

MEETING OF THE PARLIAMENT

Thursday 11 May 2000

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Scottish Parliament

Thursday 11 May 2000

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

Drugs Action Plan

The Presiding Officer (Sir David Steel): The first item of business is a statement by Angus MacKay on the drugs action plan. The minister will take questions at the end of the statement, so there should be no interventions. In view of the length of the statement, 45 minutes will be allowed for this item of business instead of the usual half hour. The chamber clocks are still not working, so members will have to rely on my timekeeping skills to time speeches.

09:31

The Deputy Minister for Justice (Angus MacKay): In January, we debated fully Scotland's drug problem and how the Executive, drug action teams, public bodies and communities in Scotland could combine to tackle it. I spoke then of Scotland's drugs strategy—"Tackling Drugs in Scotland: Action in Partnership"—and of our determination to make it work. Members voted to endorse that approach.

Every speaker in that debate reflected the concerns that we all have about drugs in Scotland about children, neglect and early drug misuse and the concentrated despair of communities where drug abuse has rotted the fabric of normal life, thriving on poverty and unemployment. In that debate, members were serious, practical and committed to action to support individuals and communities in tackling drugs.

On that day, I said that the Executive would publish an action plan to show how we are meeting the challenge of developing our strategy into a programme of action. Today, we publish that action plan and bring it to Parliament. The plan covers and links the four pillars of the strategy: young people, communities, treatment and availability. Its purpose is to set out what the Executive is doing directly and in support of agencies and anti-drugs activities in communities.

I said in January that the Executive would work together across departments in the same way that we expect local agencies to work together to deliver joint outcomes. That is why the ministerial committee on tackling drug misuse has led the development of the action plan, ensuring that health, social inclusion, education and justice work together.

We have looked behind the broad objectives and action priorities in "Tackling Drugs in Scotland" and have asked ourselves what key national policies, guidance and resources are needed at the centre to support Scotland's drug action teams and key agencies in turning priorities into action.

I said in January that our Scotland-wide efforts needed to support local work. We have therefore listened to MSPs, who have reported to us from the areas that they know well. Following the debate in January, I wrote to MSPs individually, picking up the points raised in the debate. We have been mindful of those issues of concern in drawing up the plan.

We have also listened to drug action teams. During the past six months, the 22 drug action teams across Scotland have had to report to us on their progress and plans. Those reports show that almost all areas have in place or are developing plans for drug education, prevention and harm reduction. That is welcome news. The reports also show where progress still has to be made, for instance, in raising the percentage of general practitioners involved in shared care of drug misusers. We have built up a clearer picture of where the gaps in services lie, where the drug action teams want more local action and where there is a need for closer matching of priorities to funding.

We have listened directly to local experiences. Ministers have met communities and people involved in drugs projects all over Scotland. By the end of the summer, Iain Gray, Jackie Baillie and I will have met every drug action team in Scotland. We are still listening. The plan invites ideas from people right across Scotland—by phone, e-mail, fax or post—on how communities and individuals can join in the fight against drugs.

I said in January that we were auditing what we spend, so that we can get closer to shaping services that meet real needs on the ground and give value for money. The action plan reveals that the Executive spends more than £250 million a year dealing with the drugs problem in Scotland. We know that because of the comprehensive audit of expenditure across the Executive carried out by the policy unit. Over half the directly targeted spend and drugs-related money identified in mainstream programmes is spent on treatment and rehabilitation and on prevention—40 per cent and 15 per cent respectively. Just under half is spent on enforcement. That vital information has been made available for the first time, and allows us to begin to map out in a meaningful way the gaps in the pattern of present and planned activity. It will help to get the maximum value for money from anti-drugs activity and, most important, it will help us to shift activity and expenditure to the key

objectives and priorities.

I spoke in January of effective action needing to be based on good information and thorough research. Since then, we have published the fullest set of facts about drug misuse ever produced for Scotland. Every DAT and agency can now access expert, accurate and relevant facts and figures on drug misuse to inform their local strategies.

For example, Fife drug action team now has access to detailed information—down to postcode level—on the incidence of problem drug misuse reported to the database. It covers the ages of drug misusers, their gender, the drugs used and the incidence of needle sharing. All the information can be differentiated for Kirkcaldy, Glenrothes and Burntisland, for example.

Later this month, all that drugs information and much more will be available to the DATs and to agencies via a drug misuse website. Key statistics, research findings, best practice information, latest developments and links to other key sites will be available to help improve service planning and delivery and local responses.

This summer, I will publish Scotland's first dedicated drug misuse research programme, which is currently being drawn up with a wide range of expert advice. Work under the programme will be of the most practical and testing kind, addressing directly the concerns of the agencies and of those affected by drug misuse.

One of the front runners for research is investigation of the factors associated with young people starting to smoke heroin, and with the transition between smoking and injecting. That will allow us to inform in the best way prevention and treatment interventions; applying the research programme will help to ensure that valuable resources are channelled to the areas of greatest need in the most productive ways.

Countries around the world face similar problems, and comparable strategies are being adopted in other nations, with some success. During the parliamentary recess, I discussed drug prevention and treatment policy with senior advisers and practitioners working in the United States. I was particularly impressed by a number of aspects of the approach taken in New York State, for example, the operation of the drug court in Queens, New York, where I had the opportunity to discuss the working of the court with the presiding judge. Our action plan makes it clear that we, too, are now considering more non-custodial alternatives.

We are keeping up with what is happening in other countries, and are developing clear innovation in tackling drugs. We have made a

number of unique advances in our approach to the problem. They include a national drug misuse research programme, with a timetable; our Government-based specialist prevention and effectiveness unit; our setting specific targets for a reduction in drug misuse in the future; local drug action teams, operating within an accountable framework; and an explicit commitment to more holistic rehabilitation—not just treating people and leaving them to fend for themselves, but getting them into training and education, so that they can start to give something back to the communities from which they have taken so much.

I said in January that we wanted to be effective in what we do. Scotland has successful projects and approaches, but we need better information on which approaches are failing, on those that could do better and on those that work and which could be spread into other areas. We also need to do more on how the various agencies can work together more effectively. We need to stop doing what is not working and use our resources instead to do more of what is working. Our new Scottish prevention and effectiveness unit will play a central role in promoting that agenda.

We will consult shortly on how the unit can best support the work of the drug action teams and agencies, so that a demanding work plan can be put in place. That wide-ranging consultation will involve MSPs, councils, MPs, the drug action teams, the voluntary sector and all the other key players with an interest in better services in Scotland and wider afield.

I spoke of action for young people. There is clear evidence that serious drug misuse in later life can be tracked back to early teen and childhood problems, including early criminal activity, truancy and problems at school. We need a range of measures to help all children to avoid drug misuse, and to give particular help to those at special risk.

We are addressing that challenge. The steps in our plan aim to ensure that every school pupil in Scotland has effective drug education, to set up a new and innovative drug misuse communications group, with an integrated strategy for getting critical information across at national and local level, and to support the care of particularly vulnerable young people.

I spoke of action for communities. While drug misuse cuts across all income groups, the greatest impact is in some of Scotland's most disadvantaged communities. The current inquiry by the Social Inclusion, Housing and Voluntary Sector Committee into drugs and deprived communities highlights the importance of understanding the connections between drug misuse and much wider social problems. We already have a range of social inclusion initiatives,

but we will pay close attention to the committee's findings later this year. The Scottish Executive is committed to understanding those connections and supporting initiatives that can improve people's lives and communities.

The extra £2 million that we are making available over the next two years for drugs work through the social inclusion partnerships and drug action teams will actively engage local communities in the fight against drugs and use the expertise of experts such as local family support groups.

I spoke in January—as did many other members—of the critical importance of treatment. We are committed to expanding treatment for drug misusers. Treatment benefits drug misusers and cuts drug-related crime. The benefits of properly provided shared care schemes are particularly well established in research and we want the benefits to be widely spread throughout Scotland. We are backing that with the £6 million of extra funding for treatment that we committed for a three-year period when we came into office. I am pleased to be able to announce today that we are making a further £1 million of new money available for improved treatment services—a 9 per cent increase in provision.

Increasingly, when we talk about treatment, we are talking about the rehabilitation of drug users. In the long term, treatment alone brings only limited reward for the misuser and the wider community. We need to halt the cycle of despair that traps the drug misuser and deal with the environmental and social factors that encourage and support the addiction. To do that, we will have to open up new opportunities as part of a seamless package of care and support. We will have to make training, education and jobs accessible to people whose skills and confidence have been destroyed by their drug misuse. We will have to open up education and accommodation opportunities and link those to rehabilitation facilities. That will increase the value of our investment by turning tax takers into tax payers. We are planning an expansion of such facilities in line with our commitments in our programme for government.

To put fresh impetus into this key area, I am announcing today an additional £1 million of new money for targeted pathfinder projects, which, if successful, will be replicated. One key area for attention will be effective links into the employment of drug misusers. In spending the new money, we will ensure that the drug action teams are fully consulted and involved. All drug misuse services rely on a knowledgeable and committed work force. We need to invest in that. We will establish a new initiative for the training of staff working with drug misusers. An announcement on that will be

made by the Deputy Minister for Community Care in the very near future.

We will also deal with treatment in prisons. We will shortly be publishing a revamped prisons drugs strategy—not a rehash of old policies, but a step change in the way in which drug misuse is tackled in Scotland's prisons.

I spoke about availability. The new Scottish Drugs Enforcement Agency is up and running. For the first time, Scotland will have an organisation dedicated to tackling drug crime. It will build on the excellent work that has been done by the enforcement agencies, including the Scottish Crime Squad, the Scottish criminal intelligence office, Her Majesty's Customs and Excise and the National Criminal Intelligence Service, and will help police forces to catch those who profit from this highly organised business.

The key to successful drug enforcement is to ensure that all the agencies work together in a strategic and co-ordinated way, exchange information and use that information to make informed decisions about where, on whom and on what to target their considerable expertise and resources. The SDEA will ensure that that happens. It will bring in a strategic and tactical capability for tackling drug crime at all levels. It will be backed by additional funding—£10 million over the next two years—and the up to 200 extra officers whom we have earmarked for the drug enforcement effort.

The SDEA is expected to dovetail with the treatment, prevention and education agencies. This week, Mathew Hamilton, a chief inspector in Tayside police, started work as national co-ordinator for the SDEA in one of the earliest appointments of those 200 officers. His role will be to ensure that the work of the agency supports, complements and is co-ordinated with the other activities and agencies in prevention, education and care and treatment.

I made it clear in January that we want coherent, joined-up action. Performance indicators have been introduced for many of the actions that are set out in the plan, across the four pillars, and others are being developed to monitor achievement and progress both at the centre and locally. Those indicators will monitor factors such as attendance at services, the number of young people who are taking drugs, the schools that are providing drug education, and seizures of controlled drugs. Increasingly we will focus more precisely on outputs that are delivered from agreed strategy objectives, and that is what will make the real impact in communities.

The action plan makes it clear that we will set targets that will be binding on the Executive, on drug action teams and on the agencies. Those

targets will embrace our aims for young people, for action in communities, for treatment and care, and for stifling availability. They will act as a focus for the achievement of strategic objectives, and I hope that they will help to build a sense of common purpose and direction across all levels, from communities to the centre. Those targets could, for example, cover key issues such as the level of general practitioner involvement in shared care provision and the number of young people in Scotland who are trying drugs for the first time.

We have started work on what those targets should be and we will consult widely on them. Both the Executive and those who work in the field should expect to be held accountable for progress towards meeting them. The targets will be published in the autumn.

Some members suggested in January that it would be helpful to have a chart identifying the various groups and agencies that are operating in the field of drug misuse, and the way in which they link in with each other. I agree with that, and we have included such a chart in the action plan, explaining what the key players do and their relationship to each other, and indicating the respective relationships at the centre and locally.

In the debate in January, I set out the extra funding that we had put in place. Since coming into office, the Executive has started to spend the extra £27 million of additional funding that is committed to new initiatives, and will spend more than half of that sum—£14 million—on treatment and prevention. We are planning an expansion of rehabilitation facilities, including residential and other support services in the community, and I have announced today an extra £2 million for treatment and rehabilitation. We are currently involved in budget discussions within the Executive. In that budget work, we will ensure that we make best use of the existing resources that are devoted to drug misuse and examine the spending priorities in all areas, to identify the scope for further initiatives on drugs.

The Parliament, the Executive and the people of Scotland expect a lot of those who are charged with the implementation of Scotland's drugs strategy. With this action plan, we are saying that we expect the progress of the Executive, the drug action teams and the agencies to be measurable, and that we want that progress to be made in a climate of openness and accountability. We are also sending out the message to the drug action teams, the agencies and our communities that the Executive is backing them and challenging them to deliver locally.

This is not the last word on what we want to do. This is a 10-year strategy and we will continue to review different parts of the strategy as it progresses and evolves. There is much to do, and

we have put substantial new resources behind the implementation of the strategy so that results will start to feed into communities as quickly as possible. We are pursuing a proper, balanced strategy that takes into account enforcement, treatment, care, rehabilitation and education.

We will continue to listen and learn, and to invest and evaluate, and we will be led by evidence and research. We will also support better performance and check that that performance is being achieved. I commend the action plan to Parliament, as a significant step in the Executive's drive to tackle drug misuse by destroying the demand for drugs and protecting young people and communities from the harm of drug misuse in Scotland.

Fiona Hyslop (Lothians) (SNP): On behalf of the Scottish National party, I welcome the minister's statement, particularly the tone of his language and the emphasis that he placed on prevention, treatment and care.

All members of the Scottish Parliament who want the Parliament to achieve something realise that we must tackle the issue of drug misuse. Bearing in mind the number of drug-related deaths in Glasgow, I should like to hear from the minister how soon he thinks that the moneys that he is putting on the table for prevention and rehabilitation will be available.

This week, I visited Brenda House, which is one of the few places in Scotland that is available to women who seek rehabilitation. There is consternation over the number of women who have suffered because of the problems in Glasgow. Having talked to people at Brenda House, I am concerned about what will happen to the current support from local authorities for places such as Brenda House. There are concerns about how quickly the money that the minister has made available will reach those in need. Following the drugs debate in January, it was announced that social inclusion partnerships would have access to money for work in that area, but the announcement on where that money would go was made only two weeks ago.

I welcome what the minister said about information and finding out what is happening on the ground. The position of most of us in the Parliament was reflected in the January debate, when Richard Simpson called for a cross-party committee. The debate had a different tone from what would have been likely at Westminster. I welcome the minister's recognition of the prevention and rehabilitation issues, but when will the money that has been announced reach those who are in need now? The evidence on the ground is that it is needed now; people cannot wait for things to happen in six months, 12 months or two years. We welcome the money being made

available, but I should like to hear from the minister when the distribution will take place.

Angus MacKay: A substantial amount of the £27 million additional expenditure is now being put into use in the field. The £2 million which I announced today—£1 million for treatment and £1 million for rehabilitation—is available for the current financial year. We must consult the drug action teams on how they want to see that expenditure shaped and framed, but our intention is that, once that consultation has taken place, the expenditure should go straight into the field at the earliest opportunity. We do not intend it to be a lengthy or bureaucratic process. The £2 million will go directly into services in the front line; it will be targeted to help those with acute drug misuse problems.

Mrs Lyndsay McIntosh (Central Scotland) (Con): I associate myself with some of Fiona Hyslop's comments and thank the minister for the courtesy of his statement.

In the debate in January, we said that we wanted to see a new tone and new language on drugs. The minister has responded to that today, and that is welcome. The issue is serious and must be tackled quickly, effectively and in a no-nonsense manner. Today's statement makes a start.

I particularly welcome what the minister said about treatment in prisons. Will he comment on the inadequate provision at Glenochil Young Offenders Institution? For some people, prison is the only chance to get help with their drug problem.

The minister mentioned his visit to Queens, New York. I notice that that was at the same time as Judge Jeffrey Tauber was in Scotland with other American experts; I attended his seminar, as did many others with an interest. Why was the minister over there when they were all over here?

I am grateful that the minister quantified the amount being spent in this area: £250 million is a lot of money. The division of 40 per cent for rehabilitation, 15 per cent for prevention and 45 per cent for enforcement will surprise many people. The emphasis on rehabilitation and prevention is an important balance to spending on enforcement, much though we welcome the much-trumpeted announcement on the Drugs Enforcement Agency. So it is a start—although it is very long journey.

Angus MacKay: The Executive has sought to stress at every opportunity that we want to follow a balanced strategy that will put proper enforcement measures in place but which also recognises that reducing and preferably destroying demand for drugs is where success is ultimately most likely. I hope that the drugs action plan gives even more

urgency to the pursuit of that balanced strategy. The strategy was set out in "Tackling Drugs in Scotland", launched two years ago and endorsed by the Executive soon after the Parliament came into being.

I am not familiar with the diary or travel arrangements of Mr Tauber, so I was not able to construct the opportunity to look at American approaches to tackling drug misuse around his movements.

It might be helpful if I punch up some of the specific points in the drugs action plan, which will make a significant impact in some of the areas that Lyndsay McIntosh mentioned. I have already mentioned the national drug misuse research programme, which will be funded to a value of £2 million over the next three years. The prevention and effectiveness unit will be funded to the value of £300,000, and we will publish the specific progress targets by the autumn of this year.

Beyond that, the document makes explicit the need for consistency of work with young people, through school and community education and through detached youth work for the most vulnerable. It also makes explicit the need and our intention to pursue more non-custodial approaches, learning from the drug court model about the use of rehabilitation, testing and parole. It stresses the importance of linking treatment regimes to rehabilitation, with proper access to education and training. Those are significant steps forward.

In respect of prisons, the document makes clear the Executive's commitment to far greater drug action team involvement in the work on drugs that takes place in Scottish prisons. We also look forward to the forthcoming publication of the revamped Scottish Prison Service drugs strategy, which will consider rehabilitation and treatment in the round. Although I do not want to get too far ahead in trying to predict the contents of that revamped strategy, I think that members will be pleased with what they will read when it is published.

Mr Keith Raffan (Mid Scotland and Fife) (LD): Like other members, I welcome the direction of the minister's statement, but the proof of a strategy is in its effective implementation. I especially welcome the fact that policy will be increasingly research and evidence based.

Does the minister agree that our strategy should be based increasingly on the national treatment outcome study, which showed that for every £1 spent on treatment, rehabilitation and after-care, £3 was saved on enforcement? He will also be aware of the even more dramatic figures produced by the Rand Foundation in the United States, which show a return for every \$1 spent on

enforcement of just 50 cents. I hope that the minister will take that issue on board.

I welcome the extra money for treatment, but does the minister agree that it falls far short of what we need to deal with Scotland's estimated 30,000 plus addicts, 12,500 to 15,000 of whom are in Glasgow? If we are really to tackle the problem, we must spend more on treatment—it is not public spending, but public investment—in view of the fact that addicts acquire illegally £400 million a year to finance their habit. Of that sum, £190 million is acquired in the city of Glasgow alone.

Does the minister agree that we must deal with the inequality of service provision in Scotland? As recently as yesterday, the Convention of Scottish Local Authorities and the Scottish Drugs Forum testified to that inequality to the Social Inclusion, Housing and Voluntary Sector Committee. I am afraid that treatment services in Scotland are incredibly patchy, as the minister well knows. The Ayrshire and Arran Health Board area, which is demographically similar to Fife, has much better treatment services for drug addicts.

Finally, will the minister give us a detailed breakdown of the £250 million? I do not ask him to do so now, but I should be grateful if he provided us with a detailed breakdown of how that £250 million is spent. Will he also assure us that the prevention and effectiveness unit will not draw resources away from the front line? There are concerns among drug agencies that a lot of money is being spent within the Scottish Executive on the public health policy unit and now on the prevention and effectiveness unit. The money should really go into the front line to help problematic drug misusers.

Angus MacKay: The thrust of my announcement today is to emphasise that we are looking closely at the treatment and rehabilitation side of the equation. We recognise that, in cash terms, money can indeed be saved by investing in treatment and prevention. However, this is not simply a cash-driven policy. It is also about human outcomes and about impacts on communities.

Later this year, I shall be publishing the work of the policy unit in relation to the sum of more than £250 million. Prior to publication, there is further work to do in researching and in refining the initial cast over the figures. That information will be made available.

I hear what Keith Raffan says about injecting further investment into treatment and rehabilitation. In my statement, I indicated that we are currently in the midst of a budgeting round. I hope to be able to make a further announcement once that budgeting round is concluded. The £2 million announced today is very much an interim measure, and Keith Raffan should not regard the

book as being closed.

There is a clear debate and agenda to be progressed. We must put the extra money into treatment and rehabilitation, as I announced today. However, when we consider that the budget is in excess of £250 million, we must also guarantee to ourselves and to the agencies and the people who need help in the field that we are delivering value for money. I make no apology whatever for the remit and existence of the prevention and effectiveness unit in assessing the work of all the agencies. It will assess not only the work of the voluntary sector but that of local authorities and the Executive—everyone who is involved in the field—because we need to know what works and what does not. If an initiative is not working, we must switch the resources into the initiatives that are working. This is not about taking resources away from the front line; it is about making available to the front line more of the existing resources. We must pursue that value-for-money agenda at the same time as trying to put in more resources.

Dr Richard Simpson (Ochil) (Lab): I join my colleagues in welcoming the minister's statement as yet another step along the way to developing an effective strategy to deal with a problem that is not getting better but is getting worse.

I particularly welcome the analysis of the £250 million—we look forward to receiving the detail of that—and the mapping of all existing services, which is an exercise that is fundamental to our understanding of the drugs problem.

I thank Fiona Hyslop for referring to my motion. The Parliament should have a committee on drugs as it is such an important issue. We must play our part collectively so that we can monitor and sometimes challenge the work of the ministerial committee on tackling drug misuse. A parliamentary committee on drugs would also provide a focus for people who might wish to comment on the strategy in other ways. My motion, which was signed by 32 members, lapsed during the recess. I have now resubmitted it and I hope that members will sign it, so that we can move towards establishing that committee, although I appreciate that we are having difficulties with the amount of time that members are able to spend in committees.

I want to raise a specific issue, which illustrates the problem of using AIDS funding for drug-related work in many areas. In the Forth valley area, there is a risk that the health board's drug action team will run out of funding in September. While the board has agreed to continue funding the team until April next year, the rejigging of AIDS funding has caused difficulties. I know that the minister has been involved in discussions about those difficulties, and it would be interesting to learn

whether that is a general problem or whether it is specific to my constituency.

I welcome the developments on social inclusion partnerships. While those developments have been slower than some members would like, it is important that we get them right. I hope that the minister will support groups such as Locals Against Drugs in Alloa, in my constituency, which has now received funding. I hope that he will ensure that bureaucracy of the support systems that we are putting in place is minimised for such groups and that he will address the question of funding beyond three years—this is not a short-term issue—so that they do not have to start considering exit strategies before they have begun their work.

I worked in the Scottish Prison Service for 26 years, and have seen the huge changes in prisons brought about by the fact that the overwhelming majority of prisoners have committed drug-related offences or are involved in drugs. Drugs are a crucial problem in prisons, and one of the most difficult aspects of that problem is the fact that remand and custodial sentences might interrupt a prisoner's through-care. As part of the Prison Service's new drugs strategy, which is about to be published, I hope that the minister will address the problems caused to the management and support of drug addicts when they are interrupted by remand and short-term sentences.

Angus MacKay: I was taken slightly by surprise by Dr Simpson's final comments.

Dr Simpson raised a number of important issues, and I welcome his comments on social inclusion partnerships, which are performing extremely important work. In my statement, I did not explicitly mention the longer-term social inclusion approach of the Executive, which is designed to begin to undermine the environmental factors that support and encourage drug misuse. That approach should not be understated.

I understand the issues for many local groups on three-year funding, but it seems to me that it was not so long ago that many groups and authorities were clamouring vociferously for a move from annual funding to three-year funding. We have quickly moved beyond that to a desire for stability beyond three years. I hope that that indicates that there has been some movement in our approach to funding, but I recognise that, none the less, commitments beyond three years would be helpful to allow groups to plan for the longer-term delivery and expansion of services. Of course, at all times we will do what we can to try to secure such arrangements.

The subject of drug action teams and bureaucracy is important. I believe emphatically that drug action teams are best placed to bring

together the efforts of the key agencies—the police, local authorities, the voluntary sector and so on—and they represent the best chance of avoiding bureaucracy and of shaping key service delivery in local areas. At every stage when we have had meetings with drug action teams, we have been keen to emphasise the minimisation of red tape and bureaucracy.

In respect of prisons, I know that the Minister for Communities and her department already have a strategy under way to maximise the availability and effectiveness of through-care for individuals leaving prison. I would not want that to be undermined by any other conflicting priorities or policy changes elsewhere. The role of the Prison Service is important. In the years to come, prisons will have to deal with a great number of people who are there directly because of drug misuse problems or who have serious drug misuse problems that are incidental to the crimes that they have committed.

We want to break out of the situation in which people are convicted of crimes, sentenced and sent to prison, only to have them come out six months or one, two, three or four years later and go back into the same pattern of drug misuse and offending activity. We have to take people out of that cycle, and give them the opportunity to confront their drug misuse so that they can start to make a positive contribution to the communities that they came from.

Roseanna Cunningham (Perth) (SNP): I add my voice to the general welcome for the statement. In particular, I welcome the minister's phrase:

"Treatment benefits drug misusers and cuts drug-related crime."

He will agree with me, therefore, that treatment should continue throughout the entire process of the justice system, and his statement shows that. As he might expect, I am interested in his experience of the New York drug court. He will know that the Scottish National party has been arguing for such courts in Scotland. I wonder whether I might tempt him to expand on what he thinks we can learn from that US practice, especially given the recent newspaper hints that he might be a convert to that policy.

Angus MacKay: I had some interesting experiences when I was present at the drug court, one of which was the judge inviting me to join him at the bar while he was hearing cases. I declined that particular invitation, because I did not think that it would go down too well back home. Members will be interested to know that at the conclusion of one individual's 18 months in rehabilitation through the drug court, the judge left the bench in order, I thought, to shake hands with

the woman concerned. Instead, he gave her a large hug. There were many tears all round. It is perhaps difficult to imagine Scottish judges and sheriffs engaging in such activity, but there is an important lesson to be learned.

I am not particularly concerned by the bureaucracy or administration that is associated with drug courts. We need not become overly concerned about that. The key lesson is which elements of drug courts work, and where they deliver benefit and added value. They are successful when they take a first-time offender with a drug misuse history and give them the opportunity directly to confront their own drug misuse problems, by placing them in supervised rehabilitation programmes with regular testing and a requirement to come back before the court so that their progress can be evaluated and monitored. At the end of a period of between 12 and 18 months, the individual, if successful, has beaten their drug misuse problem and is then able to try to confront some of the other issues in their life. If they fail, they face a period of imprisonment, which is what would have happened anyway in ordinary circumstances.

I saw many things in the United States. I saw five or six excellent ideas and initiatives, not all of which can be replicated in the Scottish criminal justice system or in our other departmental set-ups, but the approach of drug courts bears further examination, and we are actively considering how we can take the best elements of that system and incorporate them in our Scottish justice system. If we can do that, I am keen to move ahead with that approach.

Phil Gallie (South of Scotland) (Con): Without making a sour point, I am slightly disappointed by the minister's words. Perhaps that is based on the fact that I recognise the minister's commitment and the honest urgency with which he treats the issue. I have great confidence in his dealing with the issue in the longer term, but many of his words today concentrated on research, discussion groups, further training and consultation. Those things have been talked about over the years. I recall a select committee on which I served at Westminster, which was chaired by Labour member Willie McKelvey. All the issues that are addressed in the action plan were covered at that time; we are not moving forward to any great extent. Every day we hear of further expansion of the disease of drug abuse, and that causes real fear and concern.

One or two points are welcome. I welcome the proposed job support and recognise that that is an important measure. It is also a very costly measure; it is a question not just of finding a position for someone, but of breaking peer links—

Ms Margo MacDonald (Lothians) (SNP): On a

point of order.

The Presiding Officer: Yes. I know the point of order; I am listening carefully. You must ask a question, Mr Gallie.

Phil Gallie: All right. What funding is necessary for the job support scheme that the minister envisages?

I go along with Dr Simpson's comments on prisons. When—and in what form—will the minister publish further advice on what should be happening in prisons? In prisons, the drug culture is expanding; that issue must be addressed.

Angus MacKay: I think that I mentioned in my statement, and certainly in reply to an earlier question, that the revamped Scottish Prison Service strategy for tackling drug treatment and rehabilitation in its institutions will be published very shortly. By that, I mean in a matter of weeks; perhaps in months, but more likely in weeks. Members can expect to see that revamped strategy very soon.

I am sorry that Phil Gallie was disappointed in part by the statement. A close look at the statement, and the drugs action plan, shows clear movement. Perhaps the most important aspect of that is the commitment to agreeing specific targets for enforcement, treatment, care, rehabilitation and education, against which the Executive—and the drug action teams and various supporting agencies in the voluntary sector and elsewhere—can be measured. That measurement will be done over a period to see whether we are making progress, and making progress fast enough. That is a new and significant departure, and will impart a far greater sense of urgency to our approach.

The document is explicit, as I was in my statement, about taking forward, for example, ongoing education work in primary and secondary schools and adding to that a clear community element and detached youth outreach work, to ensure that those who are most at risk are given the information and support that they require to protect them.

I made an explicit commitment to greater direct drug action team involvement in prison work. I mentioned that we would have drugs strategy co-ordinators in every prison. Those things are immediate and now; they are not planned for some indeterminate point in the future. Some are under way; others will happen very soon.

Beyond that, and perhaps most crucially, apart from the £2 million that I announced today for treatment and rehabilitation, I was explicit about our plans for an expansion in rehabilitation facilities. Short of making a specific announcement about what that will mean on the ground, I could not be much more proactive than I have been

today. I hope to come to the chamber in the near future with more detail of what comes out of the budget round and how some of those things are panning out.

The Presiding Officer: We will now have a model question from Margo MacDonald.

Ms MacDonald: I will do what other folk have not done: I will ask a question. Will the minister explain exactly what the strategy is for the drugs action plan? As Richard Simpson pointed out, drug use is on the increase, and the £250 million that already goes into tackling drugs does not appear to be reaching whatever targets have been identified to date.

Is the strategy to reduce drug use? Everything that the minister said today related to heroin. He did not talk about drug use in a wider sense. If we are to have a strategy, we must know which drugs we are talking about, who is using them, and why, where and when they are doing that. We must also have research and evidence that will provide the minister with the information on which to base his strategic objectives.

Phil Gallie: On a point of order.

The Presiding Officer: No. *[Laughter.]*

Ms MacDonald: Can the minister say this week whether he is satisfied that the research and evidence that is produced for him and on which he builds his strategy is sufficient to enable him to identify the drugs that we are talking about?

Angus MacKay: I am not sure whether Margo MacDonald was present for the whole debate.

Ms MacDonald: I was.

The Presiding Officer: Yes, she was.

Angus MacKay: In my statement, I made it clear that we will launch the national drug misuse research programme in the summer. That programme is drawn up not by the Executive, but by a research sub-group of the Scottish advisory committee on drug misuse, in which the Executive participates but which encompasses a range of experts from outwith the Executive. We want far more detailed, accurate and up-to-date research into what is happening on the ground, to inform our perspective on the nature and shape of the different types of drug misuse problem in Scotland, and to inform the organisations on the ground better about the nature of the problem that they face, so that they can shape their services to deal with it.

I will give one example. I said that we were likely to prioritise the issue of how young people start to smoke heroin and then move to injecting the drug. That raises questions about how the drugs market operates. We know that it is a lucrative and aggressive business, and that dealers are keen to

push cannabis to young children, because they can do that relatively easily. It is short step for them to move young people on from smoking cannabis to smoking heroin, which is considerably more addictive. Issues of that sort need to be researched. We need to know exactly what the mechanics of the trade are.

Karen Whitefield (Airdrie and Shotts) (Lab): I thank the minister for his statement. I welcome especially his comments on involving and listening to communities. Having visited DATs around Scotland, is he aware of any examples of good practice in involving communities in the decision-making process? What steps will be taken to ensure that the views of communities are given equal weight to those of professionals working in the field?

Angus MacKay: If I were to single out one drug action team that has been more effective than others in involving communities and user groups, it would be the Glasgow drug action team, which has been particularly proactive in seeking the views of communities. That is to be welcomed. Any locally based approach to structuring services that have legitimacy in local communities must arise, at least in part, out of the experiences, feelings and views of the communities concerned. The Glasgow drug action team has been successful in identifying local community groups and inviting them to participate in the shaping of services.

The team has also forged links with drug misuser groups. Like the education message that we send out to children, information and services that we make available to drug misusers must be put across to those people in terms to which they can relate. The Glasgow drug action team has used drug misusers to capture valuable information from other drug misusers, using appropriate language and in appropriate circumstances, on the nature of their drug misuse problem and the services that they are most likely to access, at what time and in which places. I do not think that we can overemphasise the importance of community representatives, community groups and drug misusers in shaping services that have relevance and coherence on the ground.

The Presiding Officer: I apologise to members who have not been called. I have allowed considerable latitude because of the importance of the topic, but I must protect this morning's debate.

Telecommunications

The Presiding Officer (Sir David Steel): The next item of business is a debate on motion S1M-803, in the name of Mr Andy Kerr, on behalf of the Transport and the Environment Committee, on that committee's report on the inquiry into proposals to introduce new planning procedures for telecommunications developments. I invite those members who wish to speak in the debate to press their request-to-speak buttons now.

10:19

Mr Andy Kerr (East Kilbride) (Lab): I am delighted to open this debate on behalf of the Transport and the Environment Committee. I thank my colleagues for their hard work in producing a thoughtful and thorough report. I also thank the clerking and research staff, who have contributed greatly to the report.

I believe that the report is a vindication of the committee system of the Scottish Parliament. Cross-party representation and people's ability to contribute their views have resulted in a consensual report, without any divisions, but with plenty decisions. As I have said on many occasions, the experience of the Transport and the Environment Committee in this inquiry has been yet another good example of how this Parliament works best.

The issue covered by the report was first raised with me by the community living in Lister Tower in East Kilbride, who came to me with some searching questions that I could not answer. Those questions were repeated by the high-rise flats residents association, which represents people in other high-rise flats in East Kilbride. I was asked: "What are these masts? How did they get here? Why was I not told about it? Is there a health problem?"

When I shared those concerns with members of the Transport and the Environment Committee, we were all able to relate them to our own areas, where communities were coming up with similar questions. We did not have clear answers. When we started our investigation, many other MSPs told me similar stories. Local newspapers are running campaigns all over the country. In my constituency, the *East Kilbride News* is running articles and asking questions on this issue. Again, answers are not to hand.

The strength of this Parliament and its committee system lies in the fact that we were able to take up the issue, agree a remit, take action and reach a conclusion. I hope that the minister will take the issue to its ultimate conclusion and, in due course, adopt our

recommendations in full.

Since the report was released, it has received a warm welcome from many people inside and outside the Parliament, including organisations and individuals in communities. I have been genuinely surprised by the impact that it has had and the attention that it has received. The response to the report has only added to our desire to see the matter resolved in the manner advocated by the committee.

The Transport and the Environment Committee recognises the importance and the social and economic benefits of modern telecommunications systems. We also recognise that this is an emergent technology and that exciting developments offer us the third generation of mobile telephony, wireless application protocol, and the possibility of using the internet from the handset of a mobile phone. However, all that is counterbalanced by the genuine concerns of the public and of planning authorities over the perceived lack of planning controls and over telecommunications developments and their related impacts.

The economic contribution of the technology is immense. I am sure that the Parliament recognises that. We can all imagine how it would affect our lives if we were unable to use our pagers and mobile phones. Commerce and society as a whole are aware of the necessity of this technology.

At its meeting on 22 September 1999, the Transport and the Environment Committee took evidence from the Scottish Executive on the process for considering telecommunications developments in Scotland and on its proposals for revising the planning regimes for those developments. We also took evidence from the Convention of Scottish Local Authorities. Not entirely convinced by what we heard, the committee decided to undertake further inquiries into the appropriate process for considering telecommunications developments.

The committee was concerned that the Executive's proposed approach of bringing telecommunications developments under a system of prior approval could be insufficient in terms of the control required in the planning system. As in all things that the committee undertook, we were meticulous. We ensured that the inquiry was sufficiently wide to enable us to draw conclusions, and yet not so wide that we would have either been swamped by the issues or crossed into the remits of other committees, something that we were keen to avoid.

It is important to stress that, for the Transport and the Environment Committee, this was an issue about the environment. Although we looked

at health issues, we considered a number of other issues. We were clear that, if we were to examine health issues, we would do so in the context of the planning process.

As members are aware, the Stewart committee will report today at 10.30 am; I understand that a summary is available at the back of the chamber. The report deals with many of the health matters. Members will also have seen the health concerns expressed in today's newspapers.

The committee sought views on the proposed planning procedure and on the policy framework for the consideration of telecommunications developments. The terms of reference to which witnesses were invited to respond were: whether telecommunications developments should be subject to full planning controls; what factors—such as health, amenity and the precautionary principle—should be taken into account in forming policy on telecommunications developments; and what the published guidance from the Scottish Executive should contain. I am pleased to report that the committee received many written responses and supplementary papers.

The committee met on a number of occasions on this subject and heard oral evidence from 20 organisations and individuals. I believe that the strength of the committee structure in the Scottish Parliament lies in the fact that we could harness the best information on the subject from Government, local government, elected members and officials, the industry—in the form of the phone companies and professional bodies and organisations—pressure groups and, crucially, community groups and campaign groups that are dealing with mobile phone masts literally in their own back yard.

On the evidence that we received in writing and from organisations that attended the committee, we came to the following conclusions. Under the current planning framework for telecommunications, developers and operators enjoy permitted development rights. The majority of planning authorities that responded to the inquiry sought enhanced planning control over telecommunications. In particular, they expressed concerns about the speed, quality and effectiveness of the current process, which they said lacked local democracy and local accountability. In its oral evidence, COSLA stated that the common ground between the Scottish Executive and the operators was that the present system was inadequate and should be changed. The committee concurred with that view.

At the time of our report, the Scottish Executive proposed the introduction of a prior approval procedure to give planning authorities greater control. It was believed that the system, which incorporates licence conditions, permitted

development rights and planning guidance, would provide adequate planning control and would be consistent with the Government's policy. However, the committee came to the conclusion that there were significant weaknesses with regard to prior approval. The system will need to be reassessed in the light of the Stewart committee. I am pleased to say that the Stewart committee—I have had a quick look at its report—concurs with our views that prior approval is not satisfactory in terms of control.

The committee's report notes that the Department of Trade and Industry and the telecommunications developers suggest that the introduction of full planning control would not be a preferred option. However, that view contrasts with the position of COSLA, the planning authorities, Scottish Natural Heritage, the Royal Town Planning Institute in Scotland and others, which support the introduction of full planning control, which they suggest would have a number of advantages over the system of prior approval.

The committee recognises the social and economic benefits arising from modern telecommunications systems. However, having carefully considered the evidence, the committee is not convinced that the introduction of full planning control will significantly slow down the roll-out of telecommunications developments and concludes that the benefits of the introduction of full planning control outweigh the potential disadvantages. The committee therefore supports the introduction of full planning control for telecommunications developments. I am, again, pleased to say that the Stewart committee concurs with our view on that matter.

At the start of the inquiry, the committee sought views on the factors that may require to be taken into account in informing policy. The key factors relate to amenity, health and a precautionary approach.

The committee is of the view that a number of steps should be taken to minimise the environmental impact of telecommunications developments, including: early discussion with telecommunications developers, operators and planning authorities on strategic network requirements; site sharing; mast sharing; design and disguise of masts; and the introduction of a requirement on telecommunications developers to conclude national roaming arrangements.

The committee considered that some areas might be more environmentally sensitive than others—for example, areas subject to existing designations and areas that local authorities and other bodies identify as sensitive. The siting of telecommunications infrastructure in those areas would not necessarily be precluded. The committee recommends that the Scottish

Executive should, allowing for local flexibility, develop guidance on the treatment of environmentally sensitive areas to minimise the impact of telecommunications development. We take the view that, beyond that, it is for individual planning authorities to determine the designation of environmentally sensitive areas with regard to the characteristics of their localities.

On health, the committee recognises that there is no conclusive scientific evidence on non-thermal effects and the risk to the public. The report from the Stewart committee, which we now have, states:

"We conclude that the balance of evidence indicates that there is no general risk to the health of people living near to base stations on the basis that exposures are expected to be small fractions of guidelines. However, there can be indirect adverse effects on their well-being in some cases".

Based on that judgment and the committee's judgment—which in turn is based on the evidence that we received—and recognising the complex issues of public health, including information on the perceived effects, the committee considers that there is reasonable doubt about the health risks. We therefore recommend that health should be viewed as a material planning consideration and that a precautionary approach should be adopted at a national level, allowing for local flexibility.

The committee thinks that sites such as schools, nurseries, hospitals and residential areas should be considered sensitive for environmental health reasons. We recommend that, in taking the precautionary approach, local authorities should refer to a hierarchy of preferred locations for telecommunications developments. Where possible, densely populated areas should be avoided in favour of areas that are more sparsely populated. However, the committee does not believe that there is sufficient evidence to support a recommendation for the implementation of mechanisms such as a cordon sanitaire. The Stewart report has much more to say on health; and other members may raise the issue in this debate.

The inquiry received evidence, particularly from local authorities, that supported the need for clear and firm Government guidance on a range of matters within a national policy framework. The committee recommends that the Scottish Executive should develop a national plan incorporating telecommunications developments and co-ordinating the plans of other agencies. The committee recommends that in the interim there should be speedy preparation of national planning guidance on telecommunications development, which should be supported by a planning advice note setting out best practice.

Within that framework, local authorities should

be encouraged to develop their policies on telecommunications developments speedily and, if necessary, through amendments to existing plans. The committee recommends that the process of developing the policy framework and guidance should allow full consultation with interested bodies, including telecommunications developers and operators.

Several requirements for guidance were identified during the inquiry. The committee recommends that guidance should be based on a precautionary approach. Guidance should cover health and safety; planning and development control; obligations on operators and information that is required from them; the role and responsibilities of different parts of the Scottish Executive and other bodies; monitoring and reporting; and good practice for local planning authorities and telecommunications developers.

I am now aware of the contents of the report of the Stewart inquiry and am pleased that it has echoed many of our proposals. It is interesting to note that our report is one of the four references in the Stewart report; that is a measure of the committee's work. I am particularly pleased that the Stewart group supported our view that there should be full planning powers.

I thank the Minister for Transport and the Environment for her positive response, which has been widely trailed and was issued to committee members. There are matters of detail on which we may differ, but I am sure that we will soon be able to resolve those differences. However, I will stick to the substantive point on full planning. I acknowledge the warm response that there has been to many of our proposals.

I hope that the minister will tell us when she will make a full response to the committee report and the Stewart report, stating what action will be taken and in what time scale it will be taken. She can rest assured that the Transport and the Environment Committee will remain on the case until that response has been received.

I urge members to examine the facts that we have gathered and the conclusions that we have drawn. The issue is complex and multifaceted, but that reflects the society that has brought us to this debate and the communities throughout Scotland for which its outcome matters. Everyone is involved, even if they do not look intently at the signal strength on their phone or live close to a mast. Some people rely on mobile phones and others do not. It was the need to balance difficult factors that led the committee to adopt the approach that it did. I hope that the Parliament will support our report.

In a sense, we are here to reflect the views and concerns of our communities; I believe that our

report does that. I believe that Scotland is leading the way in changing the structures for telecommunications developments. I commend the report to the Parliament.

I move,

That the Parliament notes the 3rd Report, 2000 of the Transport and the Environment Committee, Report on the Inquiry into Proposals to Introduce New Planning Procedures for Telecommunications Developments (SP Paper 90), and commends the recommendations to the Scottish Executive.

10:34

Linda Fabiani (Central Scotland) (SNP): I am pleased to speak in this debate. The first report of the Transport and the Environment Committee is the result of a great deal of investigation. Committee members have worked well; they have achieved consensus and a result that, if implemented, would be in the best interests of the people of Scotland.

It is regrettable that the summary report of the Stewart inquiry was not available to members until this morning, particularly given that the media was telephoning me—and I presume other members of the committee—last night, asking for comment on the report, which had been issued to them. I would have thought that the Executive and the Government in London would have realised by now that journalistic spin is not an acceptable alternative to democratic accountability. However, that is an on-going issue, which the Scottish Parliament will have to deal with properly in the near future.

Today, we are dealing with the proliferation of mobile telephone masts across our country and the legitimate concerns surrounding that issue. All members will have had some representation from concerned parents about masts being erected near schools, or from people who have arrived home to find themselves in the shadow of such a mast. As our convener said, in some cases, such as Lister Tower in East Kilbride, the masts are erected on the buildings themselves. In all those cases, there are valid concerns about the reports of potential adverse effects on health and the impact on the visual environment.

The Transport and the Environment Committee tackled the task of reporting on those concerns very seriously. We took evidence from a range of bodies during the inquiry; we received more than 100 written submissions and heard evidence from 20 organisations and individuals. The report was agreed unanimously and our main conclusion is that the erection of masts for mobile telephones should be a matter for full planning controls. That is the only way in which the views and concerns of people most directly affected by the masts can be properly addressed.

In addition, planning authorities confirm that the work load for councils is almost exactly the same for planning applications as it is for the prior approval system previously favoured by the Executive. However, the suggested fees for the prior approval system are lower. If the auction of licences to the industry can rake in £22 billion for Gordon Brown's daily inflating war chest, why should Scottish councils have to subsidise the same industry's on-going approvals?

Health, environment and the right of the public to notification and consultation are just some of the reasons why I have concerns about the Executive's seeming reluctance to accept in full the recommendations of the committee. I suspect that the Executive will now move some way towards full planning controls, but I am concerned about the statement issued by the minister in which she worries about neighbour notification. The people who live in the areas where masts are being erected have the right to prior notification and to have input into the siting of such masts.

The minister is adamant that we should not lose sight of the beneficial effects of the expansion of the mobile phone system. However, I am confident that local authorities, local government officers and, most important, the people who have to live, work, play and go to school in the shadow of the masts have the intelligence and wit to weigh up the pros and cons of where those masts are sited. After all, who knows the needs of an area better than the people who live and work there?

I exercise the precautionary principle in welcoming the Executive's response that it intends to move some way towards the committee's recommendations. I give a cautious welcome to the minister's announcement to the press on Tuesday that she will act quickly in examining the matter. However, I contend that the matter has already been examined—by the Transport and the Environment Committee and by the Stewart inquiry. Now it is time for action.

The Deputy Presiding Officer (Patricia Ferguson): I call Nick Johnston to open for the Conservatives. You have eight minutes, Mr Johnston.

10:39

Nick Johnston (Mid Scotland and Fife) (Con): I will try to keep to my time.

I stand here this morning as a warning to every young researcher or putative candidate to Parliament—never lodge a members' business motion on any subject, because anyone who does so becomes their party's expert on that subject. I stand here leading for the Conservative party, promoted unwillingly as a telecommunications expert.

Nevertheless, I welcome the opportunity to respond to the report of the Transport and the Environment Committee on telecommunications masts. My first members' business motion was on the subject of mobile phone masts, occasioned by the appearance of a rather large structure not more than 25 m from my kitchen window. Members can take that as an expression of my interest in this matter.

Telecommunications is the boom industry of this decade; like Andy Kerr, I cannot think of one member of the Parliament who does not use a pager or mobile phone as an everyday working tool. We know that, under the Executive, crime is rising and police numbers are falling. As a result, children, women and more vulnerable members of society feel the need to carry mobile phones for their own protection.

The Executive hails the success of Motorola Ltd in taking over the mothballed Hyundai plant in my constituency for the production of the next generation of mobile phones. As Linda Fabiani said, the national Exchequer has just gained more than £20 billion as a result of auctioning off the next phase of mobile phone licences.

The telecoms industry is an important one, with a turnover of more than £6 billion and with 25 million users. The Scottish Conservatives want a competitive industry with a comprehensive infrastructure, yet we believe that, if we take a commonsense approach, commercial and environmental concerns do not have to be in conflict. We have to be realistic, not emotional, and understand the importance that mobile phones play in people's lives.

It was the foresight of the Conservative Government that allowed the mobile communications industry to accelerate at the rate that it has. However, we must acknowledge that the regulations that we put in place are no longer valid for today's market. Our policies enabled the fast-track development of the industry, but the sheer number of masts involved was not anticipated.

Lest we forget, 18 years of Conservative Government liberated people from the nanny state, lifting standards of expectation and taking the lead in giving people the opportunity to participate in local decision making. Regrettably, this Administration has not generally grasped that right; it must do so on this issue. While the public has embraced mobile phones, this Administration has not yet understood the need for the equipment necessary to enable the phones to work. We need to address those issues to ensure public confidence in the operating system.

The erection of mobile phone masts is causing considerable concern in many parts of the country.

One of the problems of becoming my party's expert is that, every time a Conservative member receives a letter or a telephone call on this subject from a constituent, it is directed straight to my desk. I know exactly how many problems we are having throughout the country.

Measures to enforce the current environmental restrictions are weak, outdated and poorly enforced. Local communities will welcome the opportunity given by the Transport and the Environment Committee's report to have a greater say over where masts are located.

The Conservatives want to protect our visual environment and respond to concerns over public safety. The new networks—the new wireless application protocol technology—could result in up to 100,000 new masts across the countryside of Great Britain. Correspondingly, we have developed seven commonsense solutions to tackle those issues.

Permission for mast development should not be automatic. Planning guidance should be redrafted to provide a better balance between environmental and commercial concerns. Operators should have to justify the need for a new mast when environmental or health and safety concerns are raised.

A local community should have a greater say on mast developments in or near areas of environmental importance. We propose that full planning permission should be required for green-belt land, listed buildings, local wildlife sites, areas of outstanding natural beauty, sites of special scientific interest and conservation areas. In addition, full planning permission should be required if it is proposed that a mast be situated just outside those areas, but still visible.

Local communities should be allowed to question mast developments near schools, hospitals and residential buildings. There are concerns that mobile phones are damaging to public health. The Stewart report has been mentioned this morning; I believe that it says that children under 12 are especially at risk, as their bodies are still developing and their skulls are lighter, thus providing less protection from radiation. I cannot understand why anybody would want to give a child of 12 a mobile phone. Several of my friends have children who have not one mobile phone but two. The precautionary approach urged by the Stewart committee is probably the right approach at this time.

We believe that full planning would make local authorities better informed about future mast developments and would encourage co-ordinated development. At the moment, operators have to prove to local authorities that they have explored mast sharing before they are allowed to erect a

new mast. That is hampered by the fact that many local authorities do not have a record of all the existing masts in their area.

I refer the minister to my question on 1 September last year, asking how many applications had been received for mobile telephone transmission masts in the whole of Scotland. The answer was that the information was not held centrally. I urge the minister to start a database of masts now so that we know exactly where they are. Furthermore, the Stewart committee has asked for the masts to be registered and the radiation transmissions to be recorded for future information. We also propose that operators notify planning authorities of their forward plans for two years to ensure that the needs of all operators are known to authorities when applications are considered.

However, we should acknowledge that, in practice, there is little incentive for mobile phone operators to share masts or for surveyors to find mast locations that can be shared. Although it is recommended that local authorities keep a shared database of masts, there is actually little record of how many masts are shared. At the moment, only a third of existing masts are shared; steps should be taken to ensure more mast sharing. However, although that is technologically viable, there is the problem of competing operators wanting the top spot on the masts.

For new masts, planning regulations should be clarified so that new permission is conditional on other operators being allowed to access the completed phone mast. In fixed-line telecommunications, British Telecom's local loop is accessible to many of its competitors and the principle of common carriage could be used to encourage operators to share masts.

Although the code of best practice urges operators to replace old masts with less intrusive new technology, there are no measures to enforce that. As a condition for the new licences, targets should be set for phasing out old masts and replacing them with new technology as soon as it is developed.

On greater network sharing, we suggest an investigation into the viability of cross-network roaming within the UK, which would reduce the demand for new masts in sparsely populated areas. I spend a lot of time in Spain and am amazed that I can use my mobile phone with far greater ease there than I can in Scotland. Agreements between phone companies calculate the cost of such network sharing and a charge is passed on to the phone user. In the UK, there is no requirement on networks to provide roaming, with the exception of calls to the emergency services. However, consumers could benefit from that system; people should perhaps be able to

choose to have roaming or non-roaming calls and absorb the extra costs. We urge the exploration of cross-network roaming in Scotland and the UK and consultation with the industry on this issue.

Masts should be blended into the environment. There have been some totally inappropriate attempts to disguise masts as trees and bushes, and we need to examine alternatives that are visually acceptable for the environment, to ensure that tree masts fit in with real—not pretend—trees.

All in all, we welcome and commend the Transport and the Environment Committee's report. Although we do not want to hamper the industry, we have reached the point where industry expansion and public concern must be recognised and balanced.

10:48

Tavish Scott (Shetland) (LD): I am grateful to Nick Johnston for clarifying the Conservative front-bench situation. For a terrible moment, those of us who enjoy transport and the environment debates thought Murray Tosh had been demoted to the back benches. We are gratified to hear that this is just a temporary measure for today's debate.

As a member of the Transport and the Environment Committee and as a Liberal Democrat spokesman, I support the motion in Andy Kerr's name. The report is constructive, important for the Parliament's work and, as Linda Fabiani said, the result of exhaustive work by the committee and everyone who gave evidence. Furthermore, I want to echo Andy Kerr's tribute to the clerking staff, particularly to Lynn Tullis for her work as clerk team leader. However, I do not know whether maternity leave is due reward for all her work.

When Andy Kerr first raised this issue in the committee, other colleagues such as Elaine Smith told us of particular concerns in their communities and asked us to undertake serious work in this area. I think that the report's publication reflects well on the Parliament's ability to adopt issues of concern to the whole country and to produce important reports on such issues.

I am sure that other members heard Sir William Stewart of Tayside University Hospitals NHS Trust on BBC radio this morning. He said—if I can trust my handwriting—"In some cases, emissions from mobiles may cause biological change; in particular, a child's response time may be stimulated by exposure to radiation, which may create a short-term health effect". In his radio interview this morning he linked that to the siting of mobile phone masts. His points about health were important.

The Stewart committee recommended that the

Government take a precautionary approach until more research has been completed and another review has been conducted in two years' time. It has backed up the work that has been done by the Transport and the Environment Committee. That is extremely helpful.

The Stewart committee also recommended, as other members have said, that the need for planning control for mobile phone masts should be addressed. Paragraph 1.36 of its report states:

"We recommend that for all base stations, including those with masts under 15 m, permitted development rights for their erection be revoked and that the siting of all new base stations should be subject to the normal planning process."

That is entirely in line with what the Transport and the Environment Committee recommended. I hope that that will help to deal with concerns about different standards being applied throughout the UK.

The Stewart committee report will inform the Government at Westminster and the Transport and the Environment Committee's report will inform the Executive in Scotland, so consistency can be achieved. Vodafone AirTouch Group Services Ltd wrote to members of the Transport and the Environment Committee urging

"consistency between the Scottish Parliament's response to the Committee's Report and Westminster's response to the Stewart Inquiry Report."

We have that consistency, and I hope that the concerns of the mobile phone companies have been dealt with.

Sir William also mentioned that better information about buying and selling mobile phones should be available. That is important and relates to points that the Transport and the Environment Committee has made about people being in charge of—or, at least, involved in—the planning process. There is an opportunity for that to happen and there is consistency in the approach to that in the two reports. Sir William's report augments the work of the Transport and the Environment Committee. I encourage the Executive to pursue the precautionary approach that that report stressed and to endorse the proposals for full planning control.

I would like to pick up on a couple of points in the Executive's interim response. As Linda Fabiani said, it will be useful if Sarah Boyack tells us, in her winding-up speech, when she hopes to give a final response to the two pieces of work.

I represent a rural constituency. It is sometimes difficult to ensure that the highest standards of modern technological advancement are available in rural areas. Highlands and Islands Enterprise has put a lot of resources into that and the new objective 1 programme involves investment in it. I

understand that, in European Community terms, that is known as soft infrastructure.

Mobile phones claim coverage only of a percentage of the UK's population. Evidence from the Department of Trade and Industry to the Transport and the Environment Committee said that about 90 per cent of the UK population would be covered by December 1999. That is not much help if one has three screaming kids in the car and the car radiator bursts on some back road in the middle of the Highlands where there is no mobile phone coverage.

The Chancellor of the Exchequer made an announcement recently about mobile phone companies bidding for licences and the money that will accrue as a result of that process. I hoped that he would attach some strings that would ensure that the money that came into the Treasury would be used to provide greater coverage than the DTI is currently asking for. I hope that the Executive will be able to exert additional pressure in that regard. As the Executive's interim response says:

"Supporting rural economic development is a key priority of the Executive. It is important, therefore, that the economic prospects of rural areas, where modern telecommunications infrastructure can offset the disadvantages of distance, are not frustrated."

I agree absolutely, but there is an opportunity for joined-up government. There could be some strings attached to the financial return to the Government. I hope that that will be pursued with some vigour in the times ahead.

Andy Kerr mentioned the importance of mobile phones to the ways in which we do business nowadays. That is true, but they are not always a godsend. At times, I am grateful for the fact that some of my constituency is not covered by mobile phone networks. There is a particular advantage when I get off the plane at Sumburgh. BT Cellnet does not cover that end of Shetland, so when the pager goes off at 20,000 ft saying that the "Lesley Riddoch Programme" wants me, I cannot respond. That is, occasionally, quite an advantage.

I know that Ian Jenkins—if he can catch the electronic eye—wants to make some points about conservation, which Nick Johnston rightly mentioned. I do not think that it is good politics or a particularly good approach to say that national scenic designations and natural heritage areas are really important and that we must be careful about locating masts, if any, in such areas yet, given the health concerns, not go for full planning control to allow local people to be involved. Andy Kerr rightly pointed out that health should become a material planning concern. There must be a consistent approach to ensure that people are every bit as important as our natural heritage, birds, wildlife and all the rest of it. I hope that the final response

to the committee's report will reflect the need for such consistency.

It is right that the committee should recommend tougher planning controls on the proliferation of masts through a requirement to apply for local authority planning permission. Given the reasonable doubt, which others have mentioned, about whether radiation from masts presents a health risk, it is also right to presume that masts should be located away from schools and residential areas.

Local people and communities should get involved in the planning process. As the committee highlighted, the current arrangement, whereby people have no right to be informed about or object to a mobile mast proposal, is not acceptable. The Stewart committee's recommendations strengthen that point.

The Transport and the Environment Committee has worked hard on the report. It is an important piece of work. I encourage the minister and the Executive to endorse the findings of the committee and to implement its recommendations.

The Deputy Presiding Officer: We move to the open part of the debate. Members will have four minutes.

10:56

Elaine Smith (Coatbridge and Chryston) (Lab): I am particularly pleased to take part in this debate, as I have been rather vocal on the subject of telecommunications developments since about June last year.

First, I congratulate the Transport and the Environment Committee on the work it has conducted in its inquiry into the issues surrounding telecommunications developments. I submitted comments to the committee and I am pleased that the committee's recommendations have addressed my main concerns.

Many of my constituents in Coatbridge and Chryston have expressed particular anxiety about the siting of masts and base stations in residential areas and close to schools, nurseries, play areas and hospitals. Although the National Radiological Protection Board has stated that there is no evidence to suggest that masts or their emissions are dangerous or are a threat to public health, neither is there concrete evidence to suggest that such masts are safe. Only time will tell.

We have a responsibility to protect our citizens, particularly our children, from unnecessary exposure, which means not siting masts in residential areas or near to children's facilities or hospitals. Last year, Dr Helen Irvine, consultant in public health medicine at Greater Glasgow Health Board, called for the precautionary principle to be

applied to developments in such areas until conclusive evidence was produced to determine developments' safety or otherwise.

Many local authorities have imposed moratoriums on telecommunications developments on their own land and buildings. I commend authorities that have taken such action, in particular North Lanarkshire Council. However, as we know, local authorities have no powers over the siting of masts under 15 m on private land.

The lack of a requirement for neighbour notification and the lack of control that planning authorities have in making decisions on such developments means that there is no obligation for public consultation. It is not surprising that the general public see an anomaly in our planning process when a 15 m mast can appear unannounced on an individual's doorstep, yet he or she is notified when a neighbour wants to build a small extension.

The plight of my constituents in the village of Glenboig highlights the problem. They discovered by chance that a day had been set to begin work on the installation of a telecommunications development on private land and under 15 m close to their homes. No consultation had taken place with the local community, despite the fact that the company involved produced information leaflets highlighting its commitment to communities.

The leaflet stated that the company seeks to work closely with councils and local communities to achieve mutually acceptable locations for its base stations and masts. The company states further its commitment to discuss requirements with local councils and community representatives, to have regard for their views and concerns and to address those through open, honest and frank communication. The company failed to do any of that in Glenboig.

In desperation, the villagers took matters into their own hands and put up a barricade at the end of the road to stop construction traffic. After that, I facilitated a meeting with company representatives, who seemed quite keen at that stage to attend a meeting. The villagers at the meeting asked that a site further from their homes be considered. They were not being unreasonable in doing that.

The company agreed to look again at the siting of the development and to attend a further meeting. The next anybody heard, however, was that the planning authority had received notification that development was going ahead. I wrote to the company, expressing my concern and disappointment at the matter, and received a short note that merely stated the start date of development.

Such a cavalier attitude to local communities

perfectly illustrates the need for a proper planning control system. The introduction of full planning control would make the system more accountable, would ensure consultation and would make provision for community input from the outset.

I welcome the recent indication from the Minister for Transport and the Environment that she will respond positively to the committee's inquiry, and that the protection of public health will be at the heart of any action taken by the Executive. I also welcome the Stewart report. I accept the fact that there are benefits to modern communications systems, but they must not be to the detriment of our communities. Devolution means that we can implement a system to suit Scotland. This Parliament can lead the way in easing public anxiety, and I urge the Executive to implement the Transport and the Environment Committee's recommendations as soon as possible.

11:01

Bruce Crawford (Mid Scotland and Fife) (SNP): I would like to begin by congratulating the Transport and the Environment Committee on its work and on its report. I think that Andy Kerr did a good job of putting the case on the committee's behalf.

I will tell the chamber a sorry tale about what can happen as a result of what is permitted under the current guidelines, particularly with regard to replacement masts, and about why I believe that the procedure of prior notification will not suffice and why I believe in the committee's recommendation that full planning permission should be the starting point.

In the spring of 1998, a neighbour to a new mast development contacted me to alert me to the erection of a monster mast in an area of outstanding conservation in Kinross town, 25 m from Nick Johnston's window. Directly across the street is the local high school, attended by 800 pupils. The new mast is to replace one of a slim pole variety, erected many years previously. The original 27 m mast had been granted planning permission in 1986 for use by the police. The new mast, erected by Orange with the police's consent, despite being of the same height, is a large lattice-type structure, a bit like a poor man's Blackpool tower. The mast is a carbuncle on the Kinross street scene, and has caused much angst, anger and concern.

But enough of that. The real issue is that, according to Perth and Kinross Council, the mast did not require planning permission, and could be erected under existing permitted development rights, despite being in an outstanding area of conservation. According to the council's legal department, the Town and Country Planning

(General Permitted Development) (Scotland) Order 1992 says:

"that development is permitted when it consists of the installation, alteration or replacement of any telecommunications apparatus".

There are always, as may be obvious, lots of caveats to that, but it seemed that, in this case, the development was indeed permitted. In short, the mast which previously existed required planning permission, whereas its replacement was erected under permitted development legislation.

Some people might suggest that the matter could have been sorted out if a procedure of prior approval or notification existed. Not so. Under regulation 67(5) of the 1992 order, it is made quite clear that the erection of a mast in a conservation area is permitted, subject to the condition that the operator shall give prior notice in writing to a planning authority not less than eight weeks before development has begun. That eight weeks of notification was observed, and Orange proceeded to erect the mast.

What is at issue is that, although the planning officers knew what was happening, the local community was entirely unaware of Orange's proposals. Even the local elected members were not alerted beforehand. All that would not have happened had full planning permission been required. The whole point of the planning procedure is to ensure that there is a process of checks and balances between what the planning officers think and what the elected council members think, with planning officers working to policy guidelines and elected members representing the legitimate concerns of their community.

That procedure best guarantees that an issue of substantial concern to a community is properly discussed in an open and transparent manner. It is a shame that those rules did not exist previously as a lot of damage has been done in this country and I do not know how we will redress it and how we will regain a proper perspective. Perhaps the minister will talk about that later. There can be no replacement for enabling communities to participate in the decision-making process with their elected representatives. Folks, this is democracy. I suggest that we lay democracy aside at our peril.

11:05

Dr Sylvia Jackson (Stirling) (Lab): I welcome constituents who have travelled to the Parliament from Strathblane and who have been going through an ordeal with a mast in their area. I thank the Transport and the Environment Committee and the Stewart committee for their reports, which complement each other.

The last time that this matter was discussed in the chamber, many of us expressed great concern about the behaviour of the telecommunication companies. Since then, the situation has worsened. In my constituency, proposals to erect masts near houses and children's play areas, by the side of roads and in built-up areas have caused great anger, which has led to public demonstrations in Strathblane and Bannockburn.

In the case of Strathblane, Stirling Council was able to order the mast to be moved as it hampered drivers' vision. The bad news is that, under present planning regulations, Orange could move the mast a couple of yards further up the grass verge and there would be nothing that the council or the community could do about it—not legally, anyway. The situation in Bannockburn resulted in what a local paper referred to as the second battle of Bannockburn. The area faces the prospect of five masts being situated in the area by three companies. So much for the press releases that state that the companies are trying to work together.

As a growing number of constituents have become concerned about the siting of the masts near their homes, Stirling Council agreed to have a moratorium and not allow any masts to be erected on council land. However, that cannot be fully enforced as areas such as grass verges, which are available to the utilities, must also be available to telecommunication companies. That came as a shock to us when we heard about it last week. Stirling Council also agreed that any proposals received after the February moratorium date would be communicated to community councils. However, news of many of the masts that communities are fighting was communicated to the council in 1999. As a consequence, no prior warning has been given to the communities. No wonder that communities feel powerless, as Elaine Smith said earlier.

With masts of less than 15 m, councils can intervene only in areas of conservation or when masts placed on grass verges block drivers' vision. What can we MSPs do? What can we recommend that the Scottish Executive does? We should ask for full planning powers to be implemented with regard to all telecommunication masts. The Convention of Scottish Local Authorities believes that prior approval procedures are an unsatisfactory halfway house. We need to prepare national planning guidance that will set a framework within which local councils can work with telecommunication companies. The guidelines should be based on the precautionary principle that masts should be sited away from residential areas. As the report says, the guidance should include local flexibility to prevent masts from being placed in environmentally sensitive areas such as Bannockburn. Also, there must be

more mast sharing.

If all the proposals that I have mentioned are adopted, what happens in the intervening period? Can we have a moratorium on the erection of masts? I have spoken to Sarah Boyack about that and have lodged a written question on the subject. I hope that she will say something about it in her winding-up speech.

What happens to the telecommunications masts that are already in place? The Scottish Executive could urge all the companies to reconsider the placing of masts and to think about repositioning them. We really must move on this issue, as people are sitting there with these masts, as Nick Johnston said, next to their kitchen windows. We must address that immediately.

11:10

Euan Robson (Roxburgh and Berwickshire) (LD): I, too, welcome this report, with the important development that it proposes, and the Stewart report that was published today. There will be widespread agreement on the key recommendations of both reports that masts should be subject to full planning controls. Tavish Scott mentioned the Stewart report's recommendation 1.36, that

"for all base stations, including those with masts under 15 m, permitted development rights for their erection be revoked and that the siting of all new base stations should be subject to the normal planning process".

I can hear the cheers reverberating throughout the country. In the Borders, it is a common experience that masts are erected without the public being informed. Most have been erected without neighbouring householders being consulted. If my colleague Ian Jenkins catches your eye, Deputy Presiding Officer, he will give you a few examples.

Coldstream, a small town in my constituency, is now graced by three masts. The latest is less than 15 m high, but it is on top of the Eildon Centre, which is the tallest building in the town. I was particularly pleased to read recommendation 8 in the Transport and the Environment Committee's report, on mast sharing. I sincerely hope that that can be achieved, as the company whose mast stands on top of the Eildon Centre owns one of the companies that operates one of the two masts outside the town. I hope that we will not be flat-footed about this, but that we will pick up the impetus of these reports and try to encourage a rationalisation of existing masts, as Sylvia Jackson suggested.

I also noted recommendation 6 of the committee's report, on the early involvement of the companies in discussions with the planning authorities. That is particularly important, as are the further recommendations that flow from it, on

planning controls. I was pleased with the balance in that report, and noted recommendation 5, on an obligation to cover all of Scotland. Tavish Scott mentioned parts of Shetland that are not covered, and parts of Roxburgh and Berwickshire are not covered. Newcastleton, in the south of my constituency, near the English border, suffers not only from a lack of TV reception, but from the fact that people are unable to use mobile phones there.

Equally, it is important to bear in mind recommendation 9 of the committee's report, on roaming agreements. A roaming facility would be especially welcome in Berwickshire, where Vodafone coverage has historically been poor, although Cellnet coverage has been good—a position that is reversed in other parts of the Borders. I hope that the minister will pursue that recommendation.

I agree that there should be continuous monitoring of existing masts such as that in Kelso. I went to see that mast, which looks like the top of a battleship. It is a great, tall thing in battleship grey, but it emits a very small electromagnetic field. It has only one base station on it at present, but that is the point. If there is a development of telecommunications, which is an important objective, there must be continuous monitoring of the effect of that on individual masts, and an audit is an extremely welcome proposal in the committee's report.

This is a significant day. It is important that the impetus of these reports is continued, and I look forward to the minister assuring the Parliament that that will happen in the weeks to come.

11:14

Des McNulty (Clydebank and Milngavie) (Lab): As a member of the Transport and the Environment Committee, I thank my fellow committee members and the staff of the committee for the tremendous amount of work that was carried out in preparing the committee's comprehensive report, which has been widely welcomed. We should also appreciate the work that was done by Phil Willis MP and his colleagues at Westminster, who first took up this issue several years ago and have undertaken a hell of a lot of work.

What is interesting is the way in which we have been able to leapfrog the process at Westminster, by publishing speedily a considered and full report for the Parliament. Following that process, we are now able to move ahead with clear recommendations to the Parliament. It is an interesting example of how this Parliament can respond quickly and effectively to public concerns and take them into the legislative frame in an

appropriate way.

The key public concern is that some masts have been erected without a fully responsible approach being adopted by the operators. As a councillor I had to deal with situations where masts were erected immediately adjacent to housing when available sites further from housing could easily have been used. The operators' cost benefit analysis has often ignored public and amenity considerations; they have gone for sites where they can erect masts quickly and have not looked at wider considerations. We must move from the position where there is no accountability to one where there is a process—and Bruce Crawford set out some dimensions of that process—of proper notification of the operators' intentions, following which local people have a right to participate by submitting their views, and with technical assessment of the proposal and the options and alternatives.

We also need a process that allows local authorities to manage developments locally. That is particularly important. A dialogue must begin between the operators and local authorities so that commonsense considerations are applied to siting masts. The problem of retrospection is significant. I hope that the process of introducing new planning controls and the necessary dialogue will encourage the operators to look at the most problematic existing sites and to re-site masts.

Dr Richard Simpson (Ochil) (Lab): I wonder if Des McNulty would agree that particular attention should be paid to masts near schools. Bruce Crawford shares my concern about the situation in Kinross. Some of the considerable amount of money raised from the new licensing fees could be used to encourage companies to re-site masts. I am not suggesting that the Government should pay for that, but that we should ask Westminster to consider using some of that money to support the re-siting of masts that are near schools.

Des McNulty: I am sympathetic to that view and that some of the income coming to local authorities in site rental should be used in that way.

Monitoring health risks is a key dimension. We should recognise that the Stewart committee is saying that the phones are more of a cause for concern than the masts. We can encourage a faster reaction to research findings. If there are health concerns that are scientifically validated, planning powers will put us in a better position to encourage operators to respond effectively. If there are no environmental regulations, then the operators do not have to take proper account of risk. Where there is a proper process of monitoring and regulation, then the operators can be made to use the lowest-risk technology. We want a well-regulated industry.

We are asking a lot of local government, but I welcome that. Local government is accountable to the people. It is a democratic process. We should be encouraged by the fact that the planning process will, for the first time, give local authorities, and thereby local communities, real control over the erection of masts in their areas.

11:20

Mr Murray Tosh (South of Scotland) (Con): I associate myself with all the positive remarks that have been made about the work of the staff on the Transport and the Environment Committee, and I congratulate the committee's convener on bringing this piece of work to fruition. His good luck in being able to launch his report on the same day as the Stewart report's publication has made his conclusions virtually unassailable.

When the committee addressed the issue, it understood perfectly well why the initial approach to developing telecommunications had been through a system of permitted development rights. It was essential to get the industry up and running, to set national standards and to emphasise the rights of the developer at that stage. However, we quickly came to recognise that those rights had been granted at considerable cost.

Evidence to the committee showed that communities throughout the country had been disfranchised and local authorities disempowered by the process. We heard examples of situations in which even the operators of the masts had recognised that mistakes had been made and had repositioned some of them, but not enough to please the people of Coldstream, Glenboig, Kinross and other places that have been mentioned. I could also mention Gullane, from where I had a letter this week, and Bridge of Weir, from where I also had a letter recently. People all over Scotland seem to be protesting about the lack of consideration of amenity in the development of masts and equipment.

When we took evidence, we were careful to take account of the views, authority and expertise of people involved in the planning process. We interviewed officials from COSLA and from councils across the land and asked them to spell out precisely what the prior approval system meant and what the difference was between that and full planning permission.

It quickly became clear that, from the point of view of the people doing the work, there was little difference. They had to do the same paperwork and administration, the same site visits and the same reports. Only two things were substantially different. First, they got a lesser fee, which is significant in a planning system that is supposed to be funded by fees being paid. Secondly, they

had to approve the prior approval applications within 42 days or a deemed consent would be given. The officials therefore had to work harder and faster on the applications for which they were not paid than on other applications. The clock was ticking for them.

We also found that, if the applicant did not fully co-operate and did not supply the necessary information, the clock continued to tick. There was no ability to extend the deadline, as is the case with a normal planning application, where officials will say, "We can't process this until you give us the full response." The officials had to process the prior approval applications and had to reach a decision within 42 days, whether the applicant was thoroughly co-operative or not.

The main point that COSLA wanted to make to the committee concerned how prior approval affected the relationship between the planning system and the public. What is wrong with prior approval is that no one understands how it works and no one has any experience of it in Scotland, except in the context of agriculture and forestry. It is an unknown concept in built areas and I do not think that it is a concept that one can ever get across.

What is wrong with it? There is no neighbour notification and people cannot feel that their representations and objections influence the process. There is frustration with the output and with the developments that result from the system. Every planner knows that the anger and indignation of the public will be vented not on the industry and not on the politicians or the Parliament, but on the local authority, which will be blamed for its negligence in handling something over which it has relatively little power.

We asked the City of Edinburgh Council, which covers many conservation areas, where full planning permission is necessary, whether conservation areas were a technological desert from which it had chased the telecommunications industry. The answer was a resounding no. What drives the industry is the money that is to be made from it. The telecommunication companies do not want full planning powers, but if that is the game, they will play by the game. They will adjust to the rules and live by the rules, and the licensing requirements and the money to be made from the process will lead to the industry developing quickly in its third phase throughout Scotland. We have no reason to fear that they will be scared away by the requirement for full planning permission.

Full planning permission will redress the balance; it will give back control to the planning authority and influence and involvement to the people. The situation is over-ripe, and the time has come for us to strike a better balance than that which is in place at present. The Transport and the

Environment Committee's report recommends that approach, and I hope that the Executive will agree to implement its proposals.

11:25

Cathy Jamieson (Carrick, Cumnock and Doon Valley) (Lab): I welcome the Stewart committee's report, which was published today, and I am pleased to see that it vindicates many of the recommendations in the Transport and the Environment Committee's report. I also welcome the Executive's early indication that it will consider its position in the light of those recommendations.

Many members have mentioned planning. I want, first, to set the context of our recognition that the telecommunications industry is burgeoning and developing and our welcome for the opportunities for the industry. However, I want to put on record the fact that many people use mobile phones—particularly those of the pay-as-you-go variety—because it is the only way in which they can afford to access that kind of communication; they cannot afford the installation costs of a telephone system in the home.

It is unfortunate that, yet again, the poorest people with the lowest disposable incomes are paying disproportionately more—because they make calls using such systems. I hope that the industry will take that on board, particularly in the light of its marketing strategy, which appears to target young people, many of whom pay a considerable amount of money to own the latest fashion accessory, as mobile phones were described on television this morning.

The Transport and the Environment Committee did not conclude that planning authorities should have full planning control because we are anti-development. My constituency takes in a rural area. I am conscious of the need to develop in a balanced way—that approach has proved possible in my area—but some of the operators who came along to the committee gave the impression that they do not favour giving planning authorities full planning control because local politics would get in the way. I have no difficulty with local politicians taking local decisions on behalf of local people—that is what they are elected to do and that is why we should argue that they should have full planning control.

As many members have said, the committee arrived at its conclusion because local communities do not feel that they are part of the process. Difficulties in many areas have been mentioned this morning: I will give another example. Villagers in Drongan in East Ayrshire got up one morning to find that they had a new mobile phone mast on their doorstep. No one has any information about it. They do not know where it

came from or to whom it belongs. Nothing.

A constituent in New Cumnock was one of the first to raise the issue with me. In circumstances similar to those described by Bruce Crawford, she found that the operators were allowed to move a few yards a mast that had been in place for a number of years. It is on roughly the same site, but it is now a huge construction that sits about the same distance from her home as the Tory benches are from the Labour back benches—some would say that that is not far enough. My constituent sees the mast daily from her living-room window, yet she has had absolutely no say about it and no opportunity to do anything about it.

Some mobile phone operators said that the introduction of full planning control would not address what they believe to be the core issue. Members of the Transport and the Environment Committee received a letter from Vodafone AirTouch Group Services Ltd in which the company suggests that the problem is a

"lack of communication between operators and local authorities".

The letter goes on to say that full planning control

"would not improve local authorities' understanding of the practical demands and constraints of mobile technology".

I suspect that the profit motives of the industry may also be involved.

If we do not move to a system in which local people feel that they are being consulted and that the industry is working alongside them—they are the people who are putting the money back into the industry—we will have made no progress.

I want to take up a point Sylvia Jackson made about the siting of existing masts. Many operators came to us saying, "Look, we want to be helpful. We want to put up nice masts. We want to have masts that blend in with the environment. We want to talk to people and we want to get this right." I urge the industry to take up Sylvia's suggestion to revisit existing sites. It knows where they are. It knows the masts that are on controversial sites. I ask the industry please to go back and look at those sites. If something can be done as a gesture of good will to those communities, why not do it? That would go a considerable way to restore public confidence.

In the meantime, I urge everyone to support the committee's findings. I hope that the Executive will take on board the fact that we can go for full planning control. Tavish Scott has already outlined the operators' concerns about the potential difference between the legislative regimes in Scotland and in England and Wales. I would have had no hesitation in supporting the report's findings even if there was a different arrangement south of the border, but any such difference is no

longer an excuse. We want planning controls across the whole of the UK, and the correct place for planning decisions to be made is at a local level. We can make that happen.

11:30

Robin Harper (Lothians) (Green): First, I apologise to the chamber because I must leave this debate early. I have a ceremony to attend at the University of Edinburgh in which I am playing a relatively central part. I will therefore address one major point that has been raised in almost every speech, concerning the way in which the mobile phone companies work and democratic control.

I note in the response from the Executive that it wishes to provide a system of regulation that is clear, simple, efficient and effective. In the context of this debate and what we have heard today, I would have liked to see the word "democratic" added to that list, because democracy is what this debate is about. It is about giving local authorities the power to exercise their discretion in matters relating to visual impact and health concerns when masts are put up across the country.

I warmly welcome the responses from the Conservative benches, with the one reservation expressed by Tavish Scott. Before I forget, I should also indicate my support, and my party's 100 per cent support, for the Transport and the Environment Committee's report. That only one third of masts are shared is an indictment of the companies. Two thirds of masts are not yet shared.

The possibilities for improvement are enormous. There is only one thing that will get in the way of development—the companies not acting in the spirit of the report, not speaking to each other and not engaging in conversations with local authorities before they apply for planning permissions. If they do those things, the planning permissions should not get in the way, the roll-out of companies' networks will take place and we will have been able to allow local authorities proper democratic control over the process from beginning to end. That is the central point of this debate—allowing local authorities to include in their planning permissions their concerns about health and visual impact.

11:33

Elaine Thomson (Aberdeen North) (Lab): I am pleased to be taking part in this debate. I congratulate the Transport and the Environment Committee on a thorough and well-considered report. Telecom masts and the related issues of mobile phones and the safety or otherwise of this technology have concerned many parts of Scotland—a point that has been echoed around

the chamber this morning. I have my own mast story. There are two masts in my constituency that have caused a lot of concern for local residents, some of whom wrote to the committee during its inquiry.

The report has concentrated on the planning aspects of telecom masts. If the recommendations are implemented, they will go a long way to resolve the difficulties of people who feel that they have no control over their immediate environment because telecom masts can almost literally spring up overnight without consultation with local residents, especially if they are 15 m or less in height.

I am also glad that the committee report recognises the social and economic benefits of the current revolution in telephony. Who in the chamber does not have a mobile phone? *The Scotsman* today has a graph that shows, in effect, vertical growth in mobile phone use over the past year or two.

Much of the public concern about telecom masts and mobile phones lies around the health risks, whether known or unknown. The Stewart committee, as other members have mentioned, reports today and I believe that it will recommend further research into the health risks.

I am glad that the Transport and the Environment Committee included health as one of the factors that should be considered in the development of telecoms policy, but when we consider health risks, the difference between fixed and mobile operators must be clearly understood. Fixed operators gave evidence to the committee, but they operate on a completely different frequency band from mobile operators and use much lower power levels. They use the industrial, scientific and medical band, which operates with a maximum power of 100 milliwatts.

Friends of the Earth made recommendations for the field strengths and power densities to be used by telecoms operators. The fixed operators use strengths 13.5 times lower than those recommendations. Because of that, Dundee City Council, for example—which, like many councils in Scotland, has imposed a ban on telecoms equipment on council property—has specifically exempted fixed operators. In particular, Atlantic Telecom was exempted in recognition of the fact that, as a fixed operator, it is in a completely different ball park from the mobile operators. I hope that the minister will consider that in her response.

I look forward to the implementation of many of the report's recommendations. That will provide much-needed reassurance to local communities and, as other members have said, restore some local democracy to the decisions on where the

masts are located.

11:37

Ian Jenkins (Tweeddale, Ettrick and Lauderdale) (LD): Carlops, in my constituency, is one of the most famous of the mobile phone mast episodes, but I do not wish to go into the details of that today as we are in negotiations with BT Cellnet. In those negotiations, contrary to what I hear from some others, BT Cellnet, far from being aggressive and assertive, has been courteous and considerate. Of course, we have not come to any decision yet, but I hope that the discussions will continue and be helpful to everyone.

It is ironic that, in our case and others, the problems seem to have arisen from blocked lines of communication. Local authorities were not quite sure that they could stop the 50 m masts, only that they could have some influence. As a result, they decided to try to ameliorate the appearance of the masts by painting them a different colour and all that sort of stuff, rather than say that they must be stopped.

Dr Simpson: I appreciate what the member is going through. Perhaps I can offer some help. A mast was erected in my constituency. Fortunately, it was close to a B-listed building as well as on the edge of the motorway. Placement of the mast close to the B-listed building allowed us to insist on its being removed and it was replaced by two false trees at the Keir roundabout. I recommend that Ian Jenkins look at those trees—they are very pleasant looking. The Carlops villagers might feel happier about two Scots pines than about what they had previously.

Ian Jenkins: I really do not want to go into the details because there are aspects of our discussions that might involve trees, or whatever.

It seems totally unacceptable that people in a conservation area, who are not allowed to choose whether to have plastic or wooden windows, should wake up to find a 48 ft mast outside their windows or above their village hall. That is crazy and unacceptable and I just do not understand how it can be allowed to happen.

I welcome the committee's report. Indeed, I welcome the underlying direction of the minister's provisional response. I am convinced that after the report and today's debate, and other discussions that will take place, things will improve. However, I am worried that changes will take time. As Nick Johnston said, the Parliament must bring decision making closer to the people. We campaigned for this Parliament because it would do that.

We cannot ignore the fact that the democratic will is being frustrated on this issue and not being given an opportunity to be heard. We owe it to

ourselves and to our communities to act on this report quickly and clearly.

I understand that changing the planning regulations will take time, but I believe that the minister has great influence, even without regulation. I do not think that she should wait for regulations to be put in place. I ask her in her response to this debate not only to make it crystal clear that she will eventually establish full planning control, but to say that she wants new standards of good practice in consultation and public awareness to be established and implemented as of today.

If the minister says today that she does not believe that masts should be erected in conservation areas without special reasons, that will influence the behaviour of mast companies and local authorities. The minister has a chance to change things now, by changing the climate in which negotiations take place. She could do that with a clear statement. I hope that she will.

11:41

Helen Eadie (Dunfermline East) (Lab): I join other members in thanking sincerely the support team led by Lynn Tullis and all those who briefed us in the Transport and the Environment Committee and helped us produce this report.

I want to begin by making clear that I am an enthusiastic supporter of technology in all its forms. Laptops, computers, pagers, mobile phones—you name it, I am sure I use it. I recognise that in the global economy of the 21st century it is critical to ensure that all parts of Scotland, even the most rural, are served, so that we can lead the field and win a competitive advantage.

The precautionary principle has been fought for by Friends of the Earth and community groups across Scotland. Their efforts are beginning to illustrate how politicians can be pressured to respond.

I am concerned to note that the Department of Trade and Industry does not have plans to ensure early 100 per cent coverage on the ground that the remotest parts of the country have few, if any, potential subscribers. Surely the safety implications for lone travellers must be considered. Many such travellers will be professionals—doctors, nurses and tradesmen—who need to keep in touch with others. That applies particularly to Tavish Scott when he wants to contact Lesley Riddoch, or vice versa.

In my mailbag and in public meetings, the issues of most concern are the health risks, the environmental impact of masts being erected outside people's homes and their lack of a right to

object. That public concern appears to be vindicated in the report, published today, by Sir William Stewart.

In his report, Sir William states that the balance of evidence to date suggests

“that there may be biological effects occurring at exposures below”

the guidelines set by the National Radiological Protection Board and the International Commission on Non-ionizing Radiation Protection. Under the latter body’s guidelines,

“the maximum levels of exposure of the public are about five times less than those recommended for workers. The reason for this approach was the possibility that some members of the general public might be particularly sensitive to RF radiation . . . This does not necessarily mean that these effects lead to disease or injury, but it is potentially important information”.

I welcome in particular the Stewart report’s recommendation that

“the ICNIP guidelines for public exposure be adopted for use in the UK rather than the NRPB guidelines. This would bring the UK into line with other countries in the European Union and accord with the Recommendations of the House of Commons Select Committee on Science and Technology Report on Mobile Phones and Health”.

I warmly welcome the minister’s acceptance of a number of the recommendations in the Transport and the Environment Committee’s report. In particular, I am extremely pleased that the Executive recognises the health implications of mobile phone technologies. It is absolutely right to accept that the protection of public health is a priority.

In his report, Sir William Stewart calls for the establishment of clearly defined physical exclusion zones around station antennae to delineate areas within which exposure guidelines may be exceeded. The incorporation of exclusion zones should be part of the template for the planning protocols that are being considered by the minister.

I am pleased that the two reports agree in many areas. From my experience as a member of the planning committee in Fife Council, I know how actions flowing from the reports will begin to address the concerns of families. The big question for all of us will be how to take action swiftly enough to protect people right now in the face of burgeoning applications for the development of mobile phone masts. Sylvia Jackson spoke very well on that point.

The final challenge will concern what to do with masts that have already been erected but do not match the recommendations made in the two reports—especially when they are in school grounds or hospitals. I welcome the commitment in the minister’s responses to the Transport and

the Environment Committee to act swiftly. I know that people right across Scotland will welcome that.

11:46

Janis Hughes (Glasgow Rutherglen) (Lab):

As a member of the Transport and the Environment Committee, I would like to echo the gratitude of my colleagues to the staff who have helped us through the inquiry. I would also like to thank the committee’s convener, Andy Kerr, for helping us through what I hope will be the first of many inquiries in which we will be able to listen to the concerns of our communities and act on them by producing reports such as this one.

Last month, in the chamber, I praised the Scottish Executive for adopting the precautionary principle in its approach to the development of genetically modified foods in Scotland. Today, I urge the minister to show the same level of care regarding the future of telecommunications. It is vital that the Executive show consistency in its approach to areas that could have wide-ranging effects on health. I have argued that we should proceed with caution on GM crops; I argue for a similar approach on telecommunications today.

In many respects, it is even more important that the Executive adopt a safety-first attitude on the erection of telecommunications masts. People have a choice about whether to eat GM foods, but it is a bit more stressful to have to move house every time somebody erects a mast at the bottom of your garden.

Like other members, I have received a lot of information from telecommunications companies this week outlining the benefits of expansion in the industry. I do not dispute the fact that there are benefits. There are great benefits to be had from expanding the availability of mobile telecommunications, including clear economic benefits. As Elaine Thomson said, telecommunications has been one of the highest growth sectors in the Scottish economy. There are also social advantages. The technology allows people—especially in rural areas—to keep in touch with the outside world. It has a safety element, especially for women travelling alone.

However, those benefits cannot be regarded as more important than the potential dangers of irresponsible, unregulated erection of masts. The Scottish people certainly do not think that they are more important; it is surely the Government’s duty to reflect those concerns.

During our evidence taking, the phone companies argued that business in Scotland would be damaged if the development of communications were hampered by a requirement for full planning control. They said that the Scottish

economy would struggle in comparison with the English economy if we imposed stricter regulations. We did not find that to be the case. We remain utterly unconvinced that the introduction of full planning control will seriously damage this, or any other, industry in Scotland.

We must be clear about one thing: the Transport and the Environment Committee is not saying that mobile phones are definitely dangerous. Indeed, during our consultation process not one person or organisation provided us with any proof that they are. We are saying that the effects are unclear. Would it be good government to take the risk of continuing with unregulated planning of mobile phone masts? Would it be good government to allow masts to continue to be erected in sensitive areas? Would it be good government to be seen to be putting the interests of private companies ahead of the health of the nation? I do not believe that it would. That is why I fervently hope that the minister will listen to the concerns of the committee and the Scottish people on this issue.

As I argued in relation to GM crops, we must learn from the mistakes of the past. With asbestos and tobacco, successive Governments proceeded without considering the potential dangers and ended up paying a heavy price. The benefits of mobile telecommunications are considerably more tangible than those of asbestos or tobacco but, none the less, we must be cautious. We should not put the health of the country at risk in any way.

Yesterday, the Transport and the Environment Committee considered nitrate-vulnerable zones. In her submission, the Minister for Transport and the Environment extolled the virtues of adopting the precautionary principle with regard to those zones. I sincerely hope that the Executive will show consistency in its approach to matters of public health. I have been encouraged by the minister's statements in recent days. I would like to think that they are a clear sign of the Executive's support for the committee's report. We must accept that prevention is better than cure in the interests of public health.

We listened to many organisations in our evidence taking; some have been mentioned today. The committee has not come to the Parliament with this report lightly. We deliberated about it long and hard. I sincerely hope that we can demonstrate today that this is another example of how the Scottish Parliament is supposed to work. I commend the report to the Executive and hope that it will enjoy its full support.

11:51

David Mundell (South of Scotland) (Con): I do not hold myself out to have the same expertise in

these matters as my colleague Nick Johnston, but I was previously employed by British Telecommunications plc. I may have to rely on it for a pension in due course.

I will start by making a general point which, with his usual foresight, Tavish Scott made, anticipating my question at this afternoon's question time. It relates to developing a telecoms strategy for Scotland. Telecoms is the infrastructure of the future and must be regarded with equal importance as road and rail. The Executive and other agencies must work with telecoms companies to ensure that Scotland benefits from those new technologies.

As Tavish Scott and Euan Robson pointed out, technology such as asymmetric digital subscriber line and WAP-enabled mobiles will not necessarily be available to all our citizens unless there is a clear strategic decision to do so and there is public funding and a public structure for working with commercial companies. As many members have said, the companies are driven by commercial rationale, which is why it is attractive for them to put a mast on a road verge, which they do not have to pay for, rather than on somebody's land, which they would have to pay for. It is important that we grasp that point.

The experience in the Highlands and Islands with European funding has been successful. A significant part of that funding went in to ensure that there was mobile telephony in areas that would not have had it if commercial considerations had applied. It is important that the Executive and the Parliament make progress on that.

We want Scotland to have the best communications and to play its role globally, but that will not happen without the Executive and the Parliament playing their parts. It is difficult to strike the balance, because we cannot have services if we do not have masts and people digging up the roads. It is not that long ago that Des McNulty and every other councillor in Glasgow was being inundated with complaints about cable companies digging up the streets and questions about whether they had a right to do so.

We cannot have the services without the technology. It is an important balance for the Government to strike. It is an important balance between the local community and the wider world, because as we drive along the motorway we all want the service to continue. I know how irritating it is when there are gaps in services in some parts of our motorway network. We want it to continue, but it is not providing anything to the local community.

Mr Tosh: In the light of what Mr Mundell has just said, will he comment on the recommendation in the Stewart report that no one should be

encouraged to use mobile telephony, whether hand-held or not, in motorcars and on motorways?

David Mundell: Mr Tosh raises a very interesting point. If regulations are introduced, they should also apply to the use of car radios, as operating a car radio has been identified as one of the main reasons why drivers take their eyes off the road. Nevertheless, Mr Tosh's point is important and worth while.

It is important to get the balance right between the need for technology and the rights of local people. It is clear that the powers that have existed have been quite draconian. I have always thought that people consented to such powers because they did not notice the extent of the powers of compulsory purchase and so on.

Part of the problem is caused by the history of many of the powers, which were held by the General Post Office and the Crown—of course, the Crown can do anything. The powers that legislation in the 1960s gave the GPO to erect telegraph poles in one's garden were significant—there was nothing one could do about it. That is the backdrop to what is happening now.

It is clear that that is not acceptable any more. Local authorities do not find it acceptable and, in many ways, nor do the companies. There is great confusion about the meaning of the legislation. I think that confusion has crept into the debate—I do not want to be critical of anyone—as members have talked mostly about mobile phone masts. However, a significant amount of fixed telephony is provided through masts and microwave dishes. If we do not ensure that that is covered, we will not achieve a great deal. In fact, I suspect that if planning is made more difficult, companies may return to using the existing framework for fixed telephony. All the most controversial issues involving schools that I have encountered have concerned existing poles, the definition of poles and what can be put at the top of poles.

Local authorities need help on this issue. They need clear support from the Scottish Executive. Despite what we have said, masts do not go up every five minutes—it is quite a rare occurrence. Planning authorities, particularly in rural areas, do not have the expertise to deal with these matters; they need clear and consistent support from the centre to deal with them when they arise.

I thank the Presiding Officer for the additional time that I have been allowed. This has been a worthwhile debate and the committee's report has much to commend it.

11:58

Mr Kenny MacAskill (Lothians) (SNP): As others such as Des McNulty have done, I put on

record my thanks to the members of staff of the Transport and the Environment Committee. In many instances, I was simply an advocate for views arising from their diligent research. I am glad that many of them are here today to see the fruits of their labour.

I, too, welcome the report. This has been a consensual debate, which shows the agreement and unanimity that exists in the Parliament. Three interventions—two from Richard Simpson and one from Murray Tosh—were all made in a supportive rather than a point-scoring spirit.

However, there have been difficulties in bringing this matter to debate today. The fact that the debate coincided with the publication of the Stewart report at 10.30 am has caused problems. I was not alone in trying to speed-read a report and fathom matters earlier this morning. I do not blame anyone for that, but it is a matter to which we will have to return. Difficulties are also caused because we have received only an interim response from the Executive—I appreciate that the Executive has to await the voice of Parliament.

The one point in the debate on which I take issue is Nick Johnston congratulating the Tory Government on rolling out the mobile phone network. The reason why we are having this debate and why the Transport and the Environment Committee and Sir William Stewart and his colleagues have had to do such intensive work is that the Tories did the equivalent of building a fast car with no brakes. Matters have proceeded apace and local authorities and individuals have suffered, with little democratic right to change things. Many members—in particular, Cathy Jamieson—touched on that.

Nick Johnston: Would Mr MacAskill be gracious enough—in the spirit of consensus that has evolved in the debate—to acknowledge that we are learning from experience, whereas other parties live in the past?

Mr MacAskill: I should be happy to acknowledge that the Conservatives are learning from the past, although I would not go beyond that.

The most important issue is to decide where we go from here. There is a general acceptance that the report is to be welcomed. There are three clear principles: first, full planning permission; secondly, the precautionary principle, which has been added to by the Stewart report; and thirdly, openness and transparency. Thankfully, the need for a register is also mentioned in the Stewart report. It is important that the Executive takes that on board and acts speedily.

Sylvia Jackson and Dr Richard Simpson mentioned two important factors. If we do not move with speed and alacrity, we might face

problems. I worry that a plethora of companies might attempt to move in before the window of opportunity closes and local authorities have the ability to regulate matters. Therefore, a moratorium is a constructive idea. We also have a relevant power in the Parliament, if we make speedy progress on a bill. As I understand it, it is possible to specify the relevant date as the one on which the bill is lodged. Adam Ingram, who is lodging a member's bill on leasehold casualties along with Pauline McNeill, told me that. It might take some time for a bill to go through Parliament, but the date that matters would be the date on which the bill was lodged.

I want the Executive to take on board the principles recommended by the Transport and the Environment Committee, which I expect to be supported by Parliament today. The Executive must also take on board the additional benefits of the research by Professor Stewart and move speedily. The legislation that the Executive introduces must make it clear that the relevant date is the date on which the bill is lodged. The phone companies must not think that they will have a window of opportunity of six months or a year in which to put up masts around the country and avoid any local authority controls or input from individuals. I ask the minister to consider that. If the Executive were happy to accept the proposal of a moratorium, I should be happy for us to use that method. If it does not accept that proposal, we must use the powers that exist in the parliamentary framework.

Richard Simpson touched on the fact that a substantial bounty is available to Gordon Brown. I appreciate that the £18 billion is to be paid over several years, yet it is a considerable amount. We must use that to help society; we might consider the provision of some recompense. There will be additional costs for local government—we must ensure that additional income is provided so that it does not have to cut back on other services.

As Richard Simpson suggested, we might ask the Chancellor of the Exchequer to provide incentives to encourage operators to relocate their masts. I would prefer it if operators were to move their masts voluntarily and, as the third-generation technology is rolled out, to accept that they should move equipment to better sites. However, if push comes to shove and the only way to shift operators is to pay them, perhaps we should provide some financial incentives. My researcher provided the initial response from the telecommunications industry and the industry appears to be happy to go 50:50. However, with that offer, the 50 per cent commitment from the Government must come out of Gordon Brown's bounty.

The jury is out and the committee has not been

able to show that many people who claim to suffer ill health as a result of the installation of masts and related technology have suffered for that reason. However, when canvassing in a recent by-election, I heard the complaints of people living in the Oxfangs and Firhill area. It was pointed out to me that two young women—in their 30s and 40s—had contracted cancer within a year of two masts being erected opposite their homes.

If it can be shown that there is a link, I ask the chancellor to consider whether those people can have some recompense for the misery and injury that has been inflicted upon them. After all, we recompense people who suffer criminal injuries. Can we not use the bounty available to recompense those who have suffered from the actions of the telecommunications industry? I support the report.

12:05

The Minister for Transport and the Environment (Sarah Boyack): I listened with interest to the many excellent contributions throughout the debate. The debate has been marked by the consistently high quality of those contributions. I suspect that that is because members have read the Transport and the Environment Committee's recommendations and the Executive's interim response. I suspect that it is also because they have received a large number of letters over the first year of the Scottish Parliament. I am aware of the extent to which the issue has attracted significant public interest. Many members have written to me directly, as Minister for Transport and the Environment, so I know that there is strong interest in the subject.

I wish to take this opportunity to do three things: to give some insight into the thinking behind the Executive's response; to elaborate on some of those points; and to focus on where we go next—what the next steps are.

We will make a full response in due course. However, as I am sure everyone is aware, the related report from Sir William Stewart's independent expert group on mobile phones is extremely relevant to the issues that we are discussing. I want to ensure that, before we come to our final conclusions, we not only consider carefully the Transport and the Environment Committee's report, but consider in detail the Stewart report.

I do not propose to discuss each and every recommendation of both those reports—I do not have time. However, I wish to focus on the key issues that many members mentioned this morning.

A number of recommendations in the report of the Transport and the Environment Committee

relate to extending planning controls over telecommunications installations and equipment. I acknowledge at the outset that there was limited support for the Executive's prior approval proposals from those who gave evidence to the committee. Andy Kerr made that point in his opening remarks. However, there was strong support for the introduction of full planning control from most of those who gave evidence to the committee. I understand the strong views of local communities and parents on the need for more advance warning of developments, more effective regulation and more accountability. Against that background, the Executive intends to move towards the committee's recommendations on that central issue, particularly in relation to planning controls over ground-based masts.

I wish to make it clear that it is not our intention severely to impede the industry from continuing to provide the people of Scotland and the Scottish economy with the undoubted benefits that mobile telecommunications offer in terms of business growth, e-commerce and economic efficiency. I have detected strong support across the chamber for an approach that supports the Scottish economy in an increasingly competitive global market.

Having said that, I stress that we will expect the industry to be more sensitive than it has sometimes appeared to be in the past. I will return to that point later, but there are obvious issues about mast sharing and providing information to local communities. Nick Johnston, Euan Robson, Elaine Smith and Bruce Crawford all spoke eloquently about those issues.

Not just the central belt and other large population centres will benefit from this fast-developing technology. It is particularly important for rural Scotland. Telecommunications infrastructure can help overcome many of the disadvantages associated with distance and remoteness. It can provide valuable opportunities for development in rural Scotland, which is an important priority for the Executive. I note the Transport and the Environment Committee's support for the extension of mobile coverage across Scotland. That point was addressed by Tavish Scott.

I wish to make it clear that, as we move towards the committee's recommendations, not every item of telecommunications equipment will be made subject to a specific application for planning permission. There is some equipment for which permitted development status might remain appropriate. However, before I announce any details on what will or will not require full planning control, or what will or will not be permitted development, I wish to ensure that we take the appropriate steps.

I wish to clarify a point made by David Mundell and Sylvia Jackson. If we extend planning control, it will cover road verges.

We want to liaise with the industry so that we are clear about its future development proposals; in fact, it will be in its interests to be more forthcoming about such proposals now that the recent licensing auction has been concluded. We need to know the nature and scale of the roll-out of new investment in telecommunications. Factors such as the number of sites, which areas are involved, whether there is more scope for mast sharing and future improvements in technology and design will be critical in shaping the future regulatory regime.

Furthermore, we also want to liaise with planning authorities on what they can do to prepare development plans and alterations to those plans, to provide a sound basis for the development of the industry while addressing environmental, amenity and other concerns. That will also enable input from communities.

Elaine Smith: Will the minister clarify whether planning requirements will cover masts on top of BT stations?

Sarah Boyack: As Elaine Smith and David Mundell both stressed, the critical issue is the detail behind our proposals.

I also expect councils to have procedures in place to ensure that planning applications for telecommunications development are dealt with efficiently and consistently. That point was made by many members. On the important concern raised by Linda Fabiani and Murray Tosh, the standard rate for planning applications will apply as we increase planning controls, which will enable full cost recovery for local authorities.

Failure by councils to provide an enabling planning framework and a positive approach to decision making on planning applications could not only deprive people and businesses in their own area of the technology but create gaps in network coverage that would deprive others as well.

As every member who has spoken this morning has acknowledged, there are no easy solutions. Planning involves making difficult choices: we should not simply assume that all will be well if we introduce full planning control. Although the Executive will liaise closely with the industry and planning authorities, I will expect the industry and planning authorities to work together constructively on solutions that balance the economic benefits of a modern telecommunications infrastructure with addressing environmental sensitivities and the concerns of local communities, which have been so strongly raised in the debate.

Mr Tosh: Will the minister give way?

Sarah Boyack: No. I want to move swiftly on to the issue of guidance, which many members raised.

As there is a clear need for central guidance and advice, I fully endorse the committee's recommendations in that respect; we will urgently start work on the preparation of national planning policy guidance and a planning advice note. In preparing planning guidance, we are committed to a more open and inclusive approach. As a result, we will involve the industry and planning authorities in preparing such guidance, which will, of course, be subject to a full public consultation exercise. Our aim is to circulate the draft NPPG later in the summer and in final form by the end of this year.

As is our current practice, the NPPG will be kept under review; however, I will not commit the Executive to the Transport and the Environment Committee's recommendation of an annual exercise, because I would prefer to allow some flexibility. That said, I recognise that guidance and advice must remain relevant to the needs of a fast-moving industry.

Some recommendations relate to the need for developers and planning authorities to liaise with each other and to co-operate more than at present. I could not agree more, and will encourage such an approach at every opportunity. Our guidance and advice will certainly emphasise that.

I now refer to the report's recommendations on health matters. The protection of public health will be at the heart of any action taken by the Executive. My colleague Susan Deacon, the Minister for Health and Community Care, and I clearly have a shared interest in working together to protect the health of the Scottish people.

Coincidentally, as we debate this subject, the Stewart report is being launched. I welcome the report as a helpful framework within which the Executive and the UK Government can develop matters, and it makes a number of recommendations that are relevant, respectively, to health, planning, education and industry. MSPs will wish to be aware of its main recommendations.

First—and this is worth stressing—the independent expert group has concluded that the balance of evidence to date does not suggest that emissions from mobile phones and base stations put the health of the UK population at risk. However, the group also notes that there is some preliminary scientific evidence which suggests that exposure to radio-frequency radiation might cause subtle effects on biological functions. That does not necessarily mean that health is affected, but

the Stewart group concludes that it is not possible to say that exposure to radio-frequency radiation—even at levels below national guidelines—is totally without potentially adverse effects.

Against that background, the group recommends that a precautionary approach to the use of mobile phone technologies should be adopted until more detailed and scientifically robust information becomes available. The report recommends further that—although there is no evidence that there is a general risk to the health of people who live near base stations—exclusion zones within which exposure guidelines may be exceeded, but which are defined by a physical barrier, should be established around antennae. The Stewart report also recommends that base stations should be brought within the normal planning process. Much of that chimes with the Transport and the Environment Committee's report.

Another recommendation proposes that the UK should adopt the guidelines that were prepared by the International Commission on Non-Ionizing Radiation Protection instead of the currently accepted—but less demanding—guidelines that are recommended by the National Radiological Protection Board.

Other recommendations in the Stewart report include proposals for publicity about the health aspects of mobile phones. It recommends measures that could be taken that would secure greater protection of children and measures to tackle the indiscriminate use of mobile phones in hospitals and other sites where radio-frequency radiation might interfere with sensitive equipment. The report also recommends further research in specified areas.

The protection of public health, and in particular children's health, must underlie our every action in the matter. The Executive has no difficulty, therefore, in accepting the Stewart group's recommendation that we should move towards a more precautionary approach. How such an approach can be implemented will, of course, be the subject of consultation, which I would like to see started soon.

In response to Helen Eadie's question I can say, however, that the Executive is happy to accept the Stewart report's suggestion that, as part of any precautionary approach, the ICNIRP guidelines should become the accepted standard in Scotland. Those guidelines have been incorporated in a European Council recommendation and agreed in principle by all countries in the European Union, including the UK. The Stewart group records its understanding that all mobile phones that are currently marketed in the UK comply with that EU recommendation. The report notes also that exposures from base stations are much lower than

those from mobile phones.

The Executive will need to study the Stewart report—which is a weighty document—in some depth. It would be wrong to respond to its detailed recommendations without reflecting on them and working on them with other ministers. We must consult widely before giving a more detailed response. I repeat that the protection of health will be our prime consideration. I recognise, however, that the relationship between planning and health is complex. That was addressed in the Transport and the Environment Committee's report and it requires that a number of practical issues and significant policy issues be addressed. A key task for the NPPG will be, therefore, to clarify that relationship.

Many members acknowledged that complex issues are involved and that it is important that we get this right. I intend to move forward as quickly as possible, but the introduction of a new regulatory framework along with complementary guidance and advice is a major task. That task involves working in partnership with the industry and local councils and requires a period of consultation. The dialogue that Des McNulty called for must start. The points that Ian Jenkins made about changing circumstances must be acknowledged. That is why I intend to call a summit early this summer to engage with local authorities and the mobile phone companies, to enable us to make progress swiftly and to have the dialogue that is urgently required.

I know that there is concern that the industry will try to accelerate its programme of mast development, but a telephone survey of Scottish planning authorities—whose co-operation earlier this week I greatly appreciated—suggests that that is not the case. Scottish ministers have powers to issue an article 4 direction. The effect of such action would be that operators would have to apply for planning permission for new development that was specified in the direction. It would not—indeed, could not—halt telecommunications development pending the introduction of a new planning regime.

We would have to consult on such proposals. They would at best confuse and at worst cut across the consultation that we intend to undertake on draft legislation, guidance and advice. I want to move ahead purposefully and swiftly.

I thank Andy Kerr and his committee for the report.

Dr Sylvia Jackson: Will the minister give way?

Sarah Boyack: I am concluding.

I also want to thank everyone who contributed to this morning's debate. Members have raised many

points, which, as Minister for Transport and the Environment, I will consider in developing proposals.

We have a window of opportunity to take forward a number of new initiatives to allay the real and widespread concerns that people have about these issues. We will therefore move forward urgently on the range of fronts that I have identified this morning, to ensure that Scotland has in place a regulatory framework for telecommunications development that supports our economic competitiveness, addresses environmental concerns and provides greater reassurance to the public on the potential impact on health.

12:21

Nora Radcliffe (Gordon) (LD): One of the pleasures of being a member of a committee of the Scottish Parliament is having the opportunity to examine an issue in some depth. Hindsight might be shedding a rosy glow when I say that because, as other members of the committee will concur, going through the equivalent of three telephone directories of written evidence was quite a slog at the time. Nevertheless, there is satisfaction in doing a thorough job. I want to add my thanks to the clerks to the committee for their excellent work in facilitating our task.

This has been an excellent debate with a great deal of consensus. Many members outlined the many deficiencies of the current situation and the lack of protection. Many members highlighted past mistakes and suggested how they should be put right. Suggestions ranged from encouraging voluntary action by operators, to making replacement of old masts a licensing requirement, as Nick Johnston suggested, to retrospective action, as indicated in the Stewart report.

Everyone who spoke seemed to accept that full planning control is the best way forward. Des McNulty encapsulated the benefits of full control quite neatly when he said that it would allow us to have proper notification, public involvement, technical assessment and local authority management, giving local flexibility and opening up the possibility of dialogue between communities' elected representatives and the operators and developers to ensure good communication and information, so that we can arrive at good local solutions.

There are concerns that full planning control might slow down the process. However, the evidence received by the committee did not suggest that such slowing down would or need be significant. The monetary aspect was also raised—as an Aberdonian, that appealed to me—which would mean that local authorities would get

fees that reflected the amount of work that goes into dealing with such matters, whether under the existing system or under full planning control.

One of the disbenefits of full planning control is the risk of lack of consistency across the UK. The fact that the Stewart report has come out in favour of full planning control eliminates that barrier, which is helpful.

We were concerned about whether retrospective action would be possible. We therefore welcome the Stewart committee's recommendation that retrospective reprobation of permitted development rights should be possible.

Sylvia Jackson asked what would happen in the intervening period and suggested that a moratorium might be one way of addressing the problem. The minister addressed that point in part when she said that a moratorium would not cut the intervening period by very much and could cause some confusion.

Dr Sylvia Jackson: Does the member agree that many communities in Scotland are worried about the intervening period? What does she advise such communities to do in the meantime?

Nora Radcliffe: I was coming to that point. That might be covered by the fact that it would probably be in the best interests of companies and developers to behave responsibly. If there are retrospective powers, it will not be in their interests to do something that they will require to put right later. The retrospective element is therefore quite important for the whole equation.

Among other points touched on was the importance of encouraging mast sharing, better mast design and a record of where masts are located—which would let us know what we are dealing with and would give us more comprehensive knowledge. Once we know all the locations, on-going monitoring—checking to ensure that things are as they should be as time goes on—

Bruce Crawford: Will the member give way?

Nora Radcliffe: Of course.

Bruce Crawford: Does Nora Radcliffe share my concern—the minister will, I hope, share it too—that, in the intervening period, local authorities will decide to have their own moratorium until the measures are in place? That would result in many more appeals being made to the minister as part of the planning process, and it would probably mean costs being racked up elsewhere. Speed is therefore absolutely necessary, and it would have been useful had the minister put a time scale on when the measures will be taken.

Nora Radcliffe: I thank Bruce Crawford for that point and I will take it on board.

Roaming arrangements and rural coverage were both covered. With regard to health, the committee's evidence indicated that there was no health risk, but everyone is aware that the technology has not been around for very long, and that knowledge about it is still developing.

Our recommendation was that the Scottish Executive should provide guidance and advice, which will take account of developing information as the research proceeds. We recommended that the Executive should set the framework for telecoms development in Scotland through national planning policy guidance, with full planning control provided through local authorities, and applying the precautionary principle in the light of the best, most current medical and scientific knowledge and advice.

It is helpful that the Stewart report supports that approach, and would provide for consistency across the UK. I accept the minister saying that, before she can make a full response, she has to take proper cognisance of both the Transport and the Environment Committee's report and the Stewart report. I am glad that she is moving towards our position, and I accept that it is important for there to be full discussions with the industry and with the planning authorities. I hope that only a small number of developments are permitted, and that planning control will be required for most of them.

I endorse the sentiment that swift action is important. The minister assured us that we will move forward as quickly as possible, taking into account the need for consultation, to arrive at the right, not the fastest, decision. I believe that speed and thoroughness will be accepted by everyone.

I commend the committee's report to Parliament.

Ms Margo MacDonald (Lothians) (SNP): On a point of order, Presiding Officer. I seek your guidance on whether the Parliament can expect a full account of the cost of moving to Glasgow, and a full explanation of why it should cost around £370,000 to deconstruct and then rebuild the chamber.

The Deputy Presiding Officer (Mr George Reid): Although that is not a formal point of order, I will try to be helpful. Parliament decided on 20 January to move to Glasgow. The costs are properly a matter for the Scottish Parliamentary Corporate Body and the Presiding Officer. I refer Ms MacDonald to rule 13.9.2 of the standing orders, which states:

"A question addressed to the Presiding Officer under paragraph 1 shall normally be for written answer but may, exceptionally, be for oral answer."

That cannot be done today, but I suggest that Ms MacDonald should look at that rule.

Business Motion

The Deputy Presiding Officer (Mr George Reid): The next item is consideration of motion S1M-826, in the name of Tom McCabe, on behalf of the Parliamentary Bureau.

Motion moved,

That the Parliament agrees the following programme of business—

Wednesday 17 May 2000

10.00 am	Time for Reflection
<i>followed by</i>	Executive Debate on Glasgow Regeneration
12.00 pm	Ministerial Statement on the Agricultural Holdings White Paper
<i>followed by</i>	Continuation of the Executive Debate on Glasgow Regeneration
<i>followed by</i>	Parliamentary Bureau Motions
5.00 pm	Decision Time
<i>followed by</i>	Members' Business – debate on the subject of S1M-599 Mike Watson: Epilepsy

Thursday 18 May 2000

9.30 am	Executive Debate on Community Care
<i>followed by</i>	Business Motion
2.30 pm	Question Time
3.10 pm	First Minister's Question Time
3.30 pm	Ministerial Statement
4.15 pm	Stage 1 Debate on the Sea Fisheries (Shellfish) Amendment (Scotland) Bill
<i>followed by</i>	Parliamentary Bureau Motions
5.00 pm	Decision Time
<i>followed by</i>	Members' Business – debate on the subject of S1M-704 Dorothy-Grace Elder: Stopping Out in Scottish Prisons

Wednesday 24 May 2000

9.30 am	Time for Reflection
<i>followed by</i>	Non Executive Business – Scottish National Party
2.30 pm	Ministerial Statement
3.00 pm	Stage 1 Debate – National Parks (Scotland) Bill
5.00 pm	Decision Time
<i>followed by</i>	Members' Business – debate on the subject of S1M-724 Johann Lamont: Jobs and Training in the Construction Industry

Thursday 25 May 2000

9.30 am	Ministerial Statement
10.00 am	Executive Debate on Rural Scotland – A New Approach
<i>followed by</i>	Business Motion
2.30 pm	Question Time
3.10 pm	First Minister's Question Time
3.30 pm	Executive Business
<i>followed by</i>	Parliamentary Bureau Motions
5.00 pm	Decision Time
<i>followed by</i>	Members' Business – debate on the subject of S1M-653 Mr Duncan Hamilton: Dyspraxia—[Mr McCabe.]

The Deputy Presiding Officer: The question is, that motion S1M-826, in the name of Mr Tom McCabe, be agreed to.

Motion agreed to.

12:29

Meeting suspended until 14:30.

14:30

On resuming—

Bruce Crawford (Mid Scotland and Fife) (SNP): On a point of order, Presiding Officer. I seek your advice and guidance. Last week, I sent you a copy of a letter that I had written to Jackie Baillie, to which I have still not received a reply. It concerned what she said during the debate on the Abolition of Poidings and Warrant Sales Bill. As you know, she informed the chamber that the press had not been briefed before the end of the debate about the fact that the Executive's position had changed. The subsequent media reports give rise to considerable disquiet about whether that statement was true. Parliament should never be misled, intentionally or otherwise. Has the minister approached you about making a statement to the chamber and, if not, what do you intend to do about it?

The Presiding Officer (Sir David Steel): I do not propose to do anything about it just now. As you said, you sent me a copy of your letter. It is only a week old and I think that you should give the minister time to reply. We shall leave it at that for the moment.

Question Time

SCOTTISH EXECUTIVE

Civil Service

1. Mr Keith Raffan (Mid Scotland and Fife) (LD): To ask the Scottish Executive what its current policy is in regard to civil service job dispersal within Scotland. (S1O-1657)

The Minister for Finance (Mr Jack McConnell): The Scottish Executive's policy on the location and relocation of civil service jobs remains as set out by the First Minister in his answer of 15 September 1999 to question S1W-1558 from Duncan McNeil. We are committed to the policy and will address location issues for bodies covered by it as opportunities arise.

Mr Raffan: Does the Scottish Executive plan to establish any new agencies or units or to reorganise any existing ones? Has a clear, open and transparent bidding process been established for such location and relocation decisions? Will preference be given to areas such as Fife and Dundee, both of which have a low ratio of civil service jobs per 10,000 population—three per 10,000 in Fife and eight per 10,000 in Dundee?

Mr McConnell: The policy is clear. Where existing leases in Edinburgh are coming to an end, the location of departments or agencies will be

reviewed. Where new agencies or departments are being created, or where existing agencies or departments are being merged, new locations will be considered. That will happen on every occasion.

As Mr Raffan is aware, the Parliament is debating the creation of a number of new bodies. On all occasions, we shall try to spread those jobs around Scotland. As I know from local members including Kate MacLean and John McAllion, Fife and Dundee are two locations where there is a low ratio of civil service jobs at present. I hope that those areas will be high up the list when it comes to considering the location and relocation of such jobs.

Mrs Margaret Ewing (Moray) (SNP): We all believed that the establishment of the Scottish Parliament would ensure that there would be no M8 corridor. As someone who represents a Highland seat, I think that that is very important. Will the minister comment on the situation at the Customs and Excise office in Elgin, where there will be a 60 per cent reduction in staff, rather than the 6 per cent recommended by the Government? If the Executive is to take action on dispersal, will it consider the need to retain existing expertise and knowledge, particularly in a field as sensitive as the work of Customs and Excise, which deals with not only the whisky industry in the area, but the problem of illegal drugs entering the country?

Mr McConnell: We are dealing with agencies and departments that come within the remit of the Scottish Executive and of this Parliament. For the Highlands, the issue is not just about dispersal from Edinburgh or from the M8 corridor. Even within the Highlands, there may be issues surrounding dispersal from Inverness to ensure that prosperity is shared. These are important issues, and I hope that we can address them all in due course, particularly for areas such as Moray.

New Deal

2. Alex Neil (Central Scotland) (SNP): To ask the Scottish Executive whether it will ask the appropriate joint ministerial committee to initiate a review of the new deal. (S1O-1679)

The Minister for Enterprise and Lifelong Learning (Henry McLeish): The new deal continues to perform well in Scotland. Since the programme was introduced, 23,000 young people have secured jobs. We are committed to a continuous improvement strategy for the new deal and the Scottish new deal advisory task force is actively monitoring performance and progress.

Alex Neil: We all share the objective of getting people off welfare and into work. However, will the minister take cognisance of the report published last month by the House of Commons Select

Committee on Education and Employment, which concluded that the new deal was not operating effectively enough in areas of high unemployment? In view of the fact that less than a fifth of the new deal budget for Scotland has been spent in the past three years, does the minister think that now is the appropriate time to devolve all responsibility for the new deal in Scotland to the Scottish Parliament?

Henry McLeish: No, I do not think that that would be an appropriate course of action to take. Alex Neil knows that there is a constant review of the new deal. The recent changes, with an improved advisory process and the addition of a range of external gateways, are addressing some of the issues for the new deal for the 25-plus age group. Improvements to the new deal for the 55-plus age group are also being introduced.

It is important to stress the theme of the new deal. More than 23,000 young people are getting jobs, 10,500 employers are involved and Sir Iain Robertson is chairing a task force. It is time for every MSP and every party in this chamber to talk up the success of the new deal, instead of having to listen again to the SNP denigrating what we are doing and, in the process, insulting those young people, employers and task force members who are giving of their best.

Housing (Glasgow)

3. Fiona Hyslop (Lothians) (SNP): To ask the Scottish Executive what estimate it has made of the proposed Glasgow housing association's VAT liability. (S1O-1694)

The Deputy Minister for Local Government (Mr Frank McAveety): VAT implications will depend upon the structures that are ultimately put in place.

Fiona Hyslop: The minister will be aware of the Ernst & Young report, which states that the VAT liability is likely to be £200 million. Does he recognise that the UK Treasury is unlikely to allow the books to be cooked to mitigate that liability? Does he admit that, if the Glasgow scheme is done on a private basis, it could cost £200 million more than if it were done through the public purse?

Mr McAveety: That report indicates that there is a potential liability of £200 million, but Fiona Hyslop omitted to say that that figure should be measured against the figure of eight times that amount—the development will allow for investment of £1.6 billion. The proposal that is being developed in Glasgow will deal with debt, invest in housing, have greater tenant involvement and rent stability and create 3,000 jobs. That will all be done before we reach the SNP's mythical independence date of 2007.

4. Mr Kenneth Gibson (Glasgow) (SNP): I thought that Frank McAveety was really one of us.

To ask the Scottish Executive what discussions it has had with Glasgow City Council regarding demolition of public housing within the city of Glasgow. (S1O-1684)

Mr McAveety: Local authority responsibility for demolition primarily lies with Glasgow City Council. The framework document for developing the Glasgow housing association requires that, in future, tenants will be fully involved in any decisions about demolitions in their area.

Mr Gibson: Is the minister aware of the genuine concern felt by many communities in Glasgow that their homes will be demolished following the proposed Glasgow housing stock transfer? Will he advise the chamber how many homes will be demolished following stock transfer, when tenants will be notified and where they will be rehoused?

Mr McAveety: It is important that we handle any debate on renewal of housing sensitively. Like many other MSPs who are former members of local authorities, I think that the matter should be dealt with in an understanding fashion.

Many of those who have argued that there will be wholesale clearances of areas were, curiously enough, those who repeatedly stood against my party in local government elections during the past few years. In my constituency, I have had to pick up the debris left by the scaremongers who claim, for example, that the multistorey flats in the Gorbals will be demolished. We have stated clearly that any demolition will depend on how the tenants view the long-term development of their area. If we want to trust in housing for people in future, surely we should trust the tenants to make that decision.

Bill Aitken (Glasgow) (Con): Does the minister agree that, if the stock transfer does not proceed, and if the appropriate investment in Glasgow's housing is not made, demolition will become commonplace in Glasgow, rather than occasional as it is at present?

Mr McAveety: We must ensure that we have the investment in place that Glasgow requires over the next period. The framework document lays out in outline terms how we can best deliver that investment. Ultimately, this is for the tenants of Glasgow to decide. I have great confidence in the people of Glasgow; they are fairly pragmatic and realistic and will determine their views once they have received fuller information. I am fairly confident that once that is done we will have the investment, which will meet the aim that Bill Aitken and I share—that people should have decent and affordable social rented housing in Glasgow.

Scottish Arts Council

5. Mrs Mary Mulligan (Linlithgow) (Lab): To ask the Scottish Executive what role the Scottish Arts Council will play in the development of the creative industries. (S1O-1663)

The Deputy Minister for Culture and Sport (Rhona Brankin): The creative industries make an enormous contribution, both culturally and economically, to the lives of people and communities throughout Scotland, and have been identified as one of the key areas to be addressed in the development of the national cultural strategy. The Scottish Arts Council will have an important role to play, in conjunction with Scottish Enterprise, in developing the sector in the future.

Mrs Mulligan: Can the minister give specific examples of the areas of work that are to be prioritised?

Rhona Brankin: The priority areas, in which Scots are already making their mark worldwide, are music, publishing, games software and crafts, and increasingly digital media, design and architecture. Currently, the creative industries account for approximately £5.3 billion in the Scottish economy and contribute 70,000 jobs.

Mr Keith Raffan (Mid Scotland and Fife) (LD): Can the minister tell us the current position of the national policy on architecture that the Scottish Executive is developing? What part will the Scottish Arts Council play in that?

Rhona Brankin: We are at the end of the consultation period on the national policy on architecture. We will be publishing a response to the consultation in the summer, and the policy document will be in place early in the new year.

Homelessness

6. Patricia Ferguson (Glasgow Maryhill) (Lab): To ask the Scottish Executive what action it plans to take as a result of the recent survey into begging and homelessness carried out by the University of Glasgow on behalf of the Joseph Rowntree Foundation. (S1O-1665)

The Deputy Minister for Local Government (Mr Frank McAveety): The Executive welcomes the report, which sets out important new information on the overlap between rough sleeping and begging in Glasgow and Edinburgh. The findings of the report support the Executive's approach of providing £36 million for the rough sleepers initiative to address causes and to find sustainable solutions. Suzanne Fitzpatrick, one of the authors of the report, is also a member of the Glasgow review team and the homelessness task force.

Patricia Ferguson: Does the minister agree that the magazine *The Big Issue in Scotland*

provides a valuable source of income for homeless people and often helps them to avoid crime? Does he also agree that any resettlement package that is put together with homeless people in mind should take account of the fact that there is a need to provide all-round support and assistance, particularly with regard to income?

Mr McAveety: I agree with Patricia Ferguson. We need to find ways in which to support individuals who find themselves rough sleeping. In addition, there must be support services to ensure that people do not return to rough sleeping, even after a short period of rehabilitation. We want to work closely with organisations such as The Big Issue in Scotland Ltd, which will itself address many of the issues that are raised in the report. We hope that we have all-party support—I think that we have—to deliver an approach that will ensure that rough sleeping is eliminated in the lifetime of this Parliament.

Dennis Canavan (Falkirk West): Does the minister agree that it did not say much for Scottish generosity and hospitality when recently some asylum seekers were arrested and sent back to London for allegedly begging in the streets of Scotland? Will the Scottish Executive send appropriate guidance to all Scottish local authorities and police forces to ensure that there is no repetition of such an occurrence and that people who seek refuge in Scotland are given a more positive reception?

Mr McAveety: In that instance, one of the findings was that many of the individuals who were involved in those activities were not necessarily those who had been sent up to the city of Glasgow under the refugee programme, but those who, in fact, had slipped through the net. We share the concerns that have been raised. We should ensure that people behave appropriately in such situations and that the public interest is looked after. On balance, the local authority was left with little or no choice but to return those individuals, but I contrast that with the tremendous support that Glasgow City Council has given to the refugee programme and with the fact that it has pioneered some good developments in that respect. On balance, the local authority has been positive rather than negative.

Tiree Mart (Funding)

7. Rhoda Grant (Highlands and Islands) (Lab): To ask the Scottish Executive whether funding for the new mart facility on Tiree will be made available. (S1O-1688)

The Minister for Rural Affairs (Ross Finnie): I am sorry to say that it is too early to give such a firm commitment. I intend to use the new European rural development regulation, which will be available later this year, to assist in such

projects, and I am especially anxious that the use of that regulation should be of particular benefit to those in remote and rural island communities.

The Tìree mart proposal, however, has not been without its difficulties. Those difficulties are being examined and I encourage all those who are concerned and want the project to develop to work together to try to resolve the earlier problems. My department will certainly do all that it can to assist in that.

Rhoda Grant: I am glad that the minister is aware of the work that is being done by crofters and farmers, Argyll and Bute Council, Argyll and the Islands Enterprise, and United Auctions, which between them have managed to raise half the funding that is required for the mart. Will the minister consult, or agree to meet, one or all of those groups when he considers the decision?

Ross Finnie: I am certainly happy to encourage the widest possible community debate to try to resolve the problems that prevented the success of the earlier application for funding. I—or the department—will be happy to co-ordinate with all the bodies. Indeed, we are in discussions with almost all the bodies that are working on the project.

Industrial Museums

8. Mr Brian Monteith (Mid Scotland and Fife) (Con): To ask the Scottish Executive what steps it is taking to address the financial situation of industrial museums in Scotland, particularly the Scottish Mining Museum at Newtongrange, Midlothian. (S1O-1646)

The Minister for Children and Education (Mr Sam Galbraith): We have made it clear that we have a statutory responsibility to provide funds for the national museums and galleries, but cannot be expected to fund museums in the independent sector for which we have no responsibility. Nevertheless, last year we made available £100,000 to the Scottish Mining Museum to keep it in business and to engage consultants.

Mr Monteith: I thank the minister for his full reply. From his answer, he is no doubt aware that industrial museums, such as Summerlee—the birthplace of Keir Hardie—are important in Scotland.

The Scottish Mining Museum had a consultants' report, which the minister helped to fund. That report established that the cost of mothballing would be greater than the cost of keeping the museum open. Given that the Executive was able to find £2.1 million to help Scottish Opera, can it find additional funds to see the Scottish Mining Museum through difficult times?

Mr Galbraith: As Brian Monteith knows, the

problem is that we have 160 independent museums in Scotland, all of which were set up without reference to the Executive and many with unrealistic projections. We cannot be expected to fund all those museums.

The consultants' reports on the Scottish Mining Museum are available. We had a discussion with the trustees at the end of last week; discussions are continuing.

Alasdair Morgan (Galloway and Upper Nithsdale) (SNP): The Wanlockhead Lead Mining Museum was recently given one of the Scottish Tourist Board's highest accolades. Does the minister agree that we do not want to lose vital parts of our national heritage, and vital businesses in economically deprived areas, because of temporary factors such as the downturn in tourism that has been caused by the high value of the pound?

Mr Galbraith: Again, I reaffirm my support for industrial—indeed, any—museums that are part of our national heritage. The problem arises when a large number of such museums are set up without any reference to the Executive—they are set up without any realistic projections and we cannot be expected to fund them all. We do what we can, but the Executive has responsibilities to our national museums, which must take priority.

Irene Oldfather (Cunninghame South) (Lab): The minister will be aware of the financial difficulties that are faced by the Scottish Maritime Museum in my constituency. Will he give an assurance that he will work with the museum's directors to try to find a resolution to the funding difficulties so as to avoid the loss of some 80 jobs and an essential part of Scotland's maritime heritage?

Mr Galbraith: I recently visited part of the Scottish Maritime Museum—and a splendid museum it is. I dealt with this issue in my previous role as a Scottish Office minister, when I made available additional funds to the museum so that it could review its structures and its future. In all such cases, we are willing to work with the museums and do what we can, because all museums play a vital part in the nation's culture. Again, however, I enter the caveat: the Scottish Executive cannot simply be expected to fund museums that have been set up independently.

Wick Airport

9. Mr Jamie Stone (Caithness, Sutherland and Easter Ross) (LD): To ask the Scottish Executive, further to the answer to question S1O-1544 by Sarah Boyack on 6 April 2000, whether the necessary funding will be made available for resurfacing the main runway at Wick airport. (S1O-1659)

The Minister for Transport and the Environment (Sarah Boyack): The operator of Wick airport, Highlands and Islands Airports Ltd, is continuing to give the highest priority to making preparations for the resurfacing of the airport's main runway.

Mr Stone: I am sure that the minister will agree that the state of the runway presents a threat to the economy of the far north. Some say this and some say that, but it is not clear to the general public whether HIAL has already been given the money for this project or whether it is seeking additional funding from the Scottish Executive. Will the minister look into this problem as a matter of some urgency?

Sarah Boyack: I am well aware of the background to this issue. Over the past couple of years, HIAL has had to cope with unexpected financial as well as regulatory pressures, which has put pressure on the organisation. I am currently considering HIAL's funding arrangements and intend to make an announcement shortly.

Dr Winnie Ewing (Highlands and Islands) (SNP): The minister has conceded that the resurfacing work is vital to the whole economy of Caithness. Will she also concede that money for the work was in the Highlands budget for last year, but that that had to be rejigged because of the scandal of the Ministry of Defence charging £1 million for the purchase of the airport in Stornoway, under the threat of selling it to the private sector? Is that not another example of why Scotland needs to be independent, so that we can deal with the Ministry of Defence?

Sarah Boyack: I am extremely sorry to have to disappoint Dr Ewing, but that is not the case. As I stated to Mr Jamie Stone, there were unexpected financial as well as regulatory pressures, such as the removal of oil-related traffic from Sumburgh to Scrabster and the withdrawal by KLM UK of its services from Inverness to Stansted and Amsterdam. HIAL must also deal with regulatory issues, including the level of fire cover at its airports and environmental works relating to the use of de-icer fluid. As I told Mr Stone, I am currently considering the funding arrangements for HIAL and I expect to make an announcement shortly.

Mobile Phone Licences (Funds)

10. David Mundell (South of Scotland) (Con): To ask the Scottish Executive whether it has had any discussions with Her Majesty's Government about the application in Scotland of the funds raised during the current mobile phone licence auction. (S10-1647)

The Minister for Finance (Mr Jack McConnell): No.

David Mundell: I thank Mr McConnell for at least answering the question. Does the minister agree that in the 21st century information and communications technology will be as vital an infrastructure as road and rail were in the 20th century? Does he accept that asymmetric digital subscriber line and wireless application protocol mobile phone technology will not be available to everyone in Scotland if only commercial considerations apply in its deployment? Does he agree that public investment in Scotland's ICT infrastructure would be a good use of the funds raised during the licence auction?

Mr McConnell: In this financial year there is a record level of public investment in services and infrastructure across Scotland. That is good news for Scotland and one of the benefits of having a prudent approach to the economy, as Mr Mundell knows. Although technology and infrastructure is important in the 21st century, it is also important that the private sector recognises its responsibilities. It is making a lot of money out of this new technology and its infrastructure, and it should be investing to ensure that that is in place right across Scotland, including rural Scotland.

Ms Margo MacDonald (Lothians) (SNP): I have a simple question. Why has the minister not asked the chancellor about the licence auction money?

Mr McConnell: Because the discussions that we have with the Treasury—with the Chief Secretary to the Treasury as well as with the Chancellor of the Exchequer—are about the implementation of the funding policy that secures Scotland a higher-than-average increase in expenditure on every occasion that public funds are distributed. That is a good deal for Scotland and, when the chancellor pays off the national debt, that assists us.

National Health Service

11. Mary Scanlon (Highlands and Islands) (Con): To ask the Scottish Executive what plans it has for walk-in-walk-out hospitals and one-stop clinics in Scotland. (S10-1686)

The Minister for Health and Community Care (Susan Deacon): We are currently taking forward the commitment set out in our programme for government to launch a new generation of walk-in-walk-out hospitals and to establish an additional 80 one-stop clinics by 2002.

Mary Scanlon: Given that one-stop clinics and walk-in-walk-out hospitals require considerable investment in diagnostic scanning and radiography equipment, will the minister explain how that will be achieved when capital spending on equipment is currently less than half what it was in 1997; when, as tonight's *Edinburgh Evening News*

shows, in Lothian it is down by 75 per cent over the past four years; and when even her own proposed future increases will still leave the national health service with less capital spending than there was under the Conservatives in 1995 and 1996?

The Presiding Officer (Sir David Steel): Let us keep the discussion to walk-in-walk-out hospitals, please.

Susan Deacon: I remind the member, and other members in the chamber, that delivering the new, effective and more responsive types of care to which we are committed requires additional investment, changes to working practices and investment in infrastructure. We are delivering on all those things.

In 1998-99, the figure for capital spending on equipment was £136 million. That is scheduled to rise to £179 million in 2000-01 and to £194 million in 2001-02. Alongside that, almost £0.5 billion extra has gone into the health service this year, which represents record investment in developing our NHS here in Scotland. There is no question but that this Executive is starting to turn around the situation that the NHS has been in for 20 years. It was under-resourced and short of capital; when money was spent, it was spent on the wrong things. We, however, are investing more and investing better. Fast and more responsive treatment is part of that.

The Presiding Officer: I remind members that questions must relate to the main question.

Mrs Margaret Smith (Edinburgh West) (LD): If walk-in-walk-out hospitals and one-stop clinics are to be successful, among the main reasons for that will be a redesign of services and new ways of utilising staff. What discussions has the Executive had with professional staff bodies and unions about the impact of ambulatory care and diagnostic centres and one-stop clinics on working practices, training, grading and professional boundaries?

Susan Deacon: We now have a continuous dialogue with professional bodies, in relation not only to new ways of delivering services, but to the much wider range of changes and developments that are taking place in the service. The essence of the partnership working approach that we are trying to establish in the NHS in Scotland—towards which we have taken significant steps—is that we do not just bring people together once and once only on a specific issue, but have a continuous dialogue.

Nationally and locally, as facilities such as ACADs are developed, staff must be involved in discussions. They must be fully involved in designing the working practices to support the new forms of service delivery. I am pleased that staff

are increasingly involved in the consultation processes that are taking place in many parts of the country on developing those new services. I am sure that more could and will be done to facilitate that staff involvement. At a national level, I certainly hope to support it through discussions with professional bodies to ensure that we move forward in our modernisation of the health service.

Railways (Electrification)

12. Mr Kenny MacAskill (Lothians) (SNP): To ask the Scottish Executive what representations it has made or proposes to make regarding the electrification of the east coast main line. (S10-1664)

The Minister for Transport and the Environment (Sarah Boyack): The Scottish Executive will be able to issue advice to the strategic rail authority on the strategic priorities for the east coast main line franchise. It will be for the train operating companies and Railtrack to provide the necessary infrastructure to meet the terms of that franchise.

Mr MacAskill: Given that Virgin and Great North Eastern Railway are seeking a 21-year or 22-year franchise, if a generation is not to pass without electrification, will the minister confirm to the Parliament that she will give direction and guidance that will make it a condition of the franchise that there will be electrification north of the city of Edinburgh, allowing electrification from London through to Aberdeen? Will she make that a condition? Will she give that direction and guidance?

Sarah Boyack: I know from Mr MacAskill's series of questions on electrification that he is extremely interested in the issue. I repeat to him the point that I have made on previous occasions: the critical issue for the east coast main line franchise is the quality of service that can be provided by the rail companies. Passengers are not interested in how the train is powered; they are interested in the regularity and comfort of the trains. They are interested in our ensuring that the franchise that we get is better than the one that we have at the moment. That will be my priority.

Lewis Macdonald (Aberdeen Central) (Lab): I thank Sarah Boyack for that answer. Will she confirm that Railtrack has published its view that a two-hour journey time can be achieved between Aberdeen and Edinburgh, using modern diesel trains, by 2011? Will she also confirm that a commitment by the strategic rail authority to bring forward that target date from 2011 to 2006 would meet many of the aspirations for rail enhancement on the east coast main line?

Sarah Boyack: I am happy to confirm the points that Mr Macdonald made. The key issue is that

constructive dialogue is taking place within the rail industry and with the communities that are served on that route. The challenge before us is to maximise both the quality of service and the line speeds. I think that the measures in place will give us that.

Mr Murray Tosh (South of Scotland) (Con): In giving guidance to the Government about the award of the east coast main line franchise, has the Executive considered making a willingness on the part of Virgin or GNER to fund a central Borders railway line one of the key criteria for deciding which bid to recommend?

The Presiding Officer: I do not think that that is to do with the east coast main line, if my geography serves me right.

Mr Tosh: It is in relation to the east coast franchise, which has been the subject of the questions asked so far.

The Presiding Officer: No. We will move on to question 13.

Manufacturing

13. Mr Duncan McNeil (Greenock and Inverclyde) (Lab): To ask the Scottish Executive whether it will make a statement about productivity levels in Scotland's manufacturing industry and any work it is undertaking in conjunction with industry to improve productivity in Scotland. (S10-1691)

The Deputy Minister for Enterprise and Lifelong Learning (Nicol Stephen): Estimates suggest that, while manufacturing productivity has grown strongly in Scotland over recent years, the level of output per person employed in the sector is marginally below that in the UK. The latest figures are £33,435 per person in Scotland and £33,614 per person in the UK. The Scottish Executive's strong commitment to helping manufacturers raise productivity is reflected in "Created in Scotland—The Way Forward for Scottish Manufacturing in the 21st Century", which was published in March. It was one of the first and most important documents to be produced by the enterprise and lifelong learning department. It indicates a wide range of measures to improve competitiveness and productivity. It has been widely welcomed by the manufacturing industry.

Mr McNeil: I thank the minister for his response.

Does the minister agree that productivity remains the key to long-term stability and growth and that forward-looking companies recognise that investing in technology and the skills of their employees to boost productivity offers a more viable prospect for future stability than relying on favourable fluctuations in currency exchange rates?

Nicol Stephen: Exchange rates are clearly a factor, but it is interesting to note that there has been continuing growth in manufacturing exports from Scotland. In the year to the end of 1999, there was a growth of manufacturing exports of 6.6 per cent. Government can support, but it cannot create. That is the challenge for Government: to support more innovation and encourage an environment where there is greater investment in research and development, greater investment in new technologies and, most important of all, greater investment in new skills and knowledge.

In that regard, later this month we will publish our response to the Cubie proposals, another important document to come forward from the Executive. In that context, between 1993 and 1999, manufacturing productivity in Scotland was up 32 per cent versus a 6 per cent increase across the UK.

Mr John Swinney (North Tayside) (SNP): I will ask about the coherence of the Executive's position on manufacturing strategy. Since the general election in 1997, 25,000 jobs have been lost in the manufacturing sector. Will the minister tell us whether he supports the comment of the Minister for Rural Affairs that the strength of sterling is now a serious problem? That seems to contradict Duncan McNeil's argument. How many times has the Scottish Executive told the Chancellor of the Exchequer, in no uncertain terms, that UK Government economic policy is harming the manufacturing sector in Scotland?

Nicol Stephen: As I said at the start of my previous answer, exchange rates are clearly a factor, but they are only one of the factors that create problems for our manufacturing sector. Despite that, our manufacturing sector has continued to do well.

Whether the issue is the strength of the pound or the weakness of the euro is a different question. There has been a degree of stability in the exchange rate for our manufacturing exports to other parts of the world. The position in relation to Europe is more difficult. We have to live in this environment. The Executive and the Parliament have to continue to encourage the development of our manufacturing sector, whatever the economic climate.

Miss Annabel Goldie (West of Scotland) (Con): Does the minister accept that all his words of reassurance seem like so much wringing of hands by Pontius Pilate, given that, if one's manufacturing industry is in the west of Scotland, one is just about stymied by completely inadequate transport links? Furthermore, those who are unfortunate enough to be trying to operate out of the west of Glasgow are in an impossible situation because of what is happening

with the Kingston bridge and the M8.

Nicol Stephen: It is difficult to know where to start to answer such a question from the Conservative party, which presided over the biggest decline in manufacturing in the 20th century. The issue of infrastructure is important and investment in infrastructure is clearly important for our businesses. We have received representations on that. [*Interruption.*]

The Presiding Officer: Order.

Nicol Stephen: From a sedentary position, Phil Gallie suggests that the Conservatives invested in infrastructure. The Conservative Government also presided over a very significant decline in investment in transport infrastructure. The problems flowing from that are evident.

I underscore the fact that the Executive is doing much to support manufacturing. The manufacturing strategy is a high priority. I wish that, for once, the Parliament would unite behind the Executive's efforts to work with industry to further increase the level of manufacturing exports, which continues to rise.

Draft Land Reform Bill

14. Phil Gallie (South of Scotland) (Con): To ask the Scottish Executive what discussions it has had with Her Majesty's Government or other bodies on the use of private land for defence training purposes and what consideration has been given to this in the draft land reform bill. (S1O-1655)

The Deputy Minister for Justice (Angus MacKay): The Scottish Executive is in regular contact with the UK Government on a wide range of issues, including defence. Agreements for the use of private land for defence training are negotiated directly between the Ministry of Defence and the land agents concerned.

The draft land reform legislation will provide for a community right to buy and a crofting community right to buy throughout eligible areas of Scotland. We have consulted the Ministry of Defence, because of its interests in land. The bill's access provisions will recognise that it may be necessary in certain circumstances to manage access to private land when it is being used for defence training purposes, on grounds of safety. We plan to publish our draft land reform bill in early summer for consultation.

Phil Gallie: Can the minister give an assurance that any legislation on land reform in Scotland that is pursued by the Executive will guarantee that training facilities for our armed services will not be lost? Will he ensure that the interests of those who are tenants or who own land that is used by the services will not be saddled with undue burdens?

Angus MacKay: I can give a categorical assurance on that point.

Road Safety (Children)

15. Elaine Thomson (Aberdeen North) (Lab): To ask the Scottish Executive, in the light of the findings of the recent study "Road Accidents and Children Living in Disadvantaged Areas", what steps are being taken to address the link between child pedestrian accident rates and social exclusion. (S1O-1683)

The Minister for Transport and the Environment (Sarah Boyack): The Scottish Executive will take the study's findings into account when targeting road safety campaigns and developing social inclusion strategies for disadvantaged areas. That will help us to make progress towards meeting our target of a 50 per cent reduction in the number of child road deaths and serious injuries by 2010.

Elaine Thomson: Does the minister agree that recent initiatives such as Grampian police's speedwatch blitz, which resulted in a 34 per cent drop in the number of people who were caught speeding, are playing a significant role in reducing the number of child pedestrian accidents and fatalities? Does she agree that such initiatives are particularly important in deprived areas, where a larger number of children walk to school?

Sarah Boyack: Initiatives on speeding are important in reducing inappropriate speeds in areas in which children are playing or walking to school. We need to do more on safer routes to school and on road safety campaigns that are targeted at children. One of the key points to emerge from the study was that the risk of death to child pedestrians was strongly class related: children in the lowest socio-economic group are four times more likely to be killed than their counterparts in the highest socio-economic group. We need general campaigns, but we must also target them in the right areas.

The Presiding Officer: Before we move on to First Minister's question time, I am sure members would like to welcome the visitors in the VIP gallery—38 members of the European Parliament, led by Pat Cox from Ireland, who are here to observe our proceedings.

First Minister's Question Time

SCOTTISH EXECUTIVE

Prime Minister (Meetings)

1. Mr Alex Salmond (Banff and Buchan) (SNP): To ask the acting First Minister when he next intends to meet the Prime Minister—there is a downside to every job—and what they intend to discuss. (S1F-308)

The Deputy First Minister and Minister for Justice (Mr Jim Wallace): I shall meet the Prime Minister at the joint ministerial committee on health planned for the end of this month.

Mr Salmond: Will the acting First Minister support the Minister for Rural Affairs—as the Deputy Minister for Enterprise and Lifelong Learning so clearly failed to do—in his excellent comments in Europe yesterday, when he said that the impact of high sterling on Scottish exporters was “unbelievable” in terms of the damage to jobs in Scotland? Does the acting First Minister agree that the failure to enter the euro is a missed opportunity and that the failure to have a strategy to enter the euro is costing thousands of jobs? Will he tell the Prime Minister to stop shilly-shallying on this issue?

Mr Wallace: I thought that the Deputy Minister for Enterprise and Lifelong Learning gave a very robust defence of Scottish manufacturing. Unlike Mr Salmond, I have had an opportunity to talk to the Minister for Rural Affairs to find out what he said. To point out the difficulties facing Scottish manufacturers as a result of the relative strength of the pound is not particularly new or original. Yesterday, during Prime Minister's questions, the Prime Minister said:

“Let us be clear, the problem of manufacturers, particularly those selling into Europe, is the current strength of the pound.”—[*Official Report, House of Commons*, 10 May 2000; Vol 349, c 832.]

We should pay tribute to our manufacturing exporters. Their efforts have secured an 8.4 per cent increase in exports last year. I do not deny the difficulties that they will have with tight margins if they are to win European markets. However, as Ross Finnie rightly said yesterday when he met Scottish seafood exporters to Europe at an exhibition in Brussels, a recovery of the French and German economies would give a major boost to our exporters. He also said that it would be folly to join the euro tomorrow. I know that Mr Salmond quite properly supports entry into the euro, but he is rather vague about when that should happen.

Mr Salmond: It may have been a robust defence of Scottish manufacturing, but it was not a

robust defence of Ross Finnie. Ross Finnie called for a strategy to enter the euro and I want to test the acting First Minister's resolve on this issue. The instruction to the Prime Minister to stop shilly-shallying was a direct quotation from his party leader, Charles Kennedy. I know that he is in opposition in London and can speak his mind, while the acting First Minister has to mind his p's and q's—that is why he wins by-elections and the Liberal Democrats here get beaten by Hamilton Accies—but now that the acting First Minister knows that it is a direct quotation from his federal party leader, will he tell the Prime Minister to stop shilly-shallying on this issue, which is costing thousands of jobs?

Mr Wallace: If anyone is shilly-shallying on the issue it is a man who postures, yet never gives us any answers. [*Interruption.*]

The Presiding Officer (Sir David Steel): Order. Members must listen.

Mr Wallace: Mr Salmond's party, quite properly, supports entry into the euro. The Labour party agrees, as do the Liberal Democrats. The only ones who are isolated are the Tories. It is an issue on which we are agreed in principle; the differences arise in matters of transition and timing. The Chancellor of the Exchequer has set out the Government's strategy and, on Monday, my party leader set out the Liberal Democrat position. It is high time that Mr Salmond's party indicated how it proposes to address the difficult question of how we move towards entry into the euro.

Mr Salmond: At question time, the acting First Minister should answer the questions. Was the Minister for Rural Affairs right when he called for a clear strategy for entry into the euro? Does he support his party leader in calling on the Prime Minister to stop shilly-shallying on this issue? Does he understand that we want him not just to be the acting First Minister, but to act like a First Minister and speak for Scotland on this issue?

Mr Wallace: I always speak for Scotland. The Minister for Rural Affairs was right yesterday to say that it would be folly to join the euro tomorrow. I am still not sure whether Mr Salmond accepts that view. As I have said, we are developing a strategy. The Government has a strategy. On that matter, Mr Salmond is silent. We hear more about the euro from Mr Salmond than about independence, but on both issues he is vague when it comes to the details of how they will work in practice.

Hugh Henry (Paisley South) (Lab): Will the Deputy First Minister assure me that when he next speaks to the Prime Minister he will draw his attention to the fact that yesterday, for the first time in many hundreds of years, a democratically

elected Scottish Parliament discussed independence and rejected comprehensively Alex Salmond's views?

Mr Wallace: I rather suspect that the Prime Minister saw that for himself. The Parliament voted overwhelmingly yesterday to reject independence because it knows that it is a dead-end for Scotland. *[Interruption.]*

The Presiding Officer: Order. Members are being very noisy this afternoon. They must listen to the questions and answers.

Cabinet (Meetings)

2. David McLetchie (Lothians) (Con): To ask the First Minister what issues were discussed at this week's meeting of the Scottish Executive's Cabinet. (S1F-307)

The Deputy First Minister and Minister for Justice (Mr Jim Wallace): The Cabinet discussed several matters of significance to the Executive and to the people of Scotland.

David McLetchie: I see that the acting First Minister has learned his lines very well, because that is exactly the same answer as the First Minister normally gives when he is with us. I would have thought that the self-styled champion of freedom of information might have been a bit more expansive, but that is clearly only a skin-deep commitment.

As regards future Cabinet meetings, now that the acting First Minister is setting the agenda, can we expect law and order and justice to be given the attention they deserve and a bigger share of the public spending cake in Scotland? Mr Wallace has clearly been ignored so far at those meetings, given that the budget for his department has been cut by 10 per cent this year.

Mr Wallace: I am glad that Mr McLetchie noted that my answer was identical to that usually given by the First Minister in answer to Mr McLetchie's repetitive question. It proves that it is business as usual.

I can assure Mr McLetchie that issues of law and order are discussed by the Cabinet as and when appropriate. Indeed, there is a strong commitment in the Executive to curbing crime in Scotland, to ensure that people can live free from crime and, importantly, free from the fear of crime. When I spoke to the Scottish Police Federation last month, on a day when I announced a further £1.7 million investment in DNA testing to help our police in the important work of detection, I indicated that we would be making a further announcement, following the Cabinet's discussion of the spending priorities from the consequential from the budget that we got. That announcement will be made in the near future.

David McLetchie: The objectives are worthy, but the funding is not there.

If we consider one aspect of the Executive's recently published annual expenditure report—Mr Wallace's department—we see that while virtually everything else in the justice department's budget has been cut, including, for the first time in its history, funding for victim support and witness services, spending on offender services will increase by 22 per cent over three years. Is that the minister's idea of justice with Jim—more for the criminals and less for the victims?

Mr Wallace: I am sure that Mr McLetchie will have noticed that funding to the police authorities is some 3.7 per cent up—ahead of the rate of inflation. In addition, last year we gave the police forces additional money—£4.8 million, I think—to fund their millennium policing. As that money was already committed, it allowed them to recruit.

We are putting £10 million into a Scottish Drugs Enforcement Agency over the next two years to tackle the important issue of drugs, which even Mr McLetchie would agree are a scourge for many of our communities.

Mr McLetchie talks about investment in offender services. I hope that he agrees that it will be very worth while for our communities affected by crime if we can ensure that fewer former prisoners reoffend.

David McLetchie: The acting First Minister seems to be unable to understand simple arithmetic. Chapter 5 of "Investing in You" says:

"In 1999-00 the Justice budget was £589m . . . Our budget for 2000-01 is £528m".

That is a reduction of 10 per cent. The acting First Minister is not giving law and order in this country the attention and resources it deserves. Facts are chieft; he should face up to them.

Mr Wallace: The truth is that the amount of money that is going to the police authorities is up, as is the amount that we have added through the millennium funding. We have just announced new money for DNA testing, and we will announce spending priorities—as I have already indicated to the Scottish Police Federation—to allow the further recruitment of police officers in the coming weeks and months. That also means that spending on the police has increased. Anyone who examines our record will find that our deployment of money is very effective and ensures that our communities live in greater safety and free from the fear of crime.

Lung Transplant Services

3. Dorothy-Grace Elder (Glasgow) (SNP): To ask the First Minister, further to the answer to question S1W-2780 by Susan Deacon on 17

December 1999, what stage consideration of lung transplant services in Scotland has reached as part of the review of cardiothoracic transplantation services in England. (S1F-313)

The Deputy First Minister and Minister for Justice (Mr Jim Wallace): The national services advisory group, which advises the Scottish Executive health department, considered the issue when it met earlier this week. The department is waiting for the group's recommendations and the outcome of the review in England has not yet been published.

Dorothy-Grace Elder: Bearing in mind the fact that the heart transplant unit at Glasgow royal infirmary, which was initially intended for heart and lung transplantation, has now closed, causing terrible distress to patients and relatives, will the Deputy First Minister put first and foremost the 37 patients who wait by their phones hour after hour to find out whether there is a chance of a transplant? Furthermore, will the Deputy First Minister assure those people and this Parliament that Scotland's only cardiac transplantation unit will not close permanently and that critically ill Scots will not be forced, for up to a year, to make the long journey to Newcastle?

Mr Wallace: I can confirm that the health department is considering extending the heart programme to include heart and lung transplantation. Although it is accepted that patients currently go to Newcastle for such operations, I am sure that Dorothy-Grace Elder will agree that it is essential that any development in the service should be in the patients' interest.

I can also assure Dorothy-Grace Elder that there is no intention to close the heart transplant unit in Glasgow—it is important to stress that because there is much misrepresentation abroad. Susan Deacon has made that perfectly clear, and the Scottish Executive is working closely with the health trust to put in place both short-term and long-term measures which will ensure that the interests of patients and their families are properly looked after. I repeat: there is no intention to close the unit.

As Dorothy-Grace Elder has indicated, arrangements are in hand to ensure that patients from Scotland will receive treatment in Newcastle. A cardiologist and a colleague are in Glasgow today to talk to medical staff and families. Patients from the Newcastle area and from Scotland who are treated in Newcastle will be given transplants on the basis of clinical priority. I am sure that Dorothy-Grace will agree that that is only proper.

Pauline McNeill (Glasgow Kelvin) (Lab): The Deputy First Minister might be aware that Janis Hughes MSP, Cathy Peattie MSP and I last week attended a meeting with more than 300 transplant

patients, who are very concerned and will be pleased with his reassurances today.

Does the minister agree that we must consider the longer term, particularly of transplant surgery, to ensure that there is some forward planning and to avoid the same situation that we have at Glasgow royal infirmary? By doing so, we could attract the best surgeons to a national transplant unit with the best conditions. If we have to reconsider the package that we offer surgeons to achieve that aim, we should do so.

Mr Wallace: I agree with much of what Pauline McNeill has said. She is right to look to the longer term. The Executive will be working with the trust on ways of resuming and enhancing the Scottish transplant service. Susan Deacon has asked North Glasgow University Hospitals NHS Trust to produce an action plan by the end of week. The plan must outline the trust's plans for the future of the transplant service.

Pauline McNeill is also right to point out that availability of suitably qualified surgeons is a critical factor. That has been one of the restricting factors and it is important that we ensure that people who are skilled in heart transplantation are available. That matter is also being attended to.

Joint Ministerial Committees

4. Mr Duncan McNeil (Greenock and Inverclyde) (Lab): To ask the Deputy First Minister whether there are any plans for additional joint ministerial committees. (S1F-305)

The Deputy First Minister and Minister for Justice (Mr Jim Wallace): There are no plans at present for any additional joint ministerial committees. New committees will be established as and when the shared agendas of the devolved Administrations and the UK Government require them. All the existing committees will continue to meet over the coming months.

Mr McNeil: Following the historic vote in Parliament yesterday to reject independence and divorce, does the Deputy First Minister agree that working together through joint ministerial committees is an effective way of delivering full employment, wiping out child poverty, ridding our streets of drugs and rebuilding our health service?

Mr Wallace: I agree that it is important that we co-operate with colleagues south of the border. That co-operation is going forward on key issues such as tackling poverty, the knowledge economy and health. As I said, there will be a meeting of the joint ministerial committee on health later this month.

While Parliament has the right to make decisions on a range of devolved responsibilities, people expect that many things might be achieved

through partnership and co-operation between the Executive and the people of Scotland. We should foster such partnership and co-operation between the Executive and the United Kingdom Government.

Tommy Sheridan (Glasgow) (SSP): On the joint ministerial committee on poverty and social inclusion, will the minister agree to make urgent representation on behalf of the people of Scotland to highlight some shameful and unacceptable statistics? After three years of a new Labour Government, the gap in income share between the bottom 20 per cent and the top 20 per cent in our society is greater than it was in 1997 after 18 years of the rich-serving Tory Government. Will Mr Wallace condemn the fact that, under new Labour, the rich continue to get richer, while the poor continue to get poorer?

Mr Wallace: I assure Mr Sheridan that in that joint ministerial committee a strong commitment to tackling poverty and social exclusion will be asserted. There is much to be done and nobody is being in any way complacent. We recognise that, which is why the Executive has set out milestones and targets that it aims to achieve. Those include, for example, the abolition of child poverty within this generation. The targets to which we are committed are noble, but we recognise that they must be achieved in partnership with the UK Government. That is why we want to forge that partnership—to ensure genuine success.

Andrew Wilson (Central Scotland) (SNP): At that or any other joint ministerial committee will Mr Wallace raise the issue of the Liberal party's central policy of federalism? Can he enlighten the chamber as to which powers Parliament would acquire under federalism that it does not have now?

Mr Wallace: I do not think that federalism falls readily into the agenda of any of the three joint ministerial committees—[*Interruption.*]

The Presiding Officer: Order.

Mr Wallace: If Mr Wilson wants to know for the record, federalism is still a policy of Scottish Liberal Democrats and, indeed, of the Liberal Democrat party. That is a matter of public record. However, I must say that yesterday we examined the policy of the SNP and it was found wanting—Parliament's vote indicated how much.

Members of the Scottish Parliament

5. Lord James Douglas-Hamilton (Lothians) (Con): To ask the First Minister what discussions the Scottish Executive has had with Her Majesty's Government on any proposed reduction in the number of members of the Scottish Parliament. (S1F-311)

The Deputy First Minister and Minister for Justice (Mr Jim Wallace): Before I answer his question, may I congratulate Lord James on winning speech of the year. With his wide knowledge of the ways of the Scottish Parliament, he will know that the Scottish Executive is in regular contact with the UK Government on a wide range of issues.

Lord James Douglas-Hamilton: Is the Deputy First Minister aware that when the issue came up in the House of Commons on 11 November 1998, he voted against reducing the number of members in the Scottish Parliament, while Mr Henry McLeish, Mr Sam Galbraith and Mr John Home Robertson voted for reducing the number of MSPs? Since both views cannot prevail, will the Deputy First Minister kindly tell us which view will be endorsed by the coalition: the view of Mr Henry McLeish or the view of the Deputy First Minister?

Mr Wallace: Frankly, Sir David, I am rather disappointed with the Conservative researchers. Lord James seems to think that that was the first time that the issue came up in the House of Commons. His researchers will find that I was on the record arguing the case many times before that. It is a matter of public record. We lost the amendment.

Perhaps Lord James was in the House of Lords on 17 November when Lord Sewel said:

"if the parliament took the view that its workings would be seriously undermined by a reduction in numbers—then it is open to the parliament to make representations to the Government of the day and to this Parliament . . . The Government are a listening government and are prepared to enter into discussion and debate and to formulate policies on the basis of experience. The opportunity would not be lost, at some time in the future—on the basis of practice—to reopen this question on the initiative of the parliament."—[*Official Report, House of Lords, 17 November 1998; Vol 594, c 1195.*]

The door is open. It is a matter that the Parliament will want to consider in years to come, but any reduction is unlikely to happen before 2007 at the earliest.

Karen Whitefield (Airdrie and Shotts) (Lab): Does the Deputy First Minister agree that, if Lord James and his party had won the general election in 1997, there would be no devolution, no Scottish Parliament, no MSPs and, most certainly, no Tory MSPs?

Mr Wallace: I am asked to contemplate a number of things, but a Tory victory in 1997 is not one of them.

Michael Russell (South of Scotland) (SNP): Will the acting First Minister confirm that when he was merely the leader of his own party as opposed to the acting leader of somebody else's he made much of the fact that the figure of 129 MSPs is the minimum number required to achieve

proportionality in the Parliament, something that should be dear to his heart, if not to the hearts of Labour members?

Mr Wallace: As I indicated earlier, my views on this matter, which was debated regularly in the House of Commons, are on the record. As I also indicated, the view of Her Majesty's Government of the day—the same Government that we have today—was that if the Parliament took the view that its workings would be undermined by a reduction, it was prepared to listen to representations at the appropriate time.

Mr Jamie Stone (Caithness, Sutherland and Easter Ross) (LD): Does the Deputy First Minister accept that constituencies as big as my own or John Farquhar Munro's present problems in themselves, and that any enlargement would cause a major upset and something of a democratic deficit for constituents in the north?

Mr Wallace: If Mr Stone reads the remarks that I made in the House of Commons, he will probably see that that was one of the examples I gave. We also secured separate representation in this Parliament for Orkney and Shetland, which is enshrined in the Scotland Act 1998 for Westminster as well.

The Presiding Officer: That concludes question time. Before we move to the next item of business, I inform members that we shall meet in Glasgow next week. I understand that there are leaflets at the doors to help them find the place. [*Laughter.*] I mean the place of the meeting, not Glasgow.

Special Educational Needs

The Presiding Officer (Sir David Steel): The next item of business is a debate on motion S1M-823, in the name of Peter Peacock, on special educational needs. Members who want to speak in the debate should press their request-to-speak button.

15:35

The Deputy Minister for Children and Education (Peter Peacock): I welcome the opportunity to open this afternoon's debate on a very important area of Scottish policy that has not, perhaps, received as much public attention as it could and should have had over past years. It relates to the policies for children and young people with special educational needs.

I am aware that this is an area of concern to many members of the Parliament, which reflects the concern of the wider Scottish community to do all we can to support children with special needs. The Executive is setting out to undertake an extensive programme of work in relation to special educational needs. Today is not only an important opportunity to take stock of what we are doing, but an opportunity to identify what more can be done and a chance to air issues that people want to be addressed in the short, medium and longer terms.

The issues that will be identified in today's debate—I hope that there will be many of them—will help the national special educational needs advisory forum, which we have recently established, to focus on priorities for future action.

There have been two major consultation exercises on special educational needs in recent years. In 1998, Brian Wilson, one of my predecessors who took a particular interest in these matters, launched a discussion paper. More recently, the Riddell committee made significant recommendations. The responses to both have broadly endorsed the Executive's approach. Essentially, our policies for children and young people with special educational needs flow from our desire to develop an inclusive society.

We have made it clear that we are heavily committed to giving every young person the best start in life, allowing every young person to develop to their full potential, whatever their needs. The Standards in Scotland's Schools etc Bill places, I am pleased to say, a new duty on an education authority to secure education that is directed to the development of the personality, of talents and of the mental and physical abilities of the child or young person—every child and young person—to their fullest potential. That clearly includes children who need additional support to

access the curriculum and to develop their skills and abilities.

On Tuesday of this week, we introduced an amendment to the bill to include a presumption that mainstream school should be the first option for all children and young people in Scotland. The bill, as amended, now includes that presumption. I am grateful for the all-party support for that. The change to the bill proceeding through Parliament sends a powerful signal that the needs and interests of those among us with special educational needs are at the heart of our education policy.

However, it is not just a powerful signal. The bill places new duties on councils to include all young people with special educational needs in our mainstream schools unless there is a very, very good reason not to do so. The inclusion of children with special educational needs in mainstream schools assists schools to develop an inclusive ethos and introduces all children to a wider range of experience than would otherwise be the case.

The bill also strengthens the rights of children who are unable to attend school because of ill health, or who have recurrent periods of absence through illness or because of their need for medical treatment, to receive the appropriate support from their school.

We recognise that additional support requires additional resources. We have introduced a £12 million inclusion programme, starting in April this year, to assist local authorities in including children with special educational needs under mainstream provision. Local authorities are using funding to develop their own inclusive policies, with SEN bases in mainstream primary and secondary schools, with improved access to buildings for pupils with disabilities and with the provision of additional auxiliary staff.

In our commitment to inclusive policies, we recognise that some children need a lot of specialised help that cannot always be provided in mainstream schooling. That is particularly important for children whose needs are complex or severe, or who require support from a range of specialist services.

We are committed to a diversity of provision that gives parents—and children—an element of choice. What is important is that children and young people receive an education that meets their particular needs at their particular stage of development. We want those needs to be met as close to their homes as possible, but we recognise that, sometimes, pupils will receive a more inclusive educational experience in a special school setting than in a mainstream setting.

The availability of information on rights and choices is crucial to meeting the needs of young

people with special educational needs. We are trying to help by supporting parents and families by providing them with the information they need to make informed decisions about their children's education and by assisting them in their dealings with local authorities, which can often be troublesome and difficult.

We have established a national information and advice line, called Enquire, for parents and families of children with special educational needs and for carers. We are providing Children in Scotland with £621,000 over three years to run the service. In the first six months, Enquire has dealt with more than 350 calls for information and support. It has produced, in partnership with the Scottish Executive, a new guide "Enquire – The Parents' Guide to Special Educational Needs". Enquire will work with parents and local authorities to develop pilot mediation projects with a view to identifying good practice in resolving disputes.

It is essential that staff in schools receive support to develop their skills in meeting the needs of all children. In-service training is an important way of ensuring that local authorities continue to develop the level of special educational needs expertise available to schools in their area. We have more than doubled the provision available for staff development and training in special educational needs and are providing £5.3 million a year for in-service training. In 1999-2000, more than 13,000 people participated in in-service special educational needs training courses and events. The Executive-funded national special educational needs co-ordination project has constructed professional development awards for learning support staff and teachers.

Staff in school also need back-up from specialist support staff. We have more than doubled the provision to £6.5 million a year for local authorities to secure speech and language therapy for pupils with records of needs. We have increased funding for educational psychology training. Over two years, the number of trainee educational psychologists has increased from 24 a year to 34 a year. We are committed to reviewing funding and supply arrangement services in both areas.

Mr Duncan Hamilton (Highlands and Islands (SNP): The minister will be aware of the particular problem of the recruitment of speech and language therapists in rural areas. What efforts have been made in that regard?

Peter Peacock: There have been problems with recruitment across the board but, as Mr Hamilton says, it is sometimes difficult to attract staff to certain rural areas. If the local authorities tell us what we can do to help in that regard, we will be more than happy to do so. I would be willing to look at the details of the problem with the new national special educational needs forum.

We recognise the role that the voluntary sector and non-statutory sectors can play. They can provide information and advice for parents and families and support partnerships with schools, identify new means of applying technology to improve access to the curriculum and facilities and support the development of the individual with special educational needs.

We are providing £6 million over three years for innovative special educational needs projects and are seeking to promote new thinking and new approaches. We have funded Barnardos (Scotland) to develop mentoring schemes to provide personal support to children and young people with behavioural problems. We have funded Capability Scotland to develop a support network for young people who are making the transition from school to post-school provision. We have also funded Parent to Parent Tayside to pilot peer support programmes for young people with special educational needs in mainstream education to promote inclusion and self-awareness.

We have put in place a significant programme of action to help meet the special educational needs of children and young people at school. However, we are not complacent and are continually examining ways in which to improve services, identify needs, locate gaps in provision, develop new types of service provision and find new ways of delivering services. We are advancing our approach to children and young people with special educational needs. An important way in which we will do that will be through the new national special educational needs forum in which I am taking a personal interest and of which I will be the chair.

The forum will advise ministers on the development and implementation of policies to improve standards of provision for special educational needs and on their consistent application throughout Scotland. It will consider issues such as the record of needs process, which has attracted criticism from a number of quarters for being too cumbersome and bureaucratic. That will be the forum's first priority.

It will also consider the need to improve inter-agency and inter-authority working. Both those concerns were highlighted by the recent Riddell committee report into the education of children with severe low incidence needs. The forum will examine the links between the Riddell report, the recent Beattie committee report into post-school provision and the report that was launched today on the review of services for adults and children with learning disabilities.

The forum will want to hear a wide range of views from across the sectors that are interested in these matters, including those of children and

young people. We intend to give the forum the research capacity and the resources to undertake consultation and research exercises that may be identified.

We will consider different ways of enabling people to present views to the forum, including establishing the forum's own website. We will also take particular account of the findings of the special educational needs inquiry, which is being undertaken by colleagues in the Education, Culture and Sport Committee.

I have touched on a number of the actions that we are taking on special educational needs: legislative changes and policy reviews; support for parents, families and children; more opportunities for staff development and training; increased resources for local authorities and schools; and additional support for the voluntary sector. However, we are not complacent; we want to take matters further. Judging by comments that were made before this debate, I am confident that many contributions will be made today that will give us clues and ideas concerning what we need to do further. I look forward to hearing what will be said in the debate, and I shall respond to it.

I am sorry that the amendment in the name of Nicola Sturgeon would expunge the Executive's record from the proceedings. I would have liked to accept that amendment, as I hope that the Parliament will not be divided on this issue. I shall hear the arguments that Brian Monteith will make in support of the Conservative amendment before I respond to it.

I move,

That the Parliament welcomes the publication on 9 May 2000 of the Scottish Executive's progress report *Improving our Schools: The Special Educational Needs Programme of Action* and endorses the Executive's policies of support for children and young people with special educational needs.

15:47

Nicola Sturgeon (Glasgow) (SNP): I welcome the opening up of the debate on special educational needs that has resulted from the Riddell report, the setting up of the national advisory forum and the inquiry that is being conducted by the Education, Culture and Sport Committee.

The attention on SEN provision is welcome and certainly overdue. I issue a word of caution, however, about the possible overlap and confusion between the different inquiries. I note that the document that was published by the Executive earlier this week makes no reference at all to the inquiry of the Education, Culture and Sport Committee into special educational needs provision. I was glad to hear the minister refer to that inquiry in his opening remarks—albeit in a

passing reference—and I ask him for an assurance that the Executive and the advisory forum will take account of the committee's findings and draw on the work that the committee will undertake during its inquiry.

Back in 1998, the Scottish Office green paper on special educational needs acknowledged that the present system—including the system of recording—is not “broadly satisfactory”. From the evidence that has been submitted so far to the Education, Culture and Sport Committee's inquiry, most people would have to conclude that that was an understatement. There is no doubt that progress has been made towards improving the system, and I am happy to acknowledge that. In response to the minister's remarks about the SNP's amendment, I draw his attention to the fact that that amendment endorses the progress that has been made towards better support: it simply says that more needs to be done.

I welcome especially the emphasis on inclusion and the presumption that children with special educational needs should be educated in mainstream schools. The SNP was happy to support the amendment to the Standards in Scotland's Schools etc Bill that the Executive moved earlier this week. Nevertheless, I have concerns, which I voiced with the minister during the meeting on Tuesday, that the opt-out clauses that are to be given to authorities may be too wide-ranging. We need an assurance that local authorities will not too easily be able to excuse themselves from the obligation to provide mainstream education.

When we talk about inclusion and mainstream schooling, we must be careful not to confuse inclusion with integration. As the minister rightly recognises, inclusion is about giving people choices that will enable them to fulfil their potential. Sometimes it will not be in a child's best interests to be educated in mainstream schools. For a profoundly deaf child who communicates only in sign language, there could surely be nothing more isolating, nothing more likely to exclude, than to be put into a mainstream school with other children who do not speak his or her language.

That is why we need special schools, such as Donaldson's school for the deaf, that are national centres of excellence. I share the concerns expressed by many people, and in the Conservative amendment, about the removal of grant aid to the seven special schools in Scotland and the threat that that poses to their future. Further discussion is needed with those schools—and the communities they serve—to ensure that the change does not harm their ability to survive and flourish. I look forward to the minister's comments on that in his summing up.

We must ensure that children with special needs being in mainstream education is not simply a cheap alternative. According to Children in Scotland, most of the calls to the Enquire helpline are from parents of children who are having bad experiences in mainstream schools because of poor facilities and a lack of properly trained professional support.

The £12 million inclusion programme is welcome and I commend the Executive for it but it must be seen in the context of this year's cuts in local authority provision. Examples include the educational psychology posts cancelled in East Dunbartonshire, Stirling Council's reductions in special educational needs and psychological services, and Fife Council's staff development rationalisation. That is what is happening around Scotland and the context in which the Executive's commitments must be viewed.

Although progress has been made, a great deal must still be done, as the SNP amendment acknowledges. I hope that this afternoon we can avoid some of the self-congratulatory nonsense that too often characterises Executive debates and concentrate on the challenges ahead. I ask the minister, in the light of my comments, to reconsider and to accept the SNP amendment.

We must tackle the inequality in provision across Scotland. One of the striking features of the evidence submitted to the Education, Culture and Sport Committee is that quality provision is too often a geographical lottery. In some areas there are too few staff to carry out assessments and deliver specialist services. There is a lack of professional support for families who disagree with assessments, which can stand in the way of accessing services. In such cases families often have to send their children outwith their own local authority area to access services that they should be entitled to locally.

Inequalities are suffered by children with certain conditions. A great deal of frustration is felt by some parents of children with Asperger's syndrome, which tends not to be identified or given the priority it should have. Children with behavioural difficulties are often at greatest risk of exclusion from school and there is no consistency across Scotland in the provision of records of needs for such children.

Last week, we debated the important topic of discipline in schools. How many children who are excluded are really children with special educational needs who should receive appropriate support? The variations in provision must be tackled. There should be a national code of practice for special educational needs to ensure consistent and minimum standards across Scotland.

We have too few educational psychologists and speech and language therapists. I recognise that efforts are being made to increase the number, but, as Children in Scotland said to the Education, Culture and Sport Committee,

“given such specialists’ ever-increasing remits, it is unclear whether the increase will be sufficient”.

Training for staff working with children with special needs must also be a priority. I welcome what the minister said about that, but the position of SEN auxiliaries in mainstream schools is of concern. The pay and conditions of new classroom auxiliaries are better than those of SEN auxiliaries. That must be addressed if we are to avoid losing skilled and dedicated auxiliaries.

Inter-agency working is of course important. Everyone agrees that there must be a joined-up approach from education, social work and health. I know that the advisory forum is looking at inter-agency joint funding. Again, more should be done. Even the terminology presents a barrier to joined-up working and thinking. The different terms used—special educational needs in education law, children in need in child care law, disability in social work law—have different definitions. That must be sorted out if we are genuinely to encourage a joined-up approach.

The minister mentioned the bill that is currently going through Westminster to extend the Disability Discrimination Act 1995 to cover education. In Scotland, unlike in England, that will not prevent discrimination on the basis of the physical features of a school. I would welcome his assurance that that will be addressed.

My final point is about poverty. Poverty is the factor that, more than any other, excludes people with children with special needs. According to the Joseph Rowntree Foundation, it costs £7,000 a year to raise a child with special needs, compared with £2,000 a year for a child without special needs. Perhaps the minister could say something in summing up about how this devolved Parliament might tackle that greatest of barriers to inclusion.

Much has been done to improve provision, but there is a long way to go. We do not need pats on the back; we just need a determination to get on with the job.

I move amendment S1M-823.1, to leave out from “the Executive’s policies” to end and insert:

“the progress made towards better support for children and young people with special educational needs; notes that a great deal of work is still required to ensure equality of provision across Scotland, improved access to and within mainstream schools, effective inter-agency co-operation and properly funded staff development and training, and looks forward to receiving the report of the Education, Culture and Sport Committee’s inquiry into special needs provision.”

15:56

Mr Brian Monteith (Mid Scotland and Fife)

(Con): I welcome the Executive’s decision to debate its programme of action on special educational needs because it is an area that I have taken an interest in for some time, as members will be aware. Indeed, I previously lodged a motion on the consequences of the Riddell report and was pleased that Ian Welsh’s request that the Education, Culture and Sport Committee conduct an investigation into special educational needs was taken up.

As can be seen from our amendment, the Conservatives agree with the principles of the way forward suggested by the Executive in the programme of action. There are, however, two areas of dispute that the minister may be able to help us with. The first concerns the interpretation of what the Executive’s presumption of inclusion means in practice. Although we agree with the general principle, we may disagree on how inclusion is achieved.

Our second disagreement is over the future and grant-aided status of Scotland’s seven special schools, which cater for children with severe low-incidence disabilities. Unlike the Riddell report and the early response from the Executive, we do not agree that grant-aided status should be ended. The Executive’s announcement of support for the Riddell report on that issue was, to say the least, premature, and the decision was taken without any reference to Parliament. Today’s debate is a big step forward, but I cannot give as full and detailed an argument as I would like in the five minutes that are available to me.

Our difficulty with the Executive’s understanding of inclusion is that it appears to believe that inclusion means integration. Perhaps the minister will correct me later if I have misunderstood him. We challenge any such assumption. Integration is not always appropriate for all children, as it does not ensure social inclusion for the children involved. Quite often, as Nicola Sturgeon pointed out, children with hearing disabilities feel a need for a community of pupils that allows them to feel included. That provides for their emotional as well as their educational needs and allows them to interact in a way that they may not be able to if they are integrated into a mainstream school. A mainstream school in which none of the other pupils shares those children’s difficulties can often make such children feel excluded. In the case of deaf children, that can be a fundamental difference of language.

However, we agree that mainstream education should be open to as many children as possible. As the minister said, I and other members supported his amendment at stage 2 of the Standards in Scotland’s Schools etc Bill. We want

the views of the children concerned and their parents to be taken fully into account.

Cathy Jamieson (Carrick, Cumnock and Doon Valley) (Lab): Mr Monteith mentioned the problems faced by many young people with special educational needs in fitting into mainstream schools. Does he accept that, for many young people in mainstream schools, inclusion is an issue of equal opportunity? Does he agree that we ought to promote the notion of inclusion by working with young people in mainstream schools to help them accommodate some of the young people who could benefit from inclusion?

Mr Monteith: I have said nothing to disagree with that argument. We seek to work to achieve integration where people wish to have it and there are many parents who would like to achieve that. We believe that education must be tailored to the child's individual needs, whatever they may be, but especially where a child has special needs. The Executive can expect our support on inclusion only if it is handled sensitively, is based on the needs of individual children and does not become a one-size-fits-all policy.

Given the unique needs of pupil groups at specialist schools, it is fair to presume that many of the councils in whose areas their parents live will have tried all the local options before sending pupils out of their area. Specialist schools clearly fulfil a need that would not be met otherwise and are an important national asset. If they have weaknesses or failings, they should be helped to rectify them and to develop into national centres of excellence, rather than be threatened with the loss of financial support.

Special schools often prepare a child for integration into a mainstream school, so they should be seen as complementary to the Executive's aim. With changes in birth patterns and improvements in medical science, many more children are born, and survive, with severe disabilities. Unlike children with mild difficulties, whose needs can increasingly be met in mainstream education, those children often need care and education in a specialist environment.

Because of the growing number of children with severe disabilities, we must maintain a national resource base of special needs teachers. A critical mass can be provided by the current grant-aided system. That would be lost if the schools were threatened by the loss of grant aid. If the grant aid is devolved, inappropriate provision may be bought simply because it is available locally—I am sure that the minister would not wish that.

Specialist schools also need grant-aided status to provide stability. Under the proposed arrangements, with no guarantee of future pupil

flow, fees charged to councils would undoubtedly increase sharply and, eventually, some schools would be forced to become fully independent, surviving in the private sector, as local authorities tried to make their own provision in mainstream schools.

The Deputy Presiding Officer (Patricia Ferguson): Wind up, please.

Mr Monteith: Certainly.

I have highlighted to the Parliament the concern that the Riddell report is being pushed through too quickly—a matter that I raised in the Education, Culture and Sport Committee. I am pleased that ministers have agreed to delay implementation of the report's recommendations for a year. That was the minimum required, as the late publication of the report meant initially that there were only four months from the end of the consultation period to implementation of the proposals.

I hope that the programme of action's moderate words on revised funding mean that ministers will listen to the concerns that I have raised today. I also hope that the Executive will not only hold discussions with schools and the Convention of Scottish Local Authorities but that it will take on board the views of the Parliament's Education, Culture and Sport Committee. The committee should be allowed to review special educational needs provision in a dispassionate, informed and non-partisan way. If that happens, I am sure that the issues that I have raised today will be addressed. If we hold to the principle that to achieve genuine social inclusion we need specialist provision as well as integration, we will not go too far wrong.

I move amendment S1M-823.2, to insert at end:

"but expresses its concern that the Riddell Report on the Education of Children with Severe Low Incidence Disabilities proposes that grant-aid funding for the seven special schools serving these children be ended and the funds distributed to local authorities; notes that this could jeopardise the future of the special educational needs schools which provide national centres of excellence; notes that any change from national funding could dilute specialist provision and detrimentally affect the service to children, and agrees that the schools must continue to be funded through grant-aided status."

16:02

Mr Jamie Stone (Caithness, Sutherland and Easter Ross) (LD): I listened with great interest to the valuable and worthy speeches of Nicola Sturgeon, Brian Monteith and the minister. I will be brief in my comments.

For too long, the issue of special educational needs has been seen as the poor relation. We should all take pride in the fact that it has been flagged up in the Parliament and that we are

having this debate.

Integration is very much the name of the game—it is the theme that underlies the Executive's programme of action.

I submit to the Parliament that, in an ideal world, children who come out of integrated, mainstream education have a pocketful of advantages that, sadly, sometimes does not fall to those who have been in special education. I say to Mr Monteith that those advantages arise from the value of mixing and of contact with children of different abilities, different backgrounds and different physical requirements.

I particularly take on board the reference made in the document to the involvement of parents, children and young people, which is absolutely vital. In previous weeks, we have touched on the importance of including parents in matters of discipline and so on, but I suggest to the minister that total involvement is linked to his, and Mr Galbraith's, thoughts on community schools.

The arrival of the community school is closely linked to the subject of children with special educational needs. That mix of child education, adult education, special educational needs, social work and so on can make all the difference. Involving children in mainstream education is preparing them for life, and a community school is the ideal scenario for that.

I also welcome the statutory duty placed on local authorities to provide education for children who are unable to get to school. That will tie in nicely with community schools.

Members must remember that the Riddell report is an authoritative document and was well thought out. The Executive has taken on the vast majority of its proposals, so the Executive is putting its money where its mouth is. I will not reiterate the details that the minister gave us of the money, but they are there for all to see.

Children in Scotland welcomes the proposals from the Scottish Executive. It says that we must do more in schools that lie at our own hand, but remember this: it is an umbrella organisation for children, and it is with us.

I would like to consider what Brian Monteith is thinking about. I have some sympathy with his approach, but I would like to examine it more closely. There is little difference between what Nicola Sturgeon and I—and indeed the minister—are saying. It is a question of two boats sailing in the same direction. One sees choppy water ahead than the other does. That is by the by. The point about children with special educational needs is that one has to be careful not to ghettoise them.

I seek reassurance from the minister about the

future of schools such as Donaldson's College. I do not believe for one minute that the Scottish Executive is advocating the sudden death of such excellent institutions. Mr Monteith is right that there will always be children who cannot be wholly taken into mainstream education and who will have a special need. Last night, I gave the address at a prizegiving at my old school Tain Royal Academy. One of the girls who came up for a prize was a 15-year-old who suffers badly from cystic fibrosis. In another world, she might not have been at Tain Royal Academy, but in fact she is a much-loved member of that school. One of the biggest cheers that I heard last night was when she went up for her prize. That is the ideal of inclusion.

Of course it is not easy, and it will not come about overnight, but everyone—parents, teachers and young people—should be involved. I look at Rhona Brankin and am reminded that inclusion is also about culture and art in community schools. I am gratified to see the Deputy Minister for Children and Education and the Deputy Minister for Culture and Sport sitting beside each other. That is the message which we should send out.

That young lass with cystic fibrosis is doing well in music, which shows that total involvement with classmates can work. Not everyone is going to say, "You're deaf; you're a daftie," or something like that. I believe that the human spirit is better than that. Brian Monteith is right: there will always be a need in relation to the few who cannot be integrated, but the whole point of what the Executive is saying today is that we must move towards including people more. It makes for a better school life, and it better prepares those with special educational needs for life.

The Deputy Presiding Officer: There is little time remaining for the debate, so I ask members to keep to the four-minute time limit.

16:08

Cathy Peattie (Falkirk East) (Lab): I will be brief. I welcome this debate on special educational needs, and the focus on that important issue. I also welcome the minister's commitment to work with a number of agencies, including Children in Scotland. As we have heard, the Education, Culture and Sport Committee is conducting an inquiry into special educational provision. I hope that the inquiry will look at the issue of recording.

How well the system works depends on where people live. Many parents feel that they have to fight to be heard, using their much-needed energy to fight the system, rather than support their children. Some parents give up. They say that there is a lack of service information for parents and children, and a lack of support for them to

participate in assessments and service decisions. I understand that a number of parents have contacted the Enquire helpline complaining that they do not get enough information, and saying that sometimes they are misinformed.

We must have a system that supports parents, and which does not make children's education a battleground when we try to ensure appropriate provision. The system must involve children and parents in planning, and be recognised by parents, teachers and education authorities alike as a workable system. A code of practice to ensure a minimum standard for special educational needs across Scotland should be established. I welcome the minister's commitment to look at the issue.

16:09

Shona Robison (North-East Scotland) (SNP):

The Scottish National party supports inclusive education, and welcomes the report of the Riddell committee. A number of recommendations were made by Riddell, and I will highlight one or two of them.

Recommendation 3 states that the Executive should examine what further support could be made available to ensure that pupils with special educational needs are included in mainstream education. While the additional moneys that have been announced by the minister are welcome, it would be useful to know what monitoring procedures are in place to ensure that that expenditure achieves results in increasing the number of children in mainstream education.

Recommendation 13, which concerns integrated play and learning opportunities, is important as segregated education provides little interaction between disabled and able-bodied children. The problem is that the services that provide such opportunities are run on a shoestring and desperately need adequate resources. What resources will be made available for integrated play and learning opportunities?

Recommendations 18 and 19 deal with extending the school week for special educational needs pupils. The Executive has endorsed that, but will any additional resources be made available for that purpose?

The key point must be that, wherever possible, children with special educational needs should be educated in mainstream schools, with all the necessary resources being provided to make that happen. That might involve additional short-term costs, but the considerable long-term gains and the increase in academic and social opportunities for children with disabilities are surely worth that investment.

The Executive has said that the costs of

inclusion in mainstream schools are not to be disproportionate to the outcome, but I should like the minister to clarify that. What is the measure of disproportionate cost? How will it be decided whether the resources that are required to enable a child with disabilities to attend a mainstream school are disproportionate? Disproportionate to what?

Dr Winnie Ewing (Highlands and Islands)

(SNP): I want to raise the special problem of the deaf child, who usually has to go away to school. As I said in the members' debate that I secured on the subject, that problem could be solved, largely, if we had a proper number of sign language teachers. We have only 33, while Finland has 350. Perhaps if we had Finland's number, every deaf child, wherever they were born, might be able to attend a mainstream school.

Shona Robison: I certainly agree with that, and hope that the minister will address that point.

My fear is that the disproportionate cost argument could be used as an opt-out to continue the poor record in Scotland of including children with special educational needs in mainstream education, whereby there has been no increase in numbers in 13 years. Cathy Peattie alluded to some of the reasons for that. The lack of mainstream efforts leads to the denial of parents' right to school choice, a right that is enjoyed by the families of able-bodied children.

I want to highlight a point that Nicola Sturgeon made. In the Executive's report, no mention is made of the review of special educational needs provision by the Parliament's Education, Culture and Sport Committee. I, too, seek reassurance that the minister will take on board that committee's report and recommendations.

When I read an *Official Report* of the Education, Culture and Sport Committee, I noted the minister's response to concerns about equal opportunities being omitted from the Standards in Scotland's Schools etc Bill. He said that equal opportunities come under

"existing UK legislation that covers matters of discrimination."—[*Official Report, Education, Culture and Sport Committee*, 5 April 2000; c 766.]

Will the minister clarify that? Surely that does not rule out, in any way, the Scottish Parliament putting a duty on local authorities to promote equal opportunities. I certainly hope not. That would not be common sense and would be a great disservice to Scotland's people.

I hope that we can make it a right of special educational needs pupils to be educated in mainstream schools. If we do not do that, nothing will change. We must have an approach that is driven by the needs of the child and not constrained by a cost-driven agenda.

16:14

Hugh Henry (Paisley South) (Lab): This afternoon's debate is a good example of why people voted for the Scottish Parliament. We can contrast that with yesterday's debate, which was an example of what people in Scotland are not looking for. Today we have an example of a committee of the Parliament and the Executive working together to promote a better quality of education for a section of our community that in the past has often been overlooked.

We are all aware not only of the needs of children with special needs, but the anxieties and frustrations that are faced by parents in seeking to do the right thing for their children. I know that that sometimes causes problems in education, when parents will not take no for an answer and refuse to face up to the difficulty facing their child. However, I have come across cases in which, if it had not been for the persistence of parents in promoting their child's interests, that child would not have received the education that they needed.

Too often I have seen cases of children suffering all the way through their education because time and again they and their parents were told that they did not have dyslexia, only for them to find out in adolescence, and perhaps even later, that they did. I know of a couple of children who have managed to get to university and to overcome a handicap that was not recognised in school. We need to ensure that children do not suffer that terrible disadvantage and that parents do not suffer the frustration of trying to do their best for their children without the support of people who should know better.

I should like the Executive to dwell on a couple of points. The first concerns the involvement of therapists in mainstream schools. The money given to local authorities to buy speech and language services is most welcome, but local authorities are experiencing problems in finding speech and language therapists to employ. There are also problems in bringing other therapists into schools—local authorities are not given money to buy physiotherapy and occupational therapy services. We need to consider a range of services for children with special needs.

We also need to consider the training of teachers. The Executive is to be congratulated on providing on-going training to teachers in the area of special needs through the SEN-specific grant, but we need to increase provision in pre-service training. Too often teachers arrive at schools unaware of the complexities of dealing with children with special needs.

The record of needs should also be re-examined. It might be redundant, given the move towards individual educational programmes that

the manual of good practice has led to. However, as local authorities develop services based on examples of good practice, we must have a debate on the record of needs to ensure that we do not make the wrong decision.

We need to examine why parents are increasingly choosing to send children to specialist schools, which contradicts much of what we have heard today about involving children in the community in an inclusive way. Why is the number of children attending specialist schools rising when we are trying to promote social inclusion? In Renfrewshire, three schools this year—one secondary school and two primary schools—and a further secondary school next year are looking to take children with severe visual impairment and physical disability, thereby extending choice and inclusion. I know that this is not an easy debate, given the anxieties of parents, but I fully support the Executive in its community schools initiative.

We are right to extend opportunity and to ensure that children develop to their full potential when they are in school, but we should not forget that we are educating them for a purpose: to prepare them for life. When these children leave school, they should not be abandoned. There must be proper provision of careers services and education, to ensure a smooth path into employment.

16:19

Robert Brown (Glasgow) (LD): I welcome the points made by Hugh Henry in particular. The United Nations Declaration on the Rights of Disabled Persons states that disabled people

"have the same fundamental rights as their fellow-citizens of the same age, which implies first and foremost the right to enjoy a decent life, as normal and full as possible."

Although social inclusion is an aspect to be considered, I suggest to the chamber that the main issue is not so much social inclusion, but empowerment—empowerment of the individual to make the most of their life and to fulfil themselves to the best of their abilities.

This is an important debate; many good points have been made. Clearly, much good work is going on in the field, as shown by the Beattie report, the Riddell report and so on.

One or two crucial points must be understood. If we do not tackle the issue correctly, there will be a sort of incremental loss. If we do not get hold of people—such as the people with dyslexia whom Hugh Henry spoke about—at an early stage of their primary education, they do not benefit from their education, they get frustrated, and they sometimes have behavioural problems. They move into their secondary education without their problems having been identified. Those problems

are often masked by other problems. That is a tragedy. It is a loss of potential for that individual, and it might cause problems for the school as well.

At the other end of school education, a similar situation arises—Hugh Henry also mentioned this—with the overlap of school and college or further education facilities. Many people drop out, or play truant. That again might be linked to other difficulties that are often caused by a failure to pick up problems in the early stages. We have to get the links between schools and further education right. People should not be abandoned by the system, as so often happens. Their problems should be picked up, and work done on those problems should be followed through. Particular groups of people will often need special attention to empower them to play their full part in life.

In the east end of Glasgow, there is an organisation called Rathbone Community Industry—I am sure that the minister is aware of it. Its remit, like that of other similar organisations, is to empower people to overcome early problems that they might have had. Its work relates not only to schools; it covers the longer term.

As a lawyer, I have some experience of records of needs. I concur with the observations made in the reports and in today's debate on their cumbersome nature. We have to consider the underlying principle, which relates to the culture. Issues often seem to be dealt with merely by having something down on paper, when we should be considering the spirit of the matter, which is the desire to support and help people who have such problems.

We are dealing with our fellow citizens who have particular disabilities of one sort or another. People from Ashcraig school in Glasgow recently came to the Parliament. Many of the children are in wheelchairs and have quite severe physical handicaps. They have great spirit and great ability; it would be a tragedy in both personal and social terms if our society could not make use of the talents of such children. We should regard people as being on a spectrum rather than in particular categories. Empowerment is the key, and I should like to leave that message with the minister.

16:23

Paul Martin (Glasgow Springburn) (Lab): I support the motion. Nicola Sturgeon said that the Executive should not expect singular praise for the work of the Parliament on this issue. Before the business manager sends me one of the dreaded pager messages, I would like to say that I agree with Nicola on that point. As Hugh Henry suggested, the whole Parliament should take credit for prioritising an issue that faces parents, pupils and organisations that have been affected

by decades of being—as Jamie Stone pointed out—the poor relations.

I would like to focus on the special educational needs of pupils who have physical disabilities and health needs. Like my colleague Robert Brown, I would like to mention Ashcraig school in my constituency, and to put on record my admiration for the dedication of the pupils, staff and parents who make Ashcraig such a successful school.

In the Executive's document, great emphasis is placed on ensuring that children are educated in mainstream education. I think that all of us would agree with that emphasis. One third of the pupils at Ashcraig school come from mainstream primary education. Many of those children do not continue into mainstream secondary education because of issues such as wheelchair access, the absence of peer groups and intensive medical needs. Many of the children at Ashcraig school spend an hour of their school day on intensive medical needs. We must take that into consideration. I should like the minister to comment on that point.

We should always take parental choice into consideration. Parents must always have quality choices. The Riddell advisory committee has set out the need for additional specialist provision to meet the needs of children who attend schools such as Ashcraig. For us to move in that direction, there will have to be a cultural shift within local authorities and education authorities. Schools with specialist requirements are the poor relations.

I have taken up a case on behalf of Ashcraig secondary school: it applied for public-private partnership funding and was advised that it was not part of the bid for Glasgow's programme. We should address the serious matter of why Ashcraig secondary school has been omitted from the original plan that every secondary school in Glasgow should be included in the public-private partnership programme.

We want the action plan to be implemented. That is clear and that is why I support the Executive's motion; it is clear that it wants to act. It is our job as a Parliament to ensure that the action plan is monitored and that we continue to monitor it.

16:27

Mr Duncan Hamilton (Highlands and Islands) (SNP): I welcome some of the announcements that the Executive has made on the issue and the constructive way in which it has approached the debate. I hope that if I make one or two criticisms, they will be taken in the same spirit of trying to find a solution.

The two substantial points that I will make link into the theme of equality. First, I will consider

equality of access to services in rural areas, which I mentioned in an intervention. Many of the facilities, advice and specialists are not available in remote and rural communities—or they are available to a much lesser extent. As I am sure the minister is aware, all over the Highlands and Islands, there is a dearth of opportunity for people to access vital services such as counsellors, psychiatrists, psychologists and visual and hearing impairment specialists.

When we consider the Highlands and Islands—or all of rural Scotland—we must identify the specific problems there and produce a more focused solution to those problems. I asked the minister about recruitment in some of those areas. Whether it is for speech or language therapy or anything else, it is more difficult to recruit in rural areas, because the provision of other services sometimes makes it less attractive for people to move to those areas.

We are perhaps blessed by the fact that the minister has a background in that area, but I urge him to examine more closely what can be done. He said, correctly, that the consideration of those issues is for councils. One positive suggestion would be to do something about council funding. We cannot ignore cuts that have been made across council budgets. For example, in Argyll and Bute, the special islands needs allowance has still not been awarded. That would make a tangible difference. Although that is the responsibility of local government, it is also important that central Government understands that, as the funding agency, it has a role to play.

My second point is about equality of opportunity. One matter that has not been touched on in the debate is careers services for those with special educational needs. I have pursued that matter for some time. In relation to the social inclusion agenda, there is nothing that can do more to build self-confidence and interpersonal skills on the part of those with special educational needs than having a properly focused careers service. I am afraid that some of the work experience organised in schools, which used to be supported, has been cut. It is regrettable that that has been lost in many areas. The careers services need to have access in a joined-up network to specialist information, so that they can deal with those clients on their own merits.

The minister should examine the issue of careers services. In answer to a parliamentary question that I asked, Henry McLeish said that no resources were ring-fenced for that. The Executive position is that all clients are equal, and have the right to equality of treatment. Although I agree with that, in practice those who have special educational needs are put at the bottom of the pile. Whether we need a change in the philosophy,

better guidelines or ring fencing, there has to be more creative thinking.

Although respite care is not strictly part of the debate, it ties in with it. I hope that some of the advances that have been made in respite care can be built on, not just in the provision of facilities but in the stimulation of clients, which is potentially an enormous step forward.

I welcome what the Executive has done, but I would welcome further comment from the minister on the points that I have raised. I am happy to provide him with information on the specific projects that I mentioned.

16:31

Dr Sylvia Jackson (Stirling) (Lab): I echo some of the points that Hugh Henry made. As I have a son who is dyslexic, I know how my husband and I needed to fight sometimes to get appropriate support, such as a laptop, a reader, or a scribe in examinations. I acknowledge what Nicola Sturgeon said about the considerable variation in provision across Scotland.

I welcome Peter Peacock's opening speech. The Riddell committee report is an important start. The minister mentioned the need for additional resources. Certainly, the Executive is showing a resolve to examine new ways of addressing issues. The establishment of the national advisory forum is important, and it has already produced good points. I wish the Executive well. I hope that it will address the issue of special educational needs in conjunction with the inquiry of the Education, Culture and Sport Committee.

The area on which I will concentrate is equity and special needs schools—I spoke on that when we discussed the issue previously. Although I welcome the move toward mainstreaming and regard it as important for gaining equity in the system, I think that there will always be some children who will need special schools or units. It will take some time to phase in mainstreaming because considerable resources will be needed to do that.

I will now address the subject of children in special schools and units. The Riddell report said:

"The Scottish Executive should issue advice to local authorities to the effect that the length of the school week in special schools and units should be similar to that in mainstream primary and secondary schools."

Has the advice note for local authorities been issued? Do we need to include a provision in the Standards in Scotland's Schools etc Bill that gives equity for special schools and units?

I hope that, when the Education, Culture and Sport Committee conducts its inquiry into special educational needs, it will examine the variation in

the length of the school day for special schools and units.

16:34

Mr Lloyd Quinan (West of Scotland) (SNP): I will focus on the situation of pupils who are diagnosed with autism spectrum disorder. I remind members that next week is autism awareness week.

I have consulted widely among practitioners, parents and organisations, and have found that many autistic children do not receive the specialist care and education that they require and rightfully deserve. One of the reasons for that could be the sudden and dramatic increase in the number of children being diagnosed with the condition. The current estimate is that one child in every 500 suffers from the condition. Given that, 10 years ago, it was a rare condition affecting one child in 10,000, that is an alarming statistic.

Although the educational needs of those children have been acknowledged by the Government, it has not fulfilled its responsibility to the children, the practitioners, the parents and the carers. Currently, there are only three schools in Scotland that specialise in and are dedicated to the education of autistic children: Struan House in Alloa, Daldorch House in Ayrshire and Middlefield School in Glasgow. I would also like to acknowledge the specialist units—sometimes referred to as language or communication units—that are based in schools, particularly the unit in Renton primary school in West Dunbartonshire.

Concerns have been voiced, not only in West Dunbartonshire Council but nationwide, that there is a huge gap in secondary education provision and, even more important, post-school provision. That is not to say that the education system is not trying to address the growing problem, but the Government should be prepared to finance, support and encourage, not just with words but with action.

It should be stressed that inclusion or mainstreaming is not always the appropriate direction for children with autism spectrum disorder. The condition has varying degrees of impact and Asperger's syndrome, which is an associated condition, increases the difficulties faced by those affected.

The main concern that I have heard from everyone touched by autism is the lack of provision. West Dunbartonshire Council has identified special education needs as a priority, due to the increase in the number of children being diagnosed with autism. The council realises that the current provision is not sufficient. The council will encounter difficulties because of the many children being diagnosed with the condition

and the real gap in provision for secondary education.

I would like to finish by asking the Minister for Children and Education, on behalf of the parents, teachers and practitioners, what pledges the Executive will make specifically to children with autism in terms of their education. Will it address the pressing need to establish a proper framework for education, pre-school to post-school? The answers to those questions will be anticipated widely by parents and carers across Scotland.

16:37

Ian Jenkins (Tweeddale, Ettrick and Lauderdale) (LD): Some months ago in a surgery in Selkirk, a couple of parents came to see me who were worried about their youngster with severe educational difficulties, who was transferring from primary school, where she had been very happy, to secondary education. They asked me to write and support them in ensuring that she stayed in the local area and was not transferred to a special school.

Being a former teacher, I foresaw all the difficulties, and with a heavy heart I wrote to the education authority. I thought that I would not be able to please the parents because I was going to get a reply that said "What about the stairs?" and so on. However, the policy had changed and I was delighted because I was able to write to the parents and say that their daughter could attend the mainstream school with her friends. The culture is already changing, and I am delighted that this debate will support that development.

We need to be realistic and recognise that mainstreaming places extra demands on teachers. It is potentially a source of great fulfilment for teachers and there are great advantages for the other children in the school. It is good for everybody in the school community. I am delighted that the programme for action recognises the need to fund and expand training.

That brings me to resources, which must be adequate to the needs. There are many extra expenses such as those relating to transport, access to the buildings, support in the classroom and recreational areas where the children can be free from stress and bullying. I am sorry to say that I do not know whether £6 million is enough. It sounds like a lot of money, but we need to see whether it is enough in practice.

I welcome the progress report—it is an impressive list of initiatives and policies—which says that the special educational needs advisory forum will take the Education, Culture and Sport Committee's report into consideration. I worry about the special schools that have been mentioned. If the pupils of those schools, which

we accept may still be necessary for some pupils in extreme circumstances, shed away from them, the viability of the schools will become a problem. I mentioned that recently in the committee. I am not sure how that change will be managed and at what point it will become critical. I hope that the minister is aware that it will take time.

I look forward to the Education, Culture and Sport Committee investigating properly the circumstances of SEN. I agree with an earlier speaker that there is a danger of a proliferation of information. However, I am happy that the issue of special educational needs is being dealt with. I hope that the Education, Culture and Sport Committee can come to conclusions that will progress the matter.

Children such as the one in Selkirk I spoke of are the ones who will benefit from this. If we all work together in the way in which we have spoken together today, we can make progress.

16:41

David McLetchie (Lothians) (Con): I am delighted to wind up on behalf of the Conservatives. Three of the seven grant-aided special schools are based in Edinburgh. As a list member for the Lothians, I have a strong interest in this issue and have met representatives from those schools to discuss the implications for them of the Riddell report that has been referred to on a number of occasions in the debate.

We agree that the option of mainstream education should be available to as many children as possible. However, the views of parents and children must also be listened to and education should be tailored to meet the special needs of individual children. Children should not be shoehorned, as a matter of course, into local mainstream schools simply because the principle of inclusion is elevated above a child-centred, needs-based approach.

As has been pointed out by many members, particularly Nicola Sturgeon, there is a danger that many special needs pupils will feel excluded in mainstream schooling through lack of social contact. Integration does not automatically mean inclusion. That is why we have great concerns about the Riddell report's recommendations with regard to the seven grant-aided special schools. They are an important national asset, and I know from my discussions with the head teacher at Harmeny school in Balerno that that school and others have very real fears about the implications of the end of their grant-aided status.

The specialised care provided in a school such as Harmeny is designed to prepare children with social, emotional and behavioural difficulties, over a period of two to three years of residency, to

return to mainstream education. The work carried out by those schools patently cannot be carried out within a mainstream school because the children concerned have already been unable to cope in a mainstream setting. Such schools fulfil a need that would otherwise be unmet.

Schools such as Harmeny and the others that we are discussing today rely on a stable funding mechanism. There is no guarantee that placement fees paid by local authorities, which are to replace the annual Scottish Executive deficit funding, will come through. In the case of Harmeny, that amounts to something like £700,000 of income a year.

There will be real problems for such schools if there are fluctuations from year to year in the number of children that they are taking. I hope that the Executive does not proceed to implement the Riddell recommendations, but if it does, I hope that the minister will consider some kind of underwriting mechanism to try to even out the fluctuations in income that such schools might otherwise experience, to enable them to plan properly for the future and for the provision for children for whom there is no alternative in mainstream education.

It is essential to give parents and their children who have special educational needs a real choice, which requires impartiality in the provision of information about the schools and facilities that are available—for example, whether they are made available locally by a local authority or by a national grant-aided school. There is a danger, and clear temptation, for local authorities to recommend their own school rather than a national school, especially if that local authority is keen to develop a special needs facility and needs to reach a critical mass of pupil numbers.

I welcome the one-year delay in the implementation of the Riddell recommendations as speed of implementation was one of the main concerns of the grant-aided schools. However, we believe that grant-aided status is the most appropriate way of funding special needs schools, which is why we have lodged the amendment.

As we all know, this Executive—with one conspicuous exception—seems to have a strong aversion to the direct funding of schools and their independent management. We will debate on many occasions what is the most appropriate way of organising mainstream education in the mainstream schools in Scotland. However, today we are talking about special needs schools which cater for a very vulnerable group of children. I hope that the issue will not become a political football.

We must consider whether the needs of these children and young people are best served by

adopting a policy that will threaten the viability of valuable national institutions such as the grant-aided schools, which are a very fine example of partnership between Government and the voluntary sector. The Executive rather rushed to judgment on the financial recommendations of the Riddell report. I hope that the minister will think again and that the chamber will support Mr Monteith's amendment.

16:47

Fiona McLeod (West of Scotland) (SNP): In winding up for the SNP, I will reiterate the welcome given by Nicola Sturgeon and my colleagues to the substance and tone of this debate, and to the minister's opening remarks when he said that he was here to listen and learn and to proceed on that basis. I will highlight a few questions that remain about whether the Government can back its commitment on key areas with the necessary funding and resources.

At the Education, Culture and Sport Committee, it was disappointing to read what Nicola Sturgeon called the get-out clauses in the Government's amendments to section 13. The amended paragraphs 13(2)(b) and 13(2)(c) use words such as "incompatible" and "significant public expenditure". Surely such language should find no place in a presumption in favour of inclusive education. Last year, I attended the equity conference in Edinburgh, at which I heard evidence from the United States showing that children with the most severe physical and mental disabilities can be taught in mainstream schools with exceptional results for all pupils at the school.

Many organisations working with children with special needs will also be disappointed with the Deputy Minister for Children and Education's response to the amendment seeking to co-ordinate assessment undertaken under the Education (Scotland) Act 1980 and the Children (Scotland) Act 1995. The minister should remember that children do not live their lives in compartments or in local authority departments. Their needs are educational, social, personal and familial. We should be pushing streamlining as well as mainstreaming. Although the amendment would have been a start towards that aim, the Government rejected it.

I want to return to the phrase "significant public expenditure". When we consider the provision of special educational needs, we must also examine the current settlement provided to local authorities by this Government to find the reality rather than the rhetoric, as Duncan Hamilton said. For example, in my constituency, East Renfrewshire Council has been praised in the past by parents, amongst others, as an authority committed to mainstream provision. However, the phrase

"rationalisation of SEN support" appeared in this year's budget settlement with a saving of £80,000. This innocuous phrase meant the withdrawal of SEN auxiliaries from primary schools.

The parents of pupils who would have been left without their support were well nigh desperate when they contacted me. Those parents went on to convince the council that it should reverse its decision, but the anxiety that was suffered by everybody—parents, pupils and members of staff alike—should never have existed. Those services, however, will now always be at the mercy of the phrase "significant public expenditure".

Mr Kenneth Macintosh (Eastwood) (Lab): Does Fiona McLeod acknowledge that East Renfrewshire Council's commitment to inclusion in special needs education is unsurpassed in Scotland? That council's record on SEN is recognised by the parents who were concerned and disappointed at the budget oversight—as I like to see it in retrospect. That oversight was overturned after pressure was applied by me and Labour councillors.

Fiona McLeod: As I said, that caused great distress. The reality is that the rhetoric must be backed up by appropriate funding so that no one in East Renfrewshire, or anywhere else, will be put in such a position. We know from the Joseph Rowntree Foundation's figures that it costs more money to provide mainstream education for children with special needs. We must, therefore, find that money.

I finish by reminding Peter Peacock of his commitment to listening and learning and I look forward to his acceptance of the SNP amendment as a first step towards that.

16:51

Peter Peacock: As I thought it would be when I opened it, this has been a thoughtful debate, but one in which there was never going to be enough time to hear all the contributions that members wanted to make. It is an issue that touches many of our personal lives and which members throughout the chamber care greatly about. I hope that the Education, Culture and Sport Committee will have more time to examine some of the issues.

I will try to address as many of the points that have been made as possible, but I cannot address them all in the time that is available.

I welcome Nicola Sturgeon's contribution and general support for the efforts of the Executive. Nicola mentioned a number of reports, such as the Beattie report, the report of the Riddell committee and the report on learning disabilities that Iain Gray and I launched this morning. She made the

point, rightly, that we must ensure that confusion about policy does not arise in the Executive and that there must be strong co-ordination of policy. I can reassure Nicola Sturgeon on that. The fact that I was with Iain Gray this morning at the launch of the report illustrates that we talk to each other. We are trying to find the links between different areas of policy that affect disadvantaged young people. I assure the chamber that we will continue to give high priority to ensuring that that happens.

I was also asked by Shona Robison whether the Education, Culture and Sport Committee's report on special educational needs will, when it is completed, be submitted to the special educational needs advisory forum. I am more than happy to assure her that that will happen and we will ensure that the forum is kept abreast of developments.

A number of members—Fiona McLeod, Nicola Sturgeon and others—mentioned the provision in the Standards in Scotland's Schools etc Bill that makes a clear presumption in favour of inclusion in mainstream schooling of those with special educational needs. The bill provides for three exceptions, in which local authorities and parents acting together may consider that inclusion in mainstream education is not in the best interests of a child. I want to make it abundantly clear that the Executive does not regard any of the three reasons, or any combination of them, as an opt-out for local authorities. We are trying to achieve an inclusive policy and a thrust towards involving young people with special educational needs in mainstream education.

In designing a bill for the future we must create a framework that will allow for a debate between the child, parents and local authorities and that will take account of the best interests of the individual child. There is no opt-out clause or series of opt-out clauses, but there must be provision to examine the interests of any child at any time. That is the balance that we are trying to create. It has been the subject of much debate by experts in the field. I hope that we have found consensus and a way forward in relation to that.

A number of points were made by David McLetchie, Brian Monteith and Nicola Sturgeon about the seven grant-aided schools, and Duncan Hamilton made a point about rural areas that tied in with the grant-aided schools situation. That is a difficult area—the changes that are proposed for those seven schools are complex. The changes have not, however, simply appeared in ministers' minds, but have developed after close examination of the circumstances by the Riddell committee. That committee is greatly respected in its field and its work is held in high regard.

We seek in no way to undermine existing specialist schools or to suggest that they have no future in Scotland. However, we want to consider

the evidence taken by the Riddell committee about how such schools operate. Specialist schools are funded nationally to recognise their national role, but not all of them provide a national resource; many of them provide local services for a local population. That is not true of all such schools, however, and Harmony in particular does not fall into that category.

At the same time—Duncan Hamilton alluded to this—there are great difficulties in other parts of Scotland in making local provision. We want young people with learning difficulties and special educational needs to be catered for as close to their home as is humanly possible. That is why we want to redesign the configuration of funding, to allow funding to flow through local authorities so that they are better equipped to make local provision if they so choose.

Mr Monteith: Will the minister give way?

Peter Peacock: Allow me to develop my point.

However, if local authorities want to purchase places in specialist schools, they will be free to do so. The best interests of the individual child must prevail. I, for one, do not seek to fetter in any way what local authorities may choose to do.

Mr Monteith: Will the minister clarify what he is saying? Specialist educational provision may be on offer from a number of independently run, grant-aided schools. Is he saying that it would be acceptable for a local authority to offer such provision locally? In a sense, that would not be mainstream education either—a local authority would still be providing a specialist school.

Peter Peacock: That is a judgment for the local authority. In my opening remarks, I recognised that, depending on the numbers and the particular geographic area, being part of a specialist school might be more inclusive for some children. I do not rule out such provision. It is a matter for the local authority.

I understand the anxieties about the seven grant-aided schools. My colleague Iain Gray, who is the member for the constituency in which the Harmony school is located, raised the issue with me several months ago. The reason that we have delayed the decision to implement the Riddell recommendations is that we recognise that this is a sensitive and complicated area and we want to take time to get the decision right. I can assure the chamber that we are working on significant transitional arrangements to address the point raised by David McLetchie. I am quite sure that when we publish those, they will go a long way towards satisfying the concerns that people have. I must make it clear, however, that we are committed to continuing with our decision, because we believe that it is right.

Shona Robison and Sylvia Jackson referred to the length of the school week for children with special educational needs. As I have indicated, our priority is to create a situation where the vast majority of children receive their schooling in a mainstream context. That alone should lead to more and more children receiving the normal school week consistent with their individual needs, which must be taken into account.

Equally, the Riddell committee made it clear that it did not think that there was a case for remaining specialist schools having a different school week for children with special educational needs. Such children should be treated the same as their peers. We agree with that point of view and will issue guidance to local authorities and others on how we expect such matters to be taken forward in future. We do not believe that there needs to be a provision in the bill to achieve that objective.

Hugh Henry raised a number of points about the need for early diagnosis of dyslexia. Robert Brown and Sylvia Jackson raised similar points. We subscribe fully to the point of view outlined by Hugh Henry. Parents should not find negotiations with their local authority to discover the right provision difficult. That is why we are interested in the advocacy and mediation projects being developed in the voluntary sector and want to monitor how those work. As Hugh Henry properly said, in-service training is crucial for the early diagnosis of not only dyslexia, but dyspraxia and other autism spectrum disorders, as highlighted by Lloyd Quinan. We recognise that and are committing resources to try to achieve greater effect from in-service training, to ensure that such issues are picked up as quickly as possible.

A number of members raised the issue of equality in rural areas. One of our aims for grant-aided schools and for reconfiguring expenditure is to try to ensure that more money is available locally, including in rural areas, to create local provision for young people.

I could go on for many hours picking up the points raised in the debate—they have been so substantial—but I do not intend to do so. I believe that the Executive's, and the chamber's, feeling is that we are making significant strides to improve services for children with special educational needs. We all recognise that we have more to do, and I will follow up the many good points made in today's debate. I commend the motion in my name to the Parliament.

Mr Monteith: On a point of order, Presiding Officer. I understand that there has been a press briefing within the last half-hour in regard to an Executive amendment, on sex education, to the Standards in Scotland's Schools etc Bill. Might the Executive be able to tell us in this chamber whether we will be able to see that amendment

before reading about it in the press tomorrow?

The Presiding Officer (Sir David Steel): I have no knowledge of such matters, I am afraid.

Michael Russell: On a point of order. I would have thought that it would be possible to rule out references to amendments, which have been lodged, before they are read by members. From what I have heard of it, it seems a very good amendment, but I do not think that it is for discussion here today.

The Presiding Officer: I have not seen the amendment yet; no amendment exists until I have agreed it. Perhaps that is the short answer to the question.

Lead Committees

The Presiding Officer (Sir David Steel): I ask Tom McCabe to move motion S1M-827, on the designation of lead committees.

Motion moved,

That the Parliament agrees the following designation of Lead Committees:

The Social Inclusion, Housing and Voluntary Sector Committee to consider the Civic Government (Scotland) Act 1982 (Licensing of Houses of Multiple Occupation) Order 2000, (SSI 2000/draft) and,

The Health and Community Care Committee to consider the Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) Order 2000.—[Mr McCabe.]

Decision Time

17:01

The Presiding Officer (Sir David Steel): We now come to decision time. There are five questions to be put.

The first question is, that motion S1M-803, in the name of Andy Kerr, on the Transport and the Environment Committee report, be agreed to.

Motion agreed to.

That the Parliament notes the 3rd Report, 2000 of the Transport and the Environment Committee, Report on the Inquiry into Proposals to Introduce New Planning Procedures for Telecommunications Developments (SP Paper 90), and commends the recommendations to the Scottish Executive.

The Presiding Officer: The second question is, that amendment S1M-823.1, in the name of Nicola Sturgeon, which seeks to amend motion S1M-823, in the name of Peter Peacock, on special educational needs, be agreed to. Are we all agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

Adam, Brian (North-East Scotland) (SNP)
 Aitken, Bill (Glasgow) (Con)
 Canavan, Dennis (Falkirk West)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Elder, Dorothy-Grace (Glasgow) (SNP)
 Ewing, Dr Winnie (Highlands and Islands) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Ewing, Mrs Margaret (Moray) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Fergusson, Alex (South of Scotland) (Con)
 Gibson, Mr Kenneth (Glasgow) (SNP)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Grahame, Christine (South of Scotland) (SNP)
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)
 Harding, Mr Keith (Mid Scotland and Fife) (Con)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Johnston, Nick (Mid Scotland and Fife) (Con)
 Lochhead, Richard (North-East Scotland) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 MacDonald, Ms Margo (Lothians) (SNP)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)
 McLeod, Fiona (West of Scotland) (SNP)
 McLetchie, David (Lothians) (Con)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 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)
 Paterson, Mr Gil (Central Scotland) (SNP)
 Quinan, Mr Lloyd (West of Scotland) (SNP)
 Reid, Mr George (Mid Scotland and Fife) (SNP)

Robison, Shona (North-East Scotland) (SNP)
 Russell, Michael (South of Scotland) (SNP)
 Salmond, Mr Alex (Banff and Buchan) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Sheridan, Tommy (Glasgow) (SSP)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Tosh, Mr Murray (South of Scotland) (Con)
 Ullrich, Kay (West of Scotland) (SNP)
 Wallace, Ben (North-East Scotland) (Con)
 Wilson, Andrew (Central Scotland) (SNP)
 Young, John (West of Scotland) (Con)

AGAINST

Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 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)
 Gorrie, Donald (Central Scotland) (LD)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Harper, Robin (Lothians) (Green)
 Henry, Hugh (Paisley South) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lyon, George (Argyll and Bute) (LD)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 MacKay, Angus (Edinburgh South) (Lab)
 MacLean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McAllion, Mr John (Dundee East) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McLeish, Henry (Central Fife) (Lab)
 McMahon, Mr Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (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)
 Oldfather, Irene (Cunninghame South) (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)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

The Presiding Officer: The result of the division is: For 49, Against 65, Abstentions 0.

Amendment disagreed to.

The Presiding Officer: The third question is, that amendment S1M-823.2, in the name of Brian Monteith, seeking to amend motion S1M-823, in the name of Peter Peacock, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

Aitken, Bill (Glasgow) (Con)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Harding, Mr Keith (Mid Scotland and Fife) (Con)
 Johnston, Nick (Mid Scotland and Fife) (Con)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)
 McLetchie, David (Lothians) (Con)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Tosh, Mr Murray (South of Scotland) (Con)
 Young, John (West of Scotland) (Con)

AGAINST

Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Canavan, Dennis (Falkirk West)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Deacon, Susan (Edinburgh East and Musselburgh) (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)
 Gorrie, Donald (Central Scotland) (LD)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Harper, Robin (Lothians) (Green)
 Henry, Hugh (Paisley South) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)

Livingstone, Marilyn (Kirkcaldy) (Lab)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 MacKay, Angus (Edinburgh South) (Lab)
 MacLean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McAllion, Mr John (Dundee East) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McLeish, Henry (Central Fife) (Lab)
 McMahon, Mr Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (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)
 Oldfather, Irene (Cunninghame South) (Lab)
 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)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
 Sheridan, Tommy (Glasgow) (SSP)
 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)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

ABSTENTIONS

Adam, Brian (North-East Scotland) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Elder, Dorothy-Grace (Glasgow) (SNP)
 Ewing, Dr Winnie (Highlands and Islands) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Ewing, Mrs Margaret (Moray) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Gibson, Mr Kenneth (Glasgow) (SNP)
 Grahame, Christine (South of Scotland) (SNP)
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Lochhead, Richard (North-East Scotland) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 McLeod, Fiona (West of Scotland) (SNP)
 Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 Paterson, Mr Gil (Central Scotland) (SNP)
 Reid, Mr George (Mid Scotland and Fife) (SNP)
 Robison, Shona (North-East Scotland) (SNP)
 Russell, Michael (South of Scotland) (SNP)
 Salmond, Mr Alex (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Ullrich, Kay (West of Scotland) (SNP)
 Wilson, Andrew (Central Scotland) (SNP)

The Presiding Officer: The result of the division is: For 13, Against 69, Abstentions 27.

Amendment disagreed to.

The Presiding Officer: The fourth question is, that motion S1M-823, in the name of Peter Peacock, on special educational needs, be agreed to.

Motion agreed to.

That the Parliament welcomes the publication on 9 May 2000 of the Scottish Executive's progress report Improving our Schools: The Special Educational Needs Programme of Action and endorses the Executive's policies of support for children and young people with special educational needs.

The Presiding Officer: The fifth question is, that motion S1M-827, in the name of Tom McCabe, on the designation of lead committees, be agreed to.

Motion agreed to.

That the Parliament agrees the following designation of Lead Committees:

The Social Inclusion, Housing and Voluntary Sector Committee to consider the Civic Government (Scotland) Act 1982 (Licensing of Houses of Multiple Occupation) Order 2000, (SSI 2000/draft) and,

The Health and Community Care Committee to consider the Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) Order 2000.

The Presiding Officer: That concludes decision time.

The Black Cuillin

The Presiding Officer (Sir David Steel): We now move on to members' business, which is a debate on motion S1M-769, in the name of John Munro, on the Black Cuillin. The debate will be concluded after 30 minutes, without any questions being put.

Motion debated,

That the Parliament notes the unique position of the Cuillins in Scotland's natural heritage; further notes the public debate about the legitimacy of the title and believes that it would be in the public interest to put the sale on hold until matters have been fully investigated.

17:05

Mr John Munro (Ross, Skye and Inverness West) (LD): I apologise for not being present to speak to my members' business debate yesterday. I was unable to attend due to a close family bereavement. I express my sincere thanks to members of the Parliament and to David Davidson of the Conservative party who willingly agreed to bring his debate forward by a day, which allowed this debate to occupy this slot today.

Presiding Officer, I do not know whether you are a man of means—whether you have a few pounds in your sporran or a few million in the bank. If you had £10 million to spare, your eyes might have been drawn to the Cuillin mountains on the Isle of Skye in my constituency. I do not need to enthuse about the grandeur of the mountains—the selling agents have done a good enough job. They describe the area in glowing terms as Scotland's most famous mountain ridge and an area of international importance. They point out that it has 11 Munros, two salmon and sea trout rivers, salmon-netting rights, a camp site for climbers and 14 miles of glorious coastline. Only in Scotland, however, would it be possible for the jewel in our Highland crown to be sold off to the highest bidder without regard to what the community thinks. *[Interruption.]*

The Deputy Presiding Officer (Mr George Reid): Order. A phone is ringing incessantly and it should be turned off.

Mr Munro: It appears to be my phone. *[Laughter.]* I never get a moment's peace.

The people of the Isle of Skye never believed that the Cuillin mountains belonged to any individual. They have always said that the mountains are part of the heritage of their forefathers and must remain as such.

I understand the heartache of John MacLeod, the landowner, at the sale of the Cuillin range. He has assured us that any money that he raises will

be spent on the redevelopment of Dunvegan Castle and that he will invest as far as possible in local businesses and the local economy. I am sure that he will do that but I do not know why the clan chief does not send "The Fiery Cross" around his international clansmen. I am sure that that would raise sufficient money to repair his ancestral home and enable him to put some thatch on his little bothan.

I want this debate to raise the validity of the ownership of the Cuillins. I and Charles Kennedy, the local MP, have written to Jim Wallace and John Reid, the minister responsible in this matter. We need an immediate public investigation to allow the validity of the MacLeod title to be examined thoroughly. The claim to the Cuillins is founded on the Dunvegan charter—a royal charter of 1611—which returned ownership of the lands to the clan chief. The royal charter refers only to the parish of Minginish, without a clear delineation of boundary. It does not mention the Cuillins. Subsequent documents relating to the charter, published in 1931 and 1966, have compounded that omission by again failing to refer to the Cuillins.

Incidentally, a condition in the charter was that the clan chief had to supply three galleys crewed by clansmen. I do not think that that condition has ever been fulfilled, so the clan chief is in default—he has not paid his rent, and we know what happens to people who do not pay their rent.

Ministers and the Crown Estate should take a lead role in investigating this title. We have asked them to do that and very little has happened; in fact, the Crown Estate has refused even to consider the request. There is undoubtedly an historic question mark hanging over the ownership of the range. If there is any chance that the Crown may have a legitimate claim on any of these lands, it is incumbent on it to represent the public interest and come forward.

This Parliament may not have the power to halt the sale of the Cuillins, but the Crown Estate could, if it chose to intervene to contest the validity of the title, ensure that our questions are answered before any sale goes ahead. If the officer of the state, on behalf of the Crown, does not make representations on this matter, a neglect of responsibility will have taken place.

I call on the Crown Estate to reinvestigate whether it has a valid claim on the title of the Cuillins. If it has any basis for a claim, it must immediately pursue it—if necessary, through the courts. Court action may cost money, but it would be a good use of some of the millions of pounds that the Crown Estate has taken from the west Highlands salmon farming industry—to mention just one industry—over the years. For years, it has taken; now it can give something back.

If, on the other hand, the Crown Estate's exhaustive investigation leads it to believe that it does not have a claim, it must make public its full reasons so that the investigation can be subject to public scrutiny. The Crown Estate would hold the land in trust for us all and we are entitled to ask it to prove that, by denying any claim, it is not giving away our land.

Our wilderness and mountains should be held by the nation for the benefit of local communities and local economies. Such sentiments are in the spirit of the historic land reform legislation that is being passed by this Parliament. Whoever owns the Cuillins in future, we must continue to call for assurances that access to these priceless national treasures will continue. Charles Kennedy and I, and the local community, will continue to fight against any inappropriate actions by future owners.

Whoever the ultimate owner of the Cuillins may be, we must unite behind the people of Skye to ensure that future generations enjoy the unhindered and responsible access to this wild, rugged and beautiful range of mountains that people have enjoyed for generations past.

17:13

Rhoda Grant (Highlands and Islands) (Lab):

The sale of the Black Cuillins has rightly created much comment in local organisations, by politicians and by members of the public. I am pleased that the press has also contributed to the discussion. It is fitting that the Scottish Parliament has the opportunity to debate the issue formally. I congratulate John Farquhar Munro on securing the debate and I believe that his motion hits the right note.

Although we all have our own opinions on this issue, there are certain common questions on the ownership of the Cuillins, which is not clear cut. It is clear from the briefings that I and other members have received from Alan Blackshaw and Andy Wightman that there is at best a degree of ambiguity over the ownership. A time for reflection is needed: it is essential that there is a sufficient pause in the debate for a proper investigation to take place.

There are two issues. The first is the need to improve and renovate Dunvegan Castle. I believe that solutions can be found, without involving the sale of the Cuillins, to ensure that the castle is upgraded. The second issue is the ownership of the Cuillins.

John MacLeod has linked the sale of the Cuillins to the improvements to the castle. While that is an attractive option for him we should make it clear that the improvements to the castle can be made without the need to sell the Cuillins. There are

several bodies that could be involved, including Highlands and Islands Enterprise, Skye and Lochalsh Enterprise and the Heritage Lottery Fund. Some of them have an interest in ensuring that Dunvegan Castle is maintained. Dunvegan Castle brings people to Skye and is important to the local economy. Tourism is worth a great deal to the Highlands and Islands.

I hope that John MacLeod has investigated those avenues. If not, many people will come to the inescapable conclusion that his decision has less to do with improvements to the castle than with holding interest groups to ransom and forcing them to pay the inflated and at best opportunistic price of £10 million.

The sale of the Cuillins is controversial on two counts. First, does John MacLeod actually own them—are they his to sell? I urge the Executive to do all in its power to ensure that the appropriate bodies investigate the title. In the meantime, the sale should be put on hold. The second issue is long standing and quite difficult to put into words: what rights do the people who live in Skye have if their heritage can be put up for sale to the highest bidder? That issue will not go away and should be addressed in the land reform legislation.

The debate has highlighted the need for proper investigation into the issues that have arisen. As the motion notes, there is considerable public debate about the title—as there is about the asking price and whether the sale is in the public interest. I believe that improvements can be made to the castle without that drastic measure.

I urge John MacLeod to take on board public concern and to act appropriately. I am sure that he does not want his place in history to be part of the long list of discredited landowners, uncaring, unconcerned and deaf to the pleas of the people who live on the land. There are too many unanswered questions and there must be time to investigate the issues that have been raised. I hope that there will be time for reflection.

17:17

Fergus Ewing (Inverness East, Nairn and Lochaber) (SNP): I congratulate John Farquhar on securing the debate. Ben Nevis was sold recently and now the Black Cuillins, including many Munros, are on the market. I am sure John Farquhar is one Munro that is not for sale.

The professed owner of the Black Cuillins is a man called Mr Wolrige-Gordon who, possibly because he is related to a former Conservative MP, changed his name to MacLeod of MacLeod. It is unclear whether he has a legal title to the Black Cuillins, as John Farquhar Munro and Rhoda Grant have said. For that reason, more than a month ago—in a written question on 7 April—I

asked the Executive to investigate the ownership issue and obtain copies of all the relevant title deeds. The question has not yet been answered. I presume that Angus MacKay, with his characteristic candour, will reveal all at the end of this debate.

I also ask the Presiding Officer whether it is possible to go further than that and instruct the district valuer to carry out a valuation of the Black Cuillins. Either they are priceless or they are worthless. It is not possible to make a living out of the Cuillins. Access cannot be restricted; it is not possible to develop the land or build a factory on it. If the normal principles of commercial valuation apply I suggest that the Black Cuillins could be bought for around a tenner—we could have a whip round in the chamber now.

Members: Yes.

Mr Murray Tosh (South of Scotland) (Con): I offer £15.

Fergus Ewing: A capitalist as ever!

Alasdair Morrison described the Cuillins as a gift from God. It is risible—ridiculous—that any individual could own the Black Cuillins. That is something to which we would all subscribe, even those who want to enter into an impromptu auction for the Cuillins.

Tomorrow, Christine Grahame and I will introduce a member's bill to deal with the problem of who owns Scotland and answer the call made by Andy Wightman, John McEwan, Robin Callendar and Auslan Cramb to make it compulsory not just to register land on the course of sale, but to register land full stop so that we know who owns Scotland and so that MacLeod of MacLeod—or Wolrige-Gordon or whatever he will be called next week—will have to register his title as of law.

The land reform movement in Scotland has waited a long time for this moment. That bill, which is reasonable, practicable and sensible, can become law. It would grant and meet all the aspirations of the people of the Highlands and the people of Scotland.

17:21

Mr Jamie McGrigor (Highlands and Islands) (Con): Anyone who has sped like a bird on the wing over the bridge to Skye will tell you that there is nothing quite like the Cuillins. They epitomise the jagged history of the Highlands in timeless fashion, and short of there being a superquarry, as might happen over the water on the Isle of Harris, there is absolutely no chance of our losing them. They will remain the great guardians of Scotland's north-west approaches, links with man's prehistoric past, witnesses of countless

generations that have melted back into the earth, stoical, steadfast bastions that dwarf human vanity and delusion.

“beyond hardship, wrong, tyranny, distress, beyond misery, despair, hatred, treachery, beyond guilt and defilement; watchful, heroic, the Cuillin is seen rising on the other side of sorrow.”

That was what Sorley MacLean said about them. They were there before man's existence and they will be there long after man has gone.

So why all the fuss about who owns these monoliths? The deeds should be investigated, but it is not the business of any individual or group of individuals in a free, democratic country to tell anyone what they should do with the land that they own and what they should do with the money once they have it and once the Treasury has taken its share.

No one needs to prop up the Cuillins. What matters is that the public have reasonable access to them. Those who preach that the Cuillins should be bought for the nation should tell us whence the money will come to buy them.

Fergus Ewing: Will Mr McGrigor give way?

Mr McGrigor: I do not have time to give way.

Presumably the money that would be needed would come from the same purse that provides for schools and hospitals. Is it really a good idea to use taxpayers' money to buy exotic mountain ranges? Perhaps those people believe that all property is theft, in which case they should stand up now and tell us their alternative plans to the property-owning democracy in which we live. Do they think that land should simply be confiscated, Mugabe-style and, if so, where does the appropriation stop?

Mrs Margaret Ewing (Moray) (SNP): I am astonished by the tack that Jamie McGrigor is taking. We all understand that anyone who owns property has to abide by certain regulations. If we alter our houses, we have to seek planning permission. Why should the responsibilities of owning the Cuillin be different from those of owning a home?

Mr McGrigor: I am not talking about planning permission. I am talking about title deeds of ownership. It would be a ridiculous waste of public funds if £10 million or even £1 million were spent buying for Scotland what is already Scotland's. It would not change the lives of the Sgitheanaichs, the tourists, the walkers or the climbers.

Plenty of things need to be done in the Highlands for which funding is really needed. Jobs and livelihoods are what matter to the people who live there, not who nominally owns great tracts of rock, peat and heather. A European subsidy

based on hectarage, rather than the old livestock headage-based system, would bring new ideas and more employment back to islands such as Skye. Then we would fill village schools and rural post offices again. That is what matters most, and whoever owns the Cuillins is insignificant—as long as it is not a MacDonald, of course.

17:24

Maureen Macmillan (Highlands and Islands)

(Lab): I congratulate John Munro on securing the debate; I am glad to see so many people present. It shows that this is not a local issue to the west Highlands, but one that is of importance to the whole of Scotland.

It is an absolute disgrace that the Black Cuillins have been put up for sale with a price tag of £10 million. It is a cynical attempt by MacLeod, or Mr Wolrige-Gordon as he should probably be better known, to extort money from the public purse for his own business ventures. The land has little intrinsic value, but these spectacularly rugged mountains are an icon for all those who love the great wildernesses of Scotland and for the people of Skye in particular. They have shown their disgust at MacLeod's plans at packed public meetings in Skye.

These mountains have never been on the market before—no one ever expected them to be. It is a moot point whether Mr Wolrige-Gordon actually owns them. I agree with the motion that we need time to investigate the ownership of the mountains. As Rhoda Grant said, many commentators believe that the mountains themselves might not have been included in the grant of land to some ancient MacLeod in the 17th century. Therefore, surely no sale should go ahead until ownership is verified.

I say to potential buyers out there that the £10 million that they would pay for the Cuillins will give them no powers over the hills whatever, except those that we in the Scottish Parliament give them or that Highland Council allows them. Planning laws are stringent, the Cuillins are in an area that has been designated a site of special scientific interest, and the right of access legislation that is soon to be passed will, by law, keep the mountains open to all those who use them responsibly. I say to buyers, “Keep your money in your pocket, and put a photo of the Cuillins on your mantelpiece instead.”

If MacLeod needs to fix his roof, he should apply for a grant, as other people do—and he should let us see the builders' estimates. If he wants to develop his business, he should submit his business plan to Highlands and Islands Enterprise and have it scrutinised, as other people do. He should stop playing with people's emotions over

these hills. Doubtless, he thought that there would be such an outpouring of public feeling—especially if it were hinted that there might be a foreign buyer—that the public purse would be opened for him. Perhaps he thought that loyal Sgitheanaichs everywhere would start up a fund to buy the Cuillins for Skye. But the Cuillins already belong to Skye—they always will, no matter who owns the title deeds.

MacLeod has now alienated himself from Skye. To put it politely, he has soiled his own nest and now he must sit in it. I hope that the experience proves as uncomfortable as possible, and that history will have a word for him.

17:26

Mr Jamie Stone (Caithness, Sutherland and Easter Ross) (LD): I was minded to be mild-mannered and fairly even-handed about this matter, until I heard the name Wolrige-Gordon. I did not realise that MacLeod was also Mr Wolrige-Gordon. A man called Wolrige-Gordon was once very rude to me, so I will fire up my speech a bit. [*Laughter.*] Such is the way of politics.

I must admit that the glossy brochures seemed a bit much—selling the Black Cuillin is like trying to sell the heavens, the sky, the clouds or the winds of the Highlands. It would have been better if MacLeod could have kept them.

Let us rattle the fear drum a bit. Do we really want Mohamed Al Fayed, Terry Wogan or Ben Wallace to own the Black Cuillin? My answer is no.

I congratulate John Farquhar on initiating the debate. I am not an expert on the Cuillin. I have never been up one—it would kill me; my heart would stop working halfway up. I know the Cuillin well from the view through the windows of the Sligachan Hotel, when I have been partaking of refreshments.

John Farquhar made a good point about “The Fiery Cross”. MacLeod of MacLeod, or Wolrige-Gordon of Wolrige-Gordon, or whatever his name is, could quite easily do up his castle if he got the word out to all the MacLeods around the world. I have examples of similar initiatives.

The Duke of Argyll rebuilt most of Inverary by appealing to the clan Campbell. John Mackenzie, the Earl of Cromartie, who has no land left, is a popular lad. He gave away all his land to the crofters, which is why his father was never voted out of the local district council. John Mackenzie is doing up his castle by putting letters around all the Mackenzies. Hector Munro of Foulis is another good lad, who has not much land left. He went round the Yanks—I am sorry; that was unparliamentary language. He went round our

brethren across the big pond.

Jamie McGregor should tone down his Robert Mugabe approach, as it was a bit strong. I advise him that his pal Malcolm Caithness, who is of not many means at all, is planning to do up his old pile—to coin a phrase—on the north coast through the Sinclairs.

My final example is that of a couple in Easter Ross who have just finished restoring a castle. Peter Peacock will know that I am talking about Lachie and Annie Stewart. I am sure that the Deputy Minister for Highlands and Islands and Gaelic, Alasdair Morrison, will also know them. They are also great friends of Brian Wilson—no, I am sorry. They are great friends of Donnie Munro. They put together the money to restore their fine old ruin by weaving rugs, carpets and so on. It was a hard bit of work, but they did it.

Therefore, it is rubbish to say that MacLeod of MacLeod is selling the Cuillin to repair the holes in his roof. He should put an e-mail round all his clansmen and get the funds that way. However, it is too late, as I fear that we have gone past that point.

17:30

Dr Winnie Ewing (Highlands and Islands) (SNP): I was in the House of Commons with Wolrige-Gordon, and I do not think that anyone remembers that he was there, for all the impact that he ever made. I dined in Dunvegan Castle with Dame MacLeod. Fergus Ewing’s younger brother spilt his lemonade all over the beautiful lace cloth, which was probably my fault.

The far Cuillins pull the heartstrings not only of most of us, but of the whole world. They belong not just to Scotland, but to the world. They are a training ground for expert mountaineers, who are concerned with many things such as safety, apart from the pleasure of enjoying the mountains. Paratroopers trained there during the war. People might be aware that I am old enough to remember that.

Who owns the Alps? Nobody. Who owns the Himalayas? Nobody. It is obscene to think that our internationally famous mountain range can be owned by anybody. It reminds me of a story of a fellow who was on a landlord’s land, and the landlord objected. I think that the fellow was a Glaswegian like me—we will say that he was—and he said, “How did you get to own this land?” The landlord said, “My ancestors fought for it.” The man said, “Well, jackets off then.” That story shows the absurdity of this ridiculous situation.

We heard about the charter in depth from John Farquhar Munro, who has done a wonderful job. I like the idea of the three galleys. Cannot we insist

that John MacLeod produce the three galleys at Loch Coruisk right now, and if they do not turn up, the charter is broken—if it was worth anything in the first place? There seem to be considerable doubts over the charter. We demand an investigation by either the Executive or the Crown Estate or both.

MacLeod can sell some of the treasures that I saw when I visited Dunvegan Castle. He has plenty of treasures. There are quite a lot of valuable paintings. He could surely do with a few less. He could appeal to the enormous clan MacLeod, members of which visit Skye regularly. I have been there during one of their enormous visits. He can find a solution, as the crofters of Assynt did, by rolling up his sleeves and launching an appeal to restore Dunvegan Castle. It is interesting that the area is land of special scenic beauty, which is a special category of land, so he pays no rates for the Cuillins, if he has any claim to them.

Does MacLeod, or Wolrige-Gordon, want to go down in history as one of the most hated men of this new century, because assuredly that is what will happen? The sale of the Cuillins is an obscenity, and everyone must know that it must be stopped.

17:33

The Deputy Minister for Justice (Angus MacKay): I have enjoyed the debate. I particularly enjoyed watching Duncan Hamilton's face, and some of the looks of bewilderment that passed across it as the various comments, insults and observations were made about Highlands and Islands individuals, and Christian names were passed back and forward in ways that were often bewildering to the rest of us. This is clearly an issue that generates tremendous passion, and I am happy to respond today, flanked by my colleagues who have a close interest in the Highlands and Islands and who, I assure members, are not here as minders.

I welcome the debate, which was instigated by John Farquhar Munro, because it has given members the opportunity to express the facts surrounding the issue, but also to express the depth of feeling in relation to the proposed sale of the MacLeod estate. It is important to start by saying that, in natural heritage terms, the importance of the Cuillin mountain range is undeniable. It is a site of special scientific interest, and the unique geology of the area, combined with the rich biodiversity that is evident from the existence of undisturbed peatlands, native woodlands and spectacular wildlife, is widely appreciated. It is a designated national scenic area, so the beauty of an area that is known around the world as stating the majesty of

Scotland's countryside—as Winnie Ewing said—is also given proper recognition.

Because those designations bring with them statutory obligations, safeguards are in place to protect that outstanding example of our natural inheritance. Those safeguards include clear public law powers, which prevent undesirable developments in the area.

First, there is planning legislation. Planning permission would be required for any development, other than agriculture or forestry. Applications would have to be made to Highland Council in the first instance.

The Black Cuillin lie within a national scenic area. For larger developments in such an area—of more than five houses, for example—Scottish Natural Heritage must be consulted. If Scottish Natural Heritage objects, the application must be notified to Scottish ministers, who can call in the application for their own decision.

Secondly, the Cuillin site of special scientific interest includes the vast majority of the land that is currently for sale. SSSI designation would require Scottish Natural Heritage to be consulted on any proposals for development or on the way in which the land is managed, and Scottish Natural Heritage is required to make conservation interests paramount.

In addition to scrutinising planning applications, Scottish Natural Heritage has the right to list any potentially damaging operations that could threaten the conservation interest in the land. In the case of the Cuillin SSSI, 19 such operations are listed, ranging from extraction of minerals to the simple clearing of boulders.

Further protection of the natural heritage is afforded under European legislation. In particular, the Sligachan peatlands are a candidate special area of conservation under the European Council habitats directive.

In addition to all that, the Executive is introducing legislation—the land reform bill—to establish a statutory right of responsible access to land. That will ensure that if ownership of the Cuillin or any other part of Scotland changes, public access will always be protected.

Richard Lochhead (North-East Scotland) (SNP): Will the member give way?

Angus MacKay: Not at the moment. I am coming to an important point.

The Crown Estate commissioners have been called on to investigate ownership of the Cuillin. Today, the Scottish Executive has been in contact with the Scotland Office, and the Secretary of State for Scotland has assured us that both he and Brian Wilson are aware of the situation and

have asked their officials to have discussions with the Crown Estate about the possible basis for further inquiries into ownership of the Cuillin.

Mrs Margaret Ewing: This is a significant issue, and I wonder whether a record of those discussions could be printed and placed in the chamber office and in the House of Commons library. It is fundamental to the whole debate, and to the issue that underpins it, that we know exactly what is happening. The minister has spoken fine words, but we want to see the black and white.

Angus MacKay: I must make some progress. I cannot give an undertaking on behalf of the secretary of state or Brian Wilson. They are a distinct legal entity, and how they conduct their business is a matter for them. I have made the position clear to the chamber, and I hope that members agree that that represents some progress on the matter.

I recognise fully the public interest and the feeling of uncertainty about the future ownership of the estate. At present, visitors are encouraged to come and take recreation on the estate, and the local economy has benefited. It is important that any prospective new owner, whether from the public or private sector, should recognise the special importance of the area and safeguard that public interest.

Concerns have also been raised about the possibility of the estate entering foreign ownership, as Maureen Macmillan stated. Owning land in rural Scotland brings responsibilities as well as rights; all landowners, and those who seek to own land in Scotland, must be very clear about that. Our code of good practice for rural land ownership, due to be launched this year, will set out those responsibilities and how we will look to landowners to play an active and positive role in the local community, safeguarding and contributing to the sustainable development of the local area. We are also studying the scope for public assistance that supports land uses being made conditional upon compliance with the code.

Christine Grahame (South of Scotland) (SNP): Can the minister tell us whether we know who owns what percentage of land in Scotland?

Angus MacKay: I will address that point in passing; I am just coming to that subject, indirectly.

We have been studying the need for better information about the ownership of Scotland's large estates, in light of the recommendations of the land reform policy group. We have decided to commission a research study at a cost of £15,000 on the possible need for improved information and on how that need could best be met. We believe that that will assist in informing the general debate about transparency of ownership.

Richard Lochhead: Will the member give way?

Angus MacKay: I am sorry, but I do not have time to take another intervention.

I have mentioned the measures in place to protect the natural heritage interests. The forthcoming land reform legislation will ensure that public access to the mountains is maintained.

John MacLeod has asserted that the reasons for the sale are centred on his need to carry out roof repairs to Dunvegan Castle. I am aware that for some time he has been in discussion with Historic Scotland about those works, which relate to a building of national importance. I assure members that Historic Scotland is prepared to continue to work with John MacLeod—as it has tried to do for the past three years—to find a solution to the problems of Dunvegan Castle.

There has been much speculation about John MacLeod's title to, and right to sell, the land. That arises mainly from the interpretation of a royal charter dating from 1611, granting the barony of Dunvegan. Given that almost 400 years have passed since then, there are bound to be a number of other deeds that affect the title to the MacLeod estate. All the relevant title deeds would need to be assessed when ascertaining the extent of John MacLeod's title. In any sale, it would be for John MacLeod to demonstrate that he is the owner of the Cuillin and for the prospective purchaser to satisfy himself that he was acquiring a valid title.

We shall continue to take a close interest in promoting and preserving the public interest for the whole of Scotland. I have set out how the public interest in the unique Cuillin estate will continue to be safeguarded by a range of robust measures, regardless of the owner. We shall look to the current or any future owner of the estate to have full regard to its special importance and to the responsibilities of rural land ownership in Scotland.

Meeting closed at 17:41.

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