

RURAL AFFAIRS AND ENVIRONMENT COMMITTEE

Wednesday 3 October 2007

Session 3

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RURAL AFFAIRS AND ENVIRONMENT COMMITTEE

5th Meeting 2007, Session 3

CONVENER

*Roseanna Cunningham (Perth) (SNP)

DEPUTY CONVENER

*John Scott (Ayr) (Con)

COMMITTEE MEMBERS

*Karen Gillon (Clydesdale) (Lab)

*Jamie Hepburn (Central Scotland) (SNP)

Des McNulty (Clydebank and Milngavie) (Lab)

*Peter Peacock (Highlands and Islands) (Lab)

*Mike Rumbles (West Aberdeenshire and Kincardine) (LD)

*Bill Wilson (West of Scotland) (SNP)

COMMITTEE SUBSTITUTES

Bill Kidd (Glasgow) (SNP)

Nanette Milne (North East Scotland) (Con)

John Farquhar Munro (Ross, Skye and Inverness West) (LD)

David Stewart (Highlands and Islands) (Lab)

*attended

THE FOLLOWING GAVE EVIDENCE:

Councillor Richard Durham (Highland Council)

Councillor Norman Macdonald (Comhairle nan Eilean Siar)

CLERK TO THE COMMITTEE

Andrew Mylne

SENIOR ASSISTANT CLERK

Mark Roberts

ASSISTANT CLERK

Katherine Wright

LOCATION

Committee Room 6

Scottish Parliament

Rural Affairs and Environment Committee

Wednesday 3 October 2007

[THE CONVENER *opened the meeting at 10:03*]

Crown Estate

The Convener (Roseanna Cunningham): I am sorry for the slightly late start to the meeting. I will have to defer consideration of agenda item 1, which is a declaration of interests.

We move straight to agenda item 2, which is oral evidence on the Crown Estate review working group report, “The Crown Estate in Scotland—New opportunities for public benefits”. The report has been circulated to all committee members. I welcome to the meeting Councillor Richard Durham, who is a member of Highland Council and former chair of the working group; Councillor Norman Macdonald, who is chair of the environmental and protective services committee of Comhairle nan Eilean Siar; and George Hamilton, who is an employee of Highland Council and former secretary to the working group. I thank them for coming at comparatively short notice.

Committee members have a note from the clerks that sets out the statutory position of the Crown Estate, a copy of the Crown Estate review working group’s report and a copy of the Scotland supplement to the Crown Estate’s annual report.

I invite Richard Durham to make a brief opening statement, after which members may ask questions.

Councillor Richard Durham (Highland Council): Thank you for your welcome and the chance to discuss the Crown Estate review working group’s report. I was chairman of the working group from when its work started to its submission of its report to the Scottish Government and the United Kingdom Government before the May elections. Norman Macdonald is on my right; George Hamilton is on my left. As members are aware, we are representing the six local authorities that cover the Highlands and Islands, the Convention of Scottish Local Authorities and Highlands and Islands Enterprise. Those public bodies produced the CERWG report and have fully endorsed it at the highest level. That reflects the great importance that those partners attach to the issue. They are pleased and grateful that the committee is taking an interest in the Crown Estate in Scotland.

The CERWG report is a major and authoritative

report from an important constituency of public bodies that sets out a compelling case for change. However, since the report was submitted in February, we have received no response from ministers, other than the holding reply that we received in March from the Secretary of State for Scotland in Westminster.

The Crown Estate review working group partners hope that the committee will follow up the recommendation in the report’s foreword that there should be a Government review

“to ensure that the property, rights and interests which make up the Crown Estate in Scotland contribute more fully to the delivery of Scottish Executive policies and the well being of the people of Scotland.”

I stress that the report is, in the first instance, about Crown property rights, which form part of the Crown Estate, as they are administered by the Crown Estate commission. In our discussion, it will be helpful if we maintain a clear distinction between the Crown Estate as property and the Crown Estate commission as the body that is currently responsible for administering those rights and revenues. As members are aware, considerable confusion arises in the public domain because the Crown Estate commission also calls itself “the Crown Estate”. That confusion and lack of understanding about the Crown Estate—even among experienced commentators—is one of the major obstacles to reform.

The report is important because it sets things out clearly for the first time. It describes an extraordinary situation in respect of a lack of accountability and benefits in Scotland from the management of important Scottish property rights, including the ownership of Scotland’s sea bed. The report is necessarily long and detailed, but the working group hopes that the committee will find it to be a valuable resource, and that the committee will seek to confirm that the situation is as it is described in the report and to discover whether the Scottish Government will follow up on the matter.

The Rural Affairs and Environment Committee deals with many important topics, but the report is different from anything that has been considered so far. It is a profoundly significant report that sets out a remarkable story. It changes the landscape and shows how Scotland could regain control of the management of its own territorial sea bed and other important related public resources and deliver a historic improvement in public benefits in Scotland from the management of those resources.

I am not making a political point. As the report sets out, the issue is one of good governance rather than politics. It is also an issue over which there is potentially political consensus in Scotland. Let us imagine, as the report asks us to do, the

potential of the Scottish Government to manage Scotland's national marine estate and to deliver public policy on it in the way that it already does for Scotland's national forest estate. The benefits would be substantial. The Crown Estate review working group hopes that the committee will help to achieve this potential through its interest in the report.

The Convener: I hope that you are heartened by the fact that we looking at your report and considering some of the issues.

Before we ask about the policy issues that are raised in the report, I want to clarify the status of the review. What prompted the review group being set up? How was the decision arrived at?

Councillor Durham: The process started about three and a half years ago. I am a tenant farmer to trade in my everyday life, as well as being a councillor. I had been selected as chairman of the Highland Council land and environment select committee. While we were discussing that committee's four-year work programme, reference was made to the view, shared across officialdom and folk in the Highlands, that the Crown Estate in the Highland context was more a taker than a giver. Within the terms of its remit, it was doing nothing wrong. However, it was taking rent and never contributing. In terms of harbours—

The Convener: I do not want to get into that, because we shall come back to some of those issues. I wanted to be clear about where the impetus for the review came from. Are you saying that it came from within your council area?

Councillor Durham: In the very first instance, yes.

The Convener: So the initiative came from your council and, specifically, your committee?

Councillor Durham: Yes.

The Convener: That helps us to understand the genesis of the review. How was the composition of the working group decided?

Councillor Durham: It was put to the committee by officials that the working group should be made up fundamentally of local authority workers.

The Convener: So, again, it was officials advising a specific committee, saying, "If we're going to do this, we think it should be as wide as this."

Councillor Durham: Yes.

The Convener: The proposal would then go through the full council process. The council would then write to the other councils and to Highlands and Islands Enterprise, inviting everybody to be involved in the review working group.

Councillor Durham: Indeed.

The Convener: Thank you. That helps us.

You said that the group was set up some three and a half years ago and reported in February. A fairly significant event at the end of May changed not just the Government of Scotland, but, in many areas, the make-up of councils. Has anything since May changed the original feeling about what was needed? Has there been a political change in the councils?

Councillor Durham: There has been a change, but it does not affect the thrust of the report.

The Convener: That brings me to my final question, which is about the mechanics of the process. I presume that the review working group reported back to the individual councils concerned and HIE.

Councillor Durham: Yes.

The Convener: Was the report endorsed by each and every one of those bodies, or was it noted?

Councillor Durham: It was endorsed by all the bodies.

The Convener: Was it endorsed by HIE as well as by the Convention of Scottish Local Authorities?

Councillor Durham: It was endorsed by COSLA, HIE, Western Isles Council, Orkney Islands Council, Shetland Islands Council, Highland Council, Moray Council and Argyll and Bute Council.

The Convener: Are you saying that it was endorsed, not noted?

Councillor Durham: It was endorsed by all the councils through the democratic process.

The Convener: Right. Does that include HIE? I am not quite sure about that.

Councillor Durham: I assume that the HIE board endorsed it.

The Convener: We just have to understand that we are looking at a set of recommendations or assertions that have been taken on board by the six councils, Highlands and Islands Enterprise, and COSLA.

Councillor Durham: Yes.

The Convener: That helps us enormously, if it is the case. There has been no further discussion from the point of view of those organisations. The report was signed off, it went to the Government, and you received an acknowledgement from the Secretary of State for Scotland.

10:15

Councillor Durham: Indeed. I have it here; I cherish it dearly.

The Convener: Was there no acknowledgement from the then Scottish Executive?

Councillor Durham: Not to my knowledge.

The Convener: Right. The background is fairly clear. We will now ask questions about the more substantive issues. Bill Wilson and Peter Peacock want to talk to you about your views on the original decisions about the Crown Estate commission in terms of restructuring.

Bill Wilson (West of Scotland) (SNP): The Crown Estate commission appears to have taken almost the opposite response to that of the Forestry Commission with regard to structural changes and devolution. One might have the impression that it fled Scotland on devolution. Have the people of Scotland, as opposed to the Crown Estate commission, gained any benefit from the structural changes?

Councillor Durham: No. Originally I was the only political representative on the working group and I learnt—

The Convener: May I stop you there? Do you mean that you were the only elected representative on the working group?

Councillor Durham: I was, yes.

The Convener: It was not that you were the only one with a party political badge, but you were the only elected representative.

Councillor Durham: I was the only elected representative.

The Convener: The rest were officials.

Councillor Durham: They were. There were lawyers, planners, natural resource managers, fisheries experts, and harbour engineers. They were people from the Highlands and Islands who all had expertise to put into the process.

The Convener: That helps us.

Bill Wilson: The report suggests that the structural changes might have been made in response to some economic conditions, or directly in response to devolution. I am curious about that. Do you have an opinion about either of those two?

Councillor Durham: I honestly think that you would have to ask that question of the Crown Estate commission.

Bill Wilson: When I get the chance to do so, I will ask the commission as well.

Councillor Durham: I never understood it. Devolution happened and we all accepted it. Of the two Government commissions that we are

talking about, the Forestry Commission embraced devolution and the Crown Estate seemed to walk away from it.

Bill Wilson: Can you think of any reason why the Crown Estate commission could not be organised in the same way as the Forestry Commission is currently organised?

Councillor Durham: None at all.

Peter Peacock (Highlands and Islands) (Lab): As someone who, over the years of my political career in the Highlands and Islands, has taken the odd sideswipe at the Crown Estate, I found the report interesting and revealing. As Richard Durham said, it has opened up thinking about the Crown Estate that was not possible before because the facts were not fully understood. I therefore welcome the report and its contribution to the debate.

In the report summary that you have given us, a particular point is made that the Crown Estate has

“ended its management of the Crown Estate in Scotland as a distinct unit of the Crown Estate ... closed its Scottish HQ and integrated the management of the property rights of the Crown in Scotland sector by sector with those in the rest of the UK.”

My understanding is that the Crown Estate still has a headquarters office in Scotland. Is there a fine distinction between the office in Scotland and a headquarters function, or is the summary strictly accurate?

Councillor Durham: There is a headquarters office, but I think that that fine distinction exists. You are a member of the Parliament. I am unaware of the extent to which the Crown Estate commission relates to the Parliament; I am from the Highlands, so I hope that the commission does so and is responsive. After devolution, it seemed to retreat to London, but since the issue has emerged, it seems to be coming back.

Peter Peacock: Okay. There is no disagreement about whether the Crown Estate has a Scottish office, but the point that you make in your report is that that office seems to have a lower status than it previously had, when it had a headquarters function.

Councillor Durham: Yes.

Peter Peacock: That is fine. I just wanted to clarify that.

John Scott (Ayr) (Con): The working group said that there would be “greater public benefits” if the Scottish Government took control of the land and marine environment that the Crown Estate represents. What would those benefits be?

Councillor Norman Macdonald (Comhairle nan Eilean Siar): As Richard Durham said, a key issue for us is that the Crown Estate commission

has historically been regarded as an organisation that has taken from some of our more remote and fragile communities. Until very recently, the commission was extremely reluctant to invest in the marine infrastructure and environment from which it took rentals—

John Scott: Is it investing now?

Councillor Macdonald: It is more prepared to consider doing so. Perhaps the political climate—I do not mean the party political environment—in which it operates has been a catalyst in that regard.

John Scott: Does the commission provide research and development money?

Councillor Macdonald: It is more open to discussing environmental and infrastructure projects than it has been in the past. However, the lack of investment, in the marine environment in particular, has been a key issue.

John Scott: I presume that what you are telling me is that the commission is regarded throughout the Highlands as a bad landowner and a bad landlord for fish-farming tenants.

Councillor Macdonald: I would say so, yes.

John Scott: I have to say that that has never been my perception of the Crown Estate, but I am interested to hear you say on the record that that is the public view.

Councillor Macdonald: That view is widely held by people who have operated fish farms, in particular—

John Scott: I want to discuss fish farm rentals. I made a calculation, which I am trying to find in my papers.

The Convener: While John Scott is checking his papers—sorry, have you found what you are looking for?

John Scott: No, but I had calculated the rental per fish farm—is £8,500 per year correct? I apologise for not having my calculations to hand. Perhaps we can move on to another question.

The Convener: We will come back to you if there is time.

A fundamental function of the Crown Estate commission is to ingather revenue, which is paid over to HM Treasury—that is not just something that the commission happens to do. Councillor Macdonald seems to be saying that in carrying out that function the commission is, in a sense, acting counter to the needs of local areas. However, it is not acting outwith its function when it does that.

Councillor Durham: I do not think that it has ever been suggested that the Crown Estate is acting outwith its function.

The Convener: Okay. Let us be clear about that.

John Scott: I am sorry, but may we return to the figure that I was trying to find?

The Convener: Let us allow Richard Durham to finish.

Councillor Durham: I am proud of our report, because it represents a tremendous advance. It lays out the reality of the Crown Estate in Scotland. It is for the Parliament to decide—

The Convener: We understand that, but we must get to the nub of the matter. I will bring John Scott back in.

John Scott: There is revenue of £800,000 from 930 sites throughout the Scottish west coast, which by my rough mental arithmetic works out at an average rental per fish farm of £850. Forgive me for saying so, but that rental hardly appears to be punitive and it appears to have been reduced this year. Given that you regard £850 per fish farm as being much too high and a figure that only a bad landlord would charge, what do you suggest would be a proper rental for a fish farm?

Councillor Macdonald: Regardless of the rent on the individual fish farms, any landlord has a responsibility to manage the asset. If there are concerns about the way in which that asset is being managed—

John Scott: It is up to the tenant to manage the asset.

Councillor Macdonald: Reducing the rent, or having a low rent, does not necessarily deal with the issue. Many communities have to live with developments such as fish farms and deal with the more unpleasant aspects of such developments. Little investment is being made, particularly by the Crown Estate, to resolve the issues—regardless of what the rental is.

John Scott: So, £16 a week is too much.

Councillor Macdonald: It is not a question of the money; it is about the management of the asset and dealing with the concerns that have been raised about such developments. Fish farming is only one issue. The Crown Estate has an income of more than £6 million per annum from the marine side.

John Scott: The published figure for the marine estate's rental income is £4.1 million, which includes oil and gas pipelines. I do not know where you get the £6 million figure from; in my view, that figure is spurious.

The Convener: The £4.1 million figure comes directly from the Crown Estate commission's figures.

Councillor Durham: I cannot answer that precise point, but I can describe the Crown Estate's approach to the management of its assets over many years. Scrabster and Tarbet, for example, were communities that were struggling to improve. Highland Council experienced the approach of the Crown Estate over a number of years to the Scrabster Harbour Trust. The Crown Estate was not helpful in attempts to develop Scrabster harbour. My perception was that, if a bigger and better harbour were to be built that could take in bigger ferries or ships from Norway, all that the Crown Estate would be interested in would be increasing the rental as a result.

Historically the Crown Estate has not been interested in investing in communities, although recently its approach has changed slightly as a result, dare I say it, of public pressure. The point is that devolution has happened. Now that it has happened, I feel as a Scot that it is time to examine the issue.

The Crown Estate commission always makes the argument that Scotland gets its benefits through the Barnett formula; I would say to the Crown Estate commission that if that is its view of the situation, it should hand back the management of the land to Scotland and it would be quids in. The commission tries to say that Scotland gets more through the Crown Estate Act 1961 arrangements. I want to see Scotland devolved. You only have to look at the map in the report and see the amount of sea bed—it is twice the land area of Scotland.

Mike Rumbles (West Aberdeenshire and Kincardine) (LD): You made the point that the Crown Estate is a taker rather than a giver in the Highlands and Islands. The relevant figures are in the Crown Estate's own report—it sent us a copy—which states that

“The property value of The Crown Estate in Scotland”

is 3.5 per cent, yet the revenue that it gets from it is 5.1 per cent. With reference to the property value, it is obvious that the Crown Estate is a taker.

10:30

Councillor Durham: I agree entirely.

The Convener: Many committee members are aware of the harbours and ports issue—how the Crown Estate commission handles them has been a long-standing concern for several years. I appreciate that that issue is enormously important for the whole area that the review working group covers, but apart from that, do key problems exist with the Crown Estate commission's management? Do you have a view on the management of any urban assets?

Councillor Durham: Not really.

The Convener: You have expressed some views about fish farming, which does not involve harbours and ports, strictly speaking. Do you have other serious concerns or, in principle, do your concerns boil down to the problems that derive from the commission's management of ports and harbours?

Councillor Macdonald: I will chip in quickly about the potential that exists. There is significant potential for offshore renewable energy—

The Convener: Before we talk about the potential, does the existing scenario mostly concern the ports and harbours problem?

Councillor Macdonald: It is mostly about ports and harbours, but to a lesser extent it is about fish farming, because that is in decline.

The Convener: I appreciate that you have a view about where the future potential might go, but I was focusing on the current scenario. Does anybody want to ask about that before we discuss changes to governance?

John Scott: I would like an answer to the question about what the enormous public benefits would be that Councillor Durham said would come from taking the land back into Scotland's ownership. I have yet to hear that answer.

Councillor Durham: The benefit would come from the potential. I do not severely criticise the Crown Estate commission—

John Scott: I misunderstood you—I thought that you did.

Councillor Durham: I do not severely criticise the Crown Estate commission, but as I have got into the subject in the past three years, I have realised that it is time for a review. The last review of management of the Crown's estate took place in 1954 and was done by a parliamentary committee at Westminster. As a result of that review, the commission was formed. From the 1830s until then, the Crown's estate was managed by two or three civil servants and by secretaries of state at Westminster.

A devolved Scotland has a huge opportunity in renewables. I hear the Crown Estate talking about a national interconnector through the North Sea to take renewable power to where it is required.

John Scott: Is not the Crown Estate putting up the money for the relevant study?

Councillor Durham: Yes. I feel that the Crown Estate commission sees itself as a public limited company. It sees itself fulfilling its role under the 1961 act as a plc to generate money. Its reaction to devolution has been nil and it has not changed its process.

Mike Rumbles: Can we follow that up?

The Convener: I am conscious of the fact that we do not have a huge amount of time. I ask Mike Rumbles to be very quick.

Mike Rumbles: I will very quickly follow up John Scott's specific question. The Crown Estate's revenue surplus in Scotland is £10.3 million. The percentage value of the property that it owns in Scotland and the percentage of its income here are different, so the Crown Estate gains £10 million that would otherwise be £7 million. Is your point that that goes into the UK Exchequer and does not return to Scotland? Even under the Barnett formula, that £10 million returns to a lesser degree than it would if we controlled it ourselves.

The Convener: Is the answer yes or no? Loads of other people want to ask questions.

Councillor Durham: The answer is yes.

The Convener: I invite Karen Gillon to ask a question, although we will have to go back to item 1 on the agenda—Karen's declaration of interests—once we are finished with this item.

Karen Gillon (Clydesdale) (Lab): Before I start, I draw members' attention to the interests that I have recorded in my entry in the register of members' interests.

I ask Councillor Durham whether he believes, or accepts, that Scotland might benefit from our organisation being part of a UK organisation, given that only 5 per cent of Crown Estate revenue is generated here in Scotland. Are there benefits in resources or land management expertise that could not be sustained if Scotland had a separate stand-alone organisation with the 5 per cent income?

Councillor Durham: No—not in any way at all. The organisation would be smaller, but it would focus differently. In essence, the Crown Estate report suggests that it is time for a review of the way in which the current structure works, to find out whether there are better ways of delivering public good for Scotland under devolution. We on the working group hope that the Government will carry out a review.

There are a number of questions that I would be pleased if the committee were able to ask the Crown Estate commission. I do not know whether it would be in order—

The Convener: The Crown Estate commission is coming to give evidence on 24 October.

Councillor Durham: The questions are questions that I would like you—

The Convener: Right, will you put the questions in writing, because many members want to ask questions now and I want to move on? If there are

specific questions that you think should be asked, it would be helpful if you could send them to the clerks.

Councillor Durham: They are very simple questions. We will send them to you.

Karen Gillon: Am I right in understanding that you believe that your objectives for the Crown Estate can be achieved only by a completely separate organisation? Could they also be achieved if there were a change in attitude, or a sub-devolution?

Councillor Durham: Change can come in a number of ways. On page 3 of the summary of the report, three ways of influencing change are outlined.

Karen Gillon: Which is your preferred option?

Councillor Durham: I do not think that my preferred option is particularly relevant. It will be for a review to decide which option is the best way forward. I am a devolutionist: I want Scotland to control its own affairs and I want there to be full devolution of the system. Whenever we say that in discussion with the Crown Estate commissioners, we are always told, "Oh, but that will require constitutional reform." I do not believe that. The structure that was here before 1707 is still in place. The Crown Office is here and the Queen's and Lord Treasurer's Remembrancer is here. I would like the management of the Crown Estate to be devolved, but I would be perfectly comfortable if the Crown Estate commission took the Forestry Commission route and engaged with the process.

The Convener: I call Bill Wilson and then Peter Peacock. Could you try to keep your questions as brief as possible?

Bill Wilson: I had wanted to confirm that the main problem was reinvestment, but the witnesses have already confirmed that that is their main concern.

Peter Peacock: I am still trying to get to grips with what exactly you want the outcome of the review to be. You are calling for a review, but behind that call must lie some view of what you want the outcome to be. Do you have a principled opposition to the current constitutional structure of the Crown Estate, such that you are seeking fundamental constitutional change? That is one possibility.

Councillor Durham: The answer is no.

Peter Peacock: Is it to ensure that the Crown works more fully with the grain of what has been happening in the Highlands and Islands, such as changes in land ownership patterns and differences in the way in which economic development takes place, is it about securing Crown income locally, is it about securing local

accountability in the communities of the Highlands and Islands, or is it about local authority foreshore control, as the report suggests? You must have a view on what you want the outcome of the review in which you want everyone to take part to be. What spectrum of outcomes do you favour?

Councillor Durham: I am a devolutionist—

The Convener: Are you answering personally or on behalf of the review working group? The two things may be quite different.

Councillor Durham: The review working group has not taken a clear view on what should happen. It has made the case for a review.

The Convener: That clarifies matters.

Councillor Durham: In its report, the working group lays out the routes by which change could take place. It is for any review that is carried out to reach conclusions.

The Convener: So the review's single recommendation is that there should be a proper Scottish Government review of the Crown Estate commission in Scotland?

Councillor Durham: Absolutely.

The Convener: The review working group identified three potential ways—some minimal, some maximal—in which change could happen. However, the group took no view on the advisability of those approaches. Indeed, there could be a fourth, fifth and sixth approach that you have not identified.

Councillor Durham: Absolutely.

The Convener: We are clear on what is being sought.

John Scott: I am still not clear on why a review is needed, because the group has not made the case for that, despite the time and expenditure that HIE and all the councils involved have spent on it. You say that enormous public benefits would accrue from a change. Have you produced a worked-up business case showing what those benefits and cost benefits would be? You made the comment that the Crown Estate is a bad landlord and that the position is not sustainable, but last year it received a northern lights gold award. That is not compatible with poor management.

Councillor Durham: Where in the report is the Crown Estate said to be a bad landlord?

John Scott: I asked you about the matter, and you said that it was.

Councillor Durham: I did not say that.

John Scott: One of your colleagues said it.

Councillor Durham: I did not say that the Crown Estate is a bad landlord.

The Convener: You said that it was perceived to be a bad landlord.

Councillor Durham: That is different from saying that the Crown Estate is a bad landlord.

John Scott: I sense some backtracking.

Councillor Durham: No, there is no backtracking.

The Convener: There is a difference between reality and perception.

John Scott: What is the case for making improvements?

Councillor Durham: The Crown Estate commission decided—I cannot give you the precise date on which it did so—to look into salmon fishings in Scotland. It went round the whole of Scotland and identified fishings that it believed were still in the right of the Crown. It then asked the people who had those fishings to sign leases. They replied that they had had the fishings since time immemorial and that the fishings were theirs. The Crown Estate told them that if they could not prove that, the fishings belonged to the Crown. Various legal cases were pursued. The people who had the fishings could not afford to go through the whole legal process and eventually signed leases. I am a tenant and accept that fact, but I regard what the Crown Estate did as bad practice and intimidatory.

The Convener: It would be useful if each of you would go back to the relevant bodies and provide us with specific examples of what you regard as unhelpful things that the Crown Estate commission has done. We take note of the example that you have just given, but it would be helpful if you could provide us with others.

Bill Wilson: Examples of missing investment would also be helpful.

10:45

The Convener: Could you provide us with examples of areas with potential in which the Crown Estate commission could be investing but is not? We are looking for specific examples rather than generalities. Tavish Scott, who is not a member of the committee, lodged a motion on the problem with using material that is dredged from the sea bed when ports and harbours are cleared. If the material is disposed of at sea, no questions are asked, but the moment people bring it on to the land and try to use it, the Crown Estate commission levies a charge. That generates income for the commission, but it is a disincentive for people to do things in a renewable way. If we have specific examples like that, it will help us to make progress. Will you be able to provide examples by 24 October?

Councillor Durham: Yes.

The Convener: Thank you.

John Scott: Can we also have a reaffirmation from all the councils, please, that they utterly support this being—

The Convener: We can deal with that separately, John.

Mike Rumbles: Unlike my colleague John Scott, I clearly see the benefits that would accrue to Scotland. The Crown Estate's revenue surplus from Scotland should be about £7 million, but it actually takes in about £10 million. That money is not reinvested. The economics of the case are clear to me.

The convener mentioned Tavish Scott's motion. He would have liked to be here, but he is chairing another committee meeting. Your summary report states that there is

“a strong case that the Scottish Government should become directly responsible for the administration and revenues of Scotland's own territorial seabed”.

It also states:

“The planned UK Marine Bill could provide an opportunity through UK legislation for ... responsibilities ... to be devolved to the Scottish Government”.

Unlike Tavish Scott, you do not believe that the forthcoming Scottish marine bill, which will be considered by the Rural Affairs and Environment Committee, is the best place to legislate on the ownership of the land, which is devolved, as opposed to the issue of the commission, which is reserved. The matter could be dealt with by the committee. Would that meet with your group's approval?

Councillor Durham: It would, but in the long term the Scottish Parliament and the Westminster Parliament have to work in unison to help this devolution. I do not think that it would be helpful for Scotland to go it alone. The subject is complicated because of its history and the constitutional aspects. I disagree with John Scott. The report makes the case that it is time for a review. I do not think that a report could be more conclusive than the one that is in front of you.

The Convener: Okay. Let us not reopen that discussion.

Mike Rumbles: I understand your point. The commission is a reserved matter, but my point is that the property is a devolved matter.

Councillor Durham: Absolutely.

Mike Rumbles: The Scottish Parliament could legislate on that now, without asking for help from the UK Government, and achieve the group's objectives. Is that the case?

Councillor Durham: Yes.

The Convener: In court, we would call that a leading question.

Councillor Durham: I am happy to be led.

The Convener: Thank you for coming along today. As you know, we will take evidence from the Crown Estate commission on 24 October. It would be useful if you could forward the information that we asked for before then, along with anything else that might be helpful to us. You are welcome to come to the meeting on 24 October as observers if you want to make another trip to Edinburgh, but the proceedings will be reported in the normal way.

Interests

10:50

The Convener: We now return to item 1. I formally welcome Karen Gillon to the committee. Karen and I have shared committees before, so we are well known to each other—she may be less well known to some of the new members. Karen is likely to play a robust part in the proceedings of the committee, and that will be welcome. I invite her to declare any interests that are relevant to the remit of the committee in accordance with section 3 of the code of conduct.

Karen Gillon: I draw members' attention to my entry in the register of members' interests. I am a member of Unison, which may from time to time become relevant to the committee's deliberations.

Subordinate Legislation

Surface Waters (Shellfish) (Classification) (Scotland) Amendment Regulations 2007 (SSI 2007/427)

Import and Export Restrictions (Foot-and-Mouth Disease) (Scotland) (No 3) Regulations 2007 (SSI 2007/428)

10:51

The Convener: Item 3 is subordinate legislation—there are two negative instruments for consideration. No member has raised any concerns about them and no motion to annul has been lodged, which is extraordinary.

Bill Wilson: What about Mike Rumbles? Give him a second.

The Convener: Does any member have any points that they wish to make in respect of the sets of regulations? We understand that the Subordinate Legislation Committee raised some issues in correspondence, but they are technical rather than policy issues. It might be that that committee will report on them in due course, but they do not affect the substance of the regulations.

Should I invite the Cabinet Secretary for Rural Affairs and the Environment or his officials to attend the committee to discuss the instruments? Should I write to anybody?

Members: No.

The Convener: We will move on. Do we agree to make no recommendation on the instruments?

Members *indicated agreement.*

Scottish Index of Multiple Deprivation

10:53

The Convener: Item 4 relates to a paper that has been circulated to members on the Scottish index of multiple deprivation. I remind members that this is on the agenda because it was raised at the away day in August and we confirmed it as part of our work programme at the meeting on 5 September. It is one of those issues that we put down for a minor discussion as opposed to a major inquiry. The paper indicates that a significant amount of work has already been done in this area, and the significant suggestion arising from the paper is that we write to the Cabinet Secretary for Rural Affairs and the Environment.

Does any member wish to raise a point about the Scottish index of multiple deprivation?

Jamie Hepburn (Central Scotland) (SNP): I whole-heartedly agree with the recommendation. I note that the previous Finance Committee reached a conclusion in relation to the index, and I doubt that we would come to a different conclusion, but it might be useful to write and find out what the new Administration has to say.

The Convener: I will do that. It is useful to have the paper in advance of our inquiry into rural housing.

Karen Gillon: That is an entirely appropriate way to proceed, but there is an issue. Some rural areas in which there are large concentrations of deprivation have benefited from this. Whatever we are seeking should not take that away but should provide an additional mechanism to support areas in which there is dispersed deprivation, rather than areas—such as Douglas and Rigside, in my constituency—where there is concentrated deprivation that has an impact on education, housing and all the other indicators. Whatever we are looking for should be in addition to what is already in place.

John Scott: I agree with what Karen Gillon says, but the problem that the paper identifies—I commend it as a very good paper—goes down almost to the individual level. In Argyllshire, only 14 per cent of income-deprived individuals live in the social inclusion partnership areas. That is shocking and must be addressed. If it has to be addressed from the level of the individual up, that will be worth doing.

If we write to the Government, I wonder whether we might ask it to comment on the Countryside Agency's work on this in England. We are long on analysis of the problem but short on solutions, as always. There is an opportunity for the committee

to provide a definitive solution. As far as I can see, judging by what is in the paper, the furthest that the thinking has got thus far is in the Countryside Agency's work in England. We should build on that if we are to provide something worth while for Scotland on this enormous problem.

The Convener: I suggest that, as a small strand in our rural housing inquiry, we consider the housing issues in respect of the SIMD and the reality of what we take evidence on. We can have a couple of paragraphs in our report about how the housing issues relate to SIMD.

Peter Peacock: I want to pick up the point that Karen Gillon made, which was well made, although to a large degree I also agree with what Jamie Hepburn and John Scott have said and I agree with the recommendation. It would be unfortunate if, in trying to advance the cause of those who are deprived but spatially dispersed, we did not support the need to help those who live in areas of concentrated deprivation.

One of the great difficulties that Scotland has yet to overcome—people in public policy have been trying to do so for 50 years—is that there are areas of heavily concentrated deprivation where the problems are profoundly changed and intensified because of the concentrated nature of the deprivation. Schools perform totally differently in many such communities and require different solutions to their problems, and different health services are required. Therefore, although I agree that we need to support spatially dispersed deprived people, we should not do that at the expense of helping those who have needs in areas of more concentrated deprivation.

Mike Rumbles: I suggest a slightly different approach. Who could disagree with what is being said? However, by helping individuals who are deprived, we would help everybody, whether they were dispersed or congregated in a certain area. Therefore, I think that it is wrong to focus on area deprivation; it is much better and more appropriate to focus on individual deprivation, as that will help all the individuals who are deprived.

This very good committee paper makes the point that, in Argyll, five SIPs cover just 14 per cent of all income-deprived individuals and not the other 86 per cent. Could the Scottish Parliament information centre work out the same statistic for all 32 councils and put that in a paper for us? That would be very helpful.

The Convener: That would be useful information, and it would help the committee if that were possible. We will pass on that request.

Bill Wilson: We often try to find a single solution to address deprivation throughout the country. However, although Scotland is quite small, it is highly diverse. It may be that we need to consider

different responses to deprivation in urban areas with a dense population, such as exist in Glasgow, and deprivation in rural areas with a highly dispersed population. If SPICe is going to do some research on the matter, it would be useful to know of other countries that have a similar problem. I would like to know whether any other country has two or more methods of working on deprivation. It would be useful to know how other countries respond to deprivation in a rural environment with a dispersed population and deprivation in an urban environment with a more dense population. Is anybody else doing anything on that? Eventually, we will have to get beyond the idea that we can have one system that works for everybody in the country.

The Convener: That is useful. We have those questions for SPICe and a focus for our letter to the cabinet secretary.

Rural Housing Inquiry

11:00

The Convener: Item 5 on the agenda is consideration of a paper on the rural housing inquiry, which we intend to launch in late November or early December. We have not set a specific time for it; we will do that some weeks down the line. A very good paper has been produced, which is intended to focus the committee on how we want to go about kicking off the inquiry.

There are two main recommendations for starting off the inquiry: a formal round-table meeting, or a more informal, bigger, stakeholder event. Stakeholder events have been used successfully by previous committees, particularly the Health Committee, which used one to instruct the remit of its inquiry into care in Scotland. My preference is for a single, stakeholder event: we can get an enormous number of people together and a huge amount of information out in one day. We have to make a decision now, because if we are going to have a stakeholder event it takes a bit of time to get it organised.

Mike Rumbles: I agree. We were both members of the Health Committee when its stakeholder event took place, and it was an excellent way for the committee to take forward views from right across the spectrum. People who we had not even thought of inviting came to the event and made pertinent points. There is a danger in us sitting here drawing up a list of who we should invite. We should throw it open to everybody, and find out from the people who come what the big issues are.

John Scott: I agree. The only thing I would add is whether we should have one or two such events. Should we have one in the north? Are the problems in the south of Scotland different from those in the north of Scotland? Can we afford to have two events?

The Convener: The resource issues, the cost issues and so on would prohibit our holding two such events. We would need to establish one, big, stakeholder event and consider some of the details of that. Does everybody agree that a stakeholder event is the best way forward?

Members indicated agreement.

The Convener: We can now move on to some of the more specific issues. The key one is where the event should take place. I feel strongly that it should not be Edinburgh, but somewhere more central. It is a question of where we decide is a suitable venue. It needs to be somewhere that is relatively easy for most people from most of

Scotland to get to. There is a detailed discussion going on between members. Do you have any ideas?

Peter Peacock: I suggest Aviemore or Pitlochry.

Mike Rumbles: That is interesting. I was just about to suggest that it should be somewhere in the Cairngorms national park. I am not making a pitch for my bit of the park; I suggest somewhere on the other side—the Inverness-shire side—because there are particular issues in the Highlands and Islands, the Cairngorms, and the north of Scotland.

Jamie Hepburn: I know that they are both SNP seats but, realistically, if we are talking about accessibility, we are looking at Stirling or Perth. If we are going to get people from across the country, it has to be one of those places.

The Convener: We do not have to make a decision about the location today; we just need a steer. There are access issues about places such as Aviemore and Pitlochry. It depends where people come from. If we want to focus on accessibility, Stirling and Perth are not the only options. Inverness is also an option because although it can be a long journey—for example for people coming from the south-west—it is a fairly straightforward journey.

Bill Wilson: It would be a very long journey from Galloway.

John Scott: It would be six hours from where I live.

The Convener: There are issues. I think that there is capacity for us to allow overnight stays for people.

Mike Rumbles: I still think that it would be useful to have a connection with one of the two national parks. It could be Loch Lomond and the Trossachs national park, but my preference would be to have the event in the western side of the Cairngorms national park, simply because it is on a direct rail line and people can access it.

John Scott: If people are coming from rural areas, many of them will probably travel by car. So whatever location we decide on, it should have good parking, unlike that flooding conference in Perth—it took me hours to get parked that day.

Jamie Hepburn: Many of the places that have been suggested could be covered when we go out to gather evidence.

The Convener: We must focus on the single big stakeholder event. We will go out separately to other places and will take on board other issues, such as those in the national parks, at that point but, for the stakeholder event, we need to consider where we can get the maximum number of people.

Peter Peacock: I do not have a strong view on the matter. Aviemore and Pitlochry are conference centres and Stirling has good accommodation—I do not really mind.

The Convener: My slight concern about Stirling is that it is in the central belt.

Karen Gillon: John Scott raises a valid point. For people in the Borders, going much further than Stirling would put the costs way out of our reach, because we will have to pay their travel and accommodation expenses—we would have to pay for people to stay overnight if we asked them to come up from the Borders.

John Scott: People from the Borders are used to going to Stirling or Perth, but they will not go any further.

The Convener: We have two feelings. One is that we should keep the event relatively central, although not in Edinburgh; the other is that we should go further out. The costs have to be agreed by the Conveners Group, but we can work up costings for the options and work out how much more the event would cost if we offered people extra travel expenses and perhaps overnights. We will consider that and find out whether the expenses would make a significant difference, which may affect our decision.

Karen Gillon: That is a good idea, convener. I was absolutely with you when you said that we should go out of Edinburgh, but can we also consider whether using the Parliament building here in Edinburgh might increase the number of people at the event? I understand your point about going out of Edinburgh, but if we are only going to Stirling, what is the point?

The Convener: I understand that point. That is what I was talking about when I said that Stirling is still in the central belt. I take on board your point that there may not be great value in going to Stirling rather than staying in Edinburgh. The real value would be to go beyond the central belt, but that carries with it access issues.

Bill Wilson: I know that time is short, but is it possible to contact some of the stakeholder groups that we will invite to the event to get a response on whether they are prepared to travel? Perhaps time is too short for that.

The Convener: That would be too difficult a way to proceed.

Bill Wilson: We would not need to ask people exactly where they want to go, but how far they are prepared to travel.

The Convener: People will either travel or they will not. If we ask them whether they are prepared to travel, they will all say yes, whether they are or are not—that is just a fact of human nature.

We are clear about some of the issues. My preference is for a location outside the central belt and I do not regard Stirling as outside the central belt. I do not want constantly to make special pleading for Perth and I am not, because there are issues about going to Perth, too.

John Scott: I am perfectly happy with Perth.

The Convener: We will consider the costings and access issues. If members think of further issues, they should direct them straight to the clerks. However, the clerks now have a better idea of where we might go.

We need comments on the categories of people we want to invite to the stakeholder event. I am not asking for names of organisations—I seek comments on the kinds of groups we should have at the event. Some are dead obvious and can be taken as read, such as councils and housing associations, but we need to open that out a bit and ensure that we do not exclude groups.

Karen Gillon: We need to speak to Scottish Water and the Scottish Environment Protection Agency because the development constraints related to them are huge. It would also be useful to have some input from some of the voluntary sector organisations that support people into housing. They will be aware of where the gaps are in affordable and rented accommodation.

The Convener: We take it as read that we will invite the Scottish estates business group, the Scottish Rural Property and Business Association—the Scottish Landowners Federation, as I still think of it—and Homes for Scotland. We could ask NFU Scotland. I also wonder whether we should ask for representatives of some big employers to talk to us about their difficulties getting staff because of housing problems. I do not know how we would best get that perspective, but it would be useful. Perhaps we could get input from some local chambers of commerce.

John Scott: Even the Forestry Commission.

Peter Peacock: Local authorities and health boards are big employers, and they have difficulties.

The Convener: I am looking for some way to represent the views of those at the sharp end—people who are trying to get affordable housing, whether in the social rented sector or owner-occupied accommodation. The difficulty is that those people tend not to organise into groups, although members may be able to think of how to overcome that problem. They are a group that we would want to be represented at the stakeholder event; I am just not clear how to do it.

Mike Rumbles: In the first session, the Rural Development Committee went to somewhere in Argyll—off the top of my head I cannot remember

exactly where we were—and started an investigation into a similar topic. It was not focused on rural housing, but individuals without a house turned up and gave evidence to the committee. We could have a look back at the *Official Report*, because committee members were quite taken by individuals who lived in the local area coming forward.

That relates to the point about not going to a city. If we went to a place where there is a real crisis in rural housing, we would get people walking in off the street.

The Convener: We need to identify ways of encouraging some of that.

Karen Gillon: Some tenants and residents groups may know of parents whose families are stuck with them because they cannot get into the housing market through rented accommodation or buying.

The Convener: So we could write to some groups to ask them about that?

Karen Gillon: Yes. Mike Rumbles makes a good point, but perhaps we need to differentiate between the stakeholder event—the big starter—and the work that we will do after it. It is important that we follow the stakeholder event with a series of events in different localities where people can come in off the street to speak to us.

The Convener: We will do that. We have already taken a decision in principle that we will go out into rural areas as part of this inquiry. We will do the same with our work on flooding, too, so we will spend a lot of time out and about.

Bill Wilson: I have no idea whether this is possible, but could the conference use a videolink? If it was possible to do that with some councils, local people in rural areas could go to their council to present evidence over a videolink. I have no idea whether that is remotely practical.

The Convener: Not for the stakeholder event—I need us to focus on that.

Bill Wilson: But you were looking for ways to get people who are directly affected by the problem to contribute.

The Convener: I know. When you experience a stakeholder event, you will see how difficult it would be to fit in a videoconference session.

The videoconference idea is a good one to reserve for the inquiry, and we will take it on board—we have not really thought about the inquiry yet. The stakeholder event is an early event that will help to inform our remit. We will have to focus a little more closely on the remit.

Bill Wilson: Fair enough—I will accept that as I have obviously not experienced such events before.

Jamie Hepburn: It is a good idea to write to residents and tenants groups. Perhaps we could also write to a selection of rural housing associations to ask whether someone on their waiting lists might want to come along.

11:15

The Convener: Let us be honest: we could write to 129 MSPs and be deluged with names. I could give you dozens from my patch and I am sure that we are all in the same position. Perhaps we can short-circuit the problem by asking MSPs to put forward names of individuals who might be prepared to talk to us at a stakeholder event.

Mike Rumbles: When we know where we are going, we can speak to the local MSPs, because people might not want to travel for such an event.

The Convener: Yes. We all have a massive pool of information on people who are struggling because they have been on the waiting list for years.

John Scott: The Scottish agricultural colleges might have a handle on housing for farm workers and the viability of farms.

The Convener: I presume that we will also invite academics who work on rural housing. We can invite a wide range of people, so we will need to think about how we structure the day.

The clerk is asking how long the event might be. In my experience, we need to allocate a day to a stakeholder event, to allow time for people to break into small groups and report back. The event would not have to run from 9 am until 5 pm; it could run from 10 am until 4.30 pm—

Mike Rumbles: To allow for travel.

The Convener: Yes. The event will not take place on a Wednesday, when committees meet; it will take place on a Monday or a Friday—I would prefer a Monday. Committee members must be given as much advance notice as possible. We will hold the event in a week when there is no meeting of this committee, perhaps instead of a meeting. We will not run a full-scale event and then force everyone back to the Parliament for a Wednesday morning meeting.

I think that the clerks have enough information to allow them to get on with drawing up a formal proposal. On 26 September, the Local Government and Communities Committee took evidence from the housing supply task force, which was established recently by the Government. Copies of the *Official Report* of that meeting are available for members who are interested in it—I am interested and I presume that other members are, too.

John Scott: In our briefing paper we are asked to consider whether we want to appoint an adviser, and, if we do, whether to do that sooner or later. Peter Peacock is mouthing “later”, but I would have thought that we want to make that decision sooner. However, I will go with the flow.

The Convener: May I explain? After the stakeholder event, which will be attended by a huge number of invitees, we will draw up a more focused remit for our inquiry. We will then put out a 12-week call for evidence. That would be the best stage at which to consider appointing an adviser. The stakeholder event will not replace the call for evidence, but it will help us to focus our call for evidence. I suggest that we defer the decision on whether to appoint an adviser.

John Scott: We should start thinking about appointing an adviser. A month or so here or there is probably not important, but we should start the process now.

Karen Gillon: I agree with the convener. We all think that we know what the problem is and what the answer is. The seven members who are at this meeting probably hold different views. Sometimes the appropriate direction to take in an inquiry becomes clear only after a stakeholder event. We should consider appointing an adviser after the stakeholder event, which will provide the details that we need.

The Convener: The only advantage of appointing an adviser before the event would be that the person would be able to help us finalise the remit of the inquiry.

Mike Rumbles: We should make the decision later, for the simple reason that we might change the specification for the adviser after the inquiry’s remit has been informed by the stakeholder event.

The Convener: The consensus seems to be that we should leave it until we have the input from the stakeholder event.

We seem to have dealt with everything we need to for that item.

European Union Scrutiny

11:20

The Convener: Agenda item 6 is European Union scrutiny and the first European issues update paper—the committee will get an issues paper quarterly. Do members have any comments on the paper? In particular, is there any area on which you would like more information? The paper contains all the EU issues that impact directly on this committee's business.

John Scott: We should be deciding whether we have time to look at the common agricultural policy health check this autumn, as detailed in paragraph 10 of the paper. Perhaps we should at least be aware of what that health check is about.

The Convener: Okay. We can follow that up.

John Scott: Also, under the heading of flooding, paragraph 28 mentions that a green paper was published—I am not entirely sure by whom, but I think it was Europa. It might help to inform our flooding inquiry.

The Convener: There is a web link in the paper, so everyone can download the green paper themselves.

Does anyone else want to raise anything in connection with the EU? We are already allocating time to the common fisheries policy. Members will have seen the work programme that we sent round; Karen Gillon got one as well. It just lays out a rough headline agenda so that people know what is coming up and when. The CFP will be dealt with in that way. Does anyone have anything else to raise?

Members: No.

The Convener: Thank you. For those who are interested, Mark Roberts is the first point of contact for EU issues. If you have any queries, questions or whatever, please direct them straight to him. He is in charge.

The next committee meeting will be after the October recess on Wednesday 24 October. I thank everyone for attending and—

Peter Peacock: Convener, could you help me with a procedural point please? At the end of the previous meeting, after the minister gave evidence, we asked whether he could supply a copy of the regionalisation paper about foot-and-mouth disease. Do we have that? I know that it is circulating among the stakeholders; we might be able to get access to a copy as well.

When we come back from recess, would it be worth getting an update from the minister on foot and mouth and bluetongue disease? We do not

know what will happen in the next two weeks. We could just make a contingency plan.

The Convener: We wrote to the cabinet secretary, Richard Lochhead, and we have not had a response; we will do a quick reminder today.

The deputy convener has advised me that there is to be a big debate on Scottish agriculture on 24 October. It might be that the cabinet secretary will not want to come here to say in the morning what he might be saying in the debate in the afternoon.

John Scott: I trust I have my facts correct.

The Convener: We will double check.

Peter Peacock: If it is, that is fine.

The Convener: If the dates do not coincide, we will make the request to the cabinet secretary.

Karen Gillon: Even if the dates coincide, I would not be averse to the cabinet secretary coming to the following meeting. The detailed questions we could ask during a committee meeting are different from those that are asked during that style of debate. Some of us might have detailed questions to ask.

The Convener: That is a reasonable point and it is what happened when the cabinet secretary came before the committee before—he was making a statement in the afternoon of the day we wanted him to come and it was not appropriate for him to come. Bill, are you twitching because you want to make a point?

Bill Wilson: No, I am not. I am just sitting quietly and peacefully.

The Convener: Okay. I now close the meeting. We are 15 minutes ahead of my schedule.

Meeting closed at 11:25.

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