

MEETING OF THE PARLIAMENT

Thursday 25 November 1999

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Scottish Parliament

Thursday 25 November 1999

[THE DEPUTY PRESIDING OFFICER *opened the meeting at 09:31*]

Law and Order

The Deputy Presiding Officer (Ms Patricia Ferguson): The first item of business this morning is a non-Executive debate on motion S1M-316, in the name of Phil Gallie, on law and order, and amendments to that motion. I call Phil Gallie to speak to and move the motion. You have 20 minutes, Mr Gallie.

09:31

Phil Gallie (South of Scotland) (Con): The Conservative party stands in a position of strength. We have a track record in law and order issues of which we can be proud. [*Laughter.*] Those who mock—particularly those Liberal Democrats who have shown treachery in the past, by turning their back on their principles and objectives and abandoning the ideals in which they believed, to join the Liberals—should feel ashamed when they mock our track record on law and order.

There was a significant improvement in the tackling of crime during the Tory Administration of the past 18 years, in spite of the curse of an international explosion in drug misuse. Under the Tory Government, crime figures fell by the largest number since records began, and over the longest period. That could be explained, perhaps, by the fact that the Tories had 18 years of uninterrupted government, with no opportunity for the Opposition—now the Government—to step in with its wishy-washy policies and ruin the changes that were made during those 18 years.

Between 1979 and 1997, police spending doubled, in real terms. Scottish police numbers rose by 2,000. We encouraged the use and development of new technology, such as closed circuit television, which we regarded as a powerful weapon in the battle against crime, for the protection of the public. We facilitated the progression of the process of DNA testing and its use and production in courts as a means of attaining true and proper verdicts. We did much to improve court procedures, so that the time spent in court could be reduced and the time that was wasted by the police in court could be cut down.

Frequently, in debates such as this, the Opposition can be charged with being critical for the sake of it. It can be charged with offering pious hopes based on a lack of responsibility and

unjustifiable claims. I suggest that that is one way in which the electorate was conned by the present Administration in 1997.

Our 1999 manifesto was clear in intent, and our track record shows that we could have delivered on it. What is the current situation, and how does it contrast with the Executive's manifesto dreams? The Labour manifesto for the Scottish Parliament, which was published in 1999, tells us that

"Scottish New Labour believes that individuals can prosper in strong and secure communities."

In their manifesto, the Liberal Democrats promised to

"keep the police service up to strength."

What has happened since then? Police numbers are now down by almost 400 on the number that was inherited from the Tories.

Worse still, in the budget statement prepared and issued by Jack McConnell, we see at best a hold at current levels of funding for the police. Although there is room for inflationary increase in local authority provision, the central Government contribution is set to fall. Let us remember that the sum of cash that is provided for local authorities is not ring-fenced, and evidence suggests that local authorities are not enthusiastic about providing funding for the police.

As I said, police numbers are down by almost 400. At current budget levels, the Scottish Police Superintendents Association reports a substantial shortfall on this year's budget. With the budgets effectively at a standstill, pressures will increase. The Scottish Police Federation forecasts a shortfall in police numbers by the end of next year of between 500 and 1,000 officers. How does that contrast with the manifesto pledges of those who participate in the Scottish Executive?

Douglas Keil, general secretary of the Scottish Police Federation, said:

"There is a direct correlation between the number of officers on the street and crime figures. In the light of the bleak financial future, I can only see a bleak future for levels of crime."

Police officers are leaving the force. That puts another burden on the revenue available to those who fund the police because it adds the burden of pensions, which are provided directly from revenue. There is no money for recruitment. We recognise that 92 per cent of the police budget is currently spent on manpower. That leaves little room for manoeuvre with respect to efficiency savings, provision of equipment or maintenance of police buildings.

Mr Mike Rumbles (West Aberdeenshire and Kincardine) (LD): Will Phil Gallie comment on a question asked in the House of Commons earlier this year by my colleague, Sir Robert Smith? He

asked what was the year-on-year change in central Government funding for police in Scotland between 1979 and 1999 in cash and in real terms. Henry McLeish's answer showed that there were four years in which the year-on-year percentage change in real terms was a cut—1985, 1990, 1994 and 1996. How does that square with Mr Gallie's earlier comments?

Phil Gallie: If one considers the 18-year record of the Tory Government, one sees an overall increase in real terms in provision for the police. [MEMBERS: "Facts."] Mr Rumbles may wave his notes in the air, but he cannot deny the fact that we doubled expenditure. We increased real-terms expenditure by a substantial amount over those 18 years. I accept the fact that there were special payments in particular years, leading to a reduction in the following year. Overall, however, there was a real-terms increase.

Police numbers in Scotland increased by 2,000 over the period of Tory government. Perhaps Mr Rumbles can come up with a question that Robert Smith asked in the House of Commons that denies those figures—figures that the Conservatives are proud of.

Mr Rumbles: There are further facts that Mr Gallie may be interested in listening to. I would like to hear his comments on them. When the Conservatives came to power in 1979, 346,000 crimes were recorded annually. When they left office in 1997, there were 420,000. That is an increase of 74,000, which equates to an increase of eight more crimes per hour in 1997 than there were in 1979. How does that square with what he has just been saying?

Phil Gallie: The major problem was the fact that there was an international expansion in drug-related crime. Members may laugh, but that fact is recognised. I foresaw Mr Rumbles's comments and I mentioned drugs right at the beginning of my speech. I note that he did not challenge my figures and simply went off on another line in an attempt to justify his comments.

Prior to the 1999 election, people who are now members of the Executive commented on the prison situation. They said:

"We will rid Scotland of the problems that weaken our Society. That means being tough on crime and criminals who blight our communities."

"We will crack down on violent crime."

What do they do? They determine to reduce the number of prison places. They determine that dropping the number of prisoners will be a longer-term objective, although their own forecast shows that the prison population is liable to rise from 6,100 today to something like 6,400 over the next two years.

How does that add up? HM chief inspector of prisons for Scotland's report for 1998-99 shows substantial overcrowding in the major prisons. How does that equate with taking prison places out of the system? It shows improvements in reducing slopping out and in it Jim Wallace claims that by 2004 that practice will be ended. That contrasts with the evidence Tony Cameron, the chief executive of the Prison Service, gave the Justice and Home Affairs Committee on Tuesday. He acknowledged that that target would not now be achieved, thanks to Jack McConnell and Jim Wallace's raid on £13 million of prison funding.

The Deputy First Minister and Minister for Justice (Mr Jim Wallace): Mr Gallie is quoting HM chief inspector of prisons for Scotland's report for 1998-99. Has he read the part where the chief inspector says that an end to overpopulation will mean that much needed additional refurbishment can be effected throughout the prison estate and that consideration might even be given to closing one or two of the more isolated establishments?

Phil Gallie: I accept that as an aim, but a time of rising prison populations hardly seems the time to cut prison places. Bearing in mind the situation in prisons, the report, the drug taking and the overcrowding, how will the reduction by 400 in the number of prison staff aid the minister in seeking to improve prisons? That raid has, I suggest, been made necessary by the Government's miscalculation of the cost of setting up the drugs enforcement agency—which has the support of every party here. An additional 200 police to serve in the drugs enforcement agency were promised. That is being delivered, but there was talk of an extra 100 police to work in communities. That must be folklore now, given the reductions in the police force—

The Deputy Minister for Justice (Angus MacKay) rose—

Phil Gallie: I will give the Deputy Minister for Justice a chance to come in, in a minute. He may recall that when we debated the drugs enforcement agency he gave a figure of something like £4 million for funding the agency. I said at the time that on my calculation it would be more like £12 million, which he said was typical Tory back-of-the-fag-packet, made-up figures. Jack McConnell acknowledged in his financial statement that the cost of the drugs enforcement agency will be above £12 million. On that basis, I was right and the minister was wrong.

Angus MacKay: I am unclear whether Mr Gallie is welcoming the commitment, through the financial statement, of £5 million per year for the drugs enforcement agency and the additional 200 officers, or not. To clarify a point Mr Gallie made: we have always said 200 additional officers, probably 100 at the centre and 100 in the forces,

but that that would be an operational decision. Will Mr Gallie confirm, however, that once the 200 additional officers are operational, police force levels in Scotland will be within less than 1 per cent of the highest level ever in Scotland?

Phil Gallie: Of course we welcome the drugs enforcement agency—I thought I had made that clear. The minister got his sums totally wrong in the earlier debate. If the 200 police officers are in addition to the established recommendations for police numbers in Scotland, we welcome them. We will put the minister on trust and watch the figures. If he can bring police numbers back up to what they should be and add the 200 who are due to go into the drugs enforcement agency on top of that, he will be given credit by Conservative members. Let us not have promises; let us have action. When the minister delivers, he will receive our compliments.

With regard to victims of crime, I understand that today we will have a statement on the freedom of information bill. If the Government is dead keen to pass out more information, why do we need to legislate for it? It is in the Government's power to provide information as and when it should. Irrespective, we will wait to hear what is said on the matter.

Mr Wallace should be assured that we will welcome the bill if it improves the situation for victims of crime and provides for them to receive explanations about the downgrading of charges. For example, victims are told that a charge will be brought, but by the time they get to court, without having been told, they find that that charge has been decreased to a much lesser offence. That happens in the High Court and solemn and summary courts. It is a cause of concern for victims. If the minister's statement later today announces an improvement in the information that is provided to victims of crime and their families, it will be welcome.

As I have suggested in the past, there has been a policy of downgrading charges to take pressure off the courts, but what is the current situation? There is a shambles surrounding temporary sheriffs and in the district courts with respect to the stepping down of councillor justices of the peace. I say to the minister, there are no doubts that the fault lies clearly with the Labour Government. It signed up to the European convention on human rights and incorporated it into law. The Government must take responsibility for the resulting shambles. The present difficulties could be the tip of the iceberg. We will see where we go from there.

Angus MacKay rose—

Phil Gallie: I will allow the minister to intervene on that point in a few minutes' time. I will move on

and, being aware of the time, I will skip a few things.

I say to Angus MacKay that with respect to drugs, which was a major crime and punishment issue in the run-up to the election, I welcome his visit to Ireland to establish what can be done to enhance the Tories' policy of confiscating drug dealers' assets. If in Ireland he found a means of improving the situation and he implements it here, it will be welcomed by all of us in this chamber.

There are several points that I wish to be addressed. I would like legislation to be introduced that allows for the seizure or freezing of assets of alleged drug dealers at the time of their arrest. I would like the automatic refusal of bail for anyone accused of drug dealing. Ultimately, if someone is found guilty of peddling in drugs—peddling in death—I would like to see, just as is the case with the Inland Revenue, that the individual has to prove their right to have their assets, rather than the prosecution having to prove that those assets were gained from dealing in drugs. On that point, I ask the minister to assure me that the fact that the Irish Government has not incorporated the ECHR into its law will not affect his intention of dealing with drug dealers in Scotland.

Angus MacKay: I can clarify that members of the Criminal Assets Bureau in Ireland and members of the Irish Government confirmed to me their confidence that, even if they were challenged under the terms of the European convention on human rights, they would win any such challenge in the European courts.

Does Mr Gallie support the European convention on human rights?

Phil Gallie: As always, the Conservative Government in office supported the aims of the ECHR. Where it was wise and the Labour Administration was not, is that the Conservative Government did not incorporate it into our law. It allowed our judges to make their decisions and take the ECHR into account. That is the right way and that is also the approach that the Irish, from whom the minister sought to gain knowledge, have taken.

I have spoken for 20 minutes, so I will come to a close. I was intent on taking the minister to task about his comments on young offenders. That is an area of serious aggravation for many members of the public and his words, which suggested that the Liberal-Labour Administration will go soft on young offenders, cause some concern.

Finally, I return to Labour's woeful attempt to comply with its pledge to be tough on crime. The most recent crime figures from the *Statistical Bulletin* of March 1999—[*Interruption.*]—not 1985, as Mr Rumbles is indicating. Those figures show that offensive weapons crimes are up 13 per cent;

assault with intent to rape is up 12 per cent; non-sexual violent crime is up 10 per cent; serious assault is up 9 per cent; robbery is up 9 per cent; sexual assault is up 9 per cent; and drug-related crime is up 7 per cent. If ever there was an indictment of an Administration, it is those figures. The Administration should plead guilty to the charges and accept our motion.

I move,

That the Parliament expresses concern over the substantial drop in the number of serving police officers over the last two years, the reversal of the falling crime rates inherited, the rising number of drugs related deaths, the shortsighted and ill considered prison closure programme and staff redundancies instigated by the Executive's £13 million raid of Scottish Prison Service funds, the Executive's lack of emphasis on and support for the victims of crime and the shambles in our courts resulting from Her Majesty's Government's decision to incorporate the European Convention of Human Rights into Scots Law, and calls upon the Scottish Executive to live up to its Partnership Agreement promise to be "tough on crime and the criminals who blight our communities".

09:52

The Deputy First Minister and Minister for Justice (Mr Jim Wallace): Mr Gallie began his remarks by saying that he was starting from a position of strength. It takes a lot of courage to do that in the week in which Lord Archer has blazed a trail for truth and justice for the Conservative party. With such strength, who needs weakness?

Mr Gallie finished his speech by talking from a position of strength and ignored an intervention from Mr Rumbles, who pointed out that crime had increased throughout the years of the Conservative Government, to the extent that at the end of its period in government, it was higher than when it took office. As Mr Gallie was trading statistics at the end, we should note that the crime clear-up rate in 1997 in Scotland was 39 per cent and that it rose to 41 per cent in 1998. The figures depend on the type of crime—60 per cent of serious assaults and 71 per cent of sexual assaults were cleared up in 1998. In general, clear-up rates have been rising throughout the 1990s.

I will respond in due course to the specific criticisms levelled by Mr Gallie. First, I will make general comments about the Executive's position on law and order policy.

Our policies were set out in "Making it work together". They provide a practical but visionary way forward in tackling crime. We said:

"We want a secure Scotland where individuals and communities are free from crime and free from the fear of crime. We will work together with the police and with communities to make our streets and neighbourhoods safe. That means attacking the drugs menace that threatens to blight our society. It also means having a police force that is

rooted in our communities and spends its time on front-line duties. We will promote effective measures to support the victims of crime. We will further protect our communities through the rehabilitation of offenders. We will be tough on crime and on criminals."

The fact that we have a justice department symbolises our commitment. If we are to consider ourselves a just society, our justice system must be ever more effective in dealing with victims and offenders alike.

Justice, of course, embraces social justice, which is a key element in tackling the root causes of crime. Earlier this week, the key milestones in our programme for social justice included a historic challenge and opportunity to eradicate child poverty, to move towards full employment and to guarantee financial security for older people. This is a long journey—we have made no bones about it. However, by tackling the root causes of crime, we are more likely to break the vicious cycle of deprivation and crime that exists in too many of our communities.

The whole Parliament would agree that effective policing is crucial in combating crime. We want to encourage stronger links between the police and the communities in which they operate. To that end, we want to maintain—and, where possible, increase—the number of police officers who are available for front-line duties. Mr Gallie gave us a range of statistics on police numbers that he had gathered. It is only accurate to point out that at the most recent count, in September this year, the number of serving police officers was higher than at almost any time during the Conservatives' 18 years in office.

Police numbers fluctuate because of retirements and resignations, and forces have to recruit accordingly. As Mr Gallie rightly pointed out, recruitment cannot be done simply by turning on a tap or by putting an advertisement in a jobcentre. It is not an exact science. Mr Gallie said that at the moment the police had no money for recruitment, but according to the information that I have, nearly all the eight forces in Scotland are recruiting at present. Let me make it clear that the Executive does not determine police force strength. That is an operational matter for chief constables, based on the resources that are available.

David McLetchie (Lothians) (Con): Is that the same recruitment policy that Jack Straw had when he said that 5,000 more police officers were being recruited down south, although numbers were declining there as well?

Mr Wallace: I have made a perfectly simple point: the most recently available information—and it is days old—indicates that nearly all Scotland's police forces are currently recruiting. That is a very welcome sign, because it indicates that they believe that the resources are available for them to

recruit.

Mr Kenneth Gibson (Glasgow) (SNP): Mr Wallace said that nearly all police forces in Scotland were recruiting. Can he advise us which are not?

Mr Wallace: All bar Grampian are recruiting.

In 1999-2000, police forces received grant-aided expenditure totalling £719.4 million—a 4 per cent increase on the previous year. Next year, forces will receive £741.9 million—an increase of 3.8 per cent. Those increases contrast with the figures that Mr Rumbles gave for the years of Tory government—in four of those years, spending fell. They should enable forces to maintain numbers at a relatively high level compared with earlier this decade.

Phil Gallie: I deride the minister's opening remarks with respect to Jeffrey Archer. I did not pick up on personalities—had I done so, Mandelson, Cook, Robinson and Davies would all have come to mind. The minister's comments do not seem to be in line with the principles of this chamber.

Moving on from that, does the minister deny the worst fears of the Scottish Police Federation, which estimates that by the end of this year the number of serving police in Scotland will be down on preferred figures by between 500 and 1,000?

Mr Wallace: I am not quite sure what science is attached to preferred figures. I am aware of the concerns that have been expressed by the Scottish Police Federation, by the Association of Chief Police Officers (Scotland) and by the superintendents, and I have indicated my willingness to meet them and discuss their concerns.

However, it is important to point out that the increases that I have mentioned are substantial. We should also not lose sight of the fact that there has been a considerable growth in the number of support staff—a move towards civilianisation. That means that the work of police officers who were previously in charge of control rooms or who worked in personnel and liquor or firearms licensing departments is now being done by civilians.

Mr Gallie referred to the point that was made by Douglas Keil of the Scottish Police Federation about officers on the street. Because a move towards civilianisation has taken place, more police officers have been freed up for the front-line operational duties that the public expect them to carry out. Since 1979, police support staff strength has increased from 2,747 to 4,725. However, I recognise the concerns of the police staff associations and I have agreed to discuss the matter with them.

As Mr Gallie acknowledged, the Executive is intent on tackling the menace of drugs. The Scottish crime squad, Customs and Excise, the National Criminal Intelligence Service and the eight Scottish police forces do sterling work in stemming the tide of drug trafficking. We believe that the creation of the new Scottish drugs enforcement agency will provide an even more focused and strategic approach. It will bring together all the information from Scottish forces and other organisations about the threats from outwith and within Scotland; the new agency will use that to determine where the Scottish enforcement priorities should lie.

The agency will be up and running by June next year. The £10.5 million that we are making available over the period of the comprehensive spending review will fund significant additional manpower—up to 100 extra officers for the Scottish crime squad and up to 100 extra officers for drug squads in local forces.

We recognise that our enforcement measures must be combined with a range of effective preventive measures, and we are examining our strategy on youth crime. Contrary to the rhetoric of Mr Gallie, recent research indicates that youths involved in structured sport and leisure pursuits are less likely to offend than other young people. That has a major impact when young people might be more exposed to the range of high-risk factors that lead to criminality. Earlier this year, based on evidence that we had gathered, a number of local authorities were invited to apply for funding for four drug diversion projects in Scotland, where the focus would be on sport and leisure.

Today, I am pleased to announce that the Scottish Executive will fund projects based in Aberdeen, Dumfries and Galloway, Glasgow and South Lanarkshire. Each of the projects will receive £12,000 for two years—a total of £96,000. Individuals invited to take part in those projects will be either known offenders or in a group that has a high risk of becoming involved in drug taking. We want to get young people out of a cycle of negative activity and into a pattern of positive activity. An important element of the projects will be to gauge the impact of leisure interventions on drug taking and offending, with a view to demonstrating to local authorities the likely wider cost benefits that will accrue from such interventions. That will be done through an evaluation programme, which will track the offending patterns of individual young people who participate in the projects during the two-year period.

It is important that we examine a wide range of innovative approaches to divert our young people from the lure of drugs and criminality. I look forward to learning how the individual projects

progress.

Understandably and predictably, Mr Gallie focused on the issue of imprisonment. Scotland has one of the highest prison populations in Europe. The Scottish Prison Service estate has over 6,400 prisoner places and a current population of 6,000. The increase in the prison population is expected to slow down.

Mr Gallie seemed to dismiss the comments of Her Majesty's chief inspector of prisons on the possibility of consideration being given to closing one or two of the more isolated establishments. However, that report was laid before this Parliament in August this year, so it is relevant. During the summer, statisticians predicted that the prison population for the year 1999-2000 would be 6,100. At the moment there are fewer prisoners than that, and the average will probably be 6,000.

David McLetchie: Will the minister explain how the prison population is predicted to fall at a time when crime is rising? Common sense would suggest that, if serious crime is increasing, as Mr Gallie said and official statistics show, the prison population should also rise, unless the Executive is operating a deliberate policy to ensure that the punishment does not fit the crime.

Mr Wallace: The number of crimes is not necessarily related to the number of criminals. That is an important point. A disproportionately high number of drug-related crimes and youth crimes are committed by a small number of people.

Serious crimes will always attract prison sentences, to ensure public safety and to mark society's displeasure. We want to try to ensure that there are alternatives to custody for far less serious crimes. Those are the things that we, as an Executive, will work out. They are not soft options; many of the alternatives to custody are very tough and are the kind of options that we want to introduce.

Dr Richard Simpson (Ochil) (Lab): To assist Mr Wallace in dealing with Mr McLetchie, in Clackmannanshire, 17 youngsters committed 60 per cent of the drug-related crime—17 individuals who cannot be jailed repeatedly. Those 17 youngsters are in jail because they are repeat offenders. The crime levels have risen, but the number of people committing crimes has not. It is simple, Mr McLetchie.

Mr Wallace: Each one of the 17 youngsters cannot be jailed over and over again—Mr McLetchie fails to grasp a fairly basic point.

Phil Gallie: On that point—

Mr Wallace: I have been fairly generous in giving way.

Mr Brian Monteith (Mid Scotland and Fife) (Con): No, he has not.

Mr Wallace: I have spent more of my speech giving way than on my own comments.

Penninghame is geographically remote from the central belt, provides little flexibility and accommodates most prisoners in dormitories. The decision to close the prison is no reflection on the excellent work of the staff, but the opportunities provided for prisoners in Penninghame can be provided in Castle Huntly or Noranside. The number of places at those prisons is sufficient to cater for all prisoners who qualify to be held in open conditions.

It has been recognised for some time that Dungavel is unsuitable for its purpose: it has inadequate dormitory accommodation and minimal scope for redevelopment. Recent investment in perimeter security systems to approved category C standards, allied with fully upgraded prisoner accommodation of single cells and two-person dormitories, makes Friarton a more suitable candidate to take over Dungavel's role as a top-end category C prison for long-term prisoners.

Christine Grahame (South of Scotland) (SNP): In evidence to the Justice and Home Affairs Committee, in discussing Dungavel with Mr Tony Cameron, I quoted from the chief inspector's report, which said that

"there has been a remarkable transformation at Dungavel, partly due to changes in management, efforts by staff and finally, some much needed clarity about the establishment's future. Whilst a drug sub-culture had previously flourished in an environment recognised to be boring, we sense that it should now be possible to create a drug-free establishment. Drugs and other key issues are now being addressed in a structured, cohesive and realistic way, by a closely knit and enthusiastic management team."

I hardly think that the prison's reward for that should be to find that it is subject to closure. Mr Cameron made it clear that the decisions are the Executive's, so why did the Executive choose that prison for closure?

Mr Wallace: The first thing to make clear to Ms Grahame is that I did not choose it. It is important that she recognises and understands that those are operational matters for the Scottish Prison Service. I do not in any way detract from the work that has been done by the prison staff at Dungavel; I wish to pay tribute to that work.

As I have already indicated, the prison has inadequate dormitory accommodation and minimal scope for redevelopment, while Friarton is suitable to take over the role as a top-end, category C prison for long-term prisoners.

Phil Gallie: Will Mr Wallace give way?

Mr Wallace: I have been quite generous.

The Deputy Presiding Officer: You must wind up now.

Mr Wallace: I have been asked to wind up, which means that—because I have given way so many times—I cannot cover all the points.

I say to Mr Gallie that information to victims is an important part of our strategy of improving the support and service that are given to victims. The introduction of more information technology, linking the fiscal service with the Scottish Court Service, should enable that to happen more effectively.

Mr Gallie seems to dismiss very lightly the European convention on human rights—to which this country has been a signatory since 1951—and the fact that individuals have had the right to take a case to Strasbourg since 1966, although yesterday he was praying it in aid to help landowners who might be affected by the community right to buy. We should be proud that we have brought rights and justice home—I do not make any apology for that. It is worth pointing out that, since May, while more than 170 criminal cases have been raised that deal with ECHR points, all but three of those challenges have been dismissed.

The sheriffs principal, permanent sheriffs and staff of the Scottish Court Service have responded positively to the need to plan and deliver a court programme without the use of temporary sheriffs, thanks to some astute contingency planning by the sheriffs principal. The courts were ready to make the necessary adjustments to the business programme, the main aim being to prioritise urgent criminal cases and civil cases involving vulnerable witnesses, including children.

It is undeniable that there will be delays in handling non-urgent business, and some court users, particularly in civil cases, will be disappointed by having their cases deferred. However, the permanent judiciary is working to maintain a service to the public and we all ought to be grateful to it for that.

A measure of relief will come from the appointment of 10 new floating sheriffs, who will be allocated to the areas of greatest need when they begin to take up appointments around the turn of the year. There may well be a need to consider further appointments, but we will reach a decision on that once the Lord Advocate has considered his response to the High Court judgment.

There is so much more that could be said. I have set out clearly the Executive's position that our communities should be free from crime and the fear of crime. The Executive has the will and commitment to ensure that that happens.

I move amendment S1M-316.1, to leave out from "expresses" to end and insert:

"supports the Executive's policies on law and order and the principles and initiatives set out in the Partnership for Scotland agreement and the priorities identified in the Programme for Government and in particular the measures being taken to combat crime and drugs, to support the victims of crime, to encourage stronger links between the police and the communities in which they operate, to tackle the problem of persistent re-offending, to rehabilitate offenders through training, education and work and through alternatives to custody, and in putting in place effective community safety strategies."

10:10

Michael Matheson (Central Scotland) (SNP): I welcome the opportunity to consider crime and the Scottish criminal justice system.

We all recognise that the criminal justice system has come under considerable scrutiny in recent weeks, in relation to policing levels, Scottish Prison Service closures and the implications of the European convention on human rights.

The Conservative motion contains an implied criticism of the European convention on human rights. I was not too sure whether Phil Gallie, in his reply to Angus MacKay, said that he welcomed the incorporation of the European convention on human rights into our criminal justice system, or whether he is happy just to refer to it.

Phil Gallie: We are quite clear that we do not welcome incorporation. It was badly thought out and was the wrong thing to do. The terrible situation that we face in our courts shows that we are right.

Michael Matheson: I thank Mr Gallie for clarifying that, although I do not think that most people in Scotland will welcome it.

We welcome the incorporation of the European convention on human rights into our criminal justice system. The convention is not the problem. The problem is the advice and the manner in which the Executive has handled the implications of the convention. Responsibility lies with the Executive.

Jim Wallace correctly pointed out that Clive Fairweather, in the annual report on prisons, recognised that some prisons could be closed. However, Clive Fairweather's views were predicated on the assumption that the prison population would remain stable. Unfortunately, the evidence is that the prison population will rise, which brings into question the thinking behind the Executive's closure programme.

I want to refer to our amendment and, in particular, the issue of policing. For several years, pressure has been growing on police budgets. The problem for our police service is twofold: financing

and resourcing. While the pressure on budgets has increased, recorded crime has also increased in constabulary areas across Scotland. It is increasing in Strathclyde. It is up by 9 per cent in Central, and by 3 per cent in Grampian, Lothian and Borders, and Northern. Only Tayside, and Dumfries and Galloway have shown a decrease. It would be wrong to give the impression that things are improving or will improve in the short term.

The concerns of the Scottish Police Federation have been mentioned. Earlier this month, it gave a clear warning that the Government's proposed budget for policing in Scotland in 2000-01—£741.9 million—means that there will be a cut in real terms. I quote James Fraser, chairman of the Scottish Police Federation, who said:

"We are in a dire situation as far as the police budget is concerned, and if that situation is not greatly improved very quickly then it will become a crisis."

We should listen to that voice. Although members might argue that it is a cash increase in real terms, effectively, it is a cut in real expenditure.

We politicians can easily get caught up in the argument about figures and the allocation of budgets, but we must also remember that the individuals who are responsible for policing our streets, day in, day out, are under ever increasing pressure, because of growing problems of manpower, demands on services and sickness levels.

The most recent annual report by the chief inspector of constabulary highlighted that the sickness level in the police force is increasing; it is currently running at more than 7 per cent. There is little doubt that one of the major contributing factors to the growing problem of sick leave is stress-related illness. The real danger, with decreasing numbers of officers, rising crime and more police officers on sick leave, is that greater pressure is placed on officers still in service.

I refer to the Government's reallocation of £13 million of the Prison Service budget. Not only is our police service under considerable pressure, but as a result of that decision there will be increasing pressure on prisons and prison officers. The announcement on the closure of Penninghame and Dungavel prisons, alongside the reallocation of that funding, is seen by those working in the Scottish Prison Service as a betrayal of their efforts. That is nothing more than a short-term approach to dealing with the prison problem in Scotland.

Phil Gallie: Does the member agree that the programme of prison closures comes directly from the Government's withdrawal of £13.5 million? Does he agree that it is disgraceful that a new prison executive, who took up his post in September, was forced to call a review in October

and to declare prison closures in November?

Michael Matheson: My primary concern about the Executive's action relates to whether there is appropriate medium to long-term thinking behind it. There are major questions to be asked.

Angus MacKay: As Mr Matheson has touched on the views of Mr Clive Fairweather, perhaps I can ask him to comment on Mr Fairweather's specific statement on the announcement, that

"as circumstances change—and in this case where the population appears to have steadied, at much the same time as 500 more spaces have been created by the new prison at Kilmarnock, (plus a new block in Saughton)—then perhaps it is time to close some prisons."

He went on to say:

"Consideration could also be given to closing one or two isolated or less cost effective establishments. It would appear therefore, that the closures and the consequent reorganisations announced today by the SPS should not affect its primary role."

Those are Mr Fairweather's words, not mine.

Michael Matheson: I refer to the comments about Clive Fairweather's earlier statements, which were that his views are predicated on the basis of reducing numbers. However, the evidence that has been given to the Justice and Home Affairs Committee is that prisoner numbers will increase. On that basis, I have grave concerns as to whether the closure programme will cause overcrowding.

It is also clear from the Scottish Prison Service press release that the service anticipates that there will be overcrowding as a result of the reallocation of funding and the closure of two prisons. The consequences of the Executive's actions will be job losses in the Prison Service, which will be another blow to the morale of prison staff.

An issue that seems to have gone somewhat unnoticed during that change in policy is the mothballing of the special unit at Peterhead prison. I am sure that no one in the chamber would disagree with getting drug dealers off the street, but we also have to accept our responsibility to ensure that prisoners who have a drug problem are provided with the support and rehabilitation that they need. The mothballing of that unit will stop the rehabilitation work that is being undertaken.

I refer members to the views of the Grampian Addiction Problem Service, which has a close working relationship with the unit at Peterhead. In a recent press release, it stated:

"At present many of the prisoners housed within the unit, are as much victims of drug misuse as they are the perpetrators."

The statement continued:

"Without rehabilitation, such as that supplied at the unit, released prisoners will undoubtedly quickly re-offend."

Where is the long-term thinking in dealing with the drug problem in Scotland? This is purely a case of robbing Peter to pay Paul.

Angus MacKay: That concluding sentence was just nonsense.

I would again like to quote Mr Clive Fairweather on the specific point that Mr Matheson is raising on the Peterhead unit. In response to the announcement, he said:

"This is for up to 10 difficult prisoners, and only today we have just completed the first formal inspection report on it. It is to be 'mothballed'—and this can be done safely as there is another unit at Shotts and the National Induction Centre, the latter of which we praised last year."

On the provision of drugs rehabilitation services in Scottish prisons, we are already actively looking at ways of linking those services to the broader rehabilitation services outwith prisons.

Michael Matheson: I do not dispute the views of Clive Fairweather, but I also accept the views of people who work with the unit—the Grampian Addiction Problem Service, which clearly has grave concerns about the closure, or the mothballing, of the unit. The Executive has unfortunately decided to mothball. That will inevitably lead to further problems and the vicious circle of crime and drugs.

I return to the issue of providing a comprehensive justice system, and to the issue of supporting the needs of victims. The needs of victims are not given the priority that they deserve. In Scotland, victim support services deal with almost 40,000 referrals each year, the vast majority of which come from the police. The services, yet again, have found their modest budgets under increasing pressure. As a result, they have had to limit the service that they can provide in some areas of Scotland.

Support to victims is not just about the level of service that is provided by victim support groups; it is about the way in which our criminal justice agencies deal with victims. Several months ago, along with other MSPs including Lyndsay McIntosh, I met a lady called Molley Godley, whose son Ian Godley had been killed back in February 1998. Although I do not want to go into specific details of the case, I am concerned about the way in which the family was supported by the criminal justice agencies. The family was unable to find out why the Crown Office had decided not to proceed with the case that had been referred to the procurator fiscal. The family is not only the victim of a son being killed, but the victim of a criminal justice system that has acted insensitively. At no time was the family informed of the possibility that the case would be dropped by

the Crown Office, until a call came from the procurator fiscal to say that it had been dropped. What way is that to deal with a family that is dealing with the trauma of losing a son? I am sure that other members could refer to such individual cases across the country.

I return to the issue of improving services for victims of crime. In England and Wales, the Home Office's victims charter has been in place for some time. Lord Cullen recommended such a measure in his report on the Stephen Lawrence inquiry. However, the Executive's action plan contains very little to meet victims' needs. A victims charter would help to set national standards that stated clearly the level or nature of service that criminal justice agencies should provide. A charter would help families such as the Godleys. At such a time, the Executive has an opportunity to improve services for victims of crime, and I urge it to consider the possibility of introducing a victims charter in Scotland.

Our criminal justice system requires action on several fronts. Any further delay will inevitably lead to increased crime and an impending crisis, if not in the police service, in the prison system. The Executive has been warned not only by political parties but by those who work in the service, and I hope that it will listen to those views and act on them.

I move amendment S1M-316.2, to leave out from "expresses" to end and insert:

"notes with concern the decreasing numbers of serving police officers; expresses deep concern at the prison closure programme, as a result of the Scottish Executive's re-allocation of £13 million of Scottish Prison Service funding, and calls upon the Scottish Executive to recognise that effective criminal justice is one in which adequate resources are provided for the police and the prison service as well as victims of crime, none of whom are well served under the present system."

The Deputy Presiding Officer: We now move to the open part of the debate. Members have four minutes for their speeches.

10:26

Mrs Lyndsay McIntosh (Central Scotland) (Con): I did not intend to begin by replying to Michael Matheson's speech, but I want to applaud his comments about Mr and Mrs Godley. The minister must realise that, while he is talking about statistics, we are dealing with people. It was dreadful to see Mrs Godley's distress, and she is unlikely to see a proper result. That is criminal.

I welcome this opportunity to discuss so many crucial issues. However, I do not intend to concentrate on police budgets, which have been cut; on police numbers, which are arguable; on prisons, which are to close; on courts, which are in turmoil because of the incorporation of the

European convention on human rights into Scots law; or even on alleged breaches of the peace, which have been so very recently in the news. Instead, I will concentrate on the equally important and wide-ranging issue of drugs.

Drugs are a threat to the very fabric of our society. They ruin the lives of addicts and addicts' families alike. All too frequently, drug addicts resort to crime to pay for their habit and, in the process, destroy the lives of law-abiding citizens and entire communities. There is little doubt that drugs and crime go hand in hand. A recent national treatment outcome research study illustrated that, for every pound spent on drug abuse treatment, more than £3 is saved on the cost of crime.

Unfortunately, recent trends have been less than encouraging. As we speak, there are between 100,000 and 200,000 drug addicts in the UK. The annual cost to the taxpayer from the more serious users alone is well in excess of £4 billion. Internationally, the illegal drugs trade is worth an estimated \$40 billion, which is 8 per cent of all international trade. Those figures serve only to exemplify the true extent of the drugs menace. It is our job, as representatives of the people of Scotland, to challenge and defeat that menace. Our children deserve no less.

That requires a truly co-ordinated approach across a number of Executive departments and agencies. The matter is not just for the department of justice and home affairs; it affects other departments with responsibility for issues such as health and community care, children and education, social inclusion, housing and local government. Furthermore, we have various people to deal with the problem. Mr Jim Wallace and Mr MacKay are present, although Mr Sam Galbraith is not and Peter Peacock seems to be preening his feathers elsewhere. We also have Rhona Brankin; Susan Deacon, who may very well have the blues because of the problem; Iain Gray; Wendy Alexander; Jackie Baillie; and Frank McAveety, who is obviously not in Holyrood today. Why, then, are only two members of the Executive present for a debate on such an important issue?

Mr Gibson: Will the member give way?

Mrs McIntosh: Sorry, but I want to get through this little bit.

It is reassuring that there are a number of bodies that aim to deal with the scourge of drugs. Even before the much-advertised drugs enforcement agency, we have the ministerial committee on drug misuse, the Scottish Advisory Committee on Drug Misuse, the public health policy unit, the national health service information and statistics divisions, drug action teams, drug development officers and local drugs forums. However, what we

really need are joined-up, co-ordinated responses to the drugs menace.

The Deputy Presiding Officer: Will you wind up please?

Mrs McIntosh: We need a minister with sole responsibility for drugs.

Briefly—

The Deputy Presiding Officer: You have one sentence, Mrs McIntosh.

Mrs McIntosh: I will never fit it all into just one sentence.

The Deputy Presiding Officer: I am afraid that you will have to come to a close then.

Mrs McIntosh: In that case, may I assure the Minister for Justice that we will support the Executive's plans for the development of a drugs enforcement agency. No one has all the answers. If constructive proposals are made, we will support them.

10:31

Pauline McNeill (Glasgow Kelvin) (Lab): I welcome this debate on law and order, but I believe that the motion lacks focus. It is a shopping-list attack on the Executive and on a range of services and provision within the criminal justice system. The Prison Service, victim support and crime prevention services, to name but a few, merit specific attention in a specific debate.

This morning, we have debated crime statistics. It is not true to say that the rates of all crime are rising. The motion is inaccurate. The rates of some types of crime are rising. Only a matter of weeks ago, John Orr of the country's biggest police force—Strathclyde—said that the crime rate had fallen by 7 per cent. Of course, he expressed dismay at the level of violent crime recorded. Strathclyde police take a proactive stance in combating that worrying trend. It is disappointing that the party of law and order's motion does not at least acknowledge the performance of the biggest police force in the country.

It is not enough to say that the debate is simply about statistics and police numbers and to conclude that the number of police officers determines the level of crime prevention and detection. Having the right policies and a force with the right morale and a good relationship with the public are as important as police numbers.

I am concerned about police resources, especially in Glasgow city centre, in my constituency, whose special circumstances need to be taken into account. Much has been said about the use of new technology and its impact on the detection and prevention of crime. In Glasgow

Kelvin, Glasgow Development Agency supports 35 CCTV cameras operated by civilians in Stewart Street police station. I acknowledge that that may raise concerns about civil liberties, but those concerns are outweighed by the many advantages of the system. I have seen the system for myself. The operators are extremely skilled and can witness a scene as it develops. If a fight were to break out outside a pub or club in the city centre, the police would be alerted. CCTV tapes have also been used in evidence to convict offenders of serious crimes who, in many cases, have denied that they were even at the scene of the crime.

Glasgow city centre has distinct policing problems. It is a bone of contention that the police are often left to pick up the problems caused by homelessness, drug misuse and the Glasgow hostels' policy of putting vulnerable people out on the street from 9 in the morning until 9 at night, which is a matter that I have already raised with the Minister for Communities.

It is of paramount importance that we, as legislators, have a vision of how crime should be prevented and dealt with. To do that, we need real objectives. The Tories have long been supporters of the just-deserts movement and have supported the three-strikes-and-you're-out policy. In our view, that attitude is a bit simplistic and crude. We believe that a more sophisticated attitude to crime and the criminal justice system must be taken.

There are too many women in prison. We support alternatives to prison and are willing to consider community service schemes. The evidence shows that, as Richard Simpson said, simply locking up young offenders does nothing to reduce overall crime statistics—we must be conscious of that in our crime policy.

Mr Monteith: Will Pauline McNeill give way?

Pauline McNeill: No, I do not have enough time.

Mr Monteith: It is a really nice point—she would like it.

Pauline McNeill: I am sorry, but I do not have enough time.

As part of our vision of tackling crime, we must give due attention to its victims. In that regard, I have some support for what Michael Matheson said. I welcome the Lord Advocate's recent statement that Crown prosecution must be transparent and accountable. This Parliament has to ensure that that is the case, not just for the Godley family, but for the Dekkar family and others, who feel that so far they have failed to get an explanation. Victims should have rights, and the Government is taking action to ensure that victim support is part of the criminal justice system.

We will tackle serious crime and are prepared to take radical measures in our programme to stay tough on crime. We are doing so through setting up the drugs enforcement agency; we are even prepared to investigate the Irish approach to determine whether it is something that we can incorporate into Scots law.

I hope that the next time Mr Gallie sees Mr Orr, he will have some explanations, given Strathclyde police's good performance and the reduction in the level of crime. I am sure that Mr Orr will have something to say about Mr Gallie's motion.

10:36

Mr Kenneth Gibson (Glasgow) (SNP): If Pauline McNeill had read what Mr Orr had written, she would realise that the number of crimes in Strathclyde rose last year by 4 per cent, to 220,576.

Pauline McNeill: Will Mr Gibson give way?

Mr Gibson: No, I will not. I do not give way to people who do not give way to others.

I want to focus on the difficulties faced by Strathclyde police because of the severe funding constraints imposed by the Executive and by the First Minister in his previous incarnation as Secretary of State for Scotland.

On 4 November, I asked the Deputy First Minister whether he agreed

"that inadequate police resources lead to increased crime, especially public order offences and street crime",

and whether

"the substantial increase in violent crime in Strathclyde last year"

was partly a result of cuts in funding, leaving

"Strathclyde police . . . 350 officers short of their operational competence"—

the establishment deemed appropriate to provide adequate policing. To gasps of amazement, at least from the SNP benches, Mr Wallace responded by saying that

"there is no clear correlation between levels of crime and . . . the size of police forces."—[*Official Report*, 4 November 1999; Vol 3, c 341-42.]

Not only do I beg to differ, but so do Strathclyde police. The following day, at a seminar at their headquarters and in the presence of a number of MSPs, I asked the same question of an assistant chief constable. The answer was, "Of course there is." Such a complacent attitude in the Scottish Executive is totally unacceptable.

In 1998-99, the number of crimes of dishonesty in Strathclyde rose from 133,613 to 140,942, an increase of 5.1 per cent. The number of crimes of

violence rose from 12,040 to 14,029, an increase of 16.52 per cent. The number of drugs offences increased by 19.4 per cent from 15,136 to 18,078.

Mr Jim Wallace: Earlier in the debate, Mr Gibson will have heard that, in the 18 years of Conservative government, crime rose in Scotland. He probably criticised the Conservatives for that at the time. He has also heard that—and no one is disputing the fact—at the same time, police numbers rose substantially. How does he square that with his view on the correlation between police numbers and crime?

Mr Gibson: If we take that argument to its logical conclusion, Mr Wallace would say that crime would disappear if we got rid of the police force. [*Laughter.*] That would be ludicrous.

The police—the professionals—are saying that they need more officers to tackle crime. The public are saying that the police need more officers to tackle crime. Mr Wallace appears to be the only person saying the reverse—for him, this is all about saving money.

Does anyone seriously doubt that a reduction of 200 in Strathclyde police's operational force has impacted on crime figures? Of course it did. A further reduction of 150 officers this financial year and of 100 officers in the next financial year will further stretch the force, with an undoubted impact on its ability to meet existing commitments, let alone new ones.

Angus MacKay: Will Mr Gibson give way?

Mr Gibson: I will give way if the Presiding Officer will give me additional time to finish my speech.

The Deputy Presiding Officer: I am not making a deal with you, Mr Gibson—we will see how it works out.

Mr Gibson: In that case, I cannot let Angus MacKay in. I would like to, but I cannot get more time.

On 4 November, the Deputy First Minister, responding to my question, informed the chamber that police budgets would increase in 2000-01 by an inflation-busting 3.8 per cent. Mr Wallace disingenuously failed to mention that more than a third of that increase would have to be paid back in non-domestic rates, which will be charged to the police from next April for the first time. That will cost the police in Scotland £10 million a year. Truly, what you giveth, Jim, you also taketh away. A cynic might be impressed by how soon into his new job Mr Wallace has become acquainted with spin. Who knows—perhaps he is Scotland's Jack Straw.

The police are being starved of resources. In terms of revenue, in 1999-2000 Strathclyde police

have been awarded £4.45 million less than they require simply to meet the cost of the annual pay award. Over the same period, the cost of police pensions payable from revenue has increased by £2 million. As pay and pensions makes up 88.1 per cent of Strathclyde police's revenue expenditure, there is little opportunity to make year-on-year savings other than by hammering front-line policing.

The Deputy Presiding Officer: Please wind up.

Mr Gibson: Capital budgets are even more under the cosh—only £6.7 million has been allocated in this financial year. When the deputy chief constable addressed Glasgow City Council's policy and resources committee in March, he described that sum as totally inadequate, given a priority need for £16.5 million. So skint are Strathclyde police that, this year, they have been unable to purchase even one new vehicle, which has led to reduced vehicle reliability and greater expenditure on repair and maintenance. Hardly best value, is it? However, it is the best that Strathclyde police can do with the resources available.

The Deputy Presiding Officer: Come to a close, please.

Mr Gibson: I am winding up.

The Deputy Presiding Officer: Quickly, please.

Mr Gibson: Last year, despite severe financial constraint and rising crime, the professionalism and hard work of Strathclyde police ensured that they had the most successful crime detection results ever. Imagine what they could achieve if properly resourced by the Executive: more police on the beat; more work with schools, businesses, the wider community and victims of crime; more crackdowns on dealers; more prevention of crime through visible deterrence; and more pensioners sleeping safe in their beds.

The Deputy Presiding Officer: Mr Gibson, close now, please.

Mr Gibson: Unfortunately, this Executive of expediency has shamefully betrayed Strathclyde police.

10:41

Donald Gorrie (Central Scotland) (LD): I am happy to support Jim Wallace's amendment, the latter part of which makes important points. If I may say so, it is an improvement on some of the rather vacuous motions that the Executive has asked us to support. I hope that the common sense demonstrated in the amendment will be brought to bear on relationships between the Executive and the Parliament, especially if there is any truth in the main story in *The Herald* today.

I wish to make one or two suggestions—constructive, I hope—on the welcome path down which Mr Wallace is going.

On improving the justice system, many of us have argued for years that we should be able to speed up the court system. Courts in Scotland are run for the benefit of lawyers; they should be run for the benefit of the community and to suit the community. For example, what about evening courts or weekend courts? If they interfere with a few golf games, that is tough.

We could also have more informal courts. I know that such measures—family courts, housing or neighbour dispute resolution courts and so on—are being considered. We should also consider imposing weekend jail sentences, so that the person continues to do his or her work during the week and is in jail after finishing work on Friday until starting work on Monday. That would often be more of a punishment than spending weeks in jail.

Community service is an excellent alternative to jail, but should be done as visibly as possible—such as, for example, landscape improvements in the middle of a town, which are seen by a lot of people. That is a better type of community service.

I welcome Jim Wallace's announcement of the four schemes to provide better facilities for young people. We should extend that approach to include, for example, a combined attack on truancy. For many people, truancy is the beginning of a career that leads to jail. There should be a better combined effort, involving the police—not in a heavy-blue-hatted-people-knocking-on-the-door way, but with community police, schools and social workers working together to provide classes in nearby youth centres and so on. That would achieve a great deal.

In general, we need a pooled budget to help young people. We need to bring together budgets that will support young people's activities in different ways. We must also empower young people. There is a huge difference between a youth centre that is run by people like me telling young people what to do and one that is run by young people. Obviously, older people could be involved—such as staff who would be paid by the young people—but young people should manage the centres. For example, Terminal One in Blantyre is a good youth centre that is run in that way. We were told about another—the Joss Street centre at Invergordon—while on a visit to Inverness. Yet another—6 VT, the Edinburgh city youth café—is just round the corner from here. All of those have youth involvement.

Richard Lochhead (North-East Scotland) (SNP): Does the member agree that there are not enough youth facilities in Scotland? One helpful thing that the Executive could do would be to carry

out an audit of such facilities throughout Scotland.

Donald Gorrie: That sort of thing would be helpful, but often people are needed, not expensive facilities. Some facilities are required, but people and investment in helping the young people to run their own affairs are more important.

There are too many strategies on drugs, which are not brought together. The drug action teams have no budget, no resources and no administration. Again, better co-ordination is needed.

Overall, we need to co-ordinate our budgets, activities and energies to help young people to help themselves, as individuals, through better activities and sports, better social lives and so on. Young people also need help to run their own affairs collectively. That would make a huge difference to the whole sphere of crime and disorder, without a lot of money being spent. It would also make a much better society than would a system based on retribution. Mr Wallace is on the right lines and I will encourage him further along those lines.

10:46

Colin Campbell (West of Scotland) (SNP): We all agree on the value of a good police force and associated back-up services. In Port Glasgow or Portpatrick, Easterhouse or Eastwood, the public need to know that they have a good police force.

The public perception of the police force is important. Statistical accounts, the number of performance indicators and the debates that we have here do not matter; what matters is that the citizen on the street sees a policeperson when they need to. That citizen also needs the comfort and consolation of seeing policepeople in their area, especially if they feel that their area has difficulties with crime.

Police personnel are in short supply. In this year's annual report, Her Majesty's chief inspector of constabulary in Scotland reported that from March 1998 to March 1999, police numbers had fallen by 151, a 1 per cent decrease in one year. In September 1997, there were 15,050 police officers in Scotland; at the end of September 1999, the figure was 14,676. That represents a fall of 2.5 per cent. In Lothian and Borders, the chief constable wants 25 extra policepeople for Edinburgh city centre, partly because of VIP visits, of which there have been 156 this year. The Metropolitan police get funds to cover such visits, but Lothian and Borders police do not. He also wants extra officers because there has been a 20 per cent increase in crime in Edinburgh city centre.

In Strathclyde region, the police establishment is 350 short—a shortage of 4.76 per cent. It could be

argued that that is a small number, but it has a significant effect and causes problems for the community police. Strathclyde region has a good community policing programme, in which identified police personnel are situated in identifiable communities, but when special events take place that attract large numbers of people, the community police are withdrawn from the villages and towns in which they usually serve. It is clear that 350 extra people could make a significant difference to that situation.

If the number of staff who are on courses or off sick are added to that shortage of almost 5 per cent, the result is overstretch. Overstretch of resources means slower response times. In addition, as was explained at the briefing that Pauline McNeill also attended, it means that the police have to prioritise telephone calls. People who may have an important problem have to wait longer than the police would want. That diminishes or even destroys confidence in the police. We should not allow such situations to arise. Overstretch also means that more people go off sick. Days lost through sickness rose from 157,964 in 1997-98 to 169,154 in 1998-99. As the overstretch continues, and as people continue to be under stress, that figure is bound to increase.

The reason behind that is insufficient funds. The shortfall of available cash in Scotland in the coming 12 months will be the equivalent of 550 fewer police. The only alternative is to sell off the family silver, but in Strathclyde the police have already sold it. All the police housing and estate that could be sold has been sold to find money to keep police personnel on the ground. Either the amount of equipment is cut or the number of police is cut—the outcome of either option is impossible to imagine. Those are not roads down which we want to go. More resources are needed—the people need that and the Executive must take it on board.

10:51

Karen Whitefield (Airdrie and Shotts) (Lab): I welcome the opportunity to debate law and order—it is an important issue for my constituents, and I believe that the partnership agreement shows that it is an important issue for the Executive.

I thank the Tories for initiating today's debate, but my thanks to them end at that. The Conservative manifesto at the previous election claimed—among other things—that falling levels of crime, tough sentencing and waging war against the evils of drugs were features of the previous Conservative Government. The facts tell a different story. The period of that Government was characterised by a 115 per cent increase in non-sexual crimes of violence, a 59 per cent

increase in fire-raising and vandalism and a 506 per cent increase in other crimes—listed principally as drug offences. Those are not my figures; they are from the Scottish Parliament information centre.

In the past, Phil Gallie has had the audacity to suggest that the Labour party is stealing Conservative policies. Why would the Labour party want anything to do with policies that have so obviously and tragically failed Scottish communities? Is not it the truth that the Tories are now enviously eyeing the policies of the Executive and wishing that during their 18 years of failure they had thought of them? The only part of Mr Gallie's motion that is worth supporting is its call to the Scottish Executive to be tough on crime and on the criminals who blight our communities. I agree—Tories such as Jeffrey Archer, Neil Hamilton and Jonathan Aitken have been a blight on our communities for too long.

The Deputy Minister for Justice, Angus MacKay, said in a recent debate in this chamber that we had to support communities by responding to local concerns. He also said that we had to respond by implementing integration and effective co-ordination of community safety strategies and action plans that would properly prevent crime.

I agree with that, so I welcome Wendy Alexander's recent announcement that £48,000 will be allocated to set up people's juries in Glasgow to examine the problems of drugs and crime. That will give the fight against drugs and crime the priority that it deserves. Only people who understand the daily reality and consequences of drugs can find the solutions.

Mr Monteith: Does Karen Whitefield endorse Mr Blair's association with Bernie Ecclestone, who donated £1 million to the Labour party? She has—rightly—shown concern in the chamber for the health of the people of Airdrie.

Karen Whitefield: I do not think that that is relevant. My priority is the people of Airdrie and Shotts. I stand up for their health and will continue to do so. I thank Mr Monteith for reminding those of my constituents who are here today of that.

I welcome the inclusion of appropriate targets in the recently published social justice document. Measures to reduce school truancy and exclusion are positive ways of tackling crime. Crime prevention is always preferable to crime detection.

I have concerns about the impact that the announced closures of prisons will have on other Scottish prisons—including Shotts prison in my constituency. I have written to Jim Wallace about that and he is aware of my concerns.

Before concluding, I would like to comment on the use of CCTV. As many members will be

aware, three men and a boy of 14 were recently convicted of a particularly brutal assault on a father and son in Northburn in Airdrie. Video footage of that assault not only shocked the nation, but provided vital evidence that ensured the conviction of those thugs. If ever there was an overwhelming argument for the use of CCTV, that must be it.

Tackling crime is at the heart of the Executive's policy agenda, and I ask members to support Jim Wallace's amendment.

10:55

Lord James Douglas-Hamilton (Lothians) (Con): I am pleased that Karen Whitefield welcomes the CCTV pilot scheme in Airdrie, as I helped to start it. I believe that it will reduce crime levels, and I am glad that we can agree at least on that.

There are three issues of law and order that I would like to raise. The first relates to the courts. I am an advocate—at present, a non-practising advocate, like the Minister for Justice. The suspension not only of 126 temporary sheriffs, but of all temporary judges in the Court of Session is a significant development. It would be wholly unacceptable if persons who are charged with crimes of violence are not brought to justice simply because of an insufficiency of judges. I have submitted some 19 written questions for the Administration to answer. However, for some unknown reason, the Executive finds it hard to answer written parliamentary questions within one week, as is the normal practice in the House of Commons.

Even without detailed information, we know certain facts. In Linlithgow sheriff court, there are some 33 cases that involve temporary sheriffs, in which sentences have been deferred; that is, cases in which sentences have yet to be imposed. We also know that there are no fewer than 36 continued civil cases that are currently before temporary sheriffs, and 41 part-heard summary trials. My understanding is that temporary sheriffs must report back to the courts, then hand over their cases to permanent sheriffs. In many, if not all, of those cases there may have to be another trial.

However, the situation is far more serious than that. Between 24 November 1999 and 31 December 2000, temporary sheriffs have been scheduled to hear 233 cases. If one also takes into account the fact that all temporary judges in the Court of Session are no longer sitting, one recognises a problem that will develop over the next few months, particularly in those courts that are most dependent on temporary sheriffs and judges. There is a test case before the Court of

Session today. The editorial in *The Scotsman* says:

"Were today's case to succeed, courts could be flooded with two decades' worth of challenges. Prisoners could be released. Divorcees could find they are still married."

There will undoubtedly be substantial problems, not only with test cases. Glasgow sheriff court alone has 76 cases that are scheduled to appear before temporary sheriffs. I ask the Lord Advocate, and the Minister for Justice and his junior minister, to consider very carefully the issue of resources. It seems that the contingency arrangements that have been made are not equal to the threat that will face us of huge pressure on the court system, particularly in certain areas.

Mrs Margaret Ewing (Moray) (SNP): I have great respect for Lord James Douglas-Hamilton and his knowledge of the court system. In the light of what he has said, and the rulings that may emerge later today, does he think that there is a strong case for this Parliament to meet again to try to resolve these difficulties as soon as possible?

Lord James Douglas-Hamilton: Yes. I entirely agree with what Margaret Ewing has said. I feel strongly that the Lord Advocate should make a statement to the Parliament. This problem will grow, and I do not believe that the contingency measures that he has put in place are anywhere near equal to the threat that will face the courts very shortly.

Colin Campbell raised the issue of police funding, and I whole-heartedly endorse what he said in relation to Edinburgh. Edinburgh is our capital, the centre of commerce, one of the leading financial centres of Europe, a centre for international conferences and the home of the Edinburgh international festival. It needs at least 25 more police officers, and the chief constable has submitted a report to the police board to ask for funding.

The funding that is required will be the same as that which the Administration gave for the Botticelli in the National Gallery of Scotland yesterday. Therefore, I feel that that is an altogether reasonable request. In the past five years, there have been 156 visits by heads of Government, and the scale and importance of the Scottish Parliament will impose further pressures on Edinburgh. I hope that the minister will take that message on board.

I have no time to expand on my final point, except to say that I was an inmate in Dungavel for some six years of my life. I very much look forward to hearing the minister say what plans he has for it in the future because, sadly, it is fit only to be a prison.

11:00

Richard Lochhead (North-East Scotland) (SNP): I welcome this debate. From the election campaign for this Parliament, we all remember the feeling expressed on doorsteps throughout the country about law and order. For instance, when I was campaigning in Aberdeen, I met an elderly lady whose house had been broken into three times in a year. That woman now lives a life of fear, and we must keep people like her at the forefront of our minds when we are debating this subject.

Crime and police levels are not just an urban issue; they are a rural issue. I was surprised that Jim Wallace said, when defending the closure of Penninghame open prison, that it was remote from the central belt. Perhaps when he is in the chamber he can explain what he meant by that.

There is a widespread belief throughout our rural communities that police levels are declining and crime levels are increasing. However, the Executive's amendment says that one of its objectives is

"to encourage stronger links between the police and the communities in which they operate".

That is commendable but, in many of our rural areas, the police stations have been closed over the past decade. As Colin Campbell quite rightly said, one reason for that is the lack of funds and the enforced sell-off of the family silver. The well-kent village bobby really is becoming a thing of the past, and we are losing all the benefits of the informal policing that the village bobby could use to defuse volatile situations. That simply does not happen any more.

Rural crime is compounded by the physical and social isolation of our rural communities, and police response times are lengthy. Every time there are cuts it seems to be the rural police stations that are first to go. A couple of years ago, I was given a tour by Grampian police in a rural area in the north-east, whose name I will not mention in case any potential criminals are listening. Because there are no rural police stations these days, a couple of police officers go round the area in a panda car throughout the night. I could hardly believe the extent of the area that two police officers were expected to cover. I encourage every rural MSP in this chamber to go out with the police and tour the rural areas. They will be staggered. If the public knew, they would also be outraged.

Mrs Margaret Ewing: Reference has already been made to the importance of CCTV, but CCTV cannot be used in rural areas to the same extent as is possible in urban areas. Organised criminals are now moving into the villages, which causes a greater problem and increases the need for police

officers in rural communities.

Richard Lochhead: Margaret Ewing makes an excellent point that emphasises the need for special consideration for policing in rural Scotland.

New ideas are needed to support traditional policing in both rural and urban areas. I would like the Executive to address the question of air surveillance and air support. Tayside police and Grampian police are enthusiastic about that new type of policing, which is great for chasing vehicles or searching for missing persons. The police forces in England have been given several million pounds of pump priming funding to start such projects. That money has been provided by the Home Office, but the Scottish Executive has not announced that there will be similar assistance in Scotland. However, it is a valuable means of assistance for protecting life and property and we should be supporting our police forces in establishing that service.

Finally, I turn to prison cuts. Many members have already outlined the serious concerns that the SNP has about those cuts. We should be boosting the morale of the people in the front line of law and order, including prison officers, rather than depleting it yet further. About a year ago, the trade union side issued a report called "Work and Health in the Scottish Prison Service", which emphasised the amount of stress that prison officers experience in their day-to-day jobs. That is due to a range of factors, including bullying in the workplace, as management seeks to enforce efficiency savings.

The situation is unacceptable and is likely to worsen with fewer prison officers and prisons. As the report says, there should be more, not less, investment in the Prison Service. Diverting the cash to the drugs enforcement agency is ironic. As I understand its purpose, it is to catch drug dealers and imprison them. Surely, if it does its job, that means that the prison population will increase. The Executive has failed to take that into account.

Other speakers have mentioned the mothballing of the Peterhead unit. That decision is inexplicable, with no alternative being put forward for dealing with difficult prisoners.

Law and order in Scotland took a nosedive under 18 years of the Tories. If the Executive does not want to follow in their footsteps, it should give us more prisons, more prison officers and more police on the beat, and support the SNP amendment.

11:06

Mr Andy Kerr (East Kilbride) (Lab): It is narrow-minded to suggest that we should just put more people into jail. There are alternatives to jail,

including new measures—

Richard Lochhead: What does the member intend to do with the drug barons, once they are caught?

Mr Kerr: I am pleased that the Deputy Minister for Justice has been in Ireland looking at the seizure of assets, a way to really hit the drug dealers where it hurts. A drug dealer is the centre of a web of criminals—catch the dealer and crime figures are dramatically reduced. That is why there are 200 extra police officers in the drugs enforcement agency. As a modern society we should be looking at alternatives to prison; people do not reform there, as we would want. There are other ways, which the Executive has already outlined. On youth crime, we are looking at ways of taking people out of a drugs dependency culture into leisure and sports pursuits; that is proven to reduce dependency on drugs. Richard Lochhead's narrow perspective and political point scoring do not help.

Dungavel prison is in my constituency and I have huge respect for the prison officers there and for the organisation of the prison. Efficient use of taxpayers' money is one of the main remits of the Prison Service; it came up with the review, not the Executive. It put forward six criteria for assessing individual prisons and took decisions on that basis. Prison officers do a very difficult job and do it very well.

Moving on to more rational aspects of this debate, when I go round schools in my constituency people talk about the level of youth crime and drugs in communities, and I am very pleased that the Executive is being more creative on that. The drugs enforcement agency will make a difference as will the alternative schemes to get young people out of drugs culture into mainstream society.

I spent a day on the beat with the local police in East Kilbride. Their role is much valued—they are enforcers, quasi-lawyers, social workers and, on occasion, substitute parents. I know the difficult and valuable job they do. Police officers are increasingly innovative in their approach to young people, with a proactive role in schools and involvement in local drugs forums. Joined-up thinking is happening under the Executive's programme on crime and I welcome it. It is about ensuring that all aspects of the community are involved; it is about schools, criminal intelligence, working across borders, internationally. Drugs are, as everyone recognises, a scourge. Seizures of drugs off the street are up, but this is an international problem and I am pleased to see the Executive working in an international way.

CCTV makes a big improvement in people's sense of security. I am glad to see further

resources going into that. The Executive's overall strategy means we can feel safer, that the approach being taken is sounder. It is a balance of measures, not designed to throw everybody in the slammer, but a mixed delivery of systems, catching people at their entry into crime and diverting them. That is how we begin to resolve the problems of community safety.

11:10

Bill Aitken (Glasgow) (Con): I will address this debate under three headings. I ask the minister to accept that I am attempting to be helpful and constructive, but I must make some criticism over the way in which the Executive has implemented the European convention on human rights. First, it is clear that it was never thought through. There was no anticipation of what was likely to arise, which has resulted in the shambles regarding temporary sheriffs and judges. Clearly, the situation should have been anticipated, because it was the talk of the legal steamie for months.

Euan Robson (Roxburgh and Berwickshire) (LD): If there was no anticipation of events, how come, all of a sudden, there are 10 new permanent floating sheriffs?

Bill Aitken: The fact is, as the member well knows—but possibly does not, because I appreciate that the Liberal Democrats are not kept fully in the picture with regard to the Executive's actions—that the 10 floating sheriffs were in the pipeline some time ago.

What other ticking bombs arise out of the ECHR? I direct the minister, helpfully, to address the matter of bail refusals, because it is likely to cause concern and considerable excitement in the months ahead.

I will turn to a matter that has not been raised today—at least, if it has, I have not heard it—which is juvenile offenders. Our system of dealing with juvenile offenders was determined under the Social Work (Scotland) Act 1968, which set up the system of children's panels. A 16-year-old in 1968 is a different animal from a 16-year-old today. Youngsters are maturing much earlier, in every aspect. Sadly, with regard to the criminal side of life they are maturing much earlier also.

The children's panel system has a useful and full role to play in respect of children who are genuinely at risk, and I do not wish to see that interfered with in any way, but I wonder, given that there is such a high recidivism rate under the existing legislation, whether it is time to beef up the act significantly, and certainly to make parents responsible in some respects for the misbehaviour of their children.

I appreciate that many of the kids who come

before the children's panel come from families that are maladjusted and dysfunctional in many ways, but at the end of the day something has to be done to make parents realise that they are responsible for crimes and offences that their children commit. The children's panel system was once cynically described to me by a leading Glasgow solicitor as the seed corn for our future. Steps should be taken to remove that concern.

On the matter of alternatives to custody, I was intrigued by Donald Gorrie's suggestion of weekend prison sentences. To my mind, Donald Gorrie frequently makes sensible suggestions, but that was not one of them. The fact is that it sums up a misconception that people like Donald have, that crimes and offences are committed by chaps who go off the rails one Saturday night when they have a few pints in them. The fact is that the vast majority of offenders who come before the courts are unemployed, and a weekend jail sentence does not have the desired effect upon them.

Let us look at the other things that are on offer, and particularly the farce of the conditional offer system, whereby the fiscal can, when someone admits an offence, impose a fiscal fine. Those fines are legally unenforceable. All that happens is that the person returns a letter, pleads guilty, encloses £5 for the first instalment and that is the end of it. There is no way in which enforcement action can be taken. Does the minister realise that? I do not think that he does. He should be beefing up the appropriate legislation to ensure that, if those fines are not paid, they can be dealt with by a means inquiry court in the normal system. We have to examine the alternatives to those fines. At present, a £200 fine not being paid results in three days' imprisonment. In Glasgow, there are few offenders who are likely to sacrifice 200 beer vouchers for the equivalent of three days in jail.

I put forward those points in a constructive vein and I hope that the minister will address them.

11:15

Mr Keith Raffan (Mid Scotland and Fife) (LD): I will concentrate almost entirely on drugs issues. It is 13 years ago since I took a private member's bill through the House of Commons, with the support of all parties: the Scottish nationalists, Plaid Cymru, Tories, Labour, the Liberal Democrats and the unionists. That was the Controlled Drugs (Penalties) Act 1985, which increased the maximum sentence for trafficking in class A drugs from 14 years to life. That was a worthy measure. We, in the Executive, yield to nobody in terms of wanting to fight the drug menace.

I strongly support the announcement of the

drugs enforcement agency. I believe that it will give the more focused and strategic approach that the Deputy First Minister claimed that it would today. However, I am concerned—and I hope that the Deputy Minister for Justice will respond to this point in his winding-up speech—that at the same time as the £10.5 million for the DEA was announced, a comprehensive audit of drug treatment services and rehabilitation was announced. We have not had the details of that audit yet, but I hope that Angus MacKay, as the chairman of the ministerial group on drug misuse, will give us more information on it. There is an urgent need for a debate in this chamber on the issue of drug misuse, the DEA and what it will do. It is easy for drug misuse to take over a debate on law and order—that is an unfortunate phrase—which is the subject of the debate today.

There is no doubt that the UK Government approach has emphasised cutting supply. Three quarters of the £1.4 billion that it spends is on enforcement and only a quarter is spent on prevention, treatment and rehabilitation. That is an imbalance and there is an urgent need for us to spend more on prevention, treatment and rehabilitation. Lyndsay McIntosh was right when she said—it was one point of substance in her speech—that £1 spent on treatment and rehabilitation saves £3 in terms of clearing up crime.

I welcome the Deputy First Minister's announcement today of the extra sports centres and outdoor centres for young people. That is crucial. It coincides with what was said to the Social Inclusion, Housing and Voluntary Sector Committee on Monday by Sally Haw of the Health Education Board for Scotland, when she expressed her concern about the number of outdoor centres and outward bound centres that had closed in the past 20 years. Whether they are called diversion centres or something else, they are a crucial way to help and support young people.

In the social inclusion debate yesterday, I mentioned the issue of exclusion, which was touched on by my colleague Donald Gorrie today. That is absolutely central. We must deal with truancy. I quoted the statistics, which Dr Richard Simpson kindly gave me, on the very successful pupil support unit in Alloa Academy, where exclusion has been cut by half. That already exceeds the targets announced by the Executive earlier this week. That successful example must be spread to other parts of Scotland.

Donald Gorrie and Richard Lochhead also mentioned youth centres. I agree that we need the Executive to produce another of its glossy brochures, but this time with descriptions of best practice in terms of youth centres. A number have

been mentioned today; others include the Corner in Dundee, the Youth Advice Project in Inverurie and Off the Record in Stirling. We need more of these but, as Donald Gorrie rightly said, it is not just about bricks and mortar; it is about the youth workers who do such excellent work. I remember seeing them doing excellent work in a rather scruffy room, beside the swimming pool, in Turrieff. It was packed with the kids from the local school at lunchtime. Those kind of drop-in centres for young people are key, because, on exclusion, there is so much evidence that truancy leads to them becoming young offenders and then going on to become hardened criminals.

The drug action teams have a mixed record. The minister must spread the good practice in Glasgow to the other 22 drug action teams, which are less effective.

Finally, I will make this positive point on prisons. I am concerned about the lack of counselling and therapy for addicts in our prisons. There is no question but that those who have the guts to go cold turkey in the drug-free zones do not get enough support. We need far more support for organisations such as Simpson House, which counsel prisoners in prison and provide them with through-care after they have left. That is not public spending—it is public investment. It will reduce the cost of crime and the costs of our prisons.

There are other points that I would like to make, but I will end there. In the near future, let us have a full-scale debate in this chamber on drug misuse. There are so many aspects of this serious problem: education, health—the hepatitis C epidemic is a time bomb that threatens our health boards—and, of course, crime.

11:20

Mr Gil Paterson (Central Scotland) (SNP): I have no doubt that this Tory-initiated debate is intended to centre on the Conservatives' supposedly impeccable record on law and order, as against the fact that Labour has allowed the country to go to rack and ruin. I have no intention of getting involved in the shouting match about who is tougher on crime, who puts more police on the street, or similar arguments. I want to examine the importance of developing communities as a whole rather than as the sum of their parts.

Any community is dependent on a number of different factors for its prosperity, both social and economic. Education, opportunity, employment, housing, leisure and justice are all important. When a community is deprived of any of those ingredients, its strength as a group of people living and working together breaks down.

Even the Government has acknowledged that those who live in communities that are blighted by

poverty are more likely to suffer vandalism or crime. Does it not occur to the Executive that investment in police is investment in our communities? Did it not consider, when examining its financial allocation to the police, that underfunding the Strathclyde police force by almost £10 million, and thereby leaving it short of 350 people, would have an impact on other policies? Did it not occur to the Executive that, when it cut money from local authority budgets and forced councils to find around £100 million in efficiency savings to meet Government-enforced self-financing pay awards, councils would cut services?

There have been cutbacks to social services, which are vital when it comes to minimising crime and providing support for victims. Cutbacks to leisure services, which provided youngsters with opportunity and a diversion from anti-social activities and behaviour, are best summed up by the phrase, "The devil makes work for idle hands." Is the Executive so bankrupt of imagination that it cannot see that those factors combine with destructive effect?

What use is much-hailed investment in homes, if it is undermined by an inability to keep them free from vandalism because there are too few police and too many youngsters with nowhere to go and nothing to do? I have no doubt that press notices trumpeting money for new homes—and the associated photocalls—are more attractive than a press notice that says that civic Scotland is agreed that police forces are adequately funded. However, good government is not about photocalls; it is about policy.

Before the Conservative party gets too complacent, let me remind it that it was responsible for cutting around £300 million from local government budgets during the last two years that it was in office. During John Major's infamous recession, car crime in Scotland increased by 80 per cent, while housebreaking increased by almost a quarter.

Two months ago, the Parliament debated crime prevention. In the course of that debate, it found that strong communities—more bobbies on the beat, manned police stations, visible policing methods and so on—were important in crime prevention. Community partnerships, community security and the provision of facilities to enable those were the order of the day. I ask members to note that all those policies centre on the notion of community. We should remember that it was the Conservative party's neglect during its 18 years in office that destroyed communities. The SNP believes in communities and society, but—

David McLetchie: Was it not the Conservative party that pioneered the urban regeneration programmes in Scotland in Wester Hailes,

Ferguslie Park, Castlemilk and Whitfield in Dundee, pouring millions of pounds into the redevelopment of those communities, both economically and socially? That record, of which we are proud, hardly squares with what Mr Paterson is saying.

Mr Paterson: I take that point on board but I must point out that the biggest crime that the Conservatives never solved was the ravages of Thatcher, and it is her period in office that I am talking about.

Only a few days ago, the community of Longriggend visited Parliament to highlight its plight. In Longriggend, the basic amenities of street lighting, roads and drainage are provided by the Prison Service. When the prison closes, those amenities will no longer be provided. I cannot think of a better example of Government neglect, especially when the Prison Service has a surplus of £13 million.

This Parliament has a duty to provide not just policing but community resources. It must give our communities the opportunity to thrive and prosper.

11:26

Dr Elaine Murray (Dumfries) (Lab): I almost have to admire Phil Gallie for his persistence in applauding the record of the previous Tory Government. Members will recall that the Tories believed that there was no such thing as society.

Mr Monteith: Has the member ever read what Margaret Thatcher said about society? If she has, she will recall that Margaret Thatcher said that there was no such thing as society to take the blame; there were families and communities.

Dr Murray: I do not recall that she talked about blame. She said that there was no such thing as society and her policies made it clear that that belief was integral to the Conservatives' political philosophy.

The Tories bear a great responsibility for the situation in which our communities find themselves and I am certain that the Scottish people will take a long time to forget that. The Tories have not changed—that was made clear by their recent conference. They remain as Thatcherite as ever.

Since taking office, the Labour Government has taken action to rectify the trends of the previous 18 years. Last week, in a question to the Executive, I raised the issue of the new legislation on anti-social neighbours. It took a Labour Government—after all those years of Tory Governments—to introduce legislation to protect people from nuisance neighbours. I only wish that more councils would use the powers that they have been given.

David McLetchie: They are Labour councils.

Dr Murray: Not all of them are; Dumfries and Galloway is not our council.

I am more than happy for extra resources to be used in the fight against drugs, which are a major problem in my constituency and almost everywhere else in the country. I want improvements in crime prevention to ensure that fewer people commit crimes and have to go to prison.

I want to ask the minister for his assistance. On 7 November, I met members of the Prison Service who work at the young offenders institute in Dumfries. They asked me questions that I could not answer. I wrote to the minister and to Tony Cameron, the chief executive of the Scottish Prison Service, but have not yet received a reply. Although I am sure I will receive one at some point, I ask the minister for his help today.

I have three questions. First, if the £13 million is an underspend—my understanding is that that means money that has not been spent—what is the need for further cuts in the Prison Service's budget? Are further savings being sought?

Secondly, if efficiency savings result in job losses, what incentive is there for prison officers to look for further efficiency savings in the future?

Mrs Margaret Ewing: On a point of order. Dr Murray has made some substantial points and has asked questions of the minister. However, throughout her speech, the minister has been engaged in a conversation and cannot possibly have taken her points on board.

Dr Murray: I will finish on my third question. Why were the absence rates of prison officers compared with rates in the retail trade, when the levels of stress and assault in those occupations are in no way comparable?

I would be obliged for the minister's views on those three points, so that I can answer the questions that have put to me by my constituents in Dumfries.

11:30

Mr Kenneth Macintosh (Eastwood) (Lab): I say to Mr Gallie and Mr McLetchie that I would share the concerns expressed in their motion if I felt that the Scottish Executive was in some way not committed to clamping down on and fighting crime, but there is no doubt that it is. We are committed to maintaining and funding an effective police force. We are all concerned at the rising number of drug-related deaths and the blight that drug-related crime causes our communities. We are setting up a drugs enforcement agency to tackle that problem.

Ultimately, Mr Gallie's motion leads us to a sterile debate about figures and who is doing what. That brings me to my key point. Most members agree on the importance of clamping down on crime, but the implication of this motion is that only by being tough on crime can the problem be tackled. The question to be answered, therefore, is, "How tough on crime should we be?" It is a "We'll be tougher than you" approach. I do not want to bandy around statistics, but I do not accept that we are soft on criminals or crime. There is no doubt about our commitment to punishing those who break our laws and terrorise our neighbourhoods with their activities.

The other implication of the motion is that by being ever tougher one can provide a solution; that more and more police officers and more and more prisons will rid society of crime. That is a simplistic and misleading approach. Crime is an extremely complex matter. It defies easy solutions and requires an altogether more sophisticated approach than the hang 'em and flog 'em attitudes outlined here.

Phil Gallie: Will Mr Macintosh take on board the fact that we are not looking for more and more prison spaces and more and more police? We simply ask—as far as the police go—that targets be met and that no more reductions be made. Similarly, with respect to prisons, we would be delighted if a reduction in prison numbers was justified, but a reduction is not being suggested by the statisticians.

Mr Macintosh: I welcome Mr Gallie's remarks. If only he would welcome the fact that the Executive is tackling crime in much the way that he is outlining.

There is more to it than that. This is not just about statistical measurements of crime, police figures and prison numbers. The key point is Mr Gallie's failure to recognise that, as well as clamping down on crime, the Government is trying to tackle its underlying causes. Crime has to be tackled at all levels: in schools, through educating children in their responsibilities to themselves and to others as good citizens; in homes and neighbourhoods, through ensuring warm, clean houses, safe streets and an environment in which crime is not allowed to flourish; and through the economy, by ensuring that citizens feel part of the community in which they live and that they identify with society and feel that they have a stake in it.

The Conservatives' approach during their time in office failed our country—they are still failing us—because of their inability to address the relationship between crime and the wider society. That point was made by Dr Murray a few moments ago when she quoted Mrs Thatcher's famous line about there being no such thing as society. Despite what Mr Monteith said, there is no doubt

that Mrs Thatcher was trying to say that there are no social causes for our behaviour. The failure to recognise that is part of the Conservatives' failure to recognise the reasons behind crime or to deal with law and order.

It is not just Mrs Thatcher. It would be one thing if that attitude had been confined to the 1980s, but the motion provides evidence to the contrary. The implication of the motion is that we were wrong to incorporate the European convention on human rights into Scots law.

Mr Monteith: Surely the point that Margaret Thatcher was trying to make was that people should take responsibility for their own behaviour rather than place it on some abstract called society. She was not saying that society does not exist, but that people should not say it is society's fault, when they are unwilling to take responsibility. If they did take responsibility, less crime would be committed.

Mr Macintosh: If only Mr Monteith had delivered that speech instead of Mrs Thatcher, what she intended to say would perhaps have been clearer.

Mary Scanlon (Highlands and Islands) (Con): Has Mr Macintosh read the speech?

Mr Macintosh: I have read the speech and I am quite clear about what she said.

I say to the Conservatives that the only way to tackle crime is to educate our citizens to accept and believe in their human rights, and the corollary of that, which is to accept, believe in, and maintain their responsibility to others. The Conservative motion is a lock-them-up-and-throw-away-the-key approach. That approach has not worked in the past and there is no reason to believe that it will work in the future. There is no recognition that the Executive will punish people who break our laws—and much more; it will tackle the underlying reasons why we live in a crime-ridden society. I urge members to reject the Conservative motion.

The Deputy Presiding Officer (Mr George Reid): In response to Margaret Ewing's point of order, I remind members of the guidance that was issued by the Presiding Officer:

"Members should respect the needs of other members to participate in the business of Parliament and should avoid loud or prolonged discussions which may distract other members."

I may say that that also goes for noises off and running commentaries.

11:36

Linda Fabiani (Central Scotland) (SNP): I will use my allotted time to address an issue that is noted in our amendment and to which Michael Matheson and others have alluded: I wish to

speak on behalf of the victims of crime.

According to the most recent Scottish Executive figures, 20,000 crimes are committed every week in Scotland, around half of which are never reported to the authorities. Every year, one in 20 adults is the victim of a personal crime. Everyone in the chamber has been affected by crime in some way. Perhaps some of us have even been direct victims.

I have never been the direct victim of a serious crime, but over the years I have suffered petty crime and, on occasion, the fear of potential crime. That felt bad. Although I have met and spoken to the victims of serious crimes, I cannot begin to imagine the trauma and stress that is experienced by people who are personally damaged or who lose a loved one through crime. As Victim Support Scotland tells us, the physical and emotional toll of crime on victims can be enormous. Its experience is that, above all, victims seek recognition of their suffering. Our present system denies victims that recognition. It also denies them the benefit of effective programmes to alleviate the effects of crimes.

In 1985, the general assembly of the United Nations adopted the Declaration of Basic Principles of Justice for Victims of Crimes and Abuse of Power. Although the UK Government signed up to that declaration a year later, we have a long way to go to ensure that Scots victims of crime have the same level of rights as people elsewhere, including people in other parts of the United Kingdom. It is true that, due to our criminal justice system, we may need to use different remedies, but the needs of victims are the same from Glasgow to Greenwich. With the right spirit, this Parliament can move ahead in this important area.

The minister's commitment today to support and strategy is not enough. Victims require and deserve defined rights. As Michael Matheson said, in England and Wales there is the victims charter; in Northern Ireland there is the code of practice for victims of crime. Those documents cover standards such as the provision of case progress information, witness support, and protection. The England and Wales charter sets out 27 standards of service that victims can expect from the criminal justice agencies. It explains which agency is responsible for providing which service and how victims can complain if they do not get the promised level of service. Current pilot projects include one to enable victims to make a statement to the authorities about the effects of the crime, and there is a witness support service in Crown and magistrates courts.

That all sounds like good practice that we should pursue here. Michael Matheson charged the Executive to introduce proposals for a victims

charter. I believe that such an initiative would receive cross-party support, and we might even achieve consensus. A first step would be to support Michael Matheson's amendment and, in doing so, recognise that our present system does not serve victims of crime well.

11:39

Cathy Jamieson (Carrick, Cumnock and Doon Valley) (Lab): I want to outline a few reasons why I support the Executive amendment. In yesterday's debate on social inclusion, we heard several criticisms about measures not being radical or visionary, practical or deliverable. The Executive's amendment is radical, visionary, practical and deliverable—we have already begun to deliver.

I do not hold any brief for people who commit violent crimes—there are many people in prison who should stay there for a long time—but there are many people in prison who should not be there, such as people who have defaulted on fines because they cannot afford to pay. Where is the best value in spending a lot of money locking up poor people, when that money could be spent on diversionary schemes to keep them out of custody? I have heard nothing from the Tories this morning to convince me about that.

Linda Fabiani made a good speech about witness support schemes. In general, the SNP is keen for us to examine what happens in Scandinavia and other countries of a similar size to Scotland. Why is it that Scotland continues to lock up more young offenders per head of population than other countries, rather than put resources into community-based alternatives? That is what the Executive amendment is about.

Like many members, I am concerned about the victims of crime. I support the initiative on the victims charter. Recently, I met representatives of East Ayrshire victim support, which is doing some very good work. It told me that it could not get referrals because of problems surrounding the Data Protection Act 1998. In the past, the police were able automatically to inform it of victims of crime. That is one of the anomalies that we can sort out. In South Ayrshire, Victim Support Scotland has piloted a witness support scheme that provides a good model.

Phil Gallie: I hear what Cathy Jamieson is saying about young offenders. A week or two ago, in her constituency, a young offender was put on probation for a vicious attack on a middle-aged lady suffering from learning difficulties and a robbery from someone with learning difficulties. Does she think that, rather than being put on probation and sent off to an outward bound course, that individual should have been sent to

prison?

Cathy Jamieson: Phil Gallie will be aware of my previous work in a scheme for young offenders, which tried to divert them from custody. It would be inappropriate for me to comment on a particular case without knowing the full background. However, I share Phil Gallie's concern that the punishment should fit the crime.

In reality, prison is not always the most appropriate punishment. Many of the community-based alternatives give greater opportunities to bring offenders and the victims of crimes together—perhaps not always face to face—so that offenders gain some understanding of the impact of crime. I believe that community-based alternatives give more opportunity for young people to examine and change their behaviour—that is the most important thing.

I want to mention the relationship between police and communities, which is referred to in the Executive amendment. One of the most damaging aspects of the relationship between the police and the community that I represent relates to a matter about which the Tories have selective amnesia—the damage done at the time of the miners strike. It has taken years to rebuild that community relationship. Rebuilding is happening through initiatives such as the safe barshare project in Cumnock and the involvement of community police in running a youth football league. Those projects take some of the young people we are discussing off the streets on a Friday night, preventing them from becoming involved in drinking and hanging around the town centre. They do something constructive instead. That is how we should proceed.

We should support the Executive amendment and get on and tackle the problems constructively.

The Deputy Presiding Officer: In the interest of fairness, I should like to say that my strictures about interruptions apply to people turning their backs on members when speaking. We have two more speeches before closing, as Brian Monteith has graciously ceded his place to Alex Fergusson.

11:44

Alex Fergusson (South of Scotland) (Con): Thank you, Presiding Officer and thank you, Mr Monteith.

I would like to make three brief points. First, great weight has been given to the drugs enforcement agency, to which I wish nothing but success. I share with Bill Aitken the hope that Mr MacKay will take our comments as constructive contributions to the debate—we Tories are always constructive.

I also hope that the minister will believe me

when I tell him that police forces throughout Scotland are concerned that, when the DEA is staffed to the level of expertise that will be required, their own drug action teams may be severely weakened if the DEA draws in their expertise. That would leave the police, who deal with the real and desperate problems of drugs at street level, too diluted to be effective.

The minister will recall that he very kindly accepted a petition from me from the people of Stranraer, who have recently been experiencing desperate drugs problems. We must guard against the drugs enforcement agency becoming a sort of ivory tower of drugs-related theory; we must ensure that it maintains a hands-on approach to the problem.

I would like to touch on the subject of prison closures, with particular regard to the decision to close Penninghame prison near Newton Stewart. Phil Jones, the chief executive of Dumfries and Galloway Council, said:

"This has been a hasty decision. I don't believe there has been a full consideration of the consequences of this closure either for the Scottish Prison Service or for the local area."

I totally concur with those sentiments. The minister mentioned value for money; Penninghame operated at 59 per cent of the average cost per prisoner in Scotland. The inmates of the prison have a huge value for society: every year, they put thousands of hours of voluntary service into the local community, which will be extremely hard to replace. Those people are highly valued by the local community. The prison has an excellent rehabilitation record, and its staff go way beyond the call of duty to ensure that that record is sustained. The proposed closure will lead directly to the loss of 45 quality jobs, affecting families in an area with one of the highest unemployment rates in Scotland. The closure has not been thought through and I do not accept that it is a final decision.

My final point touches on rural policing. Unlike Linda Fabiani, I and my family were unfortunately the victims of a very unpleasant crime some years ago—a successful attempt to obtain money for drugs. It was not a pleasant experience and anyone who wants to give me sympathy will probably find me in Deacon Brodie's at about 7 o'clock tonight. My point in telling this story is that, when we finally managed to get to a working telephone—which, in rural Scotland, can take quite a long time—we found that the nearest police car was 34 miles away.

When that happened to us, there was a significant crime wave throughout the rural part of South Ayrshire because the criminals—who are not stupid—realised that there was a vacuum of police cover during the night, and took advantage

of it. I do not think that that is acceptable and I hope that the Administration will address it.

11:48

Dr Richard Simpson (Ochil) (Lab): In opposing the Conservative motion on law and order, I should say that I spent about 29 years in part-time medical work, mainly in Cornton Vale prison. On the suicide risk management executive steering group, I had the privilege of visiting every prison in Scotland, so I have at least seen the service working, albeit not from the inside. In order to make some points, I would like to describe two of our institutions.

Polmont young offenders institution admits some 4,000 young men every year. Of those, 46 per cent have previously been in local authority care—they have been what are now called looked-after children; 83 per cent have been through the children's hearing system; 93 per cent have used illicit drugs at some time and 52 per cent are still users; many have been abused; and many have been bullied or been bullies. The chances of their benefiting from our current programme of incarceration is minimal. We are spending money unwisely; the diversion and prevention policies of the Executive are the ones that we must follow.

Cornton Vale is an even sadder situation. Despite attempts to reduce the number of women on remand, the number has again risen. Repeated appeals from successive governors to divert non-violent offenders and—especially—remand prisoners away from prison appear to have fallen on deaf ears. As Cathy Jamieson said, we are sending young women to jail for non-payment of fines, which is an extremely expensive undertaking for little return.

One of the worst cases I came across in my time at Cornton Vale was of a woman with eight children. She was sent there for non-payment of a £200 fine. The children had to be taken into care; the cost, in emotional terms, to those children was immeasurably damaging; the cost to society was thousands of pounds; and the benefit to any of us was absolutely minimal.

At least 60 per cent of the resident population in Cornton Vale are drug users. Like Keith Raffan, I have the gravest concerns about our current drugs policy. The mandatory drug testing system introduced by Michael Forsyth has not been subjected to independent evaluation, is an expensive waste of money and is diverting funds from the voluntary drug-free zones, which are a much more important development in the Prison Service.

I appeal to the minister to ensure that young women are diverted from custodial remand, as the Executive motion suggests. We should build on

the pilot in Plymouth to divert drug addicts from prison into rehabilitation and treatment. The Government has given £100,000 to the three authorities in the old Central region for such a pilot. That approach has been tested and is worth while, as long as the selection is appropriate. We need to build on such schemes, which reduce the prison population and underpin the reduction in prison officers. If we do not do that and pressure inside prisons is maintained, the suicide rate will increase and we will have real problems. As a result, I have real concerns about the reduction in the number of prison officers, not about the closure of prisons.

We should have an independent review of mandatory drug testing and ensure that non-violent prisoners are not incarcerated, except as a last resort. Furthermore, we should develop through-care to support drug offenders before prison, through prison and after prison. That scheme is far too disjointed at the moment.

11:52

Euan Robson (Roxburgh and Berwickshire) (LD): I welcome this debate, although we should perhaps leave it to onlookers to decide whether it has generated more heat than shed light.

Although Mr Gallie's opening speech unwrapped the old parcel of assorted Tory prejudices, the Conservatives have now clearly admitted that they do not and did not support the incorporation of the ECHR into UK law. Moreover, although I acknowledge Lord James Douglas-Hamilton's point about potential problems in courts, it does no good for some outsiders to exaggerate the extent of the problems that the ruling on temporary sheriffs has created.

The creation of the 10 new floating sheriffs—which is "in the pipeline", as Mr Aitken put it—and the other actions taken by the Lord Advocate and the sheriffs principal are effective and early responses to the situation. Perhaps the minister might also consider the appointment of permanent part-time sheriffs, which might help to fill some of the gap. We must await today's ruling in the Court of Session, but I do not see how 20 years'-worth of temporary sheriff judgments can be overturned when the ECHR has been incorporated into UK law for only a few months.

Although crime figures are a source of endless debate, there is no doubting the official figures. In 1979, 346,680 crimes were recorded in Scotland. In 1997, the figure had risen to 420,642. The important point to make is that if the 1979 figures had remained static, there would have been 2,500,000 fewer victims.

Phil Gallie: We accept that there was a rise in crime during that period. Does Mr Robson accept

that when I said that the previous Government had presided over the longest sustained reduction in crime, the figures were for the period 1991 to 1997? Does he accept that the trend has reversed and that the figures are now increasing?

Euan Robson: I thank Mr Gallie for his contribution, but my focus is on the victims. There is no doubt that when crime rises, the number of victims increases. The point about that particular period of time is that there was an unnecessary increase in the number of victims.

The best deterrent to crime is detection. The number of charges proved between 1986 and 1996 dropped from 184,000 to 153,000. Detection and conviction are essential to crime reduction. Hence, I welcome the Minister for Justice's statement that the rate of clear-ups has been increased since 1997. That is important.

It is important to recall what has happened to police manpower. Between 30 June 1997 and 30 June 1999, the number of serving police officers fell by 88. However, that does not take account of the fact that there are 400 extra support staff. In addition, the gap has been closing since September. Further officers will also be recruited to the drugs enforcement agency.

The debate ought to have concentrated more on alternatives to custody. I do not want to add to what Richard Simpson said. His was an immensely important speech. Far too many of the people in prisons ought not to be there. We need better systems for dealing with the problems that such people face.

There should also have been more emphasis on crime prevention. Community safety strategies are being developed—I had the privilege of seeing one of them in the Borders recently. The strategies will make a considerable contribution, as they will join up the thinking of a number of agencies about how to tackle crime.

More can be done to increase household security through schemes similar to the home energy efficiency scheme, under which draught proofing and insulation work is carried out. The same model could be used to assist less-well-off and vulnerable homeowners to protect their homes.

I agree whole-heartedly with Donald Gorrie and Keith Raffan's comments about youth crime. The minister's announcement about extra youth facilities is welcome; it is important to develop youth centres and drop-in centres. From my experience as a teacher, I know that truancy is the first step on the road to crime. If we can tackle truancy, we will tackle crime. The progression can be seen—truancy leads to vandalism. Many professionals in the appropriate agencies have pointed that out.

I recently visited Longriggend remand institution, which is soon to close, with the Justice and Home Affairs Committee. It was obvious that where young people are on remand, all categories of prisoner should not be lumped together. We should separate out the hard core to allow those on remand to have better rehabilitation.

I listened carefully to Tony Cameron when he came to the Justice and Home Affairs Committee. His case was persuasive: we do not have too few prisons, but we have the wrong types of prison. We may have too many open prisons and too few higher-security prisons. The Executive is therefore right to consider the closure of an open prison. I hope that that will lead to investment in other prisons.

11:58

Christine Grahame (South of Scotland) (SNP): I will deal first with police and crime. Lots of statistics have been thrown about. Statistics are not sterile; they are important. There is no doubt that crime has increased. We have heard statistics from various areas. In 1998-99, the number of crimes in the Borders increased by 450, 25 per cent of which were crimes of vandalism. The Scottish national party supports the use of CCTV, but it has a limited role in ensuring protection in rural areas such as the Borders.

The number of police has risen, but according to today's edition of *The Herald*, by only four in three years, which is hardly good. Police numbers fluctuate. The Scottish Police Federation has projected that, next year, there will be a shortfall of 1,000 police officers. Colleagues have raised concerns that police officers are suffering an increase in stress. I will come to stress among prison officers later.

I refer to the Scottish Police Federation's letter of 4 October, which reveals that the work load for police officers

"has increased by about one third . . . Half of all inspectors and chief inspectors, reported that more than 40% of their work used to be done by the rank above. . . . For officers who have supervisory responsibilities . . . the average increase in the total number of officers supervised is 11%."

They are a force under siege. That is reflected in

"a consequential decrease in the well-being of officers, as expressed by measures of stress and aspects of sickness, injury and dissatisfaction."

I will come to the other arm of enforcement—the Scottish Prison Service—in a moment, but the picture from the Scottish Police Federation is obviously not a happy one.

Concern about the victims of crime was raised eloquently by Linda Fabiani and Michael Matheson. Linda gave a figure of 20,000. I can

see no problems for this Parliament going full steam ahead with a victims charter, which would provide a valuable framework and a national standard for victims throughout Scotland.

From my own experience, I can give examples of witnesses—the victim is often the prime witness—coming across the accused wandering about the streets when out on bail. The victim does not know that he is out on bail. They can also come across the convicted criminal out on parole. They do not know about that either: they do not know what goes on in court when the heads get together at the table and the prosecution and defence are discussing plea bargaining, while, at the back of the court, the prime witness, who is also the prosecution witness, has no part in it. They will find that, after the court is adjourned, nothing has been said to them. That is a disgraceful way to treat people, and it must be dealt with as a matter of urgency. I cannot see why we are not getting on with that.

I want to refer to prisons, because they are such an urgent concern—the Justice and Home Affairs Committee has just dealt with prison matters. Overcrowding is not a simple issue. Tony Cameron made that plain, as did Mr Clive Fairweather at a previous meeting. It is not just a case of having 6,000 prisoners and 6,000 places. It depends on the kind of prisoners and the kind of place. The problem is that cutting the number of prisons takes out slack. If there were any problems with the prison population or if there were any disturbances, I would have concerns, as would other members of the Justice and Home Affairs Committee, that there would be no place to which to decant the prisoners concerned. There would also be no places for certain kinds of prisoner.

The chief executive of the Scottish Prison Service could not answer that point. He was not sure about it.

Euan Robson: Does Christine Grahame remember from our discussion in the Justice and Home Affairs Committee meeting on Tuesday that it was suggested that, from time to time, there are enough people in open prisons to fill but two of them—not the three that we currently have? Does she agree that there is a necessity to rationalise our prison provision, and that there is more need for higher-security prisons than for the open prisons?

Christine Grahame: I am happy to take that intervention on the open prisons, which I will come to, with particular reference to the reasons for the closure of Penninghame prison.

There are many possible reasons for all kinds of reorganisation of the Prison Service, but simply to save money is not one of them. I have problems

with the way in which it is being done and with the way in which the selection has been made.

The reasons for overcrowding are complex and varied. We have had different figures: the projected figures given for two months ago and the figures now. Even the chief executive of the Prison Service said that he was relying on statisticians, and that things might change.

On slopping out, I am trying to make the distinction in my head between a target and an aim. We were told that the aim—not target—on ending slopping out is now deferred. It is a Victorian practice, which ought to be high on the list of matters to be dealt with. It has been deferred because of the £13 million in cuts.

On staff morale, I quote from the *Official Report* of that committee meeting. When Lyndsay McIntosh asked Derek Turner of the Scottish Prison Officers Association about staff morale, he said:

“The staff are devastated. They feel that they have worked very hard over the past four years to achieve the restructuring that has taken place in the Prison Service. That was a tremendously painful process at the start. The staff did not like it, but they were confronted with the choice of going through the staffing structure review or potentially facing market testing. It was Hobson's choice.”—[*Official Report, Justice and Home Affairs Committee*, 23 November 1999; c 467.]

The other essential arm of crime prevention is in a state of gravely low morale.

There was an example of a prison officer who had recently moved with his family to Dungavel. He uprooted everyone—what will his position be? Prison officers have to work with good will in the Prison Service. The Executive is in grave difficulties with the Prison Service, and I have great concerns about that.

I also wish to address the fact that there was an increase in the purchase of bunk beds, which heralds the possibility of prisoners having to double up. How will prisoners who are now in single cells react when they find two or three others pushed into their cells? That is a real problem for the Executive.

I will try to rattle on and address the issue of prison closures. As Alex Fergusson said, Penninghame is a highly successful prison. Why it is not fully occupied has been addressed—open prisons are not an easy option for prisoners. They find them quite hard, as they have to learn to rely on their own resources. The prison is also essential to the community—I know, as I lived in Newton Stewart for 15 years—and to the economy of the area.

Penninghame is not an expensive prison. The figures have been mentioned—the costs are about £17,000 per prisoner, as opposed to £26,000,

which is the Scottish Prison Service's cost per prisoner. I do not know what criteria were used in the decision to close Penninghame. I have dealt with Dungavel—why a prison that dealt so well with drugs reduction and rehabilitation was dealt the blow of closure requires explanation.

The Scottish National party welcomes the drugs enforcement agency, but not at a cost to the Prison Service. I wish to give an example of the reality of drug rehabilitation. I visited Low Moss as a member of the Justice and Home Affairs Committee. The prison governor told me that he and two of his officers spent two days just picking up drug packets that had been thrown over the fence. As it is a low-security prison, it does not have a high fence and is surrounded by wasteland.

The prison has a successful unit, Alba House. It is also a tough unit, as it is based on self-referral. However, it can take only 10 people, whereas there are hundreds of prisoners at Low Moss who are not in the unit and who are in a cycle of returning to prison. Even worse, what kind of secure accommodation is given to prisoners who have gone through the tough regime at Alba House upon their release? Often, they return to the environment that they were in before prison.

I will finish by dealing with alternatives to custody. A long time ago, a senior member of the prosecution service said on television that prisoners could be divided into the bad, the mad and the sad. I have concerns that the mad and the sad are put in prison as if it were a waste bin—that is a way of dealing with them. Without making a direct link to Cornton Vale, I am terribly glad that Dr Simpson raised the issue. While we may want to move away from custody, more women who come from very sad backgrounds are being put into Cornton Vale, and the figures are increasing. The Executive must start to deal with that issue now.

Many fine words have been spoken today. Everyone wants improvements in society, but we want action—and action needs funding. I ask the Executive to address that point.

The Deputy Presiding Officer: I call the minister to wind up for the Executive. You have about nine minutes.

12:08

The Deputy Minister for Justice (Angus MacKay): Today's debate has been full and interesting. When I saw the terms of the Conservative motion, I could guess what kind of debate we would have and I have not been disappointed. It is always a pleasure to watch a debate, particularly when Mr Gallie is participating.

Before I pick up on some of the specific matters raised by members, I will begin by emphasising the Executive's commitment to progressing our justice programme for a safe and fair Scotland.

The three issues around which the debate has centred are policing, prisons and the courts. I will address policing first. When the most recent Scottish crime survey examined the future of policing in Scotland, it indicated that Scotland was generally comfortable with the way in which it was policed. Since 1997, the number of police officers and civilian staff in Scotland has increased by over 200. The greater use of civilian support staff means that police officers have been relieved of a wide range of routine duties, which has enabled them to concentrate on more direct policing matters. The funding increases that are planned in the three-year period ahead should enable the police to maintain numbers at broadly existing levels, after taking into account efficiency savings over the same period.

It is true to say that the Executive is by no means parsimonious in relation to funding for the police. For example, in the current financial year we have been able to provide Scottish police forces with £4.75 million of additional funding, to assist them to meet the cost of policing millennium celebrations.

There is no doubt that prison numbers, which have been the subject of some debate today, are difficult to forecast. The Scottish Prison Service corporate plan projection for 1999-2000 was originally 6,200 prisoners. During the summer, the SPS statisticians reduced that figure to 6,100. However, we currently have fewer than 6,000 prisoners and the average for this financial year looks likely to be around 6,000. As a consequence, decisions have to be based on a judgment of the likely future numbers. The Executive will continue to monitor the prison population trend as carefully as we can and, if circumstances seem likely to change, we shall adapt our strategy accordingly.

Phil Gallie: Will the minister give way?

Angus MacKay: No, not at the moment.

On the predictions of chaos and disruption in the courts, I wholly refute any suggestion that that will take place. There will be some disruption, in particular to civil business; the Deputy First Minister acknowledged that in his statement on 11 November. However, there is no doubt that the judiciary and the court staff are working hard to minimise any difficulties, and we have confidence in their ability to do so. In the district courts, the procurators fiscal—under guidance from the Lord Advocate—have taken action as a precautionary measure.

I refer to some of the points raised during the

debate. Penninghame prison has been mentioned more than once. For some reason, people seem to be reluctant to take on board the view of Her Majesty's chief inspector of prisons, Clive Fairweather, whose response to the closure announcement was pretty unequivocal. He stated that the prison

"is in a very isolated location, especially for family contact."

That is one reason why it was deemed unsuitable. He also said:

"One of the other open prisons in Scotland, at Noranside, near Dundee, is under capacity . . . It seems sensible to rationalise here."

Prison Service staff at Penninghame do a good job. However, the chief inspector said that it would be sensible to rationalise, because the prison is remote for visits and for getting help there in the event of an emergency. It also has inflexible accommodation. I hope that that deals with the points on Penninghame, at least in part.

On the subject of Longriggend, the chief inspector of prisons said that

"there have been a number of suicides among the young male remands there, so sending them elsewhere is a very major step forward."

That point should not be underestimated.

Mr Matheson commented on victim support and, in effect, accused the Executive of doing nothing—or at least not doing enough—for victims. Nothing could be further from the truth. We have recognised witnesses' needs by making a commitment to extend the availability of the successful witness support schemes that are running in the sheriff courts at Airdrie, Hamilton and Kirkcaldy to those at Kilmarnock, Dunfermline and Cupar. That commitment will be delivered shortly. The schemes will be managed by Victim Support Scotland and will provide a comprehensive service of advice and support to all witnesses. I would have talked further on the subject, but am prevented by lack of time.

Kenny Gibson made an interesting speech at incredibly high speed, possibly talking even faster than I am at the moment. His performance was such that I felt he might close his speech by saying, "My name's Ben Elton—thank you and goodnight." He should know that, with my ministerial responsibilities, I do not approve of speed in any circumstances, so I will be critical of what he had to say.

I have two points that relate to Kenny's speech. The first is about Strathclyde police and capital allocation. Last year, 1998-99, Strathclyde received £6.2 million in capital allocation. In the current year, it has received £9.7 million; that is a significant increase.

Secondly, Kenny made a point about crime in

Strathclyde. The chief constable, John Orr, said that between April and September 1999—hardly a long time ago—crime in the Strathclyde force area fell by almost 7 per cent compared with the equivalent period last year. He also said that early predictions that the force would be on track to enter the millennium with crime figures at a 19-year low were on target. That is encouraging news for everyone.

Mr Gibson: Does the minister accept that, although capital allocations have been increased for this financial year, next year's projection for Strathclyde is of a £2.2 million reduction? Strathclyde has identified a need of £19.014 million, and the capital allocation is £7.76 million—less than half of what the police require.

Furthermore—

I see that the minister is wincing. That is all.

Angus MacKay: An important distinction needs to be made between whether funding is increasing year on year and whether it is increasing to a sufficient extent year on year. An important and sensible debate has to take place on that. I merely make the point that a substantial uplift in capital funding was awarded to Strathclyde police force last week. That is accurate and fair.

A number of other points were made in the debate; sadly, I will not be able to mention them in my remarks.

I know that some members were heading for their mobile telephones and for the telephones in the members' coffee lounge to talk to their divorce lawyers when they heard what the implications would be of today's decision in the Court of Session. That case is over, and it might be helpful if I advise Parliament that the outcome of this morning's appeal against the involvement of temporary sheriffs was that the appeal was refused. That means that if members thought that they were divorced, they are divorced—which might put their minds at rest.

It is important that at some point we debate drugs as an issue in its own right. Mr Raffan and Christine Grahame made some valuable points on that. I should tell members that 5,300 people are due to complete drug programmes in Prison Service establishments this year. That is an increase from 2,800 last year, and from 1,650 the year before that; it is a significant improvement.

I am sure that members will be treated by David McLetchie to all sorts of spectacular statements and figures. If that is not the case, members will be disappointed. He will tell members that prisons are underfunded, but he will not say that there will be increases in prison funding every year for all the planned years ahead. He will not tell members that the Executive will be spending on average

£55 million more per annum than did the previous Conservative Administration in its last five years. I do not know how, in that context, the Conservatives can justify any of their criticisms.

David McLetchie will tell members that police numbers are down—he will not say that civilian police staff numbers have risen from 19,288—when the Conservatives left office—to 19,509. It is also important that there are 200 additional officers going into the field in the fight against drugs. That is not a byway of the criminal justice system—it is central to what the Executive is trying to do. Drugs is one of the biggest single contributors to crime and criminal activity. If that additional number of officers does not show serious commitment, I do know what will.

I am proud to say that the European convention on human rights was signed on the country's behalf by a Labour Administration in 1950. If the Tories do not support the ECHR, why did not Winston Churchill reverse that decision when he took office in 1951? Why did not successive Conservative Administrations withdraw from incorporation of the ECHR at any time that they were in office? Why did not that happen during the 18 years of Tory government? The phrase "all mouth and no trousers" springs to mind. I accept none of the Tories' criticisms on that matter.

I am sure that Mr McLetchie will re-emphasise his view that crime is on the increase. Between 1979 and 1997, crime increased by 35 per cent—from 674,000 to 910,000 cases. In all those years of Conservative government, from 1979 to 1997, violent crime doubled from 10,000 to 20,000 cases. If the Conservatives could not fix that by 18 years of criminal policy, social policy and economic policy, they should not criticise this Administration after six months.

12:18

David McLetchie (Lothians) (Con): I thought that Mystic Meg was going to be out of a job because of all the predictions that Angus MacKay made about what I was going to say.

I am pleased to wind up this debate on law and order—it is good to see the Parliament getting down to some real business on important topics that are of concern to people and communities throughout Scotland.

There have been many useful and thoughtful contributions from members of all parties, particularly those drawing on members' own experiences of the state of the police service in their areas. They also mentioned examples of the important initiatives that are being taken in many communities, to help in dealing with law and order issues. I welcome that.

The debate has shown that, while the Scottish Executive seems to have a strategy, a task force and an action plan for everything from the millennium bug to digital Scotland, it has very little idea of how to perform the prime functions of government—the maintenance of law and order and ensuring that our people have a secure and safe society in which to live. Its policy is riddled with contradictions.

Ministers have not resorted to the barefaced lies of Jack Straw, their colleague down south, in relation to police numbers, but we have had the usual blizzard of statistics. There are some basic facts that are chieftains that winna ding—police numbers are down, crime is up, prison officers are being laid off and prisons are being closed. Those are the fundamentals. All the blizzards of statistics in the world cannot disguise those facts.

We have heard of the concern that is being voiced by the chairman of the Scottish Police Federation. At a time when the public overwhelmingly want more police officers on the streets, when crime figures are rising, and when calls on police services have never been greater, this Government—which says that it is committed to law and order—is creating a situation in which police officer numbers are falling. That is the view of the chairman of the Scottish Police Federation.

In its 1997 manifesto, the Labour party promised—and I am sure that members can recite it like parrots—to

"get more officers back on the beat".

Jim Wallace and the Liberal Democrats, in their 1999 Scottish Parliament manifesto, said that they would

"keep the police service up to strength."

Both parties are failing.

Today we have heard about the impact of civilianisation. As the minister fairly acknowledged, civilianisation is a process that has been going on in the police service for several years. He said at the outset of his remarks that the number of civilians who are employed by our police forces has increased by some 2,000 over the past 20 years. Although no one denies the value of civilianisation, I object to the fact that Jim Wallace and the Executive seem to think that civilianisation is an alternative to having officers on the street to perform their functions. We need both, but the Executive is cutting the number of officers. The two are not alternatives, to be traded off one against the other.

Mr Jim Wallace: I can confirm to Mr McLetchie that they are not alternatives to trade off one against the other. I agree with that. The simple fact that he does not seem able to get his mind round is that civilianisation frees up the time for officers

to get out and perform front-line functions. That is what the public expect.

David McLetchie: I could not agree more with the minister. I am simply saying that I would like to free up time for more police officers to perform more work on our streets, and that the Executive is cutting their number. That fact is one of the chieftains that win a ding in the debate. There is no denying it.

Mr Raffan rose—

David McLetchie: I am sorry. If Mr Raffan waits for a few minutes I shall say something complimentary about him.

Jim Wallace may legitimately point out that he was not responsible for the situation until May. He is right; he was not responsible. It is his Labour predecessors who should take the blame for the trends. However, he has done nothing to reverse those trends.

As we heard from Christine Grahame and others, the Scottish Police Federation anticipates a shortfall of between 500 and 1,000 officers next year. That is a damaging statistic. I believe that there is a direct correlation between the number of officers we are able to deploy in our communities and rates of crime. All international experience—for example, from New York, which has had major success in tackling crime rates in recent years—suggests that the key to tackling crime is to have more officers in the job. That is incontestable.

Mr Raffan: Mr McLetchie must refer to the facts that the minister gave to me in a written answer in the autumn, in reference to the three police forces in the region that I represent. When the Conservatives left office, Central Scotland had 686 officers—it now has 719. Fife had 831 officers—it now has 846. Tayside had 1,116 officers—it now has 1,149. Those figures are incontestable. The police forces have increased in the region that I represent since the Conservatives left office.

David McLetchie: I apologise to Mr Raffan, but those figures are highly selective, and are drawn from only a few examples.

Mr Raffan: Those are the official figures.

David McLetchie: Is Mr Raffan calling the chairman of the Scottish Police Federation a liar? Is he wrong? Will Mr Raffan deny what he said? He will not. I ask him to stop citing selective figures, or I shall withdraw the complimentary comments that I was going to make about him.

As crime rates are rising, it is appalling that funding for Victim Support Scotland was cut last year, in real terms, for the first time in that organisation's 12-year history. I was interested to hear of some of the local initiatives that are helping victim support groups. Cathy Jamieson

spoke ably about victim support groups in her community. As Michael Matheson, Euan Robson and others have said, we must acknowledge the fact that our criminal justice system is still failing to give adequate consideration to keeping the victims of crime and their families informed.

There is far too much insensitivity in the treatment of victims and families. We heard about the circumstances of Mr and Mrs Godley. Earlier this week, Mr and Mrs Ayton saw the killers of their son released at half time, on the second anniversary of their son's murder. What an insensitive, inhumane way to treat families. Irrespective of what one may think about the sentence or the fact that convicted criminals can be let out at half time, the fact that the release should be allowed to happen on that particular day is an appalling indictment of the insensitivity of the service. Frankly, it is not good enough, and I hope that the minister will examine that case so that it is not repeated in future.

I said that I would compliment Mr Raffan, and I acknowledge his useful contribution, and that of Richard Simpson, on the drugs problem. This Parliament is crying out for a debate on the subject—I was pleased to hear the minister come up with that suggestion and I hope that the Executive will provide time for it. We are crying out for a co-ordinated approach to tackling the whole problem, but it appears to me that, at the moment, there are too many people and too many agencies in conflict with one another about where we should be going. It is up to the Executive and the Parliament to bring the various bodies together and, if necessary, to knock some heads together, so that we can develop and test an all-embracing strategy on which we are all agreed.

I was interested to hear about Angus MacKay's visit to Ireland. I make no apology for our criticism of the direct incorporation of the European convention on human rights into Scots law. We signed up to the convention and there is no question of the United Kingdom withdrawing from it, but the issue is the direct applicability that came into effect only as a result of the Human Rights Act 1998, passed by the Labour Government. That is what we object to and that is what we opposed at the time of the passage of that legislation.

Mr Jim Wallace: I am grateful to Mr McLetchie for clarifying that. Since 1966, any individual has had the right to go to the European Court of Human Rights in Strasbourg to take up such cases. It seems that he is quite content for individuals to have that right, but not to allow them to enforce it in the domestic courts. Is he saying that one should be able to enforce those rights only if one is wealthy enough to go to Strasbourg?

David McLetchie: That is not true. People who require resources can get legal aid, as Mr Wallace

well knows. As a result of a particular ruling on one case on the European convention on human rights and the changes that his Administration has made, the whole courts system in Scotland has been thrown into dislocation and the Government now has a major problem to tackle. Had a ruling been made under the previous system, this Administration would have had a suitable period of time in which to address the issue, as has happened in the past. That is the difference, and that is where Mr Wallace and his colleagues are in error.

I have many other things to say, but my time is drawing to a close. I simply say that we are not getting joined-up government from this Administration. The prison closure programme is a disgrace; Michael Matheson made an excellent point about that when he said that it is incompatible with the trend of rising crime rates and possible rises in the prison population. Decisions have been taken prematurely before such trends have been properly established, and the Executive will live to regret them.

Just to set the record straight, Lord James Douglas-Hamilton's time in Dungavel was not as a juvenile offender but as a child, as Dungavel was formerly his family home.

I take issue with what Richard Simpson and Jim Wallace said. They tried to suggest that there were no more criminals, just more crimes. Are we to conclude from that that, under Labour, the criminal productivity ratio is actually improving in this country? That seems to be complete nonsense.

Quite frankly, enough is enough. We have heard a lot this week about social inclusion targets. Any serious attempt to tackle social exclusion has to come up with solutions to the problems of crime and drug abuse.

Kenneth Macintosh said that he did not doubt the funding commitment of the Executive. That commitment is not borne out by the spending plans just published by Mr McConnell. That document gives the lie to what Angus MacKay said about increased prisons funding. I remind him that the totals that Mr McConnell published are: for 1999-2000, £215.3 million; for 2000-01, £209.5 million; and for 2001-02, £210.5 million. In my arithmetic, that is a reduction, not an increase. I suggest that he tries to get some more money out of Mr McConnell's budget.

If we are serious about tackling social inclusion, we must look at the tens of millions of pounds that have been wasted on Scottish housing estates because the efforts of decent, law-abiding, hard-working people to build new communities have been undermined by the lawless, the criminals and the vandals who have no respect for property or

their communities. The criminal justice system, the imperative of a secure, safe society, must be in place before anything else can be built. That is why we complain about the Executive's priorities.

At question time last week, the First Minister challenged me, as I criticised what the Executive was spending money on at the expense of law and order, to say where the money for it would come from. I will tell him. Yesterday Parliament passed a motion redirecting £80 million to education—that was the price of the Lib-Lab coalition. That £80 million should have been used for 500 more police officers, so that we do not lay off 400 prison officers or close two prisons, and, most important, to adhere to the Liberal Democrat manifesto promise to abolish tuition fees. There would have been enough to do all those things.

That is why I say that the Executive's priorities are perverse. Jim Wallace, the Minister for Justice, cannot cut the mustard and get the budget that Scotland's police require and that is needed for a secure society. Jim Wallace and the Liberal Democrats do not have the solution for law and order; they are part of the problem.

The Deputy Presiding Officer: That concludes the debate on law and order.

Business Motion

The Deputy Presiding Officer (Mr George Reid): The next item of business is consideration of business motion S1M-315, in the name of Tom McCabe, on behalf of the Parliamentary Bureau.

Any member who wishes to speak against the motion should press their request button now.

Motion moved,

That the Parliament agrees the following programme of business—

Wednesday 1 December 1999

2.30 pm Time for Reflection

followed by Parliamentary Bureau Motions

followed by Stage 3 Debate on the Public Finance and Accountability (Scotland) Bill

5.00 pm Decision Time

followed by Members' Business debate on the subject of S1M-238, Cathy Jamieson: Co-operative and Mutual Sector in Scotland

Thursday 2 December 1999

9.30 am Debate on a motion by the Scottish National Party

followed by Business Motion

followed by Parliamentary Bureau Motions

2.30 pm Question Time

3.00 pm Open Question Time

followed by, no later than 3.15 pm Debate on an Executive motion on Equalities

5.00 pm Decision Time

followed by Members' Business debate on the subject of S1M-287, Bruce Crawford: European Freight and Passenger Terminal In Fife

Wednesday 8 December 1999

2.30 pm Time for Reflection

followed by Ministerial Statement on Local Government Finance

followed by Debate on Executive Motion on Sea Fisheries

followed by Parliamentary Bureau motions

5.00 pm Decision Time

followed by Members' Business

Thursday 9 December 1999

9.30 am Stage 1 Debate on Adults with Incapacity (Scotland) Bill

followed by Business Motion

followed by Parliamentary Bureau motions

2.30 pm Question Time

3.00 pm Open Question Time

followed by, no later than 3.15 pm Ministerial Statement

followed by, no later than 3.45 pm Debate on a Report by the Procedures Committee

5.00 pm Decision Time

followed by Members' Business—[Mr McCabe.]

The Deputy Presiding Officer: No member has asked to speak against the motion.

The question is, that business motion S1M-315 be agreed to.

Motion agreed to.

The Deputy Presiding Officer: The next item of business is consideration of Parliamentary Bureau motions, but there is none today.

Question, That the meeting be now adjourned until 2.30 pm today, *put and agreed to.*—[Mr McCabe.]

Meeting adjourned at 12:33.

14:30

On resuming—

Question Time

SCOTTISH EXECUTIVE

Prime Minister (Meetings)

1. Dennis Canavan (Falkirk West): To ask the Scottish Executive whether it will detail what specific matters of mutual interest were discussed at the last meeting between the First Minister and the Prime Minister and what specific matters will be discussed at the next meeting. (S1O-690)

The First Minister (Donald Dewar): I hope that the member will not think that I am being difficult if I say that the details of those discussions are private.

Dennis Canavan: Will the First Minister congratulate the Prime Minister and his wife on the forthcoming addition to their family? Does he agree that all children should be born with equal rights, whether they are the children of the most powerful person in the land or the one in three of Scotland's children who live in poverty? Why should it take as long as 20 years to eradicate child poverty, which means that many children born in Scotland today will be condemned to suffer poverty during their entire childhood?

The First Minister: I am happy to hear Dennis Canavan congratulating Tony Blair on something and I join him in expressing pleasure at the recent news. On his specific point, he would be the first to appreciate that long-term social trends are reversed usually over a fairly lengthy period. It is dishonest of politicians to say that they can snap their fingers and, in one or two years, change a deeply rooted social situation. If he considers what is happening in terms of, for example, the biggest ever increase in child benefit or the efforts that are being made to raise standards in primary education and pre-school nursery facilities, he will see that a substantial amount is being done. The publication that we debated yesterday sets out a very adequate and important programme, which I am sure will have his full support.

Teachers

2. Mr Mike Rumbles (West Aberdeenshire and Kincardine) (LD): To ask the Scottish Executive what plans are in place to promote continuing professional development of teachers working in remote and sparsely populated rural areas of Scotland. (S1O-727)

The Deputy Minister for Children and

Education (Peter Peacock): All teachers should have access to continuing professional development. The framework that we announced recently will take account of the requirements of the more remote areas of Scotland.

Mr Rumbles: I congratulate the Executive on its forward-looking approach to the continuing professional development of teachers, but does the minister recognise the considerable expertise in that field of Northern College in Aberdeen, especially in relation to teachers in rural areas, which is, after all, where 60 per cent of Scotland's schools are located? Does he recognise that Northern College already provides one of the most comprehensive portfolios of continuing teacher development packages in Scotland?

Peter Peacock: As a consumer of its services when I lived on the Orkney islands, I am happy to acknowledge the role that Northern College has played. We want continuing professional development to play an expanded role. We expect many providers to take part in that, and Mr Rumbles can be assured that the particular needs of rural areas in Scotland will be part of our approach in ensuring that the delivery of continuing professional development is carried out on a decentralised basis.

Listed Buildings

3. Marilyn Livingstone (Kirkcaldy) (Lab): To ask the Scottish Executive what powers it has to ensure that publicly funded organisations maintain category A and B listed buildings and structures within their ownership. (S1O-669)

The Deputy Minister for Culture and Sport (Rhona Brankin): There is no statutory requirement on owners to keep buildings—whether listed or not—in good repair. However, planning authorities and—in exceptional circumstances—Scottish ministers have powers to take action when buildings have deteriorated to the point where there is real concern for their future.

Marilyn Livingstone: Can I ask about the case of an historic structure in my constituency—the A-frame and headgear at the Frances colliery in Dysart? What can be done to ensure that sufficient resources are allocated to guarantee its future after a planning application by the Coal Authority to demolish it was turned down by the council?

Rhona Brankin: I am not in a position to comment at this stage, other than to say that the historic buildings inspectorate is working closely with Fife Council to deal with some of the applications relating to the Frances colliery.

Agricultural Business Improvement Scheme

4. Mr Jamie Stone (Caithness, Sutherland and Easter Ross) (LD): To ask the Scottish Executive what plans it has to reimburse farmers and crofters for the costs incurred in presenting their applications to the agricultural business improvement scheme. (S1O-709)

The Minister for Rural Affairs (Ross Finnie): Where works are approved and carried out by the department, grant assistance is available for planning consent and professional fees. However, there is no provision under the terms of the scheme to assist with those costs if the applications are not approved.

Mr Stone: Although I welcome the minister's efforts to sort out this bùrach—to use a good Gaelic word—does he agree that a partial solution would be to redirect some of the £24 million European transitional funding? Will he make representations to Her Majesty's Treasury for support, in the light of the chancellor's recently announced budget surplus?

Ross Finnie: In seeking a solution to this vexed question, I am happy to examine that suggestion, although I must give a word of caution about how that proposition relates to the statement of funding policy that was agreed between the Scottish Executive and the UK Government. The new agricultural development measures that have been incorporated into the draft Highlands and Islands structural funds programme, which will include a scheme not dissimilar to ABIS, might offer another part of the solution.

Adults with Incapacity (Scotland) Bill

5. Mrs Margaret Ewing (Moray) (SNP): To ask the Scottish Executive what proposals it has to ensure that the findings of the Millan committee are taken account of during the passage of the Adults with Incapacity (Scotland) Bill. (S1O-672)

The Deputy Minister for Community Care (Iain Gray): The Executive has already received advice from the Millan committee about non-medical matters in the Adults with Incapacity (Scotland) Bill, and in due course will wish to consider carefully any advice from the committee about the health care matters that are covered in part 5 of the bill, or indeed about the interrelationship between mental health and incapacity legislation.

Mrs Ewing: The minister and I share concerns about this bill and want to ensure that the process is concluded in a way that is acceptable to everyone. Given the importance of both the legislation and the Millan committee, can we be assured that the Executive will not tie that legislation into such a tight time scale that there

will be no interplay between the Millan committee and those of us who are interested in the legislation?

Iain Gray: I have tried to indicate that that interplay and communication has already taken place. We have made it clear that, in the longer term, following the debate and legislation, we will amend the adults with incapacity legislation to take account of the conclusions of the Millan committee if that is required. I assure Mrs Ewing that the hope and intention is to modernise legislation on incapacity without delay, while allowing a proper re-examination of mental health legislation through the Millan committee. We must get both those things right.

Mrs Ewing: Surely we do not want to have to go back to amend this important piece of legislation. We should be aiming to get it correct in the first instance.

Iain Gray: I appreciate that sentiment but, two weeks after this Parliament was constituted, a conference was held by the alliance for incapable adults, as it then was. I recall seeing in the media a woman at that conference weeping because of the problems that she had in caring for her husband, who was suffering the early onset of dementia; the closure of their bank account meant that she had no access to their resources. We believe that the adults with incapacity legislation cannot wait. People have waited for it since 1994 and we do not want to hold it up any longer. We want to ensure that the Millan committee will impact on adults with incapacity without making people wait any longer.

Peterhead Prison

6. Brian Adam (North-East Scotland) (SNP): To ask the Scottish Executive what criteria were applied to the mothballing of the special unit at Peterhead prison. (S1O-725)

The Deputy First Minister and Minister for Justice (Mr Jim Wallace): The Scottish Prison Service took into account several matters, the most important of which were the operational impact of closure, the cost per prisoner place and the flexibility of the establishment.

Brian Adam: Given that the announcement about changes to the prison system was made on 21 October, can the minister tell us when the Scottish Prison Service first knew of the proposals and why the staff representatives were not contacted earlier to help manage those changes?

Mr Wallace: Back in the spring of this year, staff representatives were given forewarning that there would be some changes, although specific changes were not discussed. Following the decisions taken on 21 October, I understand—these are operational matters for the SPS—that

efforts were made to advise staff at the earliest possible opportunity. After the board took the final decisions, the staff were informed at the earliest opportunity.

Brian Adam: The concern is that the staff were informed after the decision was taken. That did not allow for any meaningful consultation.

Mr Wallace: I met representatives of the SPS trade union side, including the Scottish Prison Officers Association, earlier this month. At that meeting, a willingness to co-operate and hold discussions with the SPS was indicated. Indeed, I think that that was taken forward. I want to make it clear that, although there were discussions, the decisions were based on the report that was given to the board by Mr Duffy, and were not the responsibility of the trade union side.

Perth and Kinross Council

7. Mr Keith Raffan (Mid Scotland and Fife) (LD): To ask the Scottish Executive what representations it has received from and what meetings it has had with Perth and Kinross Council regarding ensuring that its budget is in line with guideline figures next financial year. (S10-722)

The Minister for Finance (Mr Jack McConnell): I met the leader of Perth and Kinross Council on 28 June. At that meeting, I asked the council to submit an action plan outlining how it would return to guideline next year. I received that information just before the end of July.

Mr Raffan: Is the minister aware that Perth and Kinross Council will have to make savings of between £10 million and £12 million to spend at, or below, guideline in the next financial year? Will he acknowledge that although, like Aberdeenshire, Perth and Kinross Council faces particular service pressures owing to population growth, the grant-aided expenditure assessment is based on population figures that are two years old?

Mr McConnell: The guideline figures for next year have not yet been published, but it is almost certain that next year's guideline figure for Perth and Kinross Council will be higher than its actual budget—never mind the guideline figure—for this year. To suggest that cuts of that magnitude are required is false. It is entirely appropriate that the council carries out the commitment that it gave me in June that it could have been on guideline this year if it had known that the figures would be applied within 1 per cent.

Mr Raffan: Will the minister agree to meet councillors and officers from Perth and Kinross Council at the earliest opportunity to discuss those matters further?

Mr McConnell: Yes.

Housing

8. Fiona Hyslop (Lothians) (SNP): To ask the Scottish Executive what progress has been made in its programme of tackling dampness in Scotland's housing stock. (S10-715)

The Deputy Minister for Local Government (Mr Frank McAveety): We will be spending £38 million over the next three years to provide insulation packages for more than 75,000 homes. In line with our social inclusion agenda, we will concentrate on the elderly and others on low incomes. Together with the investment that we are putting into new housing partnerships and through the housing revenue account, that should result in a substantial reduction in the number of Scottish houses that suffer from dampness.

Fiona Hyslop: Will the minister confirm that the healthy homes initiative was one of the few things that the Liberal Democrats brought to the partnership agreement? Will he confirm what the Minister for Communities said in the written evidence that she gave the Social Inclusion, Housing and Voluntary Sector Committee? She said that the warm deal money was to tackle dampness, but he has said that it is available only for insulation. His minister is close to the Liberal Democrats, but will he confirm that the healthy homes initiative does not actually exist and that he has sold them a pig in a poke?

Mr McAveety: The SNP's vision of Scottish housing is a pigpen. It is good to see that the member is concerned about the Liberal Democrats, given that she has spent the past six or seven months attacking our coalition partners on the issue of delivering for Scotland.

Through a combination of new housing partnerships and the warm deal, together with the fact that we—uniquely in the United Kingdom—have included a training element in the warm deal, our partnership commitment is to ensure that we deliver decent housing for the people of Scotland. We believe that we are on the way to delivering that.

Enterprise Policy

10. Mr John Swinney (North Tayside) (SNP): To ask the Scottish Executive what consultation it had with the Chancellor of the Exchequer on enterprise policy proposals in advance of the publication of the pre-budget statement. (S10-676)

The Deputy Minister for Enterprise and Lifelong Learning (Nicol Stephen): The Scottish Executive has regular contact with the Treasury on issues relating to enterprise policy. We will be discussing the details of a number of new proposals with the Treasury and the Department of Trade and Industry to ensure that any proposals

of potential UK-wide application can be developed to reflect the particular needs of Scottish business.

Mr Swinney: On that very point, will the minister assure Parliament that Scotland will receive a Barnett formula share of the new national high-tech venture capital fund that the chancellor has announced? If we will not, why not?

Nicol Stephen: As Mr Swinney knows, those issues were discussed in the debate last week, after which I wrote to him and other spokespeople. The new high-tech venture capital fund will apply right across the UK, as will several of the other initiatives that Gordon Brown announced. In some areas, we in Scotland will have separate schemes. The advantage of that is that we get the best of both worlds: we get the opportunity to adapt schemes to our own circumstances, as we should where separate initiatives are required for the particular interests of Scottish companies and the Scottish economy.

Mr Swinney: The point that I am trying to get at is this: will the Scottish Executive be able to guarantee that Scotland gets its fair share of the venture capital funds? Would it not be better if our enterprise agencies were given the ability to determine the allocation of money to projects—based on the needs of Scottish companies and Scottish industry—so that they did not have to depend on the Executive's efforts to negotiate on our behalf in Westminster?

Nicol Stephen: As Mr Swinney knows, in some instances the announcements reflect initiatives that are already taking place in Scotland, and therefore indicate areas in which the UK is catching up with what is being done in Scotland. We are, of course, determined that Scotland should receive its fair share of UK funds. Part of the discussions to which I referred will be to ensure that that happens.

Student Loans

11. Mr Andrew Welsh (Angus) (SNP): To ask the Scottish Executive what delays have occurred processing student loan applications this year, and whether it will hold a public inquiry into the Student Loans Company. (S10-691)

The Deputy Minister for Enterprise and Lifelong Learning (Nicol Stephen): The Student Loans Company has a target of dealing with applications under the old-style loans scheme within 21 days. The target under the new student support scheme is tighter—17 days. The vast majority of students who applied correctly and on time will have received their cheques at the start of their courses.

There are no plans for an inquiry into the Student Loans Company.

Mr Welsh: Is the minister aware of problems over the payment date for loans and—for those on short-term contracts who wish to reinstate their loan—of problems over a helpline that is sometimes less than helpful? Will he undertake to look into those matters to improve the service for the students involved?

Nicol Stephen: I am aware that there are problems in individual cases; if they are drawn to my attention, I will certainly investigate them.

The figures that I have show that, by 25 November, the Student Awards Agency had received 114,177 applications, of which 113,373—more than 99 per cent—had been processed or otherwise actioned. The indications are that the Student Loans Company has authorised for payment more than 99 per cent of the processed loan applications that it has received. However, a full audited report will be passed to ministers at the end of the first academic term.

Business Rates

12. Elaine Thomson (Aberdeen North) (Lab): To ask the Scottish Executive whether the current review of business rates will address the particular concerns of small businesses. (S10-731)

The Minister for Finance (Mr Jack McConnell): Yes. We are currently considering whether a rates relief scheme for small businesses is necessary and affordable. I have also issued a consultation paper on proposals for a transitional relief scheme that will help businesses—in particular, small businesses—to cope with any increases that might follow the non-domestic rates revaluation in 2000. The consultation period ends tomorrow and I expect to announce decisions before Christmas.

Elaine Thomson: Will the minister further allay the fears of Scottish businesses in the north-east and elsewhere by guaranteeing that the uniform business rate will continue and that there will be a level playing field for business rates in Scotland and England?

Mr McConnell: I am determined that, whatever the outcome of the individual revaluations across Scotland and England, the level playing field that has existed between equivalent businesses across the UK will continue.

Housing Debt

13. Ms Sandra White (Glasgow) (SNP): To ask the Scottish Executive what the current level is of housing debt owed by Glasgow City Council. (S10-711)

The Minister for Communities (Ms Wendy Alexander): At 31 March 1999, Glasgow City Council's housing debt was £878 million.

Ms White: Although the debt seems to differ according to different papers, I accept the minister's answer. Will she confirm that, if the housing stock transfer goes ahead, the debt will be written off? If so, why cannot that debt be written off now to enable the stock to remain under council control and to prevent what is effectively privatisation by the back door? Will she also confirm that the amount that new housing trusts will borrow will be the same as the current level of debt and that no more money will be released for housing from stock transfer?

Ms Alexander: I really do not know how often we have to reassert that it cannot be privatisation when, under every proposal under consideration, all the houses in Glasgow will go to non-profit-distributing landlords. To allege that that is privatisation is just a dishonest slur.

If the debt assistance was transferred to the public sector and the stock remained within the public sector, the sector would have to meet not only the debt servicing costs but all the investment costs of modernising the stock in that city. We should take the opportunity to bring new investment into council housing, which for too long has been the poor relation in Scottish housing.

Consumer Strategy White Paper

14. Allan Wilson (Cunninghame North) (Lab): To ask the Scottish Executive what representations it has made to Her Majesty's Government on the consumer strategy white paper and its potential impact on Scotland. (S10-726)

The Deputy Minister for Enterprise and Lifelong Learning (Nicol Stephen): The Scottish Executive has provided detailed comments to the Department of Trade and Industry on the consumer strategy white paper, setting out a range of initiatives that should benefit consumers in Scotland and extend their rights.

Allan Wilson: Given the intention to increase consumer rights, how does the Executive intend to help people who are denied rights to seek redress? In particular, are there any plans to extend the in-court advice pilot in Edinburgh sheriff court to Kilmarnock sheriff court, which refuses to allow lay advocates to represent the socially excluded? Those people have neither the resources nor the social skills necessary to seek redress through the small claims procedure, but they are the most vulnerable to and require the greatest protection from consumer cons.

Nicol Stephen: Ministers are well aware of the success of the in-court advice project at Edinburgh sheriff court. Although we are considering the creation of such advice projects in other sheriff courts, or groups of courts, we are not in a position

to make an announcement today. However, I hope that my answer emphasises our recognition of the importance of giving consumers new rights and the ability to exercise those rights.

I am certain that the Minister for Justice will be interested in receiving additional information from Mr Wilson about the situation in Kilmarnock sheriff court.

Teacher Training

15. Mrs Mary Mulligan (Linlithgow) (Lab): To ask the Scottish Executive how many people have entered, and successfully completed, teacher training courses over the past 10 years. (S10-721)

The Deputy Minister for Children and Education (Peter Peacock): Over the past 10 years, there have been about 11,250 entrants to pre-service primary teacher training and about 12,080 entrants to pre-service secondary teacher training. Over the same period, there have been about 8,580 graduates from pre-service primary teacher training courses and about 10,130 graduates from pre-service secondary teacher training courses.

Mrs Mulligan: Why are a number of schools in some parts of Scotland—including Bathgate Academy in my constituency—having great difficulty in getting supply teachers?

Peter Peacock: Although there is generally no shortage of teachers across Scotland, particular areas of Scotland face difficulties in supply provision from time to time. We recognise that; the issue is now a priority for a working group. The Executive's recent recruitment campaign to attract new entrants into teaching has been highly successful, with more than 2,800 inquiries from possible entrants. That is much more than in recent years and is a very encouraging trend.

Mrs Mulligan: With reference to the campaign to encourage people into training, will the minister give an assurance that there are sufficient places in training establishments to ensure that people can be taken on?

Peter Peacock: The Executive and the Scottish Higher Education Funding Council are in constant discussions about the number of training places. Any cap on higher education places will not impact on that group of people.

Rail Safety

16. Michael Russell (South of Scotland) (SNP): To ask the Scottish Executive what discussions it has had with Railtrack regarding safety at railway level crossings in Scotland. (S10-689)

The Deputy Minister for Highlands and Islands and Gaelic (Mr Alasdair Morrison):

Earlier this month, Sarah Boyack received a detailed briefing from Railtrack on rail safety in Scotland. During that meeting, Railtrack outlined plans for introducing a range of safety measures at level crossings.

Michael Russell: I thank the minister for his answer and express my gratitude for his versatility, as he represents a constituency that has no railway level crossings and, indeed, no railways.

Are he and Sarah Boyack aware of the railway level crossing at Stevenston in Ayrshire, which is closed 114 times a day for a total of nine hours a day? It is causing such frustration to residents that, unfortunately, many of them are trying to cross the track, despite the fact that there is no footbridge. That is a railway disaster waiting to happen, in which Railtrack shows no interest. Will the minister consult Railtrack and try to persuade it to use some of its profits to help the community of Stevenston?

Mr Morrison: I remind Mike Russell that the western isles once had a railway system—in the 1920s—courtesy of Lord Leverhulme.

Irene Oldfather has contacted the Executive about this issue, so we are well aware of it. Sarah Boyack receives regular briefings from Railtrack and I see no reason why she should not raise the issue with it.

Non-domestic Rates

17. Mr Kenneth Macintosh (Eastwood) (Lab): To ask the Scottish Executive what impact the revaluation of non-domestic rates will have on small businesses in East Renfrewshire. (S10-717)

The Minister for Finance (Mr Jack McConnell): The impact on individual businesses of this year's revaluation will depend on valuations still to be determined. However, in the interests of Scottish businesses, I reiterate that the decisions we make in the coming weeks will be governed by two principles: first, that the national level playing field in Scotland shall remain; and, secondly, that the level playing field between Scotland and England shall also remain.

Mr Macintosh: Is the minister aware that businesses in my constituency want above all to be able to plan for the future with some certainty about the economic climate in which they operate? Is he aware that businesses greatly appreciate the unprecedented economic stability delivered by the partnership between the Scottish Executive and the UK Government? There is, however, concern about the revaluation of non-domestic rates. Will he assure me that, following revaluation, the Scottish Executive will continue to ensure that small businesses in my Eastwood constituency

and across Scotland will be able to plan in confidence and on a par with businesses in the rest of the country?

Mr McConnell: As I said, I can absolutely guarantee that the level playing field will remain and that businesses in Eastwood will be treated in exactly the same way as businesses in Basildon.

Drugs Budget

18. Mary Scanlon (Highlands and Islands) (Con): To ask the Scottish Executive what measures it is taking to ensure that the NHS drugs budget for 1999-2000 is adequate to cover the increasing costs of "patient packs". (S10-712)

The Minister for Health and Community Care (Susan Deacon): The 1999-2000 unified allocations to health boards included £610 million in respect of general practice and dental prescribing. That sum is considered adequate to meet current projected costs.

Mary Scanlon: Is the minister satisfied that the patient pack is appropriate in every situation? Given the added problems with generic drugs, will increasing costs lead to the rationing of drug prescriptions?

Susan Deacon: The Executive is always concerned to ensure that patients receive the best and most appropriate information. We also comply with the relevant European directive. We believe that it is important that decisions about drugs and other treatments are right and are considered openly. That is why I am pleased this week to have announced the establishment of the Scottish health technology assessment centre, which will take forward work in that area.

Fire Regulations

19. Euan Robson (Roxburgh and Berwickshire) (LD): To ask the Scottish Executive whether it intends to review the advice to be given on the Fire Precautions (Workplace) Regulations 1997 (SI 1997/1840) as amended. (S10-733)

The Deputy Minister for Justice (Angus MacKay): Guidance for employers was published in July. Guidance for fire authorities will be circulated shortly. That guidance will be reviewed in the light of experience.

Euan Robson: How many businesses in Scotland are aware of those regulations, let alone understand them? Does the minister appreciate the view of some fire safety professionals that the booklets and information available after the original regulations were published were inadequate and unsatisfactory?

Angus MacKay: The booklets on fire safety guidance for employers that were published on 22 July were made available to the Stationery Office and contained extremely comprehensive advice to employers. I am aware, however, of some concerns about this, and I will undertake to examine them and report back to Euan Robson.

Open Question Time

SCOTTISH EXECUTIVE

Secretary of State for Scotland (Meetings)

1. Mr Alex Salmond (Banff and Buchan) (SNP): I ask the First Minister the usual question. *[Laughter.]*

To ask the Scottish Executive when the First Minister last met the Secretary of State for Scotland and what issues they discussed. (S10-674)

The First Minister (Donald Dewar): I thank Mr Salmond for his question. On this occasion, we discussed two quite different sets of matters. One was matters of mutual interest; the other was matters of common concern. *[Laughter.]*

Mr Salmond: Well, I will tell the First Minister what he should have been discussing. In these days of freedom of information, I am sure that the First Minister would be delighted to answer questions on the report which appeared in *The Herald* this morning about a memo entitled "Dealing with the Scottish Parliament: Situation Report". Why are civil servants in the Scottish Executive sending out memos about the restriction of the rights of this Parliament and its committees to question the Executive?

The First Minister: I am glad that Mr Salmond—judging from the inference of his question—recognises that this was an internal Scottish Executive discussion document on a matter which was ultimately going to be the business of discussions between the clerks and the Scottish Executive about procedure. It was not a document that had been seen by or that had gone to ministers. Indeed, I first heard about it when I listened to "Good Morning Scotland", as I struggled from bed.

This Executive believes firmly—this was one of the main themes of my recent John P Mackintosh lecture—that the committees are an integral and vital part of the process, which we want to run effectively and with considerable impact. It is still, however, essential to adjust and ensure, from the points of view of the committees and of ministers, that time is used properly, that proper preparation takes place before meetings and that the system achieves all that is possible from it.

Mr Salmond: Can the First Minister clarify whether he is saying that ministers have not seen the memorandum, and that it was not copied to ministers? I find that a very surprising reply.

Can he tell me if the Osmotherly rules which Professor Peter Hennessy has described as an

"affront to Parliament providing 60 ways for civil servants to say no to select committees",

are to be imposed on this Parliament? Is it the intention to impose the same outdated Westminster practices on our new Parliament, and why is it being done unilaterally?

The First Minister: I will take that point carefully, because I think it is important. There is no intention of introducing MacOsmotherly rules. There is a need to examine how committees operate and to ensure that they operate effectively and efficiently to the mutual advantage of both sides. That is beyond argument.

We have made a great deal of ministerial time available—rightly—to responding to requests from committees. We have taken a remarkably open view on what documents can be released to committees, certainly in sharp distinction to some of the practices in other Parliaments in which I have served. The documentation on prison matters that went before the Justice and Home Affairs Committee on Tuesday was an example of that.

I repeat: there is nothing wrong or unusual in it. I recognise that Mr Salmond has never been in government. It was a Scottish Executive discussion document about advice that would be given about the negotiations and discussions and about the practical arrangements to allow the proper running of the committee system. I repeat the fact that it was not a document that had reached ministerial level.

Mr Salmond: I am delighted to hear the First Minister distance himself from the contents of the document, particularly the part that said that there should be a week's notice of oral questions before a parliamentary committee.

I am a bit puzzled. The document apparently says, on the MacOsmotherly rules, that, in the meantime, colleagues should proceed as if the rules had already been promulgated. If the document is not being implemented, why does it contain that statement?

The First Minister: I repeat the point: we are showing openness. At Westminster, members would have been told that no one would discuss a leaked document, or approach the matter in any way at all. Mr Salmond should recognise this new flexibility.

Andrew Wilson (Central Scotland) (SNP): Thanks.

The First Minister: Andrew Wilson says, "Thanks", but if he examined the way in which we have approached this matter, he would see how open our approach is.

I have not passed judgment on specific

proposals that the document may contain. I repeat that this is not a matter of unilateral dictation to the committee system. All these matters would have been subject to further discussion, ultimately with the clerks and, presumably, through them with the committee system and the Presiding Officer.

I do not say this in a partisan spirit: Alex Salmond is tilting at windmills in his attempt to make this into a big issue. He must understand the nature of this document, its helpful intent, and measure that against the enormously open way in which we have conducted, and will continue to conduct, the ministerial contributions to the committee system.

2. David McLetchie (Lothians) (Con): I would like to ask the First Minister the usual question, but if there is anyone else he would like to meet, I would be very happy to put down a question about that in future. How did you get on with the secretary of state, First Minister?

To ask the Scottish Executive when the First Minister last met the Secretary of State for Scotland and what issues were discussed. (S10-705)

The First Minister: I got on with the secretary of state as well as I always do. [*Laughter.*] I built in the ambiguity in order to get a laugh. [*Laughter.*] As David McLetchie knows, he is one of my favourite straight men.

As far as Mr McLetchie's question is concerned, I repeat that the secretary of state and I had a wide-ranging discussion. We will have many more of them. They are a valuable part of the liaison process between Westminster and Holyrood.

David McLetchie: I am happy to be part of the new duo in the Scottish Parliament—Large and Large. [*Laughter.*]

Will the First Minister tell the chamber whether he and the secretary of state discussed the implications for Scotland of the Chancellor of the Exchequer's announcement of a new hypothecated transport fund into which all extra increases in fuel duty will be paid? Will he commit the Scottish Executive to ensuring that the extra funds that come to Scotland, as a result of this new initiative and through the application of the Barnett formula, will be similarly ring-fenced and that they will apply to transport improvements in Scotland, so that our motorists get a fair deal for the taxes that they pay?

The First Minister: As a point of clarification, if I remember correctly, any increase above the retail prices index would be ring-fenced in that way. The system would also apply to tobacco tax. An increase of 1 per cent above RPI in tobacco taxation would produce about £300 million under the Barnett formula. Therefore, this is not a small

matter.

At this stage, I am not prepared to commit myself about the future in the way that David McLetchie wishes. One of the great advantages of our system is that when the Scottish block benefits, this Parliament—and the Executive, which guides the Parliament to the best of its ability—has discretion about how money is spent.

However, in order to reassure David McLetchie—I hope that he will take this as a genuine reassurance—I can tell him that we are very much committed to improving transport services and infrastructure in this country. In difficult financial circumstances, we are trying to reconcile the realities with other priorities, such as health and education. Sarah Boyack made some sensible dispositions the other day in her statement. However, we would like to be able to do better when circumstances allow. Certainly, public transport and transport infrastructure are a high priority for this Executive.

David McLetchie: I thank the First Minister for his full answer and for the openness with which he has indicated that very substantial sums of money are involved as a result of this initiative.

The First Minister: Could be involved.

David McLetchie: Very substantial sums of money could be involved as a result of this initiative, depending upon future tax increases. He will appreciate that many people in Scotland will be disappointed that he does not appear to be prepared to commit to the same bargain with our motorists as the Chancellor of the Exchequer has entered into down south.

I move on. Mr Prescott was reported as saying that this transport fund will greatly reduce the need for revenues from tolls and taxes in England and that there were no plans to approve proposals from local councils in England and Wales before 2005. In the light of that change, does the First Minister still think that such tolls and taxes are necessary in Scotland? When does he expect our motorists to have to start paying them?

The First Minister: That might be described as a multifaceted question. I may not be able to answer it as fully as David McLetchie would like.

We have certainly kept the options open, in particular on congestion charging to tackle traffic problems. Congestion is a major problem for the cities in the central belt and, indeed, in Aberdeen. Congestion charging is not a matter just of raising revenue; several factors have to be taken into account when we decide whether to go down that road. Those factors include: the support and willingness of the local authority concerned; the environmental impact and CO₂ emissions from vehicles; and the essential matter of whether the

measure would get cities moving and allow the necessary flow of traffic.

It is important that we have the power to use such measures if that becomes necessary, but David McLetchie must not take that as some sort of threatening statement about the future or about any particular time scale. I repeat to him—and I hope that he will play fair on the matter—that what I said was about preserving our right to flexibility within the Scottish block, while making it very clear that we give a high priority to transport and the transport infrastructure.

Fergus Ewing (Inverness East, Nairn and Lochaber) (SNP): Is the First Minister aware that an announcement of major job losses is widely expected to be made tomorrow by BARMAC, the management of the oil fabrication yards at Nigg and Ardersier? Is he also aware that the chief executive of Highlands and Islands Enterprise estimated that those job losses—direct and indirect—would number 3,156 and that that constitutes a major crisis in the Highlands?

Given that the devastation has been widely predicted, will the First Minister say what steps have been taken to combat the crisis? In particular, will he appoint a task force? Finally, given that the oil price is \$26 a barrel and that oil companies have received tax breaks, will he meet or has he met—[MEMBERS: “Come on.”]. The question of 3,156 jobs is very serious. Has the First Minister, or the Secretary of State for Scotland, met the directors of the oil companies, who could have been asked to provide jobs to protect the highly skilled work force at the yards?

The First Minister: Of course, I accept that that is a very serious matter. I am familiar, in particular, with the Nigg yard, but I recognise that the BARMAC complex at Nigg and Ardersier is an important employer in the Highlands and Islands. The Highland-resident work force of the yards is scattered over a wide area. I think that just over 1,800 people are employed in the two yards and, if I remember rightly, a substantial number—about 60 per cent—of the total work force is employed not by BARMAC but by subcontractors of one sort or another.

I am aware that job losses of 300 were announced recently. I know that a meeting will take place tomorrow morning and that Highlands and Islands Enterprise is closely in touch with the situation and takes the matter very seriously.

We are dealing with an industry in which, as Fergus Ewing knows, employment is cyclical. If my memory serves me correctly, both Nigg and Ardersier have been on care and maintenance—in effect, mothballed—in the past and, fortunately, have recovered. The downturn reflects the sharp fall in oil prices in 1998. As Fergus Ewing said,

fortunately there has been a revival and signs of activity are returning to the fabrication industry. I hope very much that the yards at Nigg and Ardersier, and others who are in trouble, will be able to benefit from that.

As Fergus Ewing knows, the chancellor abandoned the review of petroleum revenue tax because of the industry's difficulties. In addition, certain tax changes were introduced to encourage investment, new development and new jobs. We will do all that we can, but the situation is difficult and there are no easy and immediate solutions. It will be no consolation to Fergus Ewing, or to any of his people, but—perhaps rather surprisingly—at UiE Scotland Ltd in Clydebank, on the edge of my constituency, the work force has varied between 20 to 30 people and over 2,000 people.

That is one of the problems and difficulties in that industry. The Government has, as I suggested, been trying to stimulate development and to ensure that the great contribution that the North sea makes to the economy of east Scotland in particular, but also to that of Scotland as a whole, will continue.

Landfill

3. Mr Kenny MacAskill (Lothians) (SNP) rose—[*Interruption.*] [*Laughter.*]

The Presiding Officer (Sir David Steel): Order. I am the only person who is allowed to show a red card in this chamber. [*Laughter.*]

Mr MacAskill: I am grateful for this opportunity. I am tendering, with immediate effect, my resignation—as a bus convener of the tartan army. [*Laughter.*]

I hope that on this occasion I have not overindulged your favour, Sir David. I will put my question to the minister.

To ask the Scottish Executive what plans it has to help Scottish local authorities switch from landfill as the main waste disposal option. (S10-688)

The Deputy Minister for Local Government (Mr Frank McAveety): That was rather difficult, Sir David. I hope that there will be understanding rather than misunderstanding in my response.

The Scottish Executive has made a commitment to announce a national waste strategy for Scotland by the end of the year. We will prepare that in conjunction with the Scottish Environment Protection Agency and it will be published before the end of the year. The Minister for Transport and the Environment, Sarah Boyack, has also launched a project called REMADE, which aims to develop markets for recycled materials. This will help local authorities to find markets for the waste that is recycled.

Mr MacAskill: I note that the minister mentioned misunderstanding. I presume that that was the case when he voted with the Tories on social justice yesterday. The Tories might have given me the red card, but they got the red card from the people of Scotland when they were rightly thrown out on their ear after 19 years of Thatcherism.

Does Mr McAveety think that it is right that of the £40 million—and rising—that has been raised by landfill tax, 80 per cent goes to the Westminster Exchequer to reduce employers' national insurance contributions by 50p? Will not he concur that money raised in Scotland should be spent here to assist local authorities and others to advance recycling and other environmentally friendly alternatives?

Mr McAveety: As Mr MacAskill has spent the past six months voting with the Tories on virtually every occasion, it is delightful to hear him mention that I have done so. I voted with them by accident yesterday—it was deliberation on Mr MacAskill's part that has resulted in him voting with them for the past six months. I might believe in the new politics but I ain't joining that bunch.

Brothers and sisters, I do not accept that we need to adopt a partisan approach to using revenue raised in the UK. The Labour party supports the UK and a devolved Scottish Parliament. The SNP clearly rejects that. The Government will utilise UK resources where that is appropriate for Scottish needs, and we will use Scottish resources where that is appropriate for UK needs.

We will work with the Convention of Scottish Local Authorities through the local authorities to develop our approach to the recommendations that will emerge at the end of the year. We guarantee that we will work in conjunction with local authorities in Scotland to ensure that they meet their environmental commitments.

It is easy to say it, but it is harder to deliver.

Ms Margaret Curran (Glasgow Baillieston) (Lab): Does the minister agree that we must respond swiftly to health concerns associated with landfill sites? Can he further reassure me that SEPA will respond swiftly and effectively to the concerns that have been raised by Greater Glasgow Health Board following its investigation into Paterson's tip in the east end of Glasgow?

Mr McAveety: I thank the member for that question and I assure Margaret Curran that I will continue to ensure that SEPA will deliver regarding any concerns raised by the local community, and that any monitoring that will take place must meet national standards and guidelines. I hope that Margaret Curran can address the issue with her local community.

Mr Murray Tosh (South of Scotland) (Con):

On a point of order. I would like to ask a question with reference to the question that Fergus Ewing asked during open question time. I did not want to interrupt the question in view of its importance. Can you, Sir David, give a ruling on supplementary questions in regard to the extent to which they should follow the lead question? Are we to understand that the question can be entirely open?

You will be aware that the Procedures Committee shortly will bring a report to Parliament that will increase the degree of openness in questions. The committee has worked on this, having assumed that supplementaries follow the topic as defined by the original question. It would be helpful to have that guideline laid down now.

The Presiding Officer: You are absolutely right that the supplementary questions should always follow the main question. Indeed, I so advised Fergus Ewing before we came into the chamber.

Dennis Canavan (Falkirk West): On a point of order. Following the First Minister's comments about the Executive memorandum that suggested that members of this Parliament and its committees will have to give more advance notice and more details of their questions to ministers, and even risk having their questions to ministers blocked, can we have an assurance that any rules or procedures that affect the accountability of the Executive to this Parliament will be debated and approved by this Parliament, not cobbled together behind closed doors by clerks, civil servants and ministers?

The Presiding Officer: That is not really a point of order; it is a dangerous extension of question time. Perhaps it would help the Parliament if I said that that is one of the matters of mutual concern that the First Minister and I have discussed. Any such procedural rules would be a matter for this Parliament as a whole to approve.

I am sorry that questions and answers were so long today. We now turn, rather late, to the minister's statement on freedom of information.

Freedom of Information

15:21

The Deputy First Minister and Minister for Justice (Mr Jim Wallace): I shall make a statement on the publication today of the Executive's consultation document on freedom of information, "An Open Scotland". Copies are being made available to members through the document supply centre. The document is being distributed widely throughout civic Scotland and will be available this afternoon on the Scottish Executive website.

The publication of our proposals fulfils our commitment to consult widely this autumn. I made that commitment in a statement to this Parliament on the subject in June, and it is in the Executive's programme for government.

As members will appreciate, freedom of information is a subject in which I have taken a considerable personal interest over many years. I am, therefore, delighted to announce the publication of the document. In June, I said that Scotland has an opportunity to adopt a distinctive approach to openness, and to create its own freedom of information regime that will be appropriate to a modern and open Government. The proposals that are contained in "An Open Scotland" can leave no doubt that the Executive is serious in its commitment to introduce an effective freedom of information regime for Scotland.

Effective openness leads to better scrutiny, better scrutiny leads to better Government, and better Government leads to an increased public confidence in decisions that are made which affect people's lives. By making information more widely available, we empower people; we do not weaken Government.

Taken together, the document's proposals tip the scales decisively in favour of openness and build on the presumption of openness that underpins the non-statutory code of practice under which the Executive operates. That is made clear by the powerful role that we propose for an independent Scottish information commissioner and our intention that Scottish public bodies will be able to withhold information only if its disclosure would cause substantial prejudice or would not be in the public interest.

At the heart of all freedom of information regimes is a balance between rights of access and the protection of sensitive information. I believe that we have struck the right balance. As I promised in June, I have driven forward the work on developing our proposals for consultation. This document represents the result of a great deal of

hard work in a relatively short time.

The consultation document contains several clear proposals and identifies areas in which comment on particular options is being sought or in which further work is required. Comment would be welcomed on all aspects of freedom of information. The consultation period will be open until 15 March 2000, and I look forward to receiving the views of the Justice and Home Affairs Committee.

It may help Parliament if I draw attention to a selection of our key proposals. The freedom of information legislation will provide, for the first time, a statutory right of access to information. The coverage of the scheme will be wide and will include all Scottish public authorities and service providers, such as schools, NHS Scotland and the police, as well as Executive departments and agencies.

There will be a harm test of substantial prejudice. That means that, for a public body to withhold certain information, it would have to conclude that disclosure would result in prejudice that is real, actual and of significant substance. Even if it is considered that disclosure would result in substantial prejudice, the information would still be released if it was in the public interest to do so.

A central component of the scheme will be an independent Scottish information commissioner. There has been much discussion on the powers that such a commissioner should have: power to recommend disclosure or power to order disclosure. Let me make it clear that the Scottish information commissioner will have the power to order disclosure of information. [MEMBERS: "Hear, hear."] He or she will also be empowered to adjust charges and to resolve disputes by mediation, and will have a right of access to documents.

There will be a continued commitment to a culture of greater openness in the public sector, in which the Scottish information commissioner will play a key role.

Exemptions are a feature of statutory freedom of information schemes around the world. In most cases, we have taken as our starting point those exemptions set out in the code of practice. Such an approach offers a degree of continuity.

In areas in which it is considered essential to ensure close cross-border co-operation, such as law enforcement and legal proceedings, we propose that the exemptions in the Scottish regime should be compatible with the relevant provisions in the UK freedom of information legislation. That is, in part, to do with the unique position of the Crown Office as the sole prosecuting authority of Scotland. Cases are reported to the Crown Office by UK departments and agencies such as Customs and Excise and

the Health and Safety Executive. The document sets out in further detail the strong practical arguments for that approach.

I have mentioned the Scottish information commissioner, who will have the power to order the disclosure of information in the public interest. The commissioner would play a key role not only in forcing the statutory freedom of information regime, but also, critically, in promoting freedom of information and openness in general.

The commissioner's power to order disclosure will apply to all requests. In very limited and clearly specified circumstances, however, the Scottish ministers could issue a certificate withholding information of exceptional sensitivity. That is not a step that would be taken lightly, nor would it be taken by an individual minister; it would require a collective cabinet decision. That approach is found in other freedom of information regimes and, in keeping with overseas experience, we envisage that it would be a rare event for the Scottish ministers to exercise that prerogative.

These are distinctive Scottish proposals but, where it has made sense to do so, we have had regard to the proposed UK scheme. I have discussed our approach with the Home Secretary, who has been constructive throughout. That the two Administrations are taking different approaches to this important subject demonstrates devolution at work.

In June, I said that effective freedom of information and openness is about culture as much as it is about legislation. The consultation document therefore devotes a chapter to the ways in which we propose to foster and maintain an appropriate culture of openness throughout Scottish public authorities. That is an important aspect of our proposals.

The package of proposals set out in "An Open Scotland" would deliver for Scotland: a real difference to the way in which information is made available to the people; increased openness in the working of Government; better scrutiny of Government; in short, better Government.

The consultation proposals represent the partnership in action and the Executive delivering on its commitments. I look forward to receiving comments on our proposals and to working with members of this Parliament and others as we move towards delivering Scotland's distinctive freedom of information act.

The Presiding Officer (Sir David Steel): I thank the minister for taking less than the allotted time for his speech.

I have had some problems with the computer system but I have now cleared the screens, so I invite those who want to ask questions to press

their buttons now.

Roseanna Cunningham (Perth) (SNP): I shall preface my remarks by saying something with my convener's hat on. It occurs to me that the Justice and Home Affairs Committee will probably now have to meet on both Christmas day and new year's day to cope with the work load that is coming our way. *[Laughter.]*

In general, I welcome the move towards a freedom of information act in Scotland. I very much welcome the presumption of access and the inclusion of the public interest element of disclosure, which I believe is very important. I also welcome the Scottish information commissioner's right to order disclosure, although I would like the minister to define what he means by "a rare event" when he talks about the possibility of the Cabinet deciding collectively to override that order. A number of us have experience of how frequently a rare event can take place in practice and I would like some reassurance about that.

The minister will be aware that not one but two freedom of information regimes will apply in Scotland because of the difference between the one that we will have here and the UK one. Does the Minister for Justice agree that there may be serious future difficulties, given Westminster's insistence on continuing to legislate on devolved areas? Will he indicate which regime will apply in situations such as the Home Office Asylum and Immigration Bill, which is a controversial example of mixed legislation?

Mr Wallace: I thank Ms Cunningham for her broad welcome of the proposals and apologise that they mean yet more work for her committee. She asked, how rare is a rare event? In regimes where similar arrangements apply, I understand that overriding the information commissioner's request is a rare event. You can imagine the political situation that would arise if the commissioner requested disclosure in the public interest and the cabinet decided collectively to override that. It is not the sort of thing that would be slipped out in a written answer just before a recess. I suspect that the Parliament would want to call ministers to account in such a case.

The circumstances in which that would apply are set out in annexe C of "An Open Scotland". They include: "Information received in confidence from foreign governments, foreign courts or international organisations"; class-based exemptions under "Internal discussion and advice" and under "Law enforcement and legal proceedings"; aspects of information relating to "Public employment, public appointments and honours"; and class-based exemptions under "Information given in confidence". It is a narrow range but one that allows us to strike the right balance and the commissioner to make an order

rather than a recommendation.

Ms Cunningham also asked about the operation of two regimes. That was anticipated in the devolution settlement in that this Parliament was given the power to make arrangements for freedom of information with respect to the bodies for which we have responsibility. The scheme does not apply to particular pieces of legislation but to the departments that are responsible for holding the information, so if it was an immigration matter that would be likely to go to the Home Office and therefore would be subject to the UK bill, or if it was to do with social security, that would be the UK department as well. If documents relating to reserved subjects are in the hands of the Scottish Executive they would be subject to the Scottish freedom of information regime, with the important proviso that we would not have the power to disclose documents that are the property of UK departments and marked "In confidence" and the application would go to the originating UK department.

David McLetchie (Lothians) (Con): I have a number of questions on the Deputy First Minister's statement and the principles of the proposed legislation. Why is it necessary? Is the minister aware of the code of practice established in 1994, updated in 1997 and updated again by his Administration—a code of practice that is recognised by freedom of information campaigners such as Maurice Frankel as stronger and more effective than the legislation proposed by the Home Secretary, Jack Straw?

What is stopping the Scottish Executive publishing anything it wants to without such legislation? Will the Deputy First Minister give us an example of information that it will publish in the future that is at present suppressed by the Executive?

As the Deputy First Minister said in his statement, the real test of freedom of information legislation lies not in the principle but in the exemptions, because if they are too widely drawn, the principle is undermined and not worth the paper it is written on. I ask him to comment on two examples that have come before the Parliament. There was considerable controversy about the decision by his colleague the Minister for Health and Community Care on the location of the paediatric cardiac surgery unit, and many people called for the information that informed that decision to be published. Will such information be available under the new regime, or will it be covered by an exemption?

Secondly, a more recent example is that members of the Education, Culture and Sport Committee asked a number of questions of the Deputy Minister for Culture and Sport, Rhona Brankin, on the financial problems involving

Scottish Opera and the Hampden project. That information was withheld from committee members. Can the Deputy First Minister tell us whether, under his freedom of information legislation, that information would be made available to the committee, or would it be covered by an exemption?

Those matters are fundamental to the effectiveness of the regime. I should be grateful for the Deputy First Minister's comments.

Mr Wallace: I am grateful for the questions.

Mr McLetchie's first question was, "Why is the bill necessary at all?" and then he proceeded to give good reasons—probably unwittingly—as to why it is. He mentioned the possibility of exemptions being widely drawn. In fact, we have tried to make the exemptions very specific; one can have relatively few exemptions if they are very widely drawn, but that can weaken the freedom of information regime. That is why we have tried to make the exemptions precise.

Mr McLetchie referred to two particular cases. On the siting of the paediatric cardiac surgery unit, he will recall that when he asked about that at open question time on 30 September, I responded that the information that he was seeking fell under the category of advice. That would be one of the exemptions, but—and it is an important but—we are proposing in the consultation document that the Executive's word would not be final. If the regime were in force, Mr McLetchie would have recourse to an appeal to the commissioner; likewise with regard to questions relating to Scottish Opera. In some cases, if the exemption is content-based, a substantial prejudice test will apply, and if it is a class-based exemption, public interest will be the determining factor.

Under the code of conduct that Mr McLetchie seems to think we should cling to, there would be no statutory right to access to information and the commissioner would not have the power, at the end of the day, to order disclosure if he or she considered that it was in the public interest to do so. That is a significant difference from what we propose. We are trying to ensure that there is a statutory right.

I accept Mr McLetchie's point: there are many things for which we do not need statutes, and as a clear indication of that, following the publication of the code in June, I wrote to all public bodies for which this Parliament has responsibility, encouraging them to adopt an approach of openness. As the First Minister indicated in open questions earlier, the information that was made available to the Justice and Home Affairs Committee by the Scottish Prison Service on the restructuring of the prisons estate was the kind of information that I do not believe would have been

made available in other places or in times past. However, the SPS believed that the information would assist the committee in its deliberations and therefore should be made available to it.

Euan Robson (Roxburgh and Berwickshire)

(LD): I welcome the minister's statement on the incorporation of this long-standing Liberal Democrat policy into law. Can he give examples of overarching public interest that might lead to the release of information that nevertheless has passed the harm test of substantial prejudice? When he mentions executive agencies and the coverage of the bill, does he intend to include Scottish Enterprise and local enterprise companies?

Mr Wallace: I am not sure whether, when referring to overarching, Mr Robson meant the ministerial certificate of exemption. I cannot think of any examples in practice when what he suggests would happen. It is important to say that when the Cabinet considered the matter, we did not have any particular examples in mind.

I am sure that there will be occasions when—if Mr Robson is considering a lesser test—the test of substantial prejudice could be met, but nevertheless it may be felt that, in the public interest, the information should still be disclosed. It is invidious to start giving examples, because no doubt such matters will have to be considered one by one. The point is that even if a public authority or ministers refuse an application, appeal to the commissioner will be available.

With regard to Scottish Enterprise, in annexe A of the document there is a lengthy illustrative list of the bodies that are covered by it. Although Scottish Enterprise does not immediately leap out at me, I am certain that it is there.

Mr John McAllion (Dundee East) (Lab): I also welcome the new spirit of openness and disclosure. I look forward to the day when the words "the honest politician" are not met with incredulous laughter among the public.

In that spirit, I ask the Deputy First Minister whether the powers of the new commissioner will include the power to order the Lord Advocate and the Crown Office to explain the reasons why they did not prosecute in certain cases. Will they include the power to require the Crown Office to make available forensic and other evidence, including police reports, on accidents and criminal incidents?

Mr Wallace: As I indicated in my earlier remarks, Crown Office prosecution of crime is examined in our consultation document.

With regard to the Lord Advocate's position, as the head of the prosecution service in Scotland, that is excluded under the Scotland Act 1998. The

independence of the Lord Advocate from the actings of the Executive is written into the act. In terms of the foundation act of this Parliament, it is not possible to bring him within the ambit of the legislation.

Matters relating to fatal accident inquiries and police investigations are in the exempt categories. As I explained, even if there was a refusal to give a piece of information which was under the exempt categories, it would still be open to the person who was seeking that information to apply to the commissioner.

Michael Matheson (Central Scotland) (SNP): I am sure that the Deputy First Minister is aware of Kevin Murphy's visit to Scotland last week. He is the information commissioner for Ireland, who is responsible for the Freedom of Information Act there. He made specific reference, when he was here, to the experience in Canada, which has had a freedom of information act for about 16 years. The greatest difficulty that the Canadians have experienced has been breaking down the culture of secrecy within public services.

What action will the minister take to break down the culture of secrecy, which often exists within public services?

Mr Wallace: I welcome that question, because it gives me an opportunity, again, to indicate clearly that I expect ministers and public authorities, which are answerable to this Parliament, to operate a culture of openness. I accept that the culture will not change overnight. However, we have given the lead, as a robust and far-reaching freedom of information regime will be put on the statute book. I hope that public bodies will get the clear signal that the Executive and the Parliament expect as much openness as is consistent with the proper discharge of their duties and subject to the exemptions that might apply.

Mr Murray Tosh (South of Scotland) (Con): I welcome the Deputy First Minister's statement on the inclusion of Scottish Enterprise and LECs in the new regime.

I will ask the minister specifically about a consultancy report, which was prepared through Scottish Enterprise for the Scottish Executive, on the proposed M74 link in Glasgow. That is a matter of great interest, and there have been regular calls for that consultancy report to be released. I understand that the consultants and Scottish Enterprise are willing to release the report; the resistance has come from the Scottish Executive. Will his guidance given in July, or his proposed new framework, allow that document to be released to parties that are interested in it?

Mr Wallace: I cannot comment on that matter, as I do not know any of the detail of the background to it. An application can be made

under the current code, and if the applicants remain dissatisfied, they can take the matter to the current commissioner. We would propose that under the act, in line with the consultation document, if there was continuing opposition to disclosure by the public authority and the commissioner found either that the substantial prejudice test was not met, or that it was met but it was in the public interest to disclose the information, he or she would be able to order that disclosure. That is why Mr McLetchie is wrong when he says that we do not need such an information regime.

Tommy Sheridan (Glasgow) (SSP): Like previous speakers, I welcome the statement, which is in contrast to Jack Straw's backward and illiberal proposals.

Will the minister respond to a couple of points? First, will he indicate whether he intends to accept the recommendation of the Macpherson inquiry that all activities of the police, not just the administrative functions, should be open to public scrutiny? A number of individuals have sought guidelines on the use of CS spray, for example, and have been told that because it is an operational matter, they are not entitled to that information. It is difficult to prove that CS spray has not been used properly if the guidelines for its use are not published.

Secondly, can the minister confirm that there will be no gagging order as a condition for the release of information—in other words, that public bodies will not be able to make the release of information conditional on its not being used publicly or in any other way?

Thirdly, the powers of the Scottish commissioner sound great, but I was rather upset by what the minister said about the varying of charges. Does that mean that the Executive intends to impose a general charge across the board? If it became difficult for individuals to get information because of prohibitive charges, that would be inconsistent with a genuine freedom of information act.

My final point relates to response times. The minister referred to overseas experience, and he will be aware that in places such as New Zealand and America, the response time is 20 days. There was talk of the response time here being 40 days, which is not the practice in any other country. Can he give an indication of what the response time will be?

Mr Wallace: I can indicate to Mr Sheridan that the expected response time would be 20 days. If it were not possible to collate the information within 20 days, the applicant would be expected to be informed of that within 20 days.

I can assure Mr Sheridan that no gagging order will be placed on the release of information. When

information has been released, it will be up to the person or body that receives it to do what they want with it.

Mr Sheridan's question about the police and the Macpherson report into the Stephen Lawrence case is very important. Again, we have sought to strike the right balance in that area. Information held by the police will be covered by the freedom of information regime, with a combination of class-based and content-based exemptions. When a matter is content-based, it will be subject to the harm test of substantial prejudice for withholding information. The inquiry report recommendation was that all information should be subject to a harm test. We do not believe that that would be the best way of handling information that related to sensitive criminal prosecutions. However, I can reassure Mr Sheridan that public authorities would be required to consider the public interest in disclosure. In any event, an appeal against non-disclosure could be submitted to the Scottish information commissioner.

Mr Sheridan also asked an important question about charging. That matter is addressed in one section of the consultation paper, which puts forward a number of options. I share the member's view that we do not want to nullify access to information by putting prohibitive charges on it. At present, if the cost of gathering information is less than £100, it is provided free. People have to pay if the cost is more than £100—if it was £150, for example, they would pay £50. That is one of the options set out in the paper. We would welcome informed and constructive comment on that during the consultation period.

The Deputy Presiding Officer (Mr George Reid): That concludes questions on the statement on freedom of information.

Kay Ullrich (West of Scotland) (SNP): On a point of order, Presiding Officer. I must draw your attention to the fact that yesterday the contents of the statement that is about to be made on a strategy for carers were released to the press. I first learned of that yesterday afternoon, when I was called by a journalist who asked me to comment on something that I had not had the opportunity of seeing. This is becoming an intolerable situation.

The Deputy Presiding Officer: Thank you for that point of order. Because I am not au fait with all the details of the situation, I can only refer back to what the Presiding Officer said previously: that we are all on a learning curve, that he did not want to be unduly censorious, and that this is a matter of good practice and of observing the founding principles of the Parliament. I will have investigations and discussions initiated and get back to the member.

Carers Strategy

The Deputy Presiding Officer (Mr George Reid): The next item of business is a debate on motion S1M-317, in the name of Iain Gray, on the Executive's commitment to the introduction of a carers strategy, and an amendment to that motion.

15:50

The Deputy Minister for Community Care (Iain Gray): I welcome to the public gallery carers who have travelled from all over Scotland to be here today. Given the caring responsibilities that they have, that represents a considerable effort.

In a sense, we are in the presence of 500,000 Scots who look after sick, disabled, vulnerable or frail relatives or friends. Some have done so for many years; others will have, suddenly and shockingly, found themselves in the situation as a result of accident or diagnosis.

The Scottish Executive's programme for government committed us to producing a strategy for carers in Scotland. The strategy document was issued by way of a parliamentary question yesterday, so that members of the Parliament would receive it before anyone else.

The first ministerial engagement that I undertook was a carers event. I promised then to bring their concerns to the chamber. I have met many carers and have learned from them something of what caring means. It has been a sometimes searing experience. Carers will speak passionately about the difference that services have made, but they will not mince their words about the struggle to provide care for loved ones, sometimes with little support and in isolation.

Before drawing up our proposals, we discussed priorities with carers organisations in Scotland, notably the Carers National Association, the coalition of carers in Scotland, Crossroads Scotland, the Princess Royal Trust for Carers and Shared Care Scotland. I want to put on record an acknowledgement of my gratitude for their help. Together, we identified four main areas for action.

The first priority of carers is that respite services should be of a better quality, more readily available and more flexible, as those services allow them to take a break with confidence and without guilt. We have therefore told the Convention of Scottish Local Authorities that we expect the resources spent on those services to double.

We are identifying £10 million of grant-aided expenditure for 2000-01 specifically for carers services and respite care. That doubles the £5 million that is already notionally allocated for such

services in the GAE system. We have already announced that the total GAE for social services will increase by £40 million next year, and it is from those resources that the additional £5 million will be found.

Every local authority on Scotland will receive its share of the £10 million, and local carers groups will be advised of the resources that are available to their authority for developing new services and enhancing existing ones.

Local authorities must consult local carers organisations on spending plans for those resources. We will encourage imaginative and innovative services that meet carers' needs. We expect authorities to take into account the needs of carers from ethnic minority and rural communities and those who care for someone with a learning disability.

Carers want a consistent standard of service across Scotland. We have already set up a national care standards committee to agree national standards for residential care, day care and home care services. National standards for residential respite care will be introduced in 2000 and for home-based care in 2001.

Carers are represented on the working groups already set up to discuss standards across the services and will be included in the groups that will discuss the proposals as they emerge.

It is widely believed that new carers legislation is required. I agree. I am determined to get it right and not to rush it. I have therefore decided to set up a carers legislation working group by the end of this year, on which representatives of the Scottish Executive, service users and carers, carers organisations and local authorities will work together to draw up legislative proposals for public consultation next year. Those proposals will consider the rights of carers—and users—to a direct assessment of their needs. In particular, we want and expect the legislation to enable carers under 16 to have, for the first time, a direct assessment of their needs.

All carers want more information. We can have as many services as we wish and services of the highest quality, but if carers do not know that they are there and how to access them, they are of no use. Too often, services are stumbled across almost by accident. It is no coincidence that the excellent carers centre in Perth is called Gateway. The handbook of the services that it helps carers to access includes many such services, but in the Gateway centre, carers will say that it is often an accidental meeting with someone from the centre that allows them to begin to access the services that already exist.

We must increase and open up such gateways to services. All agencies and professionals in the

caring professions have a role to play. Working with the Carers National Association training unit that the Scottish Executive funds, we will take the needs of carers into account in future training of general practitioners, primary care teams and social workers. The next planning and priorities guidelines for the national health service will require health boards and trusts to recognise carers' needs.

In spring 2000, the Scottish NHS helpline will be extended to include information on services for carers. When NHS Direct is brought on stream in Scotland, it will be extended to include social care and carers advice, as well as medical advice. Early in the new year, we will launch a leaflet and local media campaign to publicise the carers strategy and services for carers.

Too many carers remain hidden completely—the 500,000 figure that I used is a notional one. We do not know how many carers there are. It is our intention that the census in 2001 should be the first one to include a question on carers, seeking information on the time that people spend on unpaid caring. We will consider extending the Princess Royal Trust for Carers pilot project to identify hidden carers and examine the potential use of GP databases to identify and include information on carers.

The four priorities are respite, standards, legislation and information. Priorities are all very well, but carers are concerned—and have expressed that concern to me—that the impact of the strategy should be monitored. Therefore, from April 2000, local authorities will be required to report in detail on the use of the resources allocated to them for carers and respite services through community care plans and annual updates. Further, in future we will require those plans to be accompanied by a letter from local carers groups, confirming that they have been consulted in the planning and development of services and that they are satisfied that their authority's share of the £10 million has been used appropriately.

In addition, we have tasked the Scottish Executive's community care implementation unit to review practice in involving carers in service planning and provision. The unit will identify and promote good practice, and—importantly—will report to me on any barriers to the development of good-quality services for carers.

Further, carers' needs will in future be included as part of the existing statutory performance indicators and assessments currently required of local authorities by the Accounts Commission. I have asked that the new, national data set that is being devised by the Scottish Executive, COSLA and the Accounts Commission to monitor social care on a national basis should include information

on carers assessments and respite care.

I mentioned young carers in the context of legislation, but they are a particularly disadvantaged group, whose specific needs we must address further. In Dundee, we are providing £210,000 over the next three years to a project aimed at identifying and supporting young carers. I have asked my officials to work up proposals for research on the support that is available to young carers in Scotland and the guidance that is needed for professionals in health education and social care. In the meantime, we will make available to directors of education a young carers pack, which I expect to inform the work that is currently undertaken by guidance teachers.

It would be wrong to conclude without acknowledging the contribution that carers make. We could not deliver community care without them. They care unpaid, unsung and unwaveringly. The package is a significant step towards addressing their needs, but it is only a step.

Some people will try to calculate how much the contribution of carers is worth in cash terms, but that misses the point. Carers care because they want to, and because they love the people for whom they care. We cannot put a price on something that is priceless, or a value on what is invaluable.

Caring is what holds our society together. It is the practical, most powerful, profoundest solidarity between husband and wife, parent and child, friend and neighbour. It touches us all. Like most people, when I think of carers, I think first of my mother caring for her father, my aunt and uncle for my cousin, and my friend for his son.

We all know carers. Today, we place them at the centre of our Parliament and at the heart of Scotland. They will never go away. Whoever stands here can never ignore their needs again. I move the motion on their behalf.

I move,

That the Parliament welcomes the Executive's commitment in its Programme for Government to introduce a Carers' Strategy for Scotland to assist unpaid carers, and approves the Executive's proposals for that strategy.

The Deputy Presiding Officer: I can now give an interim answer to the point of order that was raised by Kay Ullrich. I understand that the parliamentary question was asked by Lewis Macdonald on Tuesday 23 November and was answered by Iain Gray yesterday. We are looking at ways and means of improving the flow of information in that area.

I call Kay Ullrich to speak to and move amendment S1M-317.1

16:02

Kay Ullrich (West of Scotland) (SNP): I welcome the sentiments that the minister has expressed. I am sure that carers across Scotland will join me in regarding this as a first step in the long-overdue recognition of the role played by carers in society.

For far too long, the needs of carers and those for whom they care have been largely ignored by the Government and given a low priority in terms of local authority support and services. Scotland's half a million carers provide by far the larger share of both health and community care services and save the national health service and local authorities more than £3.4 billion every year. Of course—and perhaps most important—most people prefer to be cared for by their family and in their own home.

As things stand, 60 per cent of carers get no practical help from any of the service providers. That may be due in part to the fact that many individuals and families do not recognise themselves as carers. Many, particularly women, simply see caring for disabled or elderly members of their family as their duty.

I was a carer until very recently. Women have rightly always been regarded as the main carers for children, but for too long there has been very little recognition of the fact that, for many women, the caring role does not stop when the children leave home. That is very often just the time when they have to start caring for elderly or disabled relatives.

Many have to give up their employment; many more have to juggle a career with their role as carer. That is why I ask the minister to address in his summing up the fact that the tax and benefits system penalises working carers. For example, if a carer's earnings are more than £50 a week, even though they spend every hour outside the working day caring for their relative, they are not entitled to invalid care allowance. If they give up their work to care for somebody on a 24-hour basis, they will be better off than if they were on income support by the grand sum of £13.95.

Will the minister address the fact that invalid care allowance is not paid to people over 65? As my colleague Dorothy-Grace Elder will point out, many carers are pensioners themselves. Of course, benefits are a reserved matter, but I would find it impossible to talk about support for carers without addressing the issue of benefits. Will the minister make representations to the Labour Government at Westminster regarding that problem?

I would also ask the minister to consider a national benefits take-up campaign to ensure that Scotland's carers receive the benefits to which

they are entitled. I welcome the announcement of the diversion of £5 million for Scotland's carers, which is to be added to the £5 million that is already earmarked from local authority funding. However, I must say that I am disappointed that this is not new, additional money, but money that will have to come from cash-strapped local authority budgets.

I will put the figures into perspective. Even if all the money reaches carers, £10 million works out at 38p per carer per week. When we consider that meals on wheels cost more than £1 per day, a home help costs £8 per hour, and a week's residential respite care costs £350, it is clear that Scotland's carers will still face huge problems. That is on top of the fact that the Labour Government has cut spending on community care by 12 per cent.

Until such time as the continued underfunding of local authorities is rectified, initiatives such as the one announced today—good though it is—will have, at best, limited success. Local authorities will continue to rob Peter to pay Paul. Unfortunately, that is often achieved by dipping into the community care budget.

I will take the current situation in Glasgow as an example. There are proposals to cut £3 million from services to elderly people, resulting in the loss of 150 home helps and the denial of that service to 219 people. That puts today's announcement into perspective.

"Caring for Carers", the national strategy for carers, refers to the need to take account of the recommendations made by the Royal Commission on Long-term Care chaired by Sir Stewart Sutherland. As we all know, it is fast becoming the report that dare not speak its name. Sutherland highlights the needs of carers and makes some simple recommendations that would go a long way to improve the situation, such as the application by local authorities of carer-blind assessments so that the existence of a carer is not the reason for services being withheld or, indeed, withdrawn.

Sutherland also highlighted the fact that a three-month disregard on the value of elderly people's homes and savings would not only have an impact on the so-called bedblocking crisis, but would allow time for rehabilitation and proper assessment of needs to allow many more of our elderly people to be cared for in their own homes, after a stay in hospital.

As we have already found, the Executive's rhetoric does not quite match the reality. Despite today's announcement, the reality is that local government funding in the first three years of the Labour Government is £2.4 billion less than it was in the last three years of the Tory Administration. It is essential that the Scottish Parliament ensures

that support for carers is a key part of our social policy for Scotland in the new millennium.

As I said, I welcome today's announcement as a first step and as recognition of our debt to Scotland's carers. However, until such time as the tax and benefits system reflects carers' needs and local authorities are adequately funded to provide essential services, the needs of Scotland's carers will never be truly met.

I move amendment S1M-317.1, to leave out from "to assist" to end and insert:

"and calls upon it to provide local authorities with the necessary funding to deliver the services required by Scotland's unpaid carers."

16:10

Bill Aitken (Glasgow) (Con): We welcome today's motion. I congratulate the minister and Kay Ullrich on their contributions to an evocative and important matter.

The minister is also to be congratulated on being quite honest. He has not tried to claim that he is putting a great deal more money in. He is talking about £5 million. If we bear in mind my comments about hype over the past few days, the minister's speech made a refreshing change.

The Administration is to be congratulated on making constructive proposals. We shall await with interest—and perhaps increasing cynicism—the final proposals. However, at this stage, there seems to be consensus, which is to be encouraged.

I am grateful to have this opportunity to pay my own tribute, and the tributes of the Conservative party, to carers. They are an army of unsung heroes whose efforts go largely unrecognised—and certainly unrewarded. Parliament has a clear duty to do everything possible to recognise and reward—albeit in a detached but realistic way—the efforts that many people throughout the country make to assist those who are less fortunate.

What is the profile of a carer? As Kay Ullrich quite properly said, carers are usually women. Perhaps, Kay, it is because women live longer than men that, most of the time, they get the heavy end of the load. Women's contribution towards caring is certainly significant.

I note that the minister has undertaken to ask, in the next census, the appropriate questions to get a clearer profile of carers. The general household survey gives some interesting figures, and I commend it to him. In particular, it draws attention to the number of young people under the age of 16 who are actively involved in caring. Something like half a million people in Scotland are involved in caring, and 5,000 of them are under 16. To

them in particular we owe a real debt.

How can we make matters better? Ultimately, more resources are the answer, but—this is perhaps where I part company with Kay Ullrich and the amendment she moved—we have to recognise that local government's contribution over the past few years has not been especially significant. As I am sure Susan Deacon will accept, bedblocking is a problem. If local government had been providing appropriate community care services, we would not have arrived at the present situation—more than 1,700 patients confined in hospital who could be receiving care out in the community, where they would be very much happier and able to contribute to wider society.

How can we extend the body of carers? In most cases, carers are relatives; in other cases, they are—as Iain Gray said—close personal friends. But is a carer not also someone who works for charity, or who is a member of a church or voluntary organisation, and who gives of his or her time in order to assist? Should we not be examining—as Kay Ullrich suggests—our taxation system so that we can help people to make that contribution to caring, and perhaps encourage more people to do so?

It is not, of course, a question only of finance. Iain Gray dealt with that point. I would, however, like to mention one statistic that I think is worth noting. If we paid the 500,000 people who contribute towards caring a nominal amount of £40 a week, the bill would work out at £1 billion a year, which measures up almost exactly to the social work budget for the current financial year. Perhaps that point should be recognised and accepted.

Thought should also be given to people who make their contribution in the more inaccessible rural parts of Scotland. Surely we should consider extending the rebate on fuel duty to community transport schemes. That would have a marked effect on people in those areas.

Mr Duncan Hamilton (Highlands and Islands) (SNP): Mr Aitken says that the matter is not a question of finance and goes on to highlight the shortcomings in local government and the need to plough more money into rural and remote communities, with which we all agree. How is that anything but a question of finance?

Bill Aitken: Of course it is a question of finance, but it is also a question of enabling the people who might be on the periphery of making a contribution to do so.

I do not want to spoil the consensus on this matter. We recognise that there is a lot to do and that the Executive's proposals are worthy of support.

16:15

Robert Brown (Glasgow) (LD): On behalf of the Liberal Democrats, I join in the plaudits to the deputy minister, who has produced a good paper and brought it before the chamber in an understated but effective fashion.

The extent and impact of caring in Scotland is one of our best-kept secrets. The dependency of wheelchair users is visible, as is the existence of a physically handicapped child in the family, but when I visit homes in various capacities and talk to people, I am constantly struck by how many families are touched by the presence of a dependent relative for whom the family members have some responsibility. My impression is that 20 per cent of families might be in that position, which is perhaps right as the estimated number of direct carers is about 13 per cent of adult Scots.

There is an immense burden on people who care. About half of them have provided care for more than five years. Many have to deal with administering medicine or injections and most receive no visit from professionals or volunteers. Even worse, only 6 per cent of known young carers have been assessed under the Children (Scotland) Act 1995, notwithstanding the fact that more than a third of young carers at secondary schools either miss lessons or have educational difficulties.

There is clearly—and rightly—no party divide in the chamber over the imperative need drastically to improve the support and help given to carers. I welcome both the commitment to properly developed legislation on the direct right of access to services and the careful consultation through the carers legislation working group.

The partnership Executive should be warmly congratulated on the extra £5 million that has been made available to carers services this year and its pledge to allocate more funding in the future if it is needed. However, no consideration of this area can avoid concern at the UK Government's long delay in responding to the Sutherland commission. The briefing document from the Carers National Association Scotland states:

"However, we believe that the lack of resolution on the issue of who pays for care will continue to undermine strategic effectiveness."

Members have already touched on the other area of concern, which is the continued loading of local authorities with new duties while there is a year-by-year failure even to fund pay rises. No wonder there are concerns that care money is not ring-fenced.

The answer to that problem is not a further restriction on local authority discretion. Nor is it the Scottish Executive's nannyish requirement to make councils supply community care plans with a

coupon from local carers groups confirming their satisfaction that the council has used its share of the £10 million appropriately. The answer is adequate funding of properly elected and accountable local authorities. To do that, we need to prise the Chancellor of the Exchequer's mitts off his multi-billion-pound war chest. Unless statutory duties are linked with appropriate funding, proper services to carers and other groups will remain a noble aspiration. Although the strategy outlined today is good and worth while, it must be backed by real new money if it is to succeed in the long term.

I also have concerns about young carers, to whom the deputy minister rightly gave considerable attention. They must be the priority in the general area of carers. Young people's life prospects have been severely damaged by early and heavy responsibilities of this kind. There is a need to assess young carers and for information, but this major problem needs to be addressed urgently. I am happy with the deputy minister's assurances that he will develop further research in this area.

There are many good things in the strategy, not least the involvement of carers in its development. It is a healthy skeleton. I hope that the minister will be able to tell us whether his discussions with UK ministers give us hope of putting flesh on the bones, not least through implementation of the Sutherland report.

Scotland prides itself on being a caring society. The document is excellent, but it is a beginning, not an end. I look forward, therefore, to further development of the strategy by the minister.

The Deputy Presiding Officer: A number of members want to speak in this afternoon's debate. I ask members to keep their speeches as close as possible to four minutes.

16:20

Karen Whitefield (Airdrie and Shotts) (Lab): I welcome today's debate. It is essential that our discussion of this issue is informed and constructive. We must move the carers agenda forward.

The Scottish Executive has placed carers high on the political agenda, as is evidenced by their inclusion in the programme for government and by the commitment to provide an additional £5 million for carers.

Elaine Smith (Coatbridge and Chryston) (Lab): Does the member for Airdrie and Shotts agree that the doubled allocation of resources for the provision of carers services, including respite care, displays the Executive's commitment to carers issues? Will she further acknowledge that

the announcement of the requirement to consult carers groups in developing local service plans and to seek confirmation from those groups that resources have been spent appropriately will ensure that the Executive's strategy is delivered at local level?

Karen Whitefield: Yes, I agree.

It is especially important that priority has been given to young carers. It is estimated that there are around 5,000 young carers in Scotland, a third of whom care for an adult with a mental illness. Young carers face many pressures and problems, including poor physical health and injury, lack of time for recreational and peer-centred activities and conflicts between caring responsibilities and schooling. Schools must be one of the key points of contact between young carers and support services. With that in mind, I encourage all Scottish schools to use the young carers pack produced by the Carers National Association.

I recently had the pleasure of hosting a briefing session presented by young carers from across Scotland. The briefing, which was co-ordinated by some of the major Scottish carers organisations, was well attended by members from all parties. All those who attended were touched by the stories that the young carers had to tell. It is important that young carers have a voice; only by listening to them can we provide the support structures that are needed.

One young carer, Jamie from Edinburgh, told her story. She said:

"I have been a young carer since I was six years old, I am now seventeen. Because of all the time I spent caring for my mum I didn't have much time to myself. I didn't go out to play . . . I felt like I had to be with my mum all the time.

When I was at primary school I found it very difficult to mix with other children . . . I didn't think they would talk to me, all I could think about was being bullied . . . Nobody at school ever asked if I had any problems at home.

Just before my exams I got involved with the Edinburgh Young Carers Project . . . When I started talking about things I felt great . . . I think that it is important for every young carer to receive some kind of support."

I, too, believe that it is important for every young carer to receive support. Current Scottish legislation is flawed. Young carers under the age of 16 do not have a statutory right to request assessment. I welcome the Executive's recognition of that problem and its commitment to draw up legislative proposals as soon as possible to extend the Carers (Recognition and Services) Act 1995.

Carers organisations recognise the need to proceed carefully and methodically. The carers legislation working group will include representatives of service users and carers groups and will ensure the production of well-drafted

legislation.

It is important that we acknowledge the valuable services that young carers provide and highlight the range of issues that impact on them. I welcome the measures detailed in the strategy for carers in Scotland. We have a long way to go, but thanks to the Scottish Executive we have at last embarked on that journey.

16:25

Fiona McLeod (West of Scotland) (SNP): I, too, welcome the fact that we have highlighted young carers today and I wish to confine my remarks to that subject.

I am glad that young carers are being recognised, but I am sad that we have to recognise their existence. Many of them are not carers through choice, but because the burden lands on them. That said, we have to examine some specific areas of the strategy for young carers.

We have to consider the right to assessment. A commitment to a working group, which includes public consultation in 2000 but which does not rush into legislation, will not help current young carers with their problems. The right to assessment for young carers could be brought forward now, with an interim change to the guidance issued by the Scottish Executive.

The Age of Legal Capacity (Scotland) Act 1991 contains a general understanding about children aged 12 and over. We could issue guidance under that general understanding rule so that, from the age of 12, young carers could ask for an immediate assessment. I ask the Executive to examine that possibility in the interim.

We also have to consider local authorities' children's service plans and ensure that, at every stage, the needs of the young carers are taken into account. That includes their education and, for those in employment, the right to take time off. We have to examine how young carers go through their education—they are taking time off it now because of their caring duties. We cannot tolerate instances such as one that I heard about recently, in which a young carer attended a carers meeting and returned home to find that the truancy officer had been to find out why she was not at school. That is an unacceptable burden to put on young carers.

Training for guidance teachers has already been mentioned. We need to provide it now, not to the directors of education, but to the guidance teachers. We have to consider the support that we give young carers. They need training in how to get advice, how to get information and in the physical work they do, including lifting techniques.

It is sad that we have to talk about this, but we do. We must not put physical burdens on young carers by not training them correctly.

I notice that the carers strategy mentions conducting training through GPs, but I do not think that general practices provide the correct forum for training young carers in lifting techniques. The strategy also mentions respite for young carers. That is a particular issue, and it does not mean a fortnight off once a year. Carers do not want that; they want time off with the family they care for. A young carer needs regular breaks, almost every day. If a young carer goes to a homework club, they should be assured that there is respite care: that someone else will care for their parent or sibling while they are at the club.

We are talking about coherent, integrated services for young people. We cannot ask them to go on their own to social work, health, community education and leisure departments—we should be addressing leisure and transport issues too—they need someone to go to; an advocate to help them through. We cannot, unfortunately, get away from money, which is necessary to provide the services. East Dunbartonshire young carers project has a £5,000 grant for a one-year project. Young carers do not, however, have one-year care burdens—their burdens go on for longer.

I remind the Executive again that we have to ask young carers what they need. We have to listen to what they want and support them. Ultimately, we have to give them back their childhood.

16:29

Dr Richard Simpson (Ochil) (Lab): I must begin by declaring that I still act as a medical adviser to foster carers in the former Central Region, now Falkirk, Stirling and Clackmannanshire.

There is little doubt that much caring in families and among neighbours goes unacknowledged. The way families, neighbours and friends step in quietly and without any fuss when a crisis occurs never ceases to amaze me. We should all acknowledge that help.

I remember one of my patients, a stroke victim, whose friend came in every morning before going to work to shave him and to have a chat with him. That was almost worth more than many of the therapeutic efforts that the team was undertaking. I also remember the families in my practice who, in the 1970s, volunteered to provide respite care at short notice for families with profoundly disabled children. That scheme is now incorporated within statutory provision, moving from a voluntary capacity to a statutory capacity, which is excellent.

I welcome the Scottish Executive's strategy for

carers and wish to address three points that are raised in the document.

First, the inclusion in the 2001 census of a question on carers will undoubtedly help us to understand the wealth of caring in society—and make us proud of it. I welcome the minister's statement that the new G-Pass GP data system can be employed in that respect—I think that it is flexible enough to do that.

Secondly, I emphasise the need for patient consent to the provision of information to carers by the primary care team. Only after careful consideration should information be divulged without that consent. The one exception to that rule is when the medical information about the family of a looked-after child would be crucial to the care of that child. While current General Medical Council regulations prevent doctors from releasing that information to carers, I am discussing with interested parties the possibility of a bill to ensure that the rights of the child are paramount in this area.

The need for information about the help that is available from the NHS is also important. I welcome the patients project, which is developing a strategy for effective communication. The extension of the NHS Helpline, to which the minister referred, should be linked closely to the development of the NHS Direct service and the proposals for NHS Direct must be linked to the continuing development of out-of-hours services. The services must be linked up to provide a comprehensive service to carers.

Thirdly, the provision of aids and adaptations remains a vexed problem at the interface of health and social services, which must be streamlined with the rapid implementation of best practice, both for joint assessment and for joint provision. The care and repair provision also has problems: the different pots of money for different categories of housing must be combined to ensure one-stop provision. It is, quite frankly, obscene that money can remain in one agency's budget while an unmet demand remains with another agency in the same area. I can give the minister detailed examples from my constituency, if that would be helpful.

We must also address the vital issues that face foster carers. The UK standards have been published. We must value and support our foster carers if we are to create the best parenting for looked-after children—previously known as children in care. Research from John Trisiliotis shows that too many foster carers are leaving the system. I believe that we must move rapidly to a salaried service.

In the meantime, in keeping with the new proposals for pensions for carers in general, we

should apply immediately pension rights to the fees and expenses of foster carers. Ten per cent of foster carers who left the service did so because of a lack of respite—one returns repeatedly to this issue—and the minister has recognised that by providing new money, which is fundamental to the provision of respite care.

Finally, we must recognise that family structures are changing. The homophobic regulation that prevents households with two adults of the same gender from offering foster care is, frankly, no longer appropriate and should be removed. We know that good outcomes for children's mental health depends on the quality of the relationship between the adults who care for them—irrespective of gender—and not on the structure of the household.

I welcome the Executive's caring strategy as an excellent first step.

16:34

Mr Adam Ingram (South of Scotland) (SNP): I welcome the opportunity to debate this extremely important issue in Parliament. I will use my time to draw attention to the needs of the valuable people who care for those with mental illness.

I would like to make three points. First, I wish to flag up the difficulties that exist in identifying carers of the mentally ill. Secondly, I wish to highlight the different needs of carers of people with mental illness from other carers. Thirdly, I wish to draw attention to the fact that the special needs for this group of carers are not met and not properly addressed in the strategy document.

One in four people in Scotland will suffer from mental illness at some point in their lives and 14 per cent of the adult population have significant mental health problems, yet many people who suffer from mental health problems never have contact with the health service and many are cared for in their own homes by carers, family members or friends. The extent to which that happens is difficult to estimate. Mental illness is a taboo subject; many will admit neither to being cared for, nor to being the carer.

Many carers suffer alone or in silence. Margaret Paton, of Trust: a Carers Connection, which operates in Ayrshire, has experience of just that situation. Her adult daughter was diagnosed as a paranoid schizophrenic at the age of 21. That is when Margaret's nightmare began. She went to hell and back in an attempt to get her daughter the help she needed, in a community where her daughter's condition was misunderstood and stigmatised. So horrific was her experience that she has gone to extraordinary lengths to ensure that no one else has to go through it. Single-handedly, she set up a support group at Ailsa

hospital in Ayrshire, which meets once a month. That has now extended to six support groups throughout Ayrshire. An office in Ailsa hospital has been set aside for Margaret, in which she deals with carers' problems. She does all that entirely voluntarily, providing a support service and advocacy for people who receive no support from elsewhere, least of all from the public agencies.

Carers of mentally ill patients save the Government £280 million every year through the services they provide, yet local authorities provide only £54 million for people who are recovering from mental illness; that is less than 20 per cent of the estimated need. Unofficial carers provide the rest of the care.

Nowhere in the national carers strategy are carers of the mentally ill, and their special needs, referred to specifically. Carers of mentally ill people have different needs and different priorities. Those to whom I have spoken are not looking for benefits or respite care. They want information and support, recognition of their loved ones' illnesses and medical care to address them. They want their loved ones to see the same psychiatrist and to have continuity of care; they want the chance for relations to build up between patient and psychiatrist. They want information to flow freely between patient, carer, psychiatrist and GP. In short, they want rights and they want their opinions to be considered.

The national carers strategy, like many of the Executive's announcements, is a step in the right direction, but there is not enough money to fund it and there are important omissions from it.

Mental illness can affect one in four of us. Many of those who are affected are cared for at home. Carers of the mentally ill have different needs from other carers, and people such as Margaret Paton deserve our recognition and support.

The Deputy Presiding Officer: There is time for one more speaker. I call Kate MacLean; you have three minutes.

16:39

Kate MacLean (Dundee West) (Lab): Thank you, Presiding Officer. I will try to be brief.

Iain Gray said that one of the first events he attended as a minister was a carers event. I wonder whether it was the event that I attended with him, at the Marryat Hall in Dundee. He made a commitment at that time to introduce the strategy. I made a more modest commitment to hold a special surgery for carers in Dundee and I did so recently at the Princess Royal Trust Carers Centre.

Many people came along, some of them giving up precious respite time to do so. People came

with specific problems, but a general theme emerged. The first thing that struck me was that carers were asking for very little. I thought that people would make many more demands, but often they wanted a couple of hours off just to do shopping, to visit a friend or go to the cinema, or to have some breathing space.

The other thing that came through quite strongly was that although carers' needs are sometimes met in terms of time off, there is a lack of appropriate respite from day care. That is particularly so in cases involving young adults with learning difficulties and people with early onset dementia. Many of the facilities that are provided are for the elderly and infirm and are not suitable for younger and more active people.

At a meeting with Dundee City Council's social work office, it became clear to me that there is a commitment to improving the lot of carers. The office had just published a report called "Breaking New Ground", which was the result of the work of a short-term working group. It identified lack of funding as a problem, so I welcome the minister's announcement about the grant-aided expenditure allocation being doubled to £10 million— notwithstanding the fact that it comes within the £40 million increase for social work that has already been announced. I hope that if there are to be increases in GAE in the future, it might be possible to find new money for them.

I would be grateful if Mr Gray could say in his summing-up how the additional GAE will be allocated and what the criteria for allocation will be. I am not clear about the mechanism that will ensure that the additional GAE is spent where it is intended to be spent. The carers strategy document suggests that there might be a possibility of conflict between local authorities and carers groups.

I welcome the fact that there will be wide consultation, but I hope that in addition to consulting carers organisations, the Executive will take on board the fact that because of their particular problems, carers will need assistance with participating in consultation and discussion.

My final point—on which I do not expect an answer now from the minister—is important and I hope that the Executive will take it on board. I welcome the strong emphasis on the need to support young carers. That area has been overlooked in the past. Young people with caring responsibilities have been neglected in terms of their social and educational needs. I plead that the minister will extend the definition of young carers to those aged 16 to 18. I hope that that can be examined closely. The youth care group in Dundee, which Iain Gray mentioned, supports young carers up to 18 years of age.

I welcome the report. I think that it sends out a good message to carers—that their views and opinions are at last being considered.

Ms Sandra White (Glasgow) (SNP): On a point of order. Might it be noted when we have important debates such as this in future that ministers should not make statements prior to the debate? People who wanted to be included in this debate have not been. The elderly have not been mentioned and neither have various other aspects of community care.

The Deputy Presiding Officer: Thank you. I understand the point of order.

16:43

Mrs Margaret Smith (Edinburgh West) (LD): I welcome the minister's comprehensive speech and, like all the other members who have spoken today, the strategy for carers.

It is good that we have moved the hidden army of 500,000 carers to centre stage today. I welcome Mr Gray's comments that that is where they will remain—certainly throughout the life of this Administration. That hidden army allows us to have a semblance of community care in this country.

Some have attempted to quantify care in terms of money—that is a crude way of doing it. However, Bill Aitken's comments, which related the issue to the social care budget, showed starkly how much we rely on carers and where we would be without them. People throughout Scotland are struggling to care for their relatives, friends and—as Richard Simpson said—their neighbours. Those people have their own lives to live. They have livings to earn. Children who are carers have rights as children—the right to education and the right to be able to go out to play.

People have the right to leisure. That is why respite care is fundamental; I am pleased that the Executive is finding extra money, particularly for respite care. Other members have said that respite is not about having one week or two weeks off. Respite means having regular time away. That will make all the difference, so I am pleased about what has been announced today.

Many carers are struggling on their own with little or no assistance from public services. We must identify carers much earlier in the process, support them and learn from them what their needs are and how we can assist them.

Through personal experience as a representative, and through speaking to people at surgeries, I know that caring has an impact on the health of many carers. That is why assessment of them, as well as assessment of the people for whom they are caring, is essential. That is

particularly the case for those who are caring for people with degenerative illnesses such as Alzheimer's disease or mental health problems. I know from constituents that such factors have a real impact on the health of carers. If they try to take respite care, they often feel guilty, which we should do something about.

It is crucial that carers' involvement in the services has been moved to centre stage, that the minister has met carers groups and representatives before today's debate, that carers will have a say in the services that are delivered by local authorities with the extra money that has been announced today, and that, in the coming months, carers will be involved in the working group that will produce draft legislation. I welcome those elements of best practice; I hope that they will be seen in action.

Carers tell me that they want to have a say in the services that are available to them and to the people for whom they care. Of course they want access to greater resources, but some of the things that they want are very simple. They want their voices to be heard and they want access to information. As Iain Gray said, they do not want to have to stumble on the best information and care only when they are lucky enough to bump into somebody.

Like other members, I welcome the fact that we are highlighting the role of young carers. As an Edinburgh councillor for several years, I came into contact with the Edinburgh Young Carers Project. We should be doing everything that we can to support projects such as that throughout Scotland. There is no point in tackling the problems that an individual has if we are allowing their carer to slip into a lifetime of difficulties with education and the ability to hold down employment in later life.

It is important to remember that the support that carers need can be simple. Many carers have to give medication, lift people or give some other form of health care, as the chief medical officer's bulletin in July rightly highlighted. That may be where primary care people can play their part.

Like other members, I welcome the strategy. It is only a first step, but it is a good first step. Many of the things that the minister and others have said today, and the way in which they have been said, are to be applauded and supported.

Tommy Sheridan (Glasgow) (SSP): On a point of order. It has been the practice for the Presiding Officer to indicate the number of members who wanted to speak in the debate but were unsuccessful. Will you say how many members were not allowed to speak in this debate?

The Deputy Presiding Officer: I am not aware that that is a practice, Mr Sheridan. For your information, I believe that the number is three.

Tommy Sheridan: Thank you.

16:48

Mary Scanlon (Highlands and Islands) (Con): Much of what I wanted to say has been said. I am delighted that there is such consensus on this issue. I would like to think that, whether in a small or in a more committed way, all of us in and outside this chamber are carers who have a commitment to care for people, be they family members or others.

I welcome the Executive's commitment in its programme for government to introduce a carers strategy. Conservative members will certainly support the motion. We welcome the consultation with local carers organisations, the monitoring of services, the carers legislation working group, community care plans, the census question, the national standards and the commitment to better-targeted information.

It is difficult to put those elements in any sort of order, but perhaps the most important is the question on carers in the 2001 census, as we do not have the information on which to base and target our support and advice for carers. I welcome the fact that we will gain more information in the 2001 census.

I read the document that Iain Gray issued yesterday. I found the last sentence the most exciting. It promised:

"A second pension for carers . . . and the protection of pension entitlements of carers who have given up paid work to care."

Yes, I really liked that and got quite excited about it, until I read the date—2050. If my relative Dennis Canavan thought it rather odd that it should take 20 years to eradicate child poverty, I wonder how he would feel about the fact that it will take 50 years to fulfil that commitment of a second pension. That commitment was outlined in the Queen's speech last week and is in the Carers National Association Scotland strategy. I would like to hear the thoughts of the carers in the gallery today, who proposed the second pension to this listening Executive, on the 50-year phasing-in period.

Although we welcome the commitment, I thought that it warranted a reality check, so I looked up the Highland carers strategy, "Working Together to Make a Difference"—I shall briefly mention some of the points that it made. In Lochaber, there is no specialised nursing care for people with dementia and there is a crying need for more family-based carers for children. In Easter Ross, it has been suggested that there should be care managers in general practitioners' surgeries and that GPs and district nurses should play a greater role in caring. In Nairn, people feel frustrated by the fact that they

have repeatedly expressed their needs but no action has resulted.

I know that this has already been mentioned, but the working partnership between social work departments and the national health service is nothing short of a national scandal. In reply to Kay Ullrich's question last week, we were told that more than 2,000 patients were blocking beds in Scotland, receiving inappropriate treatment and preventing others who were in need of treatment from gaining access to hospitals. I ask the minister to consider putting some of this money towards the services in the NHS that people really need.

Adam Ingram's point about mental illness is one that I have been made aware of by carers. They say that, because of the lack of information, they cannot adequately understand, support and give the appropriate care to the mentally ill. I appreciate that there must be patient confidentiality, but the issue must be re-examined to take account of the needs and problems of carers.

Finally, I want to mention a submission from one of my constituents, who said of a local day centre that

"the staff are not trained and are often on a 'New Deal' job opportunity or even Community Service! This does not inspire confidence in the system—particularly where vulnerable, mentally-handicapped adults are in their care without supervision."

16:53

Mr Duncan Hamilton (Highlands and Islands) (SNP): I welcome the tone and substance of this debate. Members from all parts of the chamber have made good speeches. I am sure that the Minister for Health and Community Care will have much to say in response to Robert Brown's point about local authorities, to Adam Ingram's point about mental health and to some of the points that Mary Scanlon has just raised. It will also be interesting to hear her response to Kay Ullrich's question about the representations that have been made to the UK Government to put the subject in the wider context of the Sutherland report and the invalid care allowance.

Let me knock on the head the suggestion that the funding announced today is extra money. We welcome what has been announced and we welcome the shuffling of resources, as targeting is very useful. Let us not pretend, however, that this money has not already been announced or that it is not part of the underspend from the previous year.

Iain Gray: Will Mr Hamilton give way?

Mr Hamilton: I will not give way.

The £5 million is a relaunch of money that has already been allocated. Welcome though that

money is, let us not go down the track of suggesting that it is either new or extra money.

I would like the minister to address three general financial points. The first concerns the Government's long-term commitment to the strategy, as everyone appreciates that the more money that we can put behind support for carers the better. Robert Brown mentioned the Government's pledge of a long-term commitment. I wish that that there was one. The Government's document says:

"If, to ensure real improvements, it is necessary to increase that sum, we will consider doing so".

There is no long-term pledge, merely a pledge to consider the matter. Instead of the three-year pledge in England, this is a one-year pledge only. I want to know what the Minister for Health and Community Care means by long term and what categorical assurances she can give us today.

I also want to ask her about monitoring the strategy. The document says:

"Community care plans will be submitted to the Scottish Executive for scrutiny. From now on we will require them to be accompanied by a letter from local carers' groups confirming that they have been consulted in the planning and development of new services and that they are satisfied that each authority's share of the £10 million has been used appropriately."

What will happen if that money is not used appropriately and if the local carers groups feel that the local authority has not acted in their best interest and not met the requirements? Will that mean a reduction in amount of money for that local authority and, if so, will that not risk reducing the amount of money going to the people who need it? I look forward to a clear enunciation of the policy on long-term monitoring.

On the division of funds, Mr Gray highlighted three priorities for the Government: learning disabilities, ethnic minorities and rural costs. He rightly said that in rural communities—which Mr Aitken also spoke about—there is an additional burden. Is that to say that the funding disbursed from the two lots of £5 million will follow those priorities? Will that mean that local authorities that have a greater emphasis on one of them—the Highlands and Islands, for example—will receive greater resources than local authorities elsewhere in Scotland? If not—which would mean an additional burden on those local authorities without adequate resources to implement the plans—why not?

I hope that we will have support from our Liberal Democrat colleagues, as I am in the perhaps unique position of supporting an SNP amendment without having heard one argument against more money going to local authorities. Mr Brown made the case clearly for more money. Kay Ullrich told

us that £2.4 billion less will have been spent in the first three years of this Administration than in the last three years of the Tory Government. That is the context of any announcement today or yesterday, in the press or in Parliament. It equates to a 12 per cent real-terms cut. If the 19p a week—which is, of course, welcome—is the summit of the minister's ambition, that is not good enough. We need proper investment in local authorities, proper back-up for the priorities that have rightly been identified and a step further than has been made today. On a report card, the Executive's efforts might merit a C plus—pass marks, but must do better.

In supporting the amendment, I emphasise that the priorities identified are wise but that the resources must be made available to allow local authorities and national Government to achieve those objectives.

16:59

The Minister for Health and Community Care (Susan Deacon): Let me say at the outset how genuinely pleased and proud I am to be standing here today shoulder to shoulder with Iain Gray and other members of the Executive to put the strategy for carers before the Scottish Parliament and to place the needs and the voices of carers at the centre of our consideration.

Until a few moments ago, I thought that I would be able to welcome whole-heartedly and unequivocally the consensus and constructive comments that had emerged during the debate. That spirit was maintained until the last speech, which, sadly, was grudging, patronising and insulting—not to me or to the Executive, but to the carers and the people on whom the debate has focused and whose needs we care about.

I will, gladly, deal with the SNP amendment in my comments. I welcome many of the comments that members of the Opposition have made today but, as various members said yesterday, SNP members would do well to decide once and for all whether they welcome particular measures. If they welcome them, a single transferable amendment for every debate and for every motion is not appropriate. I suggest respectfully to the SNP that its amendment is not appropriate.

Speaker after speaker talked about the contribution that unpaid, informal carers make; I will not reiterate those points. However, I concur with the view that, for too long, carers have been taken for granted. Today, as Iain Gray and Margaret Smith said, we want to start—yes, start—to redress that situation. We have signalled our determination to ensure that the needs of carers are addressed and, as important, that their voices are heard.

I am conscious that when I say “their voices”, that feels slightly wrong because, as evidenced in the debate, this matter is not just about them—in many ways, it is about us. It is about our families, our relatives, our loved ones and our communities. It is about what we value and whom we value as a Parliament and as a country. Many members have made heartfelt speeches based on personal experience. That perspective is important and enhances our capacity to be effective policy makers and legislators.

I will deal with some of the points that were raised. I am conscious of the fact that I will be able to address only a few of them, but we have listened carefully to the comments that have been made—many of them will be taken up in the consultations and discussions that we will be having in the weeks and months ahead. For example, some of the points that Kate MacLean and Fiona McLeod made might appropriately be considered by the legislation working group.

Reference was made to reserved matters. Of course we recognise that there are policy areas that are reserved and dealt with at a UK level but that impact upon carers and users of services. In our work, we will embrace many of those areas. For example, in the information for carers, we do not draw a line between what is reserved and what is devolved; we ensure that all the information is brought together. We will concentrate our efforts and energies on making changes in the areas in which we have powers to do so. That is right and proper and it is the correct use of our time. Of course we will continue to co-operate and liaise with our colleagues south of the border to ensure that we make the maximum impact and deliver the maximum benefit to the people of Scotland. I give an assurance that we will continue to do that in relation to the royal commission and to many of the matters that have been mentioned today.

There have rightly been a considerable number of references to local government. We want to work with local government to make a difference. We want to ensure that we work together so that we come up with solutions that are right for the people of Scotland and that deliver services as effectively as possible.

Many members have mentioned the need for effective communication and joined-up working. We are putting that into practice and translating rhetoric into reality. Iain Gray and I met representatives of every local authority and every NHS trust just a couple of weeks ago to discuss how we could take forward our community care agenda. At that meeting, we were addressed by a carer—directly and vociferously—and we will be taking forward the points that were raised.

Kay Ullrich: When the minister met representatives of local authorities, did they

assure her that they were receiving adequate funding to provide community care services?

Susan Deacon: Perhaps this is the appropriate point at which to address the SNP amendment. Amendments such as the one that has been moved today are dishonest and disingenuous. In every debate, we hear the cry for more money. We hear it for roads, for schools, for students, for buses, for farmers, for agriculture and for the countryside.

Kay Ullrich: Will Susan Deacon give way?

Susan Deacon: No, I will not take another intervention.

It is not possible to give money to everything. To suggest that we can is a false promise. We are doubling the money to local authorities for carers. That is a doubling of real resources to £10 million a year—not once, but every year. That is real money and resources year after year. I am not interested in false promises; I am interested in real results, which is exactly what we are delivering.

I recognise that, as many members have said, the needs of individual carers vary. When we talk about carers, it is important that we realise that they are not a homogeneous group. Carers are a diverse range of people with diverse needs, which vary over time and according to circumstances. It is important that, to meet those needs, our policies and services are flexible and responsive. That means that we must listen to carers when they tell us what their needs are. We must hear what they say and act on it. That approach—of listening to the people who use the services—is a theme that runs across our community care agenda and our health agenda. We will make progress in that way in the years ahead.

Usually, people do not ask for the moon; as many members have said, they want practical measures. They are not listened to, however, so that does not happen. The work that Iain Gray will do in the months and years ahead, working closely with carers associations, will aim to change that.

I will now put our proposals in a wider context. It was not so long ago that a British Prime Minister said that there was no such thing as society—[*Interruption.*] This Executive is serious—we will say this again and again—in its belief not just that there is such a thing as society, but that we must cultivate and nurture that society and build on our strong collective traditions.

Mr Monteith: Will Susan Deacon give way?

Susan Deacon: I do not have time.

I could accept the Conservative spokesperson's lectures about the time that it takes to deliver if that party had not failed miserably to deliver on this agenda in its 18 years in government. We

want to build on the strong collective traditions that survived those 18 years and on which so much that is good about Scotland has been built.

We live in a modern era. We need modern government and modern politics. Therefore, our debates have to be rooted in statistics and strategy. Of course we have to set targets and timetables, but we must remember that politics is not just about numbers; it is about people. I hope that in the Scotland of the future, the defining characteristic of government, of public services and of our communities will be our capacity to care for all our people.

Compassion and concern must rank alongside enterprise and achievement as the hallmarks of our new Scotland. A successful Scotland will be a caring Scotland. I ask all members to join me today in sending a clear message that Scotland's Parliament cares and that it cares about carers.

Decision Time

17:09

The Presiding Officer (Sir David Steel): We now come to decision time. The first question is, that amendment S1M-316.1, in the name of Mr Jim Wallace, which seeks to amend motion S1M-316, in the name of Phil Gallie, on law and order, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

Alexander, Ms Wendy (Paisley North) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Canavan, Dennis (Falkirk West)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Dewar, Donald (Glasgow Anniesland) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Gillon, Karen (Clydesdale) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lyon, George (Argyll and Bute) (LD)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 MacKay, Angus (Edinburgh South) (Lab)
 MacLean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McAllion, Mr John (Dundee East) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McMahon, Mr Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Munro, Mr John (Ross, Skye and Inverness West) (LD)
 Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Ms Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Radcliffe, Nora (Gordon) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)

Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
 Scott, Tavish (Shetland) (LD)
 Simpson, Dr Richard (Ochil) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North-East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Thomson, Elaine (Aberdeen North) (Lab)
 Wallace, Mr Jim (Orkney) (LD)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

AGAINST

Aitken, Bill (Glasgow) (Con)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Fergusson, Alex (South of Scotland) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)
 Harding, Mr Keith (Mid Scotland and Fife) (Con)
 Johnston, Mr Nick (Mid Scotland and Fife) (Con)
 Johnstone, Alex (North-East Scotland) (Con)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)
 McLetchie, David (Lothians) (Con)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Mundell, David (South of Scotland) (Con)
 Scanlon, Mary (Highlands and Islands) (Con)
 Tosh, Mr Murray (South of Scotland) (Con)
 Ullrich, Kay (West of Scotland) (SNP)
 Young, John (West of Scotland) (Con)

ABSTENTIONS

Campbell, Colin (West of Scotland) (SNP)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Ewing, Mrs Margaret (Moray) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Gibson, Mr Kenneth (Glasgow) (SNP)
 Grahame, Christine (South of Scotland) (SNP)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Lochhead, Richard (North-East Scotland) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 McGugan, Irene (North-East Scotland) (SNP)
 McLeod, Fiona (West of Scotland) (SNP)
 Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)
 Paterson, Mr Gil (Central Scotland) (SNP)
 Quinan, Mr Lloyd (West of Scotland) (SNP)
 Reid, Mr George (Mid Scotland and Fife) (SNP)
 Robison, Shona (North-East Scotland) (SNP)
 Sheridan, Tommy (Glasgow) (SSP)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)
 Wilson, Andrew (Central Scotland) (SNP)

The Presiding Officer: The result of the division is: For 63, Against 18, Abstentions 25.

Amendment agreed to.

The Presiding Officer: The second question is, that amendment S1M-316.2, in the name of Mr

Alex Salmond, which seeks to amend motion S1M-316, in the name of Phil Gallie, on law and order, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

Campbell, Colin (West of Scotland) (SNP)
 Canavan, Dennis (Falkirk West)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Ewing, Mrs Margaret (Moray) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Gibson, Mr Kenneth (Glasgow) (SNP)
 Grahame, Christine (South of Scotland) (SNP)
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Lochhead, Richard (North-East Scotland) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 McGugan, Irene (North-East Scotland) (SNP)
 McLeod, Fiona (West of Scotland) (SNP)
 Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)
 Paterson, Mr Gil (Central Scotland) (SNP)
 Quinan, Mr Lloyd (West of Scotland) (SNP)
 Reid, Mr George (Mid Scotland and Fife) (SNP)
 Robison, Shona (North-East Scotland) (SNP)
 Sheridan, Tommy (Glasgow) (SSP)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Ullrich, Kay (West of Scotland) (SNP)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)
 Wilson, Andrew (Central Scotland) (SNP)

AGAINST

Aitken, Bill (Glasgow) (Con)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Dewar, Donald (Glasgow Anniesland) (Lab)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Fergusson, Alex (South of Scotland) (Con)
 Finnie, Ross (West of Scotland) (LD)
 Gallie, Phil (South of Scotland) (Con)
 Gillon, Karen (Clydesdale) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Gorrie, Donald (Central Scotland) (LD)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Harding, Mr Keith (Mid Scotland and Fife) (Con)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)

Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)
 Johnston, Mr Nick (Mid Scotland and Fife) (Con)
 Johnstone, Alex (North-East Scotland) (Con)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lyon, George (Argyll and Bute) (LD)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 MacKay, Angus (Edinburgh South) (Lab)
 MacLean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McAllion, Mr John (Dundee East) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)
 McLetchie, David (Lothians) (Con)
 McMahon, Mr Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Mundell, David (South of Scotland) (Con)
 Munro, Mr John (Ross, Skye and Inverness West) (LD)
 Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Ms Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Radcliffe, Nora (Gordon) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, Tavish (Shetland) (LD)
 Simpson, Dr Richard (Ochil) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North-East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Thomson, Elaine (Aberdeen North) (Lab)
 Tosh, Mr Murray (South of Scotland) (Con)
 Wallace, Mr Jim (Orkney) (LD)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)
 Young, John (West of Scotland) (Con)

The Presiding Officer: The result of the division is: For 28, Against 78, Abstentions 0.

Amendment disagreed to.

The Presiding Officer: The third question is, that motion S1M-316, in the name of Phil Gallie, on law and order, as amended by amendment S1M-316.1, in the name of Mr Jim Wallace, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

Alexander, Ms Wendy (Paisley North) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Canavan, Dennis (Falkirk West)

Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Dewar, Donald (Glasgow Anniesland) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Gillon, Karen (Clydesdale) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lyon, George (Argyll and Bute) (LD)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 MacKay, Angus (Edinburgh South) (Lab)
 MacLean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McAllion, Mr John (Dundee East) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McMahon, Mr Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Munro, Mr John (Ross, Skye and Inverness West) (LD)
 Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Ms Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Radcliffe, Nora (Gordon) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
 Scott, Tavish (Shetland) (LD)
 Simpson, Dr Richard (Ochil) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North-East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Thomson, Elaine (Aberdeen North) (Lab)
 Wallace, Mr Jim (Orkney) (LD)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

AGAINST

Aitken, Bill (Glasgow) (Con)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Fergusson, Alex (South of Scotland) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Harding, Mr Keith (Mid Scotland and Fife) (Con)
 Johnston, Mr Nick (Mid Scotland and Fife) (Con)
 Johnstone, Alex (North-East Scotland) (Con)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)

McIntosh, Mrs Lyndsay (Central Scotland) (Con)
 McLetchie, David (Lothians) (Con)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Mundell, David (South of Scotland) (Con)
 Scanlon, Mary (Highlands and Islands) (Con)
 Tosh, Mr Murray (South of Scotland) (Con)
 Young, John (West of Scotland) (Con)

ABSTENTIONS

Campbell, Colin (West of Scotland) (SNP)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Ewing, Mrs Margaret (Moray) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Gibson, Mr Kenneth (Glasgow) (SNP)
 Grahame, Christine (South of Scotland) (SNP)
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Lochhead, Richard (North-East Scotland) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 McGugan, Irene (North-East Scotland) (SNP)
 McLeod, Fiona (West of Scotland) (SNP)
 Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)
 Paterson, Mr Gil (Central Scotland) (SNP)
 Quinan, Mr Lloyd (West of Scotland) (SNP)
 Reid, Mr George (Mid Scotland and Fife) (SNP)
 Robison, Shona (North-East Scotland) (SNP)
 Sheridan, Tommy (Glasgow) (SSP)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Ullrich, Kay (West of Scotland) (SNP)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)
 Wilson, Andrew (Central Scotland) (SNP)

The Presiding Officer: The result of the division is: For 63, Against 16, Abstentions 27.

Motion, as amended, agreed to.

Resolved,

That the Parliament supports the Executive's policies on law and order and the principles and initiatives set out in the Partnership for Scotland agreement and the priorities identified in the Programme for Government and in particular the measures being taken to combat crime and drugs, to support the victims of crime, to encourage stronger links between the police and the communities in which they operate, to tackle the problem of persistent re-offending, to rehabilitate offenders through training, education and work and through alternatives to custody, and in putting in place effective community safety strategies.

The Presiding Officer: The fourth question is, that amendment S1M-317.1, in the name of Mr Alex Salmond, which seeks to amend motion S1M-317, in the name of Iain Gray, on the Executive's commitment to the introduction of a carers strategy, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

Campbell, Colin (West of Scotland) (SNP)

Canavan, Dennis (Falkirk West)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Ewing, Mrs Margaret (Moray) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Gibson, Mr Kenneth (Glasgow) (SNP)
 Grahame, Christine (South of Scotland) (SNP)
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Lochhead, Richard (North-East Scotland) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 McGugan, Irene (North-East Scotland) (SNP)
 McLeod, Fiona (West of Scotland) (SNP)
 Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)
 Paterson, Mr Gil (Central Scotland) (SNP)
 Quinan, Mr Lloyd (West of Scotland) (SNP)
 Reid, Mr George (Mid Scotland and Fife) (SNP)
 Robison, Shona (North-East Scotland) (SNP)
 Sheridan, Tommy (Glasgow) (SSP)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Ullrich, Kay (West of Scotland) (SNP)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)
 Wilson, Andrew (Central Scotland) (SNP)

AGAINST

Aitken, Bill (Glasgow) (Con)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Dewar, Donald (Glasgow Anniesland) (Lab)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Fergusson, Alex (South of Scotland) (Con)
 Finnie, Ross (West of Scotland) (LD)
 Gallie, Phil (South of Scotland) (Con)
 Gillon, Karen (Clydesdale) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Gorrie, Donald (Central Scotland) (LD)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Harding, Mr Keith (Mid Scotland and Fife) (Con)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)
 Johnston, Mr Nick (Mid Scotland and Fife) (Con)
 Johnstone, Alex (North-East Scotland) (Con)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lyon, George (Argyll and Bute) (LD)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 MacKay, Angus (Edinburgh South) (Lab)
 MacLean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)

Martin, Paul (Glasgow Springburn) (Lab)
 McAllion, Mr John (Dundee East) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)
 McLetchie, David (Lothians) (Con)
 McMahon, Mr Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Mundell, David (South of Scotland) (Con)
 Munro, Mr John (Ross, Skye and Inverness West) (LD)
 Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Ms Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Radcliffe, Nora (Gordon) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, Tavish (Shetland) (LD)
 Simpson, Dr Richard (Ochil) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North-East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Thomson, Elaine (Aberdeen North) (Lab)
 Tosh, Mr Murray (South of Scotland) (Con)
 Wallace, Mr Jim (Orkney) (LD)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Welsh, Ian (Ayr) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)
 Young, John (West of Scotland) (Con)

The Presiding Officer: The result of the division is: For 28, Against 79, Abstentions 0.

Amendment disagreed to.

The Presiding Officer: The fifth question is, that motion S1M-317, in the name of Iain Gray, on the Executive's commitment to the introduction of a carers strategy, be agreed to.

Motion agreed to.

That the Parliament welcomes the Executive's commitment in its Programme for Government to introduce a Carers' Strategy for Scotland to assist unpaid carers, and approves the Executive's proposals for that strategy.

Kintyre Economy

The Presiding Officer (Sir David Steel): We now move to members' business. I make my usual appeal for members who are not staying to leave quietly. Members' business today is motion S1M-261, in the name of George Lyon, on the Kintyre economy.

Motion debated,

That the Parliament notes the severe problems facing the Kintyre economy as it faces the combination of a downturn in all its primary industries, a drop in tourist numbers in the last two years and the threat of Sea Containers pulling out of the Campbeltown-Ballycastle ferry service, and calls for co-ordinated and effective action to ensure that the ferry crossing remains and that the necessary investments are made to safeguard the long term viability of Kintyre's communities.

17:16

George Lyon (Argyll and Bute) (LD): As all the members exit, I must say how nice it is to play to a packed house. I welcome the opportunity to bring the problems facing the Kintyre peninsula to the attention of this Parliament, if not all the parliamentarians.

Many problems face a peninsula such as Kintyre. It is far from markets—Campbeltown is 150 miles from the central belt. It suffers from the problems of high transport costs that have been exacerbated in recent years by the fuel price escalator. We welcome the decision to shelve the increases in the fuel price escalator, but the damage has been done. The area has suffered from a depression in its traditional industries that has caused much financial hardship.

Fergus Ewing (Inverness East, Nairn and Lochaber) (SNP): With regard to the impact of high petrol prices in extreme rural areas, Ian Robertson suggested that the revenue that has been raised from those areas in fuel duty should be invested in those areas. Does the Liberal party support that suggestion?

George Lyon: As Fergus will know, the Liberal party has argued consistently that rural areas should be compensated for the constant increases in the fuel price escalator, which was designed to deal with congestion in major towns and cities. We support the principle of that money being returned to rural areas.

I will mention some of the area's economic indicators. Unemployment statistics for 1998 put Campbeltown some 36 per cent above the Scottish average. South Kintyre has suffered the greatest population decrease in Argyll and Bute: 15 per cent between 1991 and 1997. A recent Highlands and Islands Enterprise strengths,

weaknesses, opportunities and threats analysis classifies Kintyre as a fragile area. On a scale of 1 to 5, with 1 being the highest, Highlands and Islands Enterprise rates the area's development needs at 1 and its need development support at 2. At the last count, around 26 shops in Campbeltown were lying vacant. Those indicators demonstrate the scale of the problem that we face.

The agriculture sector has seen a 30 per cent decline in prices. It suffers from extra regulation and cheap imports and the agricultural business improvement scheme fiasco has exacerbated the current problems and knocked confidence once again, as we heard last night.

The fishing industry has been hit by the never-ending scallop ban. We are taking action there: some of the Highlands and Islands MSPs are demanding that we have a meeting to decide on a long-term strategy on the issue. Another serious problem is infectious salmon anaemia.

The timber industry is important to the area and provides a significant number of jobs. The industry was identified by Scottish Enterprise as a potential key sector in the next two decades. Timber production is set to increase by 50 per cent in the next five years. However, haulage costs add 25 to 33 per cent to the cost of Scottish timber delivered to the processors and the industry is struggling to compete with imports from Scandinavia and the Baltic countries, which undercut their prices by some 25 to 30 per cent because of the strong pound.

Almost 200 tourism-related jobs have disappeared in the area in the last four years, partly due to the strong pound, which has caused a downturn in foreign visitors. That situation is worsened in an area such as Kintyre that suffers from a seasonal employment pattern.

Before going on to talk about some solutions, I want to talk about the impact of large shopping chains on our rural communities. I live in a small town on the Isle of Bute called Rothesay. Since Safeway opened up, there has been a major downturn in the number of viable shops in the town. The Scottish Executive needs to consider that. There is not only a major Tesco in Campbeltown, but a Co-op outlet as well. Some estimates show that £100,000 per week flows out of the town—every single week, 52 weeks of the year. When it comes to planning, especially if we mean community planning, that issue has to be tackled. Such large supermarkets rip the heart out of many of our small towns.

I highlight the debate on the Irish ferry. The peninsula does not have its problems to seek, yet the introduction of the Campbeltown to Ballycastle ferry service was a major opportunity to help regenerate the area's economy. There was a

vision that if the peace process in Northern Ireland paid off, we would see an influx of visitors through that gateway. That would not only assist Kintyre, but the benefit would flow on to the Highlands. It would be the gateway to the Highlands for much of the Republic of Ireland and Northern Ireland. Those who are visiting the Republic of Ireland and Northern Ireland would see it as a link to mainland UK.

Yet there has been debate about the future of the ferry service. Will it continue? The public purse has been used to the tune of £4 million to invest in setting up infrastructure. It is vital that that service continues. Three years is not long enough to make any clear judgments about whether the service will work in the long term. It needs time to develop and it needs to be marketed.

The peace process, which we all hope will end up with a resolution and devolution in Northern Ireland—we hope in the near future—could be the catalyst to make that service work. A large amount, £150,000, of public money has been invested in advertising the service this year. It has shown results: a significant increase in passengers in July and August, which shows that throughput and traffic numbers can be increased if the service is properly marketed.

Areas such as Kintyre look to the Scottish Parliament to put their concerns at the top of the political agenda. That is why this debate is happening here tonight. Over many years, much of rural Scotland has felt disfranchised by the Westminster political system; it is up to us to demonstrate that we can address some of these key issues.

There are opportunities. On wind power, for example, I ask the minister to assure us that the Scottish Executive expresses support for renewable energy and, above all, does everything possible to help investors come to Machrihanish and locate a factory there. We are in competition with the Republic of Ireland; it is a commercial decision. Kintyre is looking for political will and expression of support to ensure that the decision comes our way.

I suggest to the minister that, in apportioning the £220 million of European money, geographical targeting should be used as one of the key indicators, and ask that Kintyre be recognised as a key area that needs investment. The new tourism strategy must address the key challenges facing the industry in areas such as Kintyre, where quality and lengthening of the season are key issues. I ask the minister's support for that type of approach.

It is crucial that the Executive does everything it can to ensure the Irish ferry continues to operate. I seek an assurance from the minister on that.

17:24

Mr Jamie McGrigor (Highlands and Islands) (Con): The Kintyre peninsula is a very special part of Scotland, particularly to me, as I have lived in Argyll for more than 40 years. It used to be one of the more prosperous areas in Argyll, with some good agricultural land that suited mixed farming and dairy farming, unlike most of the rest of the county, which is limited to disadvantaged hill farms.

Kintyre suffers now because it is a peninsula and therefore similar to an island. I remind the Executive that Argyll does not yet have special islands needs allowance. Perhaps the Executive ought to consider awarding that to the area. Peripheral communities are being forgotten under the present Executive.

The disastrous downturn in all areas of agriculture in the past two years has hit Kintyre very hard. The cost of transport to faraway markets exaggerates the hideously low prices that farmers are receiving for sheep and beef cattle. The extra slaughterhouse procedures and charges have made older sheep virtually worthless. The Government should never have imposed those procedures and charges without working out how to tackle the ensuing chaos, in which it is not worth taking animals to market. Many are being shot on the farms, to the great distress of the owners.

Why will this Executive not take the lead on lifting the beef-on-the-bone ban in order to put Scottish beef back on the most prominent shelves of European shops, where it deserves to be?

On the dairy sector, it is vital for the area that Campbeltown Creamery continues to be successful. Dairy quotas must continue to be ring-fenced. The dairy sector has been very hard hit by milk prices falling as low as 16p per litre, yet we continue to import cheap milk from abroad at the expense of our dairy farmers.

George Lyon: Given that the fundamental problem facing agriculture is the strength of sterling, will Mr McGrigor support all the other political parties, which are committed to making progress towards the euro as one solution of the problems that he highlights?

Mr McGrigor: That is irrelevant to this problem. A fall in interest rates would be much more to the point.

Is it impossible to persuade Argyll and the Islands Enterprise to take some notice of the agricultural sector and its importance to Kintyre? The present chaotic debacle concerning ABIS must be resolved, as farmers have put out thousands of pounds in good faith, only to be told that there is now no money to support the applications.

There is hardly time to mention Kintyre's fishermen, but I believe that its scallop fishermen, whose boats have been tied up due to the ban, are due some retrospective compensation.

As I keep saying, the key to prosperity in the Highlands and Islands is much cheaper fuel, good roads and better access. We need a good infrastructure for businesses to survive and expand. When one considers what it costs people to fill up their cars and lorries in Kintyre, one realises the disadvantage that businesses face from the word go. The paltry £66 million that this Government has committed to expenditure on roads is insultingly useless to rural Scotland.

It is estimated that there are 120,000 tonnes of timber waiting to come out of Kintyre. Why not take it by coastal shipping, which would save millions of pounds on damage to roads?

Kintyre, and Campbeltown in particular, used to be a thriving tourist area. It has a mild climate, some beautiful beaches and a very famous golf course at Machrihanish. The problem now is that it is too expensive for tourists to go there. Income has dropped, and new investment is badly needed to upgrade facilities for tourists. It is up to the Scottish Tourist Board and Argyll and the Islands Enterprise to come up with some ideas to achieve that.

The situation in Campbeltown is dire. I imagine that incomes average little more than £120 a week. Twenty-seven shops have recently closed and nearly all the hotels are for sale. If it were not for the Jaeger textile factory, employment would be even lower. The future of that mainstay of the Kintyre economy must be assured.

There is an exciting possibility that there will be a major investment in wind farming, in the renewable energy sector in Scotland. That would be a tremendous boost to the area, as it would create, perhaps, 100 jobs. However, as George Lyon has said, the company that is involved cannot get an answer from the Executive on what its policy is on wind farming in the Scottish Highlands. Unless the company gets some assurance that there will be a market for its turbines, this valuable possibility may be lost. I ask the Government not to let that happen.

Good access to and from Kintyre is paramount. The ferry link to Ballycastle in Northern Ireland is especially important to people on both sides of the water. With the present operator withdrawing, it is imperative that another is found as soon as possible to continue a link that is so vital to trade and tourism.

17:29

Mr Duncan Hamilton (Highlands and Islands) (SNP): I congratulate George Lyon on securing this debate. I echo what has been said about the potential for the Kintyre economy. I hope that the minister will acknowledge what we have heard about the depths in which the economy finds itself at the moment.

I will speak briefly about the potential way out of the current crisis. First, we must consider the possibilities that exist within the people of Campbeltown. I am acutely aware of how many of them are coming forward with innovative and enterprising ideas. In particular, they are taking advantage of the challenges of information technology and e-commerce as a way of overcoming the physical barriers of which everybody is well aware. A good example of a recent project in which people are generating economic activity and dynamic thinking is the Quarry Green project, with which I am sure members are familiar.

The business community and the people of Campbeltown are looking for several guarantees if the ferry service is taken on by Caledonian MacBrayne—that is what the SNP wants. We need to know that the marketing will be sustained and that the services will also be sustained, that the ferry will not be wheeled off to the Isle of Man halfway through the year. That would destroy any sense that the service could be relied upon by either tourists or local business. Most important, there needs to be proper public consultation. The people of Campbeltown do not feel that they have been brought into the process; they feel that they have been moulded by events. If a publicly owned company is to be involved in the route, let us ensure that the mistakes of the past are not repeated.

There is another aspect that George Lyon did not mention. There are continuing problems with the road network and transport. The A83 issue dominated the elections in Argyll and Bute. The problems of getting to Campbeltown and of accessing the Kintyre peninsula are not yet over. I have a reply from the Minister for Transport and the Environment which suggests that the improvements that we have asked for are too expensive at the moment. I urge Mr Morrison to go back to Ms Boyack and ask her to reconsider that. If the Executive really believes in bolstering the economy of Kintyre, it must consider the context of improved ferry links, guaranteed links with Ireland and ways to unleash the potential of the peninsula. Campbeltown is not a lost cause, by any means. The potential is there. Let us tap it.

17:31

Maureen Macmillan (Highlands and Islands) (Lab): As George Lyon has said, the economy of Kintyre is very fragile and is made more so by the uncertainty of the link with Ballycastle.

I want to talk about another area of the economy that needs some input from the Executive. Last week, Rhoda Grant and I visited Aquascot's salmon processing factory in Alness. We discussed with its directors their fish farming interests in Orkney, Ross-shire and Argyll. One of the things that interested me in particular was the fact that they were farming turbot in Kintyre, at Tayinloan. It was pointed out that the waters of Kintyre are perfect for farming turbot. The gulf stream makes the sea conditions just warm enough for turbot to thrive. Turbot is a high-quality fish, and those of Kintyre are of a consistent high quality and command a high price on the market.

Mr McGrigor: The only turbot experiment that I know of is the one off Islay, which ended in a disastrous outbreak of viral haemorrhagic septicaemia.

Maureen Macmillan: I am just about to address the VHS issue. Aquascot is experimenting with a hatchery at Tayinloan. In Alness, Aquascot employs about 30 people: fish processors, administrative staff, quality control staff and production managers. If Aquascot can get the right conditions, it would consider a similar development in Kintyre, processing turbot for the supermarkets and adding value to the product.

The right conditions are important. Before the fish farming company can take the risk of stocking up their fish farms, it must be assured that there will not be a repetition of the infectious salmon anaemia fiasco, which affected salmon farming. VHS is a virus in the wild which affects white fish, but has no effect on humans. The Executive must ensure that Europe does not classify VHS as an exotic disease; it must be treated by control, rather than by eradication measures. Otherwise, it will be impossible for the aquaculture industry to raise capital for development using their fish stock as collateral and a potentially multimillion pound industry will be stillborn.

Demand for fish is growing and growing and, as we know, quotas for white fish have been cut. A demand is there that can only be met by white fish. I call on the Executive to do all that it can to ensure that such developments—of great potential to the Highlands and Islands economy—are not strangled at birth by European regulations. Farmed white fish can bring jobs and income to fragile areas such as Kintyre, which is specially suited to the industry. We must do all we can to ensure that such investment is possible.

17:35

Linda Fabiani (Central Scotland) (SNP): Having lived and worked in Argyll for many years—some of that time in Campbeltown—I am pleased to endorse George Lyon's concern about the state of the economy in Kintyre.

Like many parts of rural Scotland, Kintyre depends on good-quality transport links and an investment in its infrastructure. Though much maligned, Caledonian MacBrayne is a crucial component of the transport infrastructure of Kintyre and of the whole west coast of Scotland.

Members will be aware that CalMac was ordered to dispose of a ferry, which they needed, at a rock-bottom price to a private sector company. The Argyll and Antrim Steam Packet Co, a subsidiary of one of the Conservatives' favourite companies, Sea Containers Ltd, was hand-picked by Michael Forsyth, then Secretary of State for Scotland, to run one of the most promising recent developments in the Kintyre economy—the Campbeltown to Ballycastle ferry, which has already been referred to. It is becoming obvious that that was a blatant example of the private sector asset-stripping the public sector.

Recently, we learned that the Argyll and Antrim Steam Packet Co had sold the ferry and was leasing it back. That financial engineering benefits no one, except the Argyll and Antrim Steam Packet Co. It certainly does not benefit the public purse or, indeed, the people of Kintyre.

This week, the Executive has confirmed that Argyll and the Islands Enterprise, having invested heavily in providing the harbour and infrastructure for the ferry, may now have to repay up to £1.3 million of European regional development grant in the event of the withdrawal of the Ballycastle-Kintyre service.

I believe that this episode warrants full public investigation by the National Audit Office or another appropriate agency. We need that investigation to determine whether Michael Forsyth properly exercised his powers as a principal shareholder in CalMac and as a guardian of public assets. An SNP motion to that effect will be lodged, and I invite members from all parties to support it.

The Tories try to portray themselves as the friends of rural Scotland, but I see that Kintyre has only one wee pal in Jamie McGrigor sitting here today. Any party of Government that gets a contract between the public and private sectors so badly wrong should be grateful to be labelled as just incompetent and nothing more.

In conclusion, my main concern is, of course, the economy of Kintyre. In that respect, my concern about the current Executive is its

tardiness in realising that this issue was going to come up and hit it between the eyes. To partly atone for that oversight, minister, pressure should be put on the Scotland Office to underwrite any potential financial loss to Argyll and the Islands Enterprise and, therefore, to Kintyre.

17:38

The Deputy Minister for Highlands and Islands and Gaelic (Mr Alasdair Morrison): Presiding Officer, may I just confirm that I have seven minutes?

The Deputy Presiding Officer (Mr George Reid): Yes, you have seven minutes.

Mr Morrison: I welcome this opportunity to discuss a number of important issues that affect the economy of Kintyre. I fully understand and share the concerns that have been expressed by George Lyon and by other members about the economic difficulties that are being experienced by Kintyre. All of us here are aware of the serious problems in the rural economy throughout Scotland. Representing a rural constituency myself, I am fully sensitive to the problems that face the agriculture and fishing industries, and the other industries that have been mentioned. I can assure George Lyon—and other members—that he has my sympathetic concern for the particular difficulties that affect his constituents.

I would like to make it clear that the Scottish Executive, along with the relevant economic development agencies, Highlands and Islands Enterprise and Argyll and the Islands Enterprise, fully recognises the economic problems that are being experienced in Kintyre. We are committed to doing everything that we can to support the development and diversification of the local economy.

I will refer to some of the points that members raised. I agree with Duncan Hamilton when he says that Kintyre is not a lost cause. I will certainly be happy to convey the specific points that he raised to my colleague Sarah Boyack.

Maureen Macmillan raised the issue of viral haemorrhagic septicaemia and its potential classification. I have to confess that I am not aware of the various nuances of that debate but, again, I will be more than happy to convey Mrs Macmillan's concerns to the relevant minister, John Home Robertson.

While acknowledging the difficulties that are being experienced in Kintyre, I think that we should recognise the measures that are already being taken to assist its economy. Mr Lyon has called for co-ordinated and effective action to ensure that the necessary investment is made to safeguard the long-term viability of Kintyre's

communities. I assure Mr Lyon that the local enterprise company, Argyll and the Islands Enterprise, is already making concerted efforts to assist local businesses to strengthen Kintyre's economy. In recognition of the difficulties being experienced by the area, AIE made Kintyre its highest priority area in early 1998.

Mr Hamilton: Will the minister give way?

Mr Morrison: I am keen to address a number of points that have been raised, Duncan, and I want to make some progress.

By providing the necessary assistance to companies, AIE is helping to ensure that companies stay in Kintyre and develop successfully.

Mr Lyon will be aware that, last year, Jaeger confirmed its commitment to the area by investing £2 million to modernise its production methods, with assistance of £570,000 from AIE and AIE's European research and development fund. The investment will upgrade machinery and provide for further training and staff development. That substantial investment from a major local employer in Kintyre is extremely welcome news, particularly for the 230 employees at the company's Campbeltown factory.

Another Campbeltown company that has received significant assistance from AIE is Argyll Bakeries Ltd, which has been trading in the area for the past 20 years. The LEC leased purpose-built premises at Snipefield industrial estate in Campbeltown to the company. I hope that I have pronounced Snipefield correctly; otherwise, Fergus will correct me as I corrected him in a previous debate. The company has invested £200,000 and has received assistance worth £54,000 from AIE to develop the business. That is another example of the LEC providing significant assistance to help to secure the future of local business in Kintyre.

I do not intend to go through a list of companies that have received AIE assistance, although that list goes beyond the two examples that I have mentioned. However, it is important to acknowledge that much effort has gone into developing the local economy.

A major problem for Kintyre, and indeed for my own Western Isles constituency, is the narrow base of the local economy, which results in overdependence on certain industries and businesses. AIE is investigating how the area's economic base can be broadened by encouraging new businesses and industries into Kintyre. On Tuesday, the Minister for Transport and the Environment, Sarah Boyack, met with a Danish company, Vestas, which is considering locating a wind-turbine manufacturing facility at the RAF base at Machrihanish. That presents a significant

new economic opportunity for Kintyre that I hope will come to fruition. Both the Executive and the enterprise network will be doing all they can to assist the project to locate in Kintyre, which I hope all members will welcome.

Furthermore, we are addressing the future of tourism in Kintyre and considering how to capitalise on the considerable scope for improving the role of tourism to the local economy. The Kintyre tourism management programme is providing assistance for the development of the tourism industry in the area. The initiative intends to undertake a variety of approaches such as improving marketing and targeting niche markets such as golf and wildlife watching.

Mr Hamilton: Will the minister give way?

Mr Morrison: Duncan, I have 30 seconds left.

The Deputy Presiding Officer: You have actually got a minute and a half, minister.

Mr Morrison: I will take a very brief intervention.

Mr Hamilton: As the minister has correctly identified, AIE has a crucial role to play in developing the Kintyre economy and has targeted the area as a No 1 objective. That said, what is the Executive's attitude to Linda Fabiani's revelation about the potential for AIE to lose more than £1 million?

Mr Morrison: Those issues are being debated legitimately in the area. I need to press on to deal with the important issue of the Ballycastle ferry.

Mr Lyon has raised concerns about the future of the Ballycastle-Kintyre ferry service should Sea Containers withdraw from the route. I want to assure members that we recognise the importance of the service and its part in helping to boost Kintyre's economy. We are pleased that Sea Containers has been able to operate the service for the past three summers.

However, the terms of the agreement with the sponsors of the project, AIE and Moyle District Council, required Sea Containers to operate the route for three years and the company is now reviewing its options for the future operation of the service. A decision is expected soon.

I assure members that the Executive is maintaining a dialogue with Sea Containers to explore the possibilities. Officials have met representatives of Sea Containers and Mr Hamish Ross, managing director of Sea Containers Irish sea operations, will meet Sarah Boyack on 2 December. We are hopeful that a solution can be found. This year, there are some encouraging trends on carryings compared with last year. With the possibility of peace in Northern Ireland, it seems likely that carryings on the route may grow further.

Just before I came into the chamber I was passed a note from Brian Wilson, Minister of State at the Scotland Office, who met Sea Containers today. He said:

"Sea Containers are not committed to withdrawing from the route so long as they feel that there are reasonable prospects for its successful operation."

He continued:

"I believe that, particularly with a greatly improved political climate in Northern Ireland, it is eminently possible to increase traffic on the route by the 25 per cent required to secure its future."

He continued:

"It is far too soon to write off the potential of this service which means so much to the economy of Kintyre."

I see that my time is up, Presiding Officer.

The Deputy Presiding Officer: That concludes the debate on the Kintyre economy.

Meeting closed at 17:46.

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