation and introducing new regulations to respond to challenges that come up.

However, the Licensing (Scotland) Act 2005, to which Tavish Scott referred, made a significant improvement in the way in which we license premises that sell alcohol. For example, one of the common issues that the police used to raise with

me concerned off-licences that were found to be selling alcohol to people who were under 18; they were at risk of losing their licence and they would simply transfer the licence to another family member and continue. Having a premises licence as well as an individual licence closes down the potential for that, so the 2005 act made a significant improvement in how we go about alcohol licensing.

I said to the committee that I understand the calls for a review of the Civic Government (Scotland) Act 1982. I also said that we should not underestimate the scale of such a review and the work that could be involved in it. My estimation is that it would take several years for that work to be undertaken. Therefore, although I recognise and understand the calls for the review, I caution members on the potential implications of it and the nature of the work that would be involved in it. As I said to the committee, I would be more than happy to come back to it in the autumn having considered the issue in greater detail.

John Wilson: One of the issues that was raised at the committee was how the 1982 act was being applied throughout Scotland and what appeared to be inconsistencies in its application by certain local authorities. It would be useful if the cabinet secretary were to indicate whether he will consider some of the inconsistencies that were identified when we took evidence.

Michael Matheson: I am always prepared to look at areas where things can be improved. However, the very nature of licensing means that there will always be a level of variation, given the way that individual local authorities take particular matters forward.

Alex Rowley asked about having a discussion about some of the areas in which he and his colleagues believe that the bill could be improved. I am not in favour of deleting any section of the bill—that will disappoint the Conservatives—but I am always open to looking at how we can improve legislation, no matter which side of the chamber the suggestions come from. I am more than happy to engage with Alex Rowley and his colleagues and any other member in the chamber to look at how we can improve this bill.

I turn to the licensing of air weapons. I note the position that the Conservatives have now taken on this matter. Over recent years the number of crimes that have involved a firearm has decreased significantly, and that is positive. Having said that, almost half of all the incidents that involve a firearm involve an air weapon. So, although the number has been dropping, air weapons account for almost half of all the incidents that involve a weapon of a firearm nature.

We have sought to act proportionately in this area. The way in which the licensing regime will operate for air weapons is not the same as the way in which it will operate for firearms and shotguns. It is a much lighter-touch approach, but it will allow the police, as they have said, to prevent an individual from having an air weapon if the police do not believe that they are a suitable individual to have one, or if they do not think that it would be used in an appropriate way. It has been a frustration to the police for some time that individuals who they do not believe should have an air weapon have been able to have one and the police have been powerless to do anything about it. That point was raised by Sandra White.

Alex Fergusson: Would the cabinet secretary be open to—

The Presiding Officer (Tricia Marwick): Can we have Mr Fergusson's microphone on, please?

Alex Fergusson: It might help if Mr Fergusson had put his card in.

The Presiding Officer: I would have thought that you would have known better, Mr Fergusson.

Alex Fergusson: So would I, Presiding Officer. You are absolutely right. I apologise.

Is the cabinet secretary open to the suggestion—perhaps this is for a later stage of the bill—that if somebody already holds a shotgun or firearms certificate they would automatically have the right to possess an airgun?

Michael Matheson: Part of the provision that we have put in the bill is that those who hold a shotgun or firearms licence and who also have an air weapon will not have to apply for an air weapons licence until they are applying for a new shotgun or firearms licence when their licence expires. That is the only point at which they would have to apply for it during that process. That is to take away some of the potential burden from them.

I turn to the issue that Mr Fergusson raised around the potential burden on the police in having to deal with all the licences that will be required for air weapons. As the member might be aware, there are significant peaks and troughs in the way in which the police deal with firearms licensing. That point was made by John Wilson in his speech. We are trying to ensure that we introduce the provision on air weapons in that trough when the police are not dealing with a significant amount of firearm or shotgun licences. We are working on that with the police. As I indicated, we are looking at how we can manage that issue through secondary legislation.

The fee for certificates for both shotguns and firearms has increased from £50 as of 6 April. For a firearms certificate, the fee is now £88 and for a

shotgun certificate it is £79.50. We have sought to achieve a balance on the issue of the licensing of air weapons. I believe that the bill reflects that.

I turn to the issue of sexual entertainment venues, about which a number of comments have been made. I understand the comments and concerns that have been raised by some members on this issue and the need to make licensing provision on this matter. To her credit, Sandra White has pursued this matter through the Parliament for almost a decade, and we are now making significant progress in this bill to address the concerns that she has raised.

I am very conscious that often, when the Government takes action, there is the accusation that we are taking powers to the centre and making decisions that we should have allowed to be taken locally. In the bill, we are allowing local licensing boards to make the decision, based on local policy. I refer to the point that Rhoda Grant raised. If local licensing boards wish to set a zero figure for sexual entertainment venues, they can do so. There is a process that they will have to go through in justifying that, but the bill allows them to do that should they wish to do so. It gives them the power and allows them to engage with their local community and to reflect on that in their local decision making. I believe that that is the right balance to strike. That gives them the power and the scope to take matters forward.

On under-18s being able to work in sexual entertainment venues when the venues are not operating, I am more than open to looking at where measures can be taken. I am very conscious that there are issues around employment law that we must be careful of, but I am more than happy to look at that issue further. On the working conditions for those in the venues, I am more than happy to look at where provisions could be put—probably in secondary legislation—for licensing boards to take into account those matters, as well.

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

Michael Matheson: That would help to improve the legislation. I am open to looking at how we can take those matters forward.

The debate has been very useful. We will consider all the points that have been raised, and I will respond to members as positively as I can in order to build on the bill, improve it, make it as suitable as possible, and ensure that we continue to have a range of licensing regimes in Scotland that are fit for purpose.

Air Weapons and Licensing (Scotland) Bill: Financial Resolution

17:01

The Presiding Officer (Tricia Marwick): The next item of business is consideration of motion S4M-12488, in the name of John Swinney, on the financial resolution to the Air Weapons and Licensing (Scotland) Bill.

Motion moved,

That the Parliament, for the purposes of any Act of the Scottish Parliament resulting from the Air Weapons and Licensing (Scotland) Bill, agrees to—

- (a) any expenditure of a kind referred to in Rule 9.12.3(b) of the Parliament's Standing Orders arising in consequence of the Act, and
- (b) any charge or payment in relation to which Rule 9.12.4 of the Standing Orders applies arising in consequence of the Act.—[*Michael Matheson.*]

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

Decision Time

17:01

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

The first question is, that motion S4M-12994, in the name of Michael Matheson, on the Air Weapons and Licensing (Scotland) Bill, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Adamson, Clare (Central Scotland) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baxter, Jayne (Mid Scotland and Fife) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Biagi, Marco (Edinburgh Central) (SNP)
 Brodie, Chic (South Scotland) (SNP)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)
 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)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hilton, Cara (Dunfermline) (Lab)
 Hyslop, Fiona (Linlithgow) (SNP)
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)
 Johnstone, Alison (Lothian) (Green)
 Keir, Colin (Edinburgh Western) (SNP)
 Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Macintosh, Ken (Eastwood) (Lab)
 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)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDonald, Mark (Aberdeen Donside) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMillan, Stuart (West Scotland) (SNP)
 Murray, Elaine (Dumfriesshire) (Lab)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Rowley, Alex (Cowdenbeath) (Lab)

Smith, Drew (Glasgow) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Urquhart, Jean (Highlands and Islands) (Ind)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Wilson, John (Central Scotland) (Ind)
 Yousaf, Humza (Glasgow) (SNP)

Abstentions

Brown, Gavin (Lothian) (Con)
 Buchanan, Cameron (Lothian) (Con)
 Carlaw, Jackson (West Scotland) (Con)
 Davidson, Ruth (Glasgow) (Con)
 Fergusson, Alex (Galloway and West Dumfries) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Goldie, Annabel (West Scotland) (Con)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland Islands) (LD)
 Smith, Liz (Mid Scotland and Fife) (Con)

The Presiding Officer: The result of the division is: For 60, Against 0, Abstentions 12.

Motion agreed to,

That the Parliament agrees to the general principles of the Air Weapons and Licensing (Scotland) Bill.

The Presiding Officer: The next question is, that motion S4M-12488, in the name of John Swinney, on the financial resolution to the Air Weapons and Licensing (Scotland) Bill, be agreed to.

Motion agreed to,

That the Parliament, for the purposes of any Act of the Scottish Parliament resulting from the Air Weapons and Licensing (Scotland) Bill, agrees to—

- (a) any expenditure of a kind referred to in Rule 9.12.3(b) of the Parliament's Standing Orders arising in consequence of the Act, and
- (b) any charge or payment in relation to which Rule 9.12.4 of the Standing Orders applies arising in consequence of the Act.

Meeting closed at 17:03.

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