

LOCAL GOVERNMENT AND COMMUNITIES COMMITTEE

Wednesday 19 September 2007

Session 3

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LOCAL GOVERNMENT AND COMMUNITIES COMMITTEE

4th Meeting 2007, Session 3

CONVENER

*Duncan McNeil (Greenock and Inverclyde) (Lab)

DEPUTY CONVENER

*Kenneth Gibson (Cunninghame North) (SNP)

COMMITTEE MEMBERS

*Alasdair Allan (Western Isles) (SNP)

*Bob Doris (Glasgow) (SNP)

*Johann Lamont (Glasgow Pollok) (Lab)

*David McLetchie (Edinburgh Pentlands) (Con)

Michael McMahon (Hamilton North and Bellshill) (Lab)

*Jim Tolson (Dunfermline West) (LD)

COMMITTEE SUBSTITUTES

Robert Brown (Glasgow) (LD)

Rhoda Grant (Highlands and Islands) (Lab)

Tricia Marwick (Central Fife) (SNP)

Margaret Mitchell (Central Scotland) (Con)

*attended

THE FOLLOWING ALSO ATTENDED:

Stewart Maxwell (Minister for Communities and Sport)

CLERK TO THE COMMITTEE

Martin Verity

ASSISTANT CLERK

Ian Cowan

LOCATION

Committee Room 2

Scottish Parliament

Local Government and Communities Committee

Wednesday 19 September 2007

[THE CONVENER *opened the meeting at 09:01*]

Subordinate Legislation

Housing Grants (Assessment of Contributions) (Scotland) Amendment Regulations 2007 (Draft)

The Convener (Duncan McNeil): Good morning and welcome to the Local Government and Communities Committee. The first item on the agenda is subordinate legislation. The Minister for Communities and Sport, Stewart Maxwell, is accompanied by Jean Waddie, who is a policy officer in the private housing policy team.

The Housing Grants (Assessment of Contributions) (Scotland) Amendment Regulations 2007 have been laid under the affirmative procedure, which means that the Parliament must approve them before their provisions come into force. The Subordinate Legislation Committee has raised no points on the regulations for this committee's attention.

As committee members do not want to take the opportunity to ask technical questions, we will move to the debate.

The Minister for Communities and Sport (Stewart Maxwell): The amendment regulations make a technical change to the means test that applies when a local authority offers a grant to a home owner to repair, improve or adapt their home.

The amount of grant that is awarded depends on the applicant's relevant income. The detail of what types of income are relevant is set out in the original Housing Grants (Assessment of Contributions) (Scotland) Regulations 2003. All income from social security benefits is disregarded in calculating an applicant's income, as is income from various funds and trusts set up by the United Kingdom Government to help people who are affected by particular conditions or disabilities. That includes payments from the independent living funds, which help disabled people to live in the community.

From 1 October 2007, a new fund will be established under the Welfare Reform Act 2007. It will be known as the independent living fund 2006. We need to amend the housing grants regulations

to include that new fund to ensure that people who receive payments from the new fund will benefit from the same disregard as those receiving payments from previous generations of the independent living fund.

Members of the committee will be aware that the housing grants regime that is set out in the Housing (Scotland) Act 1987 is to be replaced by provisions in the Housing (Scotland) Act 2006. The Scottish Government is currently working on the implementation of the new scheme. The amendment that is implemented by the regulations that are before you is simply to ensure that the legislation remains up to date in the meantime. Therefore, I ask you to recommend that the regulations be approved.

I move,

That the Local Government and Communities Committee recommends that the draft Housing Grants (Assessment of Contributions) (Scotland) Amendment Regulations 2007 be approved.

Motion agreed to.

Minister for Communities and Sport (Responsibilities)

09:05

The Convener: Item 2 is the Minister for Communities and Sport's responsibilities. I invite him to make a short introduction after his officials have changed seats. The minister is accompanied by Dr Andrew Scott, who is the head of the social housing division; Alisdair McIntosh, who is the deputy director, regeneration policy and housing support; and Mike Palmer, who is the deputy director, social inclusion.

Stewart Maxwell: I thank the convener for allowing me to make a few opening remarks. Given the time constraints this morning, I will try to keep them brief.

Since my appointment as minister, I have been keen to set out the Government's priorities on communities and sport. This morning, for this committee, I will concentrate on communities.

As members are aware, we are committed to boosting the supply of housing—I made that clear in the housing debate on 21 June. Members will also be aware that we have established a housing supply task force, which has met once and is due to meet again in the next month or so. We have also started development work on the Scottish housing support fund.

We have made it clear that we are committed to delivering on the homelessness legislation that the Parliament has passed. We intend to report later this year on progress towards meeting the 2012 target.

Members will also be aware that we have announced that we will engage in a wide-ranging consultation on housing policy in the autumn. The consultation paper will be published in the next month to two months.

The Government is committed to continuing some of the previous Administration's work on regeneration and to successful and sustainable regeneration of communities, including targeted action in disadvantaged communities. We will make more detailed announcements on our approach following the spending review.

As I have said, we are committed to the UK Government's long-term goal of eradicating child poverty by 2020. We have signed up to that ambitious target. We are reviewing our commitments on that issue and we will make our priorities clear as soon as possible.

I know that the committee will be interested in Communities Scotland, which we discussed at the committee's away day a few weeks ago. I was

interested to hear members' thoughts on our future thinking about that organisation. We have also recently had the benefit of the views of other key players, such as housing and regeneration stakeholders.

As I said at the away day, it is imperative that we reach a decision as soon as possible, so that there is no uncertainty and so that we have clarity for staff and stakeholders, to ensure that they can take forward the important work on housing and regeneration. If the committee has any other thoughts to tell me about Communities Scotland, I am happy to listen to them and to feed them back into the continuing process.

I enjoyed the session that we had at the away day, which provided an excellent opportunity to have initial discussions with the committee. I look forward to future discussions at committee meetings and other events.

The Convener: I have one wee question about the timeline in relation to Communities Scotland. When do you wish the committee to give you thoughts about Communities Scotland?

Stewart Maxwell: As soon as possible. We want to make a decision imminently and to have that with staff as soon as possible. If members wish to raise particular issues, I would appreciate it if they did so today. If they wish to write to me, it would be appropriate for them to do so as soon as possible.

The Convener: We have a timetable and lots of work to do across the board. Would doing something on our views about Communities Scotland be a worthwhile exercise, or has a decision been made?

Stewart Maxwell: The decision has not yet been made, but it will be made in the very near future. I fully expect a decision to be arrived at in the next week or two.

Johann Lamont (Glasgow Pollok) (Lab): I am gravely disappointed by that. Given that you talk about ending uncertainty for staff, it is a bit much to create uncertainty by saying that you are not sure what will happen to Communities Scotland, then to give that as a reason why you are not able to have full consultation with the committee and other relevant organisations on Communities Scotland's future, especially given the serious and hard discussion about the significance of that body that we had at the away day. That is not to say that anyone thinks that Communities Scotland must remain as it is, but a discussion about the options that are available would have been more credible.

I am disappointed by what you have now said, given that, in answer to a parliamentary question of mine, you said on 23 July:

"We will take time to consider the issues properly, consulting both organisations, trade unions and other key stakeholders, including ensuring that the relevant Parliamentary Committee has an input into the process before the final decisions are taken."—[*Official Report, Written Answers*, 23 July 2007; S3W-1701.]

To tell us that it would be helpful to find out whether we have any other thoughts does not match the commitment that you made in your written answer. You might want to address that point.

What are the various options for the future of Communities Scotland that are being considered? What consultation has taken place to date? If you cannot tell us that now, perhaps you can tell us what meetings were held to discuss such matters and what the outcomes of those consultations were. How can our committee become involved in the discussion about the future role of Communities Scotland? Are you saying in effect that the decision has been made and that there is no role for the committee? How do your conclusions on the future of Communities Scotland fit with the outcome of the Crerar review? How will those findings influence the debate about Communities Scotland's regulatory functions?

Stewart Maxwell: Thank you very much for those questions. In respect of consultation with other stakeholders, as I said in my opening remarks, a range of discussions have been held with key housing regeneration stakeholders, including organisations such as the Convention of Scottish Local Authorities, the Chartered Institute of Housing and the Scottish Federation of Housing Associations, as well as with the staff and board of Communities Scotland. It is entirely appropriate that a number of meetings have taken place at official level to discuss the issues.

In our manifesto, we laid out clearly our direction of travel and the vision that we have of the future of housing regeneration. It is right and proper that we went to the electorate with that vision. It is also right and proper that the Government takes its decision in the light of any comments that it has received from the organisations concerned and that the committee's involvement in the process is to provide comments and input at this stage, but also to examine the overarching decision that is taken and to assess how that decision is implemented in the future. That is entirely legitimate and it has been the normal process during my four years as an MSP. The previous Administration made decisions, which parliamentary committees scrutinised and took a view on, but the committees were not involved in deciding between options that the Government placed before them. It is entirely appropriate that we follow the same route.

We will have to wait for the outcome of the Crerar review to find out what impact it has on the

independent regulatory function of Communities Scotland but, as I think I made clear at the away day, my view is that there will have to continue to be an independent regulatory function. We must wait to find out how the Crerar review comes out on that, but the operation of a national regulatory function, separate from and independent of Government, is important.

Johann Lamont: To be clear, you have not ensured that the committee will have an input into the process. We do not have the timescale to do that. At no stage have we been provided with an opportunity to comment on the options that you are considering. At the away day, it was made clear that there are hard issues involved, which go far beyond saying that any particular political party's manifesto commitment is to save Communities Scotland or to get rid of it. We must consider a number of questions. Should we have a regulatory body? Do we need a housing agency to drive the housing agenda, as a number of people have suggested? Is it necessary to have the expertise of an organisation such as Communities Scotland on regeneration? Is it credible to get rid of a single body and to disperse its work among 32 local authorities? Those are hard issues to resolve; even within parties, there is probably not agreement on how to do that.

I am gravely disappointed that at the same time as you say that the committee will have an input, you say that you will make a decision in the next week and a half. That is not a sustainable position, given that you said on 23 July that you would ensure that the committee had an input. I am disappointed by that, given the new politics and the opportunity for consensus and agreement building in the committee on this subject. It feels very much as if your party has made its decision on Communities Scotland and that you are going to pursue that decision without testing it through the parliamentary process.

I would be interested to know about any meetings involving officials and about any meetings that you have been involved in yourself. Other organisations will also have an interest in the matter. I do not know what the position might be in the end, but I am gravely disappointed that there has been no opportunity to air the options for Communities Scotland through the parliamentary process.

09:15

Stewart Maxwell: There is clearly a difference of opinion on the matter. We made our view clear in the run-up to the election. At the committee's away day, I said that it was the job of the Administration to set out its position on the organisation and that it was the job of the committee to examine that decision, taking

evidence if it so wished, and to ascertain whether the decision provides the delivery mechanisms that we want for housing regeneration. I have made it clear that we need to have an independent regulatory function. I do not think that there is any doubt about that. Different people have different views on how to proceed. It is up to the committee to examine the proposals that we make over the next few weeks.

The Convener: We have a wee problem with this—not with your right to exercise your manifesto positions but with your not having the confidence to discuss the matter across parties and to seek a consensus or a better understanding of the options. We perhaps misunderstood in thinking that you were prepared to have an open discussion on the matter.

Do you wish to make a point on the same subject, Jim?

Jim Tolson (Dunfermline West) (LD): It is on a different subject.

The Convener: Alasdair Allan has a point on the same subject.

Alasdair Allan (Western Isles) (SNP): I wonder whether the minister could elaborate. I am certain that the committee will wish to scrutinise vigorously what the minister puts before us. Is there any precedent for what has just been suggested, with a series of options put before the committee and then decided on? My impression is that there is no such precedent and that that is not how things are done in committees.

The Convener: If I may interject, I am not seeking to do that. There is a clear difference between what the new Government has laid out in its manifesto and how it intends to get there. There is a clear role for the committee to scrutinise the process and get a better understanding of it, and to communicate its conclusions on the Government's thinking and its justifications for that thinking to the Parliament and to the public. No committee had a veto on the decisions of the previous Executive, nor do we seek one on those of the Government. We seek a line of communication and accountability. Our job is to try to make the Government accountable to the Parliament, through the committee.

Alasdair Allan: It was not your comments that I was referring to, convener.

Stewart Maxwell: I entirely accept what Alasdair Allan has said about how the process works. From my recollection, the first two Administrations never put options before a committee for it to get involved in that part of the process.

There is a balance to be struck when it comes to keeping the committee and the Parliament fully

informed during different stages of the debate. The Government is right to present its proposals for serious scrutiny by the committee and the Parliament, but we must take into account the interests of staff and other stakeholders by not dragging out the process. I accept that it is difficult to achieve that balancing act and to decide exactly how much time should be allowed for those processes. We do not wish to drag out the process for any longer than is absolutely necessary; it is in the interests of staff that we do not, bearing in mind any uncertainty that might be caused during the debate on the matter.

The Convener: We have heard what the minister has to say.

David McLetchie (Edinburgh Pentlands) (Con): I have a couple of questions about housing stock transfer and how the Scottish Executive intends to deal with the situation that has arisen in those local authority areas where tenants voted against stock transfer in a ballot. As the minister knows, the deal with stock transfer was that if tenants voted to transfer their housing stock, the Treasury would agree to write off the housing debt, which would then lever in further funds to improve social housing stock and to build additional social housing in areas such as Edinburgh and others where such stock transfers were proposed. What discussion has the Scottish Government had with the Treasury about the prospect of the Treasury relaxing its previous ruling on the subject and thereby in effect writing off housing debt for local authorities where the local authority is still the landlord and there has been no stock transfer?

Stewart Maxwell: Several members have expressed concerns about that point and many local authorities have had difficulty grappling with the issue. From contact at official level, it is fair to say that the Treasury is not keen to move on that point. As far as the Treasury is concerned, those local authorities that transfer their social housing stock out of public control will get their debt written off and those that do not will not have that debt written off. I am disappointed with that. Other models could have been used and the Treasury should be a bit more flexible, but it is unlikely to move on that point at the moment.

David McLetchie: As that is likely to remain the case, is the Scottish Government going to accept that and agree that nothing more can be done for those council areas that rejected the initial stock transfer proposals? Alternatively, does the Scottish Government have ideas about working with those councils so that debt transfer might be achieved by, for example, having partial stock transfers for particular estates?

Stewart Maxwell: I do not accept that that is the end of the matter. We must come up with a

solution that will help with housing regeneration in such areas. However, there is no doubt that the Treasury will not accept anything other than housing stock transfer as the model for housing debt write-off.

David McLetchie mentioned partial stock transfer and I have no objection in principle to that. It is not a matter of putting a political block on it. It is for local authorities to make proposals and for tenants to decide whether to accept those proposals in any ballot that might take place. I would not rule that out; it could happen.

One of the problems is that the previous Administration had one tool in the box—it was a case of stock transfer or bust. In my initial discussions with the City of Edinburgh Council, for example, I have said that I am keen for it to consider other models and to make proposals that it thinks might be appropriate for Edinburgh housing, and I am willing to discuss those models or proposals. The forthcoming consultation paper will discuss several issues such as housing stock transfer, and a debate is to be had during the winter about which models will fit which areas. Unlike the previous Administration, I do not think that one size fits all. Different models will be equally valid for different areas of the country.

I am not against the idea of partial stock transfer in principle. The various areas that voted against stock transfer will have to make new proposals and discuss where they want to go with their housing in light of the forthcoming consultation document.

David McLetchie: I take it that you think that the Scottish Government's role in this is essentially passive in that it will be responding to councils' proposals rather than actively working with those councils to find solutions.

Stewart Maxwell: No. If that was the impression that I gave, it was a mistake. As I said, we met City of Edinburgh Council councillors and officials to discuss some of their problems. I also met the leader of Renfrewshire Council, along with its housing spokesperson and officials, to discuss the problems that they have had. We are proactively going out to engage with the councils where the problem exists. We are also, as I said, bringing forward options, choices and possibilities through the consultation document that will be published quite soon.

David McLetchie: Is everyone who is involved in the dialogue clear that there is no debt write-off if there is no transfer and that, therefore, any alternative proposals for consideration will have to include a transfer element if debt is to be written off and new moneys are to be levered in for investment in housing?

Stewart Maxwell: That is the Treasury's position at the moment, as far as we can make

out. I am happy to continue the previous engagement with the Treasury on the issue. One of the problems is that if the Treasury were willing to accept a model for debt write-off in Scotland that was not stock transfer, the impact for the Treasury would be quite high levels of cost throughout the rest of the UK. I understand the Treasury's position, although I do not doubt that there are other models that it should consider. We would be happy to engage with the Treasury to see whether there is any room for manoeuvre, but I am not optimistic.

The Convener: Can the committee have access to the communications raising the issue that have passed between Scottish ministers and UK ministers and officials?

Stewart Maxwell: I am happy to go back and look at that, convener. If you allow me to pause and reflect on it, and check whether it is—

The Convener: Pause and reflect on an exchange of information?

Stewart Maxwell: If those communications are available for publication or release, I am happy to pass them on. You will understand that some correspondence between ministers and Government is confidential. There is a protocol about keeping letters and correspondence between ministers confidential.

The Convener: Let us take a step back, minister. How many meetings have taken place between Scottish ministers and UK ministers on the issue? How many meetings have taken place between officials of the Scottish Government and UK officials on the issue since May?

Stewart Maxwell: Since May, there have been no formal meetings between officials on that particular point.

The Convener: What about between ministers?

Stewart Maxwell: No, not on that point. Not since May.

The Convener: So, since you came into government, there has been no contact on the issue. You have just told the committee that you presume that there will be no change in the UK Treasury's position, yet you have no grounds to substantiate that, as the Scottish Government has not contacted ministers or officials.

Stewart Maxwell: The UK position, as set out, has not changed since May. That position was clear before May and it has not changed.

The Convener: Will you give the committee an assurance that you will carry out that work formally and make those discussions happen?

Stewart Maxwell: Carry out which work?

The Convener: I may have misheard you, minister, but you gave evidence that the position had not changed. You gave us the impression that discussions between officials had taken place, but it now seems that those discussions have not taken place and that there has been no contact with the UK Government on the issue. If we are to get anything meaningful to happen, it is vital that we get debt write-off, but there has been nothing—

Stewart Maxwell: There was correspondence between the UK Treasury and officials prior to May. That had been going on for a considerable period. It is not that a raft of meetings suddenly took place post-May; the position that was laid out to me is that, on the basis of the contact prior to May, there is little prospect of the UK Treasury shifting its position. I am not aware that anything has changed in relation to the UK Treasury's position since the 3 May election.

The Convener: We read about changes in the UK position on air-guns and all manner of things since then. I am puzzled by your coming here and portraying the UK position as something that is set. We have no means of confirming that.

Bob Doris (Glasgow) (SNP): I think that we need a bit of clarity. My understanding of what you said, minister, was that there had been dialogue between the Scottish Government and the UK Government on debt write-off and housing stock transfer. However, it was unclear whether you meant the new Government, post-May, or the previous Government. There has been dialogue and you have seen communications showing the previous Government's approach to the UK Government on the issue, which does not make you optimistic. The committee would be happy if you were to give us a commitment that you will reopen communication lines. That would certainly satisfy me.

09:30

Johann Lamont: I want to talk briefly about the "one tool in the box"

of the previous Administration. I accept that that is your view, but will you comment on the response from the cabinet secretary on the options that are now available to local authorities to meet the housing quality standard, which are, among other things, to look at rent levels, dispose of housing revenue account assets and look at making efficiencies? Are those tools in your box in relation to your dialogue with local authorities? What rent level increases would be acceptable? What sort of housing revenue account assets would local authorities dispose of—do they include land? How do you expect to draw in sufficient funds to make efficiencies? Do you accept that under the old proposal, partial stock transfer did, in certain circumstances, allow debt write-off?

Stewart Maxwell: Your last point is, of course, a matter of record and I did not suggest otherwise. However, debt write-off happened within the scope of the stock transfer that was managed by the previous Administration. Councils could choose either to transfer or not transfer housing stock. It is my impression that that was the end of the matter, as far as policy was concerned. That is my view, although you might have a different one. You seem to suggest that we are taking a policy decision to increase rents.

Johann Lamont: A parliamentary answer from Nicola Sturgeon identified three options: increased rent levels, disposing of HRA assets and increased efficiencies. Would a certain level of rent increase be unacceptable and would you intervene? What assets do you imagine disposing of and how would such efficiencies be delivered?

Stewart Maxwell: The setting of rent levels is a matter for local authorities, who must set levels that are appropriate to allow them to carry on their work to maintain the quality of the local housing stock. It is not for me to dictate to them; we have no national rent cap or policy as such and neither did the previous Administration. It is for local authorities to set the appropriate rent level so that they can manage their stock and bring it up to a decent standard. Nothing has changed in that regard; it is a statement of fact.

The sale of land or other possible assets has always been an option for local authorities. It will vary from council to council depending on what they have and how they want to use it. However, it might be appropriate in certain circumstances for some councils to use the sale revenue from their assets in their housing revenue accounts to build new houses or for other measures. There is no doubt that those are options for councils. Although I cannot recall the parliamentary answer to which you refer, I expect that it was just a statement of fact that it is possible for councils to act in that way.

Johann Lamont: Some of those options must be more acceptable to you than others in the context of there being no debt write-off. The challenge to local authorities is to meet the Scottish quality housing standard, but you say that they are unable to do so. The Scottish Government is saying to local authorities, "Here is a range of things that you can do; now bring forward these particular options." You identified those options as the new tools in the box, as opposed to the one tool that you said was there before. You say that you do not want to build new houses, but at the same time, you encourage local authorities to vest themselves of land. Those two things do not fit together terribly well.

Stewart Maxwell: In some cases they will not fit together, but in others they will. Different councils

have different levels of assets. It might not be appropriate to build council houses on some parts of the land that they own; it might be more appropriate to sell that land. What has been said is that councils have those options; it is not for us to dictate rent levels, although it would not be appropriate for there to be sudden steep hikes in rent. Nobody suggests that there should be; I am certainly not suggesting it.

Councils must have plans in place to meet the Scottish housing quality standard. Ensuring that they do that is a matter for them. I expect the vast majority of councils to meet that standard and to have plans in place to do so.

Jim Tolson: You said in your opening statement that you would report later on progress towards the 2012 homelessness targets. Saying that you will report later is a bit vague; I would like details for the committee about what you plan to do to help to meet those targets. A great concern in many areas is that local authorities are using up to 60 per cent of their current budget allocation on homelessness. That makes many people try to jump the queue by saying that they are homeless, although they might not previously have done that, to ensure that they are housed as quickly as possible. That puts extra pressure on many local authorities' housing lists. What are you doing to increase the housing stock for local authorities and registered social landlords?

Stewart Maxwell: That raises several points. We have discussed with COSLA the timetable that is in place. In the summer recess, I spoke to councils throughout the country. You are right to say that they are feeling some pressure on the issue. We intend to publish the report that I mentioned on progress towards the 2012 targets later this year, so it will be available in 2007.

I am in the process of writing to ask key stakeholders to join the homelessness monitoring group, to ensure that we have experts who have a clear remit of focusing on measuring progress towards meeting the 2012 targets and the outcomes for homeless people.

As for the broader question about adding to the supply rather than continually trying to fit people into a relatively small pot, the supply task force's purposes include helping to unblock the problems in the planning system and identifying land to free up for supply, so that we can speed the process of building new houses. You mentioned RSLs, which we want to build more houses. Part of the consultation that we are about to enter into will cover how they do that as efficiently as possible. Continuing with the current way of doing things would be unsustainable. Given the steep rise in costs to the Government of building new houses, we would not build enough houses to meet demand.

The consultation document will discuss many of the issues that relate to how we achieve more for the public money that is available. The supply task force will home in on a focused piece of work on land supply and blockages in the planning system, so that we can move forward quickly towards having more housing across all tenures.

Kenneth Gibson (Cunninghame North) (SNP): Good morning, minister. As you know, a plethora of grants is available to tackle fuel poverty—some grants are more widely known and more effective than others. What action is being taken to consolidate and simplify the different grant schemes that are available to tackle and eradicate fuel poverty?

Stewart Maxwell: You are right to say that there is a range of options. The issue is cross-portfolio and involves not just me but other ministers who deal with energy efficiency, building standards and other matters. We want to examine how we focus on fuel poverty. The current set-up has been welcome and many people have benefited from the grant schemes that are in place, but one of my concerns is that it lacks local flexibility.

The current programme does not necessarily address the crux of the fuel poverty problem. As I said, it has been excellent and has been supported across the Parliament, but there is no doubt that it is only one lever for tackling fuel poverty. Fuel poverty figures have been on the rise of late and are affected more by energy prices and by overall poverty levels than by some of the programmes that we have in place. It is time to look at those programmes and to focus on the reduction and eventual eradication of fuel poverty in our country, which is what we all want. The programmes should help to achieve that, and there are a number of possibilities in that regard.

The problem with rural fuel poverty is particularly bad, especially in the Western Isles. We need to consider how to address the inequity that seems to exist in the system. Some areas seem to be suffering much more than others. We often talk about targeting resources on the needy—we should ensure that we do so in this regard.

Kenneth Gibson: Your answers have been very helpful, minister. It must be difficult to get to grips with the issue. In some respects, you do not have much control over the matter. The Scottish Parliament might have control over how it deals with energy inefficiency, but you clearly do not have control over levels of disposable income. You probably have even less control over the price of domestic fuel, given the variability of prices in recent years—judging from recent issues with gas supplies, it seems that prices depend on the mood that President Putin happens to be in on a day-to-day basis.

What discussions has the Scottish Government had, or what discussions is it planning to have, with energy supply companies to ensure a certain level of price stability over the next few years, as far as that can be achieved? What plans do you have to concentrate on those people who are in extreme fuel poverty, to whom you alluded, given the fact that, for about 119,000 households, more than 20 per cent of household income is now being spent just to keep homes warm?

Stewart Maxwell: We intend to have meetings with energy supply companies soon, although we have not had any since May. I also intend to meet representatives of the Office of Gas and Electricity Markets to discuss common approaches to bringing down the level of fuel poverty in Scotland. Ministers with responsibility for fuel poverty from throughout the UK meet periodically. There has been no such meeting since May, and I am not sure when the next one is due. However, at that next meeting, I will raise the specific problems of fuel poverty that exist here in Scotland. Officials meet their opposite numbers in the Department of Trade and Industry—as it was—to discuss many of the issues.

The review that we must conduct should examine targeting and how things are done. The central heating programme and the warm deal were exceptionally welcome, and they have gone a long way to help people live more comfortable lives thanks to more fuel-efficient heating systems. However, I wonder whether we must now assess whether those programmes are actually tackling fuel poverty. Although there has been massive investment, fuel poverty is still on the rise. Are we doing enough work on energy efficiency and insulation, as well as providing the central heating systems? There is clearly no point in installing such systems if the heat is going through walls and ceilings. We need to consider the balance of investment so that we do the maximum that we can, under the constraints that are upon us, to target the people you mentioned in your question.

Kenneth Gibson: As you know, I have secured a debate on fuel poverty on 27 September, so we can go into the matter in greater depth then. However, I am concerned about our target of eradicating fuel poverty by 2016. Given the extraneous pressures from fuel supply, costs and wage levels, is it realistic to have such a target? It is like a moveable feast.

Stewart Maxwell: The target is certainly difficult—it is extremely ambitious. However, I think that it is worth having a target. It puts pressure on Government and others to focus their energy on eradicating fuel poverty as far as is reasonably practical. It helps to drive forward the momentum and ensures that we do not take our eye off the ball with regard to tackling fuel poverty.

It has a great deal of value in ensuring that the pressure is kept on and that our foot is kept on the gas.

Whether any Government can eradicate fuel poverty by 2016—especially a devolved Government that has limited powers across the range of issues that affect fuel poverty—is open to question. The target is difficult and ambitious, but we will do everything in our powers to reach it. I will work with my opposite numbers in the UK Government and, at official level, we will speak to Ofgem and others about the matter. Clearly, however, it is very difficult and I do not underestimate the challenge that we face.

09:45

Alasdair Allan: Good morning, minister. You are aware of the representations that I have made about the central heating scheme and the apparent variations in the performance of the contractor, Scottish Gas, in different parts of the country. I know that you are dealing with that matter, and I will not press you for further details on it unless you wish to supply any.

More generally, is the central heating scheme the subject of any analysis by the Government to determine its effectiveness and the speed at which it is being rolled out? How does that relate specifically to the targets that have been set? Are there any targets along the way towards the goal that has been set for 2016? If so, how will progress towards those be measured?

Stewart Maxwell: I will comment briefly on the performance of Scottish Gas, which has been disappointing. I have made no secret of my view on that in responding to questions on the issue. Officials have been pressing Scottish Gas in meetings to ensure that it honours its commitments. It has said that it will meet the target of 12,000 installations, but the problem relates to the variation in the number of those installations throughout the country. The area that Alasdair Allan represents and others—particularly rural and island areas—have, up to now, been losing out under that contract. We will continue to press Scottish Gas to ensure that it acts according to not just the letter, but the spirit of the contract. We must ensure that all parts of the country have the opportunity to benefit from the programme.

Some research into the health benefits arising from the central heating programme was published earlier in the year. However, it is fair to say that it did not reveal the degree of health benefit that we expected to see, and that is disappointing. A slight caveat to that is the fact that the research was conducted relatively soon after the installation of the heating systems, so a longer-term benefit might not have been caught by the research.

The research did not show that people's health had improved after the installations took place, which is disappointing. That is one reason why it is important for us to consider other approaches. There may be better ways of addressing the problem, and that is what I want to examine across portfolios with other ministers. I want us to consider how we can best focus our efforts to make a difference to fuel poverty, as an element of doubt is beginning to creep in following the early research on health and some of the initial figures that are coming through about the number of people who are in fuel poverty.

The Convener: Today, as previously, you are raising a wee bit of concern among committee members by talking about the free central heating programme in the past tense. You have taken the time to question its outcomes and benefits. Are you moving towards ending that scheme, as something that does not provide the value that you and the Government want?

Stewart Maxwell: That is not the position at all. We only want to see what benefit has accrued from the scheme, which has been welcomed and supported across all parties. Nevertheless, it is the case—officials will correct me if I am wrong—that more than half of the systems that are now being installed are replacement systems rather than systems for people who had no system at all. Clearly, there has been a shift in the delivery of the programme. All that I am saying is that it is right and proper that we examine the initial research and the figures that are coming out of that about how many people are in fuel poverty and the impact of the programme before we decide how to proceed.

It is a matter not of stopping the programme, but of how we take it forward and best implement it so that we target those who Mr Gibson mentioned, who are at the worst end of the fuel poverty spectrum. It is important to review progress to date and put in place a scheme that targets those who are in most need and those areas where there has been a lack of effort in the past, or where the effort has not had the desired impact. There is clearly a wide variation in levels of fuel poverty throughout the country.

The Convener: Are you suggesting that the free central heating programme might be means tested in future?

Stewart Maxwell: No, I am not suggesting that.

The Convener: Are you giving your guarantee that it will continue?

Stewart Maxwell: I am saying that we will review the programme and find out whether we are getting the maximum return for the public money that is going into it, so that we can ensure that fuel poverty is tackled. It is only right and

proper that we should review that to ensure that we get the best value for those who are living in fuel poverty.

It would not be right for any Government to say that it should carry on providing a scheme if the research shows that the benefits are not there in that scheme. I am not suggesting that; I am saying that we have to ensure that we are getting those benefits and, if they are there, we will carry on with the scheme. However, we can do other things and we should look at them.

There are examples from elsewhere. Kenny Gibson mentioned next week's debate about warm zones, and there are other examples of lessons in how to tackle fuel poverty and of successes elsewhere. I want to be sure that our programmes are tackling the problem. The central heating programme has been a huge success but it is fair that we should review its progress to date and decide how to take it forward.

The Convener: So there are no guarantees for its future in its present form.

Stewart Maxwell: Nothing stays the same forever and we cannot say that the current programme will last forever. It is entirely reasonable to review it. I am not for a minute suggesting that we will take it away or stop it; that will not happen. The programme will continue, but we have to ensure that it targets those who live in fuel poverty, which might mean looking at other options to ensure that that happens. That does not mean that we will means test people, or that we will stop the programme. It just means that we should look at the evidence.

The Convener: But you would not rule out any of those possibilities.

Stewart Maxwell: They are very unlikely. I cannot see the purpose behind what you are suggesting.

The Convener: I am just wondering why there should be a review.

Stewart Maxwell: The review is about ensuring that the effort is being made to tackle fuel poverty. If the evidence is that the programme is not tackling fuel poverty in the way that we hope it is, I assume that any Government would consider that evidence and ask how it can adjust the programme to ensure that it focuses on the problem, which is fuel poverty. Surely the focus of the Government should be not on defending the current programme no matter what the evidence, but on ensuring that the programme is fit for purpose and that it tackles fuel poverty.

The Convener: We welcome the review and look forward, as a committee, to being involved in the debate. I hope that you can assure us that our views will be taken into account fully.

Johann Lamont: If the Government is going to review the programme but it is not going to consider means testing, does that mean that you are looking at continuing with a free central heating programme for the over-60s and extending it to other groups? What elements of the programme are you going to review if not who can access it?

Stewart Maxwell: We can review the evidence to see whether the programme is reducing or eradicating fuel poverty. If it is not doing that, we have to ask questions about how we ensure that any programme that we propose does that. We will review the evidence, the results of the programme and what it has done so far, and then we can consider critical questions, one of which is the geographic variation of the programme's impact.

The programme is having a much greater impact in some areas than in others. Is a central heating programme the most effective way of dealing with fuel poverty in the Western Isles? There are questions about the programme being limited to some systems but not involving others that could be more appropriate to areas such as the Western Isles. There is a question about local flexibility in implementing the programme.

This is not about expanding eligibility or reducing it through means testing, but about ensuring that the programme is fit for purpose.

David McLetchie: Is this the first time that the Government has said that programmes are to be reviewed?

Stewart Maxwell: I am not aware that that is the case. We discussed the issue at the committee's away day. The Government's clear message has been that we are considering whether all programmes—not just on fuel poverty, but across portfolios—are fit for purpose. Any new Government that came into office would consider whether existing programmes were the right way to go or whether it had to take a new tack. I do not think that I have made a new announcement.

David McLetchie: So the review is internal at ministerial and official level and is not an external review for which stakeholders and other people are invited to submit evidence and which involves consultation processes.

Stewart Maxwell: At the moment, the review is internal. Once it is complete, we might move to a second stage, but we must have the internal review first.

Bob Doris: The line of questioning is bizarre. If a new Government did not review existing measures as a matter of course, it would be doing something far wrong. It would be bizarre to say that we would review programmes but keep

everything the same. The review does not involve ruling anything in or out. As part of good governance, a review will take place. I am happy with that.

At the away day, the minister was questioned for some time on whether means testing would be introduced and he made it clear that just a general review of fuel poverty measures was being done. We have spent too much time on that today. If time is available before the minister leaves, I ask the convener's indulgence to ask one or two questions about Communities Scotland, which I did not have the opportunity to ask earlier.

The Convener: Of course, Bob. However, I remind you that you had the opportunity to ask questions about Communities Scotland at the beginning of the session.

Bob Doris: I tried hard to get in.

The Convener: I also remind you that our session with the minister at the away day was informal and private, whereas the comments today are on the record, as they need to be.

To question other members' questions is dangerous. Every member has the right to ask questions and to pursue a line of questioning.

Bob Doris: I am allowed to give my view on the record, too, convener.

The Convener: You have just done so.

Kenneth Gibson: I think that the review is positive. Am I right in saying that the review is intended to enhance delivery of the campaign to reduce fuel poverty? The minister talked about examining what is happening in other areas. One reason why I raised warm zones is that a successful measure is being implemented south of the border, which I would like to be considered. The review's aim is to help reduce fuel poverty and not to do anything that could detract from that.

Stewart Maxwell: If the question is whether the review is about budgets, the answer is that it is not. It is about enhancing the programme to ensure that we do what I think we all want to do—tackle fuel poverty. That was the reason for introducing the programme and why it attracted cross-party support. It is only right and proper to have an internal review of whether programmes are achieving the ends that we want and, if they are not, to ask how we should enhance them to ensure that they do. That is the fundamental point.

Kenneth Gibson: I will move on to regeneration. What are the new Scottish Government's key policy priorities for regeneration, particularly urban regeneration?

Stewart Maxwell: Our policy is to build on the work that has been done. We all acknowledge that previous Administrations have done much good

work on regeneration. Several structures that are in place have been shown to be of value in delivering regeneration projects in various parts of the country. The detail of our policy position on regeneration will be laid out after the spending review.

I will give some background. At the moment, the urban regeneration companies that operate in different parts of the country have submitted business plans for the future, which officials are appraising to determine whether we want to proceed with those structures. Again, those decisions will be influenced by the spending review process. Our main objective is to ensure that regeneration continues and is a priority for the Government, and that regeneration is focused on those areas of urban deprivation that require the maximum amount of effort from the Government.

10:00

Kenneth Gibson: I certainly hope that you will do all that you can to implement the SNP's urban regeneration policy, which I drafted and which was unanimously agreed at the 2001 annual conference. It covers all areas of regeneration.

The Convener: We must scrutinise that, minister.

Kenneth Gibson: It took a year and a half to produce that document, which runs to more than 100 pages—it has quality and width.

David McLetchie: And joined-up writing?

Kenneth Gibson: Absolutely—very small writing.

I am glad that you mentioned urban regeneration companies, of which there are six in Scotland. One of them covers Ardrossan and Saltcoats in my constituency, where respectively 40 per cent and 43 per cent of the population are economically inactive. There is one in the convener's constituency as well. I am keen for you to give us some more detail on your views on urban regeneration companies. What role do you feel they have? What support will the new Scottish Government give to ensure that they deliver the regeneration that we want to see at the earliest possible opportunity?

Stewart Maxwell: I will deal with your second point first. The URCs' business plans are undergoing detailed appraisal to allow us to determine whether they match up with our ambitions and are realistic. That process is continuing.

My view is that the URC model is one model of regeneration, but not the only model. There are other models that other parts of the country might want to use. URCs have brought benefits in the

areas in which they have been used. I do not want to prejudge the outcome of the spending review, but it is fair to say that URCs have proved valuable and may well continue to do so, thanks to their ability to focus on areas of serious deprivation such as those that you mentioned and to maximise the return by leveraging into those areas other private investment once they have got the regeneration ball rolling. There is no doubt that the URC model is one for which I have some admiration.

Kenneth Gibson: Which geographic areas do you wish to prioritise? Are they the areas that are covered by the six URCs, or are other areas under consideration?

Stewart Maxwell: If you are asking me whether I have a shopping list of areas that I think should have URCs set up in them, the answer is that I do not. For me, the priority is that we use an evidence base. We have the Scottish index of multiple deprivation, which we use to ensure that our regeneration effort goes into areas of multiple deprivation. My priority is to use the evidence from the index to ensure that we have a targeted and focused regeneration effort in those areas, rather than to identify a list of geographic areas from which to pick and choose.

Johann Lamont: I have a specific question. You will be aware of communities' anxieties about the future of the community regeneration fund. Many organisations are waiting for decisions on that. Can you tell us where we are with that? If, because of the spending review, you cannot take a long-term, strategic approach to the community regeneration fund, what will you do in the short term to address the fact that some projects are now closing? There is a huge amount of anxiety about the issue. If you are not able to take action in relation to the big picture, can something be done at least for a year?

I am sure that you must be aware of the localised anxiety about individual projects and jobs. You talked about the need to reduce anxiety and uncertainty for Communities Scotland staff. I am sure that you will be aware that the future of the community regeneration fund is a big issue in local communities. How will you address the issue, when will it be settled and when can people in local communities expect to be informed of what will happen to the projects that they support?

Stewart Maxwell: You are right about that. The caveat is that we must await the outcome of the spending review. I understand the uncertainty and anxiety in some areas, and I wish to minimise that. Decisions on the community regeneration fund will be taken as soon as possible after the spending review process is complete.

On the overall direction of travel, the work that is undertaken in community projects is extremely valuable—I certainly value it. I cannot envisage a situation where there is no community regeneration. Clearly, however, the spending review process must be completed. You will be aware that the reason for the spending review being so late this year is that we must wait for the delayed UK Government review. That has delayed the spending review here, and that is causing anxiety. That is not of our making. We will do all that we can to get the relevant information out to the relevant organisations as soon as possible once the spending review is complete.

The Convener: I should point out that the Cabinet Secretary for Health and Wellbeing, in response to similar questions, said that decisions would be made soon. She was enthusiastic about that. My following question was whether there would be an announcement over the summer, before the committee returned from recess. The cabinet secretary said no, but she said that there would be one early in the autumn. She did not refer to the spending review—although that might have been an omission.

You and I have also spoken about the matter privately, minister. Irrespective of how such things come about, there is an issue in my community around redundancy notices and people who are delivering important services getting informed of their statutory rights. Does the minister have an opportunity to write to local authorities and offer some assistance during this difficult period—as was referred to by Johann Lamont?

Stewart Maxwell: I have a copy of the *Official Report* of the meeting in question. Nicola Sturgeon was indeed enthusiastic, but she did mention the spending review in response to your follow-up question. She did make—

The Convener: I remain to be convinced.

Stewart Maxwell: If you check the *Official Report*, it is there.

Johann Lamont: I would like to clarify that the Executive is considering all technical possibilities. I do not understand the detailed technicalities, but I understand that it is possible, pending the outcome of the spending review, for the Executive to decide that it wants certain projects to continue for a further year. It can allow them to roll on for another year and then examine the situation in a year's time or six months' time. It is not just a matter of people getting redundancy notices. People are looking for other jobs; projects will stutter and fall anyway.

Even if I accepted the position that the situation here is difficult because of delay by the Westminster Government, I would still think that creative options must be available to the Scottish

Executive to let it sustain important local projects in the intervening period. Will the minister consider all the options that might be open to give people comfort prior to the conclusion of the spending review? I understand that there might be options that the minister could at least consider before the spending review finishes. That has been the case in the past when social inclusion partnerships and community planning partnerships have been set up. Not all the bits might be in place, but things can still get moved on for a year. Will you consider such possibilities?

Stewart Maxwell: I am trying to give as much comfort as I can under the constraints of the spending review. We have had private conversations about the matter, convener, and I have heard rumours from around the country but, thus far, no local authority has approached us to raise issues in this regard or to make representations. There have been individual short conversations in corridors, but local authorities have done little else to make formal points to us that they are experiencing difficulties in this regard. I accept, however, what the convener and Johann Lamont have said to me this morning about the anxiety that can be created through uncertainty.

We must remember that the community regeneration fund is but one element of overall spending. The fund sits beside some much bigger budgets. Sometimes, we focus in on that one fund as if it is the only thing that exists. It is not as black and white as that.

I am happy to try to give organisations as much comfort as I can, but we cannot go beyond the fact that a spending review is taking place, and it is difficult to see how guarantees can be given about things for which a budget has not yet been allocated. I have issues in that respect. I am happy to consider the transition options for some projects, to engage with stakeholders and to listen to representations from local authorities, but I do not know the details of the technical issues that were mentioned—Johann Lamont said that she was not sure about them either. However, I am happy to go back and speak to officials to find out what is possible within our limits.

The Convener: We all understand that the community regeneration fund is not the only element of overall spending, but we appreciate the important work that arm's length community organisations do in our constituencies. If redundancy notices were being handed out to public sector employees, perhaps we would hear much more about that. I am sure that all members value the work that community organisations do, but some of them are very vulnerable. We do not want that work to be put at risk. I take the minister at his word, though, and I hope that he will

communicate with the committee on his room for manoeuvre and give as much comfort as he can. I look forward to hearing from him.

If the minister is prepared to indulge us—unfortunately for him, he still has to face the Health and Sport Committee—Bob Doris can ask about Communities Scotland.

Bob Doris: I want to ask about jobs. I have said previously that I would like the minister to bring to the committee more information about the reform of Communities Scotland. I admit that one reason for saying that is that I was looking for a decision on Communities Scotland to be taken as soon as possible because of the uncertainty about jobs in it. During the earlier debate, I wanted to say that I am glad that a decision is imminent, as such a decision is important. It means that people will quickly get an idea of the future of their jobs. I hope that, in making a decision about Communities Scotland, sensitivity will be shown to the individuals who work for it and their families, whether there are to be redundancies or whether people are to be transferred elsewhere. I am grateful that a decision will be taken imminently, and hope that policy implementation will be as sensitive as possible.

Will the minister confirm that the reform of Communities Scotland is an administrative decision for him and that we will have ample opportunities to scrutinise his final decisions? I am sure that we will do so effectively. I will give an example that relates to Communities Scotland. I would be interested to find out how the regulatory responsibilities for the Glasgow Housing Association and the charitable status that it gets from the Office of the Scottish Charity Regulator would filter through to any new organisation that is set up, or who will get those responsibilities.

Stewart Maxwell: Bob Doris made a general point about the anxiety among staff. I am well aware of the anxiety among staff and their families and am keen to minimise it. We are therefore happy to engage with individual members of staff and their representatives—the trade unions—on the implementation of any decision or possible organisational and structural changes. I guarantee that we will do so.

I do not think that there is any doubt that decisions on the reform of Communities Scotland are an administrative function of ministers. It is clearly up to the committee to decide its work programme and what it wants to consider, but I am more than happy to engage with it to discuss decisions that we take and how we are going to implement them. The important thing is not the structure; rather, it is the housing and regeneration outcomes. We want to ensure that the structure that is in place focuses on the housing and regeneration outcomes and maximises effort on

the ground. That is the purpose of what we are doing. I hope that the committee is keen to consider whether its views on what we will achieve are in line with ours.

The Convener: I thank the minister for his attendance. Given our time constraints, we appreciate that things are difficult for everyone.

Subordinate Legislation

Scottish Local Government Elections Amendment Order 2007 (SSI 2007/379)

10:15

The Convener: Item 3 is consideration of the Scottish Local Government Elections Amendment Order 2007 (SSI 2007/379), which is a negative instrument. At its meeting on 4 September, the Subordinate Legislation Committee determined that it did not need to draw the Local Government and Communities Committee's attention to the order on any of the grounds within its remit. No members have raised points on the order and no motion to annul has been lodged. Can I confirm that the committee has nothing to report on the order?

Members *indicated agreement.*

Jim Tolson: I have no problem with it in principle, but I want to clarify a point that I might have missed—I apologise if I have. The letter from Kirstie Campbell refers to the review team having access to the ballot papers for the local elections on 3 May. Given that most of the problems that occurred on 3 May related to the ballot papers for the Scottish Parliament elections, is the process for reviewing those papers already in train, or should the order have covered them, too?

The Convener: A similar order went through at Westminster, but it happened during the holiday period. The Cabinet Secretary for Finance and Sustainable Growth phoned me at that point. Although he was reluctant to use that procedure, he felt that it was necessary to do so at that point and I agreed that he should proceed in order to get to the bottom of the election process, by making the ballot papers available.

Jim Tolson: Has it been confirmed that the local government election ballot forms and the Scottish Parliament election ballot forms are available for the review?

The Convener: Yes; an order went through at Westminster.

Meeting closed at 10:17.

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