

# **MEETING OF THE PARLIAMENT**

Thursday 17 February 2000

Volume 4 No 12

£5.00

© Parliamentary copyright. Scottish Parliamentary Corporate Body 2000.

Applications for reproduction should be made in writing to the Copyright Unit,  
Her Majesty's Stationery Office, St Clements House, 2-16 Colegate, Norwich NR3 1BQ  
Fax 01603 723000, which is administering the copyright on behalf of the Scottish  
Parliamentary Corporate Body.

Produced and published in Scotland on behalf of the Scottish Parliamentary Corporate Body  
by The Stationery Office Ltd.

Her Majesty's Stationery Office is independent of and separate from the company now  
trading as The Stationery Office Ltd, which is responsible for printing and publishing  
Scottish Parliamentary Corporate Body publications.

---

# CONTENTS

## Thursday 17 February 2000

### Debates

	Col.
<b>TOURISM</b> .....	1143
<i>Motion moved—[Mr Morrison]—and agreed to.</i>	
<i>Amendment moved—[Fergus Ewing]—and disagreed to.</i>	
<i>Amendment moved—[Mr Davidson]—and disagreed to.</i>	
The Deputy Minister for Highlands and Islands and Gaelic (Mr Alasdair Morrison) .....	1143
Fergus Ewing (Inverness East, Nairn and Lochaber) (SNP) .....	1150
Mr David Davidson (North-East Scotland) (Con) .....	1155
George Lyon (Argyll and Bute) (LD) .....	1159
Scott Barrie (Dunfermline West) (Lab) .....	1162
Mr John Swinney (North Tayside) (SNP) .....	1163
Maureen Macmillan (Highlands and Islands) (Lab) .....	1166
Christine Grahame (South of Scotland) (SNP) .....	1168
Allan Wilson (Cunninghame North) (Lab) .....	1169
Ian Jenkins (Tweeddale, Ettrick and Lauderdale) (LD) .....	1172
Mary Scanlon (Highlands and Islands) (Con) .....	1173
Pauline McNeill (Glasgow Kelvin) (Lab) .....	1175
Dorothy-Grace Elder (Glasgow) (SNP) .....	1177
Mr Mike Rumbles (West Aberdeenshire and Kincardine) (LD) .....	1179
Dr Sylvia Jackson (Stirling) (Lab) .....	1180
Bill Aitken (Glasgow) (Con) .....	1181
Dr Elaine Murray (Dumfries) (Lab) .....	1183
Mr Kenny MacAskill (Lothians) (SNP) .....	1185
David Mundell (South of Scotland) (Con) .....	1187
Brian Adam (North-East Scotland) (SNP) .....	1188
Mr John Munro (Ross, Skye and Inverness West) (LD) .....	1190
Ben Wallace (North-East Scotland) (Con) .....	1191
Mrs Margaret Ewing (Moray) (SNP) .....	1194
Mr Morrison .....	1196
<b>BUSINESS MOTION</b> .....	1200
<i>Motion moved—[Mr McCabe]—and agreed to.</i>	
The Minister for Parliament (Mr Tom McCabe) .....	1201
Roseanna Cunningham (Perth) (SNP) .....	1201
<b>QUESTION TIME</b> .....	1204
<b>FIRST MINISTER'S QUESTION TIME</b> .....	1221
<b>LAW OFFICERS</b> .....	1230
<i>Motion moved—[Donald Dewar]—and agreed to.</i>	
The First Minister (Donald Dewar) .....	1230
Roseanna Cunningham (Perth) (SNP) .....	1235
Miss Annabel Goldie (West of Scotland) (Con) .....	1238
Euan Robson (Roxburgh and Berwickshire) (LD) .....	1240
Pauline McNeill (Glasgow Kelvin) (Lab) .....	1241
Mr Kenny MacAskill (Lothians) (SNP) .....	1243
Phil Gallie (South of Scotland) (Con) .....	1244
Christine Grahame (South of Scotland) (SNP) .....	1246
Scott Barrie (Dunfermline West) (Lab) .....	1248
Michael Matheson (Central Scotland) (SNP) .....	1249
Robert Brown (Glasgow) (LD) .....	1250
Lord James Douglas-Hamilton (Lothians) (Con) .....	1251

---

---

Roseanna Cunningham .....	1253
The First Minister .....	1254
<b>SUBORDINATE LEGISLATION</b> .....	1259
<i>Motion moved—[Mr McCabe]—and agreed to.</i>	
<b>DECISION TIME</b> .....	1260
<b>CAR PARKING CHARGES (WEST LOTHIAN)</b> .....	1266
<i>Motion debated—[Bristow Muldoon].</i>	
Bristow Muldoon (Livingston) (Lab) .....	1266
Fiona Hyslop (Lothians) (SNP) .....	1269
Mrs Mary Mulligan (Linlithgow) (Lab) .....	1270
Lord James Douglas-Hamilton (Lothians) (Con) .....	1271
Dr Richard Simpson (Ochil) (Lab) .....	1271
The Deputy Minister for Community Care (Iain Gray) .....	1272

---

## Scottish Parliament

Thursday 17 February 2000

[THE PRESIDING OFFICER *opened the meeting at 09:30*]

### Tourism

**The Presiding Officer (Sir David Steel):** The first item of business today is a debate on motion S1M-550, in the name of Alasdair Morrison, on tourism. There are two amendments to the motion.

09:30

**The Deputy Minister for Highlands and Islands and Gaelic (Mr Alasdair Morrison):** Yesterday, we published our new strategy for Scottish tourism. It sets out our vision of the way ahead for one of our most important industries, examines the changes that have taken place in Scottish tourism over the past 30 years, considers how the tourism market is changing and identifies the strengths of the Scottish tourism product and the opportunities that are opening up. However, it also identifies the industry's weaknesses, the threats that it faces and the barriers that must be overcome if our vision of a world-class industry is to be realised. Most important, our strategy takes account of the views that have been expressed by the industry itself—businesses at the sharp end that are involved in tourism day in, day out.

More than 600 individuals, businesses and support agencies responded to our invitation last autumn to tell us what needed to be in the strategy. As I said when we last debated the subject of tourism, we were happy to agree to a request from the Enterprise and Lifelong Learning Committee to extend the time that people had to comment so that the consultation could be as inclusive and wide ranging as possible.

Henry McLeish and I have been out and about regularly meeting tourism businesses and their representative organisations, to find out at first hand what the particular problems are in different parts of Scotland. Between us, we have been to Shetland in the north and Dumfries in the south and many points in between. Uniquely, we discussed our detailed proposals last month with John Swinney and his colleagues on the Enterprise and Lifelong Learning Committee. The comments that the committee made, which were useful, have been considered carefully and have been reflected in the final document.

This has been the most comprehensive consultation exercise about tourism that there has ever been in Scotland and we have listened

carefully to what has been said. The actions that we are taking will tackle the concerns that people have about the future.

Last year, 1999, was a better year for tourism in Scotland than 1998. The Scottish Tourist Board expects total tourism spend in Scotland to have increased by 1 per cent in real terms over 1998. That means that spend will once again have exceeded £2.5 billion. That is a considerable achievement by the industry and has defied those who clamoured and predicted crises and who consistently forecast that 1999 would be worse than 1998.

The industry did well last year. We believe, however, that it has the capacity to do even better. We believe that the industry is capable of achieving increases in spend of over 3 per cent each year in the period to 2005. We want the annual value of tourism in Scotland to rise from today's figure of £2.5 billion to over £3 billion in five years' time.

**Fergus Ewing (Inverness East, Nairn and Lochaber) (SNP) rose—**

**Mr Morrison:** Our strategy identifies the markets where we believe potential exists for greatest future growth. These markets are the USA, Germany—

**Fergus Ewing:** Will the minister give way?

**Mr Morrison:** I see that Mr Ewing is eager this morning. I will give way if he will allow me a few more seconds to develop my point.

Those markets are the USA, Germany and France as well as the English and Scots markets. We are also setting targets for the industry to achieve in each of those key markets. Those targets are annual increases in spend of 5 per cent from the USA, 4 per cent from Germany, and 2 per cent from France. For the domestic market, the targets are annual increases in spend of 2.5 per cent by English visitors and 3 per cent by Scottish visitors.

**Fergus Ewing:** The Scottish National party supports the setting of those targets but recognises that the anticipated growth in global tourism is 4 per cent, as the minister's paper states. If Scotland achieves only a 3 per cent rise in income from tourism, which is the minister's target, the loss of revenue will amount to £549 million between now and 2005. Does the minister acknowledge that the target that the Executive has set is lower than the percentage for international growth that is predicted for global tourism?

**Mr Morrison:** Fergus Ewing is absolutely right when he says that the projected increase in global tourism is around 4 per cent. However, it is widely recognised throughout the industry and across Scotland that the targets that we have set are

ambitious but realistic. They have certainly been welcomed. Many in the industry have said that they are ambitious, but we are committed. The strategy will deliver, and we will achieve what we have realistically set out in that strategy.

The all-Scotland picture, however, obscures some substantial regional variations. That is a long-standing problem and was one of the main concerns that was mentioned by many of those who responded to the consultation exercise. The less accessible and less well-known areas—particularly some rural areas—are not enjoying the same benefits from tourism as other parts of Scotland. It certainly seems to be the case that more people are taking short breaks and looking for last-minute deals. The result is a greater focus on the cities, and on towns around our major transport routes.

We agree with the view that has been expressed by many in the industry, that the development and promotion of niche products is the best way in which to tackle that problem. We believe that there are opportunities for Scotland, through a growing trend towards, for example, green tourism, cultural tourism and holidays based around activities.

We are therefore asking the STB to pay urgent attention to the identification and marketing of niches that will benefit the whole of Scotland. We have asked the board to develop, during this year, proposals for golf, culture and genealogy-related tourism. The first of those—a golf tourism strategy—will be published this spring. Further niche markets will be developed next year, and will be part of an on-going effort.

Niche marketing is particularly important locally. Local areas, especially rural areas, have differing strengths. Sailing, as I know, is important along most of the western seaboard; bird-watching is important in the northern isles and the western isles; archaeology is an attraction in Angus and the north-east; winter sports help to attract visitors and lengthen the season in Lochaber, Strathspey and Grampian; and there are many attractions in Dumfries and the Borders. There are many other examples.

Our area tourist boards will, with STB support, identify the niche products that are appropriate to their area and will market them. I believe that that action will be most effective if area tourist boards work together, as niche products do not stop at ATB boundaries.

I am pleased to be able to tell members that the Edinburgh and Glasgow tourist boards have agreed to work together to develop city breaks. They will also draw up proposals to help to disperse visitors throughout Scotland, either as an add-on to a city holiday or through a repeat visit. That is exactly the co-operation that we need

locally.

We are making available additional resources totalling £800,000 in the next financial year to help the national board and the area boards to develop niche marketing activities. Half that sum will be directed specifically to the area tourist boards to help the local effort.

The Scottish Tourist Board, the British Tourist Authority and the area tourist boards will do all that they can to help the marketing effort. Tourism businesses must market effectively their own products and services. However, businesses need knowledge if they are to market themselves successfully. They need information, for example, about the parts of the world from which their visitors are most likely to come, and about their likes and dislikes. We will make it easier for tourism businesses to get that information.

Information technology and the internet are setting the pace of change in the business environment throughout the world. Nowhere is that pace of change greater than in the tourism industry. Global tourism spend on the internet has increased sixfold in just two years.

The Scottish Tourist Board and its public and private sector partners have been developing an electronic database of Scotland's tourism products. That database is known as Ossian, and holds details of around 14,000 businesses, including all accommodation and visitor attractions in the membership of the STB's quality assurance scheme. Customers from anywhere in the world who have access to the internet can access that information. They can book accommodation directly with hotels, guest houses, bed and breakfasts and self-catering businesses, and can use the traditional methods of phone, fax and e-mail. Good progress has been made, but we need to move even more quickly to develop the system if we are to keep Scotland ahead of the game. Scottish tourism must not simply aspire to be part of the IT revolution, but lead it.

We are making available to the STB and the area tourist boards a total of £3.7 million in the next financial year to develop Ossian further and a further £250,000 is being made available in the current financial year, to maintain the momentum in developing Ossian. That commitment by the Executive demonstrates the importance that we attach to our tourism industry and also our faith in IT as the way forward.

The most immediate new development will be the introduction of the facility for customers to pay in advance for their accommodation by e-commerce, a facility that the STB will provide by June this year.

Of course, tourism businesses again must play their part and invest in the necessary IT

equipment, and I am confident that they will do so. By 2005, we expect that 90 per cent of accommodation providers in this country will offer an e-commerce facility. The impact of the development of IT on the tourism industry in this country must not be underestimated. A study carried out for the STB estimated that Ossian will result in between 1,800 and 2,600 additional jobs by 2005. Visitor spend could increase by between £250 million and £360 million over the next five years.

Despite the rapid increase in the numbers of people using the internet, there will always be those who will want to access information about Scotland in more traditional ways, and we must also cater for them. Therefore, we intend to introduce a single telephone number that people can ring for information about Scotland. I hope that it will be possible for that to be in place for the 2001 season.

**Mr Kenny MacAskill (Lothians) (SNP):** Does the minister accept that the bulk of responsibility for marketing Scotland abroad will lie with the British Tourist Authority? Does he think that there is anything untoward in the British Tourist Authority and the English Tourist Board sharing the same office address, telephone number and fax number? Is not that a conflict of interests?

**Mr Morrison:** I do not find anything untoward in people from Scotland sharing offices with people who represent and help to promote England in the British Tourist Authority. Mr MacAskill betrays some ludicrous prejudices.

Our strategy says that continuing investment will be required if Ossian is to realise its full potential. The additional funding that we have announced will enable the introduction of substantial developments over the next 15 months. However, a different approach will be required in the longer term. Therefore, we have asked the STB to work during 2000 to secure a long-term partnership with the private sector, to ensure that the Ossian system remains at the cutting edge of technology and that revenue to Scottish tourism businesses is maximised.

Another major area tackled by our strategy is quality. We are asking the STB to establish a team of quality advisers, who will provide advice on marketing, quality and training. In practice, that will double the number of quality advisers currently employed by the STB and we are making available £500,000 next financial year for that purpose. That field force will be up and running by this autumn.

An important aspect of quality is the provision of information to customers. We need to ensure that our customers know what they are getting for their money, so accommodation businesses will be

required to make prices of rooms and of phone calls obvious and easy to understand.

Quality of service depends crucially on the skills and attitudes of those who work in the industry. There must be greater awareness of customer needs and how they can best be met. In particular, we must focus on the people who work in the industry and tackle the long-standing problems of recruitment and retention.

We are establishing a new skills body, which will be industry led, to tackle those issues. While we hope to announce more details about that new body shortly, it will have a key role in helping the industry achieve 5,000 individual learning accounts by 2002 and 1,000 modern apprenticeships by 2003. We also expect it to work to achieve centres of excellence for training in tourism.

**Mr John Swinney (North Tayside) (SNP):** I ask the minister to clarify a point that is raised in "A New Strategy for Scottish Tourism". The document suggests that training in relation to Ossian will be funded jointly by area tourist boards and local enterprise companies. Will the Scottish Executive and the STB issue guidance or—I hope—stiffer advice to local enterprise companies to fund that training in the hotel and visitor attraction sectors in Scotland? That would guarantee both that such training was carried out and that more people were involved in the use of systems such as Ossian, as individual participants in the industry might have gaps in their awareness of technology.

**Mr Morrison:** I am delighted to give Mr Swinney that assurance. There will be plenty of assistance for website training and everything concerned with the internet. I will be happy to furnish the member with further detail.

I should now like to refer to a specific issue that has been causing concern in the industry—the funding arrangements for the area tourist boards. The great majority of local authorities—although, unfortunately, not all—have provided strong support to their ATBs. Local authorities are important partners at local level, and we want that partnership role to continue. We have, therefore, agreed with the Convention of Scottish Local Authorities a new approach that will provide area tourist boards with the stability that they require. ATBs have a key role to play in implementing our strategy, and they need to have confidence in the level and stability of their funding.

In future, councils will inform their ATB not later than 31 March in any financial year of the amount of funding for the next financial year. At the same time, they will provide guideline figures for the following two years and give a commitment that the actual grants for those years will be not less than the guideline figures, unless specific

circumstances change in the interim. Those arrangements will be very closely monitored, to ensure that they are making a difference. Although we would prefer to continue with the existing partnership approach, if it is clear that the new system is not working in practice, we will look again—very seriously—at the case for central funding.

**Mrs Margaret Ewing (Moray) (SNP):** Both Ewings are on form this morning. Do the funding and the three-year plan for area tourist boards that have been set out in the paper mean that the Scottish Executive will provide our local authorities with a clear definition of grant-aided expenditure, as that has major implications for their budgets?

**Mr Morrison:** I am delighted to see that Mrs Ewing is in fine form this morning. The specific issue that she raises will be considered in the context of the various reviews that will continue over the next few months. Come May this year, we will have a definitive position.

Much of the comment that we received from the industry focused on the public sector structures. Businesses see the work of the support agencies as crucial. That is understandable—in a highly disparate industry such as tourism, it is essential that we get the structures right.

I have spoken about the area tourist boards and the action that we are taking to help them. I also draw members' attention to Henry McLeish's recent announcement of a review of enterprise networks. The Enterprise and Lifelong Learning Committee is also, of course, examining the local enterprise companies. We are determined that tourism will become, and remain, part of the economic mainstream in Scotland. That means that the economic development agencies—Scottish Enterprise, Highlands and Islands Enterprise and the local enterprise companies—must make tourism a priority and keep it at the forefront of their thinking.

We will not stop there. No one is immune to change. The enterprise networks are already involved in tourism, and any changes there will impact on the STB and ATBs. We need to ensure that all agencies, including the STB and the ATBs, remain responsive, effective and appropriate to the task of supporting the industry as it moves into the 21<sup>st</sup> century.

We can and will do what we can to ensure that support for the industry is appropriate and meets its needs. However, the public sector can do only so much. Any strategy for tourism will succeed only if it is whole-heartedly embraced by the industry itself. Tourism businesses, like all others, must learn, invest and modernise if they are to remain competitive. I am confident that they will.

Throughout the strategy, we have identified

targets for the industry to achieve. I mentioned some of them earlier in my remarks. The targets relate to volume and value of visitors, and to quality of product.

**Mr Jamie McGrigor (Highlands and Islands) (Con):** Will the minister give way?

**Mr Morrison:** I am about to close.

As I said at the outset, the targets are tough and ambitious, but we believe that they are realistic. We will monitor progress carefully and report annually on how the industry is doing.

This is a strategy for the 21<sup>st</sup> century, which is appropriate to our industry's needs. I ask colleagues to support the motion and to welcome the Government's proposals.

I move,

That the Parliament welcomes the publication by the Scottish Executive of the New Strategy for Scottish Tourism and commends this as the way to achieve a modern tourist industry in touch with its customers, a skilled and enterprising industry that has embraced the culture of lifelong learning, and an industry that provides the high quality of service our visitors demand.

09:49

**Fergus Ewing (Inverness East, Nairn and Lochaber) (SNP):** I welcome much of what Alasdair Morrison has said this morning. I hope that this will be a lively and controversial debate, but we should accept that there are many aspects of the consultation paper that all of us can welcome.

I would like to start by identifying some of the proposals to which we can extend a welcome. They include the extension of niche marketing—Rhona Brankin mentioned this in her speech on 22 September—in areas such as golf, walking, sailing, and perhaps also culture. I believe that Celtic Connections should receive more help.

We also welcome the setting of targets. That is useful, but it is easier to set a target than to achieve it. I emphasise that it is disappointing that the headline target is that our tourism industry should achieve a growth rate that is less than what the rest of the world will achieve. That is especially disappointing because, as the paper recognises, Scotland has strength and depth in the areas in which greatest growth can be expected, such as eco-tourism—green tourism—and tourism for those seeking something different from a break in the sun. Surely Scotland should aim for a higher target than the rest of the world expects to achieve. It is disappointing that we have curtailed our ambition.

I welcome the approach that has been taken by John Swinney and the other members of the Enterprise and Lifelong Learning Committee in



working with the Executive on the matter. I also welcome the telephone line, although I am puzzled as to why it will not be available this year. I know that British Telecommunications can sometimes be criticised for the time that it takes to obtain a telephone line, but to take more than 12 months is slow by any standards.

**The Minister for Enterprise and Lifelong Learning (Henry McLeish):** The reason for the delay is that we will create a multilingual call centre. Even Fergus Ewing will agree that such a facility requires preparation and a longer time scale. Great urgency is attached to the establishment of the call centre, because it will be vital for the marketing of tourism.

**Fergus Ewing:** I am grateful for that helpful information. I am sure that we can call on a telephone man in every country in Europe to help us with the translation that is required.

We agree with the vision that is set out in the document. It states:

"Scotland has the assets to be a world class tourism destination. It has magnificent scenery; a pristine natural environment; cultural and historical richness; world famous sporting attractions; and beautiful and vibrant cities. These assets have helped to make Scotland an important tourist destination already, and to make tourism an important industry for Scotland."

Our amendment recognises that vision, but differs on the ways that are set out in the paper to achieve it.

I will offer a positive suggestion, which is not meant to be frivolous. We have set targets for Scotland and for the industry. The Parliament could set targets for itself. We should not ignore the fact that this Parliament has been reconvened after a rather long absence. The proceedings of this Parliament might just be of interest to visitors. I hope that organisations will consider including the Scottish Parliament in their lists of places to visit for people coming from throughout the world—perhaps many from the diaspora returning to see Scotland. Even when I am at the lectern, there might be passing interest—I hope that that is an inducement and not a deterrent.

**Mr David Davidson (North-East Scotland) (Con):** Mr Ewing referred to ancient monuments; is that an example?

**Fergus Ewing:** Far be it from me to criticise Lord Russell-Johnston, but I recall that he was described in that way—I say that in all fondness. Perhaps some people already think that I am an ancient monument, although that might just be my idea.

**Henry McLeish:** No, no.

**Fergus Ewing:** I suggest that we apply these targets to ourselves. Important business

conferences are held in Scotland all the time. Ministers attend such functions regularly, and members might volunteer to attend them to welcome visitors coming to this country for international conferences. Why not? We can agree a code of conduct so that we are relatively impartial and non-political on such occasions. I make those suggestions seriously because everyone in Scotland has a part to play in tourism in Scotland, which is wide ranging, disparate and unlike any other industry.

We all have our part to play. Litter in the streets, for example, is a major problem that puts off visitors. If everyone who throws away rubbish decided to stop doing that, it would help to change the image of Scotland. The approach that we adopt towards visitors should be friendly, and largely is so. In my experience, underneath a sometimes forbidding Presbyterian surface there lurk friendly and welcoming personalities.

We welcome the consultation, but have a number of criticisms. It should have included the structure of bodies in the industry; although the remit did not include that, it did not deter the 556 people who responded in writing from commenting on that structure. I read over 160 of the responses and there was a great deal of concern about the roles of the bodies involved. I say that not because I wish to make specific criticisms of them but because that must be recognised as a problem which should not be ignored and is partly related to the difficulties of ATBs as membership organisations. That is a source of controversy and has not been grasped in the initiative. Non-members will not be entitled to access to Ossian, even on payment of a fee. That is a serious problem; many hoteliers feel that they know better than any bureaucrat from any organisation how to run their business, and who are we to tell them differently?

The consultation attracted a very large response, but have we really listened to what was said? Having read some of the contributions made, I do not think so. I will give some examples of contributions by individuals who responded, putting forward ideas that they hope the Parliament will take seriously. Mr Fallows from Newtonmore pointed out that Ireland already has a digital channel to advertise tourism, called Tara. Why cannot we have something similar for Scottish tourism? That seems a sensible idea, especially as digital TV will soon be upon us—although not, perhaps, in the Highlands, where we might have blank screens.

Highland Airways suggested that there is considerable growth in the market for private pilots—a niche market that did not find its way into the paper. Perhaps the Executive is considering it. I will conclude with a suggestion from Mr Baldwin

of Wigtown, although I have 20 or 30 other examples of interesting ideas. He suggests that we should stock waters in the south of Scotland with fish, as is done in England. He gives detailed attention to the idea, and his comment at the end of the letter says a great deal. He says that

"despondency creeps in here. No doubt I will get an acknowledgement which in effect is a brush off as usual. Never mind, it's always worth a stamp. No need for further elaboration at the moment. I doubt you will ever consider it. It is too simple and cheap for Scottish bureaucracy to grasp and latch on to."

That is one individual out of hundreds who contributed.

In our amendment, we focus on the need to listen to the widest-ranging consultation that there has ever been, as Henry McLeish said on the radio yesterday morning. Where is the analysis of the contributions, prepared by the civil servants? I have not seen it; all I have seen is a list of respondents' names, which is not even in alphabetical order.

On page 13 of the strategy document—unhelpfully, page 13 is not numbered—there is a first for this Parliament, a strengths and weaknesses analysis. One of the weaknesses is "Price compared to competitors". I think that I am known in this Parliament for commenting on facts, such as that Scotland has the highest fuel tax and fuel costs in the world, the second highest VAT rate in Europe and higher business rates than England; it is also being damaged by the strong pound.

**Dr Winnie Ewing (Highlands and Islands) (SNP):** And it has the dearest whisky.

**Fergus Ewing:** I am receiving help—I say sincerely that our mothers are always there when we want them.

I am pleased, with familial help, to acknowledge for the first time that the Executive has recognised the serious problem of the effect of London policies on Scottish industry. The document identifies as a weakness of the Scottish tourism industry our prices compared with those of our competitors. I thought that there might have been some market resistance from the Liberal-Labour Government benches—I do not say the Executive, Sir David, as it is the Liberal-Labour Government that we are describing. However, there is a recognition that the policies of London are not helping tourism.

I would like to comment on some of the submissions that have been made. The Scottish Council Development and Industry points out that, in the 18-month period between September 1996 and February 1998, the value of sterling rose against the European currency unit by 21 per cent. Since that submission, there has been a rise of 31

per cent. That puts Scotland at a serious competitive disadvantage.

**Phil Gallie (South of Scotland) (Con):** Is not it the case that that situation is caused not just by the strength of the pound, but by the weakness of the euro, which is not soundly based?

**Fergus Ewing:** I thought that Phil might have got that point in somewhere, and I was not disappointed. The Scottish Tourist Forum points out that price competitiveness of alternative destinations combined with the strength of the pound make purchases of Scottish holidays increasingly uncompetitive.

That point is underscored more fully by the British Hospitality Association, which points out that Scotland is in danger of acquiring a global reputation as an expensive destination. I mention that because not to do so in the face of 10 or 15 business submissions to the consultation exercise would be a dereliction of duty. I hope that during the rest of the debate, those remarks are not taken as talking Scotland down in any way.

There is a problem, which has been recognised by the business organisations that have contributed to the debate. I am pleased that the Executive has acknowledged that for the first time in its own document, and I hope that it will take action to deal with it.

The Scottish National party amendment states that we should be willing to listen to and learn from not only the industry and the Scottish people, but our friends and competitors abroad, especially in Ireland. My colleagues will expand on that argument in more detail.

I welcome the Executive's approach and its willingness to listen, but it must do more to show that that approach is more than a form of words. I hope that, in the coming months, a serious and wide-ranging debate will begin about all that must be done to allow the Scottish tourism industry to achieve the huge potential that we all believe it has.

I move amendment S1M-550.2, to leave out from "publication" to end and insert:

"vision for Scottish tourism set out in the New Strategy for Scottish Tourism, but believes that this vision will not be achieved unless effective action is taken by the Scottish Executive and Her Majesty's Government to tackle the problem facing the industry in Scotland of relative competitive disadvantage; calls upon the Scottish Executive to give further careful consideration to the responses to the consultation paper and to provide, as a focus for a wide ranging public debate, an analysis of the responses, thereby demonstrating that it takes seriously the submissions made by the industry, and further believes that Scotland should be ready and willing to learn from its competitors, such as Ireland, in order to promote best practice in the home tourist industry."

10:03

**Mr David Davidson (North-East Scotland) (Con):** In speaking to my amendment on behalf of the Conservative party, I want to make it clear to the minister—before he leaves the chamber, that is—that parts of his document are welcome.

Unlike my colleague Mr Ewing, I do not want to talk Scotland down. I want to use this opportunity to talk about where the Executive might have gone and will, I hope, eventually go. Today's debate is about tourism, and I am reminded by many in the industry that that should be coupled with leisure and hospitality, which cover the facilities for use by home Scots in their communities.

Fergus Ewing touched on the conference business, which I was disappointed that the minister did not mention. The conference business is something that we can get a hold of. The document contains a fleeting reference to business tourism, but that is a growth market and we need to be in there. I was disappointed to learn that recently a conference was not taken to the north-east of Scotland because there was no facility there with adequate disabled access. The minister should consider how best we can improve such facilities. As well as affecting the convenience of individuals, that is a marketing issue.

There were elements of realism in what the minister said, which encouraged me. However, I am disappointed if he thinks that golf holidays are new. We have been providing them for more than a century. We need to come up with something more than golf. There are sailing, walking and other opportunities. It would be good if he and his staff considered them.

I was pleased with the minister's comments on quality advisers because, despite what Mr Ewing said about the price of coming to Scotland, we have a quality product and that product can get better. It can become more accessible, and we must encourage, wherever we can, improvements in quality, so that we stand out above the rest as a holiday destination.

I am not sure about the comments that were made about targets. Targets are nebulous things. Ministers write them down, go to committee meetings and say, "We have set a target; we have got it right," but targets must be delivered. I disagree with Fergus on whether the targets are accurate, because that is not the point. The point is that targets should be agreed by the industry, because it is the industry that must buy into them.

We share an understanding not only of the importance of tourism, but of its potential Heineken effect—it can reach parts of Scotland that other economic drivers cannot. I was pleased to note that ATBs are at the centre of the

minister's plan, because that is vital. Section 5 of the Executive's document lists who does what. I found it interesting to note that of the groups listed—the British Tourist Authority, the Scottish Tourist Board, area tourist boards and local enterprise companies—there was no mention of local councils.

I remain unshaken in my belief that the minister and his colleagues have failed to grasp an opportunity to be radical about the structure and funding of tourism support in Scotland. He has succumbed to the pressures of the Convention of Scottish Local Authorities—indeed, he made reference to it—in failing to create a stable funding platform for area tourist boards. The minister stated that councils would inform ATBs what their funding would be one year in advance and would give guideline figures for years two and three. So far so good. However, by giving councils a get-out clause, he destroyed any stability and removed the ability of ATBs to move to longer-term planning. The minister has failed to listen to the industry, the tourist boards and even the Enterprise and Lifelong Learning Committee, which has made clear the need for stable funding, on which the industry can plan in the long term.

If the minister were in regular contact with the Minister for Finance and the Deputy Minister for Local Government, he would know that tourism is not necessarily at the top of Scottish councils' agendas. Indeed, many have stated that they cannot maintain ATB support at current levels during this time of economic squeeze by the Executive. The only solution to the problem of providing stable funding to enable strategic planning is to publicly fund ATBs through the Scottish Tourist Board. In ATB areas in which several councils operate, the problem of a council's inability to agree common agendas with others is serious. The minister's stated vision talks up long-term planning, which I suspect includes planning for infrastructure and training, so why will he not be more decisive and remove the dead hand of councils' short-term decision making from ATB operations?

Under this Executive, councils have their minds elsewhere—on coming to terms with their settlements and on how to deliver and improve core services. However, local councils have a direct role in assisting tourism and the minister would do better to push for that to be delivered. I am talking about the basic infrastructure that is the responsibility of our councils, for example, public toilets, litter management—to which Mr Ewing alluded—road signage, parking opportunities and picnic sites.

The provision of wet-weather facilities—which is obviously important in Scotland—such as the opening of school sport facilities out of school

hours, would also benefit the community and would provide schools with an income stream. Councils also administer licensing, public health and consumer controls. There should be a review of rating relief for rural and remote tourism businesses. We have had a start with rural post offices, pharmacies and filling stations, but we need to go further—that was not mentioned in the paper.

In Denmark, popular but remote visitor spots and car parks are served by portable and stand-alone toilet facilities, which are easily transported by lorry. The provision of that service could be put out to tender to specialist contractors that are willing to provide the capital required.

I should tell Mr Morrison that the Conservatives do not knock everything. We like Ossian and we are pleased at the strategy's multilingual approach. Unlike Fergus Ewing, I would rather employ the linguists here in Scotland—our universities produce some very good ones—than put the work out to other countries.

We support the use of e-commerce, but the minister did not mention any money to encourage small businesses to adopt it. That is a failing. It is fine to expect organisations to use e-commerce, but assistance is needed at least to give businesses advice on how to do it, what to buy and where to get training. Will Mr Morrison join us in thwarting the dotcom raiders—the pirates who are preventing communities from setting up their local tourism websites? That is a legal issue, about which he may be able to intercede at Westminster, as it is a reserved matter.

The Conservatives agree with the minister about the provision of training opportunities. We welcome the new national training group; I trust that it will not be another talking shop, as we need positive action. I recall asking in our previous tourism debate for more support to be focused on distance-learning packages and for on-site training, in which staff are given a regular slot, possibly every day, in their place of work. In many small tourism businesses, people do not have the time to go away to Inverness, or wherever, to get training. We must make more use of e-training wherever possible.

Like Mr Morrison, I get around. Last weekend, I was touring in Aberdeenshire. I was impressed by the number and diversity of signs relating to tourism, but that also brought home the fragmentation in the industry. The industry needs clear and unambiguous focus and leadership. That leadership must incorporate the vision of the industry, not only the vision of the Executive.

“A New Strategy for Scottish Tourism” states:

“As part of that review, we will examine the role of the Enterprise Networks in supporting tourism . . . and provide

the required leadership for the industry at national and local level”.

In other words, the Executive has openly declared that it has not yet thought the matter out. It is time that it caught up.

The Conservatives believe that the industry should have its own minister—we asked for that last year and our position has not changed. Tourism is a vital business, with great potential for Scotland. It requires full-time, hands-on management in the Executive.

The STB should have a more focused remit and should be in charge of channelling funding to the area tourist boards. It should engage further in tourism strategy development, encompassing all those who take part in the industry.

I agree with Fergus Ewing that continued dialogue with all those involved is vital for moving the industry forward. I accept that the absent Henry McLeish will chair a new focus group, but he must remember that each tourist board must be free to deliver local solutions to suit an area's needs; the tourist boards must not be run by prescription from the centre.

As well as the stability of funding, other key issues must be addressed, such as usable and affordable transport with through ticketing and a freeze—we have something in common with the SNP on this—on fuel duty and on taxation on transport.

**Mr Swinney:** The Conservatives introduced the increases.

**Mr Davidson:** We knew when to stop. Unfortunately, Labour did not.

**Mr Swinney:** The electorate saw to that.

**Mr Davidson:** The point is that most tourist traffic is road borne, as Mr Morrison must admit. The cost of driving is expensive and hits people tremendously.

We must consider the Executive's access proposals. We need to manage rigorously visitors to our fragile rural areas. Frankly, landowners cannot afford to put in the managed access schemes that are required. I would have thought that the minister would have addressed that.

The Scottish National party is not offering a lot in its motion; it is having a wee bit of a moan. I was particularly concerned about some of the xenophobic comments—we are part of the UK economy and we need a chance to share in the benefits of selling the UK abroad.

In conclusion, if we are to grow the industry, we must encourage new entrants to provide quality and innovative services. We must encourage partnerships or ventures at local or at national

level. Most of all, we must encourage a sustainable industry, which will improve employment prospects for all, and the sharing of opportunity to all parts of Scotland.

I move amendment S1M-550.1, to leave out from "welcomes" to end and insert:

"notes the publication by the Scottish Executive of the New Strategy for Scottish Tourism and regrets that it fails to address the need for a restructuring of responsibilities and fails to clarify and confirm the essential funding of Area Tourist Boards."

10:16

**George Lyon (Argyll and Bute) (LD):** It is interesting to hear Fergus Ewing describe himself as an ancient monument. What does that say about his mother? Is what he said the reason she has left the chamber?

**Mrs Margaret Ewing:** Mr Lyon is in trouble now.

**George Lyon:** No doubt.

I welcome the publication of the tourism strategy document; it demonstrates that tourism is for the first time being brought to the centre stage in Scotland and it recognises the importance of the industry to the Scottish economy.

The industry is important not just to Scotland generally, but to rural Scotland in particular. In the places where tourism thrives in rural Scotland, the industry provides jobs and economic activity where there are precious few alternatives. It must be nurtured and helped to grow. In the area covered by my ATB, Argyll, Lomond, Stirling and the Trossachs—ATB is easier to get off the tongue—tourism provides 14,400 jobs: 10 per cent of total employment. Most important, the industry exploits our natural resources of wonderful scenery, spectacular environment and superb hospitality. We need to build on those advantages, as this strategy will attempt to do.

We have to acknowledge the way in which the minister and the Executive have worked with the Enterprise and Lifelong Learning Committee. The committee has had substantial input into the strategy document; the Executive recognised the concerns that were expressed on a genuine cross-party basis and the majority of the committee's recommendations have been taken on board.

David Davidson rightly highlights the issue of structures. However, today and in other forums, the Executive has undertaken a review of the structures as part of the enterprise network review—that should be welcomed.

**Mr Davidson:** Does Mr Lyon agree that this would have been the right time to consider structures?

**George Lyon:** Given that the Enterprise and

Lifelong Learning Committee is midway through an in-depth study of the whole enterprise network, it would have been ridiculous if the minister had made any proposals at the moment. As a committee, we would have rejected that. I welcome the Executive's approach; I say that on behalf of all members of the committee.

However, I highlight a number of genuine concerns about the document and some of the wider problems that might face the tourism industry. The paper provided by the Scottish Parliament information centre demonstrates one of those problems. In the figures for tourist trips into Scotland made by UK residents who decide to holiday in the UK, there is a reduction of 4 per cent. However, England, Northern Ireland and Wales all show significant growth. Why is Scotland showing a trend line that has levelled off and even gone down over the past two years? Let us be very clear: Northern Ireland, England and Wales face the same challenges as us. The difficulty of being a high-cost destination—because of the exchange rate and fuel prices—is exactly the same for other parts of the UK. Perhaps we should consider the problem more carefully to understand why Scotland is missing out when the rest of the UK seems to be bucking the trend.

**Fergus Ewing:** I am surprised to hear George Lyon say that Scotland faces the same challenges as the rest of the UK. As a fellow member representing a Highland constituency, does he not recognise that the higher cost of fuel means that the Highlands face additional challenges?

**George Lyon:** Fergus is right in saying that we face a greater challenge in the Highlands and Islands. However, back in November, I spent some time in southern Ireland with colleagues from Northern Ireland, Wales and rural England who expressed the same sentiments—they have high fuel prices in their rural areas. The point that I am trying to make is that we must ask why those other parts of the UK are managing to buck the trend when we are experiencing a fall in visitor numbers. I would like the minister to monitor closely the situation and to consider whether there are fundamental problems that we may have missed.

On international marketing in Scotland, we have heard that the BTA is currently responsible for marketing Scotland abroad. The new tourism strategy document says that the Executive is considering bringing in Locate in Scotland and Scottish Trade International. What role will those organisations play in marketing Scotland? Will the marketing strategy remain focused on selling Scotland as an add-on to London? In other words, will we continue to encourage people to visit London and then try to get them up the road?

When I visited Prestwick airport with the

Enterprise and Lifelong Learning Committee, we discussed the number of visitors using international flights into Prestwick and other airports in Scotland. The manager told me that for every 100 passengers who used the direct services into Prestwick, 80 were Scottish residents—only 20 were foreign nationals visiting Scotland. There is an issue about how we market Scotland and make use of the capacity that we have. The Scottish Airports Authority report highlights the key issue for marketing Scotland abroad: of the 22 million seats on direct flights out of Glasgow, Edinburgh and Aberdeen last year, 32 per cent were empty. That is a big challenge. We have the flights, but we must do more to attract foreign nationals to travel directly to Scotland.

If Locate in Scotland and Scottish Trade International are to become involved with the BTA in marketing Scotland abroad, a consistent and cohesive strategy must be established across the three organisations. The last thing that we want is for every organisation to do its own thing. The Scottish Airports Authority report states that Scotland's real challenge is to fill the 7.2 million empty seats. I hope that the minister will tell us how the new strategy will deliver that.

All of us who have been involved in the tourist industry know that quality is the most important issue facing Scotland. I welcome the announcement that the number of quality assurance advisers is to double. That is a big step forward. I hope that that will drive up standards in Scotland.

I ask the minister how we can guarantee that standards are applied more widely to include businesses that are not part of the Scottish Tourist Board scheme. In its submission to the consultation, the Highlands of Scotland Tourist Board estimated that as much as 60 per cent of tourist accommodation in its area is unregistered. How does the strategy tackle that? How are we to bring that accommodation into the scheme so that quality is consistent across the country? The issue is not the level of quality of that accommodation; the issue is that the accommodation should be inspected so that people know exactly what a rating of one, two, three or four stars means. That will happen if everyone is in the same scheme.

Every bad experience for a visitor undermines the integrity and the image of Scotland. We must try to bring those businesses into the Scottish Tourist Board scheme, so that a minimum required level of quality is established throughout the market.

We welcome the increase of £11 million to the tourism industry that was announced by Henry McLeish. However, I am concerned about the funding arrangements for area tourist boards. I recognise that the Executive has responded to

some of the criticisms that were made by the Enterprise and Lifelong Learning Committee on that issue. Stability of funding is crucial in developing our industry. When speaking to representatives of some of the area tourist boards yesterday, I learned that they still have concerns about stability and about the guarantees for the three-year budgeting exercise. Although guarantees have been given, I question whether they are robust enough. I ask the minister to consider moving towards direct funding as quickly as possible.

I am glad that funding levels are being maintained or even increased over the coming years. In Ireland—one of our competitor countries—Goodbody Stockbrokers has done an analysis of the Irish Government's national economic plan, which includes proposals to cut spending on tourism by 44 per cent over the next six years. It is to be welcomed that here in Scotland it is recognised that spending has to continue at the same levels. We will, I hope, see the levels increase over the next few years.

I welcome the publication of the Scottish tourism strategy document. It demonstrates that the Scottish Executive's commitment to bringing tourism into the economic main stream is real. That has to be welcomed. I would appreciate it if the minister could address some of the concerns that I have outlined.

**The Deputy Presiding Officer (Patricia Ferguson):** We now move to the open part of the debate.

10:28

**Scott Barrie (Dunfermline West) (Lab):** Like most members, I welcome the publication of the tourism strategy document by the Scottish Executive. As we have heard, tourism plays a vital role in the Scottish economy. In his opening statement, the minister made it clear that the opportunities to modernise the tourism industry rely on the development of effective partnerships between the Scottish Tourist Board, area tourist boards, local authorities and the industry.

It is important that quality plays a key role in the development of tourism. Unfortunately, as George Lyon said, in recent years quality has not always been of the highest. The industry must drive standards up if we are to achieve a quality product.

I also echo George Lyon's questions about consistency and quality assurance. The scheme operated by the Scottish Tourist Board must provide a clear indication of what the tourist can expect and what the industry should be delivering. An expansion of schemes such as Ossian and the modern apprenticeships would go a long way

towards ensuring that the product that is offered in Scotland is of good quality.

I am very fortunate to represent an area in Fife that relies extensively on the tourist industry. However, it has yet—like many areas in Scotland—to reach its full potential. Although the town of Dunfermline has an excellent opportunity to launch a tourism strategy—it is the burial place of 12 Scottish kings, including Robert Bruce, and has a world-renowned abbey—far too often people on their way from Edinburgh to the Highlands merely zoom up the M90 and do not think about the great effect that they could have in Fife. That situation is duplicated throughout Scotland. The central belt has many things to offer, but too often tourists are offered only the package of the city of Edinburgh and the scenic Highlands.

If we are serious about attracting tourists to Scotland, we should be attracting them to the whole of Scotland, not just to the tourist destinations that have been promoted in the past. George Lyon mentioned the number of empty passenger seats on aeroplanes. If we want Scotland to be a tourist destination, it should not just be an add-on, however important that might be to visitors to London; people should be having the Scottish experience for itself.

People talk about the success of other areas, particularly the Republic of Ireland, where some of us regularly have holidays. We can learn some lessons from Ireland about attracting people to our part of the world. If we work together effectively in the partnership that the minister outlined, we could make the tourist destination of Scotland a lot better for everyone.

10:31

**Mr John Swinney (North Tayside) (SNP):** I will contribute to the debate in my capacity as convener of the Parliament's Enterprise and Lifelong Learning Committee, to reflect on the committee's role in the development of this strategy.

I am very sorry that Mr Henry McLeish is not in the chamber just now, because, having watched "Newsnight Scotland" last night, I would have enjoyed embarrassing him. Mr Ian Jenkins, who is probably one of Mr McLeish's neighbours in Peebles, was waxing lyrical about how marvellous Mr McLeish was, and the reporter had to bring to an end a meeting of what she described as the McLeish fan club from Peebles. Christine Grahame tells me that only three of them were there. However, bearing in mind the events of the past couple of weeks, it makes a change for Government ministers to be so admired by "Newsnight Scotland".

The publication of the tourism strategy

document has been welcomed across the chamber; it has many strong aspects and gives a new direction to the tourism industry in Scotland. However, as I said, I will comment on how we have arrived at this position and the Enterprise and Lifelong Learning Committee's role in doing so.

In his opening speech, Alasdair Morrison recorded the point that the committee, as a result of its deliberations and discussions with ministers over the summer, requested an extension to the consultation period. I am happy to acknowledge that ministers agreed to that request, which gave a welcome indication to the industry that its views were going to be taken seriously in the process.

At George Lyon's suggestion, the committee asked for the opportunity to input into the Government's thinking in the review, but not in the aftermath of the publication of the glossy strategy document. It is all too often the case in these exercises that the Government publishes its position in the glossy document, which means that there can be no further purposeful dialogue on the issue.

Ministers agreed to our request for input prior to publication; and I am happy to acknowledge the fact that ministers made available to the committee a pre-publication strategy, which was discussed by the committee, Alasdair Morrison and senior officials of the Scottish Tourist Board and the enterprise and lifelong learning department of the Scottish Executive. What emerged from those discussions was a very detailed set of views which the committee sent to ministers, and the Government has taken on board many of our proposals. I should stress that the committee arrived at its conclusions unanimously after discussion with the minister and other officials.

That process demonstrates that parliamentary committees can have a purposeful role in the development of policy. Committees can put forward views that certain members have formulated, either because of the areas that they represent or because they have taken the trouble to examine submissions from individual organisations to the tourism strategy review.

Committees are now involved in that process, but I would like to see that innovation being used earlier in the process. The only constraint on the Enterprise and Lifelong Learning Committee in the tourism debate was that the debate was conducted in private, although I understand why that was required at the time. As we go through the committee cycle, and as members reflect on the role of committees, there will, I hope, be more examples of initiatives on which ministers are prepared to think out loud in front of committees. I also hope that committees will, on a cross-party

basis, make strong representations to ministers on the ways in which issues can be tackled or proposals brought forward.

A number of points have been made about the fact that structures were not tackled in the review. On behalf of the Enterprise and Lifelong Learning Committee, I would like to say that if the minister had said something definitive about tourism structures at a local level, he would have had to deal with the irritation of the members of that committee. I am happy to acknowledge—I hope that I have picked this up correctly in the past 48 hours—that ministers are encouraging the Enterprise and Lifelong Learning Committee to expand our inquiry on local economic development. They want the committee to examine the ways in which tourism services are delivered at local level.

In my experience there is, at constituency level, a lack of synergy, cohesion and co-operation between the local enterprise companies and area tourist boards. That is important. If it can resolve some of the issues at local level—which we are determined to do in wider economic development, as is shown by our inquiry—the Enterprise and Lifelong Learning Committee will be happy to do that.

**Mr Morrison:** I am delighted to offer some clarification to Mr Swinney. The Executive hopes that the Enterprise and Lifelong Learning Committee will extend the remit of its investigation to examination in depth of the role of ATBs.

**Mr Swinney:** I thank the minister for that. The committee can continue to discuss such issues with the minister when he appears before the committee in a couple of weeks.

To conclude, a number of issues have not—as I am sure ministers will accept—been resolved absolutely by the tourism review. The Government has made new proposals on area tourist board funding and the Enterprise and Lifelong Learning Committee will have to monitor the effectiveness of those proposals to guarantee that we respond to the concerns that ATBs have expressed. We must examine the targets that the Government has set and we must establish a monitoring framework, which I am sure the minister will say more about.

Information technology is important. If we want to revolutionise the industry using IT, we must equip the industry with the wherewithal for that. It is fundamental that IT support is given to individual participants in the industry so that we can guarantee that we do not create another form of exclusion. We must be as inclusive as possible.

I would like to make a final point about quality. The Enterprise and Lifelong Learning Committee got bogged down in discussion of how we could

evangelise about quality. That is not some religious issue that the minister should go back to his constituency to reflect on. There is a need for evangelism about quality and the Government has brought forward some proposals on that, proposals that the Enterprise and Lifelong Learning Committee will test.

I welcome the dialogue between the committee and ministers on those important issues and I look forward, on behalf of the committee, to pressing the Government further to implement the tourism strategy.

10:39

**Maureen Macmillan (Highlands and Islands)**

**(Lab):** I thank the Executive for the opportunity to debate the strategy that it announced yesterday. I represent the Highlands and Islands and the importance of tourism to that area cannot be overestimated. We benefit from some of the most outstanding scenery in the world. It is a major selling point and it attracts visitors from all over the world. Unfortunately, it no longer attracts enough visitors from the rest of the UK and, as the minister said, the overseas market could be developed further. The right tourism strategy for the Highlands will ensure a shop window for the skills, abilities and produce of those who work in the Highlands. It is crucial that there is a focused tourism strategy, as has been announced. We need something more than the hope that the tourists, like the swallows, will always arrive.

As other members have mentioned, there are infrastructure problems in the Highlands. Air links between Heathrow and Inverness are lacking. We also need to promote direct charter flights from Europe to Inverness. Those crucial issues must be addressed if our potential is to be developed. We have campaigned for a long time to have the Heathrow link restored. The announcement last Thursday about the possibility of a transport authority for the Highlands and Islands will, I hope, help to ensure that strategies are devised that will promote new ideas for public transport to make rural areas more easily and more cheaply accessible.

The strategy also identifies niche marketing as a major priority. There is a lot of scope for such marketing in the Highlands, promoting wildlife holidays, culture and sport and short or long breaks. Project Ossian has shown how the tourism industry can benefit from cutting-edge IT. Tourism and IT can be married together in a very up-to-date way, I hope, with continuing investment.

Like other members, I believe that achieving quality is the most important aspect of the strategy. Quality, above all, is what will attract visitors; word-of-mouth marketing is perhaps the



best way to advertise the Highlands. When people visit the Highlands, and elsewhere in Scotland, the best thing that we can do is to offer top-quality, fast and efficient service. Visitors expect no less. That is what they get in other countries; we must give it to them here too. However, achieving quality requires the investment of time and money and the commitment of the whole industry.

The first aspect of quality is the quality of hotels, bed and breakfasts and other places of accommodation. Proposals for quality advisers, for the clear display of prices and charges and for a national transport timetable are all welcome, but I urge the Executive to consider a universal ratings system. Tourists would then be able to see the services available in a particular hotel or guest house and how those services are judged. There is, however, the question of whether such a ratings system should be compulsory. I believe that there should be different criteria for small, medium and large hotels and for various sizes of bed and breakfasts. Tourists could then make their choice accordingly.

The second aspect of quality is service, in which training plays an important part. There is no doubt that, in the past, the industry has had a bad image. We must get away from the idea that service is somehow servile. That mindset must change if the tourism industry is to thrive. I welcome the news that there is to be a tourism skills body, which will promote the uptake of 1,000 modern apprenticeships and 5,000 individual learning accounts and will develop centres of training excellence. At the moment, many training programmes are inadequate. Good training is often undermined by bad practice by employers.

I am particularly concerned to ensure that those employed in the service sector in general and in tourism in particular are well paid, have good working conditions and are offered incentives to consider the tourism industry as a career, rather than as a stopgap. Higher wages would boost the image of the industry and show that it is a rewarding area in which to work, which values its workers. That is not always the case at present.

A major problem in the Highlands is seasonality. It is difficult to build a career in an industry that closes for half of the year. As the report outlines, we must ensure that the season is extended, particularly in the more remote areas. I hope that focused marketing to attract Scots to take winter breaks in the Highlands will be successful. We can offer peace and quiet or wild ceilidhs, whichever people prefer.

Many of the issues facing the tourism industry are of long standing and will not be solved overnight. However, tackling the issues of quality and training, together with focus marketing, will help to put the tourism industry on the right basis

to grow in the 21<sup>st</sup> century.

10:44

**Christine Grahame (South of Scotland) (SNP):** I want to make two general observations. First, the deputy minister made a vision statement that tourism is at the heart of Scotland's economy. I would like him to view tourism in its diversity too. Tourism is complementary to other policy areas, such as investment in indigenous industries, high-quality crafts, education and transport.

The deputy minister made another comment about raising the profile of tourism. Touching on what Maureen Macmillan said about that, I believe that he has also to raise the status of tourism. There is still a them-and-us syndrome: it is seen as somehow menial to work in providing services for tourists. That is reflected in and fostered by the low wages and poor working conditions in sectors of the industry. That raises the question of the derisory 10p increase to the minimum wage, which the deputy minister may want to address. Both perception and practice have to be changed, through education, skilling upwards, decent wages and proper investment across policy areas.

I want to focus on integration, training and transport, as illustrated in the context of the Scottish Borders. The minister referred in particular to disadvantaged rural areas, and the Borders is a beautiful area, undersold and often displaced by the Highlands and Islands.

First, on integration, I referred to indigenous industries. There is nothing more synonymous with the Borders than its textile and woollen mills. In the past three years of new Labour, however, 2,000 jobs have been lost there. Soon, there may only be working museums to show how the wool and textile production once dominated the contours of the Tweed. Investment in those core indigenous world-renowned industries is essential in itself, and would augment the potential for tourism. The same can be said for smaller production units, the best example of which is Selkirk Glass. It combines production of high-quality paperweights with a successful restaurant overlooking the glass production.

Secondly, on training, we must raise the skills, status and quality, which George Lyon referred to. I refer members to the recently founded chefs school at Borders College, located at Galashiels and at the college's satellite units. The school will have an estimated 50 students by the financial year 2000-01. It is offering a whole range of courses at different levels, but its main focus will be to update skills. It offers a high-skill master class in all catering disciplines. That reflects the reputation and demand for Scottish chefs. It is not detached from tourism, but is integral to it. Other

courses that Borders College provides range from horse management to aromatherapy to gamekeeping—I will return to the gamekeepers later. All those have tourism potential.

On page 35 of “A New Strategy for Scottish Tourism”, the University of the Highlands and Islands is referred to in the context of developing centres of training and excellence. Here is my pitch: I know that the Borders College has in hand an initial proposal for a Scottish school of tourism studies, possibly in partnership with Napier University. Why not give that location consideration for a change? The Borders greatly requires such an economic boost.

Thirdly, on transport, the A68 and A7 provide poor road access. Page 31 of the tourism strategy document says:

“Many of those responding to our consultation mentioned accessibility”.

“Accessibility” is not the first word that leaps to mind when thinking of the Scottish Borders. However, pages 10 and 11 of the feasibility study for the Borders railway rather dismiss the impact of the reinstated railway on tourism, even for activity holidays. I do not accept that. What about a cycle track, to run adjacent to the line? What about bridle-paths in parallel? They have been investigated: they are feasible. What about railway holidays? It is time for lateral as well as linear thinking by the Executive.

Borders people, despite enormous recent setbacks, are full of resolve. I will give two examples.

Ogilvie Jackson, a hill farmer, facing catastrophic sheep prices, has, with his wife, diversified into letting two quality finished cottages, renovated by local tradesmen with local material with the aid of European grants and a website, which brings jaded southerners to the comfort and peace of the Borders hills.

Secondly, there are the gamekeepers who populate the Borders College Italian course, an example of the multilingual approach. Why? So that they can say, “Ci sono dei pesci in quel laghetto,” or, “There are fish in that pool.”

That is Borders enterprise for you. It is time that the Executive matched it.

**The Deputy Presiding Officer:** I now call Allan Wilson, to be followed by Ian Jenkins.

10:49

**Allan Wilson (Cunninghame North) (Lab):** Thank you, Presiding Officer.

**Mr Brian Monteith (Mid Scotland and Fife) (Con):** Swim with the fishes.

**Allan Wilson:** I will swim with the fishes, yes.

I wish to start by paying tribute to the deputy minister and his team for the inclusive manner in which they have approached the development of the tourism strategy. The consultation has been described, properly, as the largest and most inclusive that has ever been conducted on tourism in Scotland.

As George Lyon and John Swinney, fellow members of the Enterprise and Lifelong Learning Committee, have done, I want to mention in particular the prior consultation that took place between the committee and the deputy minister, Alasdair Morrison. That has added considerable value to the final product. I point out to David Davidson, although he is no longer in the chamber, and to Ben Wallace that that consultation included the issue of the stability of ATB funding. Perhaps, as John Swinney said, the consultation has set the scene for other committees in their future work. I do not know, but I suppose that we live in hope.

Several facets of the strategy jump out for greater emphasis, such as Project Ossian, mentioned by the minister, and the establishment of an e-commerce booking system with a target of 30 per cent of all accommodation business trading by 2002 and 90 per cent by 2005.

E-commerce, which we will debate again next week—that is something to look forward to—will generate up to £360 million in revenue and create 2,500 jobs in the tourism industry. That is the future of the industry and the strategy document has grasped that nettle. The internet is a global shop and should be seen in that context. In tourism terms, Scotland must be prominent in that shop window if we are to market ourselves effectively.

As the strategy document says, our tourism assets are literally world class. Our scenery, our culture, our heritage and our environment—each provides us with a natural advantage. Not all potential visitors will reach Scotland by surfing on the super-highway, but they will all expect a certain standard of service and quality of operation, which some in the industry fail to provide.

The targets that are set out in the document to improve on quality and provision of service are both realisable and necessary if the industry is to grow. Niche marketing remains the key to reaching those targets. Arguably, we do not go to Munich for the weather; we go for the beer. [Laughter.] Well, some of us do, although that caused a laugh on the Liberal benches. The same might be said for Dublin and its general hospitality. Both are niche markets in regions and countries that offer a huge, diverse political and other

culture, but both also have a more populist appeal.

France has long since mastered the concept of niche marketing. Last night, I talked to a colleague's researcher, who was going abroad for a couple of days—not to France, but to Bordeaux with all its essentially liquid connotations. To continue David Davidson's Heineken analogy, we too have our liquid cultural heritage and a hospitality trail, or whisky trail, to pioneer.

**Mrs Margaret Ewing** *indicated agreement.*

**Allan Wilson:** I see that Margaret agrees.

How better should we emphasise the importance of the tourism industry than by linking it to, and building on the economic success of, one of Scotland's major economic mainstays?

**Fergus Ewing:** I am loth to interrupt an excellent travelogue, and I agree about the importance of technology, in particular Ossian, but does the member agree that the cost of access to Ossian by small bed-and-breakfast establishments, such as those mentioned by Maureen Macmillan, is a serious problem? Is there a danger that such establishments may well be priced out of the market and, if so, what should be done?

**Allan Wilson:** That point has exercised the Enterprise and Lifelong Learning Committee and we will debate it again. We need to drive up standards and quality. If people want to be part of the quality club, they pay their membership subscription. As a union man, I know all about paying dues to get the protection that the wider organisation brings.

I do not disagree with the general thrust of the debate, but I want to stress, as the strategy does, the many other examples of niche marketing. Some of those examples, such as sailing, are particularly relevant to my constituency. Niche marketing and successful marketing abroad are crucial to the strategy, but so is marketing within the UK. We already have considerable success on which to build, despite some of the siren voices in the SNP—[*Interruption.*] In terms of visits from abroad, that is the case. Visitor numbers from within the UK—Scotland's most important market—have, however, remained static. I saw Fergus on the telly last night—very telegenic he was too—talking about high fuel duties, VAT and exchange rates. As George Lyon pointed out, those problems also impact on the market in England, Wales and Northern Ireland, but they have still increased their share of the market.

Nationalists carp about being under the heel of the English, but what about the nationalists who thought it was funny to support Germany's bid for the 2006 world cup as opposed to England's? The owners of Scotland's empty bed and breakfasts

were not laughing. Our largest market, for tourism and our other industries, is the rest of the UK. We talk down Scotland and its place in the union at our economic peril and at the expense of our tourism industry.

10:56

**Ian Jenkins (Tweeddale, Ettrick and Lauderdale) (LD):** I am delighted at the tone of today's debate, which has been constructive. I am also delighted to acknowledge John Swinney's comments about the Enterprise and Lifelong Learning Committee's role in the consultation process, which is a model for future work in the Parliament.

I am altogether happy this morning. I am happy to welcome the minister's strategy, with its emphasis on niche marketing, e-commerce, skills training and quality assurance. I am pleased that the document recognises tourism's place at the heart of the national economy and at the heart of the economy of the Borders, my area, which is one of the rural areas to which the minister referred.

I look forward to a day in the not-too-distant future when a tourist from anywhere in the world who is coming, say, to the Edinburgh festival will be able to use Ossian to book his ticket for the opera—perhaps "Lucia di Lammermoor", based on the novel by Sir Walter Scott. I hope that he will then be able to book a ticket on the newest railway line in Britain, the Waverley line, to go to the central Borders to visit Sir Walter Scott's Abbotsford and Melrose abbey, where Robert the Bruce's heart is buried.

That tourist might then go to one of the Borders finest restaurants and be served with fine-quality Borders produce. Before he completes his cultural experience, I hope that he will visit one of the finest woollen mills in the world and buy some Borders cashmere and, better still, stay one or two nights before leaving the area. Those examples of niche marketing will have been organised and staffed by young people who have attended a centre of training excellence to gain the qualifications that they need to be able to stay in the Borders.

"A New Strategy for Scottish Tourism" is a good document. As John Swinney pointed out, it was welcomed by people in the tourist industry in Peebles on "Newsnight Scotland". However, I seek clarification on one or two points. Will the minister confirm that area tourist boards, which I consider to be crucial, will have a key role to play in relation to Ossian, niche marketing and business development?

I ask the minister to give us more details about the operation of the new tourism skills body that

will be set up in April with a welcome £6 million budget. Does he envisage the organisation having a permanent base? Where will that be, who will serve on it and how will the funds be distributed to allow tourism businesses to benefit from the initiative? How will the investment get to the front line?

While I welcome the decision to ask local authorities to provide area tourist boards with a three-year funding programme, I ask that we recognise that the issues of ring fencing and local government funding need to be addressed. Local authorities must be resourced in a way that allows them to honour their obligations as regards tourism without damaging core services.

I welcome the report, and I note that those who are involved in the Borders tourist industry—both the board and the local hoteliers, whose opinions I have heard in the past day or so—have taken a positive view of it. That helps me to be optimistic about the future of that vital industry. I hope that, one day, the minister and as many of his colleagues as I can gather together will be able to join me on the Waverley line as I take them on a rewarding cultural tour of the central Borders.

11:00

**Mary Scanlon (Highlands and Islands) (Con):** It is difficult to follow that advertising promotion for the Borders. I congratulate Ian Jenkins. He certainly takes advantage of every opportunity.

There is much to welcome in this report. Having been involved in the consultation process, I was pleased to see that many of the concerns had been addressed. I was slightly concerned when I read *Scotland on Sunday*, as I wondered whether that was another leak to the papers that was possibly all wrong. However, the article pretty well covers everything in the document. I register my concern that we received the document only yesterday, although the article that was printed on Sunday seemed to spell out its contents. If that is the chosen way in which to leak such documents to the press, that is fine; however, I question whether we need glossy documents as well.

Another concern that has been expressed today is the loss of confidence in the Scottish Tourist Board and the area tourist boards, although I can talk only about the Highlands of Scotland Tourist Board. That serious loss of confidence must be addressed. Yesterday, when I faxed the summary to a few of the tourist operators and asked them to respond, I received a fairly cynical response. One tourist operator in the Highlands said:

“Reading between the lines it would seem almost as though the Tourist Board has been caught on the hop by the success of the internet and that many members, like ourselves, are gathering more business from that source.”

They continued:

“I feel that it has just dawned on the Tourist Board that if they do not make a move soon with the internet they are going to find that people like us no longer need them”.

There has been a haemorrhaging of members from the Highlands of Scotland Tourist Board, and I am pleased that the matter is being considered. It is a good partnership, but we must address the loss of confidence.

The second issue that I want to raise is Ossian. The project is already more than a year late, although it is essential to the industry, and has already cost more than £5 million. We heard today that another £3.7 million, and a further £0.25 million, is needed to maintain it. Last week, in the e-commerce debate, David Mundell spoke of the Egg internet banking service. It took 50 days to progress from the idea of the bank to its being up and running.

Why does it take years, and more and more money, to get Ossian right? I regard Ossian as the right tool for the industry, but we should be careful about the way in which the money is spent. Are we getting value for money? Is the money being spent wisely? Are we spending it on the right things? Why is the project so late, and why must we keep pumping millions of pounds into it?

I welcome the golf strategy. However, when I heard that Tom Buncle was phoning round tourist operators in the Highlands to set up a new working group, I wondered whether he was aware that a two-year Scottish golf working group, which involved all the relevant organisations, had already been established, but had been pretty much abandoned after 18 months. There is also a Highland golf development strategy. Resources are scarce; therefore, I ask that we do not try to reinvent the wheel. This is an excellent strategy, as was the working group that produced an excellent document, supported by Highlands and Islands Enterprise and the Highland Council.

Members have already mentioned the fact that the Executive has not addressed the way in which it will shake up the Scottish Tourist Board. There is genuine concern over the fact that, although it is a marketing organisation with a budget of £60 million, only £5 million—12 per cent of its budget—is spent on marketing. We must question that. The remainder is spent on courses, expense accounts, salaries and offices. If the STB is a marketing organisation, the role of which is to market and sell Scotland, we must consider increasing the share of its budget that is spent on marketing.

When we compare Scotland with England, Wales, London and so on, we must not miss the point that the amount of one's budget that is spent on fuel during a holiday in the Highlands is significantly more than the minimal amount that

would be spent during a city break. We should take into account the fact that fuel duty is a large consideration for people thinking about travelling to a rural area.

I was quite surprised by the total spend figure of £2.5 billion, as we should remind ourselves that £1 billion of that amount is spent by the English, who are our main market. I am pleased to note that there is some emphasis in the strategy on the English, but we must not forget that they are the biggest spenders and our biggest market.

While it is excellent that the strategy provides indicators, today we still do not have the figures on the origins of tourists from last summer. We must find ways of getting the information earlier, to be able to act on it. When I phoned Highlands of Scotland Tourist Board yesterday, I was amazed to learn that it still does not know where its tourists from last summer came from.

Finally, I wish to take this marketing opportunity to ask members to consider coming to the Highlands and Islands for their next break.

11:06

**Pauline McNeill (Glasgow Kelvin) (Lab):** We all agree that Scotland has something special to offer the world. Perhaps the rest of the world does not need more convincing about that, given that there has been an increase in the number of overseas visitors, but there has been a decrease in the number of UK visitors.

It is clear that tourism is the umbrella industry for numerous Government departments, such as those that deal with transport, enterprise and culture, and that it is vital to the success of the Scottish economy and our reputation as a nation. Successive Administrations have said how important the industry is to the economy, but until now the approach has been half-hearted. I do not believe that we have yet grasped the issues that will make a difference to the way in which we market Scotland and its attractions, although the strategy that has been outlined this morning will go some way to addressing those issues.

If we are to reappraise how we might achieve better marketing of Scotland, it is clear that we need a more sophisticated analysis of where we are. We should be talking about two clusters of the tourism industry—while there has been a lot of discussion about rural tourism, it is also important to highlight the importance of urban tourism.

We are all getting the meaning of niche marketing this morning—it has given us an opportunity to highlight our own little niches and to say something about our constituencies. We are all getting the message about what is expected of us, minister. Why should I be any different? My

constituency covers—

**Brian Adam (North-East Scotland) (SNP):** Will the member give way?

**Pauline McNeill:** I will take a brief point.

**Brian Adam:** Rather than make a pitch for a particular constituency interest, I wish to identify of a niche market that has yet to be promoted—the genealogy-family history market. We should be proud of our bones, our graveyards and our great wealth of records. We could make much greater play of the tremendous records that are maintained in Edinburgh and that exist throughout the country in each registry area. There are drawbacks to do with costs—

**Pauline McNeill:** Will the member give way? [Laughter.]

If that was an attempt to stop me talking about Glasgow Kelvin, it will not work. However, I take on board Brian Adam's point and, to address it, the document says that genealogy is a priority.

Tourism plays a major role in the economy, the cultural life and the everyday experiences of many people who live in Glasgow Kelvin. Some say that there already are many attractions in its boundaries, as it has the highest concentration of MSPs and journalists in Scotland—perhaps the city life and the long licensing hours attract them to this tourist spot. New bars and restaurants open up every other week. Harden's top UK restaurant guide names Glasgow as the best provincial dining city, and in the October 1999 edition of *Traveller* magazine, Glasgow was voted the second best UK city for nightlife value for money.

It is important to make the case for Glasgow; it has not been made so far in the two debates we have had on tourism. Last week, the chief executive of Greater Glasgow and Clyde Valley Tourist Board was able to tell me that the area now receives more than 2 million visitors. The industry is worth £394 million to Glasgow and sustains 47,000 jobs. I welcome the Scottish Executive's tourism strategy as it is important to the economy of the constituency I represent.

I want to say something about our structural strategy. I support what the document says about our area tourist boards, which ties in with what Labour members believe about local democratic accountability. I welcome the comments about providing area tourist boards with stability. I listened very carefully to David Davidson's demand for a tourism minister—the idea is worthy of consideration—but given the importance he ascribes to enterprise and business in the tourism industry, it makes perfect sense that responsibility for tourism should reside with Henry McLeish.

A lot has been said this morning about the importance of business assistance. I would like to

say something about the industry's work force, to which Christine Grahame has already alluded. It is very important that we get this strategy right, because tourism has the lowest-paid work force of any industry. That is not helped by the attitude of some employers, and we need to encourage them to change. It is very important that we work in partnership with the UK Government on this, because we need to change the law to improve employment practices and eradicate the shift patterns that exist in the industry.

Such conditions do not encourage young people to stay in the industry or give credibility to its management, and they are one of the main reasons the tourism industry does not have a proper dedicated work force. If we want to achieve a truly vibrant industry, we must address the problems of the work force as well as the concerns of business. If we do not get that right, the strategy will fail.

I welcome the strategy and think that this has been a good debate so far. I am pleased to have had the opportunity to speak this morning.

11:12

**Dorothy-Grace Elder (Glasgow) (SNP):** I support what Pauline McNeill said about the wonders of Glasgow, although I would like to see the booklet she mentioned that calls Glasgow provincial. There is nothing provincial about Glasgow.

One fault that I find in the strategy is the use of the word Ossian. We get the classical connection, but will a tourist get it? Can we call it something simple, such as "Scottish this", "Scotland's that" or "T for tourist"?

**Brian Adam:** What about my reference to bones?

**Dorothy-Grace Elder:** No, Brian Adam's reference to bones is definitely out—I do not like bones.

This document is incredibly lavish and I would like to know how much taxpayers' money it cost. It is, after all, a Government document. I want to see humble-pie Government documents—hair-shirt stuff run off on a photocopier would do just as well and save taxpayers' money. Several landladies could have renovated their boarding-houses for the price of this document. Look at the spin here—look at how it is padded out. What do we have here, but a map of Canada. That will help me find Crianlarich on a wet Sunday. I want the Scottish Tourist Board to provide beautiful works, and it does. However, the Executive is just trying to lure us, although we are parliamentarians and know it only too well.

I have a particular interest in tourism and take

some satisfaction in kick-starting the study into reopening the Waverley line by appealing direct to Richard Branson. I also fought—and, thank goodness, won—the £30 million campaign for new trains and carriages for the Glasgow to Aberdeen line. Members may wonder why it was left to someone who was, at that time, a member of the press to do that. The Government needs to be far more vigilant in spotting what tourists and folk in Scotland are suffering in overcrowded trains. One has to trawl through those trains to find out what is happening.

Any contribution to the Scottish tourism budget is always welcome, but this one is long overdue, and £3 million or £12 million—the figures are not clear to many of us—is a drop in the ocean compared with the flood tide of cash the Irish Republic spends. We are having niche speeches today, so I will concentrate briefly on the money that is invested in tourism in the Irish Republic. The Irish have a banquet of a budget and enjoy cordon bleu cuisine while the Scots are at the other end of the table having mushy peas and vinegar. Even after this increase we will still have a mushy-peas-and-vinegar budget.

I realise that, because we are funded differently, an exact comparison with Ireland cannot be made. Some people say that the amount spent on tourism there is three times as much as is spent here; others say that it is seven times as much—certainly it is massively more. The Irish Government gave £31 million a year directly to its tourist board when we gave £19 million to £20 million to the Scottish Tourist Board. Total investment in Irish tourism is £700 million over five years. Even with this new money, we cannot compete with that.

The Irish began to plan tourism properly 10 years ago, and that planning is now paying off. In 1998, tourism in Scotland was down, but tourism in Ireland was up by 7 per cent. Indeed, the number of visitors to Ireland from Scotland and England was up by 12 per cent in 1998. We have to ask why many people from Scotland forsook the costas to visit a country with similar weather problems. We get the same rain—they shift it over to us, they shift it back to us. Ireland has a smaller population than Scotland, but its massive investment is—as the trade describes it—putting a roof over the country by providing off-peak and leisure facilities. We should not be defeatist; not everyone wants to go to the costas.

Ireland has a proper network of regional airports, while Scotland, with only three airports of considerable size, is barely in the aviation age. We must be the jet set, not the tiger moth set. Twenty new hotels were built in Dublin last year, and 20 were built the year before. Not even Edinburgh can compete with that. The Borders has been

devastated economically—it is the only borderland in Europe that has been devastated economically. It is unacceptable that the Borders has no railway stations.

Proper investment in tourism has made a huge contribution to the revolution in Ireland's fortunes. Ten years ago, net emigration from Ireland was 40,000 a year. The old Irish tragedy is now gone—for ever, I hope. Last year, 25,000 extra people came into Ireland. At present, 1,000 people a week are queuing up to live and work in Ireland. That is what should happen in Scotland. Unfortunately we are shackled to the boring, dreary old London system, which holds back tourism and every other area of the economy in Scotland.

11:18

**Mr Mike Rumbles (West Aberdeenshire and Kincardine) (LD):** I thought for a moment that Dorothy-Grace Elder was going to call for legislation against glossy documents—and certainly for legislation against London.

I welcome this opportunity to debate tourism, which is a hugely important industry for Scotland generally and for rural Scotland in particular. There is no doubt that much still needs to be done, and I welcome the document. In particular, I welcome the £3.75 million funding for the Ossian initiative. I want to focus on funding for the industry. The present system of funding is inadequate and I urge the Executive to consider direct funding for the industry. I was pleased to hear Alasdair Morrison say that the Executive would be prepared to re-examine that issue.

Nobody questions the essential need to fund tourist boards properly. I will give an example from the area that I represent—West Aberdeenshire and Kincardine. The tourism industry in Deeside, Donside and Kincardineshire is vital for jobs and wealth creation. It needs a proper system of funding to be successful. I am convinced that Aberdeen and Grampian Tourist Board cannot function properly under current financial arrangements.

Aberdeenshire Council is responsible for part-funding Aberdeen and Grampian Tourist Board. Despite the Executive's worthwhile efforts, if we rely on cash-strapped councils to fund tourist boards we will not progress very far. Aberdeenshire Council is facing a budget cut of £13 million and the front page of today's edition of *The Press and Journal* says that 251 council jobs are on the line. I would be the first to criticise the council if it pumped money that is essential for council services into the tourist board. If I had to choose between compulsory redundancy for teachers or increased funding for tourism I know

which I would choose.

We cannot go on asking councils to provide what they already provide, never mind more. I do not want to speak for long on this issue. It is important and I want to be short and sharp. Direct funding for tourist boards is very necessary.

I welcome the Executive's willingness to re-examine this matter in the future—I hope sooner rather than later.

11:21

**Dr Sylvia Jackson (Stirling) (Lab):** I do not think I can follow Allan Wilson on niche marketing. I want to say to Scott Barrie that tourists journeying from Edinburgh to the Highlands often stop off at Stirling.

I welcome the debate and commend the Scottish Executive for the extensive consultation and the Enterprise and Lifelong Learning Committee for the part it has played. Tourism is a key aspect of the economy, particularly in the area I represent, which will be affected by the bill on the national park for Loch Lomond and Trossachs. I have had discussions with Jim Fraser, the chief executive of my local tourist board, which has the rather long name of Argyll and the Isles, Loch Lomond, Stirling and Trossachs Tourist Board.

I would like briefly to outline several of the issues that arose in those discussions, which are also addressed in the strategy document. They include future markets, marketing in general and the need for research on tourism. The decline in the number of Scots holidaying in Scotland has been mentioned, as has the new market in international travellers from the USA and Germany. We need to think about how we can attract more visitors from those sectors and about how we can extend the tourism season, particularly in rural areas.

Some of the solutions suggested in the strategy document are to be welcomed. The industry website, by June 2000, will present relevant market research and allow individual marketing plans to be tailored to niche markets, such as golf and culture, which are very important in my constituency. An on-line booking system is addressed, as is e-commerce, not only for booking accommodation—the target is 90 per cent by 2005—but for events and transport.

One of the main points I was going to make, about low pay, has already been made by Pauline McNeill. My local area tourist board raised quality as a vital issue and I am sure it is true generally. We must work to improve and maintain quality. Also mentioned in the report are the quality adviser's role, best practice, training for managers and improving training and skills generally. The

tourism skills board, which will bring in modern apprenticeships, individual learning accounts and the rest, is also mentioned. Centres of training excellence and mentoring systems can also all be very useful. The University of Stirling is setting up a chair in tourism—it may already have done so; I am not sure. That is a much-needed approach to research and marketing.

A lot has been said about boosting tourism in rural areas, but the importance of signposting has not been mentioned. I hope that the minister will take that on board. I do not know whether the problem of inadequate signposting affects only my area, but I could offer long quotations about signposting, particularly on trunk roads.

I reinforce what George Lyon and others have said about finance. The three-year programme that has been suggested must be monitored by the Scottish Executive and local authorities. The area tourist boards have grave concerns and feel that direct funding from a central source might eventually be the answer.

I do not agree entirely with the view that there are no structures in the report. It mentions the importance of involvement at all levels of government—by the Scottish Parliament, by Westminster and by MEPs—but there must also be involvement at local level. There must be a review of how local enterprise companies can work with the tourist boards, and I welcome what the minister said about the Enterprise and Lifelong Learning Committee undertaking that work.

I am interested in sustainability, and I welcome the report's mention of green tourism. In considering tourism we must balance social, economic and environmental concerns. As members know, those concerns will affect our debate on the national park.

The document contains some good points; it is a good start, but funding must be monitored. We must decide in which areas we should go further to ensure that we have the necessary skills and the necessary research facilities to build on what has been done so far.

11:27

**Bill Aitken (Glasgow) (Con):** This is an important debate and it takes place against the background of tourism being the fastest growing industry in the world economy. As such, it has almost unlimited possibilities for creating jobs that are vital to our economy. The background is also that our performance in recent times has been disappointing. There are a number of reasons for that—the unfavourable exchange rate, fuel costs and the fact that Scotland is generally seen as an expensive place to have a holiday.

We can address a number of issues that are not addressed in the document. There is a compelling case for considering the restructuring of tourist boards at area and national level, because they are not performing in some respects. At present, they are almost totally reactive, but we cannot afford that. They must be proactive, realise that things change and anticipate change and perform accordingly.

There is a case for co-operation. It is pleasing that the old rivalries between Glasgow and Edinburgh have been subsumed for the common good. There is a clear case for co-operation in the Highlands and Islands and in other rural parts of Scotland. There is also a case for closer co-operation between LECs and the local authorities.

As has been said, the tourist boards are not cohesive and do not work in a way that achieves results. How can they be cohesive when the funding is uncertain? Local authorities may decide, for perfectly sound reasons, to limit their contributions to their area tourist boards, particularly when their own payments and grants have been limited by the Executive.

I would like to mention urban tourism. I do not want to detract in any way from the importance of tourism to rural communities, but I feel that urban tourism may be the key to solving some of our problems. Glasgow and Edinburgh have recently pursued vigorous strategies designed to provide the necessary infrastructure to compete in the new world economy of tourism. Inevitably, there will be a spin-off for the rest of the country. It is important for those cities, not only because manufacturing jobs are now at a premium, but because of the spin-offs elsewhere. As Scott Barrie said, it is important that people are attracted to visit every part of Scotland. Frankly, unless we can get them to come to the cities, albeit for short stays such as conferences, we will not get them to visit other parts of Scotland to the extent that we would wish.

The short-stay, big-spend trip is to be encouraged. Conferences provide that sort of trip, and Glasgow has been successful in that area. We attracted the American Society of Travel Agents conference a couple of years ago, and the spin-off from that will be considerable. However, the big-spend trip is not necessarily the answer in the longer term. As I walk the streets of continental cities, I am often intrigued, and frankly jealous, when I see so many young people wandering around, obviously visiting from America and other worldwide destinations. We do not see that in our cities. We are not attracting the younger tourists. If they come once, we hope that they will come three or four times in their lifetime, whereas the retired Americans doing Europe will come only once. Welcome though they are, we are looking for continuity of visits.



There are a number of aspects that we should address, but which are missing from the Executive's paper. The central belt cities are uniquely positioned to provide an injection of tourism into the Scottish economy as a whole. That matter should be addressed, but we have to get the tourism infrastructure right. At present, there is a plethora of organisations, none of which can say, hand on heart, that they are making the difference that we want. Bureaucracy must be cut. While we welcome Ossian, we cannot become too hung-up on technology. It is not the entire answer, helpful though it may be.

There is much to be welcomed in the paper, but I urge the minister in his summing up to address the terms of our amendment, because he would find it acceptable. It would add to the paper, and be beneficial to Scottish tourism.

**The Deputy Presiding Officer (Mr George Reid):** I call Dr Elaine Murray. You have lashings of time.

11:32

**Dr Elaine Murray (Dumfries) (Lab):** I am pleased to hear it. As we have lots of time, I want to congratulate Mr Ewing on his new spectacles. They are very nice.

It does not seem all that long ago that we last debated tourism. I hope that that is not a facet of my age, or Mr Lyon might be inclined to make rude remarks about my parents as well.

Considering stress-busting holidays and breaks that allow re-connection with the self is particularly attractive at this time of year. I am pleased to have the opportunity to debate tourism once again. I do not know how many members saw the hotelier, Mr John Sloggie, on the "Newsnight" opt-out last night. He was enthusiastic about the Executive's plans because he had made a number of points to the Minister for Enterprise and Lifelong Learning and he felt that the minister had addressed them.

I am a member of the Enterprise and Lifelong Learning Committee and I feel a bit like Mr Sloggie. When I read this document, I saw that some of the points we made to Mr Morrison had been taken on board. That shows how the Parliament and its committee system can liaise with people and that the Executive is listening to what people are saying. Apart from anything else, the document made me feel quite useful as a member of the Enterprise and Lifelong Learning Committee.

I am pleased to see that the report sets firm targets. We made the point that there should be targets. I appreciate that Fergus does not feel that the targets are hard enough but, as he said, it is easy to set targets; achieving them is difficult. Our

targets must be achievable. It is also important to identify the mechanisms by which the aims will be achieved. It is a bit like going on holiday: we do not need to know only where we want to go; we need to know how to get there, how long it will take, and how much it will cost. The mechanisms that are referred to in the document are important.

I welcome the approach to niche marketing. I know that all members will make a play for their constituencies on that one. We need to appreciate that different areas and regions have particular strengths. When I saw cultural tourism and genealogy listed in the document, I could see markets to be exploited in Dumfries and Galloway to the local benefit.

Opportunities exist throughout Scotland, in the form of local attractions and events. Better marketing of arts festivals and other events will benefit our tourism industry. As in many matters, we must identify what we do well and build on that.

The connection that was made between lifelong learning and the tourism industry is important. Quality can improve only if tourism is seen as a worthwhile career with recognised qualifications and—as Pauline McNeill said—decent wages, conditions and career development opportunities.

I also welcome the developments in Ossian. It may be a bit late, but it is a vital development that will transform the tourism industry. I am pleased that the Executive recognises in the document that Scotland needs to be a leader in the information technology revolution in this sector. Many of us would say that Scotland needs to be a leader in the information technology revolution and information and communications technology revolution in many sectors. It is good that the document recognises that.

Many people do not use the internet and prefer to use more traditional methods to search for information, so the development of a call centre approach and single number access to all information on Scottish tourism is welcome. I was pleased to hear Mr Morrison say that it is to be a multilingual centre. That is good, because Scotland—like the rest of the UK—has a reputation for not being very good at speaking other languages. A multilingual centre will send out a good message.

John Swinney referred to the fact that we are reviewing the enterprise networks. It is to be welcomed by all members of the Enterprise and Lifelong Learning Committee that the review is to be extended to consider tourism support and development.

I was involved in the study group that went to Prestwick airport with the Ayrshire Economic Forum. We have heard from other economic forums at the Enterprise and Lifelong Learning

Committee. I was astonished to discover that the area tourist board is not part of some economic forums, yet tourism is such an important business in many areas of Scotland. The enterprise network and the tourism network must work more closely together.

I am not always impressed by glossy publications, but I am impressed by "A New Strategy for Scottish Tourism". It has both style and content—the content is more important.

11:37

**Mr Kenny MacAskill (Lothians) (SNP):** I will talk about two issues—first, airports and air links as economic resources and secondly, how Scotland is marketed abroad.

Airports are economic resources and should be a conduit to boost business and tourism. It seems absurd that tourists should fly into London for a few weeks in Edinburgh or Glasgow when they could fly there directly. We should fly our visitors in directly, rather than have them packaged up for a weekend from London.

Why do American and other tourists fly into London for golfing holidays in Scotland? They pay an additional cost, and our hoteliers and other businesses lose extra income. Direct flights would bring in more tourists. It would reduce their travel costs and increase their capital spend when they are here. It would make Scotland a more popular destination, by making it easier and cheaper to come here. Unless we get the punter in, we are more likely to lose out on the amount that he will spend.

Justice must be done and be seen to be done. I am not referring to recent appointments to the shrieval or judicial bench—I am dealing with how Scotland's marketing strategy should be addressed.

I tried to work out why the direct air links to Scotland are so poor. I have been going round asking why we have so few direct air links and why so many tourists fly into London and are sent up here on a hub and a spur. I asked Scottish Airports Ltd, which said, "It's not us." I asked the airlines, which said, "It's not us." They said that it was down to marketing and how Scotland is sold abroad, so I asked the STB, which said, "It's not us, because we are not in charge of marketing—that is done by the BTA."

I therefore decided to investigate the British Tourist Authority and its relationship with the Scottish Tourist Board. I told the minister earlier that it is unhealthy that the BTA and the English Tourist Board share the same address, the same telephone number and the same fax number. The only reason why I do not know whether they share

the same e-mail address is that the BTA does not have an e-mail address in the civil service directory, but the ETB does.

The minister may think that that represents prejudice against the English on the part of myself or one of my colleagues, but I say that it is absurd, and that it would not be replicated in a Franco-Belgian alliance or a Canada-USA alliance. Any such alliance would think that there is something fundamentally wrong when the BTA and the ETB appear to be synonymous. Indeed, when my researcher phoned the BTA yesterday and asked to be put through to the English Tourist Board, it was done immediately. That would not be replicated north of the border. It smacks of cronyism.

Having looked at the civil service directory to find out who was who and how matters compared and contrasted, I decided to investigate the make-up of the board of the British Tourist Authority. I found out some interesting things. We do have a Scottish representative—I think that Lord Gordon is here today—but who else is on the board? It is not just in the case of Lord Hardie that we are seeing new Labour cronyism.

First, sitting on the board of the British Tourist Authority, which represents the marketing abroad of Scotland's interests, we have none other than Mr Bob Ayling: friend of new Labour, chairman of British Airways and chairman of the New Millennium Experience Company—in other words, the London dome—since 1997.

Mr Des Wilson, the director of corporate and public affairs at the British Airports Authority, sits on the board of the British Tourist Authority. The chairman of the BTA is Mr David Quarmby. If the minister wishes, I can provide him with details from the Scottish Parliament information centre's copy of "Who's Who?" According to "Who's Who?" Mr Quarmby has been chairman of the BTA and the English Tourist Board since 1996. Along with Mr Bob Ayling, he is a director of the New Millennium Experience Company, a position that he has held since 1997. Since 1996, he has been a chairman of South London Business Leadership, and since 1998, a director of London First. He has been deputy chair of the South London Economic Development Alliance since 1999.

Scotland is marketed abroad by an organisation that has on its board a representative of an airline that masquerades as a national airline, but is predicated upon flying people into Gatwick, Heathrow and Stansted. There are representatives on the board from the British Airports Authority, which owns Gatwick, Heathrow and Stansted. On the board of the British Tourist Authority are representatives of various organisations, including the new millennium dome, which has been seen as the great new thing to take Britain into the 21<sup>st</sup>

century. The board includes people who have an interest in using their planes to fly people to London, with the cash that is generated from that going to their organisations and boosting their economic development down in London. Meanwhile, we lose out.

Is it little wonder that Scotland is marketed so badly abroad, when we are represented by people who are concerned with looking after interests south of the border? It smacks of new Labour cronyism. This is not about representing Scotland the brand; it is more about a skit out of "Scotland the What?"

11:43

**David Mundell (South of Scotland) (Con):** During my absence from the chamber, I spoke to the chief executive of Dumfries and Galloway Tourist Board, Mrs Norma Hart, about the strategy. In broad terms, I welcome the strategy, but one of the issues that she and other people in the industry want to raise is the training organisation that is to be set up and how it will relate to the area tourist boards. The tourism industry generally is looking for the minister to put more flesh on the bones of what he proposes for training and for schools.

I have to get my breath back—I cannot run up the street any more. I need to go on a niche marketing physical fitness holiday.

**Christine Grahame:** Come to the Borders.

**David Mundell:** Skibo castle, if the member is offering.

We have to have co-ordination between our schools. Many young people work in the tourism industry on a part-time basis. There has been much discussion today about people being encouraged to go into the tourism industry and about the tourism industry providing some attractive jobs. Many members have mentioned that they are struck by the fact that working in the tourism industry abroad is regarded as a good career, rather than as something to fill in time between school and university. We must develop the career structure in the tourism industry.

I welcome the minister's approach. I was pleased to have the opportunity to meet him, along with my colleague Alex Fergusson, to discuss a topic dear to our hearts—Dumfries and Galloway and its many attributes. Dumfries and Galloway has been described as the gap on the map and the part of Scotland that is often forgotten. People tend to think of the Borders as somehow stretching to the M74 and of Ayrshire running down to the coast. However, there, in the south-west corner, is the gem that is Dumfries and Galloway. It is important to demonstrate

Scotland's full range of assets when we encourage visitors.

Particularly exciting in Dumfries and Galloway is the prospect of green tourism and the fact that that encourages visitors. People who visit the area for that reason might be prepared to spend up to £500 a day, compared with those who pass through and spend £1—or 50p in the best value cafes—on a cup of coffee. We must encourage visitors who spend a reasonable amount of money. There are significant opportunities for green tourism in areas such as Dumfries and Galloway.

In the culture debate, I spoke about Burns and the Burns heritage. Robert Burns must be one of the least utilised assets that any country could have. In a recent survey, I saw that Burns was to be the Scot of the millennium. However, the way in which we approach Burns and the tourism opportunities that he presents is amateurish. I have travelled in the United States, where someone, whom no one has heard of and who was president from 1862 to 1866, has a whole state panoply around him—everything is there. However, we have a Scot who is famous around the world and we do not exploit that asset.

I generally welcome the strategy. There is a need to address the funding of area tourist boards. I do not believe that they should be funded from councils. Councils and area tourist boards should work in partnership, but if the council is the paymaster, that relationship will be changed for the worse. I ask the minister to address the career and training issues. I hope that he will think about exploiting our assets to the full.

I encourage everyone listening to the debate to visit Dumfries and Galloway to sample its many delights.

I undertake to embark on some niche tourism of my own to increase my fitness and reduce my breathlessness.

**The Deputy Presiding Officer:** Thanks to Mr Mundell, we are now back on schedule.

11:49

**Brian Adam (North-East Scotland) (SNP):** I will not offer any opportunities to exercise in the north-east—if members want to visit north-east Scotland, that is well and good. I want to pick up some of the points made by other members.

We have talked a little about the various partners that are involved in tourism; I am not sure that we have got the partnership arrangements right as yet. In particular, I would suggest that the National Trust for Scotland might be a more active partner in helping to extend the season. Many of its properties close just at the time of year when

the season might be extended. Some encouragement for the National Trust to open, as an experiment, at least some of its facilities, perhaps on a rotational basis, might well help to extend the season.

I note from *The Press and Journal* yesterday that one of the National Trust's properties, at Culloden, has suffered significantly in the past year, and will suffer a little more this coming year, because of the high value of the pound. The manager of the visitor centre at Culloden said that the strong pound was keeping foreign visitors away and was encouraging the British to holiday abroad. Some German tour operators have cancelled visits, and that might have had a significant effect on the visitor numbers at Culloden. That is a direct result of the strong pound.

Whether the problem is the strong pound or the weak euro is a matter for debate, but there has been a direct effect on the tourism industry in Scotland. That effect has been especially significant in the Highlands and Islands.

If members will forgive another reference to graveyards, the facility at Culloden is actually at the graveyard. I have made the point before—partly in a jocular way, I hope, but in a serious way as well—that I am not convinced that the assets that we wish to exploit, as David Mundell so rightly put it, are being exploited properly.

I am not sure that the approach is integrated. I am well aware that the Registrar General for Scotland makes available through the internet some of the records that are held in Edinburgh. But are there any links from that site to the many local family history societies? Are there links to the Scottish Tourist Board? I appreciate that there is a grey area and that some might question whether it is appropriate for such an august site to have direct commercial links, but surely the whole point of the internet is to have links. The success of e-commerce is based on the fact that one can have direct commercial links.

Project Ossian will succeed or fail depending on whether it has good links. It is not just a question of whether bed-and-breakfast places can afford to be involved; it is a question of whether someone who is surfing the net can find all the information that they want.

I believe that there is a market out there for tourism that is associated with an interest in family history.

**Dr Winnie Ewing:** Would the member be interested in the Tel Aviv museum of the diaspora of the Jewish people, which is one of the most visited places in Israel? Anyone interested in tracing their family can get answers from a computer. I have urged people in all parts of the

Highlands to have such a facility. It would be a great tourist attraction, and it is high time that we had one.

**Brian Adam:** I whole-heartedly agree. The Culloden graveyard site is a very important part of the history of our country, and people today are searching for family links. The internet provides an opportunity for links to related sites. There is an opportunity for a niche tourist market, but that will work only if there are integrated links and if the partners work together. We will have to consider closely the way in which we can build those links, even if that means, from time to time, having a commercial arrangement associated with public bodies.

11:55

**Mr John Munro (Ross, Skye and Inverness West) (LD):** I welcome the Parliament's recognition of the importance of tourism to the economy and well-being of Scotland. However, I hope that the Parliament will be able to encourage the Scottish Executive to be more generous and flexible in funding local authorities to support tourism.

We cannot have a viable and vibrant tourist industry unless we are able to attract increasing numbers of tourists to Scotland. Scotland has much that tourists can appreciate and enjoy, and the country can offer them an excellent holiday experience.

However, there are many obstacles to the success of tourism, not least the high cost of the pound against our competitors; the high rate of VAT; high petrol prices, airport taxes and business rates; and Skye bridge tolls. Such factors discriminate against the aims and objectives of the people involved in the tourist industry.

As Kenny MacAskill pointed out, if we are to attract tourists, we need to promote a programme of educating the major tour operators on where exactly Scotland is on the world map. For instance, anyone booking a holiday outwith the UK will most likely be routed through Heathrow airport, as will foreign tourists coming to Scotland. Tourists must be made aware of Scotland's excellent airport facilities, which can be accessed from all major international airports. The British Airports Authority pointed out that, last year, of the 22 million seats that were available from Glasgow airports, 7.2 million—or 32 per cent—were empty. It is not surprising that, as a result, initiatives to bring tourists in and out of the country are directed at Heathrow.

Heathrow used to be the main hub airport for the north of Scotland. However, commercial pressures in the past have decreed that landing slots are no longer available at Heathrow for flights to and from

Inverness. One can imagine the effect of that on the Highland economy and the tourism industry in general.

Business commuters or tourists arriving at Heathrow find to their dismay that they have to traverse the city of London to the airports at Gatwick, Stansted or Luton to secure onward flights to the north. Such a situation will not help anyone's travel arrangements.

Finally, as Mr MacAskill said, the British Tourist Authority and the Scottish Tourist Board, along with travel agents, should be encouraged to promote Scottish airports as an appropriate alternative to Heathrow, to attract and retain tourists who wish to make Scotland their holiday destination in the first place.

11:59

**Ben Wallace (North-East Scotland) (Con):**

From what the minister has said today and from what we have read in the strategy document, we can see that tourism has been placed at the heart of Scotland's economy. I am well aware of the minister's stringent efforts to listen to the industry's many representatives and to consult the Enterprise and Lifelong Learning Committee in the consultation process.

We have heard many speeches from SNP members this morning. I agree with Fergus Ewing's concerns about Project Ossian and whether there will be any real support for people to access it. That leads to one of my wider concerns. If too much emphasis is placed on the worldwide web and on initiatives such as Ossian, will support be available to enable people to access them? There is a danger that we will create a two-tier tourism in which there are those who can successfully promote their businesses through the web and those who—through lack of education, understanding or funds—cannot. I caution the minister to ensure that that does not happen.

John Swinney made an important point about the need for more imaginative means of accreditation and quality assurance. One of the common gripes that I hear from bed-and-breakfast and hotel owners is that they feel that the accreditation system is unfair and sometimes unreasonable.

Mike Rumbles made a point about Deeside, which is near where I live. It is important that there is core funding for the institutions of the tourist industries and for local partnerships, such as the Deeside partnership that I helped out last year. Efforts were made to promote and organise local events that would draw tourists to the area. Those efforts were successful. Every day, however, because of lack of funding, the partnership struggled to plan ahead and to organise future

events.

Mr Kenny MacAskill made a point involving some sort of JFK conspiracy theory in which the BTA is keeping Scotland under the English heel. I must take issue with that. Marketing should be controlled by the Scottish Tourist Board, but there is no conspiracy by new Labour or the British—I emphasise that word—Tourist Authority.

I would have liked more clarity about the funding proposals. The Executive recognises the importance of clear three-year spending plans for its own departments, but it does not seem to want to give that privilege to tourist boards. Why route funding through local authorities? What are the "specific circumstances" that are mentioned in the document that allow councils to break promises about funding to tourist boards? I note that the minister said that that will be under review—I will examine closely the Enterprise and Lifelong Learning Committee's report.

My family and I lived in the United States for five years and Scotland and Ireland have niche markets that attract our cousins from across the pond. I am pleased that the Executive has emphasised golf and culture, for example, and I agree with David Mundell that we should exploit them more. In Stonehaven at new year, there is a famous ceremony involving fireballs. That ceremony has a pagan background but it is, unfortunately, little known outside an interested circle of people, although it is extremely exciting and entertaining to see fireballs carried through the crowds at hogmanay.

I would like a clear separation in the marketing strategy, which should be controlled by the STB. There is nothing wrong with using BTA premises throughout Europe and the world but marketing Scotland—which is perceived abroad as being very individual—should be in the hands of the STB.

I found my last holiday on the internet and I know that Scotland would benefit by being more on-line and, perhaps, more user-friendly. As the age of multimedia dawns, the world is becoming much smaller. The Government's document fails to recognise that, just as the web can put Scotland on everybody's doorstep, it can put the competition from Sweden, Ireland and the United States on everybody's doorstep. Potential travellers have never had so much comparative information available to them. Information on car rentals, room prices and activities is available at the press of a button and decisions can be made in a flash. That can often make the difference that results in a traveller choosing Ireland or Scandinavia instead of Scotland.

The Executive must face up to the challenge of not only creating a better service, but combating

the competition and stimulating demand. The industry can do nothing to reduce transport costs, VAT rates or the over-regulation that many small businesses are subjected to. If the document were truly about strategy, it would recognise that some problems are outwith the competence of the Scottish Executive. A winning battle cannot be planned using a strategy that is not concerned about the enemy over the hill. It is not within the competence of the Scottish Parliament to change the situation, but it should recognise that high transport and fuel costs and overheads have an effect on Scotland that is disproportionate to their effect on England and Wales.

**Fergus Ewing:** Ben Wallace mentioned the enemy over the hill. Is not the devotion of his party's UK leader to retaining the pound sterling the enemy over the hill for the Scottish tourist industry?

**Ben Wallace:** The SNP's commitment to the euro is questionable. We will see what happens when we have that debate. At the moment, the euro is extremely weak. One of the reasons why Ireland is cutting so much of its spending on tourism is that the weaker currency is putting pressure on inflation rates and public spending. While the euro remains weak, I recommend that we stay out of it, otherwise we may have to make the same cuts.

The lack of a separate minister for tourism within the enterprise and lifelong learning department is a missed opportunity. Such a minister would be able to lobby Westminster and the chancellor for measures in fiscal policy to allow Scotland to become more attractive.

Abroad, Scotland is seen as a nation as separate as Iceland. The tartan army, the lion rampant and whisky all promote the unique experience.

**Mr Rumbles:** I agree with the genuine point that Mr Wallace makes about the need for a minister for tourism. However, as his party does not advocate an additional minister, will he suggest which minister should be removed?

**Ben Wallace:** We have only 129 members, so I would be happy for the Liberal Democrat Deputy Minister for Parliament to go. I wonder whether my Labour colleagues would agree.

Although I fight for the union, Scotland has separate needs and a different competitive advantage from those of the rose gardens of England.

The Executive's strategy is one-sided, in that it puts a lot of responsibility on an already pressed industry. Scottish tourism will really lift off only if the Government can stimulate tourist demand. I urge the Executive to do that.

12:07

**Mrs Margaret Ewing (Moray) (SNP):** I do not know whether the minister has made up his mind where he will spend his holiday, as he has been invited to every corner of Scotland. We will all be watching with great interest to see where he selects.

Overall, this has been a constructive debate. Many contributions have been made and, although all of us could sell our part of the country, in the round we have avoided doing so. People have addressed the issues contained in the booklet.

I have one technical criticism of the booklet. We should perhaps have an inter-party competition for tourism spokespersons to name all the beautiful places in the photos, because they are not named.

**Mr Swinney:** Most of them are in Perthshire.

**Mrs Ewing:** Whoever gets them all right could be given a free holiday by the convener of the Enterprise and Lifelong Learning Committee, who is muttering in my left ear.

All of us welcome the fact that consultation was undertaken and that the consultation period was extended during the review. At the tourist forum held in Elgin town hall, people were extremely relieved that the Enterprise and Lifelong Learning Committee had moved back the deadline from the end of August, as that is when many of the organisations involved in tourism are at their busiest and least likely to be able to respond to consultation.

I am also pleased that the minister has indicated that he will come before the Enterprise and Lifelong Learning Committee again to talk about the synergy between area tourist boards, local authorities and local enterprise companies. That discussion will be particularly welcome in my area, Moray, which is in the Aberdeen and Grampian Tourist Board area, but is in the Highlands for many other aspects of its life. That overlap will always give rise to difficulties.

In the time available to me, I want to deal with one or two serious matters. Access for people to the joys of Scotland is critical. Many members have spoken about Inverness airport, so I will not rehearse all the arguments. However, many entrepreneurs in Moray have indicated that they are losing out on tourism as a result of the removal of the direct link with Heathrow. People will not come from the USA, collect their luggage at Heathrow and then go to Gatwick to link with British Regional Airways and make the connection to Inverness. The removal of that service is having a major impact on the local economy as a whole, because tourism is important for Moray, as it is for the rest of Scotland. Many of us in the Inverness area did not shed tears when poor old British

Airways had to go on the television last week to tell us that it had made multi-million pound losses. I ask the minister to comment clearly on how the Executive will deal with the loss of the Heathrow to Inverness link. Inverness airport should be a hub airport for the whole tourist industry in the north of Scotland.

On transport and access, there is a further question of fuel tax and the cost of petrol. David Davidson at least had the grace to admit that the Conservative party should probably accept some of the blame for the high cost of our fuel. George Lyon did not seem to recognise that there was a problem until he was challenged by Fergus Ewing, who moved our amendment.

We are in a pre-budget situation. *The Press and Journal* carries a story today that it is possible that the price of petrol may go up in the budget by as much as 28p per gallon. I know that this is speculation, but, apparently, half would be in tax and half would be in costs. Almost everyone who has spoken in this debate has talked about the impact of the price of fuel on the tourism industry. What representations will be made by the Scottish Executive to the Chancellor of the Exchequer before he gets to his feet in March?

On access, we should remember the importance of ensuring that local authorities have the money to clear roads in the winter. What is the point of having skiing and winter sports facilities, to which we want to attract tourists, if the roads cannot be cleared because of lack of money?

That brings me neatly to the funding of the area tourist boards, a subject that I raised in an intervention. I have carefully read through section 5.5 of "A New Strategy for Scottish Tourism". A three-year strategy is a good concept, but will that fit in with the McIntosh report, which recommends that there should be local elections every four years? That could mean changes of local authority administrations in-between times. I think that the minister will see the point that I am making.

The local councils need to know exactly what their funding will be. I have examined the figures taken from the answer to a House of Commons written question tabled in April 1998 by the now Deputy First Minister—whom, apparently, somebody wants to get rid of in his absence. Mr Wallace asked about the tourist board areas and how they were being funded by local authorities. I will take the example, from the written answer, of Aberdeen and Grampian. In 1997-98, Aberdeen City Council contributed £300,000, Aberdeenshire Council put in £300,000 and Moray Council contributed £100,000. In 1998-99, Aberdeen City Council halved its commitment, contributing £150,000. The Aberdeenshire figure stayed steady at £300,000, while Moray, the smallest of the three contributors, increased its contribution by 50 per

cent to £150,000, equalling what Aberdeen City Council was putting in. If there is not a guarantee within the grant-aided expenditure, what exactly will local authorities do in similar circumstances? I would be worried if funding became depressed.

There are many other issues that I would like to touch on, but time is against me. Very few speakers have mentioned the promotion of our wonderful food. In Scotland, we have the best beef, venison, fish and salmon—you name it, we've got it. We should be promoting it. Our hard-pressed pig farmers will be interested to know that all the American visitors who come to see Fergus and me think that our bacon is absolutely wonderful. As for the whisky trail, everybody is welcome to come to Speyside. Speyside is a most hospitable place and the whisky industry should be encouraged in its overseas promotion of tourism. It is a shame that so few members met the Scotch Whisky Association on Monday night; only the SNP attended the meeting, at which tourism was part of the discussion.

I question the cost of Ossian to the small bed and breakfasts. We have superb hotels in Moray and elsewhere in Scotland, but much of the tourism industry depends on the small bed and breakfasts. Is it correct that those small establishments may have to pay £300 to £400 to register with Ossian for a year?

I notice that Sarah Boyack, the Minister for Transport and the Environment, is back in the chamber. I believe that our small organisations suffer most when it comes to trying to get any signposting on our major routes—the big hotels seem to be able to get their signs up, whereas the wee bed and breakfasts and local hostels do not.

Tourism is a serious issue and an important industry for the whole of Scotland. We reconvened our Parliament here in Edinburgh and, when television coverage of that went out across the world, we made ourselves a visible nation. What I want in the strategy, which has still to be finalised, is for Scotland to be made an experience at national and international level.

12:16

**Mr Morrison:** I found it slightly destabilising, so early in the morning, to hear so many references to whisky, beer and Guinness. However, the tone of today's debate has underlined the Parliament's commitment to our tourism industry. As the strategy says, our vision of the future is of an industry that is modern and in touch with its customers; skilled and enterprising, having embraced the culture of lifelong learning; and dedicated to providing the high quality of service that our visitors demand.

I will deal first with the Conservative amendment in the name of Mr Davidson. Contrary to what Mr Davidson said, the consultation exercise did not produce consensus on how ATBs should be funded. Some consultees favoured central funding whereas others wanted the existing partnership approach to continue. Many local authorities have been supportive of their ATBs—we recognise that—but a few have not. We are giving all authorities the opportunity to demonstrate that they, like the Scottish Executive, value our tourism industry and will do all that they can to support it.

The second part of Mr Davidson's amendment deals with structures. As has already been mentioned, the Enterprise and Lifelong Learning Committee is reviewing the role of the economic development agencies at a local level. As I have intimated previously to Mr Swinney, both Henry McLeish and I hope that his committee will extend the remit of its examination to include ATBs.

I will now deal with the amendment in the name of Fergus Ewing—or with team Ewing, as the Ewings may best be described. I welcome the positive elements of their contributions, but it is wrong for Fergus Ewing to suggest that submissions made by the industry have not been taken seriously. For example, the industry wanted to take advantage of modern means of communication; the Government is putting almost £4 million into Ossian. The industry wanted better marketing that would address the twin problems of seasonality and regionality, both of which have been raised in the Parliament on numerous occasions; the new emphasis on niche marketing will achieve that. The industry wanted better ways of working; the emphasis on joint promotions by ATBs will help to achieve that. The industry wanted better support; more than £11 million of additional funding is being made available. The industry believed that skills needed to be improved; such improvement is, of course, the cornerstone of our strategy.

George Lyon asked how non-ATB members could be brought into the STB quality assurance scheme. The STB believes that around 90 per cent of accommodation providers are already in the scheme, and it is not the Government's place to force businesses to join. There is evidence, however, that businesses that are in the scheme achieve higher levels of business than those that are not. That is an obvious incentive for any business to join the scheme. The strategy actions will also encourage non-members to join, and quality assurance scheme members will receive free advice from the quality advisers and get all-important help with Ossian.

Scott Barrie was absolutely right when he stated that we needed to attract tourists to all of Scotland. That is what is outlined in our strategy. Maureen

Macmillan and Margaret Ewing raised important issues about links between London airports and Inverness airport.

Many of the issues raised by Christine Grahame were helpful and will be addressed by our emphasis on niche marketing. She made a strong pitch on behalf of the Borders.

Allan Wilson's contribution on sailing was welcome. Indeed, Chay Blyth stated that the Largs Yacht Haven, which I have visited, was one of the best-kept secrets in British sailing.

Dr Elaine Murray's comments on the multilingual call centres were welcome. The initiative represents an important step, and the industry recognises that it will be an important way of selling Scotland.

Dorothy-Grace Elder talked about Ireland. I would be the first to agree that the Irish have done well, but we should recognise that Scotland earns more from tourism than Ireland does. It is important to remember that Ireland is an objective 1 area and benefits from the EU tourism programme. A week after the Parliament's first debate on tourism, I read in an Irish newspaper a front-page headline that stated that tourism was in free-fall on the west coast of Ireland. No such headline could appear about any region of Scotland—tourism is not in free-fall in Scotland.

Mary Scanlon claimed that the STB's budget was £60 million. That is not true; it is £19 million. Of that money, £15 million is spent on a marketing programme that includes Ossian—£10 million is direct marketing spend and another £5 million is spent on ATB support and visitor servicing. I do not doubt Mary Scanlon's passion for the Highlands, but a little more research and attention to detail would not go amiss.

Pauline McNeill's pitch for the fair city of Glasgow was noted. Glasgow and Edinburgh have joined forces to market themselves. We appreciate that they are important gateways to Scotland. I must take issue with one point that she made. She said that Glasgow Kelvin is an obvious place for tourists to visit, given its dense population of MSPs and journalists. I question whether that is a feature worth emphasising—I say that as an MSP and a member of the National Union of Journalists.

I will pass Dr Sylvia Jackson's concerns about signposting to my eminent colleague, Sarah Boyack.

True to form, my friend Kenny MacAskill had his usual rant at all things English. However, I was relieved that he did not give us too many details about one of his most recent forays into the wonderful city of London. We are led to believe that he received the best of English hospitality.



**Dr Winnie Ewing:** Does the minister deny the facts that Kenny MacAskill read out about the composition of the BTA and its specific interests in other fields of business activity?

**Mr Morrison:** I congratulate Dr Ewing on her foresight; I was just about to deal with that.

I would like to put on record the fact that the Executive recognises and appreciates the sterling work done by the BTA. Spend by the BTA in Scotland is in the order of £5 million. The BTA is represented in 38 countries overseas, 27 of which are primary markets chosen for proactive marketing. The BTA and the STB have agreed a marketing framework that details exactly what each will do. Are Dr Ewing and Mr MacAskill suggesting that Scotland should have its own tourist offices overseas and that we should withdraw from the BTA? [MEMBERS: "Yes."] I hear that the SNP thinks that we should do that.

**Dorothy-Grace Elder:** Will the minister give way?

**Mr Morrison:** Sadly, I have almost run out of time and I cannot give way. I will save Dorothy-Grace Elder from herself.

I believe that our strategy contains the actions that are necessary to realise our vision for the tourism industry. Those actions will ensure that Scottish tourism leads the way in developing and using modern methods of communication. They will lead to more effective marketing—particularly in the niches in which we have outstanding strengths—and will drive up quality, so that we can provide the standards of service that our customers demand. Those actions will also ensure that tourism becomes an industry in which highly skilled people, delivering excellent service, are the norm, and that our support structure is effective and properly resourced. Most of all, those actions will empower the industry to achieve success. I commend the Executive's motion to the Parliament.

## Business Motion

**The Presiding Officer (Sir David Steel):** We now come to business motion S1M-551. I call Tom McCabe to move the motion on behalf of the bureau.

*Motion moved,*

That the Parliament agrees the following programme of business—

Wednesday 23 February 2000

2.30 pm Time for Reflection

*followed by* Executive Debate on Modernising Government

*followed by* Parliamentary Bureau Motions

5.00 pm Decision Time

*followed by* Members' Business - debate on the subject of S1M-531 Mr George Lyon: Regeneration of the Clyde

Thursday 24 February 2000

9.30 am Executive Debate on E-commerce

11.00 am Executive Debate on Physical Punishment of Children

*followed by* Business Motion

2.30 pm Question Time

3.10 pm First Minister's Question Time

3.30 pm Executive Debate on Gaelic

*followed by* Parliamentary Bureau Motions

5.00 pm Decision Time

*followed by* Members' Business – debate on the subject of S1M-351 Alex Fergusson: Beauforts Dyke Disturbance

Wednesday 1 March 2000

2.30 pm Time for Reflection

*followed by* Executive Debate on Local Government Grant Distribution – Local Government Finance Order (and report); Special Grants Report on Asylum Seekers; Special Grants Report on Kosovan Evacuees

*followed by* Parliamentary Bureau Motions

5.00 pm Decision Time

*followed by* Members' Business

Thursday 2 March 2000

9.30 am Non-Executive Business – Scottish Conservative & Unionist Party

*followed by* Business Motion

2.30 pm Question Time

3.10 pm First Minister's Question Time

3.30 pm Executive Business

*followed by* Parliamentary Bureau Motions

5.00 pm Decision Time

*followed by* Members' Business.—[Mr McCabe.]

12:26

**The Minister for Parliament (Mr Tom McCabe):** Members will be aware of the Lord Advocate's resignation. A request has been made to discuss the motion that will confirm the appointment of the new Lord Advocate and the new Solicitor General. The motion will contain the names of Mr Colin Boyd, to be confirmed as the new Lord Advocate, and Mr Neil Davidson, to be confirmed as the new Solicitor General.

Any request to debate this issue this afternoon requires all-party agreement, and discussions are in progress to confirm that agreement. However, such action requires not only the agreement of all parties, but the agreement of the Standards Committee, as this afternoon's debate is a committee slot for the Standard Committee's report on the code of conduct. Discussions are in progress and, if there is a resolution, an announcement will be made at 2.30 this afternoon.

12:27

**Roseanna Cunningham (Perth) (SNP):** There are very good reasons for us to have some form of discussion this afternoon on the Lord Advocate's departure. Three main issues must be canvassed: Lockerbie, the European convention on human rights, and judicial appointments. I welcome the minister's comments and urge all parties to agree to deal with the matter this afternoon.

**Miss Annabel Goldie (West of Scotland) (Con):** On a point of order. In view of the unusual situation that has arisen, and given Roseanna Cunningham's comments, I should say on behalf of the Conservative group that we are minded to support the attempt to debate this matter this afternoon.

**The Presiding Officer:** I accept that as a point of order. I could not call you to make a speech, Miss Goldie, as, under standing orders, only one speech for and against the business motion is allowed. I am looking in the direction of the convener of the Standards Committee, but I am getting no indication that he wants to raise a point of order. [MEMBERS: "Oh."] Do you have a point of order, Mr Rumbles?

**Mr Mike Rumbles (West Aberdeenshire and Kincardine) (LD):** I have discussed the matter with only two members of the Standards Committee. I feel that I need time to discuss it with all members of the Standards Committee first.

**The Presiding Officer:** Very well.

The question is, that motion S1M-551 be agreed to.

*Motion agreed to.*

12:28

*Meeting suspended until 14:30.*

14:30

*On resuming—*

**The Presiding Officer (Sir David Steel):** Before we begin question time, I call Tom McCabe to make a statement regarding this afternoon's business.

**The Minister for Parliament (Mr Tom McCabe):** I indicated earlier, when moving the business motion, that discussions were taking place to secure all-party agreement to changing this afternoon's business. That agreement has now been reached. I suggest to members that this afternoon's business will now be a debate on a motion seeking the Parliament's agreement to the First Minister's recommendations to Her Majesty for the appointment of Scottish law officers.

That will have the effect of moving the proposed business, a debate on the report on the code of conduct, to the same slot next Thursday. It also means that the proposed debate on Gaelic, which would have taken place next Thursday, will now take place on 2 March.

**The Presiding Officer:** Thank you. I have received no requests for questions on that matter. I hope that it is clear. Copies of the motion that will be debated at 3.30 pm, on the appointment of the new law officers, are available at the back of the chamber.

Before we start question time, I must stress—unless anyone believes anything in the rubbishy gossip columns of the Sunday papers—that business managers have no say over who is called at question time.

## Question Time

### SCOTTISH EXECUTIVE

#### Hospital-acquired Infections

**1. Mary Scanlon (Highlands and Islands) (Con):** To ask the Scottish Executive what proposals it has to reduce the number of deaths from hospital-acquired infections in Scotland. (S10-1155)

**The Minister for Health and Community Care (Susan Deacon):** Hospital-acquired infection is a growing problem, not just in Scotland but worldwide. As part of our quality agenda, we are continually taking steps to protect patients from HAI. As well as tackling individual outbreaks, we are setting up a national framework for hospital-acquired infection surveillance. That will give us the evidence that we need to bring about change.

**Mary Scanlon:** I am pleased to hear that. Is the minister concerned that, unlike England and Wales, no figures exist for hospital-acquired infections in Scotland, and by the fact that recent staff cutbacks have reduced surveillance of infections? She may already have answered this question, but will she ensure that every hospital—*[Interruption.]* I shall continue anyway. Will she ensure that every hospital has a fully staffed infection team that can carry out the surveillance framework contained in the Scottish infection manual, so that we can be made aware of all deaths caused by hospital-acquired infections in Scotland?

**Susan Deacon:** As Mary Scanlon may be aware, a National Audit Office report on this very subject was published today, and I suspect that that may be where the reference to England and Wales comes in. She may be interested to know that the Scottish infection manual to which she referred, which offers guidance on core standards for the control of infections in hospitals, in other health care premises and in our communities, is singled out by the National Audit Office as a model that should be followed elsewhere in the UK. I am in no way complacent about the situation, but I believe that we are taking important practical steps to control the problem.

**Elaine Smith (Coatbridge and Chryston) (Lab):** Given the recent reports of alleged cases of necrotising fasciitis at Monklands hospital, will the minister ask the local national health service trust to launch an immediate investigation into standards of hygiene and infection control to alleviate the concerns of my constituents and those in neighbouring constituencies?

**Susan Deacon:** I understand the reason for

Elaine Smith's question, as Monklands is in her constituency. The trust has assured me that there are currently no cases of necrotising fasciitis in that area. It is important to be clear about that. I do not intend to launch a further investigation, not least because I think that that would cause unnecessary public anxiety. It is important to deal with the facts and to continue with the sort of measures that I mentioned earlier, to ensure that effective controls are in place throughout the health service in Scotland.

**Mrs Margaret Smith (Edinburgh West) (LD):** I note what the minister has said on our inspection guidelines. I hope that they include the need for a strict hand-washing regime.

Does the Scottish Executive plan to change the criteria governing the prescribing of antibiotics in the light of concerns about the spread of antibiotic-resistant bacteria such as methicillin-resistant *Staphylococcus aureus*, which accounts for one third of all cases of blood poisoning, and the incidence of which has increased twelvefold in the past decade?

**Susan Deacon:** Margaret Smith raises a number of important points. I stress that HAI is an increasing problem for a number of reasons, including those to which Margaret Smith referred. The reasons include the fact that the national health service is treating larger volumes of more vulnerable patients, it is using more invasive, high-tech procedures, and infections such as MRSA are emerging as a result of antibiotic resistance. Alongside our measures to improve hygiene in hospitals, therefore, we recently issued new guidance about the appropriate use of antibiotics.

### Manufacturing Industry

**2. Bristow Muldoon (Livingston) (Lab):** To ask the Scottish Executive what projections there are for manufacturing industry over the next two years and what contribution textiles are anticipated to make in that period. (S10-1183)

**The Minister for Enterprise and Lifelong Learning (Henry McLeish):** The Scottish Executive monitors the views of all leading independent forecasters of the Scottish economy. The latest forecasts show that Scottish manufacturing is expected to continue to expand this year, and at a stronger rate than in 1999. The textile sector will continue to make a significant contribution to the economy over this period.

**Bristow Muldoon:** I speak as the representative of a constituency that has experienced much of the strong economic growth to which the minister referred, but which has also suffered some negative announcements in the textile sector. Will the minister expand on any particular initiatives that he expects to take place in the textile sector

over the forthcoming period?

**Henry McLeish:** I am pleased to do so. I can confirm Bristow Muldoon's point that the textile industry accounts for 10 per cent of manufacturing employment. That means that there may be 30,000 people involved in the industry. Apart from the employees who are involved, the industry makes an enormous contribution to output and to production.

After an early meeting with the Scottish Trades Union Congress and the major unions in November last year, we held a forum in January, to which we invited all the key players in the future of the textile industry. I am delighted to say that from that, we have agreed to set up an on-going forum. We are working with local areas, such as Ayrshire and the Borders, to ensure that every aspect is dealt with as the industry goes through a fairly difficult transition period.

Suffice to say that there is encouraging news. In the areas of technical textiles, cashmere and leather, there are significant niche markets in which the industry is doing tremendously well. We are grateful for the industry's success in difficult conditions, but we want to work with all aspects of the industry to ensure that it is a vibrant part of the Scottish economy in the years ahead. I have no doubt that we will achieve that.

**Phil Gallie (South of Scotland) (Con):** Surely the minister deplores the fact that, in recent times, companies such as Glentool Knitwear Ltd, Wilsons, The Sweater Shop Group Ltd, Strathclyde Knitwear Ltd and Glencraig Knitwear Ltd have shut down in Ayrshire alone. Does he feel ashamed that those closures were a consequence of Labour Government inaction?

**Henry McLeish:** To describe that contribution as a sweeping generalisation based on no evidence whatsoever does not begin to sum it up. It is important that we put into perspective what is happening in the Scottish economy: output is up, employment is up, exports are up, and unemployment is at its lowest level for 25 years.

When I see Conservatives, I am always minded to go back to 1986, when instead of having 123,000 people unemployed, 360,000 Scots—one in seven of the population—could not find a job. We do not need any lectures from the Conservatives. Suffice to say that there is much good news around in the Scottish economy, but of course, where bad news emerges, we will tackle it with the unions and company business managers. I suspect that the overall balance just now is an economy that is in sound shape and is moving forward. We should applaud success, but deal with weaknesses when they arise.

### Farming (Petitions)

**3. George Lyon (Argyll and Bute) (LD):** To ask the Scottish Executive what action it has taken to address the concerns raised in the National Farmers Union petitions submitted to the Parliament on 11 January this year. (S10-1142)

**The Minister for Rural Affairs (Ross Finnie):** As Mr Lyon will be aware, the petitions were considered by the Public Petitions Committee and have been referred to the Rural Affairs Committee, the European Committee and the Transport and the Environment Committee. I will respond to any requests from them. At least six of the matters raised in the eight petitions call for unified action at either a United Kingdom level or a European level, and I have already commenced discussions to pursue the matter with my fellow agriculture ministers in England, Wales and Northern Ireland.

**George Lyon:** In relation to the petition on agrimonetary compensation for all sectors of the agricultural industry that have been hit by the strong pound, as Eddie George recognised when he was in Scotland earlier in the year, can the minister reassure me that he will do everything possible to make the case to the UK Treasury for matching funding, to ensure that that compensation is paid to the agricultural industry?

**Ross Finnie:** Two of the eight petitions refer to agrimonetary compensation, and having said in my earlier answer that I was pursuing that matter, I assure Mr Lyon that I am doing exactly that—ensuring that we get agrimonetary compensation paid on those two petitions.

**Alasdair Morgan (Galloway and Upper Nithsdale) (SNP):** In relation to the petition on the pig industry, the Prime Minister said earlier this week that he was prepared to sit down with leaders of that industry to work out a solution. Has the minister contacted the Prime Minister about that offer, or was it just another example of Labour spin?

**Ross Finnie:** I am in no position to comment on Labour spin. There might be some dubiety as to whether that question has been directed to the correct minister.

I have not had the privilege of talking to the Prime Minister about this issue, but I am aware that work continues at a Scottish and UK level, and with the Meat and Livestock Commission and the National Pig Association, to see whether there is still a possibility of securing aid for that sector.

### Health Funding

**4. Dr Richard Simpson (Ochil) (Lab):** To ask the Scottish Executive whether, in the light of the £90 million new funding announced by the Secretary of State for Health for the primary care

group in England to meet increased generic drug costs, it will urgently reconsider funding the additional generic costs being borne by Scottish local health care co-operatives. (S10-1137)

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

**Dr Simpson:** Does the minister realise that growing anger is felt by the GPs who responded to advice from the NHS in Scotland Management Executive, NHS trusts and the Accounts Commission to increase their generic prescribing? Is she aware that LHCCs in Tayside have had their budgets hammered by more than £2 million and in Forth valley by more than £1 million? Is she also aware that GPs who dragged their heels by not increasing their generic prescribing are being perversely rewarded twice over by avoiding much of the increased cost and benefiting from the reduction in brand drug costs that the UK Government has negotiated?

Will Susan Deacon undertake to review all the economic effects, including the impact on LHCC development, of the changes in drugs budgets and to report back to this Parliament?

**Susan Deacon:** I am aware of the strength of feeling on this issue and I appreciate Dr Simpson's interest in this subject. It is unfortunate that LHCCs and GPs have had to cope with the uncertainty that has arisen in the drug market. I would have to take issue with some of Dr Simpson's analysis of the situation. The generic drugs market has been extremely volatile over the recent period. That situation is now stabilising.

Generic drugs account for about 15 per cent of the overall drugs bill. Alongside that, because of voluntary agreements that have been reached with industry, significant savings are being made on the cost of proprietary drugs. That is why, across the board and across the year, the total sum allocated by the Scottish Executive is deemed to be sufficient for the overall expenditure that will be made. We continually monitor the situation and always examine ways to improve the efficiency and effectiveness of prescribing and managing the overall drugs bill.

**Kay Ullrich (West of Scotland) (SNP):** Susan Deacon has yet to make the same commitment on Scottish health spending as Tony Blair gave for south of the border, which is to increase spending by 5 per cent each year to bring NHS spending up to the European average. Will the minister give that commitment for the NHS in Scotland?

Does the minister share the view expressed publicly by Ayrshire and Arran Acute Hospitals

NHS Trust that, even with Blair's 5 per cent, 4.1 per cent of it would have to be used to fund pay awards which, as the trust claims, would leave little additional money to provide improved patient care?

**The Presiding Officer (Sir David Steel):** The question is well made without the supplementary evidence.

**Susan Deacon:** I suspect that, as I do when I listen to Mrs Ullrich and many of her colleagues, most of the Scottish people never cease to be amazed by the Scottish National party's apparent desire for us always to do things in the same way as England does them, or to say the same things that politicians at a UK level say.

I repeat yet again, for Mrs Ullrich's benefit, the clear commitments that this Scottish Executive has made. We have said that we will make real, substantial increases in spend in the health service each year for the lifetime of this Administration. We have increased health board allocations this year by more than 5 per cent. We are already spending more than 20 per cent more per head than in England on the health service and we will continue to invest in the health service in Scotland, coming up with Scottish solutions to Scottish problems, because that is what we are here for.

### Local Tax Arrears

**5. Mr Keith Harding (Mid Scotland and Fife) (Con):** To ask the Scottish Executive what action it proposes to take to encourage Scottish local authorities to address uncollected local taxes, which have increased to nearly £1 billion of arrears. (S10-1165)

**The Minister for Finance (Mr Jack McConnell):** I will shortly announce the Executive's views on the recommendations from the report of the joint Convention of Scottish Local Authorities/Scottish Executive working group on council tax collection. Scottish councils are responsible for collecting local taxes and the recent Accounts Commission report shows that they need to improve their collection rates. I urge them strongly to use all appropriate means to do so.

**Mr Harding:** I thank the minister for his reply. It is interesting to observe him changing from poacher to gamekeeper.

Is it his intention to take a similar approach with council house rent arrears—another £500 million—which are now at their highest level since 1993-94?

**Mr McConnell:** There are a number of areas in which we have to take action. I intend to make an announcement about that over the next few

weeks.

However, it is important that we consult COSLA and that we have an agreed position. COSLA is as determined as we are to tackle the situation, as are individual councils. Councils need extra powers to do that. They also need support from the Scottish Executive for the actions that they want to take within their own administrative powers. We will do that over the coming weeks.

**Andrew Wilson (Central Scotland) (SNP):** Will the Minister for Finance confirm that Scottish council tax payers pay the highest council tax and that Scottish businesses are the highest-taxed businesses in the UK?

**Mr McConnell:** I do not agree with the second assertion and, as Mr Wilson knows, expenditure on council services in Scotland is significantly higher than it is in England. In recent weeks, he has regularly been asked in this chamber to agree to improvements in that expenditure. His question today is designed to cut back expenditure on council services in Scotland. I fundamentally disagree with him.

**Tommy Sheridan (Glasgow) (SSP):** Does the minister agree that, given that two thirds of the local tax arrears that local authorities in Scotland are trying to recover relate to the Tory poll tax, it ill befits the Tories to talk about problems in relation to collecting those arrears, given that they introduced the tax in the first place? Does he agree that it is now time to implement a poll tax amnesty, to give local authorities an even playing field in terms of collection of council tax?

**Mr McConnell:** I do not agree that this is the time to have an amnesty on poll tax arrears or any other arrears. Many people in Scotland who struggled hard to pay their local taxes over the years would disagree with that assertion. However, I agree with Mr Sheridan's assertion that Mr Keith Harding was being a little cheeky in making reference to local taxation, when he was such an avid supporter of the poll tax back in 1988.

### Rail Franchises

**6. Mr Kenny MacAskill (Lothians) (SNP):** To ask the Scottish Executive what representations it has made to the strategic rail authority regarding the rail franchises in Scotland. (S10-1145)

**The Minister for Transport and the Environment (Sarah Boyack):** I met the chair and chief executive of the Shadow Strategic Rail Authority in November, and my officials meet regularly with counterparts in the authority. Those meetings cover a range of matters, including the process of franchise replacement as it affects rail passenger services in Scotland.

**Mr MacAskill:** In "Travel Choices for Scotland", it is made clear that "we"—meaning the Labour party—

"are proposing that the Scottish Executive should be able to issue instructions and guidance in relation to passenger rail services which both start and end in Scotland; this will enable Scottish Ministers to instruct the Government's proposed new Strategic Rail Authority".

Clause 183 of the Transport Bill launched by John Prescott at Westminster has removed the word "instructions" and indicates that the Scottish Executive can give directions and guidance so long as they do not conflict with that given by Mr Prescott. Would the minister explain why we are no longer able to instruct the strategic rail authority, but can only give direction and guidance, as long as that does not conflict with the views of John Prescott?

**Sarah Boyack:** Scottish ministers will have the sole responsibility for ensuring that franchise replacement in Scotland meets our needs. That is why the bill gives us the powers to issue directions and guidance. Clause 183 is very important and will be carried out in full. That will ensure that we are able to direct the services that we need in Scotland when we reach the franchise replacement process.

**Mr John McAllion (Dundee East) (Lab):** Does the minister accept that market forces are now at work in our privatised railway system and that the real reason that the electrification of the east coast line stopped short at Edinburgh is because there are insufficient profits to the privatised companies to justify the investment north to Dundee, Aberdeen and Inverness?

The Scottish Parliament cannot tolerate that situation. Surely we should use the leverage of the issuing of rail franchises to force the privatised companies to invest in electrified lines north of Edinburgh, to ensure that all Scotland is included in the electrified railway network.

**Sarah Boyack:** John McAllion has made some good points about the importance of improving our rail infrastructure. The Scottish Parliament must talk to the authorities that run the services on our railways and to those who provide the tracks on which those services run. Next month, I will meet the chief executive of Railtrack to talk about our strategic priorities in Scotland and to discuss how we seen our vision meeting that of Railtrack.

**Mr John Munro (Ross, Skye and Inverness West) (LD):** Is the minister aware of the withdrawal of the Red Star Parcels service from rural areas of Scotland? Does she appreciate the difficulty that that has created for regular users of the service? The minister will be aware—

**The Presiding Officer:** No. That is the end of your question.

**Sarah Boyack:** I am aware of the points that the member has raised. It is a commercial matter between Parcel Force and the train operators. However, I understand that in this case, the problems are due to temporary engineering works, which are delaying the mail. We want to ensure that we have a rail service that is as efficient as possible. I am grateful to the member for raising the matter.

**David Mundell (South of Scotland) (Con):** Is the minister aware that there are practical difficulties for the operator of the Scottish franchise because both Carlisle and Berwick, which are effectively railheads for the south of Scotland, lie outwith that franchise? Will she update us on the result of our current discussions with the Shadow Strategic Rail Authority, which has the responsibility for cross-border services?

**Sarah Boyack:** That is exactly why we need to work within a GB rail framework. We must ensure that we address our service priority in Scotland and that we fit in with the overall UK rail framework. That is why we have regular meetings with the Shadow Strategic Rail Authority.

### Food Poverty

**7. Alex Neil (Central Scotland) (SNP):** To ask the Scottish Executive what its plans are for dealing with food poverty. (S10-1153)

**The Deputy Minister for Community Care (Iain Gray):** Through the Scottish community diet project and social inclusion partnerships, the Scottish Executive funds a range of initiatives that address food poverty in ways responsive to local needs. The forthcoming appointment of a national dietary co-ordinator will give added impetus to that work. However, the principal driver for reducing food poverty rests in the Executive's strategy for tackling poverty overall, as set out in "Social Justice: a Scotland where everyone matters".

**Alex Neil:** Is the minister aware that the current initiatives only cover a maximum of 20,000 people, a low proportion of those who live in poverty? Is he aware that a recent report by the Joseph Rowntree Foundation proved that such initiatives have very little impact on inequality and poverty in Scotland? Will he substantially increase the size of the programme, eliminate any complacency from the Executive's approach and give top priority to abolishing food poverty in Scotland?

**Iain Gray:** Significant resources are being targeted at food poverty; for example, £2 million over three years to deliver the diet action plan. We are appointing a national dietary co-ordinator to give added impetus. The key is to attack poverty generally.

In Scotland, we have to build a national consensus for change. One of our problems is that

we sometimes take an ironic and perverse pride in having a poor diet. With its public health agenda, this Executive is keen to turn that round and make the change. There will be targeted resources and an impetus to change our health. We must no longer have the poorest diet in Europe.

**Robert Brown (Glasgow) (LD):** Given the importance of diet in early life, does the Executive have any plans to expand the provision of breakfast clubs, to ensure that young children have a nutritious start to the day?

**Iain Gray:** Within the agendas of the national health service and the education department, a number of initiatives are being aimed at schools, among which are the promotion of the eating of fruit and vegetables in schools and the development of breakfast clubs. The new future fund money provides the opportunity for people in our more deprived communities to initiate locally based and targeted schemes, which are so important.

#### **Quarrying and Mineral Extraction**

**8. Mr Lloyd Quinan (West of Scotland) (SNP):** To ask the Scottish Executive at what distance from residential dwellings it considers it reasonable for blasting to be undertaken for the purpose of quarrying and mineral extraction. (S1O-1150)

**The Minister for Transport and the Environment (Sarah Boyack):** No specific distance is set by the Scottish Executive. The reasonable or safe distance from residential properties will vary for each blasting operation. Further information on this matter is contained in the annexe to planning advice note 50, which I am issuing today.

**Mr Quinan:** Does the minister agree with the suggestion that has been made by a number of environmental groups and villages around Scotland that have suffered from the effects of blasting for quarrying and mineral extraction, especially the village of Milton in Dunbartonshire and the village of Muirkirk in Ayrshire, that we need to accept the idea of an exclusion zone of at least 2 km? The guidelines, as structured at the moment, are directly in breach of article 1, protocol 1 of the European convention on human rights.

**Sarah Boyack:** The quarries regulations of 1999, which came into force on 1 January 2000, specify the way in which blasting must be carried out in each circumstance. They specify the competent operators and they identify the Health and Safety Executive as being the agency that must oversee such operations. Part III of the Environmental Protection Act 1990 places a mandatory duty on the local authorities to investigate any complaints of nuisance and to take

action where necessary. That includes nuisance from rock and vibration.

The safeguards are in place. If there is a specific issue that Mr Quinan would like to raise with me in writing, I will be happy to address it.

#### **Agriculture Schemes**

**9. Alex Fergusson (South of Scotland) (Con):** To ask the Scottish Executive whether participants in the countryside premium scheme and agri-environmental schemes which involve a reduction in the number of ewes kept will receive a compensatory package in the event of the rules of those schemes being reinterpreted to their disadvantage. (S1O-1156)

**The Minister for Rural Affairs (Ross Finnie):** Clearly, the circumstances set out in Mr Fergusson's question give rise to a prima facie case for the payment of compensation. I must stress, however, that any compensation, if payable, will be for actual loss incurred as a result of reliance on incorrect advice. It will be for individuals to show in what way they have suffered financial loss.

**Alex Fergusson:** The minister will be aware—and if he is not now, he will be in a minute—that paragraph 13 of the countryside premium scheme explanatory leaflet states categorically that before seeking to withhold future payments for any reason whatsoever, an independent appointee must draw up a report for consideration by the Scottish Executive rural affairs department, a copy of which must be made available to the applicant.

As that has not taken place in this instance, does the minister agree that SERAD has broken the rules of the countryside premium scheme, and that all overdue payments should be made immediately to the 120 farmers involved?

**Ross Finnie:** As Mr Fergusson is also aware, the scheme has regrettably been declared illegal in the way in which it was originally interpreted. Therefore, I do not believe that SERAD has an obligation to continue to pay: payments cannot be made for a scheme that has been declared unlawful.

**Richard Lochhead (North-East Scotland) (SNP):** The subject of the question is a scheme that appears to have gone wrong. The agricultural business improvement scheme has also gone wrong. Given the various agricultural crises around Scotland with which the minister has been unable to cope, he and his officials are clearly cracking under the strain—

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

**Richard Lochhead:** What additional resources has the minister sought so that he and his



department can start to deliver a decent service to industries in rural communities around Scotland?

**The Presiding Officer:** I really do not think that that follows from the initial question. We shall move on.

### Victoria Infirmary, Glasgow

**10. Dorothy-Grace Elder (Glasgow) (SNP):** To ask the Scottish Executive whether it will investigate urgently the state of repair of the Victoria infirmary in Glasgow with special regard to the lack of essential repairs reported by medical staff. (S1O-1141)

**The Minister for Health and Community Care (Susan Deacon):** Capital resources of over £45 million are allocated annually to NHS trusts for investment in their estate, which includes routine maintenance and the achievement of statutory standards. It is for individual NHS trusts to manage any maintenance costs from within their available resources. However, within the last three years, almost £2 million has been invested in upgrading work at the Victoria infirmary in Glasgow.

**Dorothy-Grace Elder:** Is the minister aware that the Victoria infirmary is part of a group which is about £4.5 million in debt? Will she consider removing that debt in the light of the state of the hospital, which was described as catastrophic by senior consultant Ian Anderson? At a meeting of consultants, Mr Anderson further stated that the accident and emergency patients are often left lying in emergency rooms because there are no beds for them; that water leaks through the ceilings on to X-ray equipment and computers—

**The Presiding Officer:** We must have a question.

**Dorothy-Grace Elder:** Will the minister please tell us her views on rebuilding or renovating the Victoria infirmary on its present site, or on building a new south side hospital? Will she see the situation for herself and not give her usual reply that it is up to the health board?

**Susan Deacon:** It would be absolutely wrong if I, as a Scottish minister in a Scottish Parliament, were to make decisions on specific local provision in different parts of the country. Furthermore, I think that the people of Glasgow would have something to say about that. It is right and proper that decisions are taken at a local level.

Let me make this point very clear. I want high-quality, modern facilities for people across Scotland. It is wrong that, in the 21<sup>st</sup> century, people in too many parts of Scotland have to be treated in Nissen huts or dilapidated Victorian buildings. The challenge for all of us in every part of this chamber is to take the right decisions about

how we build modern, high-quality services.

Greater Glasgow Health Board is embarked on the process of investigating the future provision of hospital and health services for the whole city of Glasgow. I hope that every Glasgow MSP of whatever political party will engage constructively and effectively in discussions with Greater Glasgow Health Board to ensure that the people of Glasgow get the services that they deserve.

**Janis Hughes (Glasgow Rutherglen) (Lab):** I am not sure whether Dorothy-Grace Elder is aware of a cross-party group of local MSPs—

**The Presiding Officer:** No, we do not want statements. We must have questions.

**Janis Hughes:** I am coming to that.

Is the minister aware that a cross-party group of local MSPs representing the Victoria infirmary catchment area is considering the issue of acute services in the south of Glasgow? Does she agree that that approach represents the best way forward when a Victorian building has outlived its life expectancy?

**Susan Deacon:** I am delighted to hear that members are coming together across party political divides to discuss the best possible future service provision. That is what the Executive means about making it work together, and I hope that that will be the hallmark of the health service in Scotland in future.

### Human Rights Legislation

**11. Bill Aitken (Glasgow) (Con):** To ask the Scottish Executive what research has been done on the effect on Scots law of European human rights legislation. (S1O-1173)

**The Deputy First Minister and Minister for Justice (Mr Jim Wallace):** We are systematically reviewing all our activities to identify issues where there is a risk of challenge under the European convention on human rights. That process has been under way since December 1998 and is continuing.

**Bill Aitken:** I am obliged to the Minister for Justice for that response. However, in the light of the current shambles manifest in the challenge to temporary sheriffs, judges and the whole High Court judicial appointments system, the problem of self-incrimination under section 172 of the Road Traffic Act 1988, the anticipated challenge to police stop-and-search and detention powers and to the powers to remand accused persons in custody, will he undertake a full appraisal of the situation for this Parliament before the entire Scottish criminal justice system is reduced to the level of farce?

**Mr Wallace:** I do not accept the premise of Mr

Aitken's question, so I will put some things in perspective. The ECHR has been cited by the defence in about 330 criminal cases since last May. All but eight of those challenges were dismissed.

I am not sure whether Mr Aitken and his party are seriously suggesting that Scottish ministers and the Scottish Parliament should be able to act in contravention of the ECHR. Issues such as that pose challenges to us, but I have campaigned throughout most of my political life for human rights and I want the Parliament and the Executive to encourage a human rights culture in Scotland.

#### **Car-free Day**

**12. Robin Harper (Lothians) (Green):** To ask the Scottish Executive whether it will lend its support to the European car-free day planned for 22 September 2000 by the European Commission and, if so, what steps it intends to take in this connection. (S10-1134)

**The Minister for Transport and the Environment (Sarah Boyack):** We welcome initiatives to promote greater understanding of transport choices. In Scotland we plan to establish a travel awareness campaign to complement and reinforce local initiatives. We hope to make an announcement in the spring.

**Robin Harper:** Does the minister agree that the car-free day would be a good and minimally expensive way in which to publicise the idea of traffic reduction? Will she further agree that we must reduce traffic so that Scotland can contribute to meeting the carbon dioxide reduction targets that were agreed in Kyoto?

**Sarah Boyack:** The best way to tackle traffic reduction is to give people choices in transport. There must be safer routes to schools, traffic-calmed areas, better quality bus services and an integrated approach to train and bus services. The transport bill will bring us those things and my top priority is to get that bill through Parliament.

**Mr Jamie Stone (Caithness, Sutherland and Easter Ross) (LD):** Does the minister agree that the idea of a car-free day is a joke in the straths and glens of Sutherland? Will she outline what further improvements are intended for public transport services so that one day we might have a car-free day?

**Sarah Boyack:** We need solutions that are appropriate to different areas. It is not appropriate for me to implement a one-size-fits-all transport policy. Each local authority has its own perspective and its own local transport strategy. I draw members' attention to Aberdeen City Council, which is going to promote promotional fares on buses and hold travel awareness conferences. There are many local initiatives that

we should welcome. The critical issue is that they are local, but we must support them at national level with the appropriate resources and the right legislation.

#### **Revenue Support Grant**

**13. Mr Andrew Welsh (Angus) (SNP):** To ask the Scottish Executive how much revenue support grant for local authorities has been allocated to forward its specific policy objectives. (S10-1184)

**The Minister for Finance (Mr Jack McConnell):** It is for councils to determine their expenditure priorities from the resources allocated to them through revenue support grants. Separate provision is made to councils for particular policy objectives through specific grants, totalling £543 million in the current year.

**Mr Welsh:** The minister thinks that he is generous to local authorities. Can he name one Scottish council that is not raising council taxes and cutting services under his policy?

**Mr McConnell:** Mr Welsh is well aware that this year Scottish councils have received an increase higher than the rate of inflation, which they can spend on council services. They will receive an above average across-the-board increase in Government grants next year. The reality is that if the proposals of Mr Ewing—who I do not see in the chamber—on non-domestic rates were accepted, the amount of money available to Scottish councils next year would be reduced, services would be cut and council taxes might have to increase further. The only protection for Scottish councils comes from the policies of the Government, not from those of the Scottish National party.

**Ms Margo MacDonald (Lothians) (SNP):** Can I tempt the minister to indulge in some creative thinking and, if necessary, some creative accounting to find extra money to offset the burden on businesses in Edinburgh, which are asked to pay the third highest business rates in the world? I am sure the minister agrees that that is not exactly a welcome to Scotland.

**Mr McConnell:** As Ms MacDonald—but apparently not Mr Ewing—is, I am sure, aware, the amount of money that would be required to tackle the proposal that her party appears to be making in respect of non-domestic rates is £150 million. If that change were made, £150 million would have to be taken out of Scottish council coffers or the Scottish budget.

At no time in the past four to six weeks has anybody from the Scottish National party said what part of the health service, education service or enterprise budget, or which council, transport or other service would be cut to pay for that £150 million. If Ms MacDonald cannot accept the reality

of budgeting in Scotland today, she is very wrong.

**The Presiding Officer:** Due to the business statement at the beginning of the afternoon, I will allow one more question.

#### **Women's Organisations (Funding)**

**14. Ms Sandra White (Glasgow) (SNP):** To ask the Scottish Executive how much of the funding package announced on 27 October for women's organisations and refuge places has been released to date. (S10-1140)

**The Deputy Minister for Communities (Jackie Baillie):** None. The closing date for applications is 3 March 2000. The money will be disbursed from 1 April, as previously announced in the chamber.

**Ms White:** It is all very well for the minister to put the Labour spin on what was announced, but women's organisations—*[Interruption.]* It is not just me who is saying it; people out in the streets—constituents and members of the public—are too. Is the minister aware of the situation affecting Glasgow Women's Aid? *[Interruption.]* It is not a laughing matter, Mr Galbraith.

**The Minister for Children and Education (Mr Sam Galbraith):** No, but you are.

**The Presiding Officer:** Order. Let us have quiet and let us have a question.

**Ms White:** It is no laughing matter when we talk about refuges for women who are trying to get away from violence by men. It is scurrilous, Mr Galbraith.

**The Presiding Officer:** We need a question.

**Ms White:** Is the minister aware of the situation affecting Glasgow Women's Aid, which needs to raise £30,000 by the end of the financial year? The organisation is quoted as being

"basically at breaking point and threatened with closure".

Does the minister agree that funds must be released now to Glasgow Women's Aid and other women's organisations for refuge places? What steps is the minister taking to ensure that vital funds will be released as soon as possible? Will she give an answer, rather than the spin that we get all the time?

**The Presiding Officer:** Order. I am beginning to regret my generosity.

**Jackie Baillie:** I will try to be brief. This is not a matter of spin, but a matter of fact. We announced in the chamber that we would make additional moneys available for something that this Administration cares deeply about. I am aware of the situation in Glasgow Women's Aid from press reports, but we must bear in mind that funding of local provision is a matter for local authorities. *[Interruption.]* If Sandra White will let me finish—

*[Interruption.]*

**The Presiding Officer:** Order. Let the minister answer.

**Jackie Baillie:** Glasgow City Council received not only a 2.9 per cent increase in its settlement for 2000-01, but an additional £8.7 million deprivation allowance for next year.

## First Minister's Question Time

### SCOTTISH EXECUTIVE

**The Presiding Officer (Sir David Steel):** Question 1 has been withdrawn.

#### Scottish Executive (Targets)

**2. Miss Annabel Goldie (West of Scotland) (Con):** To ask the First Minister what progress the Scottish Executive is making in meeting its key targets. (S1F-121)

**The First Minister (Donald Dewar):** The Executive is making excellent progress in meeting its priorities, which were set out last September in "Making it work together: A programme for government". That document explained what we are committed to achieving in government and turned our policy agreement—partnership for Scotland—into a programme of work for the Scottish Executive. We are committed to that programme and we are delivering on it.

**Miss Goldie:** That is all very cheery and encouraging. The Executive has previously indicated that one of its key targets is to have 12 special advisers and two law officers. Given that the First Minister has a remarkable capacity for losing them, does he have any hope of ever meeting that target?

**The First Minister:** I do not think that Annabel Goldie's forte is being a stand-up comic, but I know she has many other virtues. I welcome her presence on the front line, David McLetchie having disappeared in a puff of smoke for some reason. Seriously, however—I presume that it is a serious argument that she wants—the figure of 12 special advisers was a maximum. There was never any indication that we would hire the maximum. We hire when it is appropriate to do so—when we need help in particular areas—which is the prudent and proper approach. I hope that Annabel Goldie supports that.

**Mr Alex Salmond (Banff and Buchan) (SNP):** Does the First Minister accept that successful conduct of the Lockerbie trial must be one of the key targets of his Administration? Did he have the opportunity to hear Susan Cohen, whose daughter died on PanAm flight 103, speaking on Radio Scotland this morning? She said:

"When we met with Lord Hardie last summer he told us he was going to oversee the trial and he would be there . . . he would oversee things.

I am appalled and amazed at a moment like this when you have a major trial, a trial such as you've never had in your history that the Lord Advocate just decides to leave".

Is it not the case that Scotland's senior law

officer, someone whom the First Minister appointed to his Cabinet, has broken his word to this woman?

**The First Minister:** I accept the seriousness of these matters, and certainly the seriousness of the Lockerbie trial. I think, however, that Mr Salmond is being a little over-dramatic.

I hope that we will very shortly have contact again with the parents of those who were sadly and tragically lost, and I think that they will be reassured.

I should make it clear that the present Solicitor General, Colin Boyd, has been involved in the preparations for the Lockerbie trial from the beginning. He has chaired the core group that meets every week to plan the prosecution policy and to check on progress. He has made many of the appearances in preliminary diets, in the courts of this country and at Camp Zeist, and has overseen preparations for the trial.

I have every confidence in Colin Boyd, although I have to wait until the vote later this afternoon: I hope to have the agreement of this chamber, which will confirm him in his new role as Lord Advocate.

**Mr Salmond:** I do not think that the Lockerbie relatives would see what I have said as over-dramatic.

Is it not the case that it is Lord Hardie who has had the key responsibility, who has taken the key tactical decisions since 1997 in the approach to the trial and who, a few weeks before the trial—arguably, in international terms, one of the most important trials in Scottish legal history—has done a bunk because he has appointed himself to be a judge? Is not that a matter not just of letting Scotland down, but of letting Scotland down in the eyes of the world?

**The First Minister:** I think that Mr Salmond is protesting too much. He may think that that is a tactical slip on my part, but I repeat it: I think that he protests too much. To be fair to him, that is largely because he does not know a great deal about the preparations for the trial or about the dynamics of it.

There is, of course, a team, with Mr Alistair Campbell and Mr Alan Turnbull—two senior counsel—who will be leading and taking much of the heat of the trial, but there was also oversight in the hands of Colin Boyd, the Solicitor General. I repeat that he has been totally in charge of meetings of the core group and of the preparations. As Lord Advocate, he will, I have no doubt—as soon as the agreement of Parliament is secured—be taking a proper lead role in the actual event in Camp Zeist, when it starts.

It is very much a question of getting it right and

ensuring that the trial is properly conducted. I hope that Mr Salmond will not try to spread the idea that those who have been inextricably entwined with and in charge of the preparations are somehow not competent to carry on with the trial.

**Mr Salmond:** Is the First Minister trying to tell this Parliament that the Lord Advocate disappearing a few weeks before the trial starts is not a matter of planning?

**Marilyn Livingstone (Kirkcaldy) (Lab):** On a point of order.

**Mr Salmond:** Surely that is not the case that the First Minister is making—

**Members:** Point of order.

**The Presiding Officer:** I am sorry, but there is a point of order.

**Marilyn Livingstone:** Is it in order for any member of this Parliament to have three supplementary questions?

**The Presiding Officer:** Yes. I have always allowed that latitude to the leader of the main Opposition party.

I also ask Mr Dewar to raise his microphone a little.

**The First Minister** *rose*—

**The Presiding Officer:** Perhaps Mr Salmond could finish his question first.

**Mr Salmond:** I think that Labour back benchers are getting a bit anxious about the tenor of questioning.

The First Minister is surely not claiming that the disappearance of the Lord Advocate a few weeks before the Lockerbie trial was a masterpiece of planning. The First Minister tells us that Mr Neil Davidson—I am sure that he is an excellent person—is the proposed new Solicitor General.

**The Presiding Officer:** There must be a question.

**Mr Salmond:** Is he the same Neil Davidson who advised the Labour party when it was getting rid of Tommy Graham? What fee was paid for that advice? Does the First Minister not understand that it is actions such as this which leave the First Minister open to this accusation: that his Administration is little more than a revolving door of jobs for the boys?

**The First Minister:** I hope that Alex Salmond does not think that he will raise standards in Scottish politics with that rather unpleasant and offensive attack, because he certainly will not.

We will have a debate in a little while, and I will reply at some length to some of the charges that have already been thrown around irresponsibly.

Let me just say to Alex Salmond that the Lockerbie trial has been well and properly prepared and will be well conducted. The outcome of the trial is a matter for the judges who will take the decision at the end of the day, but I can assure him that the conduct of the trial will be pursued effectively, efficiently and with diligence.

**Karen Gillon (Clydesdale) (Lab):** Does the First Minister agree that the priority for the people of Lockerbie, and indeed of Scotland, is for the trial to proceed and for justice to be done—not the personalities of the people involved? Playing politics with a matter as serious as the Lockerbie trial is a great denigration of this Parliament.

**The First Minister:** Yes, I agree. I thought that the tone of the leader of the Scottish National party, in particular in his final question, was particularly offensive and unpleasant.

### Children's Hearings

**3. Nicola Sturgeon (Glasgow) (SNP):** To ask the First Minister what action the Scottish Executive has taken to ensure that the children's hearing system is compatible with the European convention on human rights. (S1F-118)

**The First Minister (Donald Dewar):** I apologise, Sir David, for my delay in answering. I was distracted by my thoughts on another matter.

We are examining aspects of the hearings system to ensure that procedures and practices are in line with the convention. Sam Galbraith made that clear when he addressed the national training conference for panel members in November last year.

**Nicola Sturgeon:** I am tempted to ask the First Minister what other matters were on his mind, but I will ask whether the Lord Advocate's sudden departure is a sign that the Executive is expecting further challenges to Scots law under the European convention on human rights.

Does the First Minister agree that aspects of our highly valued children's hearing system may well be vulnerable to challenge? Will he outline what action is being taken to deal with the specific areas of concern—the lack of legal aid, the role of the reporter and the method of removal of panel members? Or is he prepared to state to Parliament today that he is satisfied that the children's hearing system is compatible with the European convention?

**The First Minister:** I cannot give that assurance because the system has not been tested, but I can say that we know of one case that is pending. I think that that is the only one of the 337 cases that were referred to. No—there has been one other: the McMichael case, a couple of years ago.

The system has not been tested in the courts. It

is very important that we discuss such issues and consider them with balanced judgment. As someone who worked full time on the children's panel system for four or five years, I remind Nicola Sturgeon that the system is non-adversarial. A children's hearing is not a court of law and of course there are potential difficulties if one applies to such a hearing the standards that one would apply to a court of law.

The important point, and the system's strength, is that it applies to and concentrates on the rights of the child. It concentrates entirely on getting the right, supportive outcome for the child who is in difficulties. I hope that we can preserve—this Administration has every intention of doing so—the essence of the system, which I have tried to capture in those few sentences. We will work very hard to do so.

My colleague Sam Galbraith has been examining the problems and we will continue to make every possible, sensible preparation that we can.

**Scott Barrie (Dunfermline West) (Lab):** Does the First Minister agree that the overriding concern should be the protection of Scotland's young people? Does he further agree that the children's hearing system has a worldwide reputation for bringing together the twin objectives of child welfare and juvenile justice on which all members in the chamber should agree?

**The First Minister:** The children's panel system has a high reputation and is certainly the subject of a great deal of examination. In my own career, I have had experience of many visitors who wanted to see how the system operates.

When we come to matters such as legal aid in relation to the hearings, which Nicola Sturgeon mentioned, and lawyers representing the child at the disposal hearing, we are getting involved in difficult questions about the balance between conflicting forces. There are difficult balances to strike, such as the right to representation against the need for informality, and the need not to have a legalistic system within the straitjacket of the law against the need to take an intelligent, co-operative look at the problems of the child. I hope that the children's panel system, and all the good work that it has done, does not become mired down in constant conference and conflict in the courts.

**Ms Margo MacDonald (Lothians) (SNP):** Through the hearings, we have a unique system of dealing with juveniles in Scotland, but we might find, after that system has been tested, that our law is incompatible with the convention. Does the First Minister think that there might still be room to have the convention come towards us, rather than us automatically having to ditch a system that is

part of the best of Scots law?

**The First Minister:** I am at one with Ms MacDonald on the merits of our system. I cannot promise her changes in the convention on human rights. All conventions have to be interpreted in the courts and the interpretation depends on the arguments that are put to the case that is presented. I believe that there is a strong case for the children's panel, in essence. To be fair, I would be confident that any Scottish Administration would do all that it could to defend that essence.

### Scottish Police College (Exchanges)

**4. Dennis Canavan (Falkirk West):** To ask the First Minister whether he will make a statement about exchange arrangements between the Scottish Police College and the state police force of the People's Republic of China. (S1F-114)

**The First Minister (Donald Dewar):** This is one of a number of exchanges between the Scottish Police College and forces from other countries. In that sense, it is not exceptional.

**Dennis Canavan:** In view of the deplorable human rights record of the Chinese Government and the fact that its notorious police force has been involved in many atrocities, including mass executions, what justification can there be for such exchanges?

Were the First Minister or the Foreign Secretary informed of the exchange? Will the First Minister take action to stop all such exchanges until the Chinese Government has adequate respect for human rights?

**The First Minister:** The answer to that question is no. It is important to note that the programme under which those people came was funded by the Department for International Development, which is particularly sensitive to the issues that Dennis Canavan refers to.

The Chinese police have received training from a number of sources, including the Italian carabinieri college, and decided to approach the UK authorities on this occasion. My understanding is that the programme had a particular emphasis on democratic policing and human rights. It is important that we maintain contact with the Chinese authorities and that we try to influence them on issues of this kind in a way that is effective but, by necessity, tactful.

### Pringle of Scotland

**5. Euan Robson (Roxburgh and Berwickshire) (LD):** To ask the First Minister what assistance the Scottish Executive can give to the new owners of Pringle of Scotland, Hawick to help retain the company's manufacturing presence in the town. (S1F-123)

**The First Minister (Donald Dewar):** The Scottish Executive is working closely with Scottish Borders Enterprise with a view to encouraging the new owners of Pringle of Scotland to retain a strong manufacturing presence in Hawick.

**Euan Robson:** Does the First Minister agree that the job losses at Pringle's, John Turnbull and Sons, dyers and finishers, and John Scott Knitwear demonstrate the continuing fragility of the Borders economy? Will he consider establishing a small task force to help those who have been made redundant and to review the capability of local agencies to match-fund EU objective 2 money?

**The First Minister:** We are all aware of the difficulties in the Borders. A great deal of work has been done, as Euan Robson is aware, and a great deal of co-ordination between various agencies has been initiated.

As Euan Robson knows, 140 staff were made redundant from Pringle of Scotland. Sixty people will transfer to Barrie Knitwear and about 220 will be left at Pringle's. We are anxious to help in any way we can. We will be in touch with the management and will support what it describes as its categorical promise to support manufacturing in Hawick.

I must add that unemployment in the Borders, at 3.5 per cent, is below the Scottish average and the number of people who are unemployed in the area has decreased by 306 since January 1999. I know that that is small consolation, but it suggests that the situation is, at least, stable and might be improving. We must all work to ensure that that continues.

**Mr Murray Tosh (South of Scotland) (Con):** In view of the continuing decline of the textile industry in Hawick and throughout Scotland, what action will the Executive, in partnership with the Government, take to investigate allegations made by the textile industry of unfair barriers to free trade in the EU and other developed countries? Will the Executive report to the Parliament on its progress in removing those barriers?

**The First Minister:** We keep closely in touch with those negotiations. There are complicated international arrangements particularly concerning the textile trade, and others that are more wide ranging, through the World Trade Organisation. They are not our direct responsibility, but that does not mean that we do not try to influence and ensure that those who argue the case on our behalf are well aware of the tensions and difficulties that exist in the textile industry in Scotland.

There are big success stories as well; we must not forget them. The cashmere trade—Dawson International's troubles stem partly from its

decision to concentrate on cashmere—has done remarkably well in many sophisticated markets.

**Christine Grahame (South of Scotland) (SNP):** The First Minister will be aware that 2,000 Borders textiles jobs have been lost since new Labour came to power. Will he tell us whether he believes that Pringle will still be in production in Hawick three years from now? What assurances has he received from Fang Knitwear Ltd of Hong Kong on that? Can he advise us whether he intends to set in place a funded strategy to prevent further haemorrhaging of that core Borders industry? Finally, there are 100—

**The Presiding Officer:** No. That is enough. We have two questions. [*Interruption.*] Order.

**Christine Grahame:** What does he have to say to 140 redundant Hawick workers—

**The Presiding Officer:** Order. The member has asked two questions already, and that is quite enough.

**The First Minister:** I shall answer the first question that the honourable lady—sorry, the lady, Mrs Grahame, asked. [*Laughter.*] She can feel insulted if she wishes, but that was not intended. She asked for a guarantee that production will exist in Hawick in three years' time. We have had categorical assurance to that effect from the new owners. However, if she asked me to give a categorical assurance that she will be alive in three years' time, I could not do that. I can give her a categorical promise that we will work very hard with the industry, building on the success to which I have referred and endeavouring to support it where there are viable markets and where it is competitive.

**The Presiding Officer:** I shall take question 6, from Lewis Macdonald, in injury time.

## Rail Services

**6. Lewis Macdonald (Aberdeen Central) (Lab):** To ask the First Minister what discussions the Scottish Executive has had with Railtrack and train operating companies such as Great North Eastern Railway, Virgin Trains and ScotRail about journey times between Aberdeen and Edinburgh. (S1F-126)

**The First Minister (Donald Dewar):** I see before me an enthusiast. However, I appreciate the importance of this matter. The Scottish Executive is in regular contact with Railtrack and the train operating companies to discuss a wide range of matters. I cannot tell Lewis Macdonald that I know of any immediate plans to invest in the region of £200 million in the electrification programme to which he refers.

**Lewis Macdonald:** I thank the First Minister for that answer. He will recall that, at one time, the

east coast main line ran all the way up the east coast from King's Cross to Aberdeen, but that it no longer does so officially. Although electrification is an issue that has already been discussed, does he accept that the strategic authorities that Scottish ministers put to the rail authority and to Railtrack should include a significant enhancement of the status of the main line between Edinburgh and Aberdeen?

**The First Minister:** I acknowledge the importance that is given to this matter in the north-east. As I have long had connections in that part of the world, I understand that entirely.

Lewis Macdonald will, no doubt, know that ScotRail is committing quite a bit of spending to the Glasgow and Edinburgh runs to Aberdeen. I believe that it is spending £15 million on six Turbostar diesel multiple units for the Edinburgh-Aberdeen line, and double that—£30 million—on nine Turbostar diesel multiple units for the Glasgow-Aberdeen line. I hope that that will provide better travelling facilities and greater comfort. It should lead to a significant reduction in journey times. There is some progress, which we want to continue.

**Dorothy-Grace Elder (Glasgow) (SNP):** On a point of order.

**The Presiding Officer:** Is it a genuine point of order?

**Dorothy-Grace Elder:** Yes—absolutely genuine. We are all grateful to you, Presiding Officer, for the standard that you try to maintain in this chamber. We are all accustomed to slings and arrows but, earlier, we heard a very personally abusive remark from Mr Galbraith against my colleague Sandra White, while she was trying to raise the subject of abused women. The minister went too far with that sort of abuse, and I am sure that he regrets it. I invite him to—

**The Presiding Officer:** Order. I heard no such remark. We cannot have comments on remarks that are flying across the chamber. There should not be any at all—that is the answer.

## Law Officers

**The Presiding Officer (Sir David Steel):** We now come to the debate on motion S1M-558, in the name of the First Minister, on the appointments of the Lord Advocate and the Solicitor General.

Before we begin the debate, I seek confirmation from Mike Rumbles, the convener of the Standards Committee, that motion S1M-517, in his name, will not be moved. Is that correct?

**Mr Mike Rumbles (West Aberdeenshire and Kincardine) (LD):** That is correct, Presiding Officer.

**The Presiding Officer:** In that case, I call the First Minister to move motion S1M-558.

15:35

**The First Minister (Donald Dewar):** I am delighted to move the motion in my name.

I start by noting that we are in a rather unusual procedural situation, which has been accommodated by agreement. I am glad to say that, as I had some sharp exchanges with Alex Salmond a few minutes ago, in sharp contrast to our discussions earlier. Initially, I suggested that the motion to appoint a Lord Advocate and a Solicitor General should be debated on Wednesday. Alex Salmond took the strong view that it should be debated today—possibly he was more interested in debating those who are departing rather than those who are coming. He might have to depend upon your licence in that respect, Sir David.

In any event, I checked with the other parties and I am grateful to Annabel Goldie for her agreement that we should proceed as we are doing. I am also grateful to Mike Rumbles for seeing himself shunted off—I hope that he does not resent the phrase—for a week or so.

**The Presiding Officer:** Perhaps the First Minister will allow me to say, in response to his comments, that I intend to allow a very wide-ranging debate, despite the narrowness of the motion. Anything relevant to the appointment of and need for new law officers will be relevant to the debate. I will not put a narrow interpretation on the motion.

**The First Minister:** I am grateful to you, Presiding Officer—[*Laughter.*] No—that was the basis on which the negotiations took place, and I am under no illusions that I was doing anything other than widening the area of attack at a time when people thought that it would be particularly advantageous to mount that attack. I am not feart,



as they say, of that.

This is the second time that I have asked for the agreement of Parliament to a recommendation to Her Majesty on the appointment of law officers. Unlike the series of ministerial changes at Westminster, with which many of us are familiar, this is not a reshuffle. The proposals represent elements of continuity and change. The Queen has accepted my recommendation, which was made following consultation with the Lord President of the Court of Session, that the right hon the Lord Hardie QC—known as Andrew Hardie to most of us—be appointed as a judge. I will return to that matter in a minute.

The motion that I am pleased to move today seeks the agreement of the Parliament to the appointment of Colin Boyd, who has served as Solicitor General alongside Andrew Hardie, as his successor in the senior post of Lord Advocate, and to the appointment of Neil Davidson QC as Solicitor General.

I need not take the rather measured tone that I used on the previous occasion of seeking Parliament's approval, when I talked about the antiquity and significance of those offices. I would rather concentrate on their usefulness and on the worth and merit of those who will occupy them. In the period since that first motion was put to the chamber, Andrew Hardie and Colin Boyd have worked together as a team, playing an important role in the Scottish Executive. Certainly, there has been no shortage of issues for them to advise on and I suspect that we might hear quite a bit about the European convention on human rights in that connection.

The independence of the Lord Advocate in his role as head of the prosecution system and of the investigation of deaths in Scotland is entrenched in the Scotland Act 1998. Those who are interested will find that information in section 48(5) of the act, which confirms that his decisions as head of those systems must be taken independently. While, on occasion, rather over-enthusiastic or imaginative critics might suggest otherwise, I say to members that the independence of the Lord Advocate—certainly in this Administration—is an undoubted fact. That independence is respected by ministers and stringently maintained by the law officers themselves.

In the period since May, we have seen more of our law officers than has been the case in the recent past in Westminster, which indicates the complexity of administration in Scotland. It has been an experience that has been of great help to me and to my colleagues. We all stand to gain from the contribution of the law officers to our debates, which is subject only to the provision in section 27(3) of the Scotland Act 1998 that they

may

“decline to answer any question or produce any document relating to the operation of the system of criminal prosecution in any particular case”

if that

“(a) might prejudice criminal proceedings in that case, or

(b) would otherwise be contrary to the public interest.”

Having made those brief points, I will refer to some of the points that have been made—noisily and energetically—around the edges of this event. I am afraid that I have not been able to hear all the broadcasting that has been going on, but a number of clear charges have been levelled that, I believe, cannot be founded on fact and are deeply mistaken.

The first comes from Annabel Goldie, whom I heard telling the world that we were staggering from crisis to crisis. I do not think that the word shambles quite came to her lips, but that was the general picture that she was painting. I am interested in this because, as far as I know, what has happened here is that a much-respected Lord Advocate with an impeccable legal reputation and a long period of service—four years as treasurer of the Faculty of Advocates, three years as dean of the Faculty of Advocates, and almost three years as Lord Advocate—has been appointed to the bench. In some strange way, that is being represented as an extraordinary event, without precedent and deeply shocking to the professional ethical standards of Annabel Goldie, solicitor of this parish.

I do not want to put this to Miss Goldie offensively—and I might be wrong—but when we discovered that Lord Mackay of Clashfern was abandoning the office of Lord Advocate to become a judge, I do not think that she protested that that was dereliction of duty, that it was someone bailing out, and that it should be heavily criticised.

**Miss Annabel Goldie (West of Scotland) (Con):** I acknowledge the point that the First Minister is making, but does he not accept that there cannot be any possible comparison between the circumstances surrounding the resignation of Lord Mackay of Clashfern and those surrounding the very summary departure of Lord Hardie?

**The First Minister:** I am not sorry in any way, after the very long history that I have outlined. I will not labour the example of Lord Mackay of Clashfern. I could have cited those of Lord Cameron of Lochbroom or Lord Rodger of Earlsferry. All those people were Lord Advocates and all of them were put on the bench, in non-election years and with no apparent justification except the good sense of wanting to put a very good person on the bench. I did not hear Annabel Goldie or anyone else criticising that. Certainly, I

did not say how shocking and disgraceful it was, and how offensive to good order and procedure in government. There are other examples. Lord Murray, a good friend of mine and former MP for Leith, was put on the bench in rather similar circumstances as Lord Advocate. We can agree that there is nothing unusual about the circumstances of this case or the machinery that is being used.

As I understand it, we are being told that there is a particular difficulty, and that we cannot do without Andrew Hardie—that he is irreplaceable and that there is no other talent at the Scottish bar that can competently fill the gap that he has left. It has been said that there are particular difficulties arising out of European convention on human rights cases. Certainly, the ECHR has produced some unusual challenges for the law officers and the Administration. The particular cases that are seen as having some significance are that relating to speed cameras and the challenge to temporary judges, stipendiary magistrates and temporary sheriffs. However, as the Minister for Justice said, of 337 devolution cases that relate to the ECHR, eight have been lost, of which two are currently under appeal. I do not know how a crisis is defined, but I think that that defines a work load. The outcome of the cases to which I have referred hardly amounts to a crisis.

**Roseanna Cunningham (Perth) (SNP):** Will the First Minister give way?

**The First Minister:** My time is limited, but I will take an intervention from Roseanna Cunningham.

**Roseanna Cunningham:** The First Minister is at risk of having headlines that read, "Crisis? What crisis?" Does he not accept that the Lord Advocate has faced unprecedented criticism for the past nine months, and that to pretend otherwise is disingenuous in the extreme?

**The First Minister:** That is an extraordinarily dangerous argument. If we have trial by newspaper headline, we will get some very odd results. I observe that yesterday's edition of *The Times* contained the headline, "Rivals queue up behind SNP leader", suggesting that Mr Alex Salmond was about to disappear into infinity. I read the papers occasionally with wild hope, but I do not take the headline that I have just cited as a prediction of what will happen in the next few minutes.

Briefly, I want to deal with the question of Lockerbie. Of course we take the Lockerbie case seriously. There is a team that is led by two senior advocates, Alastair Campbell—not the one of whom members are thinking or any relation to him—and Alan Turnbull. Colin Boyd has chaired a core committee, which has met week after week over a long period to examine statements and

procedures and plan the tactics. Colin Boyd has a distinguished history at the bar and is remarkably well placed to continue that work. He has been in the front line of the preliminary debates both at Camp Zeist, when the court sat there, and in Dumfries sheriff court. It is untrue to say that we are removing either the engine of the prosecution or overall legal oversight of the case.

I hope that people will not traduce professional reputations or suggest that the trial cannot be properly or diligently conducted because someone as able, well equipped and experienced as Colin Boyd is taking over. That argument should not be pursued.

**Mr Alex Salmond (Banff and Buchan) (SNP):** The First Minister gives the impression that Lord Hardie was almost superfluous to the Lockerbie trial. Is it not the case that Lord Hardie was to head up the prosecution in that trial and that he gave commitments to the Lockerbie relatives? Does the First Minister not understand that the concerns of the Lockerbie relatives are very real? Given that he has gone of his own volition, what excuse can Lord Hardie have for letting them down?

**The First Minister:** I assure Mr Salmond that the senior people, such as Colin Boyd, who are coming in to conduct the trial and who have been involved throughout will discuss the situation shortly with the Lockerbie relatives. It is important that the Lord Advocate be involved, and the Lord Advocate will be involved—I refer to the office rather than the man. Men do not live for ever. Sometimes they feel that, after 10 years of hard labour, they want a change. It may be that Mr Salmond will think that at some point in the not-too-distant future. In case he thinks that I am getting at him, I will say that I, too, sometimes think that on occasion, particularly when he is shouting at me.

I assure Mr Salmond that the trial will be properly and effectively conducted. Therefore, as I understand it, the main charges relate to the ECHR. Neil Davidson has had outstanding experience of ECHR cases and has been prominent in that area of the law. We are offering good and experienced representatives of the best of the Scottish legal tradition, whom I can safely commend to the chamber. I hope that the chamber will agree that I recommend them to the Queen for the offices of Lord Advocate and Solicitor General.

The role of Solicitor General is demanding and is becoming more demanding. I accept that there is often a need for advice about European competences and competences under devolution, and it is certainly true that there is a need for ECHR advice. That is partly why I value what Colin Boyd has been able to provide in recent times. I know Neil Davidson and am satisfied that

he will be able to fulfil his duties effectively and with distinction, and that he will be a good colleague to all of us.

I finish by saying that Andrew Hardie has served the United Kingdom Government and this Executive well. I say with confidence, which I hope will not be undermined by anything that is said in the debate, that I do not think that anyone could grudge him his promotion to the bench, which has been made on my recommendation to the Queen after consultation with the Lord President. He has been a remarkably effective and good colleague. I wish him every success in the future.

I ask for members' support in recommending Colin Boyd and Neil Davidson as the new law team to take us through the years ahead.

I move,

That the Parliament agrees that it be recommended to Her Majesty that Mr Colin Boyd QC be appointed as the Lord Advocate and that Mr Neil Davidson QC be appointed as Solicitor General for Scotland.

15:50

**Roseanna Cunningham (Perth) (SNP):** No doubt in due course the current and future Lord Advocates will, unless there is a change to the judicial appointments system, find their own way on to the bench.

The motion is about recommendations for appointments; the text is uncontroversial. What is controversial is the manner in which the vacancies have come about and the timing. The First Minister's contribution made for interesting listening—interesting more for what he did not say than for what he did say. The stark truth is that the development is extraordinary and quite unexpected. A member of the Cabinet has gone, in circumstances that can be described only as self-promotion, at a time when there is an unprecedented challenge to our whole system of criminal and civil justice. Worse than that, the individual in question has been one of the key people responsible for preparing for that challenge, a task that has led to him being severely criticised, in my view, rightly.

The joint function that the Lord Advocate embodies, political by virtue of his membership of the Executive and independent by virtue of his legal role, has resulted in a great deal of adverse comment. It is nonsense for Labour back benchers to suggest that no one must "play politics" with this issue. The Lord Advocate is a member of the Cabinet—how much more political can anyone get? If people are not happy about that, I suggest that they remove his political function rather than complain when perfectly valid political points are made.

A number of serious issues are raised by the manner of the Lord Advocate's going and the consequential appointments, not least of which is the international consternation already caused. I listened with great interest to some of the relatives of Lockerbie victims interviewed this morning on the radio. For the record, I repeat the statement of one of those relatives, which the First Minister dismissed as an exaggeration:

"When we met with Lord Hardie last summer, he told us that he was going to oversee the trial and he would be there, coming in and out, he would oversee things.

I am appalled and amazed that at a moment like this when you have a major trial, a trial such as you've never had in your history that the Lord Advocate just decides to leave."

It is extraordinary that an American woman none of us has met and who probably knows very little about the Scottish legal system appears to understand more about the relevance of the Lockerbie trial than does the First Minister.

There were expressions of shock from those relatives because apparently the Lord Advocate had personally reassured them that he would be overseeing the Lockerbie trial right through to its end. So much for the personal assurances of the outgoing Lord Advocate. On the eve of the trial starting, a great many people—not least of them the bereaved families—will feel a strong sense of let-down that Lord Hardie has chosen to depart the field.

Scotland should feel let down. Arguably the trial is one of the most important in the history of Scottish criminal justice. The eyes of the world will be on us. On the eve of the trial starting, the man who has been responsible for every one of the key decisions in the prosecution since 1997 has chosen to up sticks. What kind of message does that send out? It is an abdication of responsibility not worthy of Scotland's most senior law officer. The very least that Lord Hardie could have done, from a professional and personal perspective, was to see the trial through to a close. By not doing so, he leaves the door open to a great deal of speculation on whether he has confidence in the outcome. *[Interruption.]* There is no point the First Minister screwing up his face—he knows as well as I do that speculation about the strength of the evidence has been running now for over two years. This decision hardly bolsters confidence. *[Interruption.]*

**Pauline McNeill (Glasgow Kelvin) (Lab):** Will the member give way?

**Roseanna Cunningham:** The Lockerbie trial is not the only controversial aspect of what has occurred in the past 24 hours. For the Lord Advocate as senior law officer, it was one of his responsibilities to ensure that Scotland was well prepared for the incorporation of the ECHR into

Scots law. Lord Hardie has been Lord Advocate since 1997, well before the change was proposed and effected. We are entitled to assume that he had a hand in the decision to incorporate the ECHR—so it is even more remarkable that we are in this situation. Let me be clear. The Scottish National party welcomes that incorporation. What we are unhappy about is the fact that the Executive appears to have been totally unprepared for the reality of what it meant.

We are entitled to ask whether the Lord Advocate's departure at this crucial stage means that there are more crises ahead. Perhaps he has felt like someone trapped on a train line with a runaway train heading at full speed towards him. It is handy, is it not, to be in a position to realise that, first of all, one's job is going belly up and that, secondly, one can get oneself promoted out of it.

The new Lord Advocate cannot escape the blame because, as Solicitor General, he also dealt with day-to-day preparations for the incorporation of the ECHR. People can draw their own conclusions as to whether that performance merited promotion.

Week after week, we have heard a saga of stories about temporary sheriffs, children's panels and the impact on road traffic law—and goodness knows what else is in the offing—all of which was, apparently, unforeseen. The outgoing Lord Advocate was where the buck stopped, and it is difficult not to come to the conclusion that the going got rough so he got going. The verdict across a wide spectrum of opinion is that he has singularly failed in his duty to the Scottish justice system—and for that he is rewarded, virtually by his own hand.

That brings me to the next question that is raised by these announcements. Lord Hardie's departure shows that our current way of making judicial appointments is a complete and utter nonsense. Effectively, the going got rough for him so he got going, onwards and upwards in spite of the mess that was left behind. Surely reform of the process of judicial appointments through the creation of a judicial appointments board is now urgent.

I know that the First Minister has pointed out that there might be a consultation on judicial appointments. The problem is that it keeps receding into the distance. The Executive does not appear to understand or accept the fact that the old system of patronage has long since ceased to appear reasonable in the eyes of the general public or indeed in the eyes of the legal profession.

It is the year 2000. To use a phrase popular with new Labour, this is a new Scotland, and we are certainly sitting in a new Parliament. Surely we

should be finding new ways of doing things. We should remove once and for all the power of patronage from the Lord Advocate, who is, after all, a senior member of the Government. It is that very patronage that has already caused some of the problems with the ECHR, and we certainly cannot allow it to continue any longer. To paraphrase *The Scotsman* this morning, how independent will our judicial system seem when the chief prosecutor appoints the chief prosecutor to the bench? It is a nonsense. Neither should we tolerate the lack of transparency and accountability inherent in a system that has remained unchanged for centuries and which is no longer appropriate.

We are grateful to Mike Rumbles and the Standards Committee for making time for the debate this afternoon. It seems extraordinary that the Executive did not plan for a timeous statement in the chamber and left the issue to the convener of the Standards Committee. That was unworthy of the Executive, and the entire exercise leaves a very bad taste. I hope that we will never see a repetition.

**The Deputy Presiding Officer (Mr George Reid):** Although Sir David indicated the widest latitude in the debate, I feel that it is beginning to skate precariously close to the edges. I call Annabel Goldie.

15:58

**Miss Annabel Goldie (West of Scotland) (Con):** Presiding Officer, I hope that you will accept that thought must be given to the circumstances that gave rise to this motion—last night's summary announcement that Lord Hardie had made himself a judge. Even allowing for the fact that such a mode of judicial appointment will almost certainly be consigned to the history books, the question is "Was I surprised?" In fact, I was astonished. Contrary to the First Minister's assessment, I think that the Executive is deaved by legal problems, many of them as a consequence of the European convention on human rights.

There is a veritable catalogue of calamity. The First Minister may not consider it to be such but, as a practising solicitor, I certainly do. We have 126 temporary sheriffs who have lost their jobs and a huge accumulation of unaddressed litigation. The enforcement of our road traffic law is being called into question, the status of our children's panels is in doubt and our ability to take tough measures to tackle drug dealing is in question. The universal application of deferred tuition fees for all Scottish students throughout the United Kingdom has been proscribed.

**The First Minister:** This is sheer curiosity on my

part, but if Lord Hardie has presided over such a catalogue of disasters and abdications of responsibility, why does Miss Goldie think that we ought to keep him?

**Miss Goldie:** Because in my book, if one is present when the going gets tough, one should stay put to sort it out and not run away.

An enormous question mark hangs over the impartiality of the office of Lord Advocate in the matter of judicial appointments, given that he is a member of the Government. It is my submission to the First Minister that, far from disappearing into the blue yonder, the Lord Advocate should be on hand to advise on the problems and to steer us through the solutions. This situation is making the Parliament a laughing stock.

The other issue arising out of this episode relates to the implications for the Lockerbie trial of Lord Hardie's departure. Roseanna Cunningham has already alluded to that. The trial will be the most significant ever to take place under Scots law. What does this departure say about the dependability and substance of our legal system, which formerly was the envy of the world? The departure makes a mockery of Scots law and our legal system.

What about the position of law officers as members of the Government? In a devolved structure—a fact that is of particular significance—does not such involvement create an irreconcilable conflict of interest? How can professional advisers act with detachment when inevitably they are politically compromised? It is not a matter of culpability; it is de facto the situation.

**The First Minister** rose—

**Miss Goldie:** Unlike the First Minister, I am tight for time.

What about the manner of Lord Hardie's going at this time of crisis, a phrase that I repeat without apology? The going gets tough, and clear, firm guidance is needed at this testing time from the Lord Advocate. He is the principal legal adviser to the Executive, but what does he do? He makes himself a judge. Some may say that he does not do so directly, but I disagree. We know that a consultation paper concerning judicial appointments will probably be produced in March. The existing practice of appointment of judges by the Lord Advocate will almost certainly cease. I must ask the First Minister: is not what has happened, at best, unseemly?

This resignation has made a laughing stock of the Parliament and a mockery of the Scottish legal system, but it has detonated public confidence in both. I submit that these are the hallmarks of a crisis-ridden, rudderless Executive, which has no guts, because there is no stomach and no control.

Looking at the motion before us and at the intended appointees, of course the Conservative group wishes Mr Boyd and Mr Davidson all good fortune in their positions. They are venerable and respected jurists. However, I must say that this motion is not remarkable for its content; what is remarkable is that, at this time in our affairs, we should be required to debate such a motion at all.

16:02

**Euan Robson (Roxburgh and Berwickshire) (LD):** I would like to state the Liberal Democrat group's appreciation to Mike Rumbles and the Standards Committee for allowing this debate to proceed this afternoon.

It is appropriate that we should have this debate. The circumstances of the Lord Advocate going are exceptional. If Lord Hardie wants to go, it is appropriate that he goes now, before the opening of the Lockerbie trial in May.

The Liberal Democrats accept that the current Solicitor General has been intimately involved in the preparation of the trial. The shock of the Lockerbie relatives at Lord Hardie's departure is perhaps partly a result of the fact that he appeared to strike up a considerable rapport with them, but we are clear that the prospective Lord Advocate will soon dispel any doubts that the relatives may have about the proper prosecution of the trial, which is, as has been said, an important trial for the Scottish legal system. It is somewhat irresponsible of some Opposition members to try to fan the flames of doubt, because, as has been said, the prospective incumbents of the posts are distinguished jurists, who will serve the Scottish legal system well.

**Mrs Lyndsay McIntosh (Central Scotland) (Con):** No one is questioning the abilities of the two gentlemen. We are merely questioning the departure of the former incumbent.

**Euan Robson:** I hear what the member says.

The Liberal Democrats wish to make clear our belief that this should be the last judicial appointment of this nature. The partnership agreement included a clear commitment to consult on the arrangements for judicial appointments in Scotland; we look forward to that consultation taking place in the spring, as was stated in a written answer. We hope that "in the spring" means publication before the Easter recess. The Scottish public clearly want a more open and inclusive appointments process and a broader base from which candidates for the supreme courts and the shrieval bench are drawn. Any such process should not, at any stage, dilute the integrity and capabilities of judges or sheriffs and that will have to be taken into account in the consultation document.

**Brian Adam (North-East Scotland) (SNP):** Mr Robson's remarks about integrity are appropriate and indeed apply to all the law officers. Given the First Minister's remark that Lord Hardie was a close friend, does Mr Robson believe that people who are the First Minister's close friends might be inappropriate for such appointments, as circumstances may arise where accusations of impropriety and cronyism can be made? Those issues ought to be borne in mind.

**Euan Robson:** Friendships should not rule somebody out of an appointment. Appointments should be made on the ability of the candidate. We want the process to be more open and to allow candidates of quality to come through. The present system is not acceptable to the public in Scotland and should be replaced.

On the role of the Lord Advocate within the Government, I understand that the Scotland Act 1998 makes it clear that the Lord Advocate is a member of the Executive. However, the act is silent on the fact that the Lord Advocate is a member of the Cabinet. It is essential that a law officer is present during the Cabinet's discussions. However, whether that law officer is a full voting member of the Cabinet is a matter that the Parliament should review in due course, as the Lord Advocate's office should be above political reproach. We should have a parliamentary debate on that matter.

We wish the prospective incumbents of the two posts, Colin Boyd and Neil Davidson, well, especially Colin Boyd, who will have to bear the responsibility for the Lockerbie trial. I hope that the Parliament will accept the motion so that we can give him full authority to proceed in his onerous duties.

16:08

**Pauline McNeill (Glasgow Kelvin) (Lab):** I welcome the transfer of Lord Hardie and his appointment as a judge.

If Roseanna Cunningham had allowed me to intervene in her speech, one of the comments that I would have made was that—given what she said about the old system of appointing judges and the need to consider a new one—perhaps the Opposition should welcome this change as a watershed, rather than criticise it.

I recognise that the Opposition welcomes the introduction of the European convention on human rights into our law. However, it does not acknowledge what a bold step that is or the major constitutional change that we are embarking on. No matter what Government was in power, the same practical difficulties would exist. Rather than criticise for ever and a day what the Executive has done by introducing the European convention on

human rights into our law, the Opposition should congratulate the Government for being bold. The incorporation of the convention is a good step and it will be good for Scots law and justice.

I appreciate what has been said about the families' concern over continuity. However, Colin Boyd—who is the Solicitor General for Scotland and is to be the new Lord Advocate—has been involved in the Lockerbie trial from the beginning, so I believe that there is continuity. I congratulate him on his appointment.

If I express any disappointment today, it is because the Justice and Home Affairs Committee was beginning to make some progress with Lord Hardie on the need for a more transparent prosecution system and for more transparency in relation to victim support. I make a plea to the new Lord Advocate: those are important issues to the Justice and Home Affairs Committee and to justice as a whole and I hope that, with him, we can continue to make progress.

The issues in today's debate are not new to me; I have been lodging questions about the number of judges for ever and a day and I spoke in our debate on the Maximum Number of Judges (Scotland) Order 1999. I take the opportunity today to reiterate some of my concerns.

Jim Wallace is right to review the system of the appointment of judges. It is not good enough that we—and the legal profession—still do not fully understand how the appointments are made. Lord Hardie himself said that we should have a judiciary bench that better reflects what Scotland looks like. We now have 30 judges, two of whom are women, which is double the number of women judges than there were. That should be welcomed, but it is not enough. The Conservatives do not agree with me on that point, but I say that it is a good step forward. Twelve of our judges went to Oxford or Cambridge, and the age range—between 42 and 82—is much too narrow. We should take the opportunity to change that.

**Miss Goldie:** On the contrary, the member would find that the Conservatives have a lot of sympathy with what she is saying. However, does she agree that part of the cosy and perhaps too close relationship that exists in relation to appointments is due to the current structure of appointments? That is the very aspect that we were seeking to challenge.

**Pauline McNeill:** In the Faculty of Advocates, there are men and women who should be given the opportunity to represent the wider interests of Scotland. We now have an opportunity to ensure that that happens.

Although I do not challenge the integrity of any of our judges, it would not be out of turn to say that there is a perception in the wider population that

they are sometimes a wee bit out of touch. The “white smoke” procedure does not give any credibility to our criminal justice system. We want a system that ensures that more women, more ethnic minorities and more people from a variety of class backgrounds are represented on our benches. I welcome the fact that Jim Wallace will be addressing that issue, although I would like him to do so in stronger terms.

I suspect that the Opposition’s criticism would be the same regardless of whether we were talking about Lord Hardie; I suspect that Colin Boyd will have to face the same kind of criticism that we have heard this afternoon. This should not be about personalities; it presents us with a good opportunity, which we should all welcome. I doubt that anyone in the chamber is fully happy with the system of the appointment of judges. Let this be a watershed. Let us welcome the new appointments. Let us look forward to a better justice system.

16:13

**Mr Kenny MacAskill (Lothians) (SNP):** Well, well, well—the Lord Advocate has resigned. Not before time, in my opinion, but what a sense of timing. Various issues need to be addressed: why he was right to go; why he should have gone long before; why, in the 21<sup>st</sup> century, the manner of his elevation following his resignation is allowed to continue.

Let us deal with the first matter: why he was right to go. I believe that he has been presiding over chaos and shambles. In 20 years as a practising solicitor, I have never known the courts or the profession to be in such disarray. I have never known so many aspects of the law to suffer such mishandling, if not downright incompetence. As Roseanna Cunningham said, the buck stops with the Lord Advocate.

In the Procurator Fiscal Service, morale has gone through the floor. There has been the shambles over temporary sheriffs—an accident waiting to happen. Everybody in the profession knew about it; the sheriff clerk’s office had an emergency strategy. Did the Lord Advocate have an emergency strategy? No, he did not. What happened did not sneak up on him; he just failed to prepare for it.

In the judiciary, we have a shortage of judges, due partly to the fact that the Lockerbie trial requires various judges to go to the Netherlands. How does Lord Hardie deal with that crisis? He appoints himself to the bench. That smacks of a sinecure.

Why is Lord Hardie’s timing wrong and why should he have gone before now? He should have gone after the Ruddle affair. That did not sneak up on him. I asked various questions to find out why

Ruddle’s agents attempted to negotiate a conditional release, which would have offered the public some protection from Mr Ruddle and might have offered Mr Ruddle some protection from himself. I was told that the Executive could not comment on the actions of a previous Administration. I was being told that the Scottish Executive would not comment on the Scottish Office, even though, since May, we have had the same Lord Advocate who was Lord Advocate for the Scottish Office. Perhaps the Executive refused to answer because the conditional discharges were on offer and were not taken and because the public paid the price until the loophole was closed.

The Lord Advocate was the constant factor. He has left only when there is a shambles about shrieval appointments, when disaster beckons on the European convention on human rights and a stench of on-going cronyism permeates the profession. As Roseanna Cunningham said, we now face the biggest prosecution in Scotland’s history—probably the biggest prosecution in the world since the Nuremberg trials—yet the man who was supposed to preside over the trial, to ensure safe hands and continuity, bailed out a few months before it was due to start.

What happened next? Lord Hardie’s resignation was followed by his immediate elevation. Most folk who resign and leave under a cloud go out with a P45 and a bleak and uncertain future. This man has walked out the door, across the road and up the stairs to a salary in excess of £100,000 per annum and a sinecure until he reaches the age of 70, unless he chooses to retire on the grounds of ill health. He appoints himself just weeks after the publication of newspaper articles accusing him of cronyism in his appointments to the shrieval bench. New Labour cronyism extends to the judicial bench and the shrieval bench.

Lord Hardie should have gone long ago. His delay has continued to cause chaos and turmoil and I shed no tears for his departure. However, I am appalled that, in the 21<sup>st</sup> century, a Lord Advocate can elevate himself, using the power of patronage that might have been appropriate when Walter Scott was at the bar, but that is certainly not appropriate in Scotland today. This is supposed to be an open and transparent Scotland and all those other things that Labour has harped on about.

16:17

**Phil Gallie (South of Scotland) (Con):** It is slightly ironic that we should have been debating a code of conduct. Without doubt, as far as the Lord Advocate is concerned, there has been questionable behaviour or at least a questionable decision. There has been a lot of hot air; Labour members have expressed much indignation and a

lot of hurt. They seem to believe that they should not be questioned on such issues. However, the public know that questions should be asked—they want to hear the debate. Despite the ineffective, casual words of the First Minister, most of us see this as a crisis. The issue raises questions in the public mind about the quality of the justice system in Scotland.

Mr Wallace said that he had been working towards the incorporation of the European convention on human rights into Scottish law for his whole life. He should be ashamed of himself, because incorporation has created a shambles. Several times today we have been told about the difficulties in our sheriff courts, which were not foreseen by the First Minister or the Lord Advocate—or if they did foresee those difficulties, they were badly caught out. There have been problems in appointments to the magistrates bench in the district courts. There is a question about the appointment of judges. Once again, I wonder how the European Court of Human Rights will view the appointment of another Lord Advocate and Solicitor General for Scotland. It is probably quite legitimate, but a challenge may arise.

**The First Minister:** Will the member give way?

**Robert Brown (Glasgow) (LD):** Will the member give way?

**Phil Gallie:** I will give way in a moment.

There are challenges to children's panels. For years, in the House of Commons and elsewhere, I have heard nothing but praise for the children's panel system in Scotland. What do we get now from the European courts? We hear that children's panels are probably not up to scratch. There is a question over their legitimacy, just as there is a question over the legitimacy of the way in which the police take evidence from people who have committed serious motor offences. There is something fundamentally wrong, and the Lord Advocate is at the root of it. He was no doubt an adviser to Mr Blair and to the First Minister, as Secretary of State for Scotland, when they decided to incorporate the European convention on human rights. There is a real failure and for someone to be promoted out of that failure is an absolute disgrace.

**The First Minister:** I suppose I am indulging my curiosity, but has Mr Gallie always objected as a matter of principle to Lord Advocates going on to the bench? If so, would he like to explain the events of the past 18 years?

**Phil Gallie:** No, I have no objection to that and I will not have an objection to it in the future. I would have no objection at present if this Lord Advocate measured up. Whether or not he measures up, he has shown a failure of confidence in not seeing

through the job that he had undertaken. He has shown a failure of confidence over the implementation of the European convention on human rights and over the European Court of Human Rights' involvement in Scottish law. He has shown a lack of confidence in respect of Lockerbie and the job that he was committed to.

I go along with what Roseanna Cunningham said about that confidence. Irrespective of the evidence that he has brought together, his decision suggests that there is a weakness in it. Who would walk away from such a trial? As Kenny MacAskill said, this is the trial of the century. This is a new century, but it is a trial of the past century as well in Scottish law.

**The Deputy Presiding Officer:** Mr Gallie, I must interrupt you.

**Phil Gallie:** The world will have its eyes on the trial and it is tragic that the Lord Advocate has bailed out.

**The Deputy Presiding Officer:** Mr Gallie, I was trying to interrupt you to indicate that, in speculating on the outcome of the Lockerbie trial, you are on very dangerous ground.

**Phil Gallie:** I am sorry—I did not hear that.

**The Deputy Presiding Officer:** I take it that you have finished your speech.

**Phil Gallie:** I have had my four minutes.

16:22

**Christine Grahame (South of Scotland) (SNP):** I refer the Minister for Justice to the *Official Report* of the Justice and Home Affairs Committee meeting on 31 August, at which Lord Hardie said:

"Colin Boyd and I are accountable to the Scottish Parliament for the manner in which we discharge our responsibilities; we hope that, where possible, we will be in a position to be as open as those responsibilities allow."

So the first count is openness. Lord Hardie continued:

"Colin Boyd and I work closely as a team, with Colin heading a number of specific projects. For example, he has oversight of the preparations for the Lockerbie trial and the working group on the European convention on human rights."

Although these quotes have been selected from different parts of his speech, that does not distort what was said. Later, he stated:

"I am pleased to report that my department was the first United Kingdom Government department to train all its lawyers and investigators on convention rights."—[*Official Report, Justice and Home Affairs Committee*, 31 August 1999; c 41-42.]

I have to say that on that count and on the count of openness, he has not been very successful. I regret that I have to include Mr Boyd in those



comments on the quality of legal advice.

On September 3 1999, like my colleague Kenny MacAskill, I asked the Executive questions on the Ruddle affair. I asked five in all. It took until 17 January to get a response to this question:

"To ask the Scottish Executive what was the nature of the legal advice, given on or around 19 March 1998, which led to the transfer of Noel Ruddle to Broadmoor not proceeding and who gave that advice."

Five and a half months later, the response was:

"The Scottish Executive cannot provide information about the actions of the previous administration."—[*Official Report, Written Answers*, 17 January 2000; Vol 4, p 109.]

Not being one to lie down, on 26 January I wrote to Mr Wallace. I asked:

"Firstly, given the content of the answers or lack of same, can you advise why it took 5 months to reply?

Secondly, what is the basis for the refusal given that the same Lord Advocate is in place as during the early days of the Ruddle affair? If a question arises as to the quality of legal advice then, and the personnel remains the same, there is a continuity of interest and responsibility."

I regret to say that I think that that taints Mr Boyd as well because, according to Lord Hardie, he was part of the legal team that looked into the European convention on human rights and trained the lawyers.

Answers are still pending to other questions on legal advice. One of those questions is about the operation of Community law and the European convention on human rights in the purported prohibition of non-payment of tuition fees for Scottish students in English universities, a matter that I raised during the recent Cubie debate. I have asked those questions and I have asked to see the legal advice that, if we are being asked to accept it, this Parliament should surely be entitled to see. I get no response. What is the problem? Why not produce that conclusive, persuasive legal advice and hit me over the head with it? That will stop me asking questions.

We move on seamlessly from the Noel Ruddle case to temporary sheriffs to speed cameras to children's hearings to the Cubie committee to a resignation out of the blue. Were any of the ECHR challenges foreseen? If not, tell us; if they were, tell us. Furthermore, with what legal advice was Colin Boyd closely associated?

Lord Hardie is not just leaving behind unanswered questions for me and an untidy desk in his hurry to make a stage exit right to the judicial benches; his still-swinging chair will now accommodate a new Lord Advocate who had

"oversight of the preparations for . . . the working group on the European convention on human rights".

To lose one Lord Advocate could be seen as unfortunate; to lose two would be carelessness.

16:26

**Scott Barrie (Dunfermline West) (Lab):** The motion is about whether we should appoint Colin Boyd as Lord Advocate and Neil Davidson as Solicitor General. Nothing that I have heard so far indicates that they are unfit for those positions.

Three main objections have been raised: first, that it was inappropriate for Lord Hardie to recommend himself as a judge; secondly, the outstanding issue of how the European convention on human rights will affect Scots law; thirdly, the possible effect on the forthcoming trial in the Netherlands concerning the Pan Am bombing over Lockerbie.

On the first objection, there is very recent precedent for someone moving from the position of Lord Advocate to the supreme courts. Lord Hardie QC is one of Scotland's leading lawyers and a formidable legal talent; he is eminently fit to take up his new position.

In his speech, the First Minister indicated that Colin Boyd and Neil Davidson were well qualified to reflect upon and pursue the challenges that lay ahead with regard to ECHR. Although several high-profile cases have appeared to show that contemporary legal practice is incompatible with ECHR, it should be borne in mind that almost every challenge in the Scottish courts has been successfully resisted—173 out of 176 such cases, at the last count.

The First Minister also said that Colin Boyd had been integrally involved in the preparation for the Lockerbie trial. I agree with members who have stated that there is continuity in the preparation of the case, and I hope that the victims' families will have faith in the process on which we are about to embark.

As Pauline McNeill said, the events of yesterday and today should be seen as some sort of watershed. In last year's debate on the Maximum Number of Judges (Scotland) Order 1999, a few members spoke eloquently about the need to appoint judges from a wider cross-section of Scottish society to reflect more than the narrow band of people who have filled those positions.

Comments were made about possible threats to the children's hearings system in Scotland. That system is now 30 years old and it is right that we should examine its workings. I have been involved with the system for some years and, although it has a lot of merit, it has been perceived as being contrary to the United Nations Convention on the Rights of the Child. As a result, it is now appropriate to examine the system; some of the questions raised at First Minister's question time reflect that feeling.

Although it is important to debate this issue

today, we should not get caught up unnecessarily in the events of the past 24 hours. We should bear in mind the fact that the people who have been recommended for the positions of Lord Advocate and Solicitor General are clearly fit to fill those posts, and we should agree to their appointments today.

16:29

**Michael Matheson (Central Scotland) (SNP):**

The way in which this vacancy has come about raises a number of questions that have already been asked by several members. It was interesting that a few members tried to depoliticise the whole issue. However, Roseanna Cunningham illustrated the fact that not only was Lord Hardie a member of the Scottish Executive, but he was more than happy to take the party line when he was in the chamber.

Members should cast their minds back to the emergency legislation debate on the Noel Ruddle affair during which Lord Hardie was more than happy to launch a political attack against Kenny MacAskill. There is a conflict in the present system in that the Lord Advocate is head of the Crown Office and he also serves in the Scottish Cabinet. That conflict of interests has resulted in the problems about temporary sheriffs in Scotland. That is why there is an urgent need to press ahead with the introduction of an independent judicial body that will appoint sheriffs and judges.

Let us be clear: the responsibility for the problems that we have had with incorporation of ECHR into Scottish law lies with Lord Hardie. The First Minister gave the impression in his comments that Lord Hardie was not solely responsible and that other individuals were involved in that decision to incorporate ECHR. I would like to refer to a briefing document from the Scottish Parliament information centre. With regard to the Lord Advocate, the briefing states:

"In particular, he is responsible for advising the Scottish Executive on constitutional and legal matters including the operations of the Scotland Act"

and

"the European Convention on Human Rights."

He is ultimately responsible for the decision on ECHR. The First Minister's friend Andrew Hardie carries the can for the mistakes that have been made.

I wish the new Lord Advocate more success than his predecessor had in dealing with the European convention on human rights, but I fear that there are more pitfalls round the corner. I hope that he will be able to identify them more quickly than his former colleague did.

I had a discussion with several sheriffs

yesterday and they consider that there are probably more problems along the road. They highlighted the fact that further problems will result from the enforcement of the Human Rights Act 1998, which will be in force from October. They also wondered whether sheriffs are being given appropriate training that takes into consideration the implications of that act.

A number of contributors to today's debate have a certain standing in the legal world through having practised law at solicitor level or at the level of the High Court. I have never worked in the legal system, but patronage surrounds the system and I am sure that many Scottish people will ask why we have such an arcane system in the new millennium.

In the spirit of freedom of information, which his deputy is so keen on, I would like the First Minister to give me a straight answer to a straight question. Why did Lord Hardie resign?

16:33

**Robert Brown (Glasgow) (LD):** I will first address the motion to recommend the approval by the Parliament of the appointment of the new Lord Advocate and Solicitor General. That is the central point of the debate and that is what we must deal with today. We already know Colin Boyd through his activities as Solicitor General, and Neil Davidson is eminent in the legal profession. They are both worthy of appointment to the posts—that should have been the central point of the debate.

The tone of the debate has been singularly distasteful. It has been shot through with tirades and personal abuse and comments about individuals, which are unseemly in the extreme. There are one or two important issues that are central to the circumstances with which we are dealing today. The main issue is the way in which Lord Hardie's appointment to the bench has taken place. It is regrettable that people such as Phil Gallie who have been involved with Conservative Governments that did not protest about the practices involved should tell us how indignant and upset they are about the matter. However, the fact remains that in a modern, 21<sup>st</sup> century democracy a system of judicial appointments under which the person to be appointed has a significant hand in the appointment is quite unacceptable.

When, in addition, we have a situation where the dividing line between the prosecutorial and judicial systems in Scotland is blurred, we have a serious problem, which should have been dealt with long ago. It is notable that the Law Society of Scotland, in its representations to the criminal justice review working party way back in 1989, recommended the establishment of a judicial appointments board, made up of representatives of the judiciary,

the legal profession and the general public.

Some of what has taken place today provides a very strong argument against the kind of open hearings that are seen in America. We must be careful to ensure that once the consultation paper has been published, we replace the present system with something reasonably adequate. However, it is not unreasonable for the chamber to agree that the system of appointment of our judiciary—the centrepiece of the legal system—must be open, above board, accountable and, above all, independent.

The system does not meet those strictures at the moment. The Lord Advocate is both a legal and a political figure. My second central point relates to that reality. If I have one word of advice for the new Lord Advocate it is that he should try to stay out of political debates in the chamber and rest with his legal skills. There are undoubted difficulties where the legal and political systems overlap. It is appropriate that the Cabinet should have the input, in some shape or other, of the top brains of the legal system to advise and inform not only on particular matters, but on the gamut of political decisions. It is not appropriate, however, that a person who will carry the can for controversial decisions and prosecutions in the general legal system should be embroiled in day-to-day party political matters.

The final issue to take on board is the ECHR. We have reached something of a watershed. A number of points have been made. It is probably a little unfair to blame either the Executive or the individuals involved for those matters. The incorporation of ECHR into Scots law is an important step. The chamber must make it clear that it welcomes, endorses and fully supports the ECHR's incorporation. The tone of some of the comments that we have heard today suggests that that is not the case.

We must go forward from today with our new set of law officers. Let us give them our wholehearted approval and support and take a few moments in the days and weeks to come to consider the extent to which the implications of the ECHR have been addressed. We should perhaps have a full report to Parliament on that.

With that, I welcome the appointment of the new officers.

16:38

**Lord James Douglas-Hamilton (Lothians)**  
(Con): The First Minister will, of course, be aware that Mr and Mrs Dan Cohen, whose daughter Theodora died in the Lockerbie atrocity along with more than 250 others, stated:

"When we and other American relatives met Lord Hardie . . . he assured us personally that he was pressing ahead

with the case and that he would oversee the prosecution."

Surely the Executive must be aware that the senior prosecutor's departure, just before the most important trial in Scotland's legal history, which involves great complexities, leaves the clear impression of dereliction of duty, especially when his departure is associated with self-promotional interests.

What Lord Hardie is doing is, in our view, entirely wrong. There is a serious danger that his action will damage the integrity of our system of criminal justice. As it is, Mr and Mrs Cohen said:

"In America the idea of the attorney-general quitting before the biggest trial the country has ever seen would be unthinkable".

It should be unthinkable in Scotland. The Lord Advocate gave the families of the victims his word. He should have honoured his word and carried out his responsibilities.

He has left in his wake a catalogue of unsolved problems. As we have heard, problems have arisen from the incorporation of the European convention on human rights into domestic law, which caused 126 temporary sheriffs to lose their jobs. The court system has been thrown into disarray and the situation is still unresolved.

That happened because there was a conflict of interest between the chief prosecutor prosecuting and the Lord Advocate also being able to hire and fire judges. There is also a clear conflict of interest between the chief prosecutor sitting around the cabinet table with a group of politicians from whom he should be independent and seen to be independent. Now it is necessary for the Administration to address the question of whether it is appropriate for the Lord Advocate to be a member of the Cabinet, as he is not seen to be wholly independent.

All that pales into insignificance in comparison with the Lockerbie trial and with Lord Hardie's inexplicable withdrawal. After the Lockerbie outrage, I had to visit Lockerbie three times as the home affairs minister, and was made aware that more American lives were lost in that one episode than we lost in the Falklands war.

Today, we will not oppose the Executive motion, but we wish to leave it in no doubt, and on the record, that for the Lord Advocate to withdraw from this huge trial, on which he had been working for years, just before it is about to take place, is like a captain deserting a ship before a storm. It is a betrayal of the commitment and assurances that he gave to the relatives of the Lockerbie victims, and I was very sorry indeed to hear that the First Minister had recommended Lord Hardie's appointment, because that shows that the First Minister, in this matter, has not been a person of good judgment.

I believe that the Lord Advocate has used his privilege to obtain higher office at this time, but that he has achieved it with dishonour.

**The Deputy Presiding Officer (Patricia Ferguson):** I now call on Roseanna Cunningham to close for the Scottish Conservative—I am sorry, for the Scottish National party. [*Laughter.*] Sorry about that. You have five minutes.

16:41

**Roseanna Cunningham:** I have been called many things in my time, but Conservative is not one of them.

I got the first pager message about Lord Hardie's resignation at 7.10 pm last night. It seemed an odd time for such an announcement to be made, but I understand that that was precipitated because the news was supposed to have been managed somewhat better, and placed as an exclusive with one particular newspaper.

Somehow, it got away from the Executive, which was panicked into releasing the news more generally last night. I ask the First Minister to comment on that information. Presumably he knows about it for sure, as he has stated that he is a close personal friend of the Lord Advocate.

**The First Minister:** The things that this woman says are just not true.

**Roseanna Cunningham:** I am sure that the individual who advised me of the news will be interested to hear the First Minister's comments. One newspaper understood that it had the exclusive, and was not happy that that turned out not to be the case.

I said that the First Minister would know, because he described himself as a close personal friend of the outgoing Lord Advocate. I wonder at that remark at a time when the whole issue of judicial appointments is under question generally, never mind specifically.

Judicial appointments are not just under question. If we are to believe the assurances of the Minister for Justice in the past month, they will be under review. The promised consultation on judicial appointments keeps receding. At the risk of adding to my own work load in the Justice and Home Affairs Committee—and I see other committee members groaning already—I hope that the First Minister will take the opportunity in his closing remarks to tell us once and for all when the consultation will start, how long it is intended to last and when we might see concrete change.

Whether the First Minister likes it or not—and with respect to my committee colleague Pauline McNeill—this is only a watershed if it is the last time that this secretive method of promotion is

ever used. Will the First Minister please make the commitment to the Parliament that this will be the last time? I note that however much contributors try to qualify their remarks, the fact is that they agree with what I have said on judicial appointments.

I frequently welcome the incorporation of the European Convention on Human Rights into Scots law, and will not accept any criticism on that count, but I and many others have been continually asking questions about our preparedness for the change and about the Lord Advocate's role in getting the country ready for it, in my case to the extent of calling for a human rights commission. The Executive, of which the Lord Advocate is a member, is still hawing and dithering on that important question.

At 5 minutes past 5 tonight, will the First Minister instruct Colin Boyd—because he will be the new Lord Advocate—along with the Minister for Justice, to get on to the issue of a human rights commission as a matter of urgency? If not, does that mean that the shambles of the past nine months will continue? I believe that the Scottish people deserve a great deal better than that, just as they deserve better over Lockerbie.

It is not good enough for the First Minister to pretend that this move is just bad timing. Of course, it is extremely bad timing; it is also bewildering, not just for us and for Scotland. It will no doubt cause real consternation internationally; it has already done so among the families of the victims.

Unlike my colleague Kenny MacAskill, I have not been calling for the Lord Advocate's resignation for the past nine months. No doubt Kenny thinks that I should have been. I have, however, been calling for the Lord Advocate and the rest of the Executive to do their jobs. It is my view that they simply have not done so. The First Minister's complacent approach this afternoon suggests that notwithstanding any change of personnel, nothing will change in the future.

If that is the way that we are to go on, that should be a matter of great concern to everyone in this Parliament. The challenges will not go away. There is a crisis facing Scots law. The Labour-Liberal Democrat Administration is failing miserably in facing that challenge and the law officers are implicated in that failure. For goodness' sake—for Scotland's sake—will somebody get a grip.

16:47

**The First Minister:** Presiding Officer, I have listened to the debate with care and—probably sometimes too obviously—with irritation, but there you are.

I certainly agree with Robert Brown: the debate has done a very considerable disservice to those who believe that there should be total openness and public hearings for appointments of this kind.

I recognise the temptation—I am not saying that I would have resisted it in the SNP's place—but there is no doubt at all that what we have seen is a party determined, with very little justification, to make political capital out of events.

I regret deeply that the debate also turned into personal attacks on people who have reputations of high standing and considerable substance. One lady on the Tory benches said that hers was not an attack upon the incoming law officers, but of course the debate turned out subsequently to be such an attack, certainly in the speeches of some SNP members. That was extremely unfortunate.

**Christine Grahame:** I said that I regretted that I felt that Mr Boyd was being tainted. I make it plain that I was criticising the quality of the professional judgment.

**The First Minister:** This is quite a serious matter. I do not know the lady—I think that she is a solicitor to trade, but I am not in a position to know. The only one that I can actually talk about is Roseanna Cunningham, because I once employed her as a conveyancing assistant.

**Roseanna Cunningham:** It was as a reparations assistant.

**The First Minister:** Oh? A reparations assistant? Well, that shows the impact that she made. I also know, of course, that she had a short career at the bar.

To be serious, I regret the very personal nature of the debate. In particular, I think that the Conservative benches are culpable. I know that James Douglas-Hamilton feels very deeply about matters, but I think that he will regret the speech that he made. I certainly regret the fact that he made it. It does not help anyone to try to major on that particular aspect of the matter.

Clearly, there will be contact with the people who, tragically, were touched by the Lockerbie disaster. I have no doubt that the new Lord Advocate, when he is confirmed, will take immediate steps to do that.

**The Solicitor General for Scotland (Colin Boyd)** *indicated agreement.*

**The First Minister:** I say again that what is important is whether the team is in a position to carry out its job and do its task. I hope that James Douglas-Hamilton will agree that the advocate deputes who are involved, and who will inevitably carry much of the weight of the trial, the Lord Advocate and the Solicitor General, have very distinguished pasts. The new Lord Advocate has

been involved integrally in the preparation for the trial, and I hope that James Douglas-Hamilton, on reflection, will agree that we should stress that and make that very clear indeed.

**Mr Salmond:** I also listened carefully to this debate and I agree with the point that Lord James Douglas-Hamilton made. There is no doubt that Lord Hardie gave undertakings to the relatives of the Lockerbie victims. Why did he do so if he did not intend to discharge those undertakings?

**The First Minister:** He did so because the Lord Advocate is the senior law officer and whoever is the Lord Advocate carries the responsibility for the Lockerbie trial. I hope that that responsibility will be carried by Colin Boyd in a few days.

I found the debate illogical in many ways. I was not entirely joking when I pointed out to Annabel Goldie that it was illogical to say that someone who has made a total hash of his job should not leave it. I know that there is a good boy-scout principle that if someone is bad at something, they should stumble on regardless. The fact is that the people concerned were not bad at their jobs. They were extremely good at their jobs and had distinguished records. Lord Hardie has a remarkable record and, as Lord James Douglas-Hamilton will know, has been endorsed by his peer group in the Faculty of Advocates: he was elected as treasurer and then as dean. It is unfortunate that he should be criticised as he has been.

Of course, there have been problems with the introduction of the European convention on human rights. In a sense—and I hope that this will not be misinterpreted—the point of introducing it was to bring about change. Change, however, can be an uncomfortable business. I listened to the attacks that have been made today. Some of them misinterpreted some of the judgments. Michael Matheson, for instance, did not grasp that the key point of the judgment on temporary sheriffs was not appointment but security of tenure. I make no complaint about that, because, as he properly said, he is not a lawyer.

I say this quite genuinely: taking the children's panel issue as an example, I am not sure how challenges in the court can be guarded against. That cannot be done. Cases must be tested in the courts. The vast majority of times that that has happened, we have won. There has been no challenge yet relating to the children's panels, although we think that one case is starting. A few years ago, there was a case that related to the matter of production of documents. However, that was not central to the ECHR issues.

If I thought that some simple steps could have been taken to guard against challenge or ensure that every challenge failed and that the Lord

Advocate of the day had failed to take those steps, I would have some sympathy with the charge that is being made. It is not like that, however. At least some of the people who spoke today must know that. They are culpable and have allowed reason to be overruled by partisan feelings.

I do not know whether this will carry weight with members, but Neil Davidson is the chairman of the Faculty of Advocates human rights committee. I advance that fact to remind members that he has a record in that field of law and is seen as a practised practitioner. I refute the suggestion that there has been a failure to take proper safeguards. When the Ruddle case came down the track, skilled lawyers from a wide spectrum of legal opinion, not from within the Administration, spent an impressive and concerning number of hours trying to find the answers to difficult problems. We came up with what we thought was the best solution.

I do not deny for a moment the fact that important issues arise from these matters but I wish that they were being reasonably stated and argued. I agree with Michael Matheson about the difficulty of reconciling the different roles of the Lord Advocate. That is worth considering at some point. Members should bear in mind that the Lord Advocate has always been a member of the Administration.

I listened to Annabel Goldie with genuine puzzlement as her speech seemed to be posited on the fact that the Lord Advocate was involved as a member of the Administration in a novel way. I cannot think of a single Lord Advocate who has not been a member of the Administration of the day and bound by collective decisions taken by the Administration. We may say that that should not be so, but, my goodness, Annabel Goldie tholed it with remarkable phlegm during the previous 18 years. I find it extraordinary that she now protests.

**Miss Goldie:** I thank the First Minister. The point that I was making, albeit clumsily and ineptly, was quite simply that the devolved structure in Scotland has created very different circumstances. It has placed a magnifying glass over every sector of activity in Scotland. We have never had the precedent of a Lord Advocate being a member of cabinet in a devolved Scotland. *[Laughter.]* The vision of the First Minister bobbing up and down is most enticing, Sir David. I shall keep him on his spring.

**The Presiding Officer (Sir David Steel):** Be fair, as he is winding up now.

**Miss Goldie:** The issue is this: in a devolved structure, there is an absolute need for a political divergence and a professional detachment of the law officers. I do not want to stand here and harry

Mr Boyd. I do not want to stand here and knock his head off, or issue a tirade at him because I think that there has been some deficiency in his advice. I do not mind doing that to the First Minister, because he is elected to take that on the chin. However, I do not think that the professional adviser to the Executive is in a comparable position.

**The First Minister:** As I say, this is a matter that others may debate, and on which there may be many views. I am simply pointing out that we have always had a Lord Advocate and a Solicitor General who have been members of the Administration. I suppose that it goes back to Dundas, who was practically the Government personified. In my lifetime, however, those officials have always been bound by a collective responsibility. Large issues are raised if the role of the Lord Advocate is separated in that way, particularly at a time when we are bound by ECHR considerations, European Union regulations, and rules and vires within our devolved system. Those are all matters on which the advice of the law officers becomes increasingly pressing.

As for Phil Gallie—and this is the kindest approach that I can take towards that rather puzzling object—I accept that his indignation was largely ad hominem and a personal attack on ministers, which I regret. His indignation about the way in which the system works is misplaced, if one looks at the record. I do not want to drag the present Lord President into this debate. However, he is the most recent example of someone who was promoted to the bench as Lord Advocate at a very distinguished time, and within a year became Lord President. I make no complaint; but Phil Gallie cannot regard this as somehow an offence against morality in a moral world. What world was he living in only five years ago?

**Phil Gallie:** Will the First Minister give way?

**The First Minister:** I leave the point with Phil Gallie. I am sure that he can come back. However, I want to finish, as I recognise that this is an important matter.

I want to make clear the fact that examination of the problems of judicial appointments is something to which we are committed. We have made that clear; it is in the partnership document, and the Deputy First Minister and Minister for Justice has been working on it for some time. Andrew Hardie also played his part in some of the preliminary discussions. In the near future, we hope to produce a discussion document.

It is easy to endorse the principle that there should be change; it is not quite so easy to see what kind of change that should be, or the way in which the many competing principles that are involved can be reconciled. I want to canvass

change; I want to broaden the range of entry; I want to have greater transparency; but I also want to ensure that those who appear on our bench, and in whose hands our interests often lie, are people of proven competence who can do the job. Getting that balance right is always going to be difficult, and it is a responsibility that this Administration takes seriously.

I have been heavily criticised, apparently, for saying that I have a good friend in Andrew Hardie. I could probably nominate a few SNP members, even from the front bench, who are not good friends of Mr Alex Salmond, but on the whole he probably knows most of them quite well. I do not think that there is anything sinister in that. What is important is whether people do the job: whether they have the ability, the trust, the confidence and the moral character. On that point I have no doubts. Neither do I have any doubts about the ability of Neil Davidson and Colin Boyd, as Solicitor General and Lord Advocate, to serve this Administration, this Parliament—in a broader sense—and the people of Scotland well.

I commend the motion to my colleagues.

**The Presiding Officer:** Under our standing orders, a motion to appoint law officers is uniquely provided for, as I must put it immediately to the chamber.

The question is, that motion S1M-558, in the name of the First Minister, on the appointments of the Lord Advocate and the Solicitor General, be agreed to.

*Motion agreed to.*

That the Parliament agrees that it be recommended to Her Majesty that Mr Colin Boyd QC be appointed as the Lord Advocate and that Mr Neil Davidson QC be appointed as Solicitor General for Scotland.

## Subordinate Legislation

*Motion moved,*

That the Parliament agrees that the Subordinate Legislation Committee should report on:

- a) the Local Government Finance (Scotland) Order 2000,
- b) the Special Grant Report No.1 - Special Grant for Scotland Asylum Seeker Assistance: Report by the Scottish Ministers (SE/2000/10), and
- c) the Special Grant Report No. 2 - Special Grant for Scotland Kosovan Evacuees: Report by the Scottish Ministers (SE/2000/11)

and that the Order, and the Reports, should be considered by the Parliament.—[Mr McCabe.]

## Decision Time

17:00

**The Presiding Officer (Sir David Steel):** We now come to decision time. There are four questions to be put.

The first question is, that amendment S1M-550.2, in the name of Fergus Ewing, which seeks to amend motion S1M-550, in the name of Alasdair Morrison, on tourism, be agreed to. Are we agreed?

**Members:** No.

**The Presiding Officer:** There will be a division.

**FOR**

Adam, Brian (North-East Scotland) (SNP)  
 Aitken, Bill (Glasgow) (Con)  
 Campbell, Colin (West of Scotland) (SNP)  
 Canavan, Dennis (Falkirk West)  
 Crawford, Bruce (Mid Scotland and Fife) (SNP)  
 Cunningham, Roseanna (Perth) (SNP)  
 Davidson, Mr David (North-East Scotland) (Con)  
 Douglas-Hamilton, Lord James (Lothians) (Con)  
 Elder, Dorothy-Grace (Glasgow) (SNP)  
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)  
 Ewing, Mrs Margaret (Moray) (SNP)  
 Fergusson, Alex (South of Scotland) (Con)  
 Gallie, Phil (South of Scotland) (Con)  
 Goldie, Miss Annabel (West of Scotland) (Con)  
 Grahame, Christine (South of Scotland) (SNP)  
 Harding, Mr Keith (Mid Scotland and Fife) (Con)  
 Harper, Robin (Lothians) (Green)  
 Hyslop, Fiona (Lothians) (SNP)  
 Ingram, Mr Adam (South of Scotland) (SNP)  
 Johnston, Nick (Mid Scotland and Fife) (Con)  
 Johnstone, Alex (North-East Scotland) (Con)  
 Lochhead, Richard (North-East Scotland) (SNP)  
 MacAskill, Mr Kenny (Lothians) (SNP)  
 MacDonald, Ms Margo (Lothians) (SNP)  
 Marwick, Tricia (Mid Scotland and Fife) (SNP)  
 Matheson, Michael (Central Scotland) (SNP)  
 McGrigor, Mr Jamie (Highlands and Islands) (Con)  
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)  
 McLeod, Fiona (West of Scotland) (SNP)  
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)  
 Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)  
 Mundell, David (South of Scotland) (Con)  
 Neil, Alex (Central Scotland) (SNP)  
 Quinan, Mr Lloyd (West of Scotland) (SNP)  
 Reid, Mr George (Mid Scotland and Fife) (SNP)  
 Robison, Shona (North-East Scotland) (SNP)  
 Salmond, Mr Alex (Banff and Buchan) (SNP)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Sturgeon, Nicola (Glasgow) (SNP)  
 Tosh, Mr Murray (South of Scotland) (Con)  
 Ullrich, Kay (West of Scotland) (SNP)  
 Wallace, Ben (North-East Scotland) (Con)  
 Welsh, Mr Andrew (Angus) (SNP)  
 White, Ms Sandra (Glasgow) (SNP)  
 Wilson, Andrew (Central Scotland) (SNP)  
 Young, John (West of Scotland) (Con)

**AGAINST**

Alexander, Ms Wendy (Paisley North) (Lab)  
 Baillie, Jackie (Dumbarton) (Lab)

Barrie, Scott (Dunfermline West) (Lab)  
 Boyack, Sarah (Edinburgh Central) (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)  
 Eadie, Helen (Dunfermline East) (Lab)  
 Ferguson, Patricia (Glasgow Maryhill) (Lab)  
 Finnie, Ross (West of Scotland) (LD)  
 Galbraith, Mr Sam (Strathkelvin and Bearsden) (Lab)  
 Gillon, Karen (Clydesdale) (Lab)  
 Godman, Trish (West Renfrewshire) (Lab)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (Edinburgh Pentlands) (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)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Livingstone, Marilyn (Kirkcaldy) (Lab)  
 Lyon, George (Argyll and Bute) (LD)  
 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)  
 McCabe, Mr Tom (Hamilton South) (Lab)  
 McLeish, Henry (Central Fife) (Lab)  
 McMahon, Mr Michael (Hamilton North and Bellshill) (Lab)  
 McNeill, Pauline (Glasgow Kelvin) (Lab)  
 McNulty, Des (Clydebank and Milngavie) (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)  
 Peacock, Peter (Highlands and Islands) (Lab)  
 Peattie, Cathy (Falkirk East) (Lab)  
 Radcliffe, Nora (Gordon) (LD)  
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)  
 Robson, Euan (Roxburgh and Berwickshire) (LD)  
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)  
 Simpson, Dr Richard (Ochil) (Lab)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Smith, Iain (North-East Fife) (LD)  
 Smith, Margaret (Edinburgh West) (LD)  
 Stephen, Nicol (Aberdeen South) (LD)  
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)  
 Thomson, Elaine (Aberdeen North) (Lab)  
 Wallace, Mr Jim (Orkney) (LD)  
 Watson, Mike (Glasgow Cathcart) (Lab)

**The Presiding Officer:** The result of the division is: For 46, Against 59, Abstentions 0.

*Amendment disagreed to.*

**The Presiding Officer:** The second question is, that amendment S1M-550.1, in the name of David Davidson, seeking to amend motion S1M-550, in the name of Alasdair Morrison, on tourism, be agreed to. Are we agreed?

**Members: No.**

**The Presiding Officer:** There will be a division.

**For**

Aitken, Bill (Glasgow) (Con)  
 Davidson, Mr David (North-East Scotland) (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, Nick (Mid Scotland and Fife) (Con)  
 Johnstone, Alex (North-East Scotland) (Con)  
 McGregor, Mr Jamie (Highlands and Islands) (Con)  
 McIntosh, Mrs Lyndsay (Central Scotland) (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)  
 Wallace, Ben (North-East Scotland) (Con)  
 Young, John (West of Scotland) (Con)

**AGAINST**

Adam, Brian (North-East Scotland) (SNP)  
 Alexander, Ms Wendy (Paisley North) (Lab)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Barrie, Scott (Dunfermline West) (Lab)  
 Boyack, Sarah (Edinburgh Central) (Lab)  
 Brown, Robert (Glasgow) (LD)  
 Campbell, Colin (West of Scotland) (SNP)  
 Canavan, Dennis (Falkirk West)  
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)  
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)  
 Crawford, Bruce (Mid Scotland and Fife) (SNP)  
 Cunningham, Roseanna (Perth) (SNP)  
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)  
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)  
 Dewar, Donald (Glasgow Anniesland) (Lab)  
 Eadie, Helen (Dunfermline East) (Lab)  
 Elder, Dorothy-Grace (Glasgow) (SNP)  
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)  
 Ewing, Mrs Margaret (Moray) (SNP)  
 Ferguson, Patricia (Glasgow Maryhill) (Lab)  
 Finnie, Ross (West of Scotland) (LD)  
 Galbraith, Mr Sam (Strathkelvin and Bearsden) (Lab)  
 Gibson, Mr Kenneth (Glasgow) (SNP)  
 Gillon, Karen (Clydesdale) (Lab)  
 Godman, Trish (West Renfrewshire) (Lab)  
 Grahame, Christine (South of Scotland) (SNP)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (Edinburgh Pentlands) (Lab)  
 Harper, Robin (Lothians) (Green)  
 Home Robertson, Mr John (East Lothian) (Lab)  
 Hughes, Janis (Glasgow Rutherglen) (Lab)  
 Hyslop, Fiona (Lothians) (SNP)  
 Ingram, Mr Adam (South of Scotland) (SNP)  
 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)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Livingstone, Marilyn (Kirkcaldy) (Lab)  
 Lochhead, Richard (North-East Scotland) (SNP)  
 Lyon, George (Argyll and Bute) (LD)  
 MacAskill, Mr Kenny (Lothians) (SNP)  
 MacDonald, Ms Margo (Lothians) (SNP)  
 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)  
 Marwick, Tricia (Mid Scotland and Fife) (SNP)  
 Matheson, Michael (Central Scotland) (SNP)  
 McAllion, Mr John (Dundee East) (Lab)  
 McCabe, Mr Tom (Hamilton South) (Lab)  
 McLeish, Henry (Central Fife) (Lab)  
 McLeod, Fiona (West of Scotland) (SNP)  
 McMahon, Mr Michael (Hamilton North and Bellshill) (Lab)  
 McNeill, Pauline (Glasgow Kelvin) (Lab)  
 McNulty, Des (Clydebank and Milngavie) (Lab)  
 Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)  
 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)  
 Neil, Alex (Central Scotland) (SNP)  
 Peacock, Peter (Highlands and Islands) (Lab)  
 Peattie, Cathy (Falkirk East) (Lab)  
 Quinan, Mr Lloyd (West of Scotland) (SNP)  
 Radcliffe, Nora (Gordon) (LD)  
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)  
 Reid, Mr George (Mid Scotland and Fife) (SNP)  
 Robison, Shona (North-East Scotland) (SNP)  
 Robson, Euan (Roxburgh and Berwickshire) (LD)  
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)  
 Salmond, Mr Alex (Banff and Buchan) (SNP)  
 Simpson, Dr Richard (Ochil) (Lab)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Smith, Iain (North-East Fife) (LD)  
 Smith, Margaret (Edinburgh West) (LD)  
 Stephen, Nicol (Aberdeen South) (LD)  
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)  
 Sturgeon, Nicola (Glasgow) (SNP)  
 Thomson, Elaine (Aberdeen North) (Lab)  
 Ullrich, Kay (West of Scotland) (SNP)  
 Wallace, Mr Jim (Orkney) (LD)  
 Watson, Mike (Glasgow Cathcart) (Lab)  
 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 17, Against 89, Abstentions 0.

*Amendment disagreed to.*

**The Presiding Officer:** The third question is, that motion S1M-550, in the name of Alasdair Morrison, on tourism, be agreed to. Are we agreed?

**Members:** No.

**The Presiding Officer:** There will be a division.

**For**

Aitken, Bill (Glasgow) (Con)  
 Alexander, Ms Wendy (Paisley North) (Lab)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Barrie, Scott (Dunfermline West) (Lab)  
 Boyack, Sarah (Edinburgh Central) (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)  
 Davidson, Mr David (North-East Scotland) (Con)  
 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)  
 Galbraith, Mr Sam (Strathkelvin and Bearsden) (Lab)  
 Gallie, Phil (South of Scotland) (Con)  
 Gillon, Karen (Clydesdale) (Lab)  
 Godman, Trish (West Renfrewshire) (Lab)  
 Goldie, Miss Annabel (West of Scotland) (Con)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (Edinburgh Pentlands) (Lab)  
 Harding, Mr Keith (Mid Scotland and Fife) (Con)  
 Harper, Robin (Lothians) (Green)  
 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, Nick (Mid Scotland and Fife) (Con)  
 Johnstone, Alex (North-East Scotland) (Con)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Livingstone, Marilyn (Kirkcaldy) (Lab)  
 Lyon, George (Argyll and Bute) (LD)  
 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)  
 McLeish, Henry (Central Fife) (Lab)  
 McMahon, Mr Michael (Hamilton North and Bellshill) (Lab)  
 McNeill, Pauline (Glasgow Kelvin) (Lab)  
 McNulty, Des (Clydebank and Milngavie) (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)  
 Peacock, Peter (Highlands and Islands) (Lab)  
 Peattie, Cathy (Falkirk East) (Lab)  
 Radcliffe, Nora (Gordon) (LD)  
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)  
 Robson, Euan (Roxburgh and Berwickshire) (LD)  
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Simpson, Dr Richard (Ochil) (Lab)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Smith, Iain (North-East Fife) (LD)  
 Smith, Margaret (Edinburgh West) (LD)  
 Stephen, Nicol (Aberdeen South) (LD)  
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)  
 Thomson, Elaine (Aberdeen North) (Lab)  
 Tosh, Mr Murray (South of Scotland) (Con)  
 Wallace, Ben (North-East Scotland) (Con)  
 Wallace, Mr Jim (Orkney) (LD)  
 Watson, Mike (Glasgow Cathcart) (Lab)  
 Young, John (West of Scotland) (Con)

**ABSTENTIONS**

Adam, Brian (North-East Scotland) (SNP)  
 Campbell, Colin (West of Scotland) (SNP)  
 Crawford, Bruce (Mid Scotland and Fife) (SNP)  
 Cunningham, Roseanna (Perth) (SNP)  
 Elder, Dorothy-Grace (Glasgow) (SNP)  
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)  
 Ewing, Mrs Margaret (Moray) (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)  
 MacAskill, Mr Kenny (Lothians) (SNP)  
 MacDonald, Ms Margo (Lothians) (SNP)  
 Marwick, Tricia (Mid Scotland and Fife) (SNP)  
 Matheson, Michael (Central Scotland) (SNP)  
 McLeod, Fiona (West of Scotland) (SNP)  
 Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)  
 Neil, Alex (Central Scotland) (SNP)  
 Quinan, Mr Lloyd (West of Scotland) (SNP)  
 Reid, Mr George (Mid Scotland and Fife) (SNP)  
 Robison, Shona (North-East Scotland) (SNP)  
 Salmond, Mr Alex (Banff and Buchan) (SNP)  
 Sturgeon, Nicola (Glasgow) (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 80, Against 0, Abstentions 28.

*Motion agreed to.*

That the Parliament welcomes the publication by the Scottish Executive of the New Strategy for Scottish Tourism and commends this as the way to achieve a modern tourist industry in touch with its customers, a skilled and enterprising industry that has embraced the culture of lifelong learning, and an industry that provides the high quality of service our visitors demand.

**The Presiding Officer:** The fourth question is, that motion S1M-553, in the name of Tom McCabe, on the referral of a statutory instrument, be agreed to.

*Motion agreed to.*

That the Parliament agrees that the Subordinate Legislation Committee should report on:

- a) the Local Government Finance (Scotland) Order 2000,
- b) the Special Grant Report No. 1 - Special Grant for Scotland Asylum Seeker Assistance: Report by the Scottish Ministers (SE/2000/10), and
- c) the Special Grant Report No. 2 - Special Grant for Scotland Kosovan Evacuees: Report by the Scottish Ministers (SE/2000/11)

and that the Order, and the Reports, should be considered by the Parliament.

## Car Parking Charges (West Lothian)

**The Presiding Officer (Sir David Steel):** We have a final item of business today, which is the members' business debate on motion S1M-475, in the name of Bristow Muldoon, on car parking charges. *[Interruption.]* I remind members that this meeting of the Parliament is still in session and that we have business to transact. We are all happy to congratulate the new Lord Advocate, but I ask members who are not waiting for the debate to clear the chamber. That goes for the ministerial cabal as well.

*Motion debated,*

That the Parliament notes with concern the decision by West Lothian Healthcare NHS Trust to introduce car park charging at St John's Hospital in Livingston; recognises the financial burden this will put on users and the potential congestion problems this may cause to surrounding residential areas, and calls upon the Trust Board to suspend implementation until a full consultation with the West Lothian public, and a full discussion with West Lothian Council has taken place.

17:05

**Bristow Muldoon (Livingston) (Lab):** I want first to state clearly that, in raising the issue of proposed car parking charges, I intend no general criticism of West Lothian NHS Trust. Along with many other people in West Lothian, I campaigned for the establishment of an integrated national health service trust. I believed in the value of that approach in 1998, when the campaign took place, and I still believe that the integration of primary and acute services in West Lothian will offer great advantages to the whole West Lothian community. I also speak as someone with a personal interest in the well-being of the West Lothian health service and as a user of the health service—my two youngest sons were born at St John's Hospital at Howden in Livingston. As a former non-executive director of the previous West Lothian trust, I speak with specific knowledge of the issue.

Before I move on to discuss the issue, I welcome the support that I have been given by a neighbouring MSP, Mary Mulligan, by many other Labour members and by members from other parties, including Fiona Hyslop. I believe that Lord James Douglas-Hamilton also intends to express his support today.

Cross-party consensus on the issue of car parking charges is not new. It arose first a couple of years ago, when I was a member of the trust board. At that time, I joined the SNP councillor Peter Johnston and the former Conservative councillor and trust chair Isobel Brydie to oppose a proposal to introduce charges at St John's

Hospital. The political consensus on the issue extends beyond the Parliament, to West Lothian Council, where the Labour and SNP groups co-operated to agree a resolution in opposition to the proposals.

I believe that the trust board has gone wrong in respect of both the principle of the decision and the process by which it made it. The introduction of car parking charges should not be used as a back-door method of funding clinical services. That principle has been emphasised to trusts in Scotland by the Scottish Executive in its recent memo, which states that

“any decisions taken should not be driven by the desire to generate income.”

The principle would appear to have been compromised by the option that has been taken by the trust board, which states clearly in its option paper

“that a net income estimated at approximately £200K could be realised”

per annum.

When the options were being discussed on the trust board, one of the directors commented that the alternative in terms of cost to adopting the option recommended would be to close 18 surgical beds. That suggests that the trust's decision was motivated partly by the desire to raise income for the trust to fund clinical services. On at least two occasions, I have requested justification of the director's statement, but I have not yet received a direct answer to the questions that I have asked.

I do not believe for a minute that Lothian Health would allow the trust to reduce the number of surgical beds in the way that has been suggested; I suspect that the possibility was raised as a scare tactic to persuade some of the directors to vote to introduce charges. If the trust board genuinely believes that it requires increased funding, it should not try to disguise that issue by introducing car parking charges, but discuss it with Lothian Health. If it brought its concerns to my attention and convinced me that they were well founded, I would be happy to meet Lothian Health with the trust board.

I do not believe that there is a more general funding problem, as Lothian Health will receive an increase in the region of 4.9 per cent in its budget for the forthcoming year, which is well ahead of both general inflation and wage inflation in the NHS. That accords with the Executive's programme to invest in the national health service.

The proposal to introduce car parking charges has also been justified on the ground that charges already exist at major Edinburgh hospitals. I do not believe that that is a valid argument, as Livingston

does not suffer from the same levels of congestion as the city of Edinburgh. I understand also that the headquarters staff of Lothian Health continue to enjoy free parking. It seems wrong that direct service providers and users should pay charges when the directors of Lothian Health do not.

One of the biggest mistakes in the decision-making process was the failure to consult adequately the people of West Lothian. When people campaigned for the establishment of the West Lothian trust, they expected to continue to be involved in key decisions that the trust faced. The Executive has also made it clear that it expects all quangos to be fully accountable to the people whom they are there to serve.

The trust board has failed to engage the people of West Lothian on the issue. The only justification that I have heard for the failure to consult is that

“the board did not need to consult since it was clear to all that the issue of car park charging would be very unpopular.”

If any public body believes that the course of action on which it is about to embark will be unpopular, there is even more reason to hold a full consultation exercise.

The trust board failed to give local residents the opportunity to express their concerns about fly parking in residential streets. It did not give health service users the opportunity to express their views and, importantly, it did not give itself the opportunity to explore the alternative measures to deal with the parking problems that the local authority or other people might have proposed.

I wish to express my concern about the disproportionate effect that the introduction of charges will have on members of staff in the NHS and on members of the public on lower incomes. At this late stage I call on the NHS trust in West Lothian to suspend its plans to introduce car park charging, to comply fully with the circular from the management executive and to enter into a full and meaningful consultation with the community in West Lothian to identify alternative solutions.

Finally, although I hope that the trust will reconsider its position on the issue, I wish to restate that I have great faith in what the integrated trust in West Lothian can achieve. I will continue to support the trust and hope that we can soon put this matter behind us and return to the central issues of how we can work together to improve the health and life chances of the people of West Lothian.

**The Deputy Presiding Officer (Mr George Reid):** Four members have asked to speak. All will be called if speeches are kept to about four minutes.

17:11

**Fiona Hyslop (Lothians) (SNP):** I, too, welcome this debate. This issue is of major public concern in West Lothian and, indeed, in west Edinburgh, and it has generated considerable heat. I think that we are having this debate because of the sense of ownership of St John's that the people of West Lothian have, as patients, visitors or members of staff. As Bristow Muldoon says, we place great importance in the unitary authority in West Lothian, and we should emphasise that all parties will work to champion that concept in the future.

We should recognise the role of St John's in the local community. I suffered because of the transport problems in West Lothian when I had to get to antenatal classes before the birth of my son at St John's, so I recognise those public transport difficulties. I pay tribute to the staff at St John's. In particular, the burns unit receives national acclaim. I know of many people who have to travel to visit people in the burns unit and are obviously there for a long time. We do not want to put a price on care. I am concerned that the proposals on car park charges will cause difficulties. I also pay tribute to the campaign that has been mounted locally, in particular by the SNP, but also by Unison. We cannot have low-paid workers paying for the privilege of work. I hope that the minister will address that major issue.

Although there are some points on which we will reach a consensus, I think that there are two issues on which Bristow Muldoon and I disagree. The first relates to underfunding. We should recognise that the trust board has admitted that its proposals were made on the basis of cost. In a letter that was sent to me on 2 February, the trust board said:

"The question of car parking was discussed by the Trust on two counts (a) to address the traffic flow and indiscriminate parking which is taking place and (b) to generate a revenue stream which will help address a budget deficit in the next financial year."

The other issue on which Bristow Muldoon and I disagree is the role of the Executive. I know that in recent days the Executive has sent out a letter saying that car parking charges should not be used as a revenue stream for hospital care. It might be helpful if the minister explained the status of that letter and instruction. We should recognise that the trust would not have to seek that revenue stream if there were not problems over funding. It is expected that the trust's deficit will rise from £300,000 this year to £3 million next year. We care about the NHS, about our workers in the NHS and about patients, who require the best treatment. Visits contribute to recovery.

We should consider alternative proposals. I hope that the Deputy Minister for Health and

Community Care will intervene to get everybody round the table. It is possible that for £60,000 an additional 50 parking places could be found at St John's. There is off-site parking 10 minutes away at Livingston football stadium. The point that Bristow made about consultation is absolutely right.

We should recognise the cross-party agreement on this issue. An amendment proposed at the trust board by the SNP council group leader, Peter Johnston, was seconded by the Labour council leader. There is strong feeling about the issue, as I hope the Deputy Minister for Health and Community Care will recognise. The issue is not peculiar to West Lothian, although people there feel particularly strongly about it. We must not put a price on care or on working in the NHS; we must not have car park charges at St John's.

17:16

**Mrs Mary Mulligan (Linlithgow) (Lab):** I support much of what Bristow Muldoon and Fiona Hyslop have said, so I will not repeat it. On a number of occasions when I have been to St John's, it has been very difficult to park, so I know parking is an issue. However, the way in which it has been addressed has not been satisfactory.

Parking is particularly a problem for the community staff who use St John's. Although they regularly have to go into the hospital, they are also out and about in the community and have no option but to use cars. How will their needs be met? Will they be charged every time they come into the car park, will they be given an allowance to cover it or will they in effect be taxed for doing their job?

The problem affects all the staff, many of whom travel some distance to work. We all know that hospital staff work the kind of shifts that many of us would not put up with, starting early in the morning and finishing late at night. I would want them to use public transport, but I know that that is not yet an option and that they have no choice but to use their cars to get to work. Again, we are penalising staff who give their time and dedication to patients in West Lothian. That is unacceptable.

Link Transport, of which Fiona Hyslop probably knows, is a project in the Linlithgow area. Because of geographical difficulties and the limitations of public transport, the project was set up to offer transport to St John's for people who could not otherwise get there. The only recompense that the people who run the scheme get is their petrol costs. They give their time voluntarily. Again, I am concerned that the imposition of parking charges will penalise a valuable service to the community.

The community has not been consulted. The trust may have thought that there was going to be

opposition, but that is when it is most important to get out there and start talking. The trust should find out how the proposal could be changed so as not to affect as many people as the current plans will and to protect the most vulnerable—those who are on low wages. Consultation is essential; in West Lothian, it could have been productive. All is not lost, however. The trust should wait and not take the issue further, but discuss it with all those with an interest in ensuring that we have the best possible service for the people of West Lothian.

17:20

**Lord James Douglas-Hamilton (Lothians) (Con):** Bristow Muldoon is to be warmly congratulated on securing this debate, which raises matters of great concern. When I visited the hospital, there was tremendous congestion in the car park; the wheelchair users could not get past on the pavements because cars were parked there. It was difficult for disabled people to come by car, as all the disabled parking places had been taken. Clearly, something needs to be done.

The trust assured me that, if there were to be charges, any funds raised would not be used for core clinical services, but would be reinvested in car park improvements. However, any charging scheme could result in displaced congestion in local residential areas. If the trust decides to introduce charges, there should be some exemptions. The hospital must guarantee access by car for patients, many of whom are not registered disabled but may have short-term mobility problems related to their illness that make it impossible to travel by public transport.

I understand that, when the hospital opened, there were 750 car park spaces. Within three years, a further 150 had to be provided. With the Bangour unit and other initiatives, the demand for parking will steadily increase. I hope that the minister will bear in mind the particular needs of the hospital and will assist as much as he can in ensuring that it has all the necessary resources, as it is under considerable pressure.

17:21

**Dr Richard Simpson (Ochil) (Lab):** I, too, congratulate Bristow Muldoon on raising this issue, not just because of what is happening at St John's, but because of the wider national implications. There is much ill feeling in many parts of England about the substantial charges that are made on a completely indiscriminate basis. It seems that we are now faced with a major problem that will only get worse.

As the acute services review progresses and there are major changes to modernise the service—changes that are entirely appropriate and

must be driven through—there will be substantial increases in ambulatory care, which will lead in turn to greater congestion in hospitals such as St John's. The effect on staff of that congestion is extremely deleterious, as they are often unable to find car park spaces.

Mary Mulligan mentioned community staff. Having been a member of a community staff group, I want to emphasise that aspect of the problem. At our hospital, we managed to oppose the introduction of charges. I visited the hospital on a regular basis, but not as regularly as the midwives did, and I know that it is a major problem.

I ask the minister to consider establishing a committee to examine the transport strategy for Scottish hospitals. As I said, it will become a wider problem. Are there opportunities for staff to car-share and is it encouraged? Is any management effort put into supporting staff who are coming in for difficult shifts at night, when their safety and security are important? Any piecemeal solution, as often occurs, would be inappropriate.

Mary Mulligan mentioned volunteer drivers. The British Red Cross Society provides an excellent transportation service, demand for which can only increase. Since we have centralised paediatric cardiac surgery at Yorkhill in Glasgow, people have to travel there regularly. It seems unfair, and goes against my basic principles as a socialist, that we should be charging the people whose need is greatest, who go to the hospital most frequently with children or other relatives who are seriously ill. Those people suffer the most because of their illness. We must find a sensitive system that discriminates appropriately in relation to staff and to those who are using the service, so that we can manage things more effectively.

I do not deny that we have a problem or that we have no effective solutions, but I do not believe that a simple policy of introducing charging without adequate consultation is an appropriate way to progress.

17:24

**The Deputy Minister for Community Care (Iain Gray):** The issue of charging for car parking in hospital grounds is one that generates a lot of attention. I recognise that it is doing so in West Lothian—although not only there, as Dr Simpson indicated. I am grateful for the opportunity to make one or two points in reply, and in particular to explain the policy that applies to car park charging by NHS trusts.

I will start by making a few general points. We all know that there are very few hospitals with sufficient space to cope with the demand for car parking within hospital grounds. Car park spaces,

therefore, are at a premium. People often arrive at hospital under stress. They are not helped by selfish motorists, some of whom may not even be in the hospital, who abuse the car park system. The inevitable results include double parking, parking on yellow lines, pavement parking, the use of disabled bays by non-disabled individuals and unsafe access to main entrances at peak times. Hazards are created for staff, patients, visitors and ambulance crews. Complaints and frustrations sometimes can lead to difficult, and even violent, situations.

Hospitals are encouraged to be crime conscious, but cars parked in hospital car parks are easy targets and are often broken into and vandalised. The introduction of additional security inevitably means increased costs for trusts. No one wants the funds for that security to be diverted from the funds for direct patient care. The decision to charge for car parking facilities is one that must be taken locally by trusts. In considering proposals to charge, trusts are best placed to address all the issues in the light of local circumstances and to take account of the needs of staff, patients and visitors.

Car park charging in hospitals is well precedented throughout the UK. In Scotland, a number of NHS trusts have already introduced schemes. Those schemes had the approval of the Scottish Executive health department, and took into account the ground rules that were drawn up. Indeed, as a couple of this evening's contributors indicated, trusts and health boards have recently been reminded of those ground rules. We expect them to be applied consistently when consideration is being given to implementing charging schemes.

I am happy to re-emphasise those ground rules for Fiona Hyslop. First, any decision to charge for parking must not be driven by a desire to generate income for patient care. Secondly, the trust board must be able to justify the proposals, for reasons such as the need to cover the cost of expanding parking facilities, to make existing facilities more secure or to better manage existing facilities. Thirdly, in considering proposals, trusts are asked to consider inviting tenders from commercial contractors, to ensure best value. Finally, and above all, staff, patients and visitors need to be consulted about the proposals. Trusts are trying to improve the situation for patients but, of course, during the consultation process, they need to set out clearly the reasons for the need to charge.

St John's West Lothian Healthcare NHS Trust has significant parking congestion problems on the St John's Hospital site. Mary Mulligan and James Douglas-Hamilton have confirmed that from personal experience. The trust feels that the level of complaints and the frustration caused by the

current lack of car parking cannot be sustained. There are a number of reasons for that. The increasingly intensive use of St John's Hospital, the phased closure of Bangour Village Hospital and the increasing use of clinical services by residents from the west side of Edinburgh mean that the trust has to ensure that adequate parking facilities are available.

The trust has been considering several options, one of which is to increase the number of parking spaces from 900 to more than 1,100, and to double the number of parking spaces for the disabled to 70. However, we encourage other solutions and, as Bristow Muldoon made clear, there are other solutions that should be looked at.

In my constituency of Edinburgh Pentlands, West Lothian Council and Edinburgh City Council recently combined to secure a much-needed bus service from Currie and Balerno to St John's. In addition, I recently attended the opening of the new Pentland Medical Centre by the Minister for Health and Community Care, which includes facilities for consultants from St John's to come to their patients in the west of Edinburgh, rather than having their patients travel, and doing so by car—at least, before the bus service comes on stream.

Measures such as those, which can reduce car parking problems by reducing car use, are to be welcomed and encouraged. The trust has worked with West Lothian Council to draw up a revised timetable for public transport to ensure access from every town and village in West Lothian, so there are other options that need to be explored.

In relation to car parking and the potential for charging, we have sought and been given an assurance by West Lothian Healthcare NHS Trust that it took the decision to consider proposals for car park charging based on the urgent need to improve both the quantity and the quality of parking on the St John's site. I am further assured that any revenue accrued will be used to defray the cost of managing and maintaining the facility. The trust has taken no final decision about the way forward. It wishes to consult further and I expect it to do so. In particular, the trust will carry out a further traffic analysis survey and a survey of patients, visitors and staff.

I say to Mrs Mulligan that I expect the trust to get round the table with West Lothian Council and others who have an interest in this matter. Only then should a final decision be taken. I stress again that car park charging is a matter for local determination. I expect that West Lothian Healthcare NHS Trust will act with the interests of patients, staff and visitors at heart and will carefully take account of all the views expressed before reaching a final decision.

*Meeting closed at 17:32.*

Members who would like a printed copy of the Official Report to be forwarded to them should give notice at the Document Supply Centre.

Members who would like a copy of the bound volume should also give notice at the Document Supply Centre.

No proofs of the *Official Report* can be supplied. Members who want to suggest corrections for the bound volume should mark them clearly in the daily edition, and send it to the Official Report, Parliamentary Headquarters, George IV Bridge, Edinburgh EH99 1SP. Suggested corrections in any other form cannot be accepted.

The deadline for corrections to this edition is:

**Thursday 24 February 2000**

Members who want reprints of their speeches (within one month of the date of publication) may obtain request forms and further details from the Central Distribution Office, the Document Supply Centre or the Official Report.

#### PRICES AND SUBSCRIPTION RATES

##### DAILY EDITIONS

*Single copies: £5*

*Annual subscriptions: £640*

BOUND VOLUMES OF DEBATES are issued periodically during the session.

*Single copies: £70*

Standing orders will be accepted at the Document Supply Centre.

WHAT'S HAPPENING IN THE SCOTTISH PARLIAMENT, compiled by the Scottish Parliament Information Centre, contains details of past and forthcoming business and of the work of committees and gives general information on legislation and other parliamentary activity.

*Single copies: £2.50*

*Special issue price: £5*

*Annual subscriptions: £82.50*

WRITTEN ANSWERS TO PARLIAMENTARY QUESTIONS weekly compilation

*Single copies: £2.50*

*Annual subscriptions: £80*

Published in Edinburgh by The Stationery Office Limited and available from:

**The Stationery Office Bookshop**  
**71 Lothian Road**  
**Edinburgh EH3 9AZ**  
**0131 228 4181 Fax 0131 622 7017**

**The Stationery Office Bookshops at:**  
123 Kingsway, London WC2B 6PQ  
Tel 0171 242 6393 Fax 0171 242 6394  
68-69 Bull Street, Birmingham B4 6AD  
Tel 0121 236 9696 Fax 0121 236 9699  
33 Wine Street, Bristol BS1 2BQ  
Tel 01179 264306 Fax 01179 294515  
9-21 Princess Street, Manchester M60 8AS  
Tel 0161 834 7201 Fax 0161 833 0634  
16 Arthur Street, Belfast BT1 4GD  
Tel 01232 238451 Fax 01232 235401  
The Stationery Office Oriol Bookshop,  
18-19 High Street, Cardiff CF12BZ  
Tel 01222 395548 Fax 01222 384347

**The Stationery Office Scottish Parliament Documentation**  
**Helpline may be able to assist with additional information**  
**on publications of or about the Scottish Parliament,**  
**their availability and cost:**

**Telephone orders and inquiries**  
**0870 606 5566**

**Fax orders**  
**0870 606 5588**

**The Scottish Parliament Shop**  
**George IV Bridge**  
**EH99 1SP**  
**Telephone orders 0131 348 5412**

[sp.info@scottish.parliament.uk](mailto:sp.info@scottish.parliament.uk)

[www.scottish.parliament.uk](http://www.scottish.parliament.uk)

**Accredited Agents**  
(see Yellow Pages)

and through good booksellers