

MEETING OF THE PARLIAMENT

Wednesday 14 March 2001
(*Afternoon*)

Volume 11 No 5

£5.00

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Scottish Parliament

Wednesday 14 March 2001

(Afternoon)

[THE PRESIDING OFFICER *opened the meeting at 14:30*]

Time for Reflection

The Presiding Officer (Sir David Steel): As members will be aware, this is Commonwealth week. It is therefore appropriate that, to lead time for reflection, we welcome a visitor from the Commonwealth who is studying at New College next door. Rev Jothini Seenithamby is a Methodist minister from Sri Lanka.

Rev Jothini Seenithamby (Methodist Minister, Sri Lanka): Thank you for the opportunity to lead time for reflection during Commonwealth week. It is a great joy and a privilege. Love, peace and joy to all.

Please now focus your thoughts on the words of Jesus:

"Love your neighbour as yourself".

That is Jesus's second commandment. The first is to love your God. For many, loving God is easy, but loving others is problematic. From Jesus's point of view, however, those two commandments are like the two sides of a coin. If one loves one's God that means one loves others too. That really is a challenge.

When we look around the world we see people experiencing poverty, war and death. Survival is the great problem for many people in the world. Commonwealth countries, however, are supposed to promote partnership, co-operation, understanding, equality and peace among one another. The millennium dawned with Britain's declaration that it would cancel all debts. This lead from Britain shows the practical aspect of loving others.

God created all human beings alike. He created us in his own image and likeness. He wanted us to do his will and purpose in this world as his co-workers. When we give ourselves to do his will and purpose, he will sanctify our acts.

The theme for this year is "a new generation". In the Lord's prayer, we pray:

"your kingdom come, your will be done on earth as it is in heaven"

and at the end of it we affirm that

"yours is the kingdom and the power and the glory forever, Amen."

What do we mean by that? By his "kingdom" we mean the rule of God that is to be established in the world. It is an urgent call for a radical transformation, first of all of ourselves. It is a rejection of selfishness. It is an invitation for action in daily life, inspired by God's vision for humanity. It requires purification within ourselves. It will lead us to radical social changes so that our relationships on earth, like our relationships in heaven, will not be based on exploitation of one person by another or of one group by another and will certainly lead to the creation of a new generation. To do this, God invites us to be his co-workers. Are we ready to listen to his call?

May the good Lord guide us to respond to his call. May God bless you all.

Amen.

Points of Order

Mr John Swinney (North Tayside) (SNP): On a point of order.

Cathie Craigie (Cumbernauld and Kilsyth) (Lab): On a point of order.

The Presiding Officer (Sir David Steel): May I take Cathie Craigie's point first?

Cathie Craigie: In the *Official Report* of the meeting of the Parliament of Thursday 8 March, I am recorded as not having taken part in the votes taken that day, and therefore as not having been present for those votes. I was present throughout decision time, and I did vote. Can you advise me what mechanism I can use to have Parliament recognise that?

The Presiding Officer: You have effectively just had that recognised. I thank you for giving me notice of your point of order. I tried an experiment this afternoon, before the meeting started, sitting at one of the desks in the chamber. If you do not have your card pressed right down to the bottom of the slot in the console, you may think that you are present, but your vote may not register. It is quite easy to do that—I have done it myself on occasions. You must ensure that your card is in, and that the red light in front of the card is out.

The second check that you can make is this: when the vote is on, the red light saying "vote now" flashes; it turns to a solid light when your vote is recorded. If the red light does not turn to solid—it will not do so if your card is not in properly, or if your card is dirty—you know that your vote is not recorded. You then have the chance to get up and inform the Presiding Officer. In such cases, I will always stop a vote and take it again. Your vote is now recorded by the fact that you have raised a point of order about it.

I am sorry that that happened.

Ms Margo MacDonald (Lothians) (SNP): On a point of order.

Mr Swinney: On a point of order.

Cathie Craigie: Further to that point of order.

The Presiding Officer: I hope that Cathie Craigie is happy with that.

Cathie Craigie: I was 100 per cent certain that I had taken part in the vote on Thursday. I accept some of your explanations for the reason why my vote was not recorded. It is unfortunate for us as a Parliament, particularly given the importance of the votes on Thursday evening, that my vote was not recorded or counted. I appreciate the point that you are making, that my vote is now recorded, and that I have made the correction, but the fact is that

it was not counted on Thursday evening. I think that the Parliament and those who are responsible should look seriously at the way in which we record votes.

The Presiding Officer: First, you should not feel too bad, as a member of the Scottish National Party was in the same position. Therefore, if both your votes had been recorded, I am afraid that the vote on motion S1M-1725, as amended, would still have been tied. Secondly, we are of course considering ways to improve the system itself.

Mr Swinney: On a point of order, Presiding Officer. I seek your guidance on the events that we now face. At close of business last Thursday, I called for a statement to be made by the First Minister, in light of the fact that the Parliament had voted to implement a tie-up scheme for Scotland's fishermen. No statement was forthcoming. On Friday, I wrote to the First Minister, seeking all-party talks on how the Executive would implement the will of Parliament. There has been no reply to that letter.

Yesterday, my business manager, along with the Conservative business manager, argued for a parliamentary statement to be made by ministers on how they intended to implement the will of Parliament. No statement has been offered to the two parties.

This morning I lodged an emergency question which sought to provide an opportunity for the Executive to explain to Parliament how it intended to implement the will of Parliament, as expressed on Thursday. Regrettably, Presiding Officer, you advised me some time ago that you intended to refuse that request for an emergency question.

Pauline McNeill (Glasgow Kelvin) (Lab): Is he going to make his point of order?

Mr Swinney: On Thursday—

Members: Point of order.

The Presiding Officer: Can you come to the point of order, please?

Mr Swinney: I am coming to the point of order, Presiding Officer. On Thursday, the Executive, having refused to make a statement in Parliament, then went outside the Parliament—

Mr Duncan McNeil (Greenock and Inverclyde) (Lab): Where is the point of order?

The Presiding Officer: Order. I am listening to the point of order.

Mr Swinney: On Thursday, the Executive ministers refused to make a statement in Parliament, but, outside Parliament, said that they would not honour the will of Parliament. *[Interruption.]*

The Presiding Officer: Order.

Mr Swinney: I have spoken to many members of the public, Presiding Officer—[*Interruption.*]

The Presiding Officer: Just a minute. I would like to hear the point of order. However, what ministers say outside Parliament cannot possibly be a point of order. Let us keep strictly to the subject.

Mr Swinney: I have spoken to many members of the public, who are mesmerised by the fact that the Parliament's will has not been implemented. [*Interruption.*] Can I respectfully—and with the respect that all members of Parliament should express towards the Presiding Officer—ask you what mechanisms there are for the Opposition to hold the Executive to account when it disobeys the will of Parliament, as was clearly expressed on Thursday?

The Presiding Officer: As members know, I do not give reasons for accepting or rejecting an emergency question. However, I will say that, before I rejected it, I received an indication that there will be an opportunity tomorrow morning to debate the wider issue. On that basis, I think that I took the right decision. I do not know whether you want to add anything to that, Mr McCabe.

The Minister for Parliament (Mr Tom McCabe): I will add only that we will move a business motion later today that will propose a debate on an Executive motion. The exact terms of the motion will be known later.

The Presiding Officer: I hope that that proves satisfactory all round.

Mr Swinney wants a second bite at the cherry.

Mr Swinney: We are back to the issue that I raised with one of the Deputy Presiding Officers on the occasion on which the Executive asked to make a ministerial statement without the contents of that statement being known to the chair. I have lodged an emergency question with the Presiding Officer, the terms of which are quite clear—I have them in front of me. The Minister for Parliament has now been given the opportunity to introduce a motion, without my motion being put to Parliament. Where on earth does that leave the Opposition and Scotland's Parliament, which have been treated with disrespect?

The Presiding Officer: There will not be a ministerial statement. There will be a Parliamentary Bureau motion this afternoon. Members will hear what is proposed and are free to support or oppose the motion. There will be an opportunity before decision time to make your views known on that motion. We will then have a substantive debate. Of course, the terms of the motion for that debate will be in the business bulletin and everyone will know what they are.

David McLetchie (Lothians) (Con): On a point of order, Presiding Officer. Could you confirm that, in accordance with usual practice, our electronic voting system has been checked today and has been found to be in full working order; that in relation to the votes that were taken on Thursday, appropriate checks were made before and after the vote, and the voting system was found to be in full working order; and that the decisions that were taken on Thursday accurately reflect the will of the members of Parliament as expressed?

The Presiding Officer: We have already heard from Cathie Craigie what unfortunately happened to her and another member, and indeed to other members on other votes. We should remember that there were 10 questions on Thursday. We are all learning, including the Presiding Officers. In light of what happened on Thursday, we have decided to take decision time more slowly—we will pause between votes, so the attempt to catch the 5.30 train will have to become secondary to getting the votes absolutely correct.

To answer your question, on Thursday the voting system was checked in the morning and at lunch time, and in view of the narrowness of the votes, it was checked again, unusually, after the vote and was found to be in order.

Johann Lamont (Glasgow Pollok) (Lab): On the issue of tied votes and votes where there is some question as to whether people voted, you said that the votes of two members from opposing parties had been excluded. In the event of a tied vote, will the Parliamentary Bureau consider the possibility of a roll-call vote to be absolutely sure that the will of Parliament is being clarified in the vote?

The Presiding Officer: We have considered that option. No doubt it can be considered at length.

Dennis Canavan (Falkirk West): On a point of order, Presiding Officer. Will you or the Minister for Parliament clarify the statement about a motion? Will it allow for debate only on the fishing industry or also on the important matter of the accountability of the Executive to Parliament? It seems from some of the Executive's statements that it intends to flout the will of Parliament, which would set a very bad precedent indeed on a matter that the Parliament should have the opportunity to debate and on which it should assert its authority over the Executive.

The Presiding Officer: The straight answer to your question is that I have not seen the motion, but I am assured that it will cover both points. Is that right, Mr McCabe? [*Interruption.*] I think that I am wrong about that. Mr McCabe, will you enlighten us?

Mr McCabe: The motion has not been drawn up

yet, but it will focus on the fishing industry and the discussions that are being held with representatives of the fishing industry.

The Presiding Officer: That motion will provide the answer to the question that is being asked about the Executive's reaction. It will be the Executive's reaction to the parliamentary decision—we hope.

Phil Gallie (South of Scotland) (Con): Further to the points of order, Presiding Officer. Will you confirm that your comments about the operation of the voting system have been reiterated time and time again over the two years in which the Parliament has been in being? Do you agree that the responsibility to ensure that a vote is recorded lies with each individual, highly paid member?

The Presiding Officer: While that is true, you must allow for human frailty, Mr Gallie. On one occasion a few weeks ago, I put my own card in upside down, so I am not in a position to criticise others.

Cathie Craigie *rose—*

Tommy Sheridan (Glasgow) (SSP) *rose—*

Mr McCabe *rose—*

The Presiding Officer: Do you have something further to say on the same point, Mr McCabe?

Mr McCabe: On a similar point, Presiding Officer.

I apologise for the continual references to last week, but, for members of the press and for members of the public in the gallery, it is worth clarifying the point that Mr Gallie raised. When a member of the Scottish Parliament casts a vote or presses a button, they have no way of knowing that their vote has been recorded by the electronic system.

The Presiding Officer: With respect, Mr McCabe, that is not true. The system does not tell members how their vote has been recorded, but it does tell members whether their vote has been recorded, as the flashing light turns solid. If the light does not do that, the vote has not been recorded. That was the point that I made earlier.

Cathie Craigie: I seek some clarification, Presiding Officer. I accept what you said earlier, but one of the reasons that I was given for my vote not being recorded was that there might have been some dirt on my card, which might have caused a problem. How would Mr Gallie address that point?

It appeared to me that my machine was working perfectly well. As other members have said, there must be some clarification for members that their votes are registering.

The Presiding Officer: I take your point, Ms Craigie. However, you should watch the flashing red light, as it should turn solid.

Tommy Sheridan: On a point of order.

The Presiding Officer: Let me say that the Parliament decided to extend today's debate by half an hour, because of the number of people who wished to participate in a debate on an important subject. Every point of order takes time out of a debate for which members wanted extra time.

I will take Mr Sheridan's point of order.

Tommy Sheridan: I will be brief, Presiding Officer. When you responded to the point raised by Johann Lamont about having a roll-call vote whenever the vote is close, you said that that idea was being looked into. Can you clarify what you mean by that? If a roll-call vote were to be held, would that make a difference? If last week's vote had been a roll-call vote, and if it had gone against the Executive, would the Executive have carried out the decision?

The Presiding Officer: Roll-call votes have been discussed and no doubt they could be discussed again. There are serious difficulties with a roll-call vote, not least of which is that members might enter the chamber after the electronic vote has been called. It is not as simple as it sounds, but the proposal is not being dismissed out of hand.

Ms Margo MacDonald (Lothians) (SNP): On a point of order, Presiding Officer. Does it fall within your area of responsibility to ensure that internationally accepted standards of probity and democratic practice are shown in the chamber to the people who elected us? That is what concerns me about what happened in the chamber last week.

The Presiding Officer: Let us not have a rerun of what happened last Thursday. I am keen to move on to this afternoon's debate. However, if there are strict points of order about the voting mechanism, or about anything else, I will hear them.

Fergus Ewing (Inverness East, Nairn and Lochaber) (SNP): On a point of order.

John Young (West of Scotland) (Con): On a point of order.

The Presiding Officer: I will hear Fergus Ewing's point of order.

Fergus Ewing: Further to the Minister of Parliament's previous point of order, when he asked about the inability of members who press their buttons to be certain whether their votes have been recorded, can you give us a clear direction, Presiding Officer, that members who are not

present and who choose not to be present will never be counted as having voted?

The Presiding Officer: I do not understand that point of order. Obviously, if someone is not in the chamber, their vote will not be recorded.

I apologise to John Young, who rose earlier. [*Interruption.*] Order—let us hear him.

John Young (West of Scotland) (Con): On a point of order, is not it true to say that the voting system was raised as a point of urgency at yesterday's meeting of the Scottish Parliamentary Corporate Body? Officials assured us that, last Thursday, checks were carried out in the morning, at lunch time and in the evening, and that no faults were discovered. Therefore, those members who say that their votes were not recorded should have stood up at the time and raised that point. I have experience of doing that twice in almost two years: I stood up and my vote was recorded at the time.

My impression is that, as far as the corporate body is concerned, the mechanism was perfectly in order.

The Presiding Officer: That is correct, Mr Young, but there are still opportunities for votes not to be recorded, as we discovered.

Ben Wallace (North-East Scotland) (Con): rose—

The Presiding Officer: Do you have a point of order on the same issue, Mr Wallace?

Ben Wallace: On a point of order, Presiding Officer. Could you clarify for us when a decision is a decision?

The Presiding Officer: No.

Ben Wallace: Is a decision made when the vote is taken or is it made after the incompetence of individual members is taken into account?

The Presiding Officer: No—votes are taken and are recorded. The *Official Report* shows the accurate voting record.

I suggest that we leave the matter and move on to the Housing (Scotland) Bill, which is very important and for which extra time was sought.

Housing (Scotland) Bill: Stage 1

The Presiding Officer (Sir David Steel): The business before us is a debate on motion S1M-1524, in the name of Jackie Baillie, on the general principles of the Housing (Scotland) Bill. I invite members who wish to speak in the debate to press their buttons now.

I call Jackie Baillie to speak to and move the motion.

14:49

The Minister for Social Justice (Jackie Baillie): This morning, I was at the annual conference of the Chartered Institute of Housing in Scotland, which is one of the key events in the Scottish housing calendar. The title of the conference, "Act Together", is appropriate, as one of the central aims of the Housing (Scotland) Bill is to do just that. The bill aims to provide a solid framework within which individuals, communities and organisations can act together to secure real improvements in Scotland's housing. Today's debate is about the general principles of the bill. Inevitably, much of members' interest will be in the detail. That is important, but it is also important to be clear about our overall objective.

First of all, I think that it is important to see the bill in its wider context. I welcome the fact that the Social Justice Committee

"agrees that the promotion of social justice in Scotland requires a co-ordinated approach to policy making and accepts that the Housing (Scotland) Bill is one part of this approach".

The bill is indeed an integral part of our overall strategy for housing, for communities and for delivering social justice in Scotland.

The chamber has already considered some of the very serious housing problems with which we are all too familiar: homelessness and rough sleeping; cold and damp housing for many vulnerable people; increasing disrepair; the paradox of housing shortages despite abandoned and empty housing; and, perhaps most important, the need to regenerate whole communities and neighbourhoods.

Legislation alone cannot tackle those problems and the Housing (Scotland) Bill is only part of the total picture. It has to be seen alongside the rough sleepers initiative, the central heating initiative, the warm deal and the continuing work of the homelessness task force.

The bill also complements the forward work programme of the housing improvement task force, in that it looks at issues of quality, particularly in the private sector, and at the

resources that we are providing through the Scottish Homes development programme for new housing for social rent—particularly in pressured rural areas and to house those in need of care in the community. Above all, the bill must be seen alongside our community ownership programme: a programme which has the potential to unlock significant levels of new investment and to put the community firmly in the driving seat, thereby securing radical improvements to conditions in the social rented sector.

The bill has two key aims. First, the bill aims to secure a better deal for tenants in the social rented sector. Secondly, it aims to provide a framework that will allow all the agencies—central Government, local government, voluntary organisations, financial institutions and housing professionals—to work together to improve the quality of Scotland's housing and to deliver the best possible housing service.

Within those broad aims, the bill's specific policy objectives are to prevent and alleviate homelessness and to strengthen the rights of homeless people; to provide a comprehensive and consistent set of rights for all tenants in the social rented sector; to create a single regulatory framework to drive up standards; and to provide for the conversion of Scottish Homes into a new executive agency that will be more accountable to ministers and to the Parliament. Finally, the bill is intended to enhance the strategic role of local authorities in assessing and tackling local housing needs in line with their responsibility for community planning. That will include improvements to the grants that authorities use to provide support to home owners.

The Social Justice Committee and other committees have considered those objectives in detail. I welcome the thoroughness of the scrutiny that the bill has already received. Five parliamentary committees—the Social Justice Committee, the Local Government Committee, the Equal Opportunities Committee, the Finance Committee and the Subordinate Legislation Committee—have now had an input to the bill.

I welcome the time and effort that have been given to detailed consideration of the bill. In particular, I congratulate the Social Justice Committee on its work in drawing together the threads of the wide-ranging scrutiny. I draw comfort from the fact that, after so much analysis and debate, the conclusion of all the committees is to recommend that the Parliament approve the general principles of the bill.

Perhaps inevitably, however, the various committees have identified a number of concerns that need to be addressed. I cannot possibly do justice to those concerns in 15 or 20 minutes, and I will respond to many of them in much more detail

at stage 2, but I would like to comment now on some of the points that have been made.

I will start with homelessness. One of the core objectives of the bill is the prevention and alleviation of homelessness. The bill implements in full the recommendations of the homelessness task force. The committee reports endorse the importance of the general principle of the bill in respect of homelessness. The Local Government Committee and the Social Justice Committee have made recommendations on the detail of the provisions, and we will consider those further as the bill progresses.

On the Scottish secure tenancy, the Social Justice Committee has welcomed the focus on the rights of tenants. Specifically, it has welcomed

“the decision to establish a single social tenancy which will equalise the rights of tenants in the social rented sector, and the additional rights the Bill will give those tenants.”

Tommy Sheridan (Glasgow) (SSP): The minister has mentioned equalisation of rights for tenants in the social rented sector. While she is on that point, will she say what action she intends to take on rent harmonisation across the social rented sector?

Jackie Baillie: The point that Mr Sheridan raises is interesting, because there are issues to do with rent harmonisation in England and Wales, where there is a great disparity in rents. We do not face the same problem in Scotland. In the social rented sector, rents are broadly comparable across the board.

I would like to discuss anti-social behaviour.

Fiona Hyslop (Lothians) (SNP): Will the minister take an intervention?

Jackie Baillie: No, I would like to carry on.

When we appeared before the Social Justice Committee, Margaret Curran and I were asked about measures to tackle anti-social behaviour. We recognise the real misery that anti-social behaviour can cause for neighbours. We are therefore keen to identify practical steps that can be taken to prevent such behaviour and to tackle it robustly when it occurs. It is not right that the actions of a minority of people can disrupt the lives of decent, law-abiding people who take pride in their homes and communities.

I am clear that people cannot have rights without also having responsibilities. The bill embeds that principle in the new tenancy arrangements that will operate. In entering into a Scottish secure tenancy agreement, tenants will be agreeing to show respect for their neighbours. Any breach of the conditions could lead to the loss of their home. The bill has also redefined anti-social conduct to encompass the unacceptable behaviour of

harassment. The new definition extends to cover racial abuse and harassment on the basis of gender, religion or sexuality. Conduct of that kind is, frankly, abhorrent and we will ensure that powers are in place to deal with it effectively.

The bill includes powers to evict tenants who are found to be responsible for anti-social behaviour or who fail to control anti-social behaviour by other members of their family or by visitors. It also allows for landlords to seek to transfer anti-social tenants in cases where that might offer a possible way forward. Those are existing legal remedies that have been included in the bill. However, there are also some important new provisions. The bill will allow landlords to offer those who have been evicted for anti-social behaviour a short Scottish secure tenancy to enable them to address their behaviour before earning the full package of tenancy rights.

Let me dispel some myths about what the new probationary regime is about. A probationary tenancy is not a soft option and it is not a guarantee. Landlords must take a view on whether the prospective tenant will benefit from having a second chance. In signing up for the tenancy, tenants will have to make a serious commitment to change, supported by the landlord and other agencies as appropriate. The bill also ensures that anti-social tenants cannot circumvent repossession action by a landlord through exercising the right to buy.

Legislation—housing legislation in particular—can be only part of the answer to the problem. Earlier today, I announced a new initiative and the appointment of a social neighbourhood champion. The initiative includes £250,000 of funding to develop and disseminate good practice by landlords. Let me make it quite clear that we are firm in our determination to tackle anti-social behaviour and we are committed to working across the Executive to support those who are in the front line.

Brian Adam (North-East Scotland) (SNP): On anti-social behaviour, does the minister plan to bring forward specific proposals at the next stage of consideration of the bill? That would go with the welcome words that we have just heard from her.

Jackie Baillie: I think that I have outlined a robust package of measures. However, I am conscious that people care deeply about anti-social behaviour and about finding solutions to it. I am always happy to engage in discussion with members about how much further we can go. I am conscious that a number of the additional measures that have been suggested are not matters that should be addressed through the Housing (Scotland) Bill, but I am happy to engage in further discussion with Brian Adam on those matters.

One part of the new Scottish secure tenancy that has received a great deal of attention during the past year or so is the right to buy. The issues associated with the right to buy are not at all straightforward and examination of the evidence taken by Parliament's committees reflects that fact.

The Social Justice Committee's report

"acknowledges that the issue of right to buy is one such right which required unifying in some way."

The Local Government Committee report on the housing bill notes:

"On the general question of the Right to Buy, there is a range of views within the Committee."

The Social Justice Committee, in relation to a specific aspect of the right to buy, also speaks of an apparent quandary.

Fiona Hyslop: The minister talks about the need to unify the right to buy. Will she explain to Parliament how replacing the two rights to buy that exist with seven different rights to buy will unify the right to buy in a single social tenancy?

Jackie Baillie: I take it that Fiona Hyslop is suggesting that we should stick to the original position we announced in December 1999, which was that we were simply extending the right to buy without any qualifications. We have tried to come up with a more robust and strategic way in which to view the right to buy. If it were left alone, the right to buy would end up generating more sales in the social rented sector than would the new, modernised right to buy.

Fiona Hyslop: There is an issue about the right to buy in relation to current council tenants. There is recognition that we must protect existing rights and the minister is correct in seeking to reform some of those rights. However, how on earth will extending the right to buy to housing associations—thus reducing the supply of rented accommodation—help us to tackle increasing homelessness? How on earth can the minister justify the suggestion that having seven different rights to buy is some form of unifying provision?

Jackie Baillie: There are some factual inaccuracies in what Fiona Hyslop said. First, the underlying trend in homelessness is downwards. Secondly, we are engaged in the biggest house-building programme for as long as I can remember—20,000 new houses by March 2002. Thirdly, in real terms, our housing budget has risen by 36 per cent. That is where our priorities lie. *[Interruption.]* The SNP is, as ever, disingenuous. Is the SNP for or against the right to buy? Is the SNP for the right to buy, or is it for taking measures away from people?

Tommy Sheridan: Will the minister give way?

Jackie Baillie: No—let me continue.

We recognise that the right to buy as it is currently constituted can affect and has affected the availability of social rented housing in some parts of Scotland. We also recognise that the majority of households in Scotland—some 75 per cent—prefer home ownership. I agree that the right to buy represents an important route to home ownership.

Robert Brown (Glasgow) (LD): Does the minister accept that one of the concerns that some members have about the extension of the right to buy is that it might increase divided ownership in tenemental and multistorey properties? Has the minister taken on board paragraph 98 of the Social Justice Committee's report, which deals with that matter and with the quid pro quo between the discount, on the one hand, and long-term maintenance arrangements on the other? Can the minister offer any comfort on that?

Jackie Baillie: I am aware that Robert Brown has pursued that matter in committee and that there have been discussions about sinking funds and repair and investment funds to ensure that the fabric of properties is maintained. It is a complex area of property law, but there is considerable merit in Robert Brown's suggestion and I am happy to consider it in more detail as part of the work of the housing improvement task force.

For us, the right to buy is about a balance of rights and responsibilities: responsibility to ensure that people know the cost of home ownership, and a responsibility to the wider community. That is why the bill includes a package of proposals which, when taken together, attempt to reconcile the housing needs and aspirations of people across Scotland.

Dr Sylvia Jackson (Stirling) (Lab): As the minister knows, rural housing associations, such as Rural Stirling Housing Association, are concerned about the effect of right to buy on housing stock. Is she willing to speak to the Scottish Federation of Housing Associations to try to work out some of the issues that concern housing associations?

Jackie Baillie: I am happy to meet a range of organisations, as we did in the production of the bill. We have listened to the points that have been made in response to consultation over the past year and we have modernised the right to buy in a number of respects: we have reduced and capped discounts; we have introduced an extendable 10-year exemption to protect the financial viability of housing associations; and we have developed the concept of restricting the right to buy in designated areas of housing pressure.

Tommy Sheridan: Will the minister give way on that point?

Jackie Baillie: No, I have given way sufficiently. I am rapidly running out of time.

I welcome the Social Justice Committee's conclusion that

"the achievement of mixed and stable communities is an aim to be pursued and that the modernisation of the existing system of right to buy, in line with the other legislative components of the Bill, integrated with other policy tools within local housing plans, does have a role to play in the pursuit of this goal."

The Social Justice Committee is right to draw attention to the local context in which those and other issues have to be addressed. That is why we are keen for local authorities to develop their strategic capacity and why the bill places such emphasis on the strategic role of local authorities operating within a community planning framework.

I am also clear that local authorities should take on responsibility for development funding in areas where, if the tenants decided that they should, they have transferred their stock into community ownership. We have indicated that funding responsibility can transfer in other circumstances, but before that happens we need to be sure that there is local agreement and that the local authority has the capacity and skills to take on that role.

The corollary of local responsiveness is consistent standards. That is why the bill establishes a single regulatory framework, to ensure that tenants can expect a high level of service, whoever their landlord is. That framework will be overseen by the new executive agency.

The Social Justice Committee urged the Executive

"to consider carefully how the independence of the regulatory function can be ensured so that tenants, housing bodies and the Parliament may have confidence in the integrity"

of the new executive agency. We will give further consideration to that, although I am not in the business of setting up another quango to take on the role.

In conclusion, the Housing (Scotland) Bill has developed in the spirit of openness and consultation, as the report from the Social Justice Committee recognises.

I am reminded of the words of John Ruskin:

"Government and co-operation are in all things the laws of life".

I look forward to working with the Social Justice Committee in that spirit of "Government and co-operation", so that we can enhance the quality of life and housing for many people across Scotland. The bill provides us with the foundations to deliver warm, dry and affordable homes for all.

I move,

That the Parliament agrees to the general principles of the Housing (Scotland) Bill.

The Presiding Officer: Thank you. I hate to revert to the points of order that I just answered, but Ms Baillie, would you mind pressing your card in so that we can record you as present?

Jackie Baillie: It is in.

The Presiding Officer: Thank you. You are now here. That draws attention to the point that I made.

I ask those who want to take part in the debate please to press their request-to-speak buttons so that they register on my screen and I can juggle the list of speakers. Fitting everyone in today will be difficult, because we lost time at the beginning.

15:10

Fiona Hyslop (Lothians) (SNP): I congratulate all the committees involved—the Social Justice Committee, the Local Government Committee, the Equal Opportunities Committee, the Finance Committee and the Subordinate Legislation Committee—on their work on the bill. Their reports are most helpful to Parliament in informing our work.

I also congratulate the Minister for Social Justice on getting a bill on housing to the chamber. We have waited a long time for its publication, from the publication of Calum MacDonald's housing green paper in February 1999, to the publication of the consultation document, to the bill itself. However, I am disappointed that we have not grasped the opportunity for a comprehensive bill on housing.

I note that we have extended the debate by half an hour, but we still have too little time to allow all who want to speak to participate. Last year, we had a full day's debate on housing, during which the minister who was responsible for housing discussed just a fraction of what might be in the bill. Now we have the bill itself, yet we have less time for debate. Something is amiss, and I intend to write to the Procedures Committee about the situation. The Housing (Scotland) Bill is the longest and most technical bill to have been introduced. As I have longer to speak than other members, I will make the point in my time, to save others from using their limited speaking time to make the same point. There is frustration around the chamber that we cannot do justice to all aspects of the bill.

I pay tribute to the witnesses to whom the committees spoke, particularly those tenants who do their work for the betterment of housing policy as volunteers. As the Executive chose to publish the bill just before Christmas, the committees effectively lost a month of work, and some

organisations had difficulty in sounding out their memberships before giving evidence. The bill was promised several times during 2000, but it took until the end of the year to publish it. The committees make a valid criticism that the evidence stage had to be concertina-ed.

I highlight the Equal Opportunities Committee's points about equality proofing. The bill was meant to be the first to be equality-proofed. I am not sure—but I am happy to be corrected—whether I see evidence that the bill has been altered to take into account the needs of women, children, members of ethnic minorities and disabled people.

The Deputy Minister for Social Justice (Ms Margaret Curran): I am anxious about whether I have my card in the slot properly. I might be chastised by the Presiding Officer.

Does Fiona Hyslop recognise the comments of the Commission for Racial Equality, which said that the bill was the most sophisticated legislation that it had seen and congratulated the Executive on the equality proofing that had been undertaken?

Fiona Hyslop: I refer the deputy minister to the Equal Opportunities Committee's comments about the needs of children. I recognise that the CRE made those comments, but I also recognise what the Equal Opportunities Committee's report said about the needs of children not being met.

In campaigning for the establishment of a Scottish Parliament, many of us used the state of Scotland's housing and the need for housing legislation to argue the point. How many of us, eager in anticipation, were elected to the first Scottish Parliament for 300 years keen to ensure that housing was at the top of the agenda? If ever there were an issue that desperately needed the Parliament's attention, it was and is Scottish housing. Therefore, if I have been criticised for nagging about the publication of the bill, that is justified. We all want a bill on housing to be enacted. Surely that was why the Social Inclusion, Housing and Voluntary Sector Committee was the committee that had the most applications for membership.

The SNP, Labour and Liberal Democrat manifestos on housing showed that there could be consensus on housing in the new politics. Parties made commitments to a single secure tenancy, a single regulatory framework, abolishing Scottish Homes, establishing a homelessness task force, introducing legislation, introducing single housing plans and developing a strategic role for local authorities, among a range of objectives.

Robert Brown: Will the member take an intervention?

Fiona Hyslop: I want to continue.

This is the first bill on Scottish housing in 13 years. We should be celebrating. Why do I not feel like celebrating? Because somewhere along the line, that collective vision of what Scottish housing across all tenures could be has been subverted. I say that more in sorrow at a missed opportunity than in anger.

Cathie Craigie (Cumbernauld and Kilsyth) (Lab): Will the member give way?

Fiona Hyslop: In a second.

The opportunity has been lost to a fixation about something that is not in the bill. That is the perceived need to smooth edges on the Government's only housing solution—stock transfer. That is in danger of corrupting what could be a very good bill. The Government does not need the bill to allow it to undertake the wholesale stock transfer. It can use Tory legislation for that.

Somewhere along the way the Government has lost sight of the ball. Where is the strategy that underpins the bill? I did not hear the minister mention strategy once. Where is the vision? Where is the joined-up government? The only strategy that is apparent is the drive to achieve 80 per cent home ownership in Scotland and 20 per cent rented homes.

Cathie Craigie: I thank Fiona Hyslop for giving way. We are almost five minutes into her speech and she has reached the stage of talking about strategy. When will we hear what the SNP strategy on housing is? When will we hear what amendments she would make to the bill if it is not all that she hoped that it would be?

Fiona Hyslop: Stage 1 examination is about the principles of the bill. I want to address the strategy that underpins those principles.

The aim of 80 per cent home ownership and 20 per cent rented homes is unrealistic, unsustainable and will lead to welfare housing and dislocation of families and communities as the limited availability of rented accommodation casts to the four winds communities and different generations of the same family in search of homes.

The bill's accompanying policy memorandum says that the main aim of the bill is to contribute to the overall aim of fostering successful and balanced communities. How can a community be balanced when shortage of available and affordable rented accommodation puts people from the community in search of limited accommodation?

The minister talks about social justice. She should note that the committee supported her view on social justice by only one vote. Some of us, of course, respect the majority of a committee vote or a vote in Parliament.

The minister was at the Chartered Institute of Housing conference today. What is balanced about an escalation of repossession and the pressure of home ownership as articulated very clearly by the CIH in Dundee this week? What is balanced about creating conditions for more repossessions? If the vision and strategy that underpins the principles of the bill is to move to an 80:20 split, there is a real danger that the supply of housing in Scotland will be damaged.

Jackie Baillie: Does Fiona Hyslop accept that communities are made up of tenants and residents and that the right to buy, if used strategically, can create mixed and stable communities? Does she also accept that the information quoted by the CIH on the number of mortgage repossessions relates to 1999? The figures for 2000 show a 17 per cent drop. Although that drop is welcome, there is clearly more to do. As Fiona Hyslop knows, we are examining the possibility of a national mortgage rescue scheme.

Fiona Hyslop: My understanding is that there is only one mortgage rescue scheme in operation, although a number of housing associations are considering mortgage rescue schemes.

The minister mentioned the strategic use of the right to buy. That is the probably the nub of a lot of the issues with the bill. I am sure that a number of people will contribute to the debate on the right to buy.

Those who can buy and want to buy can afford to buy their homes. I ask the minister not to destroy the only supply of homes that we have with an unsustainable strategy. That is where the bill is taking Scottish housing. I appeal to the minister to be her own woman. I know that she is perfectly capable of asserting herself. I appeal to her, for the sake of Scottish housing's future, to cast aside the strategy of her predecessor and think long and hard about where she is going with her housing policy.

There is much to commend in the bill. There is much about homelessness, regulation and the role of local authorities on which we can all agree. I would rather concentrate on those aspects than on the divisions that have been artificially introduced because of an ill-thought-out over-promotion of home ownership.

What is not in the bill? Our job today is to consider the scope of the bill. I propose to identify what we had expected to be in the bill from previous ministerial announcements. The bill has become the social-rented-housing-with-a-little-bit-of-private-repairs-added-in bill. The opportunity for a comprehensive bill has been lost. There is little in the bill about the private sector, although most of Scotland lives in that sector. There is no independent, guaranteed survey. There is no

seller survey, as is being introduced in England. There are no energy audits to accompany surveys. There are no proposals for the vital area of common factoring, although I notice that Cathie Craigie brought that up in discussions in the committee. There is no provision in law for common housing registers to be established, although I note that there was some discussion about that.

I am sure that a lot of that could be dealt with at stage 2.

Mr Frank McAveety (Glasgow Shettleston) (Lab) *rose—*

Fiona Hyslop: I want to move on.

I am pleased that the minister will introduce something to address concern about fuel poverty at stage 2. I hope that it is not a hand-me-down version of the English Warm Homes and Energy Conservation Act 2000.

What is not in the bill has bred myriad task forces on home improvements and reform of tenement law, which is promised but for which we still do not have a date. There is an issue as to what provisions for homelessness there are and are not the bill. People are already saying that a second piece of legislation is required. The minister is breeding champions at a fast rate.

Serious concern has been expressed in committees and in evidence that too much is being left to guidance outwith the bill. I note that the Social Justice Committee wants to be involved in post-enactment scrutiny. However, the problem is that Parliament will have to legislate for provision, the detail of which has not been decided in published guidance.

What should be in the bill? Let us go back to the lack of strategic thinking in housing policy. Two key issues affect housing today: its affordability and its supply—or lack of supply. Sixty per cent of Scots and 80 per cent of people living in Glasgow rely on some form of housing benefit. Rents are too high in many places, which can often prevent people from returning to employment and thereby raising family incomes and relieving poverty.

Housing benefit is reserved to Westminster, but we must have control over housing benefit in Scotland if we are to have meaningful control over housing policy. When it comes to housing, the Executive is not averse to amending schedule 5 of the Scotland Act 1998. Only this morning, in committee, the Executive introduced an affirmative instrument that amends schedule 5 of the Scotland Act to bring powers of insolvency of registered social landlords back from Westminster to Scotland. The House of Commons and the House of Lords gave their permission this week to allow the devolved Administration to affirm that. If

the Government is serious about making an impact on Scottish housing and achieving a radical housing bill, it should take action to bring housing benefit under the control of the Scottish Parliament, so that we can drive down rents and increase the incomes of families living in poverty.

The minister seems to think that we have rent harmonisation in Scotland, but rents at Angus Council are £28 a week, and at Glasgow City Council they are £45 a week. That is the sort of issue that we should address. The bill does not help to address the supply of housing. Indeed, by proposing the extension of right to buy, it will actively reduce what is available. There is an opportunity for us to release powers in Scotland for housing. We need to move the debate to think strategically—for example, how can the bill help to improve the supply of housing? Let us consider some of the issues. I welcome the single secure tenancy. That is in the SNP's housing policy, in our manifesto. On right to buy, surely right to rent is just as, if not more, important. Extending the right to buy will effectively take away the right of the public to have access to rented accommodation.

I ask the minister to consider the European convention on human rights and whether one tenant in one housing association in one pressured area could threaten to take the Executive to court. The concept of pressured area status protecting housing associations could be undermined.

Robert Brown: Will the member give way?

Fiona Hyslop: I am sorry, but I am short of time.

The minister talked about building 4,000 houses a year, but those are housing association homes, which could be sold in 10 years' time. That is not a good use of public money in the supply of housing. It is not best value.

Ms Curran: Will the member give way?

Fiona Hyslop: I want to move on. I am conscious of time.

There is a strategic role for the local authorities in the single regulatory framework. I welcome that, but there is an issue about what the relationship will be between the national executive agency and the Convention of Scottish Local Authorities. COSLA would wish the Scottish Executive to set out its rationale for turning Scottish Homes as it currently exists into an executive agency, rather than establishing a separate independent agency for regulation and monitoring. We must engage on that at stage 2.

How do we ensure that there is a regulatory body that is independent from the policy-making arm of Government? When the role of Her Majesty's Inspectors of Schools was considered, it

was clear that the regulatory function had to be separated out from the policy function. I want to ensure that we have definitions at stage 2. Everything on the national executive agency seems to refer to the powers of the minister. At stages 2 and 3, we might be voting on important aspects of the future of housing without knowing their detail.

On private owners' grants for repair and improvements, a more strategic approach is required on owner-occupation and the private sector. The minister recently announced an improvement task force, but few details are available on its remit and time scale. There is on-going consultation on the index of housing quality, but no apparent legislative base for the outcome if consultation is positive.

On means-testing of grants, the Local Government Committee said that it

"remains unconvinced by the proposals and calls on the Executive to consider further with the Housing Improvement Task Force, whether more suitable arrangements can be brought forward."

That view was echoed by the Social Justice Committee, which is not yet persuaded by Executive arguments.

In conclusion, I return to the point that the bill should be driven by a strategy and a vision that joins up Government thinking. The bill could become the midwife of welfare ghetto housing in this country. It could destroy the community volunteer basis of the housing association movement in Scotland. We do not have joined-up government in Scotland. Jackie Baillie talks about expenditure on housing, but only 48 per cent of the rough sleepers initiative money and 50 per cent of new housing partnership money has been spent. We have stagnation in council house building and record levels of homelessness. Where the Government is allowing houses to be built by housing associations, it plans to let them be sold off in 10 years.

Rather than being a reason for celebration for this Parliament, Government housing policy and this bill are rapidly descending into dislocation, delay and discord. The bill needs to be rescued. I implore the minister to throw it a lifeline at stage 2.

The Presiding Officer: The occupants of the chair will have to be strict with time this afternoon, because many members want to speak and because we lost time at the beginning of the debate. If anyone can shave time off their speeches, that will be appreciated.

15:26

Bill Aitken (Glasgow) (Con): Fiona Hyslop was quite correct when she said that this is arguably

the most important piece of legislation to come before the Parliament to date. It would certainly be churlish of me were I not to join her in paying tribute to the members of various committees who have contributed so constructively and so exhaustively to the report that has been prepared. I also pay tribute to the clerk to the Social Justice Committee, Lee Bridges, and his assistants, who have worked so hard to produce the documentation timeously. For them, the term "pressured areas" must indeed have a special resonance.

On the content of the bill, there is much that the Conservatives can agree with. Sound arguments have been advanced in support of the creation of a single tenancy and of changes to homelessness legislation. We also recognise that, with stock transfer being seen increasingly as the way forward, it is essential that a consistent approach be taken towards tenancy agreements and the rights and responsibilities of tenants.

It would be arch-hypocrisy on our part not to support much of the bill. Most of the positive aspects are, after all, the continuation of Conservative policy. Other aspects, such as the facilitating legislation on stock transfer, have been lifted almost in their entirety from the 1999 Conservative manifesto. If imitation is the sincerest form of flattery, I stand here flattered in the extreme. That having been said, we have some concerns and we will seek in due course to have the bill amended under a number of headings. The bill demonstrates missed chances for those who live in the public sector. For those in the private sector, it is indeed an opportunity lost.

Let me turn to specific concerns. Part 1 of the bill deals with homelessness and housing allocation. One can well understand the Executive's concerns on that issue, as the homelessness trend moves almost remorselessly upwards. Although we support the bulk of the bill's provisions, we caution that homelessness simply cannot be legislated away. The issues of rough sleeping, for example, are much more complex than the Executive sometimes seems to assume. It has to be accepted that a much more holistic administrative approach is necessary than that which can be included in any act of Parliament. One positive aspect is that the requirement for local authorities to have a homelessness strategy will bring about some moves toward joined-up thinking.

We should not underestimate the difficulties that might be posed to registered social landlords by the requirement in the bill that they accept homelessness cases. In cases such as abused women or those rendered homeless by fire or other reasons, there should be no difficulty. However, the complications that arise in the case

of anti-social homeless people are considerable and are a recipe for conflict between local authorities and housing associations. Where such allocations cannot be made on the basis of agreement, it is important that the arbitration arrangements are seen to be fair and robust, particularly as far as the landlord is concerned.

Similarly, it is necessary to recognise the problems that arise in the case of hostel dwellers. Few could have anything other than sympathy with those who find themselves in that form of housing tenure, but we must recognise that the people who run hostels must be able to deal with the anti-social, criminal and downright bad element, which can cause considerable unhappiness and danger to hostel dwellers of a more temperate disposition.

Nothing in this proposed legislation would assist in that situation. We want an amendment to be introduced at stage 2 to allow the ejection of dangerous hostel dwellers within 24 hours. That being said, we applaud the fact that the legislation seeks to establish minimum rights for people dwelling in hostels, many of whom have been cruelly exploited by unsavoury landlords over the years.

The bill properly seeks to clarify the succession to tenancy regulations. Again, we can see the bulk of the thinking, but add some caveats. We suggest that, when the question of succession of a tenancy following upon the death of a sitting tenant comes about, consideration should be given to whether a carer should inherit that house outwith a certain time limit. That would avoid unscrupulous exploitation of the terminally ill.

I note with no surprise, bearing in mind the politically correct attitude of the Executive, that provision has been made to cater for the surviving partner in the case of a gay relationship. We have no objection to that and understand where the Executive is coming from. We do not want to reopen the sterile arguments around section 2A, but I suggest that drafting amendments are necessary on this matter, because the bill as it stands would exclude from the inheritance of a tenancy a relationship where two friends live in a perfectly platonic manner. I am sure that that is not what the Executive seeks to do and that the issue will be examined at stage 2.

It is highly disappointing that the bill does not make specific provision for coping with anti-social tenants. The minister must accept that that is a major issue, which affects a great many people. Although I accept that the justice department has a role to play in this matter, it is a housing issue. Not to put too fine a point on it, the buck is being well and truly passed.

For too long, the lives of far too many decent people have been made a misery by the anti-

social minority who will not conform to reasonable standards of behaviour. Dirt, noise, disorder, vandalism and not infrequent violence have been the characteristics of some of Scotland's neighbours from hell. Councils can apply to the sheriff to have them evicted, but sheriffs are reluctant to grant eviction orders. While some sheriffs may not live in the real world, it must be recognised that putting families with young children out on the street is not a happy option.

Under proposals that we will seek to introduce at stage 2, evictions would occur when no children were involved. In the case of families with youngsters, public sector landlords would be required to house the anti-social minority well away from decent, law-abiding tenants. The result of that would be that they would all live in the one area, where they could be tightly and closely supervised by housing and social work officials.

That sin bin approach could be used when, after warning, troublesome tenants continued to be disruptive. Once they demonstrated that their behaviour was improving, they would again be considered for mainstream housing. In the meantime, the lives of the decent majority would become much more tolerable.

Ms Curran: I appreciate that Bill Aitken is saying that he will introduce those proposals at stage 2. I am sure that we will discuss the detail then, but could he give me some idea as to where he thinks those sin bin areas would be located? Presumably they would not be located beside him or any other members of his party. Where would they be located in a city such as Glasgow?

Bill Aitken: They would certainly not be beside me, Ms Curran, or the vast majority of people in Glasgow who are trying to behave themselves. Those areas are available, could be and would be found.

Tommy Sheridan *rose—*

Bill Aitken: I will carry on.

The message must go out loud and clear that conduct of this type will not be tolerated.

Mr McAveety *rose—*

Bill Aitken: I must move on. I have a lot of material to get through.

I have indicated that the Conservatives consider it little short of astonishing that the housing agenda has moved so rapidly over the years. Most members of this Parliament now see stock transfer as being the way forward and the bill facilitates that. It is necessary to recognise that difficulties may arise with the single tenancy relating to the right to buy.

There can be no doubt that the balance of evidence heard in committee was opposed to that

extension. Although it might be argued that most of those witnesses had a vested interest and that few of the tenants who did not maintain an active involvement in the affairs of their housing associations were consulted, there is an undeniable potential for difficulty.

The two major post-war success stories in Scottish housing policy have been the right to buy and the housing association movement. The success of the Tenants Rights (Scotland) Act 1980 cannot be underestimated. Because of that legislation, the percentage of the Scottish population that owned its own homes rose from 32 per cent to 60 per cent.

Tommy Sheridan: Does the member accept that the Tories' right-to-buy policy was paid for by the people who remained tenants after it was introduced, because they were left to pay the residual debt?

Bill Aitken: I do not accept for one moment that the right to buy was anything other than highly beneficial for the people of Scotland.

Gone are the days when the level of owner-occupation was lower in Scotland than in any other comparable European country, including the former communist states. However, housing associations have been an outstanding success, because people have been given the ownership of their own housing problems and, as a rule, have responded constructively and imaginatively.

Linda Fabiani (Central Scotland) (SNP): Will the member give way?

Bill Aitken: I am sorry. I have no more time.

Tenant management representatives have run their associations with realism and determination. We have had to consider the position of housing associations very carefully; in particular, I have listened to their evidence on how the sale of their property will affect them. I must accept that the effects of a significant haemorrhage of properties would be dramatic for some housing associations. They have agreed finance on the basis of a 25-year rental stream, and if they lost properties in large numbers, there could be doubts about their viability.

Accordingly, as an amendment, we will propose that housing associations will be able to apply to the Scottish Executive for exemption from the right to buy. In making a determination on any such application, the Executive would be required to consider any circumstances that might be particular to that housing association and the area that it represents.

Fiona Hyslop: Will the member give way?

Bill Aitken: I am sorry. I have no time.

The Executive would have to consider the

matter sensitively and sensibly and would be able to grant exemption where that housing association could demonstrate beyond the balance of probability that its future would be jeopardised by the right to buy.

As the party of home ownership, we are not in the business of removing people's rights. Those who have the existing right to buy will retain it. However, we are determined to ensure that there is an adequate public rented sector, and the effects of wholesale loss of properties on housing associations generally and in the rural Highland areas in particular would be highly undesirable, to say the least.

These are exciting times for Scottish housing and real opportunities lie ahead. At stage 2, we must consider how we can make improvements in the bill. We must recognise that many problems have not been addressed. Frankly, I share Fiona Hyslop's disappointment in that respect. I hope that the Executive will consider at stage 2 how some aspects of the bill might be extended. The bill has been a long time in coming and many of the minutiae still have to be dealt with. Although many parts of it are worth while, other parts require to be addressed and radically changed.

15:38

Robert Brown (Glasgow) (LD): Listening to Bill Aitken was an esoteric experience. His speech contained two ideas. First, he claimed that the Tories were the champions of the social rented sector, which is a concept that beggars imagination. Secondly, his ideas on anti-social tenants struck me as rather reminiscent of the kind of policy that Ann Widdecombe puts forward and then puts away once criticisms emerge in later debates.

The Housing (Scotland) Bill is more central to the lives of our people than any other bill that the Parliament will pass in its first session. Nothing is more crucial to individuals, society and local communities than the houses in which families live. However, the bill is not a magic wand that will solve all Scotland's huge housing problems such as the decades of mismanagement and neglected investment, the high and growing levels of homelessness and the tragedy of fuel poverty and damp homes.

There is no magic wand; there is only commitment, consultation, careful planning and steady progress. The bill has benefited from an enormous amount of consultation with the full range of housing interests in Scotland. The bill is a credit to them and to the Minister for Social Justice and the Deputy Minister for Social Justice, who have shown a real knowledge of their subject, a yearning for effective reform and the ability to accept changes that have improved the bill. I am

grateful for the consideration and time that the ministers have been prepared to give to me and to many others in Scotland during their consideration of the bill.

As other members have said, the scrutiny of the bill by the committees has been of a high standard. Views have matured and have been adapted, evidence has been heeded and the committee report on any view is greater than the sum of its parts or the members' contributions to it. The ability of committee members to seek and obtain consensus and to accept and relate to other members' opinions is a great strength of the Parliament—even if, occasionally, we wallow in more fishy matters in the chamber debates.

The Housing (Scotland) Bill is part of an overall strategy. It is also part of a process to tackle fuel poverty. I welcome the comments that have been made by the ministers in the lead-up to this debate, which have suggested that they will introduce amendments at stage 2.

Fiona Hyslop: What does Robert Brown believe the Government's housing strategy to be?

Robert Brown: The Government's housing strategy has been laid out in good measure by the minister, although we have differences of nuance. I shall develop some of those points as I come to them.

A process is taking place, of which the Housing (Scotland) Bill is part but not the whole. It is a process of tackling fuel poverty, involving the private sector, raising design, construction and renovation standards, dealing with the specific concerns of the disabled and of children, and establishing housing finance on a long-term, sustainable basis of affordability and foresight. The thorny question of the right to buy should be considered in that longer-term context.

It is no secret that Liberal Democrats are not fervent fans of the right to buy, although we have no philosophical hang-up about ownership as such, in this field or in any other. We were, and are, concerned about the effective use of public subsidy—that is what sales at a discount eventually are—the overall supply of housing in local communities and, specifically, the supply of decent, affordable rented houses for those who could not afford to buy or chose not to do so. We are committed—and the Executive is committed—to an effective right to rent.

The Executive's original proposals did not receive the support of Liberal Democrat members. However, the ministers have listened to our concerns and the measures that the bill now contains—for example on housing association 10-year opt-outs, pressured area status and the strategic realignment of rural investment programmes—seem to provide the potential for

locally based strategies that was lacking. Generally, we view the beefed-up local housing plan framework as the pivot on which a housing strategy in Scotland should be driven.

I do not want ministers to be complacent, as a fair bit of tweaking is required on the details of the discount, the level of the caps and the detail of the pressured area proposals. Those are general points that we can consider at stage 2, but I seek assurances on some specific points. First, cost floor rules do not apply if a house was bought or if there was major spending on it more than 10 years ago, which could cause problems for some registered social landlords. I would like the minister's assurance that, at the very least, the receipt for a house will exceed the debt on it.

Secondly, the designation of pressured areas must be locally driven, the criteria for them must be reasonable and the Executive must allow local authorities the final say if the criteria are met. The designation of pressured areas is potentially a powerful tool. However, it must be used only in areas where the right to buy has run its course, such as East Kilbride, the west end of Glasgow, large parts of Edinburgh and some rural areas, such as Deeside.

Thirdly, the effects of the right to buy vary between areas. The issue requires a more sophisticated debate than some of the rants that we have heard on the subject would imply.

Mr Duncan Hamilton (Highlands and Islands) (SNP): The member says that he is willing to accept the Executive line on pressured areas. However, until he knows exactly what the exemptions will be or what modifications have been made to the definition of pressured areas, and until he has the guarantee that he seeks on local accountability, how can he support that principle?

Robert Brown: I do not think that Duncan Hamilton has been listening to what I have been saying. This is a stage 1 debate and we are talking about the principles. The framework is in place and the details have to be examined further. That is the point of the Social Justice Committee's consideration of the bill at stage 2.

The effects of the right to buy vary from area to area. Sometimes, the right to buy is a positive weapon that can be used to move towards community security and a better housing mix. Sometimes, however, it can cause problems for the availability of social rented housing and the economics of housing associations. It would be useful to follow the Chartered Institute of Housing in Scotland's suggestion that housing associations with properties that are not currently subject to the right to buy should not be allowed to opt into it until a fully revised business plan, based on the

financial input of the right to buy, is available, with participation in the decision by both the lenders and the regulators. That is the sensible way in which to approach the matter. I would appreciate an assurance from the minister that the overall effects of right to buy will be continuously monitored, locally and nationally.

The Housing (Scotland) Bill process has included the establishment of the housing improvement task force and moves towards an index of housing quality. On behalf of the Liberal Democrats, I welcome those moves. A central part of the work of the task force must be to establish mechanisms for long-term maintenance of houses, particularly those in divided ownership, such as tenements. That point has been made by many organisations, including the Chartered Institute of Housing, Age Concern Scotland and the Property Managers Association. In that context, I welcome the fact that, in response to my intervention, the minister said that ways of making progress toward that would be considered further.

In the 1980s, millions of pounds of public money were thrown at private tenement disrepair in properties such as the red sandstone buildings in Glasgow. Such investment was entirely necessary, but arose from failures of housing policy over many years. Unless we get a grip on long-term maintenance, including roof replacement and roughcast repairs, we are storing up problems for a major crisis in 10 years' time. Broadly speaking, we need a system under which owners contribute monthly in advance to a building maintenance fund that is sold at the house sale as part of the asset value of the house. People who fall into problems, such as older people on reduced incomes, people who lose their jobs and people who fall ill, will need access to public provision for improvement grants or support of that sort.

The system should ensure that the purchasers, both in the right-to-buy scenario and more broadly, know of and can cope with the costs of ownership. I am talking about a much broader issue than the right to buy. People should not be encouraged to buy at the limit of affordability. We should not make the problems of divided ownership worse by allowing more right-to-buy sales until the housing policy quid pro quo, as detailed in the committee's report, is in place in the form of tenement law reform and adequate short and long-term factoring arrangements. The changes to the right to buy that were announced by the Executive give us a breathing space of about five years to get such problems sorted out. I ask the minister for a specific assurance that that will be the case and that sales under the new right to buy will not take place without the recommendations in the committee's report being in place. Perhaps we can offer people who are in a position to take

advantage of the right to buy an enhanced discount for entering into a maintenance fund agreement. We must take such steps to ensure that people think of such agreements as routine, as happens in many parts of Scandinavia.

I applaud the framework for homelessness strategies and the various other linked reforms in the bill. However, I want to make two points. I am disappointed that the opportunity has not been taken to consider properly the policy basis of repossession. Evidence given by the Edinburgh sheriff court project indicated that 75 per cent of the people who appear in court, in the last stages of losing their homes, can have their affairs put on a proper basis and can have their homes secured if they are given proper advice and support. That is a big prize. I ask the Scottish Executive to ensure that no one is made homeless because of rent arrears unless there is no other solution and that the courts are able to examine the causes of the problem and draw on appropriate advice to resolve it.

I will illustrate my point with the example of children, as I feel that the bill could do with a little more child proofing. We tend to think of adults, but I ask members to think of a girl of seven or a boy of 13. For them, losing their home means one, if not two, moves of school, loss of friends, disruption of childminding and social isolation. There may also be a parental split, causing or resulting from the housing crisis. What a mess of a young life that is, as a result of something over which a young person has no control. Let us stop the family becoming homeless in the first place.

If people become homeless nevertheless, we have not cracked the problem of the revolving-door syndrome. It is often the same people who become homeless time after time, because their original problem was not resolved, and because they have not been able to sustain their tenancies.

Let me share with members the view of the Salvation Army. It goes so far as to say:

"to provide housing for the homeless without adequate assessment and support is probably a waste of time."

That is a harsh judgment but, I think, a true one. The whole thrust of the homelessness strategy is to put the structures in place, and we must strain every sinew to ensure that they are effective. I suggest to the minister that it would be helpful to have challenging and accountable targets in order that we may monitor effectively where we are going.

The Housing (Scotland) Bill is the longest and most technically complicated bill that we are likely to see during this session. It has not been done justice by the speeches from the SNP Opposition. Ministers must be prepared to allow due time for scrutiny of the bill at stage 2, but we must also

keep hold of the vision, as was ably set out by Jackie Baillie in her opening speech.

In housing, above all, we can and must make a difference. The quality of life of our people depends on it. They look to this Parliament to pass the bill and to make progress with the strategy that has been set out by this Labour-Liberal Democrat Executive, in this Parliament.

The Deputy Presiding Officer (Patricia Ferguson): We move to the open part of the debate. As was indicated previously, we have a large number of speakers. I will rigorously enforce the four-minute rule.

15:51

Johann Lamont (Glasgow Pollok) (Lab): As convener of the Social Justice Committee, I welcome the opportunity to speak in this important debate. The size and complexity of the bill reflects the importance of the proposals. I am happy to have participated at stage 1, and trust that the Parliament has found our stage 1 report to be useful.

I thank all those who helped in the report's production: those who sat on the Social Inclusion, Housing and the Voluntary Sector Committee, including the current Deputy Minister for Social Justice, who contributed to the committee's work; all those who gave evidence, both written and oral; all the committees that produced reports for us; Lee Bridges and his clerking team, for being unbelievably helpful in making sense of the process and turning round our reports at each stage at an incredible speed, and still getting it right and grammatically correct, which is even better; the official reporters, who kept up with our deliberations; and the support staff and security staff, who, during one particular incident, used their professionalism to allow the work of the committee to continue uninterrupted, while a student stunt was being conducted in the background—we were grateful for that.

Some comment has been made on the scope of the bill, and on what has been excluded from it. Given the complexity and size of what we were already wrestling with, the committee as a whole was content with its scope. However, we seek time scale commitments for the work that is being done by the homelessness task force and by the housing improvement task force. We recognise how important that work is.

We were anxious about some of the work that might be said to be devolved from the bill, and have committed ourselves to what is called post-enactment scrutiny. We intend to monitor closely whether the intention and aspirations of the bill are reached once it comes into force. We were grateful for the minister's indicating that she was

happy to participate in that work.

I draw the Parliament's attention to some of the important issues that the committee has highlighted, and to some of my own views, which are not always the same as those of the committee as a whole. We welcomed the proposals on tenant participation. I am conscious that I have to be on my best behaviour today, as some constituents, from the Cardonald neighbourhood forum and elsewhere, are here to watch the debate. If anyone understands the importance of tenant participation and of getting their views articulated, it is the members of the forum. I shall ensure that I keep myself under control.

Tommy Sheridan: Will the member take an intervention on that point?

Johann Lamont: Let me get into the meat of my speech first. Where the people who make the decisions have to live with those decisions, they are much more likely to be right. I am conscious that concerns were expressed in the past about the level of tenant involvement in other initiatives, particularly in Glasgow. I am content that those concerns have been taken on board.

I should perhaps declare an interest as a Co-operative Party MSP. I particularly welcome the emphasis on community empowerment. I am keen, however, for the bill to acknowledge the specific role of housing co-operatives. We seek means by which people can be supported in considering housing co-operatives as an option at a later stage.

We hear much about rights in the debate on this bill. The most central right that we all have, regardless of the tenure of our homes, is the right to peace of mind in our own homes. We need to look more closely at what can be done, in the bill and elsewhere, to tackle the serious problem of anti-social behaviour. If anti-social behaviour gets a grip and is not challenged—some of us have seen that happen in our communities—there can be a flight from a community and a collapse of perfectly reasonable areas in our cities and elsewhere because folk do not feel that such behaviour is being addressed. Where houses and investment are there, and where there is potential, anti-social behaviour can destroy that potential. This is not just a social or soft issue—it has an economic and resource impact on the ability of those providing housing to plan for people in the community.

The Deputy Presiding Officer: Please wind up.

Johann Lamont: I tell Bill Aitken that anti-social behaviour is not just about tenants. There is plenty anti-social behaviour by folk who own their own homes. Perhaps if we had a legal system that understood what anti-social behaviour was like, it

would be addressed properly in the courts.

We know that housing policy is about far more than bricks and mortar. I urge the ministers to examine the points that were raised by the Scottish Trades Union Congress on community regeneration. It is essential that there is a community dividend in terms of employment and training from anything that the bill develops. We should address to other ministers the worries that have been expressed about the construction industry.

The right to buy is clearly controversial and we should not avoid it. There is a dilemma for everyone who reflects on the matter. No one on the committee or who gave evidence to the committee argued that the right to buy should be abolished, so it is a matter not of principle but of managing the policy's existence. In a sense, one chooses one's anomaly. Whether or not we include the right to buy in a secure tenancy, there will be an anomaly.

We must consider viability, pressured areas and the extension of the qualifying period. We must ensure that the ministers are honest, open and clear-headed enough to look at where viability is affected.

I will finish on this point.

The Deputy Presiding Officer: Very quickly.

Johann Lamont: It is essential that we consider the right to buy in the context of housing subsidy across housing tenures, as it is not just people in the social rented sector who receive subsidy.

The Deputy Presiding Officer: Close now please.

Johann Lamont: There should be a commitment to generating supply.

I urge members to support the stage 1 report and to contribute fully at stage 2.

15:57

Brian Adam (North-East Scotland) (SNP): I will limit my speech to two areas: the right to buy and the Scottish secure tenancy.

Some welcome changes and enhancements are being made to tenants' rights. Unfortunately, not everything is being addressed in the bill. I would like the ministers to consider the rights of tenants to choose their landlord. In the 1980s, the Tories extended all sorts of things that tenants could or could not do. Tenants were asked, "How would you like to buy your council house?" and "Would you like to shift your tenancy to some other registered social landlord?" The bill will extend the right to buy, but there is no prospect of extending the right to choose one's landlord. We are not just

dealing with collective rights and votes by 100,000 tenants in Glasgow or 30,000 tenants in Aberdeen. Surely the rights of individuals ought to be preserved. If any tenant wishes to retain the council as landlord, they should have that right. That possibility should at least be explored.

We should also consider more fully how we will resolve collective or individual disputes between tenants and landlords, and the access of tenants to independent advice and financial support in dealing with any difficulties that arise.

I endorse what others have said about anti-social tenants. We need to address that issue in the bill and in other spheres.

I was taken by the fact that no one, other than the ministers, who came to talk to the committee was in favour of the extension of the right to buy. It is true that the ministers have recognised that the extension of the right to buy may cause problems, and that, as a result, they have inserted a series of measures into the bill to try to reduce its impact. Surely the simplest approach would be not to extend at all the right to buy.

We are not introducing a unified right to buy—we are introducing a variety of rights to buy, all in the name of extending home ownership from about 60 per cent to 80 per cent. However, we will not produce balanced communities as a consequence. Already, a number of communities are totally out of balance, as a direct result of the existing right to buy. Some council housing schemes have almost no private owners, while others have almost no houses left to rent. In addition, all the most desirable homes have been sold. The homes that are left in council ownership are in high-rise blocks and tenements and are the most difficult stock to manage. I am not convinced that we will get balanced communities if we head in the direction of extending the right to buy. No one who gave evidence to the committee suggested that we would achieve balanced communities by going down that route.

I will not abuse my privilege today—I will have the opportunity on other occasions to discuss in detail with the ministers many other aspects of the bill. However, I am concerned that we will not give anyone real rights by extending the right to buy.

16:01

Tommy Sheridan (Glasgow) (SSP): I am disappointed by the Housing (Scotland) Bill. A number of tenants and tenants organisations will also be disappointed by the bill, which is in danger of being referred to as the cappuccino bill—it has a lot of froth but little substance.

I will deal with the bill's positive features, of which there are few. The bill enhances the legal

situation of homeless families. It reverses the House of Lords' decision in the case of *Awua* and the London Borough of Brent. It recognises that permanent accommodation is a right and that councils have a duty to accord permanent accommodation to homeless families. Those measures are definitely positive, as is the improvement to rights on tenancy succession, particularly in relation to carers of tenants.

However, while the bill has 101 sections and nine schedules, the real substance and tangible gains for tenants are few and far between. On the whole, the bill is composed of a series of regressive and bureaucratic sections that are designed to pave the way—this is the crux of the bill—for wholesale stock transfer in Scotland and to set in place the mechanisms to allow wholesale stock transfer to proceed.

For example, the bill has no provisions on rent harmonisation. The minister said that that is not a problem when I asked her about it. However, I tell the minister that we have a big problem in Glasgow, where the average council housing rent is about £9.60 a week above the Scottish average and the average housing association rent is about £9.00 less than the average Glasgow City Council housing rent.

In Glasgow, there is a preponderance—a concentration—of poverty, yet the bill does not recognise the need to harmonise rents and to lower local authority rents throughout Scotland to bring them into line with housing association rents.

Ms Curran: Did Tommy Sheridan, who is a councillor on Glasgow City Council, attend the council's budget meeting to suggest to that local authority that it should raise rent harmonisation with the Scottish Executive? We have received no requests from local authorities or housing associations to intervene from the centre in their rent levels, and I do not know whether they would support such an intervention.

Tommy Sheridan: I was in the chamber at the time of that budget meeting.

The bill's proposals on the extension of the right to buy to housing association tenants are not progressive in any way, shape or form. While it proposes a 10-year suspension of that extension, everyone knows that it will undermine the hard work that is put in by community-based, local housing associations in building up their stock and their business plans, which are based on 25-year rental streams.

What we need is a rent incentive procedure. I will propose that as an amendment at stage 2, as we should be encouraging people to stay in the rented sector. Why are there no bonuses for people to stay in the social rented sector? We talk about giving bonuses as incentives for people to

buy, but why do we not provide incentives for people to rent? Why not offer a 15-year rent exclusion, after a tenant has built up a 15-year tenancy? That is what we should be looking for in this bill.

The minister talks about the Scottish secure tenancy, but I must say, quite frankly, that there is nothing new or innovative about it. If the minister looks at the substance of what she has included in the bill, she will find that the bill has made changes—only on a minor scale—to the current rights of those with a secure tenancy. It would have been easy enough to make housing association tenants secure tenants with a one-line amendment to the Housing (Scotland) Act 1988. That amendment would have accomplished what the minister is trying to achieve in that situation.

People have asked what the strategy is. The aim is for the minister to divest herself of public housing stock and the bill is designed to accommodate that strategy of whole stock transfer. The minister took a long time to introduce the bill—although there is little in it of substance—yet it will be rushed through very fast.

The Deputy Presiding Officer: The member must come to a close.

Tommy Sheridan: There is nothing in the bill about improvement to below-tolerable standard housing stock or about double-glazing and central heating being included as part of improvements to such stock. Despite the wishes of tenants, as expressed in opinion polls that were conducted throughout Glasgow, the minister has continued to flog a subject that is fast becoming a dead horse—wholesale stock transfer.

16:07

Paul Martin (Glasgow Springburn) (Lab): I welcome the Housing (Scotland) Bill and the opportunity the stage 1 debate on it gives members to debate the issues facing tenants, owners and housing organisations across Scotland.

I will begin by commenting on the remarks made by Bill Aitken, who I see cares so much about tenancy that he has now left the chamber. Bill Aitken accuses us of passing the buck on measures to tackle anti-social neighbours. We had 18 years of Michael Forsyth's buck-passing. During that period, I did not see any proposals come from the Tories to deal with the serious issue of anti-social neighbours. We should remember that we would not be in the chamber today, looking at the Social Justice Committee's comprehensive report, if the Tories were still in power. There would be no Scottish Parliament, so he should not lecture us on what we should be doing on this issue.

The measures on anti-social neighbours are a serious part of the bill. The correspondence that we receive daily demonstrates that. We must take measures to deal with anti-social neighbours.

Mr Keith Harding (Mid Scotland and Fife) (Con): Can Paul Martin confirm that Glasgow City Council refused to meet Michael Forsyth to discuss stock transfer?

Paul Martin: I was a member of Glasgow City Council. On very few occasions were we graced with the great pleasure of meeting the minister from hell. The minister from hell did not come to Glasgow. Members of Glasgow City Council had to make their way to Westminster. I am well aware of the situation with respect to Michael Forsyth.

John Young (West of Scotland) (Con): Will the member give way?

Paul Martin: I know that John Young is keen to intervene, but I have already given way. It is fair that I continue. [*Interruption.*]

John Young rose—

The Deputy Presiding Officer: Order.

Paul Martin: The criminal justice system must deal with the difficulties that we face with anti-social neighbours. Some of the current difficulties come from the criminal justice system itself. I have often had difficulties because of the time it takes Strathclyde police to collate information following complaints about anti-social behaviour at a particular address.

We also continually come up against the problem of the Data Protection Act 1984. I appreciate that that is reserved to Westminster, but when we are dealing with complaints about anti-social behaviour we are repeatedly advised by Strathclyde police that they cannot deal with particular complaints because of data protection law. We must ensure that the bill deals with that point.

We must also legislate to ensure that authorities work together. When I met senior housing officials and senior police officials, I was appalled to be told that they do not call case conferences when they deal with serious complaints of anti-social behaviour. Surely there must be opportunities for authorities to work together, using the mechanism of case conferences. In this bill, we have to ensure that organisations can work together to tackle anti-social behaviour. The most effective way of doing that would surely be to bring together the relevant authorities that deal with complaints.

Far too often I have spoken to police officers who have advised me that it is for local authorities to deal with complaints of anti-social behaviour. When someone lets a firework out of their living-room window, it is not only a local authority issue

but a police issue. It is about time that all the authorities took ownership of the difficulties that we face in coming up with measures to deal with anti-social behaviour. In the bill, we must put together a framework for that.

We should regulate property management factors. For far too long, that industry has not been regulated. We must make progress on that.

I have one final point on anti-social neighbours, which is one of my favourite subjects. We should put together a national register of anti-social neighbours to ensure that they are not able to move from one local authority to another. I commend the report of the Social Justice Committee and look forward to stage 2 of the bill.

16:11

Ms Sandra White (Glasgow) (SNP): I welcome the many organisations in the public gallery. Some people have made their way here from as far afield as Shetland and Glasgow. They are very welcome and I appreciate the support that they have given during stage 1 of the bill. I would also point out the lack of people in the press gallery. Whenever something really important is discussed in Parliament, the press do not bother to turn up.

The bill contains some good points. Margaret Curran will be glad to hear that I am praising the bill—especially the proposed measures on homelessness, which others have mentioned. Over the years, we have desperately needed to tackle homelessness.

I would like to pay tribute to our staff and to Lee Bridges in particular. I would also like to pay tribute to Shelter Scotland and all the other agencies that have worked very hard to put homelessness right at the top of the political agenda.

There are two areas in which I believe the bill could be improved. The first concerns the common housing register. Much of the evidence that we have heard from various agencies has suggested that we should introduce the power to compel the implementation of a common housing register. It would be best to set up that register by consensus, but many people who work in homelessness feel that ministers should have the power to require such a register to be set up, so I would like that point to be considered.

The second area for improvement concerns the arbitration process when a request for housing is refused. Areas in which the bill can be improved have been pointed out time and time again. I hope that the Executive will accept the argument that a time limit should be set so that we do not clog up the arbitration process. The Executive must also make resources available so that the requirements

in those two main areas can be implemented.

I will move to what is perhaps a contentious issue. Tommy Sheridan has touched on it, as has Bill Aitken—who pointed out that it was a Tory policy. I am talking about housing stock transfer. I cannot let this debate go by without mentioning it. The bill does not specifically mention housing stock transfer, although I think I saw a reference in one tiny little line. Whether we have taken evidence, spoken to people in the street, or talked to tenants organisations or councils, they have always said that the bill has been described as the housing stock transfer enabling bill.

Jackie Baillie: The bill does not mention stock transfer. The stock transfer programme is about getting much-needed investment into housing. People are living in damp, cold homes with a backlog of disrepair. What would Sandra White do to get investment in now, rather than take her approach, which would consign people to wait for 30 years?

Ms White: I think that the minister has seen the SNP's proposals—and other organisations' proposals—on housing stock transfer. Ministers have seen them and can read them. I have only four minutes; Jackie Baillie had 20. I will send her a copy of the proposals; she can read them at her leisure and bring them up at stage 2.

We are talking about housing stock transfer and homeless people. The issue is not about the tenants of Glasgow only. Housing stock transfer could seriously impinge on the council's ability to house the homeless—that is a fact. The minister asked what the SNP would do with the moneys if there was no stock transfer. I would like the minister to give us a guarantee that people in Glasgow in particular, but also those in other areas, will not be penalised if they vote against stock transfer.

People should also be made aware that housing stock transfer is not the only show in town. Unfortunately the Executive and its ministers have not made people aware of that.

I want to talk about new strategies and the new duties that councils will have if stock transfer goes ahead. Those duties have been laid out by the Executive, which is saying to councils, "You must do this." However, there has been no mention of where the extra money will come from. Where will it come from? In Glasgow, for example, will council tax payers have added to their bills the cost of paying for those new strategies? If the housing stock transfer goes ahead, will council tax payers in Glasgow also have to take on the cost of that? Will Glasgow, therefore, suffer a double whammy? That has not been explained properly by the minister.

In conclusion—

The Deputy Presiding Officer: Very quickly.

Ms White: In conclusion, I will say very quickly that we are talking about housing stock transfer in relation to the Housing (Scotland) Bill. The Labour party is great at mentioning John Wheatley, but will not he be turning in his grave because the Labour party—once the promoter of decent, affordable rented social housing—is introducing measures that will bring an end to such housing when it is clear that there is still a crying need for it?

16:16

Karen Whitefield (Airdrie and Shotts) (Lab): The Housing (Scotland) Bill is the most significant proposed Scottish housing legislation since the Housing (Scotland) Act 1987 and the Housing (Scotland) Act 1988. It is arguably the most significant bill that has come before the Parliament.

We will all agree that access to decent and affordable housing should be a basic right. That right should not be reduced if someone lives in a rural community or if they live in a poor community. Tragically, there are still too many people living in cold and damp homes and too many people are deprived of the basic right to affordable and secure rented accommodation. The bill aims to address those problems. It aims to strengthen the rights of homeless people and to ensure that all tenants in the social rented sector have the same rights.

The evidence that was heard by the Social Justice Committee suggests that there is strong support for the general principles of the bill. That in itself is evidence of the value of the extensive pre-legislative consultation that was undertaken. I believe that the bill provides the basis for an act that will have a positive impact on men, women and children throughout Scotland.

Fiona Hyslop: Will Karen Whitefield give way?

Karen Whitefield: No. I am sorry, but I have only four minutes.

The creation of such an important bill would be missing something if there were no contention. Housing organisations including Shelter and the SFHA have voiced their concerns about the impact of the extension of the right to buy. I say to those organisations—which are represented in the gallery today—that I understand their concerns, but the extension of the right to buy is a direct consequence of the creation of the new Scottish secure tenancy.

Linda Fabiani: Will Karen Whitefield give way?

Karen Whitefield: I have only four minutes. Linda Fabiani will be able to speak at the end of

the debate.

The enhancement of the statutory rights of housing association tenants to match the rights of council tenants has long been sought and is extensively welcomed. The logic behind unification is either that we should enhance the rights of people who currently have assured tenancies or that we should withdraw some of the rights of those who hold secure tenancies. To my knowledge, neither the nationalists nor the Tories would have us do the latter.

My experience in Airdrie and Shotts convinces me that people who live in council and housing association homes want the right to buy their property. They also feel that they have the right to a discount if they have lived in those homes for many years and paid rent. As I said, I understand Shelter's and the SFHA's concerns. The modernisation of the right to buy is an attempt to address some of those concerns. It seeks to ensure that landlords do not face a rapid depletion of housing stock and the consequential impact on financial viability and the ability of RSLs to provide good-quality housing services. I believe that the proposals that are before us go a considerable way towards addressing those concerns.

However, I ask the Executive to examine maximum discount levels further and to consider further the regularity with which capping levels are reviewed and reset. To advance the discussion, I propose a review period of around four years—one every session. I am also concerned that further consideration should be given in the bill to fuel poverty. The Scottish house condition survey concluded that around 738,000 homes in Scotland suffer from fuel poverty. That is a damning and depressing statistic in a modern Scotland, and should have no place in it. While the Housing (Scotland) Bill cannot itself solve that problem, it should be part of the solution.

There is still room for improvement with the bill, but it provides the basis for a detailed solution to the problems of social rented housing in Scotland.

The Deputy Presiding Officer (Mr George Reid): For reasons that will become apparent later, I must be tight on speeches, so four minutes please.

16:20

Mr Kenneth Gibson (Glasgow) (SNP): With my colleagues, I welcome this stage 1 debate, although I regret the lack of time for members to raise their concerns in detail. In view of the shortage of time, I will restrict my comments to the new executive agency, the strategic role of local authorities and grants for improvements and repairs—which the minister did not touch on in her opening speech.

In exercising its strategic role, a local authority must not be constrained by the NEA. Funding and adequate powers are essential. As drafted, the bill does not provide for the cost of planning or for the development funding role. That is crucial, for in evidence to the Local Government Committee, Glasgow City Council estimated that Scottish Homes' development funding amounts to £8 million a year in Glasgow alone. As things stand, that cost will fall directly on the council.

As the minister will be aware following her meeting with Charlie Gordon on 26 February, Glasgow City Council will agree to stock transfer only if it can take on the strategic and development funding role immediately on transfer, if it ever goes ahead. The costs associated with that, according to the explanatory notes on the Housing (Scotland) Bill,

"will be taken into account in future decisions on Executive support for local government expenditure."

No such provision has been made in the 2001 to 2004 local government financial settlement. The Executive states that

"local authorities currently meet the costs of producing housing plans out of their own budgets"

but fails to acknowledge the contribution that is made by the housing revenue account, which will be lost to councils that transfer stock. In her summing up, perhaps the minister can tell the chamber how the bill, as it currently stands, will address that issue, or will she concede that that will have to be rethought?

The NEA will have powers to intervene in local authority housing services while loading management inspection costs on to councils in full. Across Scotland, those costs could run into several million pounds. To add insult to injury, a local authority that produces strategic plans that the NEA rejects is at the mercy of the NEA vis-à-vis development funding. Thus, local authorities will be forced to kowtow to the NEA. That will greatly reduce local flexibility. Furthermore, the bill contains no statutory right for councils to receive information from the NEA about RSLs in their areas, which will make it more difficult for councils to play a meaningful strategic role. As it stands, the NEA will have extensive powers to intervene in housing strategy independently of the minister.

Councils are much better placed to address issues such as housing, the environment, transport, job creation and infrastructure than a housing-focused quango, and that could cut across multi-agency activity and divide area regeneration from mainstream economic activity. The Executive must show its faith in local government. There is no need to construct a mega-quango in the shape of the new executive agency. Local authorities should be responsible

for the strategic housing budget and development role, with staff and budgets being transferred from Scottish Homes. The NEA should be restricted to a regulatory role.

With regard to part 6, we are concerned about means-testing for grants and whether the Executive has given any thought to the actual cost, relative to the benefits. More bureaucracy ultimately means that less is available to spend on grants. To reduce complexity, the grants system should be unified and simplified by the introduction of a single refurbishment grant. The £20,000 maximum stated in the bill should be index linked to prevent erosion over time by inflation.

A major issue is the massive reduction in the moneys available for grants. According to a written answer Wendy Alexander gave me last year, they have been reduced from £102 million to £38 million since local government reorganisation. The Executive has done nothing to redress that.

Section 91, on tolerable standards, should include serious disrepair, energy efficiency, electrical wiring, fire protection and the provision of smoke detectors.

The Executive should make clear to Westminster colleagues its support for the harmonisation at 5 per cent, VAT on new build and repair building work. That would help to reverse urban decline and reduce suburbanisation.

16:25

Mr Murray Tosh (South of Scotland) (Con): I declare an interest as a member of the management committee of Carrick Housing Association in South Ayrshire. It is fair to say that when the Executive's proposals to develop the modernised right to buy were announced, the overwhelming mood on that committee was huge disappointment, to say the least. In the past year, I have found that mood present throughout housing associations all across the south of Scotland, from Berwickshire and East Lothian to Loreburn and Dumfries—and in the Forum of Housing Associations in Irvine, to which I spoke this week.

Housing associations are disappointed about what the proposals mean for them because they believe that they will lose money when houses are sold and that, as the risk to lenders grows, it will become more expensive to finance housing. They believe that the income streams will fall, that there will be an impact on rents, that some smaller housing associations will be threatened and that their viability will be at stake.

However, having reported the bad news and faithfully recorded what people think, I must say that my housing association's mature view is that however disappointed we are about how much

more difficult the new environment will be, we no longer hold to the knee-jerk reaction of asking what is the point. There is still plenty of point. We have 250 houses in management and 150 under construction, so we are at the knife-edge of viability. Our immediate reaction was to start talking to another local association in comparable circumstances about a merger that would give both of us critical mass and long-term viability. When the Social Justice Committee's report was published, I read it carefully for the evidence given by the Council of Mortgage Lenders, which Shelter used heavily in its briefings.

Fiona Hyslop: Will the member give way?

Mr Tosh: In a minute.

It is clear that the Council of Mortgage Lenders acknowledges and understands the difficulties, but it believes that the 10-year period will give housing associations the time to rebuild their business plans to fit the new circumstances. Therefore, I do not believe that we should give up.

Fiona Hyslop: I have a brief question. Is amalgamating housing associations the way out of the problem? Will Scottish community housing associations end up more like their English counterparts? In England, large bodies are prevalent, unlike the small community-based associations that are traditional in Scotland.

Mr Tosh: No. Two small housing associations in an urban area can usefully combine the strengths of their small committees and work together to develop a better housing service. I do not feel especially threatened or challenged, and I do not feel that the tenants of those associations are challenged by the proposals.

I disagree with one of the points that Robert Brown—who, unfortunately, has left—made. In an urban situation, my housing association and a neighbour might merge. However, I do not know how people in Lochaber, Orkney, Shetland or Skye can find a locally based housing association. I invite the Executive to consider carefully whether there are grounds for treating the small rural associations differently. They will never have that viability and will never be able economically to replace the stock that they have painstakingly and expensively built. Different areas have different circumstances.

I regret that I am almost out of time. I will make one final point. Fiona Hyslop said that there is a lack of strategy in the bill. A sense of strategy could justifiably be added in one area. We are talking about making resources available to build houses and compensate for what is sold. There is no research anywhere in the Executive that considers the geographical spread of housing need. There are many local authority surveys, but no national information.

The Deputy Presiding Officer: Wind up please.

Mr Tosh: If we are to proceed and develop on the bill, that important work must be done. We also need a commitment that resources will follow need. If the Executive can do that, I will be happy—despite the reservations with which I began—to believe that the bill, on balance, represents progress.

16:29

Mr Mike Rumbles (West Aberdeenshire and Kincardine) (LD): I welcome the bill, which was developed, as the minister said, in a spirit of openness and consultation—and, I want to add, co-operation.

The bill contains some very good policy objectives: the prevention and alleviation of homelessness, the provision of an enhanced set of rights for tenants, the creation of a single regulatory framework and the enhancement of the strategic role of local authorities. All those objectives are extremely important and are the bill's general principles.

I want to endorse some of Murray Tosh's comments and to mention what one of his colleagues said. Bill Aitken said that public sector landlords would be required to house the anti-social minority well away from decent, law-abiding tenants. We asked him where he would like to put all those people. He refused to answer. I would still like to know the answer. I would like to be told in the Tories' summing-up.

I would like to focus on the right to buy, because it is a contentious issue. My colleague, Robert Brown, made a point about the problems on Deeside in my constituency. The Executive has moved on the issue. That is recognised and appreciated. The exemptions for pressured areas are important and the criteria for those exemptions—where the need for rented accommodation substantially exceeds availability and where the number of tenants who are exercising a right to buy is likely to exacerbate the shortage of social rented houses in that area—are good. I welcome those criteria.

I want to talk about the need for balanced communities. I see that need in royal Deeside. The housing pressure on royal Deeside and the Mearns is severe. However, a pressured area is a pressured area. I am worried about the time limit for pressured areas. The implication is that we can build more houses, but there are real difficulties about building more houses in some areas.

I also want to raise the point about portable discounts as a possible solution to the problem. My colleague, Tavish Scott, may deal with the issue in greater detail, but I want to flag it up. It is

important to my constituency. I would like to see that solution to the problem come in at stage 2, to deal with real pressured areas in a rural environment. That does not apply only to my constituency. There are others, as Murray Tosh pointed out, in the Highlands and, I am sure, the islands, although I do not have personal experience of their problems; I am focusing on my constituency and its needs.

I welcome the bill. It is a major step forward. I fully endorse its general principles and I would like the minister to have a look at the detail of those at stage 2.

The Deputy Presiding Officer: Could Cathie Craigie manage her speech in two minutes? That is all the time we have, for reasons that I will come to in a minute.

Perhaps I should explain to members what the situation is first. I have received from Mr McCabe notice of a request to move later this afternoon, without notice and on behalf of the Parliamentary Bureau, a business motion. Copies are available at the back of the chamber.

I am minded to allow the Minister for Parliament to ask the chamber to allow the motion to be moved. I understand that the motion will be opposed. I propose to allow time for that debate before decision time, which is fixed at 5.30 pm. We must therefore start that business at 5.15 pm. That means restricting open debate on the Housing (Scotland) Bill. I have no alternative, I am afraid. Of course, we lost 20 minutes to points of order at the beginning of the debate.

I go back to Cathie Craigie. We have only two minutes. If you would like it, it is yours.

16:33

Cathie Craigie (Cumbernauld and Kilsyth) (Lab): Thank you, Presiding Officer. I would be as well wrapping up, but I will just say that I welcome the bill, like so many people who gave written and oral evidence to the Parliament's committees. We believe that it is welcome. It is long overdue.

I also welcome the fact that housing has been moved up the political agenda. We have an Executive that is willing to tackle the problems and to modernise practices to take account of the needs and aspirations of all tenants and prospective tenants.

Tenant participation is a key element of the bill. Suggested improvements have, in the main, been welcomed as a framework to promote tenant participation, although I am advised by people in tenant organisations that most local authorities actively encourage and resource participation. I shall not name and shame any local authorities that do not, but tenant organisations believe that

the bill should be strengthened to ensure that landlords resource tenant organisations properly.

Registered social landlords must recognise the importance of tenant involvement. We must continue to have tenants on the board, but we must remember that tenant board members wear two hats. Their involvement should not be seen by RSLs as full participation.

In the Social Justice Committee, Robert Brown and I have raised the issue of people's right to be informed about the right to buy. It is important that the Executive introduces measures to ensure that people know about their obligations as well as their rights. There are many issues to do with the repair and improvement grants. We should have a test of resources. Many people who have given evidence to the committee have said that they are against it, but I believe that it is a way of ensuring that the money gets to the people who need it most. I hope that it will be fair and that it will take account of people's disposable income.

I will make my other points in writing to the minister.

The Deputy Presiding Officer: I apologise to Cathie Craigie and to the seven members who, because of truncated business, have not been called.

16:36

Tavish Scott (Shetland) (LD): It is nice to be able to make a contribution this afternoon but it is unfortunate that many members have not had the opportunity to do so because of the constraints on time.

I will make a number of points that I hope will, in a fairly consensual style, reflect this afternoon's debate. I am aware that Margaret Curran is summing up—I have seen her savaging people left, right and centre from the front bench. I wish not to be savaged this afternoon.

I welcome the first housing bill before Scotland's new Parliament. It is arguably the most consulted on bill in the Parliament's short history, having been effectively scrutinised by committees. It reflects the vigorous lobbying of MSPs and the Government by many organisations, which have brought to the debate the weight of considerable knowledge on the issues. Robert Brown and others rightly paid tribute to the ministerial team that has brought the bill to Parliament today. It is right that Parliament should approve the first principles of a bill that not only improves the social rented housing sector in Scotland but looks to wider issues, such as fuel poverty, which I understand will be the subject of further proceedings at stage 2. The bill tackles homelessness on a strategic and a national basis

while, as Kenny Gibson commented, putting an obligation on local authorities to produce individual local strategies for assessing and tackling local housing need. It includes a welcome measure to abolish a quango and correctly to make what was Scottish Homes accountable to Parliament through ministers.

The bill must be twin-tracked; to that end, the Liberal Democrats welcome the measures that it contains. The Government must set out its spending on social rented housing, both on improving existing stock and on investing in new stock. Jackie Baillie's opening speech pointed to that wider context. Those members who reflected that the bill does not have a wider context in terms of what is going on in the housing sector simply cannot have heard that initial contribution. It is proper to give people a right to better housing across all tenures, irrespective of their social, cultural or ethnic background, and to ensure that a range of decent housing options is available to all.

I welcome the announcement that the former Minister for Communities made in June last year on establishing the rural partnership for change initiative, which was chaired by a former colleague of mine on Shetland Islands Council. Wendy Alexander said at the time:

"Pressurised rural communities often have shortages of available land and high development costs to overcome."

When Margaret Curran winds up, perhaps she can give us an update on progress, especially on those two factors, which remain the principal concerns to rural housing associations. I will briefly reflect on those concerns this afternoon. I do so in the context of discussions that I have had with Hjaltland Housing Association in my constituency, which I am sure Margaret Curran will have the opportunity to visit when she goes to Shetland later in the spring.

Sylvia Jackson, Murray Tosh and others rightly reflected on the difficulties that are being observed by rural housing associations with regard to right to buy—I recognise much of what they have said. Let me put it into my local context, in stark terms. A four-person house built by Hjaltland Housing Association in Lerwick will have a value of about £40,000. Its actual selling price under right to buy will be £24,840. However, the replacement cost of such a building will be approximately £80,000, because of the high building costs in Shetland. To a large extent, that encapsulates the difficulties that many rural housing associations face, although some of them have more extreme difficulties than others because of distance and transport costs.

Given the pressure that that financial equation puts on housing associations, the increasing development costs and the difficulty of acquiring

land where social rented housing is needed, would not a portable discount as part of a menu of options—as Robert Brown described—be a better investment for the taxpayer and the tenant? I ask ministers to reflect on those options.

Hjaltland Housing Association is also concerned about the fact that the right-to-buy exemption will not apply to stock built before 1989. In my constituency, such stock accounts for 38 per cent of the housing association's general-needs rental stock, nearly all of which is important in specific geographical areas around the islands and much of which is attractive for purchase. I am not clear what the benefits will be if Hjaltland Housing Association is forced to sell off that stock. I do not believe that the minister intends to cause housing associations financial difficulty, but I ask her to consider those points, which I hope will be raised at stage 2.

I reiterate the value of a tenant incentive scheme. Portable discounts are an alternative, as part of an overall menu of options that gives choice while maintaining the financial stability of rural housing associations. I hope that Jackie Baillie will be able to provide some encouragement in that area.

There is much to commend the bill. I have mentioned some issues briefly and members of all parties have mentioned other issues, such as the sensible suggestion that there should be a phased implementation of the Scottish secure tenancy. The housing association in Shetland has suggested that to me repeatedly.

In the Liberal Democrat submission to the consultation on the bill, Robert Brown welcomed the overall principles behind it and the majority of the proposals that have been made. We have a number of detailed concerns, which will be pursued in the appropriate way at stage 2. The bill complements the Administration's commitments in the programme for government and I am happy to commend it to the chamber.

16:42

Mr Keith Harding (Mid Scotland and Fife)
(Con): At the outset, I declare an interest as a member of the Forth Housing Association. I will leave the Deputy Minister for Social Justice to sum up the SNP's contribution in her usual calm manner. All I wish to say is that I can hardly wait for stage 2, when we may at last see some fully costed policy proposals from the SNP.

Today I have the tricky task of summing up in only a few minutes a debate on the longest and most technical bill in the Scottish Parliament's history. Colleagues will forgive me if I have to gloss over some of the issues. What I must address are the key points on which we shall seek

to amend the details of the bill at stage 2. It is worth reminding the chamber that, under the Scottish Conservatives, home ownership in Scotland increased from 35 per cent in 1979 to more than 60 per cent—a remarkable achievement. We will continue to encourage the extension of home ownership, as the vast majority of Scots want to own their own home.

Elaine Smith (Coatbridge and Chryston)
(Lab): Will Mr Harding give way?

Mr Harding: No, I will not.

That means that we support the single social tenancy and the extension of right to buy, which will enable tenants of housing associations to purchase their homes. However, we realise that some exemptions are necessary. For housing associations with limited stock, or in rural or island areas, the potential for the replacement of properties is often limited or non-existent. In the cities, some associations that are pressured by stock loss could merge to remain afloat, as has been mentioned, but that is no way to retain local control in a rural area.

As Bill Aitken explained, we will seek to amend the bill at stage 2 to enable housing associations to apply to the Scottish Executive for exemption from the right to buy. We believe that that is a much better safeguard than the Executive's pressured areas proposal, as it could be tailored to very localised areas or to the individual needs of a specific housing association as necessary. It is not a blanket ban on the right to buy, as pressured areas could be. Such a blanket ban could effectively end the right to buy across whole swathes of Scotland.

The key point remains, however, that we believe in the principle of the extension of right to buy to as many people as is practically possible. Right to buy allows people to meet their aspirations for their families and is often a key factor in improving housing conditions. Large numbers of those who have exercised the right to buy have made substantial investment in their homes since they became owners; that has usually happened much more quickly than it would have done if those homes had remained in the public sector.

Scottish Office research from 1997 showed that more than 90 per cent of vendors of homes that they had bought under the right to buy and were reselling on the open market had undertaken home improvements on their properties. Many had installed double-glazed windows or central heating to improve energy efficiency and home warmth.

We must improve the standard of housing for everyone in Scotland. Control of housing must be devolved from councils to community ownership, as that gives tenants a real say in the management of their homes and allows access to

private sector investment for repair and renovation. The bill facilitates that process and the Scottish Conservatives welcome the continuation of our policies. However, renovating houses does not of itself regenerate communities.

Crime reduction and improvements in the standards of education must be prerequisites for any major investment in housing and job creation. Without safe streets and employable school leavers, there is little foundation for recovery. The approach that we take must give communities and landlords proper safeguards to deal with bad neighbours, whose behaviour undermines the efforts of the community to improve the neighbourhood. Too often, bad neighbours despoil the area and fail to pay their rent, but there is nothing that the community can do about them. Bill Aitken outlined our views on the need to house the anti-social minority well away from decent, law-abiding tenants and the resulting need for housing sin bins.

I would have answered Mike Rumbles's question if he had had the courtesy to remain in the chamber to hear the response. The approach that we are suggesting should be backed up by a mutual reference information system to give registered social landlords access to details of new tenants so that they can determine whether people have abused the terms of their tenancy in another area. I welcome Paul Martin's support for that proposal, which would strengthen the probationary tenancy system and ensure that travelling neighbours from hell did not start again in a new area after a landlord had finally obtained leave to evict them. The reference system should be allied to a common housing register, as other members have suggested. That would greatly facilitate and speed up the letting of houses, thereby increasing resources and helping to alleviate homelessness.

Fiona Hyslop: Does Keith Harding agree that the common housing register should be strengthened in statute?

Mr Harding: Yes.

Registered social landlords should become more closely involved with the management of the appearance and tranquillity of the neighbourhood. They should work with other authorities to deal with problems of graffiti and litter. To ensure that that happens, we propose that housing associations should be made to publish annual comparative information on tenant involvement, repairs and other services. Tenants could then see more clearly how their housing manager was performing. That would stimulate greater local competition between providers, which would create choice and better-quality service provision. We will introduce those proposals in an amendment at stage 2.

At stage 2, the Scottish Conservatives will closely scrutinise the changes proposed to Scottish Homes. It is imperative that the independence of the new organisation is enshrined in statute; if it is not, how can that body gain the confidence of the public in its role in scrutinising the Scottish Government's actions? If it cannot fulfil that role, we will suggest that alternative arrangements be drawn up.

We support the motion and agree to the general principles of the Housing (Scotland) Bill.

16:48

Linda Fabiani (Central Scotland) (SNP): Given that so little time was allocated for discussion of the bill, I am sad that circumstances have cut that time shorter. I am sad that some members have not been able to speak in the debate.

Like Fiona Hyslop, I feel strongly that the bill represents a great opportunity missed. It has been said that the bill is for the social rented sector, but what about the private rented sector, where the most disadvantaged members of our society end up living? The bill could have examined that sector and issues such as sustainable development. It was an opportunity for innovation, embracing all the sectors, to regenerate our housing in Scotland.

The proposals were meant to be a flagship policy. Robert Brown said that we cannot wave a magic wand. Perhaps not, but at least we could look to the future and try to get more than what the bill gives us.

Various bits of the bill have changed since the previous minister first came up with her grand plans, which sounded so radical at the time. However, they do not seem at all radical any more. Tommy Sheridan mentioned harmonisation of rents; why can we not consider that proposal, for example?

The policy memorandum objectives mention

"successful balanced communities"

and

"better housing across all tenures".

However, all the bill does is address the social rented tenure and come up with ways of eroding it.

On insolvency, I know that everyone is rushing around trying to put together a statutory instrument that will widen the Parliament's powers to address the anomaly that the bill will allow between friendly societies and private companies. I back up Fiona Hyslop's earlier plea—if we are going to do that, we should be really radical and ensure that the Scottish Parliament has responsibility for housing benefit.

Jackie Baillie: I am disappointed to hear

another constitutional demand from the SNP. It has clearly failed to engage in a critical debate about housing and so is again letting down the people of Scotland.

Linda Fabiani: Well, that means that we are both disappointed. I am incredibly disappointed in the bill; the minister is incredibly disappointed in the SNP. There we go.

I started work in the social housing sector at a time when tenements were being refurbished. We did not do the job properly then. The first lot of houses in Glasgow and the inner cities were done up on the cheap through a patch-and-repair system; now we have to redo all those houses. This is a bit of a patch-and-repair housing bill, and I can see us in an independent Scotland some years down the line having to go back and fix it. Let us hope that it does not need fixing sooner.

However, as much as I am disappointed, this is a general principles debate and I will be gracious. We agree with the bill's general principles, although we wish that there were a few more general principles to agree to. I echo Sandra White's comments about the bill's principles on homelessness, which are great and are certainly welcome.

We will make the utmost use of the stage 2 scrutiny process and I am sure that our many amendments will be welcomed for the purposes of discussion. The issue of codes of practice came up at the Equal Opportunities Committee. I have a great horror of codes of practice suddenly appearing after legislation is passed and I ask the Executive to consider introducing codes of practice for our consideration at stage 2. One of the problems with the Housing (Homeless Persons) Act 1977 was that the code of practice was introduced after it was passed, which meant that authorities operated it differently. We need something firm about codes of practice in the bill.

I was asked by some housing people about regulation. In my experience, strategic powers for local authorities are a great idea—as that was, and is, SNP policy, we welcome it. However, on behalf of housing associations, I make a plea that, when local authorities are given such strategic roles, existing arrangements should be sacrosanct. We should allow development programmes to be completed as agreed; it is extremely important that we do not suddenly stop plans in midstream. It is also crucial that, when those programmes are completed, housing associations should be able to sustain investment. Of course, that brings us to the right to buy, although I will address that issue in a minute. Housing associations have been made to run as businesses and a business can run properly only if its asset base is secure.

I have some concerns about the cost to local authorities of the preparations that they will need to make. Worries have also been expressed about the non-independent status of the executive agency. I hope that those issues will be considered at stage 2.

The bill seems to suggest that housing associations will be subject to much more scrutiny than local authorities will be. That situation should be equalised. It is often said that housing associations are not accountable; having worked for them for years on a voluntary management committee, I can tell members that there is accountability. Tenants are board members and there is nothing more accountable than tenants who run their own businesses.

Dr Richard Simpson (Ochil) (Lab): Will the member give way?

Linda Fabiani: No. It is not fair for a member who has just walked into the chamber to ask to intervene.

Cathie Craigie: Will the member give way?

Linda Fabiani: I will give way to Cathie Craigie.

Cathie Craigie: I agree that tenants should be on the housing association boards and I thank the member for raising that issue. However, I was trying to make the point—I obviously did not have enough time to make it—that that is not a substitute for consultation and participation.

Linda Fabiani: Fine—I acknowledge that point. I apologise for bobbing up and down, but I am conscious of the time and I want to talk about the right to buy.

When Fiona Hyslop was talking about the right to buy, she was asked whether the SNP wanted the Executive to revert to its original proposals. We do not want that. We want the Executive not to extend the right to buy—it is as simple and straightforward as that. Forget the extension of the right to buy. The excuse is always that the right to buy is necessary to sustain the single social tenancy, but that does not stack up. There are anomalies within the single social tenancy; fully mutual co-operatives, occupancy agreements, tied housing and travellers are not covered. We do not have any single social tenancies and we will not get any, great though they would be. Therefore, let us not pretend that we need the right to buy to have social tenancies.

I am bothered by the Executive's insistence on the 80:20 split. We keep hearing that 70-odd per cent of folk would like to own their homes and that we must support that. However, 70-odd per cent of folk would like to own a Porsche or a Ferrari, but that is not going to happen. Let us be realistic.

Dr Simpson: There is a fundamental difference

between buying one's home and buying a Porsche.

Linda Fabiani: Wonderful stuff.

I suspect that the 80:20 split is about a UK strategy, following on from the strategy in England. I would like to look wider, to some of the most successful countries in Europe. Denmark has 51 per cent owner-occupation. In Germany the figure is 43 per cent, in the Netherlands it is 52 per cent and in Sweden it is 39 per cent. Some years ago, I was surprised when someone told me that the highest level of home ownership is in third-world countries. Perhaps we should consider that fact. While we are looking at the successes in Europe, we should also consider innovation and the co-op model. Johann Lamont mentioned housing co-ops. Those are run wonderfully in the Scandinavian countries. Why cannot we consider that idea instead of pushing all the time for the right to buy?

Bill Aitken said that the success of a housing association lies in community ownership. I agree with that wholeheartedly. It is community ownership that matters, not individual ownership. The Labour manifesto for the election to the Scottish Parliament said:

"Our aim is to encourage community ownership".

It seems that we are now encouraging individual ownership and delivering home ownership targets on the cheap. For all the talk about balancing communities, we could end up disempowering communities. Johann Lamont said that community ownership empowers. Real empowerment is about having control of the rental stream, no matter who the landlord is. Our aspiration should be to give people a real say in their housing, real participation and real community empowerment.

Members have talked about giving people choice over home ownership. What about the choice for future generations, when all the decent social rented housing has been bought up under the right to buy? Housing associations have been preserving that stock of decent housing, but it is going to be eradicated. We hear that right-to-buy sales will constitute only 2 per cent of sales a year. That will not be the case throughout the country. In some areas, the figure will be 0 per cent, because people will not want to buy.

Johann Lamont: Will the member give way?

Linda Fabiani: I do not have time.

In other areas, the figure will be 10, 11 or 12 per cent. My experience of housing development in rural Scotland illustrates that. In some areas, people want to buy their houses, and families club together to buy them. I worked, with others, on a scheme in Cairndow. We provided 10 social rented houses for a housing association in an area where people were living in winter lets and

caravans on the banks of Loch Fyne. Ten years down the line, we could end up having to start all over again because those houses will have been sold under the right to buy.

We have talked about the single social tenancy, and the Executive is now talking about levelling the playing field for the right to buy. I counted this all up earlier—right-to-buy current rights maintained, right to buy preserved on stock transfer, new right to buy active, new housing association right to buy deferred for 10 years, new housing association right-to-buy opt-in, new right to buy suspended in pressured areas, and new right to buy suspended due to housing association financial viability. However, an awful lot of people will have no right to buy, because they will have no chance of getting a social rented house. Those people are the most important category of all.

17:00

The Deputy Minister for Social Justice (Ms Margaret Curran): This is an important debate for the Scottish Parliament, and I share Linda Fabiani's disappointment that we have had to cut it short. It reflects the importance of housing to the country and it also reflects the scope of the bill.

I will state quickly—and I hope that I am not going too fast to be understood—my appreciation of the work that the committees have done. We appreciate the points that they made and we understand the considerable work load that that entailed.

Today's debate has highlighted areas of diversion and some areas that require further consideration. However, I will not be able to address the many points that have been raised. I want to be positive about the speeches that Mike Rumbles and Tavish Scott made. I hope that I do not frighten Tavish Scott—he is such a gentleman that I could not possibly want to. [*Interruption.*] Someone has just pointed out that he has not voted yet. That is a good point.

If I do not address some of the points that members have made, I will be happy to engage in conversation with them about those points. I look forward to an interesting stage 2. The Scottish Executive wants to work with those who lodge amendments.

Fiona Hyslop criticised what she sees as a lack of strategy. I have never heard Jackie Baillie make any comments without saying the word "strategy", but perhaps she did not do so today. We have a strategy. We have said that, with the Housing (Scotland) Bill, we are concentrating on the social rented sector. We have made clear our commitment to the housing improvement task force. I do not know how to make it clearer that we think that the Executive should practise phased

intervention. It would be a disservice to the housing interests of Scotland if we said that we could answer all the needs quickly.

Our strategy is about promoting renewal through community ownership and empowering tenants, delivering a package of measures and investment to tackle homelessness, and putting in place a comprehensive system of regulation and rights. As has been said this afternoon, we should remember that there is a great deal of consensus about much of the bill.

Fiona Hyslop: Does the minister think that having 80 per cent home ownership and 20 per cent rented accommodation is sustainable or realistic? Does she believe that that situation will provide an adequate supply for Scotland's housing needs?

Ms Curran: I thank Fiona Hyslop for her question, which gives me an opportunity to clarify that point. The figures that she quotes come from a forecast that was based on a model of what would happen if we did not intervene. That situation may not arise, although it probably would if we left the situation alone instead of implementing our house-building programme and reforming the right to buy.

Fiona Hyslop: The minister is back-tracking.

Ms Curran: I am not. That is my position, although I am sure that the debate on the matter will continue.

Housing policy in Scotland has always been a subject of lively debate. That is how it should be as it is critical to life circumstances. That is why the Housing (Scotland) Bill is the most substantial legislation that the Scottish Parliament has yet considered. Our debate has focused on a number of key issues and I hope to respond to a number of them in turn. As I said, I will not be able to deal with them all.

Anti-social behaviour has been a significant part of the debate. Johann Lamont, the convener of the Social Justice Committee, articulated the point about the right to peace. I understand where she is coming from and recognise the cross-party interest that was expressed in the chamber and in the committee. The Executive is clear that with the package of rights that we are advancing go substantial responsibilities. I have worked most of my political life to end domestic violence and I also recognise that we must extend zero tolerance to the street and to the neighbourhood. In my constituency, I have to deal with too many cases of victimised and harassed older people, intolerable levels of vandalism and unacceptable disorder.

I do not want to repeat what Jackie Baillie said earlier, but I would argue that we have a

substantial package of measures. As has been said by the Chartered Institute of Housing in Scotland and by some members this afternoon, we need a broad-based strategy across the Executive to deal with this profound social problem. We will continue to combat anti-social behaviour vigorously with action across the Executive. Officials who work on social justice and in the justice department are considering a number of specific measures in that area. Ministers in both departments are quite clear that that area needs to be addressed vigorously.

The right to buy has been one of the issues around the bill that has raised passions. From my vantage point, I am well placed to assess the campaigning skills of many organisations, and I have to say that the Scottish Federation of Housing Associations must be near the top of the list for skilled campaigning. I genuinely recognise the sincerely held views and commitments that lie behind that organisation's case, and Jackie Baillie and I have given them serious consideration. The Executive has considered the matter in depth, and has worked closely with key interests to ensure that we strike the proper balance of needs, rights and provision.

In a previous parliamentary debate, I argued that we must respect the aspirations that many people have to own their homes. The SNP must come to terms with the fact that, throughout Scottish society, the legitimacy of the right to buy is well established. We saw no other way out of this, other than to respect those aspirations.

People are right to say that we must properly assess the impact of the right to buy, as people also have the right to expect that good-quality, affordable rented housing will be available to those who cannot or do not wish to buy. To respond to a point made by Robert Brown, I can guarantee that we will monitor the impact of the right to buy thoroughly.

Maureen Macmillan (Highlands and Islands) (Lab): Some of the housing associations in the Highlands have been seeking charitable status, but have not managed to secure it before 1 January. Will the minister reconsider the relevant provisions of the bill?

Ms Curran: I am more than happy to give consideration to any issues for which I think there is a strong case. I will pursue the matter with Maureen Macmillan.

I wish to make it clear to members who have concerns about rural areas that housing associations with fewer than 100 houses are exempt from the right to buy. The Scottish Executive is very committed to a strategy for rural development, and we would wish to work with the rural sector. I will also happily have discussions

with Tavish Scott and Mike Rumbles about that.

I ask members to consider our proposals in the broader context. We are investing in new and improved housing, and we are committed to building or improving 20,000 homes by 2003, in addition to making improvements that were secured through community ownership and new housing partnerships. That comes in the broader context of our determination to improve the social rented sector, so that tenants do not feel inappropriately driven to owner-occupation. The bill is about improving the quality of the housing stock itself, as well as the neighbourhoods and the management of the housing.

Our right-to-buy proposals must be seen in that context. That is why we have included provisions to reduce discounts, to provide protection for areas of housing pressure and to protect the interests of housing associations.

I recognise the point made by Cathie Craigie and Robert Brown about ensuring that people understand the responsibilities that are involved in home ownership. As Robert Brown clearly pointed out, the housing improvement task force will consider more strategically the crucial issues of home ownership.

I heard what Karen Whitefield said in her interesting contribution, and I look forward to an interesting and challenging experience at stage 2.

I want to move on to talk about something that has not been highlighted enough, sometimes to my dismay—although, in her short speech, I think that Cathie Craigie referred to it: tenant participation. This will be the first legislation to set out duties on social landlords to ensure that tenants are able to participate, and we have committed £4.5 million over three years to it.

It is now well established throughout Scottish housing that a central place must be given to tenants, and commitment to tenant involvement has been clearly emphasised. It is in that context that we have advanced the strategy for community ownership, and I recognise the points on the subject made by Sandra White. Sandra and I have debated community ownership many times, and will no doubt continue to do so. The Parliament has also debated the issue.

Community ownership is not an integral part of the bill as such, but the bill complements our community ownership initiative, and gives us a framework within which we can move forward. It is disappointing that Mr Sheridan has left the chamber, now that we are talking about it.

Dorothy-Grace Elder (Glasgow) (SNP): The minister is committing herself to tenant involvement, but in the context of the Glasgow housing stock transfer, how can she justify the fact

that tenants have been presented with only one plan, and not with a public authority alternative? Is that the way in which the Executive will proceed in the future—just presenting the tenants with what it will do to them? They do not like it.

Ms Curran: I wish to make it absolutely clear that the tenants in Glasgow—everybody always tells me that we should not talk just about Glasgow when we debate the community ownership proposal, but I ask Dorothy-Grace Elder to bear with me—will be given a clear choice. Either they transfer or they do not transfer. It is clear, it is at the bottom line of all our proposals and it is written into the bill: tenants have the final choice. That is clearly what our proposals are about. It is quite proper that that is the basis of what we do.

Fundamentally, the Scottish Executive will deliver a strategy for community ownership that will ensure that the debt burden is tackled across Scotland. I have worked with many housing and tenants organisations and housing professionals for more than 20 years, and know that they never expected a Government that would strategically intervene to lift the debt burden, which was always regarded as the greatest barrier to housing development. At last, we have a Government that is prepared to do that.

Community ownership policies will allow us to create the means to lever in increasing investment over sustained periods within a framework of social and collective ownership.

Fiona Hyslop: On the issue of community ownership and the sale of land, I understand that the bill requires councils to use any profits and receipts from land sales to pay off debt. If we believe that, as the bill proposes, local authorities should have a strategic role, surely they should be empowered to decide what they want to do with such receipts.

Ms Curran: Again, I am grateful for the opportunity to clarify the position, as there has been some confusion on the matter. Our position is as it always has been—it has always been negotiated with the relevant local authorities. The use of receipts from the sale of land will be negotiated by the Scottish Executive and local authorities. Where land is sold from the housing revenue account, it is proper and prudent Government finance that we stake our claim on the receipt. If local authorities make a substantial gain from the sale of land, we will negotiate with them. If they do not make substantial gains and are perhaps suggesting that the land be used for other purposes, we will look on that sympathetically.

Wrapping up our entire approach is the critical dynamic of tenant involvement, management and empowerment. As Jackie Baillie said in her

introduction, we want to enhance the rights, prospects and quality of housing for tenants in the social rented sector. We want to provide a framework that will allow key agencies to work together.

Local authorities have a crucial strategic role to play in developing appropriate housing policies for their areas. That is why we have given them lead responsibility for producing local housing strategies and for taking on development funding where there is no conflict of interest with their role as a landlord.

We all know the importance of housing provision and its links with poverty, ill health and the wider social justice agenda. In the Housing (Scotland) Bill, we propose a package of rights, regulation and expansion that will be a turning point for the social rented sector. At last, we have the focus on the detail of legislation that Scottish housing has demanded for such a long time. Without the establishment of a Scottish Parliament by a Labour Government, we would not have had such detail. It is disappointing that the focus of the SNP contribution today has been on the Scotland Act 1998 rather than the Housing (Scotland) Bill. That is yet another example of arguing about the constitutional settlement rather than about the framework and details of our plans.

There is no complacency in the Scottish Executive about the need to drive forward this agenda. In tune with the new political process in Scotland, we have sought dialogue and consultation.

The legislative process must be properly handled, and we should not pretend that there are quick fixes or easy solutions.

Let us focus today on the substantial measures in the Housing (Scotland) Bill that will provide the framework for the change and progress that are so necessary for the social rented sector. Indeed, as has been said, it is the most radical housing bill for a generation. I welcome support for the general principles of the bill.

Housing (Scotland) Bill: Financial Resolution

The Presiding Officer (Sir David Steel): The next item of business is consideration of the financial resolution in respect of the Housing (Scotland) Bill. I call Angus MacKay to move motion S1M-1484.

Motion moved,

That the Parliament, for the purposes of any Act of the Scottish Parliament resulting from the Housing (Scotland) Bill, agrees to—

(a) the expenditure out of the Scottish Consolidated Fund of the expenses of the Scottish Ministers in consequence of the Act; and

(b) any charge imposed on, and any payment required to be made by, any person by or under the Act.—[*Angus MacKay.*]

The Presiding Officer: The question on the motion will be put at decision time.

Business Motion

17:13

The Presiding Officer (Sir David Steel): I call Tom McCabe, who wishes to move a motion without notice.

The Minister for Parliament (Mr Tom McCabe): I seek the Parliament's approval to move,

That motion S1M-1758 be taken at this meeting of the Parliament.

The Presiding Officer: The question is, that the motion be agreed to. Are we all agreed?

Members: No.

The Presiding Officer: We are not agreed. Before I call the division, I ask everyone to check that their card is in place and that the light in front of the card is not showing. We do not want any absentees, do we, Ms Baillie?

Is everyone happy? If we go through this procedure every time, we will ensure that the votes are recorded.

Those in favour should press yes now. Members should check that, during the 30 seconds, the flashing light becomes a solid light.

FOR

Aitken, Bill (Glasgow) (Con)
 Baillie, Jackie (Dumbarton) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Davidson, Mr David (North-East Scotland) (Con)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Fergusson, Alex (South of Scotland) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Gillon, Karen (Clydesdale) (Lab)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Harding, Mr Keith (Mid Scotland and Fife) (Con)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)
 Johnstone, Alex (North-East Scotland) (Con)
 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)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)
 McLeish, Henry (Central Fife) (Lab)
 McLetchie, David (Lothians) (Con)
 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)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Mundell, David (South of Scotland) (Con)
 Munro, John Farquhar (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)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland) (LD)
 Simpson, Dr Richard (Ochil) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Mrs Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Thomson, Elaine (Aberdeen North) (Lab)
 Tosh, Mr Murray (South of Scotland) (Con)
 Wallace, Ben (North-East Scotland) (Con)
 Wallace, Mr Jim (Orkney) (LD)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)
 Young, John (West of Scotland) (Con)

AGAINST

Adam, Brian (North-East Scotland) (SNP)
 Campbell, Colin (West of Scotland) (SNP)
 Canavan, Dennis (Falkirk West)
 Crawford, Bruce (Mid Scotland and Fife) (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)
 Fabiani, Linda (Central Scotland) (SNP)
 Gibson, Mr Kenneth (Glasgow) (SNP)
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)
 Harper, Robin (Lothians) (Green)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Lochhead, Richard (North-East Scotland) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 MacDonald, Ms Margo (Lothians) (SNP)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)

Matheson, Michael (Central Scotland) (SNP)
 McGugan, Irene (North-East Scotland) (SNP)
 McLeod, Fiona (West of Scotland) (SNP)
 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)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Ullrich, Kay (West of Scotland) (SNP)
 White, Ms Sandra (Glasgow) (SNP)
 Wilson, Andrew (Central Scotland) (SNP)

The Presiding Officer: The result—
[Interruption.] Order. Members should keep quiet during divisions.

The result of the division is: For 82, Against 32, Abstentions 0.

Motion agreed to.

The Presiding Officer: I ask Mr McCabe to move business motion S1M-1758, on the forthcoming business programme.

17:15

The Minister for Parliament (Mr Tom McCabe): The business motion proposes two changes to tomorrow's business: to insert a debate on fisheries at 11.30 am, to last for one hour, followed by a motion to appoint Mr Euan Robson as a junior minister. The rest of the motion covers the business for the next two weeks.

I move,

That the Parliament agrees the following revision to the Business Motion agreed on 8 March 2001—

Thursday 15 March 2001

After 'Executive Debate on Freedom of Information', delete:

'followed by Business Motion'

and insert:

'11.30 am Executive Debate on Fisheries

12.30 pm First Minister's Motion to appoint a junior Scottish Minister'

(b) the following programme of business—

Wednesday 21 March 2001

2.30 pm Time for Reflection

followed by Stage 1 Debate on the Convention Rights (Compliance) (Scotland) Bill

followed by Financial Resolution in respect of the Convention Rights (Compliance) (Scotland) Bill

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

followed by Members' Business - debate on the subject of S1M-1420 Irene McGugan: Scottish Berry Project

Thursday 22 March 2001

9.30 am Social Justice Committee Debate on Drug Misuse and Deprived Communities

followed by Business Motion

2.30 pm Question Time

3.10 pm First Minister's Question Time

3.30 pm Executive Debate on Rural Scotland

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

followed by Members' Business - debate on the subject of S1M-1684 Iain Smith: Recycling in Fife

Wednesday 28 March 2001

2.30 pm Time for Reflection

followed by Scottish National Party Business

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

followed by Members' Business

Thursday 29 March 2001

9.30 am Parliamentary Bureau Motions

followed by Stage 3 Debate on Education (Graduate Endowment and Student Support) (Scotland) (No 2) Bill

followed by Business Motion

2.30 pm Question Time

3.10 pm First Minister's Question Time

3.30 pm Executive Business

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

followed by Members' Business - debate on the subject of S1M-1340 Mr Keith Harding: Homelessness in Fife

and, (c) that the Justice 1 Committee reports to the Justice 2 Committee by 26 March 2001 on the Police Grant (Scotland) Order 2001 (SSI 2001/74) and on the Gaming Act (Variation of Fees) (Scotland) Order 2001 (SSI 2001/83) and by 27 March 2001 on the Discontinuance of Legalised Police Cells (Portree) Rules 2001 (SSI 2001/64);

the Justice 2 Committee reports to the Justice 1 Committee by 26 March 2001 on the Civil Legal Aid (Scotland) Amendment Regulations 2001 (SSI 2001/82) and by 3 April 2001 on the Regulation of Investigatory Powers (Prescription of Offices, Ranks and Positions) (Scotland) Amendment Order 2001 (SSI 2001/87);

the Rural Development Committee reports to the Health and Community Care Committee by 2 April 2001 on the Restriction on Pithing (Scotland) Regulations 2001 (SSI 2001/73) and by 3 April 2001 on the Specified Risk Material Amendment (No.2) (Scotland) Regulations 2001 (SSI 2001/86); and

the Health and Community Care Committee reports to the Justice 1 Committee by 2 April 2001 on the Adults with Incapacity (Public Guardian's Fees) (Scotland) Regulations 2001 (SSI 2001/75), on the Adults with Incapacity

(Certificates from Medical Practitioners) (Accounts and Funds) (Scotland) Regulations 2001 (SSI 2001/76), on the Adults with Incapacity (Supervision of Welfare Attorneys by Local Authorities) (Scotland) Regulations 2001 (SSI 2001/77), on the Adults with Incapacity (Countersignatories of Applications for Authority to Intervene) (Scotland) Regulations 2001 (SSI 2001/78), on the Adults with Incapacity (Evidence in Relation to Dispensing with Intimation or Notification) (Scotland) Regulations 2001, (SSI 2001/79) and on the Adults with Incapacity (Certificates in Relation to Powers of Attorney) (Scotland) Regulations 2001 (SSI 2001/80).

The Presiding Officer: I have received an amendment from the Conservative party. I call Lord James Douglas-Hamilton to speak to and move amendment S1M-1758.1.

17:17

Lord James Douglas-Hamilton (Lothians) (Con): Last week's decisions on the subject of Scotland's fishing industry were of enormous importance to Scottish fishermen, who are facing great uncertainty at a time of crisis. Day after day, week after week, month after month and year after year, they risk their lives in dangerous and difficult seas in order to provide food for their countrymen and countrywomen. Surely when they are confronted with extreme adversity, the Parliament should be able to devote more than one hour to their needs.

This matter also relates to the relationship between the Executive and the democratically elected Parliament's decisions, taken last Thursday, to support a tie-up compensation scheme as part of the overall package of support for the industry and to ensure its future and well-being.

The amendment in my name allows greater time to be devoted to that key issue, which is of great concern. I appeal to the Liberal Democrats to use their good offices to support the cause of our fishermen and to uphold the will of Parliament, as expressed last Thursday.

I move amendment S1M-1758.1, under "Thursday 15 March 2001", leave out "11.30 am" and insert "11.00 am".

Dennis Canavan (Falkirk West) rose—

The Presiding Officer: I know that you are going to raise a point of order, Mr Canavan, but I am afraid that I have not selected your amendment.

Dennis Canavan: Have you received it?

The Presiding Officer: Yes—just a few seconds ago.

Dennis Canavan: Presiding Officer, you may recall that, earlier this afternoon, I asked for clarification on whether the Executive's debate on fisheries would be broad enough to cover the

important matter of the Executive's accountability to the Parliament and the fact that the Executive is treating the Parliament with contempt.

Tomorrow's debate is on fisheries—full stop. That is an important issue, but even more important is the matter of the Executive's accountability to Parliament. That matter is covered in my motion S1M-1745, which is supported by more than 50 members from four different parties.

The Presiding Officer: I have no notice that your amendment is supported by anyone other than yourself, Mr Canavan. Are you telling me that other members—

Dennis Canavan: I am talking about my principal motion—motion S1M-1745—which more than 50 members from four parties have signed.

Because the business manager's motion was suddenly sprung on us this afternoon, I had limited time to lodge an amendment seeking to allow a debate on my motion—not tomorrow, but next week.

My point of order is to ask whether, if I am able to attract sufficient signatures to my amendment to the business motion, I will have a further opportunity to raise tomorrow the possibility of having a debate on my motion next week.

The Presiding Officer: I am sorry, but I cannot take into account the number of signatures in support of your motion in the business bulletin. I can take into account only the fact that you lodged an amendment to the business motion. I have decided not to select that amendment, but I hear what you say and will make sure that you are called in tomorrow's debate.

Let us now move on to hear Tricia Marwick, who wishes to oppose the business motion.

17:20

Tricia Marwick (Mid Scotland and Fife) (SNP): When the Parliamentary Bureau met on Tuesday, I made a formal request that the First Minister make a statement to the Parliament to outline the detail of how he intended to implement the will of the Parliament as expressed in the vote on Thursday last week. The Labour business manager indicated that there was no plan for such a statement. It is something of a surprise to discover that 24 hours is a long time in politics.

Mr McCabe's proposed change to the business bulletin falls a long way short of what the Parliament expected and what Scotland demands. The issue is clear and simple. When the Parliament makes a decision it is, as the First Minister acknowledged on 25 January in the chamber, incumbent upon the Executive to take heed and to take action.

The chamber decided last Thursday, not on one vote, not on two votes, but on three votes, that there should be a tie-up scheme for Scotland's fishermen. The Parliament demanded such a scheme and the whole of Scotland expected that a democratically elected Executive would honour that decision.

What happened following the vote? The Executive went into a huddle and sent the fisheries minister out some hours later to say that nothing had changed. Labour sought to justify its intransigence by blaming everything from the wrong type of voting system to the wrong type of coalition colleagues. Contrary to the Parliament's standing orders and to common democratic practice, the Executive blamed the Presiding Officer.

The business motion proposes a debate tomorrow in which the Executive will seek to rerun history. In keeping with the tradition of the 1970s trade union barons, it will keep on holding the vote until it gets the answer that it wants—or gets its people into the chamber. That is not democracy—

Members: Anti-trade unionist.

The Presiding Officer: Order. Members must listen to the debate.

Tricia Marwick: Thank you, Presiding Officer.

That is not democracy. The losers are not only Scotland's fishermen and Scotland's political parties, but the whole idea of a new, accountable Scottish democracy. If the Executive refuses to acknowledge the will of the Parliament, the very idea of the Parliament is brought into disrepute. If the Executive fails to acknowledge that it is one minority among several minorities in the Parliament, it shows contempt for the voters of Scotland who put us here and who can remove us from here. If this is new Labour in action, it smacks of nothing more than old Labour in the council chambers of South Lanarkshire and Fife, which brooks no opposition and tolerates no dissent. That time is past and the Executive's time is drawing to a close, hastened by actions such as those we have seen in the past week.

I oppose the business motion, because to allow the business motion to pass would be to accept that all the institutions of the Parliament, including the Parliamentary Bureau, are mere creatures of the Executive and that they will in the end do the Executive's bidding—no matter the vote and no matter the view of the people of Scotland. I oppose the business motion because it demeans the Parliament; by its actions today, the Executive demeans the Parliament. The motion tells the people of Scotland that, no matter whether the Parliament exists, democracy does not exist in Scotland.

I ask the chamber to oppose the business motion. In doing so, I renew the call of all Scotland for the Executive to honour last Thursday's vote. I call on the Executive to bring forward a business motion that includes a statement from the First Minister on how he intends to honour last Thursday's vote and also indicates how the Executive intends to return to the standards of democracy that Scotland expects and demands from its new Parliament. [*Interruption.*]

The Presiding Officer: Order. Let us listen to the reply.

17:25

Mr McCabe: The anger may be synthetic, but it is enough to show the SNP's true feelings. We have just heard an anti-trade union rant. I expect that from the Conservative side of the chamber. When we hear it from the SNP side, it is because there is no difference between the two. The real will of the people is reflected in the trade union movement and not in the synthetic anger of the SNP. When SNP members stand up and denigrate the trade unions, they explain to the people of Scotland what they are really about. They explain that there is not a blade of grass between the Conservatives' political intentions and the SNP's political intentions. That is the truth of it.

Ms Margo MacDonald (Lothians) (SNP): Will the minister give way?

Mr Lloyd Quinan (West of Scotland) (SNP): Give way, McCabe.

The Presiding Officer: Order. Mr Quinan, members must not shout from a sitting position.

Mr McCabe, a member is asking you to give way. Do you wish to?

Mr McCabe: No, Presiding Officer, but I appreciate the protection from the very unparliamentary behaviour of Mr Quinan.

Ms MacDonald: Will the minister give way?

The Presiding Officer: I do not think that he is giving way, Ms MacDonald.

Ms MacDonald: I am sorry; I could not hear. Will the minister give way?

Mr McCabe: No, I will not.

The reality is that members on the Labour and Liberal Democrat benches fully understand the plight of the fishing industry. That is why we debated it for an hour and a half last week and why we will debate it for an hour this week. However, members on all benches understand that many industries are in the process of restructuring and that many people in those industries are suffering pain and discomfort. The Executive has demonstrated its commitment to the

fishing industry by announcing the biggest ever investment in the industry. The discussions that continue, at this moment, with fishermen's leaders will further demonstrate that the Executive—Liberal Democrats and Labour—is determined to find the best solution for the industry. The debate that we have proposed for tomorrow will demonstrate that clearly to the chamber and to all of Scotland.

Ms MacDonald: On a point of order. I apologise for raising this matter in a point of order, because I did try to extract the information from the minister.

The Presiding Officer: Just a minute, Ms MacDonald. I am not very happy with your introduction: it is either a point of order or it is not.

Ms MacDonald: I believe that it is.

The Presiding Officer: All right. Let us hear it.

Ms MacDonald: Will you clarify whether the Executive can point to the rule of standing orders that allows the Executive, in effect, to negate the decision taken by the Parliament last week, which is what will happen if we debate the same issue and reach a different conclusion?

The Presiding Officer: Neither you nor I have seen the motion. We must wait till tomorrow when the motion will be before us. Your point is not really a point of order for now.

I will now put the questions on the amendment and the motion. The first question is, that amendment S1M-1758.1, in the name of Lord James Douglas-Hamilton, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

Adam, Brian (North-East Scotland) (SNP)
 Aitken, Bill (Glasgow) (Con)
 Campbell, Colin (West of Scotland) (SNP)
 Canavan, Dennis (Falkirk West)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Davidson, Mr David (North-East Scotland) (Con)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Elder, Dorothy-Grace (Glasgow) (SNP)
 Ewing, Dr Winnie (Highlands and Islands) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Fergusson, Alex (South of Scotland) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Gibson, Mr Kenneth (Glasgow) (SNP)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)
 Harding, Mr Keith (Mid Scotland and Fife) (Con)
 Harper, Robin (Lothians) (Green)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Johnstone, Alex (North-East Scotland) (Con)
 Lochhead, Richard (North-East Scotland) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 MacDonald, Ms Margo (Lothians) (SNP)

Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 McGregor, Mr Jamie (Highlands and Islands) (Con)
 McGugan, Irene (North-East Scotland) (SNP)
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)
 McLeod, Fiona (West of Scotland) (SNP)
 McLetchie, David (Lothians) (Con)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 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)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 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)
 White, Ms Sandra (Glasgow) (SNP)
 Wilson, Andrew (Central Scotland) (SNP)
 Young, John (West of Scotland) (Con)

AGAINST

Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 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)
 Galbraith, Mr Sam (Strathkelvin and Bearsden) (Lab)
 Gillon, Karen (Clydesdale) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)
 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)
 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, John Farquhar (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)
 Scott, Tavish (Shetland) (LD)
 Simpson, Dr Richard (Ochil) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North-East Fife) (LD)
 Smith, Mrs 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 50, Against 68, Absentions 0.

Amendment disagreed to.

The Presiding Officer: The next question is, that motion S1M-1758, in the name of Tom McCabe, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

Aitken, Bill (Glasgow) (Con)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Davidson, Mr David (North-East Scotland) (Con)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Fergusson, Alex (South of Scotland) (Con)
 Galbraith, Mr Sam (Strathkelvin and Bearsden) (Lab)
 Gallie, Phil (South of Scotland) (Con)
 Gillon, Karen (Clydesdale) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Harding, Mr Keith (Mid Scotland and Fife) (Con)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)

Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)
 Johnstone, Alex (North-East Scotland) (Con)
 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)
 McGregor, Mr Jamie (Highlands and Islands) (Con)
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)
 McLeish, Henry (Central Fife) (Lab)
 McLetchie, David (Lothians) (Con)
 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)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Mundell, David (South of Scotland) (Con)
 Munro, John Farquhar (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)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland) (LD)
 Simpson, Dr Richard (Ochil) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North-East Fife) (LD)
 Smith, Mrs Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Thomson, Elaine (Aberdeen North) (Lab)
 Tosh, Mr Murray (South of Scotland) (Con)
 Wallace, Ben (North-East Scotland) (Con)
 Wallace, Mr Jim (Orkney) (LD)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)
 Young, John (West of Scotland) (Con)

AGAINST

Adam, Brian (North-East Scotland) (SNP)
 Canavan, Dennis (Falkirk West)
 Crawford, Bruce (Mid Scotland and Fife) (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)
 Fabiani, Linda (Central Scotland) (SNP)
 Gibson, Mr Kenneth (Glasgow) (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)
 MacDonald, Ms Margo (Lothians) (SNP)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 McGugan, Irene (North-East Scotland) (SNP)
 McLeod, Fiona (West of Scotland) (SNP)
 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)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Ullrich, Kay (West of Scotland) (SNP)
 White, Ms Sandra (Glasgow) (SNP)
 Wilson, Andrew (Central Scotland) (SNP)

ABSTENTIONS

Harper, Robin (Lothians) (Green)

The Presiding Officer: The result of the division is: For 86, Against 30, Abstentions 1.

Motion agreed to.

That the Parliament agrees

(a) the following revision to the Business Motion agreed on 8 March 2001—

Thursday 15 March 2001

After 'Executive Debate on Freedom of Information', delete:

'followed by Business Motion'

and insert:

'11.30 am Executive Debate on Fisheries
 12.30 pm First Minister's Motion to appoint a junior Scottish Minister'

(b) the following programme of business—

Wednesday 21 March 2001

2.30 pm Time for Reflection
followed by Stage 1 Debate on the Convention Rights (Compliance) (Scotland) Bill
followed by Financial Resolution in respect of the Convention Rights (Compliance) (Scotland) Bill
followed by Parliamentary Bureau Motions
 5.00 pm Decision Time
followed by Members' Business - debate on the subject of S1M-1420 Irene McGugan: Scottish Berry Project

Thursday 22 March 2001

9.30 am Social Justice Committee Debate on Drug Misuse and Deprived Communities
followed by Business Motion
 2.30 pm Question Time

3.10 pm First Minister's Question Time
 3.30 pm Executive Debate on Rural Scotland
followed by Parliamentary Bureau Motions
 5.00 pm Decision Time
followed by Members' Business - debate on the subject of S1M-1684 Iain Smith: Recycling in Fife

Wednesday 28 March 2001

2.30 pm Time for Reflection
followed by Scottish National Party Business
followed by Parliamentary Bureau Motions
 5.00 pm Decision Time
followed by Members' Business

Thursday 29 March 2001

9.30 am Parliamentary Bureau Motions
followed by Stage 3 Debate on Education (Graduate Endowment and Student Support) (Scotland) (No 2) Bill
followed by Business Motion
 2.30 pm Question Time
 3.10 pm First Minister's Question Time
 3.30 pm Executive Business
followed by Parliamentary Bureau Motions
 5.00 pm Decision Time
followed by Members' Business - debate on the subject of S1M-1340 Mr Keith Harding: Homelessness in Fife

and, (c) that the Justice 1 Committee reports to the Justice 2 Committee by 26 March 2001 on the Police Grant (Scotland) Order 2001 (SSI 2001/74) and on the Gaming Act (Variation of Fees) (Scotland) Order 2001 (SSI 2001/83) and by 27 March 2001 on the Discontinuance of Legalised Police Cells (Portree) Rules 2001 (SSI 2001/64);

the Justice 2 Committee reports to the Justice 1 Committee by 26 March 2001 on the Civil Legal Aid (Scotland) Amendment Regulations 2001 (SSI 2001/82) and by 3 April 2001 on the Regulation of Investigatory Powers (Prescription of Offices, Ranks and Positions) (Scotland) Amendment Order 2001 (SSI 2001/87);

the Rural Development Committee reports to the Health and Community Care Committee by 2 April 2001 on the Restriction on Pithing (Scotland) Regulations 2001 (SSI 2001/73) and by 3 April 2001 on the Specified Risk Material Amendment (No.2) (Scotland) Regulations 2001 (SSI 2001/86); and

the Health and Community Care Committee reports to the Justice 1 Committee by 2 April 2001 on the Adults with Incapacity (Public Guardian's Fees) (Scotland) Regulations 2001 (SSI 2001/75), on the Adults with Incapacity (Certificates from Medical Practitioners) (Accounts and Funds) (Scotland) Regulations 2001 (SSI 2001/76), on the Adults with Incapacity (Supervision of Welfare Attorneys by Local Authorities) (Scotland) Regulations 2001 (SSI

2001/77), on the Adults with Incapacity (Countersignatories of Applications for Authority to Intromit) (Scotland) Regulations 2001 (SSI 2001/78), on the Adults with Incapacity (Evidence in Relation to Dispensing with Intimation or Notification) (Scotland) Regulations 2001, (SSI 2001/79) and on the Adults with Incapacity (Certificates in Relation to Powers of Attorney) (Scotland) Regulations 2001 (SSI 2001/80).

Parliamentary Bureau Motion

Motion moved,

That the Parliament agrees the following designations of Lead Committees—

The Justice 2 Committee to consider the Discontinuance of Legalised Police Cells (Portree) Rules 2001 (SSI 2001/64) and

The Health and Community Care Committee to consider the Restriction on Pithing (Scotland) Regulations 2001 (SSI 2001/73) and

The Health and Community Care Committee to consider the Specified Risk Material Amendment (No 2) (Scotland) Regulations 2001 (SSI 2001/86) and

The Justice 1 Committee to consider the Adults with Incapacity (Public Guardian's Fees) (Scotland) Regulations 2001 (SSI 2001/75) and

The Justice 1 Committee to consider the Adults with Incapacity (Certificates from Medical Practitioners) (Accounts and Funds) (Scotland) Regulations 2001 (SSI 2001/76) and

The Justice 1 Committee to consider the Adults with Incapacity (Supervision of Welfare Attorneys by Local Authorities) (Scotland) Regulations 2001 (SSI 2001/77) and

The Justice 1 Committee to consider the Adults with Incapacity (Countersignatories of Applications for Authority to Intromit) (Scotland) Regulations 2001 (SSI 2001/78) and

The Justice 1 Committee to consider the Adults with Incapacity (Evidence in Relation to Dispensing with Intimation or Notification) (Scotland) Regulations 2001, (SSI 2001/79) and

The Justice 1 Committee to consider the Adults with Incapacity (Certificates in Relation to Powers of Attorney) (Scotland) Regulations 2001 (SSI 2001/80) and

The Justice 1 Committee to consider the Civil Legal Aid (Scotland) Amendment Regulations 2001 (SSI 2001/82) and

The Justice 1 Committee to consider the Regulation of Investigatory Powers (Prescription of Offices, Ranks and Positions) (Scotland) Amendment Order 2001 (SSI 2001/87) and

The Justice 2 Committee to consider the Police Grant (Scotland) Order 2001 (SSI 2001/74) and

The Justice 2 Committee to consider the Gaming Act (Variation of Fees) (Scotland) Order 2001 (SSI 2001/83).—
[Mr Tom McCabe.]

Decision Time

17:32

The Presiding Officer (Sir David Steel): We come now to decision time. I must put three questions as a result of today's business.

The first question is, that motion S1M-1524, in the name of Jackie Baillie, on the general principles of the Housing (Scotland) Bill, be agreed to.

Motion agreed to.

That the Parliament agrees to the general principles of the Housing (Scotland) Bill.

The Presiding Officer: The second question is, that motion S1M-1484, in the name of Angus MacKay, on the financial resolution in respect of the Housing (Scotland) Bill, be agreed to.

Motion agreed to.

That the Parliament, for the purposes of any Act of the Scottish Parliament resulting from the Housing (Scotland) Bill, agrees to—

(a) the expenditure out of the Scottish Consolidated Fund of the expenses of the Scottish Ministers in consequence of the Act; and

(b) any charge imposed on, and any payment required to be made by, any person by or under the Act.

The Presiding Officer: The third question is, that motion S1M-1749, in the name of Tom McCabe, on the designation of lead committees, be agreed to.

Motion agreed to.

That the Parliament agrees the following designations of Lead Committees—

The Justice 2 Committee to consider the Discontinuance of Legalised Police Cells (Portree) Rules 2001 (SSI 2001/64) and

The Health and Community Care Committee to consider the Restriction on Pithing (Scotland) Regulations 2001 (SSI 2001/73) and

The Health and Community Care Committee to consider the Specified Risk Material Amendment (No 2) (Scotland) Regulations 2001 (SSI 2001/86) and

The Justice 1 Committee to consider the Adults with Incapacity (Public Guardian's Fees) (Scotland) Regulations 2001 (SSI 2001/75) and

The Justice 1 Committee to consider the Adults with Incapacity (Certificates from Medical Practitioners) (Accounts and Funds) (Scotland) Regulations 2001 (SSI 2001/76) and

The Justice 1 Committee to consider the Adults with Incapacity (Supervision of Welfare Attorneys by Local Authorities) (Scotland) Regulations 2001 (SSI 2001/77) and

The Justice 1 Committee to consider the Adults with Incapacity (Countersignatories of Applications for Authority

to Intromit) (Scotland) Regulations 2001 (SSI 2001/78) and

The Justice 1 Committee to consider the Adults with Incapacity (Evidence in Relation to Dispensing with Intimation or Notification) (Scotland) Regulations 2001, (SSI 2001/79) and

The Justice 1 Committee to consider the Adults with Incapacity (Certificates in Relation to Powers of Attorney) (Scotland) Regulations 2001 (SSI 2001/80) and

The Justice 1 Committee to consider the Civil Legal Aid (Scotland) Amendment Regulations 2001 (SSI 2001/82) and

The Justice 1 Committee to consider the Regulation of Investigatory Powers (Prescription of Offices, Ranks and Positions) (Scotland) Amendment Order 2001 (SSI 2001/87) and

The Justice 2 Committee to consider the Police Grant (Scotland) Order 2001 (SSI 2001/74) and

The Justice 2 Committee to consider the Gaming Act (Variation of Fees) (Scotland) Order 2001 (SSI 2001/83).

Point of Order

17:32

Elaine Smith (Coatbridge and Chryston) (Lab): On a point in order, Presiding Officer. Is it in order that, prior to the commencement of the stage 1 debate on the Housing (Scotland) Bill, so many points of order were taken that the debate was cut down? Seven members, including me, did not get to speak. Will you clarify for how long, under standing orders, points of order can go on?

The Presiding Officer (Sir David Steel): Unfortunately, standing orders make it quite clear that points of order take precedence over everything else—my hands are tied by the standing orders. Each point of order is allowed to take up to three minutes. The matter is entirely in members' hands; if their points of order go on and on, there is nothing that I can do about it. I am sorry, but that is the situation.

Clydebank and the Blitz

The Presiding Officer (Sir David Steel): We come now to members' business, which is a debate on motion S1M-1464, in the name of Des McNulty, on Clydebank and the blitz. The debate will be concluded without a question being put. It will be helpful if members who wish to take part in the debate indicate their wish to do so now. I ask members who are not staying for the debate to leave the chamber quietly.

Motion debated,

That the Parliament recognises the sacrifices made by the people of Clydebank in the Blitz of 1941, the 60th anniversary of which will be commemorated this year, and the trail of death and devastation that was left in the town and commends the resilience of its people and that of people in other parts of Scotland affected by the bombing.

17:33

Des McNulty (Clydebank and Milngavie) (Lab): As we in Scotland enter a new century with a new Parliament, it is particularly important and appropriate that we remember the horrors of war. The reason that I have been anxious to have this debate today of all days is because, after 60 years, the memory of what happened in Clydebank should not be allowed to die.

It is fair to say that we in Britain, particularly those of us who live in Scotland, have been relatively insulated from some of the dreadful horrors of war in the 20th century. The devastation of Dresden and such things as happened at Paschendale and Auschwitz have not happened within our borders, but we have lost many people. Many of our people died during that same period.

The single largest loss of life that resulted from war during the 20th century happened in Clydebank. The statistics on what happened over the two days of 13 and 14 March 1941 in Clydebank and the neighbouring areas are our reminder in Scotland of the horror of industrialised war. Let me highlight some of the issues. More than 500 people died, and many more were seriously injured. In those two nights 4,500 buildings were destroyed, and only seven buildings in Clydebank were left undamaged. As a result of the blitz, during that period and immediately after, the town population was substantially dispersed. Many people went to other places, some of them never to return.

The damage that was done in Clydebank by the bombers took many years to put right. Interestingly, just six weeks ago, I attended the opening of a new housing association development on Second Avenue, which was one of the worst-affected streets. The site on which the

new building was constructed had been left following the destruction of the Holy City, which was the epicentre of the bombing, and was subjected to assault by high explosives and the destructive force of fire.

It is sometimes forgotten that, proportionately, Clydebank had more people killed and more buildings destroyed than any other equivalent town or city in the United Kingdom, yet the extent of the bombing was for a long time hidden. It was obscured during the war, ostensibly to support morale, and perhaps afterwards to cover over official embarrassment at the lack of support and recognition that was given by officialdom. The fact that the story is now more widely known is due to a considerable extent to the efforts of local people who did a lot of research to uncover not just the scope of the devastation, but the names of those who died, and also the stories of some of the survivors.

I have with me a book of the untold stories. It is a selection of stories from survivors of the blitz that have been gathered together. I do not propose to read out some of the stories, but I will quote from Naomi Mitchison, a writer well known to many of us. She was involved in an experiment during the war called mass observation, which looked at the impact of the war in different parts of Britain. She visited Clydebank a week after the raid, and said:

"A week after the raid: still smoking. The people all looked incredibly strained and tired, grey-faced. A lot of buildings were burnt out, others badly cracked and unsafe, some completely smashed. Off the main road it was worse; here and there houses were being demolished, blasting going on sometimes, traffic being cleared, here a railway bridge propped up, there a loudspeaker van telling people where to go for money or food. All windows gone everywhere ... everywhere was the smell of plaster and burning, everywhere this incredible mess, everywhere people trailing about with a mattress or a bundle or a few pots and pans."

The resilience of the people of Clydebank, faced with what had been done to their town, is remarkable. I would like to celebrate that as part of this commemoration process.

In reflecting on what happened at Clydebank, there are some links that I wish to draw between the past and the present. It is important to remember, as I have said already, that the restoration of Clydebank took a long time, and it was funded largely by the people of Clydebank. The people of Clydebank are still paying a significant debt as a result of the reconstruction process. The fairness of that has to be questioned.

The shipyards that were the magnet for the German bombers during the war have now closed down, and so have the engineering works. The famous John Brown Engineering, which once employed 10,000 people, is no more. The Singer plant, which employed 12,000 people, is no more.

In Clydebank we have high levels of unemployment, and that is an issue. When we rebuild Clydebank and consider how the blitz affected it and the opportunities that exist, I would like some support to be given to older industrial areas, not only because of the blitz, but because our policies focus on social justice. It must be recognised that Clydebank rebuilt itself and that Scotland and Clydebank must consider taking forward prosperity.

In Clydebank, there is pride in the extent to which Clydebank and its people survived the blitz. Clydebank is a symbol, and many people in Scotland recognise it as that. I want it to be a symbol not only of the blitz and what happened during the war, but of the new prosperity that we are trying to build. If we can overcome Clydebank's problems and produce high levels of employment, rather than unemployment, at the end of that process, I and the people of Clydebank will be satisfied.

17:41

Mr Lloyd Quinan (West of Scotland) (SNP): I thank Des McNulty for securing the debate and suggesting that I might want to take part. My connection to the Clydebank blitz goes back to early 1981, when I was the associate director of the Scottish Theatre Company. We commissioned from Bill Brydon, the then director of the National Theatre in London, a play called "Civilians", which we toured round Scotland.

I had the great honour of meeting many of the survivors of the Clydebank blitz. I was struck particularly by a woman who had been at a Girl Guides meeting on the night of the attack and had taken part in the emergency first aid. She told me that no one anywhere should ever have to suffer what people in Clydebank suffered that night. That raised the question whether she felt like that on the night. I asked her that, and she said that she did. When she found out after the war what the allied aircraft had done to civilians like her in Germany, France and other parts of Europe, she felt that the price was not worth paying. I found that interesting.

At the same time as many hundreds of bombs dropped from the Dorniers and the Heinkels over Clydebank, four unfortunate men from Dumbarton were in an anti-aircraft battery stationed on Cardross golf course. They were killed that night when one of the German aircraft dropped its bombs before arriving at Clydebank. When other aircraft dropped their bombs before arriving at the designated target, several civilians who were on Dumbarton's Glasgow Road and who were on fire-watch at Denny's shipbuilders were also killed.

I will bring us up to date. In the past decade, it

has been sad to see civilians bombed from the air in Baghdad and Belgrade. Irrespective of the regimes that ruled over those people, they were civilians; they were non-combatant. Aerial bombardment, war by wire and war at a distance are not civilised. We would be very unfortunate if, in a place similar to this in a couple of hundred years' time, people talked about the second blitz of the Clyde.

The Americans have an insane plan for their national missile defence, which will put Scotland, and particularly the Clyde, back as a front-line target. That is a sad, sad thing. Faslane is a dedicated first-strike target in this world of mutually assured destruction. There is the possibility, faint though it may be, for a considerably more devastating repeat of the Clydebank blitz across central Scotland. I call on all members to move forward for total disarmament of the United Kingdom, Scotland and Europe.

17:44

John Young (West of Scotland) (Con): At the time of the Clydebank blitz, I was just over 10 years old, but I remember some incidents. My family lived at the extreme west end of Knightswood. In 1941, the area beyond was open land that extended beyond Yoker to Clydebank.

I clearly remember a giant glow in the sky before we entered an air-raid shelter. Four adults, including my mother and father, and four children remained in the shelter all night. I remember a sort of heave in the shelter. That is the sort of thing that small children remember and it must have been very alarming for our parents. It would have been alarming for all parents.

I also recall the sound. Anyone who was alive in that period will never forget the chilling sound of the air-raid sirens. Occasionally they can be heard on radio or television nowadays, but I will never forget waking up and hearing that sound. For adults with children, the sound must have been worse in some ways. I experienced three air raids in the Glasgow area, one in Stirlingshire and one when I stayed with my grandmother in Leith. I remember hearing the throbbing of aircraft engines on one occasion. It was difficult to know whether they were German or British aircraft.

There was damage in Knightswood. The main store at Bankhead school was destroyed, together with its blankets and first-aid equipment, and a number of people were killed in houses that were destroyed, but the destruction was not on the same scale as at Clydebank. Clydebank became the Scottish Warsaw or Rotterdam. Des McNulty mentioned shipyard workers. They suffered many deaths. Two were our neighbours, one of whom was 22, the other 31. The latter's body was never

recovered. Indeed, I think that his mother died shortly afterwards.

Records released well after the war show that 236 German planes were involved in the raid on the night of 13 March 1941. On the following night, 203 planes were involved. A similar number were involved in succeeding nights. The Luftwaffe dropped 272 tonnes of bombs on 7 April. It is more than likely that, on the night of the Clydebank raid, the Luftwaffe dropped in excess of 300 tonnes. That was a considerable amount of high explosive in a very built-up area.

As Des McNulty said, in the days after the raid, in a certain area of 10,000 houses, only seven were left standing. It was subsequently revealed that the glow from Clydebank's fires could be seen as far afield as Arran and the west Highlands. Whole families were wiped out. Recently, there has been mention in the papers of folk coming home on leave to find families all dead. On many occasions, the bodies were never found.

It should be borne in mind that the United Kingdom stood completely alone. Seven mainland European nations that had become allies were occupied. It may well be that, on the night before the raid or in the later hours before it, excerpts of the national anthems of those countries were played. The BBC tended to play excerpts of the allied national anthems every night—along with speeches by Winston Churchill and coded messages broadcast to the underground in Europe by a mysterious figure always announced as Colonel Britain. The speeches from Berlin of the traitor nicknamed Lord Haw Haw were met with laughter and contempt.

The adult population knew to quite an extent what we faced, but the fight was at every level. The bravery and spirit shown by the people of Clydebank is an example that deserves to be remembered. As Des McNulty said, we should give every encouragement to Clydebank in the 21st century. That would be very good indeed. I associate myself not only with Des McNulty, but with Lloyd Quinan and a lot of the things that he said.

Clydebank fully deserves to be honoured in a special sense. We were losing the war at that point. People did not know what was going to happen next. There was always the worry that German paratroopers would come down and other such fears. The people of Clydebank set the example. The turning-point may well have been at that time.

17:49

Robert Brown (Glasgow) (LD): I associate myself with the comments that Des McNulty and others have made about the Clydebank blitz. In

particular, I associate myself with their comments about the indomitability of the human spirit, which the Clydebank blitz exemplified.

I will take a slightly different angle. It is not generally known that, despite what John Young said about us being alone at that time, there was a Polish ship in Clydebank on that occasion: the warship *ORP Wodnik*—I do not answer for the pronunciation. The ship was there as part of the Polish contingent that, after the invasion of Poland on 1 September 1939, joined with what became in due course the allied forces and continued the fight throughout the war on behalf of its homeland, which had been occupied at an early stage of the war. The ship took part in the defence of Clydebank—one of the few guns that fired the other way.

It is not always appreciated that, in Scotland today, there is a large contingent of Polish exiles who, because of the history of the war and subsequent communist rule in Poland, chose to remain in the UK after the victory in 1945. Last year, I was privileged to attend the annual dinner at the Polish Ex-Servicemen's Club, along with the provost of West Dunbartonshire and others who had had associations with the club over a period. In large measure, the club consists of gentlemen in their 80s, war heroes to a man, each of whom has tales of their experiences in the service of their country. As we know, many were condemned to exile for many years after the war until the circle was completed with the restoration of Poland to democratic rule after the Solidarity era.

I make those points for two reasons. First, the war affected the whole of Europe—not just the United Kingdom, not just the enemy forces, not just the occupied countries, but Europe in a very broad sense of the word. Since the war, we have managed to build up the European institutions that have gone a long way to making further wars difficult and, I hope, impossible. The way that people have been pushed about by exile as refugees is tragic. I am thinking in particular of the experiences that they suffered on those two nights in Clydebank.

It is very rare—and Lloyd Quinan touched on this—for an air raid of that kind to achieve a result. It did not in Clydebank, it did not in Coventry, it did not in London, and, oddly enough, it did not even in Berlin. Whether air raids made a contribution towards victory by one side or the other in the war effort is very doubtful. If anything, they served to revitalise and reinvigorate the opposition that people felt towards their enemy.

Happily, we have not had to go through such experiences. Like others who have spoken, I was born after the war. My father served in the war. At the time Clydebank was bombed, he was being bombed in Malta as a member of the Fleet Air

Arm. It was a time of experiences being forged, brave deeds done, and considerable human suffering. The debt that we owe to our fathers and grandfathers who went through such experiences in Clydebank and elsewhere is immeasurable. They laid the foundations of today's civilisation and society, and of the freedoms that we too often take for granted. It is in that context that I would like to join in the tributes to the people of Clydebank during the blitz of 13 and 14 March 1941.

17:53

Bill Butler (Glasgow Anniesland) (Lab): I congratulate my neighbouring MSP, Des McNulty, on securing this debate. The member for Clydebank and Milngavie has told, in an eloquent and moving way, of the fate that befell Clydebank during the blitz of 1941. He has paid tribute to the fortitude of Clydebank's citizens during that hellish episode—it was justifiable recognition of the heroism and humanity of ordinary men and women and of the courage that manifested itself even in the face of ferocious aggression. I wish to associate myself entirely with Des McNulty's praise for the people of Clydebank and their resilience.

In my brief contribution, I wish to focus on the part of Des McNulty's motion that mentions

“people in other parts of Scotland affected by the bombing.”

John Young referred to Knightswood. In that area of my constituency, on the night of 13 March 1941, Bankhead school was hit by a landmine or parachute bomb. The school was being used as a civil defence station—a combined fire station and first-aid post. Its 800 pupils had been evacuated or decanted. Almost 40 people died and much of the school was reduced to rubble.

It is thought that the possible targets for the landmine had been nearby marshall yards or one of the many shipyards on the Clyde, including Yarrow's. The incident in Knightswood, just a few miles to the east of Clydebank, was one of the worst single episodes to occur during the bombing raids. Clydebank suffered to the greatest extent; hundreds of people died but others were affected terribly.

Until recently, little had been recorded about that aspect of the blitz. However, thanks to the efforts of two eye witnesses, Mr David McLintock, then aged 14, and Mr Bryan Cromwell, then a child of five, that terrible incident and the sacrifice of those who died was properly commemorated yesterday. An oak plaque was unveiled on the spot where so many fell, following a suggestion by Mr McLintock that there should be a permanent reminder of the tragedy. Survivors, local councillors and members of Strathclyde fire brigade attended. As the local

MSP, I applaud all those involved in the erection of the memorial—I want to put my gratitude on the parliamentary record. I hope that the memorial will serve as a reminder not only of the innocent dead, but of the horror of war.

I would like to quote the words of Mr Cromwell, as they illustrate vividly and eloquently the diabolical effects of modern warfare. He said of the aftermath of the blast:

"I saw bits of bodies lying about the street in Broadley Drive and Killoch Drive among the debris. I think I just stared curiously at lumps of burned, charred flesh and bits of uniform attached to limbs. I don't remember being horrified by what I saw, just a feeling of detachment like it was all unreal."

There is little, if any, glory in war. Certainly, as Lloyd Quinan said, there is none when non-combatants and civilians are caught up in its horror with little means of defending themselves and little hope of escape. I believe that we owe it to the memory of those who were slaughtered in the blitz to do all in our power to resist any future descent into war—into what the writer John Rae called "the universal perversion".

17:57

Colin Campbell (West of Scotland) (SNP): I thank Des McNulty for securing today's members' business debate.

I lived in Ralston, between Paisley and Glasgow, just over a mile from the Rolls-Royce factory in Hillington, which made aeroplane engines for the Royal Air Force. There was a mobile smoke generator at the railway bridge in Penilee Road, on the Glasgow to Paisley line. There was an anti-aircraft battery two roads behind where I lived. Like every child in the area, I knew precisely where our sticker bombs, jettisoned from a great height, had landed—one in Penilee Road and one in Barshaw Park, which did no harm, and another in Seedhill Road in Paisley, which killed people.

My father reported to a civil defence post in Williamsburgh school and was unharmed by bombing. A fellow doctor, who lived across the road, reported to the only purpose-built blast-proof civil defence post in Oakshaw in Paisley, and was killed with nearly everyone in it when a landmine hit it. The late Dan Trushell of Kilbarchan, an old friend of mine, watched the horror of Clydebank on an evening visit to Barrhead. After the blitz, he was drafted in to salvage slates from ruined buildings. He was sent out on to the fragile parts of the roof, because he was so slightly built. One of his friends found a child's hand in a roof valley.

A friend of mine watched the Clydebank blitz from Greenock and realised for the first time that sirens were not for fun. Subsequently, his area, which included Wallace Street, Thom Street and

Minto Street, was bombed and landmined on two separate occasions. His home was damaged twice and he recalls that he and his brother sat with filled rolls and mugs of tea on their Anderson shelter as dead neighbours were dug from the ruins of their homes. When they decided to leave Greenock for Largs and safety, by a convoy of buses from George Square in Greenock, they saw lines of people with cases and bundles fleeing from the town as refugees. People escaping from the bombing at night to the hills around Greenock were subjected to machinegun fire from the planes overhead.

On the train yesterday, I met a guy who had been at school with me and we chatted briefly about the bombing. His family left the then tiny rural village of Houston in Renfrewshire because a landmine blew their windows out when it missed the Royal Ordnance factory at Bishopton.

I had the choice of doing a systematic, history teacher's piece in this debate or being random. I chose to be deliberately random, because that was the nature of a war that was fought with imprecise weapons, operated by people who were capable, like all of us, of human error. No one was safe anywhere.

While Clydebank suffered an accumulation of individual horrors, which collectively surpassed anything else in the Scottish experience, the individual experiences of bombing and the fear of bombing were part of an experience that it is difficult for us to understand.

As a parent, I was profoundly privileged because my wife and I did not have to raise our sons against a background of the immediate possibility of random, imminent death. When the war was on, I was too young to realise its implications. I pay tribute to all the adults, in Clydebank and throughout Scotland, who knew exactly what it was about, whose usual peacetime concerns for the health and welfare of their children were heightened by war and who managed to work, grieve, enjoy themselves and nurture their children in as normal a way as they could.

18:01

Mr Duncan McNeil (Greenock and Inverclyde) (Lab): I thank Des McNulty for securing an excellent members' business debate that gives us the opportunity to recognise the sacrifice of a generation who are now in their twilight years.

The story of the second world war is one of individuals, families and local communities. How better can we take the opportunity to remember that on the 60th anniversary of the Clydebank blitz, when those ordinary Clydeside men and women faced terrible adversity and overcame it, at home and on the front line? The fact that that generation

had the courage to stand up to tyranny and fight for what was right gave us the country that we live in today. Were it not for their sacrifice, everything that we take for granted would be a fading memory: freedom, tolerance, security and even the critical daily newspapers.

Clydebank and Greenock had much in common: both were centres of heavy industry. It was only a matter of time before my constituency was on the Luftwaffe's hit list. The Greenock blitz began just after midnight on 6 May 1941, when 50 German planes scattered bombs indiscriminately over the town. Thankfully, damage and casualties were relatively light, but we were not so lucky the following night. Sirens sounded at 12.15 am, heralding the arrival of the first wave of bombers, which dropped incendiary bombs outside the perimeter of the town. That created a ring of fire around the target area.

The second wave concentrated on the east end and the centre of the town. One of the first buildings to take a hit was the Ingleston Street distillery, which became a huge, flaming beacon for the rest of the bombers. A third wave of bombers flew in at about 2 am. This time they dropped parachute landmines and heavy high explosives, which caused widespread damage.

Between 250 and 300 German planes took part in the attack. When the all-clear sounded at 3.30 am, most of the town was ablaze. Locals emerged to see that both sugar refineries had been hit by landmines, Rankin and Blackmore's foundry was badly damaged and several churches were left as shells. Out of 18,000 homes, 10,000 were damaged and 1,000 of those were destroyed.

Surprisingly, however, the assumed main target—the shipyards—escaped lightly. Only Lamont's dry dock and Scott's head office were hit. Thankfully, the previous night's more sporadic attack had caused much of the population to leave the town. My father, for example, went to Inverkip. My mother was disappointed to be taken off the bus and home again by her father; I do not know what that told her, but that is what happened. Nevertheless, those two nights left 280 people dead and 1,200 injured.

When we discuss the issue with younger people, they may say, "That was 60 years ago. What does it have to do with living in Greenock today?" It is manifest that Greenock has changed in the past six decades. The heavy industry has been replaced with high-tech manufacturing and the service sector. The shipbuilders are now chip-builders; the dockers are now data managers; and we have gone from working on the banks of the Clyde to banks online.

However, there are still threats to our community—not from Hitler, but from heroin; not

from global war, but from global competition. If we are to meet those challenges and to defeat those threats and not to fall victim to them, we would do well to follow the example of those ordinary men and women of 60 years ago. The fact that they could hold their community together through the horror of the blitz and then build it again afterwards should be an inspiration as a testament to what the human spirit can achieve.

Tonight's debate allows us to celebrate that generation's spirit and resolve in the face of adversity. What better example could those people have set us?

18:05

The Deputy Minister for Justice (Iain Gray):

Four words resonate in today's motion: death, devastation, sacrifice and resilience. They bring home to us the human dimension of an event in our history that we are commemorating today. It is particularly fitting that we should recognise the wartime sufferings and sacrifices of the people of Clydebank, as in many ways they epitomise those of the people of Scotland and the wider world during the second world war.

Sixty years on, it can be hard to comprehend the effects that the blitz had on Clydebank's tight-knit community. Although the main facts are widely known and have been rehearsed this evening, some of them bear repeating. Between 13 March and 8 May 1941, almost 1,500 people died in Clydebank and around 2,000 were seriously injured as a result of the air raids. On the first night alone, under a clear bomber's moon, 272 tonnes of explosives and 1,650 incendiary bombs were dropped. On the next night, guided by the fires, the German bombers returned to deliver another 231 tonnes. All but seven or eight of the town's 12,000 houses were damaged or destroyed and more than 30,000 people were left without shelter.

My parents recall what happened 60 years ago last night. They did not live in Clydebank, but in Leith on the east coast. They remember to this day sitting in their air-raid shelters and hearing the drone of bombers passing over on their way to Clydebank. Those bombers seared their way across Scotland and into our psyche. In those first two nights, they dropped the same tonnage of bombs on Clydebank as had been dropped on Coventry throughout the previous November.

However, statistics on their own cannot convey the personal sufferings, which are documented in the harrowing tales of survivors, or—as Colin Campbell pointed out—the random horrors of particular incidents, such as the six young cub scouts killed on their way to their Thursday evening meeting.

It is right that we should pause to reflect on the

terrible destruction and loss of life and that we should commemorate the sacrifices of the brave volunteers who fought the blazes and risked or gave their lives to save others. We should pay particular tribute to the courage of the Home Guard, the Royal Observer Corps, the air-raid precaution services, the first aid and ambulance crews and the voluntary firefighters. Furthermore, it is fitting that we recall the courageous role played by the Polish destroyer that Robert Brown mentioned, whose crew helped to defend the town and saved the HMS Duke of York, which lay at berth.

The extraordinary courage shown by ordinary people during the Clydebank blitz was well summed up in a civil defence publication of the day. It said that

“countless deeds were done which belong to the fighting traditions of Scotland, though they were done not by picturesque kilted figures at the charge but by drab dungareed men and women in ‘tin hats’”.

I will return to that word “drab”.

The strategic raids on Clydebank’s industrial heart were designed to destroy the contribution to the war effort made by the shipyards there. However, once the initial trauma of the raids had passed, the resilient character of the people became evident. Survivors returned immediately to work in the shipyards and factories. The Singer Sewing factory, which had been turned over to munitions work, was back in partial production only two days after the bombing and in full production six weeks later.

Clydebank’s productivity continued to play a major role in the war effort. John Brown’s shipyards turned out warships of all kinds and converted the famous luxury liners that had been built in the 1930s—the Queen Mary and the Queen Elizabeth—into troopships. Some say that Clydebank’s finest engineering achievement was the collection of floating piers known as Mulberry harbours, which were used in the Normandy landings. Meanwhile, on the home front, the people of Clydebank began to rebuild their community. Within only seven months, 95 per cent of the immediate repair work to housing had been carried out.

The Clydebank people have never forgotten what it is like to suffer and they want to ensure that those sufferings were not endured in vain. The programme of events to commemorate the Clydebank blitz will ensure that the events of 60 years ago and their causes are recalled and that younger generations are made aware of them. Our First Minister and senior colleagues from other parties will join in those events to represent the Executive and the Parliament.

Churchill commented on Clydebank’s war effort:

“The world owes a debt that will not be easy to measure”.

In many ways, the Parliament is the measure of that debt as the newest manifestation of a democracy that, as Duncan McNeil said, would have been snuffed out 60 years ago had it not been for the sacrifice of those who stood up to fascism then. The dungarees and tin hats of Clydebank’s men and women may have been drab, but Clydebank’s spirit shines down the years to us. We are proud to welcome their memory in our Parliament and our pledge is that we will not forget.

Point of Order

David Mundell (South of Scotland) (Con): On a point of order, Presiding Officer. You will be aware that foot-and-mouth disease has a grip on a part of Dumfries and Galloway. Members of all parties who represent that area had requested that the Minister for Rural Development make a statement to Parliament about the current situation. The most recent statement was made two weeks ago. As members will be aware, the circumstances have changed significantly since then. At that time, there were no confirmed cases, whereas now there are more than 30.

We were informally advised that the minister did not want to make a statement tomorrow because he has nothing new to say, but I was concerned to read a press statement he issued this evening. In it, he says:

"The Scottish Executive will tomorrow announce the introduction of additional measures aimed at stamping out foot and mouth disease."

He continues:

"Details of the new arrangements—"

The Deputy Presiding Officer (Patricia Ferguson): Mr Mundell, please make your point of order. I cannot allow you to make a speech.

David Mundell: This is a serious matter. If Mr Finnie wants to announce new arrangements, he should announce them to the Parliament and allow members to question him on them. I ask you to use your office to ensure that he does so.

The Deputy Presiding Officer: You will have to take that matter up with Mr Finnie, as it is not appropriate for me to prejudge what tomorrow's business is likely to be. We are drawing today's business to a close, but you have made your point.

Meeting closed at 18:13.

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