

MEETING OF THE PARLIAMENT

Thursday 13 December 2001

Session 1

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Scottish Parliament

Thursday 13 December 2001

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

Cancer Services (West of Scotland)

The Deputy Presiding Officer (Mr George Reid): Good morning. Our first item of business is the Scottish National Party debate on motion S1M-2541, in the name of Nicola Sturgeon, on west of Scotland cancer services, and one amendment to that motion.

09:30

Nicola Sturgeon (Glasgow) (SNP): It is clearly a Liberal Democrat group away day today.

The debate is extremely serious. Cancer is Scotland's biggest killer. One in three men and one in four women in Scotland can expect to be diagnosed with cancer by the time that they reach their 70s. Not only do more people in Scotland get cancer than in almost any other European country, but more people in Scotland die from cancer. Every year in Scotland, 15,000 lives are lost to cancer. Our survival rates are the lowest in the United Kingdom and among the lowest in Europe. In spite of all that, the quality of our cancer services lags considerably behind that of other countries.

Only last year, a survey conducted by the Royal College of Radiologists found that one in five lung cancer patients might die needlessly because of tumours becoming inoperable in the average time of 13 weeks that it takes for radiotherapy to begin. A significant proportion of our diagnostic and treatment equipment needs to be replaced. The Government recently announced funding for new magnetic resonance imaging scanners. However, as we heard yesterday, hospitals such as Ninewells in Dundee have difficulty in meeting the running costs of those scanners.

None of that is news to anybody, but it does no harm to remind ourselves of the scale of the problem. It also serves to remind us that, although cancer services in the west of Scotland have been in the headlines of late, we have a long way to go to improve services throughout Scotland. It is worth remembering that, even at full strength, the Beatson oncology centre will have fewer than 30 consultants for a population of nearly 3 million people. Many other European countries have around 100 consultants for a population of an

equivalent size. That gives an idea of the gap that has to be made up in Scotland.

Cancer is one of the Scottish Executive's clinical priorities, and rightly so. It is probably a huge relief to patients in the west of Scotland that cancer is a priority. It does not bear thinking about what state the services in that part of Scotland might be in if cancer was not a priority.

The situation that has developed at the Beatson is deeply worrying, especially for cancer patients and their families. Anyone who has visited the Beatson in any capacity will know that its problems of the past few weeks and months have not arisen out of nowhere. The events of the past few weeks and months are symptoms of problems that have accumulated over many years. The problems include outdated equipment, and not even enough of that; dilapidated facilities; a shortage of resources, in particular staff resources, and not just medical staff; and a lack of support for those who work so hard to keep the service going.

Those problems are the result of long-term underfunding and neglect. Before Labour rushes to blame all that underfunding on the Tories, I remind Labour members that, in 1997, the Labour Government became the first Government in a generation to impose a real-terms cut in health spending. At the end of a dark period of Tory rule, when Labour had a chance to invest immediately in cancer services and to act to halt the decline, it chose instead to make a spending cut. We continue to live with the legacy of that decision, just as we live with the legacy of Labour's inability to deal with the symptoms of the Beatson's problems as soon as they became evident. That would have prevented the service from hitting crisis point. *[Interruption.]* Would Mr Fitzpatrick like to intervene at this point?

Brian Fitzpatrick (Strathkelvin and Bearsden) (Lab): No.

Nicola Sturgeon: He may want to share what he is saying with the rest of the chamber.

The Deputy Presiding Officer: The member must not solicit questions.

Brian Fitzpatrick: The nationalists tell us something that every Labour member recognises to be a serious issue. However, the member also has a duty to explain to the Scottish public, as she makes those points, the spending plans of her party in relation to the national health service in Scotland. What does £35 million mean for the NHS in Scotland?

Nicola Sturgeon: If Mr Fitzpatrick listens instead of muttering to his colleagues, he will hear about some of that in just a moment.

At the start of this year, Professor Karol Sikora, one of the world's leading cancer experts, called

the Beatson a slum. In March this year, consultants at the Beatson warned of mounting problems. In April, a senior member of staff at the Beatson wrote to Susan Deacon to tell her that the volume of patients that each doctor had to treat was unsafe, that mistakes were being made with radiotherapy and chemotherapy treatment and that a large number of staff were on the point of resignation. That letter was answered by a junior civil servant and no action was taken.

Following the first three resignations in November, I wrote to Susan Deacon, advising her of information that I had about possible further resignations. That letter was also ignored. It was only after the fourth resignation that Malcolm Chisholm showed me the courtesy of a reply. If those warnings had been heeded, some or all of the consultants who have resigned over the past few weeks might still be in post.

I say to Mr Fitzpatrick, in particular, that the point of narrating this history is to stress that lessons must be learned. Never again should professionals working at the coalface of the health service be ignored, as has happened for years with those working in cancer services in the west of Scotland.

What happens now is what really matters. I welcome the decision that was taken last week by the minister to remove the Beatson from the management of North Glasgow University Hospitals NHS Trust and to appoint a medical director who is answerable to the health board. Of itself, a new management will not make the crucial difference. What matters is what it does differently from the old one.

The immediate priority is to attract enough high-quality applicants to the new and vacant consultant posts. That is pertinent on a morning when the newspapers have news of gastrointestinal consultants in Glasgow threatening to resign from the NHS. Will the minister tell us how many applications have been received to date for the Beatson posts? Will he respond to comments made by other senior consultants that, of the five applications that were received at the end of last week for those posts, none was appointable?

We heard yesterday that there is a national shortage of cancer specialists. It will take years to train a sufficient number. In the short term, we must attract people from south of the border and abroad. Does the minister agree that, if the new Beatson management is to be successful in doing that, a new approach will have to be adopted?

With the greatest respect to Dr Adam Bryson, I doubt that the sheer force of his personality will be enough to have cancer consultants flocking to Scotland. In the consultant labour market,

Scotland needs a competitive edge. I ask the minister again to examine the powers that the Scottish Executive has to enhance the UK pay and conditions packages for consultants. That would allow us to encourage the consultants that we need so desperately to work in Scotland rather than elsewhere in the UK or the wider world.

The second priority is to protect cancer services in the west of Scotland. Even before the current staffing crisis at the Beatson, the volume of patients seen by each doctor was unsafe. There was already a three-month wait for a computed tomography scan and some patients with suspected bowel cancer waited for up to five months for an appointment with a consultant. That was before the current crisis.

What I have heard since about service rationalisation worries me deeply. It suggests that there will be a significant deterioration in the diagnosis, treatment and aftercare of many patients in the west of Scotland. Today marks the third time that I have raised in the chamber my concerns about the withdrawal of lung cancer, breast cancer and gynaecological cancer clinics from south Glasgow. I have not yet had those concerns addressed adequately.

Patients who should be attending those clinics will instead be referred to the on-call oncologist at the Beatson, who will not necessarily be a specialist in the patient's cancer type. Earlier this week, it came to light that hundreds of women who have had breast cancer have had their check-ups postponed for a year. Those are two examples of what I consider to be a dangerous reduction of service. I could give other examples.

In an interview this morning, the First Minister warns patients to expect

"delays that otherwise would not be there."

That is not acceptable. With cancer, delays cost lives. One of the early indicators of the success of the new management at the Beatson must be that it can put in place temporary staff cover to maintain those services. The minister has a duty to be candid about what exactly is meant in the action plan by rationalisation of services and about what action has been and is being taken to avoid the loss of services in the part of Scotland that has the worst cancer rates in Europe.

There are issues on which it appears that progress is being made, such as the speeding up of the new building at Gartnavel and—so far at least—the prevention of further resignations. However, those matters, together with the ones I mentioned earlier, must continue to be monitored carefully by the minister and the Parliament. The minister must continue to be accountable to the Parliament on a regular basis for developments in the west of Scotland. For too long, cancer services

in the west of Scotland have been neglected and allowed to fall into crisis. It may have taken four staff resignations for the Government to pay any attention, but we have a duty to ensure that the minister is not allowed to forget his pledge to make the recovery of the Beatson his No 1 priority.

I move,

That the Parliament notes with concern recent developments at the Beatson Oncology Centre and the inevitable impact on cancer services in the West of Scotland; welcomes the removal of the Beatson Oncology Centre from the management of North Glasgow University Hospitals NHS Trust, and calls upon the Scottish Executive to now set out in detail what action will be taken to prevent further staff resignations, attract suitably qualified consultants to fill new and vacant posts, ensure temporary staff cover to avoid a rationalisation of cancer services such as the cancellation of clinics, and significantly shorten the timescale for the construction of the new Beatson Oncology Centre at Gartnavel Hospital.

09:40

The Minister for Health and Community Care (Malcolm Chisholm): I thank Nicola Sturgeon for introducing the subject for debate today. We all recognise that this is a most important and serious situation. In my first two weeks as Minister for Health and Community Care I have flagged the issue up as being at the top of my agenda.

Nicola Sturgeon began by acknowledging the bigger picture. We ought to reflect on that. There are serious short-term difficulties and our top priority has been and will be to address those. Equally, however, we need to look ahead and acknowledge the many positive developments in cancer services, which came together in the cancer strategy that was issued this year. It is important to do that for various reasons, including the need to raise the morale of staff who work in the Beatson and elsewhere in the west of Scotland and the need to attract staff. If people feel that there is a positive future for cancer services in the west of Scotland, we are more likely to attract the kind of staff that we want.

Members will know about the cancer strategy that was launched in July, which had £10 million attached to it in the first year. Quite a lot of that was spent on the kind of areas that we are concerned about. For example, £4 million was spent on building capacity to speed up diagnosis and treatment. Of the £10.7 million in the first tranche of investment, nearly £6 million went to the west of Scotland.

Mary Scanlon (Highlands and Islands) (Con): The minister talks about a recruitment crisis and people having faith and confidence in the service. How would he respond to an article today in *The Herald* that says:

"A team of specialist surgeons is considering a breakaway move from the NHS to set up ... in a private hospital?"

If there is such trust in the way in which the minister is running those services, why are the top specialists leaving?

Malcolm Chisholm: I was pleased to visit Gartnavel hospital about two months ago and to meet several of the upper gastrointestinal surgeons who are involved in that. I am extremely concerned to read that story and would deplore any such move. However, I hope that those people, some of whom I met at Gartnavel, will enter discussions with the North Glasgow University Hospitals NHS Trust and resolve the difficulties. The issues that they raise are important. They are concerned about the development of specific cancer services in the west of Scotland.

There are grounds for hope in that the west of Scotland regional cancer advisory group will meet for the first time on 20 December. It is up to the group, with the support of the external clinical support group that we sent in as part of the action plan, to develop the configuration of services in the west of Scotland. Part of that work is to develop managed clinical networks for upper GI cancer and other specific cancers. I hope that those specialists get involved in that process and that some of their difficulties will be resolved through that. They also have concerns about critical care beds but those are being addressed by the trust. Surgeons and specialists have been involved, and I hope that they will continue to resolve their differences in that way.

One of the novel features of the strategy was the nature of the new Scottish cancer group and, in particular, the patient involvement that was part of it. I pay particular tribute to Dr Anna Gregor, who heads that group. I know of her great commitment not only to cancer services but to the involvement of patients. That relates to one of the themes that I was talking about yesterday. She said:

"Patients are the key to this new way of working. In partnership with NHS professionals, patients will be able to influence the way we provide care in Scotland, both for a smoother journey of care and for better outcomes."

Patients were involved in deciding how the first tranche of money was spent. I agree entirely with Dr Gregor. I received a report yesterday of a questionnaire by the Scottish Breast Cancer Campaign. It is important that we listen to women with breast cancer as well. The piece of research I received yesterday will inform our thinking on that important area.

Looking to the future, there is the £44 million we have set aside for the new Beatson. I said last week that I wanted to see the outline business case by the end of this month. I am pleased to report that all the west of Scotland boards met yesterday and backed the outline, which I expect to receive soon. I have confirmed that those plans

will be fast-tracked and that decisions will be made by the end of January. We are focusing on the short term—Nicola Sturgeon made several points about that. I agree with her that clinicians have not been sufficiently involved until now, but I am pleased to say that that is changing. As members know, I appointed Dr Adam Bryson as director last week. The new joint management board that we set up as part of the action plan has met twice. I have had two conversations with Dr Bryson this week. He has told me that he will chair the next meeting of that board. The clinicians are more involved now—that is an important development.

In the immediate future, the issue of recruitment is essential. I am told that five people have expressed an interest. They are all well qualified but it is up to experts to appoint people. One of the options is to appoint locums, if that is what the experts decide is best. Concern has been expressed about the clinic rationalisation. As part of the development and configuration of services in the west of Scotland it would have been desirable to reorganise the clinics. I am not saying that every change that is made in the coming period is the result of that. It is simply a fact that it would be necessary to reorganise the clinics anyway.

Nicola Sturgeon: Is the minister saying that some of the clinics that are being withdrawn because of staff shortages may never be restored?

Malcolm Chisholm: We have to treat the subject with the seriousness that it deserves and to listen to what the experts say. I have to be influenced by the experts in cancer. Changing the configuration of services is key in the development of services. However, too much alarm has been spread about this. I am assured, for example, that if there were to be fewer clinics in Lanarkshire, it would not mean that there would be no clinics in Lanarkshire; it would just mean that they might be configured differently. There will be changes, but we should not say that every change is necessarily a bad thing.

Nicola Sturgeon: This is an issue of extreme importance to people in south Glasgow. It is of concern not only to the patients who use services; the clinicians to whom Malcolm Chisholm has referred have also raised the issue with me. Can the minister guarantee that lung cancer, breast cancer and gynaecological cancer clinics in south Glasgow that may have to be withdrawn because of staff shortages will be restored to the people of south Glasgow as soon as the shortages are resolved?

Malcolm Chisholm: I am not an expert in cancer services. It is up to the regional cancer advisory group, supported by the expert clinical group, to decide how services should best be

configured. It is not up to me to decide how clinics in the west of Scotland should be configured.

Mr John Swinney (North Tayside) (SNP): Is there not a contradiction in what the minister has said about listening to clinicians on the important configuration of cancer services and the failure of the Government for years to listen to the message from the clinicians at the Beatson about the lack of direction in that unit? The minister is trying to have his cake and eat it on the issue of listening to clinicians.

Malcolm Chisholm: I am certainly listening to clinicians. I have had many conversations over the past 10 days with leading clinicians in the west of Scotland and I am pleased to continue doing that. I am determined to listen to clinicians and work in partnership with them. However, the general point I have made about the configuration of services stands.

The action plan is being implemented but other issues may have to be addressed as well. I have received a letter today from the patients support group that has been formed at the Beatson. One of the issues that the group is raising in the short term is whether we can get additional space before the opening of the new Beatson. That option is being considered. It relates to our discussions about Health Care International, since space there is one of the options that can be considered.

My time is up. I have to say in conclusion that the tone of the debate has been slightly regrettable. I had hoped that we would be able to address the subject on its merits. Nobody can question the priority that I have attached to the subject over the past two weeks and over the many years at Westminster and here that I have been committed to cancer services. It would be helpful if we could work together on this subject. I am happy to hear positive suggestions from the SNP and any other political party. I will seriously consider all positive suggestions. It would be regrettable if this most serious of issues were turned unnecessarily into a party-political football.

I move amendment S1M-2541.1, to leave out from “; welcomes” to end and insert:

“if further urgent action is not taken; supports the appointment of Dr Adam Bryson as Medical Director and welcomes the additional impetus and focus this gives to implementation of the agreed action plan, including as a top priority measures to secure appointments both in the short term and on a more permanent basis; supports the Executive’s Cancer Strategy, *Cancer in Scotland: Action for change*, and the additional £40 million investment to support implementation; and calls on the Executive to drive forward the necessary changes, including the construction of the new West of Scotland Cancer Centre, as quickly as possible.”

09:50

Mary Scanlon (Highlands and Islands) (Con):

I commend the minister for what he has done in the past two weeks. Unfortunately, we have reached the depths of a crisis and it would take an awful lot more than two weeks to fix it. It is very unfortunate that the previous Minister for Health and Community Care, Susan Deacon, did not address the problems when they came to her.

Malcolm Chisholm tells us to listen to what the experts say, but breast cancer patients whose cancer is in remission are being told that their clinical appointments are being delayed by six months. I listened to Anna Gregor saying last night that she is reconfiguring the services and that all the clinics are not necessary. I think that the minister should start listening to women who have had breast cancer. He should ask them how much assurance, reduction in anxiety and peace of mind they get when they go along to see an oncologist who tells them that their cancer is still in remission. We would all have far more trust and confidence in the reconfiguring of cancer services if we felt that it was driven by clinical priorities. We are all mature and professional enough to accept that. However, when four oncologists have walked out, when morale is at rock bottom and when resources are desperate, we can hardly be blamed for being sceptical about a sudden reconfiguration of cancer services in the midst of an enormous crisis.

As cancer is one of the top three clinical priorities, we are entitled to expect the best in cancer care. If that is an example of a clinical priority, where does it leave people in Scotland who suffer from asthma, diabetes and epilepsy? God help those whose conditions are not clinical priorities. If the cancer care that is available is the best that ministers can do, there is not much hope for the rest.

To lose one consultant at the Beatson is unfortunate; to lose two is careless. To have four consultants resign is an outrage and an indictment of the Executive's appalling inability to run the NHS in Scotland. The most recent resignation—that of Dr Adrian Harnett, who has no job to go to—has robbed the Beatson of one of the UK's leading authorities on breast cancer. His resignation will also impact on the Scottish ophthalmic oncology service and on patients throughout Scotland. That resignation could and should have been avoided if support had been available from management and sufficient resources made available. As Dr Kemp, the consultant ophthalmic surgeon, wrote in *The Herald*, those developments could have been avoided if consultants' concerns had been listened to over the past two years. I commend what the minister has done in two weeks, but I cannot commend what has been ignored for two years.

It is unacceptable that services should be allowed to deteriorate at all. What is disgraceful is to be aware of such problems and to allow them to continue to fester. The Beatson, the biggest cancer centre in Scotland, is in a state of crisis. With Dr Harnett's departure, the staffing level will become half of that in Edinburgh. That is certainly no way to run cancer services in the west of Scotland.

Indicative of the performance of our much-vaunted Executive is the response earlier this year to a letter from a doctor at the Beatson warning of near disasters due to staff shortages. As has been said, Susan Deacon did not even deem that worthy of her attention. It is alleged that the reply was given by a junior civil servant without Ms Deacon apparently even being aware of it. The Beatson was clearly not a priority for the Executive. That fact is glaringly obvious and now comes back to haunt ministers.

The current crisis is undoubtedly a headache for the minister. For too long, doctors have been bypassed and ignored by managers and the Executive. Staff morale is at a low ebb. In terms of embarrassment for the Scottish NHS, surely nothing can compare with the words of Professor Karol Sikora, who led the World Health Organisation's cancer control programme, when he described the Beatson as like "going into Bombay". He said that we had a "black hole in Glasgow" and were running the operation like something from the 1950s. It cannot be acceptable for that to continue.

The decline of the Beatson cannot be blamed wholly on mismanagement at the North Glasgow University Hospitals NHS Trust. The buck stops with the Minister for Health and Community Care, particularly when concerns have been raised over a period of years. Although the Beatson is facing so many problems, we heard yesterday that the minister will now embrace the underutilisation and spare capacity in the private sector. Will he tell cancer patients in Scotland how their care will be affected in the new configuration of services? Will he utilise the 540 beds, the 24 operating theatres and the 67 intensive care beds, as well as the expertise in cancer care, for diagnosis, treatment, surgery and aftercare, all of which are readily available at HCI?

We are looking for a commitment from the minister that health care in Scotland is decided not by dogma but by patient needs. I was pleased to read in *The Herald* today that Jack McConnell would not "be bound by dogma". He just needs to get his troops to believe that. When the First Minister puts patients first, before political dogma, the Conservatives will wholly and fully support that approach.

09:57

Mrs Margaret Smith (Edinburgh West) (LD): I apologise to Nicola Sturgeon for missing the first part of her speech this morning.

On behalf of the Scottish Liberal Democrats, I say that I share everyone's concern at the situation. The Beatson centre provides more than half of Scotland's cancer services, covering not only Glasgow but the west of Scotland. Given Glasgow's poor health record and poor cancer record, cancer care is an area that needs investment and the best possible service. It certainly does not need the crisis that it now faces. That crisis has been brought to a head by the resignation of four consultants who were concerned that they were unable to perform their duties effectively because of conditions at the Beatson, which was described by Professor Sikora, the WHO cancer specialist, as a slum.

I agree with Malcolm Chisholm that this is not the time for blame. It would be quite easy to spray blame around and apportion it all over the place, but this is a time for solutions. The minister has said, quite rightly, that he is happy to listen to suggestions from any direction, from political parties or, as Mary Scanlon said, from outside the public sector. All such suggestions must be considered.

We still need answers to a number of questions, and I would like to raise a couple of points. We need to see the situation in a short, mid and long-term context. The short-term crisis must be dealt with and we welcome the minister's decisive action in that regard. To visit the Beatson within a day of the most recent resignation, to remove day-to-day control from North Glasgow University Hospitals NHS Trust and to appoint Dr Adam Bryson to oversee the running of the centre and report directly to Greater Glasgow Health Board, to pledge resources and support and to ask for the business case for phase two of the new Beatson at Gartnavel hospital to be on his desk by the end of the month is to take the sort of decisive, short-term action that we would expect from a minister. If that is a clear message that the buck-passing stops with him, we will be very pleased.

The first question is, what extra resources might be made available and what resources have been made available? The recent announcement of £10.7 million for cancer staff and equipment was overshadowed by the Beatson news. More than half of that money will be allocated to spending in the west of Scotland and the Executive recognises that there is a need for investment in the Beatson. How much of that money will go to the Beatson? What will it be spent on? Has any thought been given to whether some of the £86 million in the chancellor's budget statement that is yet to be assigned to health spending will go to cancer

services and specifically to cancer services in the west of Scotland?

There is a crucial short-term recruitment problem in respect of 10 places—there are four unplanned posts and six additional planned posts. Where will those doctors be found? There are different reports on whether the five who have so far applied have the relevant experience. Is it true that Dr Bryson is looking abroad for recruits? How can we possibly attract the best calibre consultants to the Beatson, given its current reputation and the fact that other consultants appear to be contemplating leaving the centre and are apparently being headhunted within the NHS?

To some extent, the minister has given a clear steer today and in his previous actions. However, a clear steer from the minister is needed to show that failure at the Beatson will not be acceptable to any of us and that support will be forthcoming so that consultants who come forward—although they may experience difficulties in the short term—will, in the mid to long term, with specific support and within the broader long-term framework of the cancer plan, be given the full backing of the Executive and the Parliament.

I ask the minister for an update on the progress of the new Beatson project. When is it likely to be completed? What scope is there for speeding up the process, as the minister indicated that he wishes to do?

Nicola Sturgeon spoke of concern about the knock-on impact on services. Five hundred women, who have all suffered from breast cancer, have had their appointments put back by anything up to 18 months. Does the minister have any idea about the anxiety that that delay represents for those women? This morning, the minister said that we must listen to women with breast cancer. Women who have had breast cancer would say that we must address that issue. Incredible anxiety is involved in delays of six, 12 or 18 months before there is a follow-up in the system.

What is being done to ensure that alternative services are in place? What will happen in the 16 other clinic sites throughout the west of Scotland where specialists from the Beatson would ordinarily hold clinics? Nicola Sturgeon made a point about those clinics and the minister spoke about reconfiguration. If those services are to be reconfigured, proper consultation needs to take place. It would be unacceptable for those services to close at this time of crisis—which might be seen by patients as a short-term need—only not to open up in the mid or long term without further consultation, if that were thought to be the best clinical course of action. I will not second-guess a clinician any more than the minister will, but we must ensure that there is consultation.

It is obvious that there are short-term issues. We are keen to hear what is happening and to hear the minister's vision for the long term.

I want to touch on two other issues.

The Deputy Presiding Officer: The member should be brief.

Mrs Smith: The first issue is staff morale and listening to staff. It is clear that the Beatson's clinical, managerial and resource-led problems did not happen overnight. Press reports suggest that Professor Barrett met health department officials two years ago and suggested that they ought to think about using spare capacity at HCI. There are also reports of letters that were intended for Susan Deacon but did not get beyond a junior official's desk. I said yesterday that it is essential that we listen to staff and act on what we hear.

The second and wider issue is work-force planning. That issue arose in the cardiac surgical unit and at Stracathro hospital. For whatever reason, a few people move on and suddenly an entire unit and service are under threat and in crisis. That is not good enough.

The Deputy Presiding Officer: I am being very patient. You are two minutes over your time.

Mrs Smith: Work-force planning must be seen not only in the short term, but in the long term.

10:04

Ms Sandra White (Glasgow) (SNP): When I came in, I picked up a copy of the report on the west of Scotland cancer service. I do not need to read more reports. They give statistics, but the debate is about the suffering and worry that people go through when they have cancer. A member said yesterday that all of us probably know someone who has attended the Beatson. We should remind ourselves that the debate is about the people and the care that they should receive.

The staff have been mentioned. We must make clear the tremendous debt that we owe to the workers in the NHS. Daily, they demonstrate their loyal dedication to the health service, often working under extremely difficult conditions to service the health needs of the nation. However, the unfortunate reality is that our hard-working health service workers have not had the support that they deserve. The new Labour Government's custodianship has been a catalogue of failure and disasters. The failures are all too apparent to me, as a Glasgow MSP, and to other members.

The Government's record on the health service and on cancer services in particular is not one of which it can be proud. For too long, the Government has buried its head in the sand when

confronted by the problems that are faced by cancer services. Those problems are real and have been identified by patients and staff in the health service. That is not scaremongering, as Labour members often say. If the Government had taken those problems seriously, perhaps action would have been taken to solve them at a much earlier stage and the crisis at the Beatson might not have arisen.

I welcome the fact that, at long last, the minister and the Government have taken action to resolve the Beatson's problems by installing new management and removing the centre from the control of the North Glasgow University Hospitals NHS Trust. However, questions must be asked. Why has it taken them so long to act when problems were identified—as has been stated—at a very early stage? The trust that mismanaged the Beatson was a creation of the new Labour Government.

As early as November 1999, Dr Nick Reed, the clinical director at the Beatson, identified the problems. The Beatson serves almost 3 million people in Scotland, but had only six radiotherapy machines when it required 12. As a result, patients waited up to nine weeks for treatment. Unfortunately, some patients had tumours that returned after six to eight weeks. That is a sad indictment of the mismanagement of the Beatson. At the time, the Scottish Executive said that it was aware of the problem, but it washed its hands of it by saying that the problem was purely a matter for the trust. I am glad that that has now been resolved.

The question remains: why has it taken until now to act when the Executive was aware that there was a problem over two years ago? I have spoken to staff at the Beatson and have been concerned about the problems that they face. The new site at Gartnavel has been welcomed, but only now has action been taken to speed up the transfer to the site. Problems remain, as Nicola Sturgeon highlighted in asking the minister about care in the south side. There are many doubts about whether the Executive's plans will result in the improvement that is required in Scotland's appalling cancer rates.

We all recognise that cancer requires the earliest possible diagnosis and treatment if a patient is to be cured. It is an absolute scandal that the situation at the Beatson has been allowed to continue and to deteriorate into the crisis that it is today.

Studies carried out at the Beatson have identified that cancers are becoming inoperable because of a lack of machines. A study identified that 29 cancer patients had to wait between 18 days and more than four months between diagnosis and their second CT scan. In this day

and age, that is not acceptable. Five hundred women suffering from breast cancer have now had their check-ups postponed for at least a year as a result of the staffing crisis at the Beatson. Patients who have been identified as low risk have had their appointments put back. I say to the minister that people could die if the crisis is not resolved.

The minister's announcements, and those of the Labour party, about new cash represent a drop in the ocean in comparison with the investment that is desperately needed for the treatment that is required in the 21st century. Scotland is a wealthy country, but that is not apparent from the health treatment that is provided to our people. We can afford better standards of care. The Government must take steps to resolve the crisis at the Beatson and to give back confidence to the Beatson and cancer services throughout the country.

10:09

Pauline McNeill (Glasgow Kelvin) (Lab): I welcome the opportunity to discuss the situation at the Beatson oncology centre, which is based at the Western infirmary and Gartnavel general hospital, which are part of North Glasgow University Hospitals NHS Trust. Although I accept that the Opposition has a legitimate role in questioning the Executive's plans, I hope that no one in the Parliament will play party politics with an issue as important as the cancer strategy.

There is no doubt that the resignation of a fourth consultant oncologist at the Beatson shows that a serious and grave situation is emerging, which has the potential to harm the service in the short term and undermines the public's confidence in our biggest cancer centre. Therefore, I call on ministers to leave no stone unturned in providing immediate solutions for patients who are receiving treatment or follow-up consultations. I welcome the action plan that Scottish ministers have put in place.

The setting for the Beatson oncology centre is the Western infirmary, which is a two-site hospital that provides a medical service in two locations. That is detrimental not only for cancer services, but for orthopaedics and other clinical specialities. The Opposition has failed to call for the speeding up of action on that matter and fails to understand the issue.

Ms White: Will the member give way?

Pauline McNeill: I will not take interventions because I have too much to say. Perhaps SNP members will learn something.

Bringing together the two hospitals on one site will deliver better services. That is why Malcolm Chisholm's decision to speed up the action plan

and to get the hospital in one location is crucial to patients. That must be understood.

For two years, I have called consistently for the move to be speeded up. I have monitored the situation and called for the speeding up of a one-site option at Gartnavel for cancer patients and orthopaedic patients. Work on that started in 1997. Where do SNP members think that the plans that are being put into operation at Gartnavel came from? Work on the plans has been going on since 1997.

Like other members, I have visited the Beatson oncology centre many times. I accompanied Malcolm Chisholm on his visit to the centre last week. I am well aware of the conditions under which staff work. Doctors do not have proper facilities and the facilities are cramped. Because the centre deals with life-threatening conditions, it is busy and like no other place. The issue is not only about conditions for doctors; it is mostly about conditions for patients. The male chemotherapy ward is of an unacceptable standard. That is why so much effort has gone into bringing about the one-site option.

The Beatson service serves half the population of Scotland and deals with the more complex cancers. The centre of excellence is hosted by North Glasgow University Hospitals NHS Trust, but is delivered across five health board areas. I welcome the minister's decision to remove the service from local management, because it is not a local service but a regional and national one. I ask the minister to consider whether in the future it would make more sense to manage and fund the service directly on a regional basis. Glasgow cannot continue to endure the burden of running the service in the Glasgow funding envelope.

We should pay tribute to the staff who make up the specialist team at the Beatson centre: specialist nurses who are dedicated to cancer patients; clinical scientists—of whom there is a definite shortage that must be examined—who work extremely hard to ensure that cancer treatment is modernised; and radiographers who work all hours to provide the special type of radiography that the service requires. Doctors are crucial, but we must acknowledge the role of other staff in the service.

The NHS faces shortages of specialists and it is unfortunate that cancer services do not attract medics. The discipline is difficult. I ask the minister to consider the possibility of increasing numbers in medical schools. To have more specialists in all areas—not only cancer services—we must consider having more doctors in the system.

There has been underinvestment in imaging services, particularly during the Conservative Government's time in office. That is a fact.

Ultrasound, MRI and computed axial tomography scanning are beginning to rectify that situation. We have a strategy to deal with the underinvestment and, unless we deal with it, we will not be able to resolve many issues in the speciality areas. An adequate supply of radiographers is needed. Again, to reduce waiting times we must do something about the number of people who come into the system.

I want to mention the importance of setting up ambulatory care and diagnostic units in the NHS. The point of ACAD units is to recognise that patients are often most worried about diagnosis because they are waiting to find out what is wrong with them and what treatment they will need. Therefore, investment in ACAD units is a crucial point in the diagnostic debate.

The Labour and Liberal partnership does not believe that it has all the answers. It is not arrogant enough to think that. However, we have many answers. I would like to hear more answers from the Opposition on what can be done about the situation.

Mary Scanlon referred to an article in this morning's edition of *The Herald*. I do not believe everything that I read in the press and I hope that that article is not true. It would be a disgrace if a profession were to take advantage of the crisis and I hope that members would condemn that.

Crises often give us an opportunity to consider what we could do better. I ask the minister when he examines the future of the Beatson oncology centre—which I hope will be at the one-location site at Gartnavel—to consider doing something bigger and better. We must deal with the issues now. The land at Gartnavel will not be available for ever. We must consider the possibilities for what we can do in the future and we must use the crisis as an opportunity. Everyone recognises that there is a crisis, but they should also recognise that a lot is being done. I ask the minister and the Opposition members in their summing up to mention some solutions and not only problems.

10:16

John Scott (Ayr) (Con): I will speak on behalf of cancer sufferers in Ayrshire and the west of Scotland. I want the Executive to note the headline in today's edition of the *Ayrshire Post*: "Cancer fears mount as fourth specialist quits". That succinctly catches the mood of people in Ayrshire. I also speak on behalf of the concerned constituents who contacted me about the Beatson centre and about the withdrawal of clinics from Ayrshire to Glasgow.

As members have said, the situation at the Beatson oncology centre has become untenable and the prospects for cancer care for the 60 per

cent of Scotland's population that is covered by the centre decline daily. Yesterday in the chamber, I heard and welcomed Malcolm Chisholm's Pauline conversion to Conservative policy—his commitment to using private care facilities to treat NHS patients. I welcomed that, because with Dr Adrian Harnett's resignation last week from the Beatson centre, Ayrshire hospitals lost not only a consultant but a highly regarded man who is at the top of his profession.

I understand that, as a result of Dr Harnett's resignation, breast cancer care in Ayrshire will be reduced by up to 50 per cent and post-operative care clinics might be withdrawn from Ayrshire and go to Glasgow in the short term. Like Nicola Sturgeon, I seek the minister's assurance that those services will be reinstated as soon as is humanly possible. Of course, if another consultant were appointed, that cover would be resumed. However, instead of queueing up to join the once-famous Beatson oncology centre, by all accounts consultants are queueing up to leave.

The catalogue of mismanagement and lack of man management is simply breathtaking. The fact that Dr Harnett apparently resigned without a job to go to paints a picture of despair within the centre—despair among the staff at excessive work loads and at a situation for the improvement of which they think there are no prospects. As my colleague Mary Scanlon said, it is simply unacceptable to have Karol Sikora, an eminent professor of clinical oncology, describe conditions at the Beatson as similar to the third world. It is truly worrying for him to talk of "Stalinist solutions" as having been the management style at the Beatson.

That is why I welcome Malcolm Chisholm's new, pragmatic approach. He will allow patients who would otherwise have been penalised by old Labour policies to be treated at HCI. That is good news for Ayrshire. Waiting lists and waiting times that would have risen immediately as a result of understaffing at the Beatson might not rise so quickly.

If beds and treatment for Ayrshire patients cannot be found in Glasgow or elsewhere in Scotland, the minister must be prepared to find bed space and facilities in England and Wales. In a worst-case scenario, bed space and treatment facilities could and should be sought abroad, because it is a fact that if people have—or believe that they might have—cancer, they will travel huge distances to receive treatment, if need be.

Finally, I appeal to Dr Harnett to stay at the Beatson. If he has not yet taken a job elsewhere—I believe that he has not—I am sure that the Parliament, to a man, would ask him to reconsider his position and stay on at the Beatson. With a new minister and a new director in charge, surely

things can only get better. For the sake of the people in the west of Scotland, let us hope so.

10:19

Mr Kenneth Gibson (Glasgow) (SNP): Anyone who has read "A Cornucopia of Pharmacopeia" by Father George Rutler of New York cannot fail to be impressed by the phenomenal contribution that Scots have made to the betterment of mankind. Although our nation's population accounts for less than one in 1,200 of the Earth's population, 11 per cent of all Nobel prizes have been awarded to Scots. Indeed, throughout modern history, Scots have contributed significantly to all areas of human development, not least in medicine. Scottish medical pioneers include William Leishman, who perfected the typhoid vaccine; William Smellie, the founder of modern obstetrics; John Hunter, the father of comparative anatomy; John Macleod, the discoverer of insulin; Joseph Lister, the founder of antiseptic medicine; James Young Simpson, who was the first to use chloroform in surgery; and Alexander Fleming, who discovered penicillin. There have been many others.

A nation that has contributed so much to—and still has a worldwide reputation in—medicine now has an Executive that, in the provision of cancer services, has failed to deliver the level of treatment that is so desperately needed by vulnerable patients.

In the recently published "Cancer in Scotland: Action for Change", Mr Chisholm's predecessor reiterates the Scottish Executive mantra that cancer

"is one of our three top priorities".

One can only wonder at the provision of services that are not among the top three priorities of this coalition.

The Beatson is in crisis. Years of mismanagement, malaise and underfunding have demoralised staff, delayed treatment and adversely affected the prognosis for patients. A critical shortage of specialist consultants, a catastrophic reduction from £8.5 million to £3.5 million in medical equipment expenditure in Glasgow during new Labour's first three years in office and an abysmally low expenditure on cytotoxic drugs cannot fail to impact adversely on patient outcomes.

An action plan has been produced, although it is of the closing-the-stable-door-after-the-horse-has-bolted type. We hope that it will be successful, but will it be enough? Will it be enough to overcome the loss of crucial staff, the erosion of confidence or the years of underinvestment? How long will it be before waiting lists fall, waiting times are reduced and the Beatson becomes a centre of

excellence in which Europe's finest oncologists aspire to work? Is the minister even able to hint at a time scale and the implications for patients in the intervening period?

Ministers ignored warnings in April that the centre was lurching from crisis to crisis and sat complacently on their hands. Can they be trusted to turn around the situation now? If Glasgow is to lose its title of Europe's cancer capital, the Beatson must be turned around. However, that can be done only by listening to staff at all levels, examining the reasons why four consultants have resigned and acting swiftly to reverse the conditions that forced them to resign in such dramatic fashion.

At the Victoria infirmary, 500 women who have received breast cancer treatment might have to wait a year for scheduled checks. As one patient, Karen Jenkins, said in *The Herald* yesterday after being told that she would have to wait until January 2003:

"I am very worried. I fear that some of the people involved could die if they have to wait as long as me".

Dr Iain McColl, a general practitioner at Thornliebank health centre, said in the same newspaper the previous day:

"Patients with early treatable cancers are having surgery delayed beyond the curative stage. As a nation we cannot allow this to continue."

We must recruit specialists now, even if that means paying increased salaries and expediting equipment purchases, the construction of the new Beatson centre and the provision of more beds. Specialists must be headhunted, even if only on short-term contracts, to ensure that patients do not die because of the crisis in cancer services. Money cannot be the problem. We should remember that in the past financial year, at a time when the service was crying out for funding, we had the obscenity of a £143 million underspend in the NHS in Scotland. Lack of financial resources can no longer be considered an adequate excuse.

The Executive has paid only lip service to cancer prevention. By its own admission, smoking is

"by far the largest preventable cause of cancer".

However, smoking rates among the disadvantaged have barely fallen and the Scottish Executive has not only failed to deliver on its own promise in "Making it Work Together" to

"ban tobacco advertising by the end of 1999"

but appears to be less than supportive—to put it mildly—of my colleague Nicola Sturgeon's bill on the issue. Hugh Henry is very interested in the issue of tobacco advertising, and I hope that his addition to the ministerial team will mean that that

issue will be addressed. If the Executive is serious about reducing the incidence of cancer, backing the Tobacco Advertising and Promotion (Scotland) Bill would mean that it could deliver—albeit it two, or more, years late—on at least one pledge.

10:24

Brian Fitzpatrick (Strathkelvin and Bearsden) (Lab): Although I support the Executive's amendment, I ask the minister to recognise that things will have to get a lot better at the Beatson clinic before constituency members whose constituents and families depend on the clinic's services will be satisfied or quietened.

We must not lose sight of the fact that some of Europe's finest consultants and other associated nursing and hospital staff continue to work at the clinic to provide better cancer services for people in the west of Scotland. From speaking regularly to key consultants at the clinic, I know that its medical staff and patients will genuinely welcome the minister's decision to move oversight of the centre from North Glasgow University Hospitals NHS Trust. The trust has proved too large, unwieldy and cumbersome for the tasks that it faces and it is clear beyond peradventure that the trust has been found wanting in its handling of the developing situation. Furthermore, we will have to revisit issues about democratic accountability.

The announcement of the external expert advisory group is but one example. The minister must be congratulated on securing the advice and assistance of pre-eminent advisers such as Professor Cummings from Toronto. I know that the professor will shortly be returning home for Christmas and I wish him a happy and restful short festive break. We look forward to his return.

However, the clinicians at the Beatson clinic have been asking for such external assistance and advice from the trust since early this year. I ask the minister to investigate through the NHS board what has been going on at the trust and why key staff members' repeated requests for and suggestions about improvements were downplayed and ignored. I know those people; they believe in and are proud of the NHS, and will not be leaving the service.

I agree with Nicola Sturgeon that the situation at the Beatson clinic is very worrying. That is partly why I welcome the amendment's support of Adam Bryson's appointment as clinical director. Although I also agree that individuals will not solve structural problems, they can help with the situation, and Adam Bryson's appointment certainly has the full support of members on the coalition benches. Adam Bryson is well known to specialists in the field, and should be well known to everyone who supports the cancer service. He deserves

everyone's support.

Although I wish Adam Bryson and his new team every success and although I welcome the NHS boards' agreements concerning the new Beatson clinic—which represents a capital investment of more than £44 million—I urge them all to examine seriously the phase two business case that Margaret Smith mentioned. I am pleased to see Margaret in the chamber, and welcome what she said. The phase two business case should be changed to increase the number of beds and scanners and the scale of the out-patient facilities at the new Beatson centre.

I welcome the comments that have been made by coalition members about what should be done with the additional financial allocations. Members of the coalition parties will have no difficulty in supporting any better and further much-needed resources for cancer services in Scotland.

10:29

Colin Campbell (West of Scotland) (SNP): The history of medical care in my lifetime has been one of increasing specialisation and, by definition, increasing centralisation of such specialisations. The reasons are partly financial and partly down to the colleges' view that consultants' posts can be justified only if there is given and predetermined throughput of patients. As John Scott pointed out, the defects in provision in Glasgow impinge on a wide surrounding area—they apply in equal measure to the whole of the west of Scotland.

As someone who has been lucky enough not to have a life-threatening emergency, I am fairly confident that the system works, be that accident and emergency care or the diagnosis of an immediately life-threatening condition. However, the diagnosis process is fatally slow.

A letter from Dr Iain Campbell McColl in *The Herald* on Monday 10 December stated:

"a patient, who has worrying bowel symptoms strongly suggestive of cancer, has a seven-week wait before she will be seen for a first appointment by a colorectal surgeon."

That seven-week wait was achieved only after the consultant's secretary was begged to put the person on the waiting list—her original appointment was for April 2002. It was made clear that, at the end of that first waiting period, the patient would be at the end of the queue for a colonoscopy and barium enema and that it might take up to five months before that treatment could be received. The letter further stated:

"national cancer guidelines state that these patients should be seen within two weeks and have their investigations performed within another two weeks".

No one in the chamber is unaware of how dire the situation is. The situation is profoundly worrying, not only objectively, to me in this debate, but also more subjectively, to the patient, whose life may be at stake as a result of the delay, and to the general practitioner, whose endeavours are being frustrated by a system that simply cannot cope. There is a shortage of cancer consultants as there is a shortage of all other consultants. Some hospitals in the west of Scotland have only half of their consultant posts filled. A consultant e-mailed "Good Morning Scotland" yesterday to say that some of his colleagues contemplated going into the private sector only because they wanted to treat more people and because the physical facilities were not available in the NHS to meet the demands for treatment—in other words, insufficient operating theatres are available.

The problem is one of resources and of making supply meet demand. The problem is about hospital boards and managers who have pushed risk management to the margins to establish how few facilities can be paid for within the budgetary framework without the system collapsing. The system has been pushed too far.

Unhappily, there is an insatiable demand for cancer services in the west of Scotland. I have not even touched on the contribution that proper funding could make to diminishing the need for acute cancer care. Today, we are dealing with the immediate problem, but part of our responsibility is to try to diminish the problem and the demand for the services in the future.

Some 80 per cent of cancers are caused by an unhealthy lifestyle. It is worth noting that, in the 10 years after California's anti-smoking campaign, there was a 14 per cent decrease in lung cancer. Smoking, bad diet, obesity and lack of exercise are all concomitants of hopelessness and urban deprivation, which we have done little to diminish although they cannot be separated from the current crisis.

10:33

Mr Duncan McNeil (Greenock and Inverclyde) (Lab): I welcome the opportunity to speak in the debate, given that the cancer rate in my constituency is 12 per cent above the national average. As a consequence of that high rate, my constituents and I know the Beatson unit well.

Members of my family still speak of the day on which my grandfather left his house in Mill Street in Greenock for an operation in Broadstone hospital in Port Glasgow. The whole street turned out, not to wish him well, but to say goodbye—such was the low expectation of survival 60 years ago. Of course, the people in the street were right: it was discovered that he had stomach cancer and

he never left the hospital alive. Contrast the fear of yesteryear with the high expectations of today. Now, people rightly demand early screening, early diagnosis, early admission to the hospital of their choice and the best available treatment when they are there. For many in the west of Scotland, the focus for those high expectations has been the Beatson oncology centre, where much good work has been done, continues to be done and needs to be done.

I am proud that the Labour party shares those ambitions. In our manifesto for the 2001 Westminster elections, we recognised that cancer care was a priority and we have put in place an overall strategy to treat, detect and prevent cancers. Early detection will be boosted by improving screening technology, which will in turn improve survival rates. Treatment will be improved by investment in new hardware, one-stop clinics, more specialist cancer posts, MRI scanners and cancer-imaging equipment in all the health boards. At the Beatson centre, where there is no denying the difficulties, hard work is being done by the minister to turn the situation around. I welcome, as does the SNP, the action that the minister has taken.

The Labour party created the national health service, worked to raise excellence and confidence and is now working to tackle decline and meet the public's high expectations. Contrast that action with the rhetoric of the Scottish National Party. Its members have said a lot about cancer this morning, but its 2001 manifesto had sections on referendums, a written constitution and freshwater fishing, but not on cancer. The SNP's uncosted health policies have plenty of room for sections on a national health care commission, the regulation of the content of school meals and on cleaner hospitals, but no room for a section on cancer services. In this morning's motion, the SNP missed an opportunity to tell us—

Ms White: Since Duncan McNeil mentioned intervention in the health service, can he tell us why it took more than two years of doctors, clinicians and patients telling the then Minister for Health and Community Care about the situation at the Beatson centre before the Government intervened?

Mr McNeil: I am challenging Ms White and her party to come up with ideas to solve the problems that she mentions. I find nothing in the SNP's policies to explain to anybody what the SNP would do.

Nicola Sturgeon: Will the member give way?

Mr McNeil: Just a minute.

Previously, Richard Lochhead suggested that we should take money from places such as

Glasgow and put it into the north-east, although that would diminish the share of the funds that Glasgow gets to fight cancer—that is what the SNP says on the issue.

The SNP should rise to the challenge of improving cancer services and try to meet our vision. This morning, in a 10-minute speech, all Nicola Sturgeon could come up with was a suggestion that we should solve the situation by bribing consultants. “SNP” still stands for “Still No Polices”. The minister has issued a challenge to the SNP to join Labour in the attempt to give the people of Scotland the cancer services that they require.

Nicola Sturgeon: Will the member give way?

Richard Lochhead (North-East Scotland) (SNP): Will the member accept an intervention?

Mr McNeil: No. SNP members need to wipe away their crocodile tears, roll up their sleeves and get involved in ensuring that the people of Scotland have the cancer services that they deserve. Moaning and groaning don't solve nothing.

10:37

Bristow Muldoon (Livingston) (Lab): I have a difficult task in following Duncan McNeil, who got the whole chamber excited, but I hope that my contribution will be useful.

I want to broaden the debate beyond the issues in the west of Scotland. We are addressing serious issues there and the minister has indicated that he is personally committed to resolving the problems through the appointment of Adam Bryson and the commitment to fast-track the decision about a new cancer centre for the west of Scotland.

Much of the tone of today's debate has been disappointingly negative. Like many of the debates in this Parliament, it has focused too much on failure and not enough on celebrating success.

Richard Lochhead: Will the member give way?

Bristow Muldoon: No, as I am short of time.

I want to highlight some of the successes of our health service's cancer services, as those successes can inform the way in which we develop services in the west of Scotland.

Margaret Smith emphasised the importance of patient involvement in shaping services. We can be encouraged by the commitment that Dr Anna Gregor, the lead cancer clinician, has given to that.

In the Lothians, many developments can be seen working in practice. Waiting times for breast cancer treatment have been cut by 60 per cent in

recent months. Routine appointments for urgent cases are being offered within two weeks. In partnership with patients, new services that are closer to patients are being developed—the new dedicated cancer unit at St John's hospital in Livingston serves people who are receiving chemotherapy in that area. Also, new cancer treatment and assessment posts are being created in the Lothians. We must learn the lessons of success in the health service and transplant those successes to the areas in which problems exist.

It is important for the Parliament not to concentrate on failure and talk down our national health service. We must also focus on areas in which the Executive's policies are working and have been translated into real service improvements. Through partnership between health service clinicians, patients and the Parliament, we can make a real difference throughout Scotland. I hope that some of the lessons of the health service in the Lothians can be transplanted to the Beatson centre and the west of Scotland.

10:40

Robert Brown (Glasgow) (LD): Bristow Muldoon was right in his concluding remarks to concentrate on the positive. There is no doubt that the Beatson crisis is taken seriously by everyone in the Parliament. It is right to say that the minister has acted speedily and that his actions to impose what I might describe roughly as direct rule at the Beatson centre have been correct. The priority now must be to resolve the short-term problems.

There is no great merit in rehashing the history of the matter except to learn lessons for the future. There are a number of lessons to be learned. There are undoubtedly questions about the way in which NHS management is conducted. Brian Fitzpatrick made some useful points about the way in which we might have to approach that in the future. Too often, management have been unresponsive and unlistening, not only at the Beatson centre, but at the cardiac unit at Stobhill hospital and, for that matter, at the Victoria infirmary.

Dr Winnie Ewing (Highlands and Islands) (SNP): When the member talks about the attitude of the Liberal Democrats, will he reflect on their rather scandalous failure to turn out for the debate?

Robert Brown: We are here to speak about the matter that is being debated. As a member for Glasgow, my interest is primarily to speak on that. With respect, Winnie Ewing's point is rather petty.

There are questions about the way in which the NHS management conducted themselves. There

are also question marks over the respective roles of NHS management and medical staff. If consultants are telling management that certain things need to happen to provide a proper, safe service, there must be a presumption that those things will happen quickly.

As I said in yesterday's debate on the Scottish health plan, the problem is not money. The funds are in place for the replacement consultants and the six new posts at the Beatson centre. What immediate steps do we need to take? Most important are the steps that the minister has taken to beef up the management and accountability of the Beatson centre, to recruit new staff urgently, to speed up the replacement facility at Gartnavel and to seek the advice of the external group.

Kenny Gibson was right to call for urgent headhunting of staff. However, the staff crisis goes significantly wider than the Beatson centre: it is a problem in oncology throughout the United Kingdom. It stems from gross failures in ethos, from the misguided creation of cumbersome bureaucracies and, above all, from the failure of the previous Conservative Government and the Labour Government in its early days to provide adequate numbers of doctors and nurses qualifying from our universities. To get a medical student through university takes six years. It is quite obvious that we cannot just snap our fingers and produce new doctors and nurses overnight. It takes time.

Much has been made of the vacant beds at Health Care International at Clydebank. The fact that the beds are vacant is not exactly a tribute to the business efficiency of that rather troubled institution. The private sector does not have spare doctors any more than the NHS does. That is not just true of doctors; it is also true of other staff and of beds. However, it is certainly worth considering whether the space and facilities that are available at the HCI premises could provide a temporary home for the Beatson centre until the new facilities are available. That temporary home could be staffed and run by the NHS in much the same way that the Parliament has borrowed this chamber until the new chamber is ready.

It must be said that those would be short-term solutions only. We must concentrate on long-term solutions. After all the hassle and complaints—which were quite correct and justified in many respects—it is appropriate for members to back the minister. He has started well. He is on the right track. He has done the right things. Few people have suggested much that he should be doing beyond that. All power to his elbow. We should back the minister in trying to resolve the problems that have been such a blight on the Scottish health service at the Beatson centre.

10:44

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

When a facility such as the Beatson centre teeters weekly on the edge of crisis, that must surely come as a major embarrassment to the Labour Scottish Executive and former Scottish Office, which declared the provision of cancer services to be one of its leading initiatives. One of the major focuses of the Executive's health policy is failing—and badly. When that happens, we must call into question the Government's competence.

It never ceases to amaze me that a party that is so good at spin and launching initiatives is so thoroughly disorganised and unco-ordinated. One of the most worrying quotations to come out of the affair is from Professor Barrett, who said:

"The Scottish Executive is investing in the cancer plan, but what we want to see is transparency in where the investments are going and a strategy from the management to improve care."

Her sentiment is clear. She implies that, despite all the committees, sub-groups and documents, there is serious mistrust about how the investment benefits front-line services. It is obvious to anyone with any management skills that, when expectations are raised so high yet remain unfulfilled, morale will decline seriously. Part of the blame for that must be laid at the door of the Scottish Executive.

We must also question the incompetence of the previous minister's handling of the situation. It is unforgivable that the junior civil servant who dealt with the written concerns from the Beatson centre did not pass them to the minister. The fact of the matter is that the minister should have been listening and gathering information almost weekly on the state of one of her leading initiatives.

I ask the deputy minister to clarify in her closing speech why the human resources sub-group of the Scottish cancer group failed to do the job that it was given in the Government cancer strategy document. Will the minister tell us how many times the sub-group has met, how many reports have been received from it and whether any of those reports mentions the growing problems at the Beatson centre? Like most of the Government's strategies, the cancer strategy is dominated by committees, sub-groups and action plans that produce a lot of talk and centralised guidelines that seem to buffer the Executive from reality. For example, the Scottish cancer group has to my knowledge at least four sub-groups and three groups of regional advisers.

We heard today from Malcolm Chisholm, in response to Mary Scanlon, that he hopes that consultants will not break away from the NHS. We cannot run an NHS on hope. That is like trying to run it on a wing and a prayer. We need more than

hope; we need action.

Bristow Muldoon: Will we hear clearly from the Conservatives where they stand on that question? Do they want such a breakaway to happen? They are always trying to talk up private health. Do they support the NHS or do they think that it is a Stalinist creation?

Ben Wallace: We want consultants to be paid properly for the job that they do. If a problem exists that means that consultants are attracted elsewhere, we must put in place pay—not bribery, as Duncan McNeil said—to keep them in the NHS. We must also ensure that they are empowered to do their job. If we take away the power of a consultant or a doctor, he or she will simply leave and go where they can carry out the job that they have been trained to do. Until the Government starts to return the power that fundholding gave, consultants and doctors will continue to leave. That is a reply and a solution, but the Executive will not listen, just as it does not listen to patients or other people on the ground.

The Scottish Conservatives make no apologies for much of the internal market, which gave doctors power and would have allowed a much smoother transfer of resources from the health boards to the network centres. We think that it has a role to play again. It would have increased the swiftness of purchasing of places for patients when they needed them most.

The Conservatives urge the minister to stop creating more and more sub-committees and more and more action plans and instead to do what he should be doing: getting out to meet the people on the ground and monitoring his initiatives constantly. The minister has to lead the health service by getting off his arse and finding out what is going on. We have had enough of committees. That is why people feel that the Executive does not listen to their concerns.

The Conservatives thank the SNP for lodging the motion. I ask members to reflect on whether a crisis at the cancer centre that provides 60 per cent of the cover for Scotland's cancer patients does not warrant a ministerial statement. That the Executive relies on the Opposition to spend its time debating such issues shows the contempt in which the Executive holds the Parliament.

The Conservatives will support the SNP motion. There is little to redeem the Executive's behaviour in the past two years or the past two weeks. The tragedy is that there will be more Beatsons under the Scottish Executive. There will be more gaps between initiatives and what actually happens. That is why we will back the SNP motion.

10:50

The Deputy Minister for Health and Community Care (Mrs Mary Mulligan): As Deputy Minister for Health and Community Care, I share this morning's clearly expressed concerns about the current pressures, particularly the recent loss of four consultant staff, at the Beatson oncology centre in Glasgow.

I am aware of the concerns and anxiety that the situation has raised not only among staff, but among patients—and their relatives—who receive cancer treatment in the west of Scotland. I take issue with Ben Wallace's comment that we treat the matter with contempt. I can assure him that we do not.

Ben Wallace: Is it not contemptible to ignore concerns for two years, only to come up with something when the situation reaches crisis level, as it did two weeks ago?

Mrs Mulligan: The way to resolve the difficulties is the approach that Malcolm Chisholm has taken over the past two weeks. Last week, the minister announced new management arrangements for the Beatson oncology centre, to give new leadership there. That shows that we will act and not just offer warm words.

Nicola Sturgeon: The minister praised Malcolm Chisholm's speedy action of the past two weeks. Does the minister accept that Susan Deacon neglected to act for two years to stop the Beatson falling into decline?

Mrs Mulligan: Nicola Sturgeon will know that the Executive's action plan for cancer, "Cancer in Scotland: Action for Change", was drafted when Susan Deacon was Minister for Health and Community Care. Therefore, Susan Deacon cannot be criticised for the Beatson situation either.

Dr Adam Bryson's recent appointment as the Beatson director will drive forward the implementation of the agreed action plan, which was drawn up by the chief executive of NHS Greater Glasgow, Tom Divers. Dr Bryson will report directly to him. Tom Divers has also been asked to fast-track plans for the new replacement for the Beatson at Gartnavel—that matter was also asked about frequently this morning. An outline business case for phase two of the Gartnavel cancer centre is expected by the end of this month.

We are also aware that we need to tackle the immediate problems and the imminent staff shortages at the Beatson. That is our and Dr Bryson's top priority.

Ben Wallace: Will the minister take an intervention?

Mrs Mulligan: No; not just now.

Advertisements for the six Beatson posts have been placed in medical journals and a headhunter has been appointed to help to recruit for the forthcoming vacancies and the new posts that were created last month by the Scottish Executive's additional cancer services investment.

Nicola Sturgeon: Will the minister give way?

Mrs Mulligan: Will Nicola Sturgeon give me one minute to finish my point?

Margaret Smith asked whether those advertisements would be dealt with appropriately. I assure members that only suitably qualified and experienced consultants will be employed. There is no question of our taking anything less than the best for Beatson. I hope that Margaret Smith accepts that reassurance.

Nicola Sturgeon: Will the minister tell us today how many applications have been received for the new and vacant posts and how many of those applications are from people with the necessary training, qualifications and experience? Will she also tell us what action that is different from that taken by the old management Adam Bryson has taken since his appointment to the Beatson to attract consultants to Scotland? The minister undoubtedly recognises that we will have to attract consultants from south of the border and from abroad.

Mrs Mulligan: There have been five expressions of interest. I am not aware of those people's individual qualifications, but my reassurance must be accepted that only suitably qualified and experienced people will be considered for those posts. I am interested in considering new ways of attracting staff. I am sure that Dr Bryson is taking that matter on board by recognising that difficulties and shortages need to be addressed by looking not just here in Scotland, but in Britain and Europe.

In order to maintain services to patients during the period of consultant vacancies, locum posts have been advertised and the Beatson management team, through established contacts in Europe and at international centres, is proactively headhunting.

New internal management arrangements are being implemented at the Beatson. An external clinical support team has been established and a project manager has been identified to take forward the action plan.

The west of Scotland regional cancer advisory group will hold its first meeting on 20 December, when it will discuss matters such as how to deliver clinical services and how to improve the overall service.

John Scott: Will the minister give way?

Mrs Mulligan: I will not take an intervention just now.

The head of the Scottish Executive's health department strategy change unit is working with Beatson staff to create an organisational development plan to support the cancer centre and the managed clinical networks. The unit will hold its first development day for senior Beatson staff on Friday 14 December.

All those actions show that work is on-going and that we are seeking to improve the present situation.

John Scott rose—

Mrs Mulligan: I must wind up.

The Deputy Presiding Officer: Yes. The minister is on her last minute.

Mrs Mulligan: Better communications between staff will ensure that everyone works together for the benefit of patients. The minister said this morning that he will listen to the health service staff and will act on what they say. He has shown already that he is ready to act. Change will not happen overnight, but action has been taken. The minister has also said that he will listen to constructive suggestions that arise in the chamber—if any are forthcoming.

Our aim is to provide better and improving cancer services for people throughout Scotland. Given the present situation, we will be particularly looking to the interests of people in the west of Scotland.

10:56

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

I begin with a word of advice for members on the Labour benches. It does not matter how often they say that Labour is managing the health service well, nor does it matter how loudly Duncan McNeil says that Labour is doing a good job for the health service, because the people out there do not believe that. I say to Labour members that I understand perfectly their frustration at their Government's inability to tackle the problems. I suggest that Labour members should direct their frustration towards their front-bench spokespeople and their ministers, who should be getting to grips with the health service, rather than trying to blame the Scottish National Party for the ills of the health service. Those ills can be laid directly at the door of the Minister for Health and Community Care and the health department.

Mr McNeil: Will the member give way?

Shona Robison: No. The member did not do so. He should sit down.

How did we arrive at a situation in Scotland in which cancer patients who are referred for potentially curative therapy have to wait up to six months after diagnosis before treatment starts? That is the situation for many cancer patients. Members from all parts of the chamber should be concerned that, in Scotland in 2001, that is the case. The situation is not good enough.

I do not doubt that all of us, across all the parties, want that situation to change. However, it is not acceptable for Jack McConnell to have said in *The Herald* today that people should accept delays in their treatment and that we should learn to accept that that is the way in which the health service operates. We should not accept that; we should aspire to something much better than that.

Nearly everyone in the chamber will have been touched by cancer in some way or another—through family or friends. We know the anxiety and fear that a cancer diagnosis brings. Cancer patients need to know that their chances of survival will not be hampered by a lack of cancer specialists, outdated equipment or poor facilities. It is unfortunate that that is the picture of many cancer services in parts of Scotland. Cancer patients need to know that they will have the best chance of survival.

The situation in the west of Scotland is, unfortunately, in a league of its own. We have heard from many members this morning the history of how the crisis at the Beatson centre arose. I do not intend to go into that again, apart from to say that there was clearly a catalogue of mismanagement and Government inaction. I reiterate the point that John Swinney made. The minister has talked about listening to clinicians. We should listen to clinicians, but for two years clinicians have drawn attention to the looming crisis at the Beatson centre and ministers have appeared not to listen to them. Their calls have fallen on deaf ears.

That is what we take issue with. It is not all about money or investment, although that is important; it is also about the lack of Government action and the arrogance of Government in not listening to clinicians when they told of the developing situation at the Beatson centre—*[Interruption.]* That arrogance is being ably demonstrated by back-bench members of the Labour party today. Such arrogance led directly to the current situation at the Beatson.

Although the Minister for Health and Community Care's swift action to deal with the management issues at the Beatson centre is welcome, his saying that he will accept a possible permanent reduction in cancer clinics in the west of Scotland is not welcome.

Robert Brown: Shona Robison has said that

she will not go through the history of the situation, but that is exactly what she has done. What would an SNP health minister in Malcolm Chisholm's place do differently, particularly with regard to staff recruitment?

Shona Robison: We have already made a positive suggestion about an enhanced pay and conditions package to attract consultants to the Beatson, which has, as ever, been dismissed. Jack McConnell gave a line about listening to good ideas from other parts of the chamber, but unfortunately they have fallen on deaf ears once again.

In reply to Robert Brown, we would not ignore the pleas of clinicians. We would have listened and responded to their pleas; we would not have exhibited the arrogance that has, unfortunately, been exhibited by the coalition parties.

As many people have done, I commended the Minister for Health and Community Care for his swift action in response to the management issues at the Beatson, but it is not acceptable for us now to be told about a reconfiguration of services. We all know what that means—a reduction in the number of cancer clinics in the west of Scotland, which is not an acceptable state of affairs. I would have hoped to hear something a little more positive from the Minister for Health and Community Care this morning.

Mr Michael McMahon (Hamilton North and Bellshill) (Lab): Will the member take an intervention?

The Deputy Presiding Officer (Mr Murray Tosh): No; we are running late.

Malcolm Chisholm rose—

Shona Robison: I will accept an intervention from the minister.

Malcolm Chisholm: I wish to clarify what I was saying. I did not say that I would justify every single change; I acknowledged that clinicians are saying that there needs to be some reconfiguration of services. I said that, as part of listening to them, I would go by their judgment on that matter.

The Deputy Presiding Officer: Shona Robison must now bring her speech to a close.

Shona Robison: Clinicians are saying that they want services in Glasgow back and that they do not want them to be withdrawn. I am suspicious about what is driving the decisions that are being taken.

Cathie Craigie (Cumbernauld and Kilsyth) (Lab): Will the member take an intervention?

The Deputy Presiding Officer: We can have no more interventions.

Shona Robison: My concern is that the decisions are being driven by a cost-cutting agenda. That should be prevented. I hope that the minister will reconsider the situation. I also hope that the minister, unlike his back benchers, will take a more responsible attitude to the constructive suggestion that was offered by my colleague Nicola Sturgeon: to consider an enhanced pay and conditions package to attract consultants to the Beatson centre.

We need to take radical action. Otherwise, we will be discussing the situation again in a year's time and nothing will have changed. That would not be acceptable.

Scottish Prison Service

The Deputy Presiding Officer (Mr Murray Tosh): The next item of business is a Scottish National Party debate on motion S1M-2545, in the name of Roseanna Cunningham, on the Scottish Prison Service, and on two amendments to that motion.

11:04

Roseanna Cunningham (Perth) (SNP): There is some justification for describing the Scottish Prison Service as the cinderella service in the criminal justice system. Inmates and employees are out of sight and it is a little too easy also to keep them out of mind.

There are three main purposes of imprisonment: humane punishment, rehabilitation of the offender and the protection of the public. Each of those is absolutely vital to society in the short, medium and long terms. All aspects of our Prison Service should be measured against the achievement of those fundamental aims. Conditions for staff and inmates should be assessed so that we may know whether they contribute to or hinder those three aims.

Let us consider some aspects of Scotland's prisons. First, there is overcrowding, which, in my view, weakens the system's ability to deliver on all three aims. The basic decency of conditions in prisons is a mark of a civilised society. The overcrowding of prisoners is inhumane and impedes work on the rehabilitation of offenders. In 1998, the Scottish Office minister with responsibility for justice, Henry McLeish, said:

"Overcrowding ... means that we cannot spend enough time with individual prisoners. That is why there will be further reforms in the Prison Service to overcome the problem."—[*Official Report, House of Commons*, 21 July 1998; Vol 316, c 895.]

That was just one of many hollow assurances about the prison system. Despite promises from both Labour and the Liberal Democrats, the prison population has continued to rise. This year, we locked up more people than ever before. The peak figure for this year so far is 6,388, which was recorded on 29 June. That is the highest number of prisoners in Scotland ever recorded. Despite previous assurances, the situation is getting worse, not better.

Phil Gallie (South of Scotland) (Con): I ask Roseanna Cunningham to cast her mind back to when she was convener of the Justice and Home Affairs Committee. Does she recall the Minister for Justice assuring us that the number of prisoners was about to fall, and that he would budget accordingly? Is Roseanna Cunningham able to say what has gone wrong since then, or could she ask the Minister for Justice to do so?

Roseanna Cunningham: The debate should be about the Minister for Justice taking some responsibility for what has, clearly, gone badly wrong. I remember the constant and consistent assurances from the Minister for Justice and from the chief executive of the SPS that things were going to get better. It was always said that they would get better, but they have simply got worse.

Only recently, the Minister for Justice, replying to me at question time, rather sarcastically washed his hands of responsibility. He said:

"the number of people in prisons is not entirely within the Executive's remit, given that the sheriffs who sentence them are not ministers."—[*Official Report*, 29 November 2001; c 4382.]

If that is the case, presumably the minister knew that it was nonsense for the Liberal Democrat party to promise in its 1999 manifesto that:

"We will cut prison numbers by encouraging greater use of non-custodial sentences, where offenders pose no risk to the public."

How has the minister fulfilled that promise? Fine defaulters continue to represent more than 40 per cent of new prisoner receptions in Scotland. The Scottish Government now seems to regard its commitment to cut the number of prisoners as a distant aspiration. That is fed, no doubt, by a cynicism that assumes that there will be no public outcry at the Government's failure. Nowhere is that failure more evident than in Cornton Vale.

The Deputy First Minister and Minister for Justice (Mr Jim Wallace): It might be difficult for her, but will Roseanna Cunningham acknowledge the considerable extension of the range of non-custodial options available to sheriffs since 1999, and that those provide an important part of the Executive's strategy on criminal justice?

Roseanna Cunningham: I speak to sheriffs on a number of occasions. Many of them tell me that, although there may be plenty of alternatives on paper, those alternatives are not as available to them in practice as might be assumed. They say that they often feel that their hands are tied, despite what appears to be more of an option. The minister ought to address that, instead of asking me about it.

The report of Her Majesty's chief inspector of prisons for Scotland on Cornton Vale calls for a reduction in the number of prisoners. Clive Fairweather, the chief inspector, has repeatedly gone on record with his concerns about the number of women being jailed in Scotland. His report of 1998, "Women Offenders—A Safer Way", showed that most women sent to prison should not be there. The Government accepted the report's recommendations that the number of women in prison should be cut sharply. Since 1998, the number of women in prison has risen to

a record level. It is becoming the case that assurances from the Government ought to be treated as promises that exactly the opposite is going to happen.

The only prison solely for women, Cornton Vale, has been seriously overcrowded this year, and the figures for females under 21 are climbing particularly steeply.

Dr Sylvia Jackson (Stirling) (Lab): Will the member go on to cover some of the positive points that Clive Fairweather made about Cornton Vale in his report?

Roseanna Cunningham: I am well aware of the positive points that Clive Fairweather has made, but I am pointing out his consistent call for a cut in the number of prisoners, his consistent concern about the number of women being jailed and the consistent failure to address that issue.

I recognise that the member has a strong local interest in this matter and has done a great deal for Cornton Vale. However, that should not distract us from the fact that over the years there has been a consistent failure on the issue of women in prison. We already know that 82 per cent of women in prison are the victims of some kind of abuse. However, the figures for the number of women in prison are rising at a time when the chief inspector of prisons is warning:

"what has not changed is the condition of the women arriving at the prison gates. If anything their condition is even worse and they are getting younger and younger."

According to the chief inspector, Cornton Vale, Scotland's only women's prison, is acting as

"a casualty clearing station, psychiatric ward and ... an addictions clinic".

I do not think that it is the proper purpose of a prison to act as any of those things.

Mr Fairweather has called for the number of women jailed to be cut by half. For several years it has been the Government's stated policy to reduce the number of prisoners in Cornton Vale. The Minister for Justice has failed miserably to deliver on that policy. Women who are being jailed are probably women who are most at risk of suicide. Indeed, in recent weeks there have been two more suicides. Warning bells are ringing loud and clear and even the minister should hear them. However, there is precious little evidence that that is the case.

Neither were warning bells heard in connection with the degrading practice of slopping out, which hinders the achievement of progress and what should be the aims of the Prison Service. As long as slopping out exists, Scotland's prisons will not provide a basic standard of decency. In 1999, we were told that there was a plan to end slopping out by 2005. Then £13 million was taken from the prison budget, and bang went the plan. However,

ending slopping out would save staff time, expense and, possibly, legal costs. Improved conditions for both prisoners and staff would provide a better environment for the rehabilitation of offenders.

The conditions in prisons have a big effect on staff morale, which is at an all-time low despite the complacency of the Executive amendment. The past few years have seen a collapse in staff confidence in SPS management. That has been caused by management intransigence in negotiations on terms and conditions, management cost-cutting through driving down pay and the constant review of the service with a mind to privatisation. Prison staff should be properly valued for the tough job that they do. If the Scottish Prison Service does not treat its staff properly and pay them decently, they will leave.

Prisons are now big business, dominated by global corporations. Those corporations have a track record of forcing down staff pay and conditions and of treating prisoners poorly. They make their money through paying low wages and employing fewer staff, or through financial manipulation at the taxpayer's expense. Privatisation is being used by SPS management to threaten its staff in a way that should be unacceptable. It would have been unacceptable when new Labour was promising no more private prisons, but that was back in the days before the party was elected. Now that Labour is the Government, that has become just one more broken promise.

Privatisation is happening in other ways as well. The privatisation of the general practitioners service in prisons was pushed through without proper consultation. The SPS uses the excuse of commercial confidentiality to avoid revealing the cost of staffing the new service. If privatisation has led to savings for the SPS—because of the secrecy surrounding it, there is no way of knowing whether it has—it has also led to poorer conditions for medical staff and has placed prisoners at risk. The kind of privatisation to which I refer is being kept more secret than the SPS agreement with Her Majesty's Prison Kilmarnock.

In its efforts to contract out social work, the SPS management has shown itself to be a bullying and, ultimately, incompetent negotiator. It appears to have been driven by ideology and the desire to push costs on to local authorities. The policy initiative appears to have come from within the SPS and ministers appear to have been left in the dark until too late. The results of that initiative in Edinburgh have been the loss of an experienced social work unit, harm to vital links with social work in the community, higher costs for the SPS and damage to relations with a long-standing service provider.

I know that the Minister for Justice will spend some time talking about the prison estates review. That has been something of a saga, allowing the minister to spend a considerable amount of his time answering questions about the prison system by not answering questions. The review was announced in autumn 1999 and started in December 1999. It was completed in December 2000 and submitted to the minister. In January this year the minister promised to publish the review, but we are still waiting for it. What is the minister trying to hide? Why have we not seen the review before now? It is extraordinary that so much time has been allowed to pass and that an important review should have been left sitting on the shelf despite the fact that questions are continually being asked about it. Continued uncertainty about the estates review has been another factor in bringing about a collapse in staff morale. However, I suppose that this has been a useful exercise in allowing the minister to avoid what little appears to be left of his responsibilities to the public for the prison system.

That lack of accountability is one of the true scandals of what has been allowed to happen. The minister continually tells us that he is responsible for policy and that the SPS is responsible for operational decisions. The extent to which subjects can be designated operational is interesting. No doubt that is convenient for the minister. Of the 185 written parliamentary questions about prisons that were lodged between November 2000 and November 2001, only 27 were answered directly by the minister. Tony Cameron was allowed to decide that staff bullying at Kilmarnock was a matter solely for the prison operating company. What is more, many of his answers seem designed deliberately to mislead. That makes it difficult for the Parliament to hold anyone to account for what is happening in Scotland's prisons. Cameron is answerable to the minister, who is answerable to us, but the minister will not answer.

My views about the chief executive of the SPS remain the same as they were when, earlier this year, I lodged a motion of no confidence in him. Unfortunately, by extension I must say that I have no confidence in the minister's stewardship of the Scottish Prison Service, as he appears to have washed his hands of all problems in the service.

I move,

That the Parliament notes the Executive's failure to bring forward a strategy to address the increasing overcrowding within Scottish prisons and further notes that morale amongst Scottish Prison Service staff is at rock bottom as the result of (a) the deterioration of industrial relations, (b) the continued threat of further privatisation within the Scottish Prison Service, (c) the culture of secrecy within the service and (d) the continued and unacceptable delay in the publication of the Estates Review.

11:16

The Deputy First Minister and Minister for Justice (Mr Jim Wallace): I welcome the opportunity to debate the Scottish Prison Service and to respond to the—to put it kindly—predictable speech by Roseanna Cunningham. At least she had the good grace to admit in response to my intervention that the Executive has rolled out a considerable number of alternatives to custody. More of those are explained in the white paper that I launched earlier this morning.

Roseanna Cunningham: Will the minister give way?

Mr Wallace: I ask the member to hold on. Roseanna Cunningham also had the good grace to admit in response to an intervention from Sylvia Jackson that the report on Cornton Vale by the chief inspector of prisons praised the considerable efforts that have been made to improve the regime there.

Roseanna Cunningham: In return, will the minister have the good grace to say that drugs courts, one of the principal alternatives to custody that he has proposed, are an idea that he got from the SNP?

Mr Wallace: There is some arrogance in Roseanna Cunningham's question, but drugs courts are certainly an idea worth considering. We are sometimes accused of not listening, but I accept that the SNP has made a useful contribution to the debate and I am sure that it will prove to have been worth while. That also gives the lie to Roseanna Cunningham's suggestion that we have done nothing to create alternatives to custody. We have introduced drug treatment and testing orders and extended electronic tagging, to name just two initiatives.

The Scottish Prison Service has a crucial role to play—

Phil Gallie: Will the minister give way?

Mr Wallace: Phil Gallie should be patient.

The Scottish Prison Service has a crucial role to play in the criminal justice system. Over the past 12 months or so, the Parliament and its committees have—rightly—devoted a considerable amount of time to discussing SPS issues. The suggestion that there is a lack of accountability does not bear examination. Not only have parliamentary questions been answered, but the chief executive of the Scottish Prison Service has appeared before the justice committees. I understand that the people who run Kilmarnock prison appeared before the Justice 1 Committee. We also have debates such as this one. It is stretching things a bit to say that there is a lack of accountability.

Stewart Stevenson (Banff and Buchan) (SNP): Will the minister give way?

Mr Wallace: Mr Gallie was first.

Phil Gallie: A few moments ago the minister mentioned electronic tagging. Ms Cunningham claimed credit for the idea of drugs courts. Will the minister acknowledge that the Conservative party came up with the idea of electronic tagging when it was in government and that he opposed it?

Mr Wallace: We ensured that initially electronic tagging was confined to a pilot scheme, which has now been evaluated. I am prepared to accept that electronic tagging has proved its worth and am willing for it to be extended. Indeed, electronic tagging will be extended beyond the limited circumstances in which it would have been used under the Conservatives' previous proposals.

Stewart Stevenson: Will the minister acknowledge that, although Tony Cameron has made himself available to the Justice 1 Committee, his answers cannot always be relied on to reflect the true facts of any situation?

Mr Wallace: I know what issue Stewart Stevenson is referring to. Tony Cameron clarified the position on that very quickly and no one is accusing him of showing bad faith in the evidence that he gave to the Justice 1 Committee. That would be a very serious accusation and I refute it completely.

The SPS has launched its vision statement of "correctional excellence", which commits the service to helping to reduce reoffending and to maximise its contribution to the Executive's commitment to a safer Scotland. Such a commitment necessitates significant changes within the SPS, and much has been done to achieve those changes. Staff attendance patterns have been significantly changed for the first time in 50 years in order to better match staff to business needs.

Roseanna Cunningham failed to mention the investment of more than £35 million in capital projects. Two new house blocks are being built, one at HM Young Offenders Institution Polmont and the other at HM Prison Edinburgh, which will create around 500 places with access to night sanitation for prisoners and improved working conditions for staff. She also failed to mention the recent investment of £16 million in HM Prison Barlinnie, of which £3 million is being spent on B hall, which, when completed in spring 2002, will eliminate slopping out for the remand population in that prison.

The SPS continues to make positive progress in addressing drug dependency, which continues to be a major issue for Scotland's prisons. About eight out of 10 prisoners test positive for drugs

when they enter prison. That figure reflects increased levels of drug misuse in the community. It is a significant achievement of and a tribute to the Prison Service that the number of those who test positive in prisons remains low—fewer than three out of 10 test positive, in comparison with the eight or nine out of 10 who test positive on entering prison.

Reducing the availability of drugs in prison is a major task, but one that does not solve the real issues of tackling the causes of drug and alcohol misuse, providing necessary treatment and helping prisoners to lead constructive lives after release. The SPS is one of the major providers of drug treatment in Scotland. Record numbers of prisoners are accessing treatment—more than 7,600 last year, in comparison with 1,650 as recently as 1997-98.

The SPS is introducing new measures to make it possible, for the first time, for significant numbers of remand and short-term prisoners to be assisted in the difficult period around release. Those measures will help to reduce drug-related deaths among recently liberated prisoners, thereby playing a part in the Executive's social inclusion agenda. Scotland is leading Europe in this area, and, over the past couple of years, the Deputy Minister for Justice, Dr Richard Simpson, has been closely involved in developing the care model that is now being taken forward.

Richard Lochhead (North-East Scotland) (SNP): Will the minister give way?

Mr Wallace: I ask Richard Lochhead to bear with me.

The SPS continues to make progress in developing new accredited programmes to address the offending behaviour of prisoners. That action is at the core of the correctional agenda. Roseanna Cunningham was absolutely right to say that prisons are not just about locking people away from society. The aim must be to help individuals to address their offending behaviour and to return them to society less likely to reoffend.

Christine Grahame (South of Scotland) (SNP): *rose—*

Alex Neil (Central Scotland) (SNP): *rose—*

Mr Wallace: I think that Richard Lochhead was first.

The Deputy Presiding Officer: No. You are in your last minute, minister.

Mr Wallace: Oh, help. I have been too generous in accepting interventions.

My next point is important, because the motion makes reference to the state of morale and to industrial relations in the Prison Service. Today, I

am able to announce that the SPS, working in partnership with the Prison Officers Association Scotland, the Public and Commercial Services Union and Prospect, has reached agreement on the terms of a voluntary industrial relations agreement. In particular, that means that the POA Scotland has agreed not to induce, support or authorise industrial action. In exchange, there will be access to independent arbitration for dispute resolution. The voluntary industrial relations agreement, which will be legally binding on the SPS and on the POA Scotland, will give both the Scottish ministers and the POA Scotland the power to seek remedy for breaches through the courts.

In February of this year, the Home Secretary announced that, when parliamentary time permits, he intends to replace with a reserve power section 127 of the Criminal Justice and Public Order Act 1994, which makes it unlawful to incite officers of a prison to take industrial action. Until that happens, the Scottish ministers intend to use the provisions of the voluntary industrial relations agreement, instead of those in section 127.

However, it is clearly understood by all parties that section 127 would be used in the event of a breakdown of the agreement. In the light of that agreement, it is clear that industrial relations in the SPS are far from deteriorating, although I accept that there is a considerable way to go to achieve full partnership working.

With regard to the reference that was made to the culture of secrecy, it is important that I say that work on the estates review has been prepared for ministers. The review is not yet in the public domain, but, as I said in answer to a question on 29 November, our intention had been to publish the consultation before the end of the year. Given the ministerial changes that have taken place, it is only right that the proposals, and the details that go with them, should be brought before the new Cabinet. I plan to launch the consultation early in the new year.

I did not realise that my time was quite so short, Presiding Officer. No doubt the debate will reflect other issues and Richard Simpson will pick up a number of those points at the end of the debate. I hope that we will be able to take an objective view and recognise that both the staff and the management of the SPS in the past year have achieved much—regrettably, the motion does not give credit to those achievements.

Many challenging issues lie ahead and I believe that everyone is playing a constructive part in creating a more effective and efficient Prison Service. That is important in the pursuit of a safer Scotland.

I move amendment S1M-2545.2, to leave out from the first "notes" to end and insert:

"congratulates the staff and management of the Scottish Prison Service on their good work in maintaining secure custody and good order in Scotland's penal establishments; welcomes the partnership between management and staff to improve industrial relations through the voluntary industrial relations agreement; welcomes the prison service's commitment to collaborating on an increasingly transparent basis with statutory and voluntary agencies to provide effective rehabilitation and through care, aimed at reducing re-offending; notes that investment has been made in upgrading the prison estate, but that more must be done; to that end, welcomes the Executive's open approach in planning to consult on the Prison Estates Review early in the new year, and agrees that work to upgrade the estate must deliver prisons capable of providing sufficient humane and secure accommodation while delivering value for money."

11:25

Lord James Douglas-Hamilton (Lothians) (Con): I welcome the minister's conversion to tagging. The Conservatives are very much in favour of the use of tagging as an additional tool in the fight against crime, as long as it does not become an instrument for the Executive to use in emptying our prisons. We believe that an eagle eye should be kept on participants in the scheme. If they breach the terms of their order, they should be returned to prison. The terms of the curfew order should be enforced and, in due course, the effectiveness of the scheme in reducing reoffending should be reviewed.

It is right that we should be debating prisons this morning, as a number of outstanding matters require urgent action.

It is essential that the estates review be published. Henry McLeish, the then First Minister, said on 14 December 2000—almost a year ago—that the Administration expected

"to be able to publish the review in the new year".—[*Official Report*, 14 December 2000; Vol 9, c 1077.]

His expectation has not resulted in delivery, which is having an adverse effect on morale.

On 11 September, Her Majesty's chief inspector of prisons for Scotland, Mr Clive Fairweather, made the following remarkable statement:

"Last year, I mentioned two overriding concerns. First, there was a pervasive atmosphere of uncertainty among staff. That was created by the series of unprecedented prison closures, the estates review and hints of further closure or privatisation. I said that staff morale in a number of prisons was as low as I had seen it in six years. A year later, uncertainty about what central management is likely to propose in the estates review is still overarching."—[*Official Report*, *Justice 1 Committee*, 11 September 2001; c 2629.]

It would be in the best interests of the Scottish Prison Service to resolve that matter with all possible speed.

It follows that we expect decisions to be made in the national interest. In that connection, I strongly support the continued existence of HMP Peterhead. On 10 October, BBC News Online reported that the Executive was set to close the prison

"as part of a cost-cutting drive".

Such a move would mean that the special unit for sexual offenders, which is doing a very good job, would have to close. Mr Clive Fairweather, who is a distinguished and impartial source, commented that the closure of Peterhead would see public safety "gravely compromised".

When Stuart Campbell, programmes manager at Peterhead, gave evidence to the Justice 1 Committee, he stated that 162 prisoners had been liberated since the programme commenced in 1993. Of those prisoners, only six

"have been reconvicted of a sexual offence and four have been recalled because of a breach of licence conditions."—[*Official Report*, *Justice 1 Committee*, 13 November 2001; c 2752.]

That means that reoffending has not arisen in the overwhelming majority of cases and that the judgment of Clive Fairweather was well founded.

We believe that further prison closures will be contrary to the national interest, as there is no guarantee that there would be a sufficiency of prison places to accommodate the disposals of the courts.

On 30 August 2001, Clive Fairweather published his annual report, in which he stated that the consequence of a reduction in capacity, coinciding with a growth in prison numbers, is a possible return to chronic overcrowding. Five out of 17 establishments are now overcrowded, whereas only two were overcrowded at the same time last year. In particular, Barlinnie is running at 29 per cent over capacity. In such circumstances, the Executive will be irresponsible if it engages in large-scale prison closures, which could lead to a substantial increase in overcrowding and pave the way for discontent and disruption.

The consequence of overcrowding is that prisoners are liable to be locked up on their own for longer, with less emphasis on training and less concentration on addressing offending behaviour. Boredom could become the order of the day, which, in turn, could lead to heightened tension. That is highly undesirable and if the minister goes down that path he does so at his own peril.

It will be of no satisfaction to us if the minister makes the wrong decisions, because the prison officers and the community would bear the adverse consequences. Tremendous steps have been taken in recent years with the development of the STOP programme for sexual offenders and

of educational programmes that address offending behaviour, anger management and cognitive skills.

Those have all been developed since previous discontents and their worth has been recognised throughout the globe as well as in Scotland. Experts on sex offending, such as Dr Marshall, regard Peterhead as one of the three top providers in the world for such treatment.

Slopping out currently takes place in about one quarter of prisoner places in Scotland. The practice is degrading and inhumane and should be phased out immediately. The Executive's approach, which would apparently not resolve the issue before 2005 at the earliest, is much too leisurely and could be subject to a legal challenge by prisoners under human rights legislation. The Executive takes the view that there are no votes in prisons; it is wrong, because prison officers have votes. If conditions were improved for prisoners, pressures on prison officers would be reduced. That is true for slopping out, for which extra officers must be readily available to deal with the arrangements first thing in the morning. Frankly, slopping out is by modern standards an abomination.

The Executive should not look for ways to take funds out of the prison estate but give this subject the priority that it deserves.

The Deputy Presiding Officer: Please wind up.

Lord James Douglas-Hamilton: We are acutely dissatisfied with the Administration's policy on prisons. The prison population is growing while the Executive appears intent on closing prisons. As a result, there are now about 6,250 prisoners in 5,800 prisoner places. We should provide a network of prisons that meets the needs of the justice system and protects the public. The prison estates review is long overdue. While the minister drags his heels, overcrowding worsens, slopping out remains, staff morale deteriorates and general confidence declines. In the forthcoming weeks, I hope that the minister will avoid making what could turn out to be a potentially disastrous decision.

I move amendment S1M-2545.1, to leave out from "as the result of" to end and insert:

"and calls upon the Executive to publish the Estates Review, to end slopping out in Scottish prisons and to provide sufficient places in prison to accommodate the decisions of the courts."

The Deputy Presiding Officer: It may have been my mistake that I did not spell out that speeches should be no longer than five minutes.

11:32

Maureen Macmillan (Highlands and Islands) (Lab):

When the Parliament first met, one of the first issues that the Justice and Home Affairs Committee dealt with was the report on the Prison Service by the chief inspector of prisons. Devolution of power to the Parliament lifted the lid on the Prison Service and showed us what the public would rather not know: overcrowded Victorian buildings without internal sanitation. Such buildings are often no longer fit for purpose and sometimes struggle to deliver the new rehabilitation programmes that are necessary if offenders are to have a future in ordinary society.

Today's subject for debate is important. I welcome the opportunity to respond to some of the issues that the SNP has raised. The SNP motion—like Roseanna Cunningham's speech, I am sorry to say—is negative and divisive and offers no clear indication of what the SNP would have done differently in the past two years or what the SNP proposes to do now. It must be depressing and frustrating for people listening to the debate to hear a catalogue of accusations without being given any alternatives.

I have visited Longriggend, Barlinnie and Porterfield in Inverness and have seen for myself the conditions for prisoners and staff. Longriggend is still closed and nobody mourns its passing. Remand prisoners will soon be housed in a refurbished hall in Barlinnie. I have seen the conditions in the old remand hall—the lack of sanitation and the dirty bedding. However, I have also seen Barlinnie's refurbished hall, its rehabilitation programme for short-sentence sex offenders and Inverness prison's excellent induction programme and education service.

Dorothy-Grace Elder (Glasgow) (SNP): Will Maureen Macmillan join me in finding the pledges on Barlinnie that the Minister for Justice has given inadequate? He referred to ending slopping out only for remand prisoners, but the majority of prisoners are not on remand. At the moment, Barlinnie has only 75 toilets for more than 850 men. In the main, that situation will continue if slopping out is ended only for remand prisoners. We want that inhumanity to be ended for everyone.

Maureen Macmillan: Everyone in the chamber will agree with Dorothy-Grace Elder that slopping out should be ended as quickly as possible.

Over the past year, there has been a steady improvement in the conditions for prisoners and in the quality of rehabilitation and educational programmes. As Dorothy-Grace Elder mentioned, conditions are not satisfactory and no Labour member would claim that they were. However, for the SNP simply to say that everything is terrible

without proposing any alternatives is disappointing. The SNP minimises the real effort that the staff and management of the Prison Service have made.

Phil Gallie: Maureen Macmillan referred to Peterhead prison. Is she concerned by the Executive's failure to produce the prison estates review? Will she assure us that she will back the retention of the sex offenders unit in Peterhead?

Maureen Macmillan: I actually referred to Porterfield prison, which is in Inverness. I shall speak about Peterhead shortly.

I want to deal with the motion's main points. First, there can be no doubt that morale has been low. Change is never easy to cope with and mistakes were made in the way that change was managed. I hope that such mistakes will not be repeated. Many Labour members lobbied successfully for disputes to be brought to arbitration, which the minister has just mentioned. SNP members would have crowed with glee if strikes had gone ahead. The SNP uses the Prison Service for its own political ends, which is why it is stirring the pot today.

The SNP has also raised the spectre of privatisation. There is no question of the Prison Service being privatised but, given the litany of problems that the SNP has mentioned, how would the SNP put in the necessary investment to achieve the improvements that we all want to see? The SNP has failed to answer that question. There are legitimate concerns about private prisons, especially over whether private prisons can deliver the quality of programmes that we require. I hope that the Executive will robustly examine the alternatives for financing new prisons and, in particular, examine the comparators that are used to judge between private and public prisons.

Overcrowding is another important issue that we take seriously. Overcrowding is unacceptable. We urgently need new prisons, but we also need to examine how we deal with minor offenders. Too many petty criminals and fine defaulters and too many women end up in jail even though other disposals are available. We must look at why those disposals are not used. Short jail sentences do nothing to rehabilitate people: jail becomes a habit and a revolving door.

Rehabilitation is an essential part of the work of the Scottish Prison Service. As has been mentioned by other speakers, Peterhead prison offers a prime example of rehabilitation and I support its work. The excellence of its programme for sex offenders is well known. Prison officers feel that to have a prison solely dedicated to the rehabilitation of sex offenders is the best way to help such prisoners. The Peterhead facility is very important and I share the concerns about its

future. I hope that the Executive will ensure that that good example of rehabilitation continues in Peterhead. It would be a severe blow if the team who deliver the programme were broken up.

We have a tremendous task ahead of us to modernise the prison estate. In the light of concerns that have been expressed about future provision, the Executive was right to take time to have the options thoroughly examined, although I appreciate the anxiety that the delay has caused. The debate will continue when the draft proposals are published, which will happen, I am now told, early in the new year.

As it will be a while before the service can settle back to normality, I urge that there should be understanding of staff concerns. It is imperative that we have a modern prison estate with well-trained staff, who are delivering rehabilitation programmes that will make a difference to offenders. Such programmes need to be followed by support and throughcare for offenders. Let us use the debate to discuss a positive vision for the future rather than to complain and blame, which the SNP is so good at doing.

The Deputy Presiding Officer: We move to open debate. Due to our starting late and overrunning, I ask speakers to stick to three minutes so that I can call everyone.

11:38

Christine Grahame (South of Scotland) (SNP): I thought that you quite liked me, Presiding Officer, but you have immediately cut my time to three minutes.

It is unjust of Maureen Macmillan to criticise the attitude of members of my party towards the Prison Service. Our criticism of the minister has been robust, but that is our purpose. Rather than waste my time with that, I want to turn my attention to Cornton Vale, which was addressed by my colleague.

Cornton Vale is in a serious position. Since 1998, there has been a great dropping-off from the promises that were made to deal with women offenders. We have had several years of quiet. I commend the role that has been played by Kate Donegan and her medical officer. One is inclined to make a link between the transfer of those two ladies elsewhere and the recent suicides of Frances Carvell and Michelle McElvar. I regret that I must say that, but I believe that the link has to be made.

Between April and November this year, Cornton Vale was 10 per cent overcrowded. The peak occurred in August, when it was 29 per cent overcrowded. Overcrowding has a bad impact for all kinds of reasons. It means that there is too

much pressure on the staff and there is an increase in lock-ups, which causes pressure on inmates in a prison population that is already highly vulnerable. Whoever one speaks to—be they the chief inspector of prisons, the National Association of Prison Visitors or the former governor—all say that most of the women in Cornton Vale are sad not bad.

I want to quote something that Kate Donegan told the Justice and Home Affairs Committee when it met in Stirling last year. Ms Donegan had been in the Prison Service for a long time, but this is what she said about when she became governor of Cornton Vale:

"I must say that I was completely unprepared for the physical, mental and emotional condition of the majority of the women in the prison. I found appalling damage, mostly as a consequence of chronic poly-drug abuse, and a variety of mental health problems related to those addictions. I found a population that was characterised by social exclusion, ill health, poor educational attainment, lack of employment skills ... Many of the women were persistent petty offenders and, along with those on remand, were finding the combination of drug withdrawal, uncertainty about the future and separation from friends and family an almost intolerable burden."—[*Official Report, Justice and Home Affairs Committee*, 6 March 2000; c 881.]

Those are the people whom we are locking up for petty crimes—for failure to pay fines for prostitution, or for other small matters. We are disrupting families; we are not dealing with the problems of women offenders. They are sad not bad.

I will quote again from the same committee meeting. Every time I hear these words, it brings to mind just how dreadful it is to imprison 70 to 80 per cent of those women. When asked by Lyndsay McIntosh whether prison was a proper place for two babies who were there, Ms Donegan answered:

"I think that, paradoxically, babies in Cornton Vale get a fabulous start in life. They have more mothers than you can shake a stick at."—[*Official Report, Justice and Home Affairs Committee*, 6 March 2000; c 892.]

Those are the people whom we are imprisoning in Cornton Vale.

The Justice 1 Committee has commissioned research into sentencing and into attitudes to sentencing and custody. I say this on behalf of members of all parties: perhaps, minister, with a great deal of pushing from the justice committees, we will stop raiding the justice budgets—which has been happening—and turn to real solutions for vulnerable women who should never have been imprisoned in the first place and who should be helped to lead positive and fulfilling lives with their children.

11:42

Phil Gallie (South of Scotland) (Con): I congratulate the SNP on its motion. It is right to highlight overcrowding. Between 1992 and 1997, the average prison population was 5,500. Since Labour came to power—here in the Lab-Lib Executive—the average has gone up to more than 6,000. What has happened in that time? There have been three major prison closures. I suggest that that is going in the wrong direction.

I accept that the Minister for Justice believed that things would go in the other direction. He has already acknowledged that he claimed that prison numbers would go down. There is an element of failure in the fact that they have not.

The SNP is right to highlight problems to do with staff relationships in the Prison Service. There are a number of reasons for those problems. Perhaps one reason is the way in which Tony Cameron came in and—following instructions, I believe—tried to bulldoze through change when he did not really understand the prison system.

Alex Neil: Will the member give way?

Phil Gallie: I do not have time, Alex—I am sorry.

Alex Neil: That is a pity.

Phil Gallie: However, I am congratulating the SNP.

A fundamental reason for dissatisfaction among prison staff is the failure of the Executive to produce the prison estates review. That is shameful. The Executive must get a grip on that and produce the review in the very near future. We were promised it 18 months ago, but the Executive has still not got it on the table. That is not good enough for the Parliament and it is certainly not good enough for the prison officers.

On other issues, I may differ from the SNP. I step back from its arguments on privatisation.

Alex Neil rose—

Phil Gallie: I know the SNP arguments on the situation at Kilmarnock, but I regard it as a model prison, designed to suit the circumstances. At the prison, 92 per cent of the prisoners are working, or are in education or training, for 35 hours a week. We should be aiming for that in all our prisons. Kilmarnock must be commended. It has very experienced staff. I acknowledge that staff payments are not quite as high as payments in the Scottish Prison Service, but conditions of service are improving all the time, and that should be welcomed.

I disagree with some of the comments that have been made on prison sentences. If people commit a crime, they must be prepared to spend the time

in prison that that crime merits. We cannot take short cuts; the justice system demands that people are punished and that, at the same time, the public are protected. That is what the Prison Service is there for. However, it is unfortunate that, sometimes, people who some people feel do not deserve it should have to spend time in prison.

11:45

Karen Whitefield (Airdrie and Shotts) (Lab): I agree that there are problems within the Scottish Prison Service and that there is an urgent need for solutions. Yes, we must find a solution to overcrowding where it exists; yes, we must ensure that prisoners are punished through the withdrawal of their freedom rather than through the withdrawal of their basic human rights; and yes, we must ensure that our Prison Service offers the opportunity for rehabilitation rather than for an education in crime.

Ms Cunningham's motion is more concerned with attacking the Scottish Executive than with working with the Executive to find solutions. It is more concerned with creating divisions than with building partnerships.

Prison officers whom I have met in HM Prison Shotts and in the national induction centre are dedicated public servants who work in what are often dangerous and stressful environments. As in other public services, the staff are at the heart of the service. It is the staff and not the buildings that offer the opportunity for rehabilitation. It is through the efforts of the staff that public safety is enhanced.

The nationalists' motion fails to mention the importance of rehabilitation and education in our Prison Service. Victor Hugo said:

"He who opens a school door, closes a prison."

Prisons can and should play a role in reducing crime levels. It is incumbent upon us to ensure that every effort is made to provide prisoners with the skills and confidence that they will need to re-enter society. I urge the Scottish Executive to continue to prioritise programmes that are designed to reduce recidivism.

Incarceration should be the last resort. It is right and proper that those who have been proven to pose a threat to individuals and society should be prevented from doing so. It is right that they should lose their freedom and that society should be protected. However, it is also true that many people are still inappropriately incarcerated. Tackling offending behaviour—within the community and at an early stage—is not easy, but it is definitely potentially the best option.

I will await the findings of the estates review before coming to any firm conclusions on the state

of our prisons, but I think that the focus of our efforts must be on providing a service that offers best value to the public. That means not only providing the cheapest service but ensuring that the quality of that service is maintained and enhanced. That must be the basis on which the estates review is judged.

I will conclude by quoting from "The Ballad of Reading Gaol", in which Oscar Wilde summed up all that was wrong with 19th and 20th century prisons:

"The vilest deeds like poison weeds
Bloom well in prison-air:
It is only what is good in Man
That wastes and withers there".

Prisons in the 21st century must not become places where hope and potential waste and wither. They must be places where the opportunity for change and rehabilitation is offered. To achieve that, we must have buildings that are fit for purpose and staff who are well motivated and valued.

11:48

Stewart Stevenson (Banff and Buchan) (SNP): It would be remiss of me not to welcome the support that Lord James Douglas-Hamilton offered for Peterhead prison and the kind remarks that Maureen Macmillan made. I would also like to mention Richard Simpson, who will be a valuable addition to the front bench with his knowledge and experience; I know that he has a track record of supporting the work of Peterhead prison.

Continuing in that vein, I would like to welcome something, if not everything, in the minister's amendment. At the end of the amendment, the minister says:

"work to upgrade the estate must deliver prisons capable of providing sufficient humane and secure accommodation while delivering value for money."

Great stuff. Clearly and unambiguously, that gives paramouncy to what prisons do over what prisons cost. After the prevarication, distortions and errors—I use that word out of charity—in the evidence given by the head of the Scottish Prison Service to the Justice 1 Committee on 23 October, it is clear that ministers are not going to heed Cameron's single-minded focus on cost and are going to take a broader and more balanced view.

Running a public service like a business, as Tony Cameron has often said that he wishes to do, is to fail to understand that the dividends that we want from the service are societal, rather than fiscal. We want protection for society, punishment for the offender and reform of their future behaviour.

When, earlier this year, prison staff struck for the first time in 61 years, it reflected their lack of morale in the present circumstances. The Prison Service—I use that word advisedly—is in a state of some disarray because of the delays in taking essential decisions. Is there other evidence of morale problems? Yes. Ian Gunn, the governor of Peterhead prison, in answer to a committee question on 13 November on the delay in the estates review, said:

“The lack of a decision is draining for staff”.—[*Official Report, Justice 1 Committee*, 13 November 2001; c. 2753.]

To be fair, I should add that he went on to say that he did not think that it had affected morale.

However, the conversations that I have had with prison officers tell a very different story. When officers see a world-class facility kept in a state of uncertainty for an extended period and when the special skills that they have built up over seven years are devalued by their chief executive, who has made a statement to a parliamentary committee that was subsequently shown to have no basis in fact, it is no wonder that morale has plummeted.

I will provide a little illustration of the numbers that Lord James gave us—of the 162 graduates of Peterhead prison’s rehabilitation programme, only six have returned. Tony Cameron should think on this: given that it costs £26,000 per year to keep someone in prison, that represents a saving of £2.5 million every year from Peterhead prison’s success in reducing recidivism.

I support the SNP motion.

11:52

George Lyon (Argyll and Bute) (LD): I want to make a couple of points about the SNP motion, which seems to be rather contradictory. It demands that the Scottish Executive produce a strategy on overcrowding in the Scottish Prison Service before the estates review has even been published. Let us remember the purpose of the estates review, which is to identify the likely pressures on the Prison Service estate over the next 10 years and to suggest a series of options to deal with those pressures. The review is examining how to renew, upgrade and improve our prisons to tackle the real problems of overcrowding. It will also tackle the need to improve the conditions for staff in the prisons and will include plans for ending the practice of slopping out in prisons such as Peterhead and Barlinnie. It would therefore be quite wrong for the Scottish Executive to take action before the review is published, as the SNP motion seems to suggest it should.

The estates review will tell us not only what is needed but, most important, it will demonstrate

accurately the cost of the various options for funding the upgrading of the prison estate. That information is vital in coming to a decision on which option delivers the best value for the public purse. The SNP has already ruled out one option—the use of further private sector involvement, regardless of whether the report demonstrates that that option might be better value for money for the Scottish public purse. At least on the funding issues, the SNP is quite consistent—blank cheques every time. Every week, in every debate, the SNP makes commitments and promises. No matter how many times the SNP is asked where the money is to come from to fund the proposals, how it will be spent and which budget will be cut to fund it, we never get an answer.

The Liberal-Labour coalition is tackling the problems of the Prison Service head on. We will take hard decisions based on the estates review on how to provide a Prison Service fit for the 21st century. Most important, we will say how and where the money will come from to fund that vision.

11:54

Richard Lochhead (North-East Scotland) (SNP): Recently, I made a couple of visits to Craiginches prison in Aberdeen and met Tony Cameron, the chief executive of the Prison Service—I assure members that that set the alarm bells ringing. Tony Cameron handed me a wee card that outlined the goals of the Scottish Prison Service. One of those goals referred to “delivering effective prisoner opportunities”. I tell the minister that at Craiginches such opportunities are few and far between, because of the staff situation.

I received some figures this morning from Craiginches prison that show that the prison is 30 per cent overcrowded—perhaps it is the most overcrowded in Scotland—and 10 per cent understaffed. There are two vacancies for staff. Every time new officers are recruited for Craiginches, more resign. There are currently 12 people off sick. That is a terrible combination for staff working in the prison.

When I visited the prison, I was told that one hall held 130 prisoners, but that only 40 got to do any work outwith their cells on any one day. The remaining 90 prisoners in their cells are looked after by four staff. I tell the minister that the prisoners are becoming aware of the staff shortages and overcrowding. I do not have to tell him how dangerous that is. It also has implications for rehabilitation work. I remind him that in Aberdeen 80 per cent of crime in the city is drug related and that 80 per cent of the prisoners test positive for drugs on admission. There is a clear link between drug use and crime in the city. If we

are to break the link, it is imperative that there should be a rehabilitation programme in place at Craiginches prison. In his recent report, to which Roseanna Cunningham and others referred, the chief inspector pointed to the fact that addiction staff at the prison spend a lot of time on escort duty.

One of the other goals that the card referred to was that Scottish prison staff are respected by the nation for their professionalism—according to the chief executive of the SPS. Prison officers are respected for the work that they do by the general public. After all, they are being asked to look after the most dangerous people in our society—in many circumstances, for an appalling wage in appalling working conditions. However, they do not get any respect from management. When I met Tony Cameron, he told me that low morale was not a concept that he could recognise. He said that he would recognise the concept of low morale only if every prison officer at Craiginches left their job. He wants all the prison officers to resign before he will recognise any symptoms of low morale. Does the minister think that that is acceptable?

There is a new governor at Craiginches. I hope that that moves things forward. The new governor will need the support of management in Edinburgh and of the minister. The SNP is not confident that that support will be forthcoming.

11:58

Dr Sylvia Jackson (Stirling) (Lab): My speech will concentrate on Cornton Vale and women offenders. I accept some of the comments made by Roseanna Cunningham about the recent and on-going problems, but she did not give a balanced view. The SNP seems to be incapable of providing a balanced view on the subject of prisons.

I have visited Cornton Vale twice since the two recent and regrettable suicides. I know that overcrowding is an immediate problem. I would like to ask the deputy minister to comment on progress to resolve that issue, be it new buildings or new structures for management of prisoners. What negotiations has he had with the new governor, Stephen Swan?

In the longer term, various proposals have been made in the Parliament, most notably about alternatives to prison for those women who do not present a real risk to the public and who often need extensive support to deal with a spectrum of complex needs relating to housing, education, training, drugs and alcohol. Will the deputy minister also give details of developments to promote alternatives? I am thinking of time-out centres and other appropriate measures. Will he

also comment on the appropriateness of the multidisciplinary approach of the drugs courts, where professionals from the legal, medical, and social services come together to address the complex issues faced by those with drug problems? Can the same support that is provided by the drugs courts not be given to women offenders who are looking for alternatives to prison?

Many professionals and volunteers—many of whom are local to Stirling—who work with women offenders have suggested that other changes would have a significant impact. First, social inquiry reports should be provided on all women before they are sentenced in court. Secondly, unduly long prison sentences for breaches of supervised attendance orders should be curtailed.

The Deputy Minister for Justice (Dr Richard Simpson): In launching the criminal justice bill white paper today, we announced that we are going to change the sentencing arrangements for those who breach supervised attendance orders. We will substantially shorten those sentences, which should improve the take-up of those orders.

Dr Jackson: I should add that that exchange was not staged.

Thirdly, a court escort service, which has been proposed, could recruit, train and accredit volunteers to assist in getting women to court so that supervised attendance orders are not breached. I ask the minister to consider a trial of such a service.

Fourthly, there should be more research on the use of community service orders and such orders should be implemented on a trial basis.

Members will know that there is no open prison for women in Scotland. The present governor of Cornton Vale, Stephen Swan—who was not mentioned by any SNP member—is trying to develop independent-living units at the prison to help women to come to terms with life after prison. I ask the Deputy Minister for Justice to comment on that.

Finally, down south, an organisation called Payback works closely with the media on good stories about prison to educate the public on the need for rehabilitation and on its various forms.

12:01

Alex Neil (Central Scotland) (SNP): I will concentrate my remarks on Scotland's first, and I hope last, private prison—Bowhouse in Kilmarnock. I have 10 points to make about Bowhouse and the problems surrounding it. I will do my best to make those points in the three minutes available to me.

The first point is about secrecy and confidentiality. I find it ironic that the minister who sets himself up as the champion of freedom of information presides over one of the most secretive and illiberal prison management regimes in western Europe. When one asks a question about HM Prison Kilmarnock, the answer from the minister is, "That is not my responsibility. Write to Tony Cameron, the chief executive." When one writes to Tony Cameron, the chief executive of the Scottish Prison Service, he says, "That is not my responsibility; it is the responsibility of Premier Prison Services Ltd." When one writes to Premier Prison Services Ltd, it uses the excuse of commercial confidentiality. However, Premier Prison Services Ltd is spending taxpayers' money, albeit on a contractual basis in the private sector rather than on a spend basis in the public sector. If the minister wants to be remembered as someone who believes in freedom of information, let him do something about making sure that Parliament gets proper access to the information about the operation of the prison in Kilmarnock.

I shall give the minister some facts about the operation of the prison in Kilmarnock. We heard a lot of ideological nonsense from Phil Gallie about the benefits of privatisation. However, Phil Gallie—I am glad that he is back in the chamber—did not tell us that, according to the chief inspector of prisons, a prisoner is four times more likely to be assaulted by another prisoner in Bowhouse than in any other prison in Scotland. Phil failed to mention another fact about that privatised prison—"Phil failed to mention" sounds quite well. That is that, under its contract, the prison undertakes a custodial role only, as the chief executive has confirmed. The prison has no remit for the rehabilitation or reform of prisoners.

Phil Gallie: On a point of order, Presiding Officer. Will you confirm that each speaker has only three minutes? That is why I could not make all the points that I wanted to make in favour of HM Prison Kilmarnock.

The Deputy Presiding Officer: That is not a point of order. We all understood the circumstances. I give Mr Neil another half minute.

Alex Neil: I hoped that Mr Gallie's intervention would have got me another minute.

My third or fourth point—or is it my fifth?—is on comments made by Clive Fairweather. He told the Justice 1 Committee that he could not deny that he was suspicious that the assault figures for Kilmarnock are being deliberately fiddled. We are not sure whether they are being fiddled by Premier Prison Services Ltd or by the management of the Scottish Prison Service, but we know that the chief inspector thinks that they are being fiddled. That is on top of the figures for assaults on other prisoners.

Mr Gallie did not tell us about the profits that will be made from the public purse at Kilmarnock over 25 years—

The Deputy Presiding Officer: Mr Neil, we take time off for good behaviour in the chamber.

Alex Neil: I have given several reasons—I will publish the others tomorrow—why privatisation is the worst thing that could happen to the Prison Service in Scotland.

The Deputy Presiding Officer: That concludes the open session. I thank all the speakers. We are now back on track. I call Donald Gorrie to wind up for the Liberal Democrats.

12:06

Donald Gorrie (Central Scotland) (LD): I have deserted my habitual seat at the back—although not my principles—for two reasons. First, I want to give comradely but not uncritical support to two ministers for whom I have a high regard. Secondly, I want to ensure that SNP members can see me. In a previous debate in which I spoke, they did not notice me sitting at the back. That is a striking example of political short-sightedness.

The SNP is right to raise this issue. The Scottish Prison Service is a major problem and we are not yet dealing with it as well as we should. However, I hope that the Executive will not be overly defensive, because the SNP has overstated its case. Under successive Governments, society has not invested properly in prison accommodation, as that has not been politically sexy. To say that slightly undermines Lord James Douglas-Hamilton's excellent speech, as the Tories are also guilty. We have to put that underinvestment right as fast as we can, although that will take a long time. However, there are other things that we could do to help.

First, the ministers must talk seriously to the sheriffs about alternatives to custody. If, as Jim Wallace said, there is a problem with facilities—the facilities exist in theory but not in practice—we must do something about that. However, if the problem is the sheriffs' mindset, we must do something about that. My visits to prisons have shown me that short sentences are a waste of time and money for everyone concerned. We have to develop alternatives to custody.

My next point is that prisons should be judged largely on their reoffending rates. They would then put real effort into their education programmes and reduce the amount of reoffending. In that way, we will reduce the number of people in prisons.

An underlying issue, which was more clearly illustrated by the Scottish Qualifications Authority saga, is how Governments and elected people deal with appointed, stand-alone agencies. The

Scottish Prison Service is not in the same bad state as the SQA, but it clearly has problems. There is an issue as to how far ministers should interfere if they do not feel that an organisation is being well run. Undoubtedly, morale is a big issue and that reflects on the management.

My final point is that, when we decide the public versus private funding question, we need solid and robust figures. I know that one of the reasons for the delay of the estates review is that there has been another survey of the figures. However, we have to be absolutely sure that everything has been properly counted before we can come to as honest a decision as possible on what is the best value for money; we must ensure that we have not made that decision using faulty figures.

12:09

Bill Aitken (Glasgow) (Con): Apart from the issue of private prisons, which Alex Neil agonised against, a number of themes have run through the debate: overcrowding, prison officers' morale and women in prison. Those themes probably encapsulate the argument fairly.

I will deal first with overcrowding, which is a matter that should concern us all. Overcrowding results in unsatisfactory and, in some cases, insanitary conditions. It also means that certain things are not done. Because prisoners are locked in their cells for an excessive amount of time, the attention that might have been paid to the rehabilitation process is greatly diminished. Overcrowding also has an inhibiting effect on the courts and sentencing. That, in itself, can be undesirable.

Overcrowding has arisen because the Executive has not reacted to the fact that prisons are being closed while prison numbers are not falling significantly. It is inevitable that that would lead to difficulties, which the Executive should have addressed.

A number of members, including Phil Gallie and Richard Lochhead, raised the important question of prison officers' morale. Members will have seen the recent survey of prison officers' attitudes to their jobs. The results of the survey will lead to universal concern, as it is clear that job satisfaction is at an all time low among those who have a vital role to play in our judicial and rehabilitation process. That situation must be addressed.

A number of members spoke about women in prison. It is relevant and pertinent that that issue should have been raised. All of us will be deeply concerned at the suicides at Cornton Vale. Although I have no wish to pre-empt the findings of any fatal accident inquiry that might be held, we have to look at how that institution addresses drug

withdrawal symptoms. There is also a case for examining the number of women in prison. Although I would not say that women should be treated differently from other offenders, the number of women who end up in Cornton Vale on the basis of means warrants is of particular concern. That must be addressed. However, there needs to be a basic recognition that women commit more serious crimes than was previously the case. Prison disposal must be an option.

I found Jim Wallace's speech depressingly complacent, although he raised some relevant issues. Drugs are the most important issue of all for the Prison Service. Action must be taken to ensure that people in prison do not have access to drugs; quite clearly, they have access at present. At the same time, those who are released must be given greater support. When the Social Justice Committee visited Barlinnie, we saw one unit containing prisoners who had volunteered to be drugs free. What happens to those prisoners, who seemed genuinely committed to staying drugs free, after they leave prison? Will they be tapped on the bus as they go home? Will they be left open to the depredations of drug pushers in their own areas? Such prisoners get little support. I appreciate that that issue is not entirely in the minister's remit, but the Executive must address it.

A number of issues have arisen this morning, but sufficient time has not been given to the debate. I am sure that, in the not-too-distant future, the issues will be revisited.

12:14

The Deputy Minister for Justice (Dr Richard Simpson): Presiding Officer, would you tell me how much time I have, please?

The Deputy Presiding Officer: You have five minutes, minister.

Dr Simpson: Five minutes is not long enough to do justice to what is an important subject. It is regrettable that the SNP has made a bad habit of holding short debates in anticipation of the publication of the—admittedly delayed—prison estates review. Although subsequent SNP speakers made helpful points, the SNP's opening speaker produced a catalogue of woes—she said that everything was disastrous. Her approach was wholly negative. SNP members then made the vague and uncoded promise that they would change everything. The nationalist position is clear: no private prisons—the public sector is the answer. Alex Neil tried, with his 10 points, to make that clear. If I have time, I will return to that issue.

Stewart Stevenson: Will the member give way?

Dr Simpson: No, I do not have time.

The Conservatives, on the other hand, say that

we should not close any prisons, that the private sector is wonderful and that the public sector is a real problem. We are clear about the SNP and Conservative positions. As Donald Gorrie said, our position is that we want a prison estate that is best value. If we have delayed the publication of the report, that is regrettable, but it is because we want robust figures that will allow us to demonstrate the best way forward.

The estates review is important. We have about 6,000 places and 6,000 prisoners, but we have empty spaces in low-security prisons and, as Richard Lochhead pointed out, overcrowding in Craiginchies and other places. That is unacceptable. We need new designs to replace the old, out-of-date estate and new correctional facilities that will provide the sort of care and rehabilitation to which many members have referred. We believe that the prison estates review, which we will publish, will give us an opportunity to have a robust debate in the chamber and to take the matter forward.

Slopping out is unacceptable. There should be acknowledgement at least of the refurbishment of Barlinnie, which means that, from March, remand prisoners will not have to slop out. I was there last Monday and I know that that will be an important advance. However, as the housing block is very old, the situation is still unacceptable. We have spent £5 million, although we may demolish the block in the long term. It was important to move towards ending slopping out and that is what we are doing, although not with the speed that members would wish.

Sylvia Jackson, Christine Grahame and Roseanna Cunningham spoke about Cornton Vale, where there are about 260 prisoners in a facility that can take 230 prisoners. I met Stephen Swan at the women offenders group and talked to him about various matters. I will reply in some detail to the issues raised by Sylvia Jackson. Among other things, there are concerns about redesign of the facility. The women offenders group, which I chair, will produce its report shortly. It has considered the issues and will take forward the time-out facility that was referred to.

Let me list some of the measures that have been taken: arrest referral; diversion orders; supervision orders, which we are modifying to improve their uptake; tagging; restricted liberty orders; drug treatment orders; and drug courts, which we have just launched. All those measures are designed to take people out of custodial sentences. Although the situation at Cornton Vale is difficult, only two prisoners are in there for fine default. The number of people received into prison for fine default has gone down from 10,770 in 1997 to 7,700 last year. We are moving in the right direction and I accept that we should put in

custody only those people for whom that is absolutely necessary.

We have introduced transitional care, which means that for 12 weeks after prisoners are released they will continue to have the support of the Prison Service and its partners. The partners are important, because the SNP motion mentions the culture of secrecy. If the SNP had moved that motion 10 years ago, I would have accepted it. However, it has failed to acknowledge the radical shift in culture that is occurring, which is undoubtedly opening up the Prison Service and making it much more transparent. The partnership arrangements that are being put in place will have a significant effect. We accept that we have to modernise the estate and that practices are changing, which is causing problems with morale. We need to get the estates review out of the way in order to help with that. However, we should also acknowledge that the prison officers have made significant changes in their practices. I believe that they will continue to do so.

Roseanna Cunningham: Whether they like it or not.

Dr Simpson: No, it will be a matter of discussion and negotiation.

Alex Neil said that Kilmarnock's assault figures were four times as high as those in the rest of the service. However, that comparison was with Barlinnie and not the service as a whole. Kilmarnock's assault figures fall within the broad band of assault figures. Barlinnie's figures happen to have dropped to an all-time low. We should be praising Barlinnie for that. We must be careful with the figures that we use, although there is certainly a long way to go and many things must be done.

I finish with a point that Roseanna Cunningham and Christine Grahame made. The people who are sentencing must be given confidence in the alternatives to custody. That is something that we have not yet achieved. As a consequence, we have not been able to roll out all the measures to the extent that we would wish. I welcome the Justice 1 Committee's investigation into that issue and I look forward to working with the committee to improve our prison system, an aim to which I believe we are all committed.

12:20

Michael Matheson (Central Scotland) (SNP): If anything, the debate has illustrated the fact that the Government's record in managing the Scottish Prison Service is one of abject failure. Notwithstanding the warm words that we have heard from ministers and from Labour and Liberal Democrat back benchers this morning, the Prison Service is close to breaking point in a number of key areas.

Let us be clear about the purpose of today's debate. It is to hold the Executive to account for its failure to address many of the problems that exist in the prison system. I know that that may be uncomfortable for those in the Executive parties, but that is the reality of a Scottish Parliament being able to bring a Government to account on such matters. The Labour Government has had the opportunity for some five years to start to address those issues—as the Government at Westminster, when it was in control of the Scottish Office, and for the past two and a half years as the new Scottish Executive. Those Labour members who think that today's debate is about bringing forward other ideas are wrong. It is about holding the Executive to account for its failure to address the problems in the first place.

Overcrowding and unrest, which existed during the Conservative years in a number of Scottish prisons, have been brought back to the agenda. We have heard that Aberdeen, Barlinnie, Inverness and Greenock prisons are all something like 20 per cent overcrowded. We have heard Roseanna Cunningham talk about the failure to reduce the number of prisoners at Cornton Vale. As Christine Grahame said, Cornton Vale was at one point overcrowded by about 29 per cent. We also heard from Richard Lochhead that Craiginches prison is currently around 30 per cent overcrowded. A number of members have raised points about overcrowding during the debate.

Another issue that has been highlighted is the continuation of the Victorian practice of slopping out. That practice was condemned by the Council of Europe's torture committee, which investigated the issue back in 1996 and demanded that action be taken then. However, slopping out continues to this day. Ministers have said that the Scottish Prison Service and the Scottish Executive have the objective of ending slopping out by 2005, but that is an aspiration and there is no clearly set date by which the practice will end. Overcrowding and slopping out are key factors that influence the ability of the Scottish Prison Service to undertake the important role of rehabilitation work.

Running alongside that, we have the prison estates review. That review has been on the books since autumn 1999. It started in December 1999. When I asked Jim Wallace about it at the Justice 1 Committee in September this year, he told me that it would be published by the end of the year. As we learned the other week, there has been a further delay, supposedly because of the change of ministers. It is my understanding that Jim Wallace has been Minister for Justice for two and a half years, so I do not see how a change of ministerial role has any part to play in the matter. I begin to wonder whether there is a report. Is the estates review continually delayed because it acts as a continuing excuse for failing to address

issues? Whenever we ask about slopping out or overcrowding, we are told to wait for the estates review. It has been a most convenient excuse for the Executive over the past two years for not addressing the problems in the Scottish Prison Service.

Alex Neil: To be fair to the Minister for Justice, I should say that he promised the estates review in the new year, although he has not said which new year.

Michael Matheson: Last year, the minister promised that the review would be published in the new year. I hope that it will be published in 2002. Perhaps the minister will confirm that it will be published then.

Mr Jim Wallace: I happily confirm that. Michael Matheson is a sensible person and knows that slopping out is not solely about resources—it is also about logistics. Prisoners must be decanted from buildings. Will he give a time scale that he considers unacceptable for bringing an end to slopping out?

Michael Matheson: Let us be clear. The problem has gone on for many years. For five years, the Government at Westminster has been in a position to address the problem. Report after report has said why slopping out should be ended. I would not take £13 million and another £17 million out of the Prison Service budget, as the minister has done—that money could be used to resource the change that needs to take place.

I suspect that the real reason for the delay in the prison estates review is that privatisation of the Prison Service is at the heart of the Executive's prison policy. Kilmarnock prison is already privately run. Medical services in the Prison Service have been privatised. The result is that fewer doctors provide cover and there is a greater dependency on locums with no experience of working in a prison environment. In the past year, creeping privatisation of social work services has also taken place. Four prisons put their social work services out to tender. The failed Tory agenda of privatisation is at the heart of the Executive's policy.

Dr Simpson: Will the member take an intervention?

Michael Matheson: I must move on.

The Executive's amendment says that the SPS has a

"commitment to collaborating on an increasingly transparent basis with statutory and voluntary agencies to provide effective rehabilitation and through care".

That is not the SPS that I recognise or to which many members have referred. It certainly does not reflect the experience of many operational staff in

the SPS.

Let us consider an example of the new collaborative working that apparently exists in the Scottish prison system. This year, the SPS put out to tender the provision of social work services at HMP Edinburgh. In describing the service, the chief inspector of prisons had said that he was

“impressed with the way that the Social Work Unit was integrated into the work of addressing the needs of the prisoner population”.

What did the SPS do with a good service that was working well? It put it out to tender. A senior member of staff at the City of Edinburgh Council said that the SPS handled the negotiations in an aggressive and bullying fashion. The council withdrew the services and, for a period, the prison was without necessary social work services—it had to use a private locum company to provide them. When it realised that that did not work, it went back to the council, cap in hand, to ask it to provide the services. By that time, the experienced staff had been dispersed and only one experienced criminal justice social worker was able to go back to the team.

In his intermediate report on Saughton, the chief inspector of prisons said that, because of the social work services problems in Edinburgh prison, risk assessment for short-term sex offenders had not been provided since the termination of the council's contract and group work had not been provided as a result of the incompetent way in which the SPS had handled the whole affair.

The Executive's amendment demonstrates its continual failure to acknowledge the problems in the prison system. Ministers are abdicating their responsibilities and passing them on to officials in the SPS. The Government is failing to address the problems at the heart of the system and it is determined to continue with the right-wing privatisation agenda that started under the Conservative Government. I support the motion.

Business Motion

The Deputy Presiding Officer (Mr Murray Tosh): The next item of business is consideration of business motion S1M-2548, in the name of Patricia Ferguson, on behalf of the Parliamentary Bureau.

Motion moved,

That the Parliament agrees—

(a) the following programme of business—

Wednesday 19 December 2001

2.30 pm Time for Reflection

followed by Parliamentary Bureau Motions

followed by Debate on the Finance Committee's Report on Stage 2 of the Budget Process

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

followed by Members' Business – debate on the subject of S1M-2345 Fiona McLeod: Scottish Science Library and Scottish Business Information Service

Thursday 20 December 2001

9.30 am Parliamentary Bureau Motions

followed by Stage 3 Debate on the Scottish Local Government (Elections) Bill

followed by Stage 3 Debate on the School Education (Amendment) (Scotland) Bill

followed by Business Motion

2.30 pm Question Time

3.10 pm First Minister's Question Time

3.30 pm Continuation of Stage 3 Debate on the School Education (Amendment) (Scotland) Bill

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

followed by Members' Business – debate on the subject of S1M-2529 Karen Gillon: New Lanark

(b) that Stage 2 of the Water Industry (Scotland) Bill be completed by 1 February 2002 and that Stage 1 of the Land Reform (Scotland) Bill be completed by 15 March 2002, and

(c) that the Justice 1 Committee reports to the Justice 2 Committee on the Act of Sederunt (Fees of Solicitors in the Sheriff Court) (Amendment) 2001 (SSI 2001/438) and on the Act of Sederunt (Fees of Sheriff Officers) 2001 (SSI 2001/439) by 8 January 2002.—[Euan Robson.]

12:30

Alex Johnstone (North-East Scotland) (Con): I draw members' attention to my entry in the register of members' interests.

Paragraph (b) of the motion asks the Parliament to agree

"that Stage 1 of the Land Reform (Scotland) Bill be completed by 15 March 2002".

It will be a surprise to many people outside the chamber that such a tight timetable has been set for a bill that took two and a half years to draft. Because of the complexity of the bill, I ask for guidance on the element of flexibility and on the options for extending the committee time that is available at stage 1.

12:31

The Deputy Minister for Parliamentary Business (Euan Robson): The bill timetable allows for more time at stage 1 than has been the case for any other bill that has come before the Parliament. We have allowed 16 weeks in total for the committees to gather information and produce their reports. I understand that the Rural Development Committee will complete its evidence on the bill before the end of January—some six weeks in advance of the proposed date for the end of stage 1.

The timetable is reasonable, but I can confirm that—as Mr Johnstone knows—if a committee needs more time, it can always return to the Parliamentary Bureau. At this stage, it is too early to make a judgment, but there is a clear commitment that a committee can ask for more time if it needs it. The bureau extended stage 1 proceedings when the Justice 2 Committee wanted extra time for the Sexual Offences (Procedure and Evidence) (Scotland) Bill. I can only repeat that the bureau will consider any request on its merits.

Tricia Marwick (Mid Scotland and Fife) (SNP): On a point of order, Presiding Officer. The First Minister is on record as saying that he would outline a timetable for progress on electoral reform before Christmas. There is no provision in business motion S1M-2548 for progress on electoral reform or for a statement to the chamber before the Christmas recess. Will you remind ministers that important announcements should be made first to the Parliament and not through the media?

The Deputy Presiding Officer: That is not a point of order. It is for the relevant minister to request the Presiding Officer for an opportunity to make a statement. However, the Minister for Parliamentary Business is present and, although the point is not a matter for me in my capacity, no

doubt the Executive will take note of it.

The question is, that motion S1M-2548, in the name of Patricia Ferguson, be agreed to.

Motion agreed to.

12:33

Meeting suspended until 14:30.

14:30

On resuming—

Question Time

SCOTTISH EXECUTIVE

Highlands and Islands Veterinary Fund

1. John Farquhar Munro (Ross, Skye and Inverness West) (LD): To ask the Scottish Executive when it intends to conduct a review of the present payment arrangements of the Highlands and Islands veterinary fund with a view to addressing any need for increased animal disease surveillance. (S1O-4306)

The Minister for Environment and Rural Development (Ross Finnie): I recognise the importance of maintaining viable veterinary services in the Highlands and Islands. My officials recently met representatives of the British Veterinary Association and representatives of those involved in the Highlands and Islands veterinary services scheme to discuss future funding and operation of the scheme.

John Farquhar Munro: Does the minister agree that good animal disease surveillance is necessary for good animal welfare and health, and that it is vital to winning back the confidence of our European Union partners? What improvements have been or will be made to animal disease surveillance?

Ross Finnie: I can report to the member only that I learned at my meeting with the BVA that, as part of its inquiry into the outcome of foot-and-mouth disease, it is considering surveillance in connection with the matters to which John Farquhar Munro referred. The BVA expects to make proposals relatively soon. We will consider seriously what is required to ensure that, on animal health and animal disease grounds, we meet the BVA's recommendations.

North Channel Ferries

2. Alasdair Morgan (Galloway and Upper Nithsdale) (SNP): To ask the Scottish Executive when it last met representatives of the north channel ferry operators. (S1O-4283)

The Deputy Minister for Enterprise, Transport and Lifelong Learning (Lewis Macdonald): On Monday 10 December 2001.

Alasdair Morgan: I knew that answer.

Mr John Home Robertson (East Lothian) (Lab): It is a waste of public money to ask a question to which the answer is known.

Alasdair Morgan: People should never ask a

question unless they know the answer. [*Laughter.*]

Does the minister agree that there is a danger that the £100 million investment that is planned by Stena Line will not proceed unless the Executive makes a visible commitment to the roads infrastructure—that is, the A75 and the A77 from Stranraer? If that does not happen, Stena might withdraw ferry services, which will be substantially detrimental to the Wigtownshire economy. I accept that the Executive is inching in the right direction, but we need concrete commitments to solve the problem.

Lewis Macdonald: I hesitate to answer the question, because it is clear that Mr Morgan already knows the answer. I met him to discuss the matter last week and he will be aware that Executive officials are meeting the north channel partnership and other interested parties to discuss possible variation in the proposed schemes.

We expect further schemes to be proposed for our consideration, which will allow better overtaking opportunities on the roads closer to the port. That will begin to address some of the issues that Mr Morgan raised. The proposals must be within the budget that we have set for schemes on those roads. We recognise the importance of such schemes and we want the schemes that we develop to be those that are best suited to reducing journey times and improving safety on routes.

Alex Fergusson (South of Scotland) (Con): Is the minister aware that the Executive owns considerable areas of land in Dumfries and Galloway as a result of the customary foresight of the previous Conservative Government, which purchased the land for its continued road improvement programme, which it would have undertaken had it had the chance? Will the minister audit that land with the aim of reviewing the Executive's road improvement programme to find out whether the programme could be hastened by first developing the land that the Executive owns?

Lewis Macdonald: We are setting a theme for this week. Mr Fergusson raised that point with me when we met last week to discuss Stranraer's position. The Executive has made it clear that its priorities will be set by that area's transport needs. We will make maximum use of our resources and continue to examine the options for overtaking opportunities on the routes in question.

Disabled Students (Allowances)

3. Pauline McNeill (Glasgow Kelvin) (Lab): To ask the Scottish Executive what plans there are to address any discrepancy between means-tested and non-means-tested allowances for disabled students in further and higher education. (S1O-4281)

The Minister for Enterprise, Transport and Lifelong Learning (Ms Wendy Alexander):

Arrangements for most support for disabled students, for example maintenance allowances and study-related costs, are broadly similar in the two sectors. The only discrepancy in relation to support for disabled students is in travel costs.

Pauline McNeill: Does the minister agree that there should not be a discrepancy between higher and further education, albeit in relation to travel costs, and that it would be better to streamline both systems of student financial support? Will the minister also consider the fact that for many students there are still too many complexities in the system and that the onus is on students to investigate their own entitlements, which vary a great deal from institution to institution? Will she consider simplifying and streamlining the system with parity?

Ms Alexander: I share the member's general sentiments, which is why we introduced the special educational needs allowance this year to address the specific needs of disabled students in the further education sector. The Executive and the funding council are keeping all aspects of student support under review in order to introduce greater clarity and simplicity into the system.

Alex Neil (Central Scotland) (SNP): Has the minister been consulted about the review of student finance that was instigated by the UK Government, including a review of means-tested allowances—

The Deputy Presiding Officer (Mr George Reid): The question must relate to disabled students.

Alex Neil: It does.

Will that review cover Scotland or is it purely for south of the border?

Ms Alexander: On the most recent occasion on which I met Estelle Morris, the UK Secretary of State for Education and Skills, we had a wide-ranging discussion that touched on student support. With respect, I am not sure about the current position relating to the specific matter that Alex Neil raises. I would be happy to write to him on the detail of that matter.

Sheriff Courts (Gaelic)

4. Maureen Macmillan (Highlands and Islands) (Lab): To ask the Scottish Executive whether it is monitoring how many people elect to use Gaelic in the sheriff courts of Portree, Lochmaddy and Stornoway. (S1O-4293)

The Deputy First Minister and Minister for Justice (Mr Jim Wallace): Yes—the situation is being monitored by the Scottish Court Service. To date, no one has elected to use Gaelic in any of

those courts.

Maureen Macmillan: I thank the minister for his response. The service was an initiative for the European year of languages, but Comunn na Gàidhlig feels that the initiative is not being publicised sufficiently, in spite of the fact that there are leaflets in Gaelic in the sheriff courts to draw it to people's attention. Will the Executive consider other ways of publicising the use of Gaelic in those courts, perhaps by advertising in the local press?

Mr Wallace: I will certainly consider that. Maureen Macmillan is right to say that notices in both Gaelic and English are posted in the courts. Further explanatory leaflets are obtainable from the sheriff clerk's office and local solicitors were informed of the provisions. I am advised that a copy of the act of court, which provided for Gaelic to be used in civil proceedings in those courts, was published in *The Scots Law Times* on 22 June 2001. I would be the first to accept that in Lochmaddy, Portree and Stornoway *The Scots Law Times* probably has a smaller readership than the *West Highland Free Press*; therefore I am sure that this exchange between Maureen Macmillan and me will be taken forward by her and perhaps by John Farquhar Munro and Alasdair Morrison as an opportunity to publicise the fact that Gaelic may indeed be used in civil proceedings in those sheriff courts.

The Deputy Presiding Officer: Question 5 has been withdrawn.

Homeless People (Edinburgh)

6. Fiona Hyslop (Lothians) (SNP): To ask the Scottish Executive what steps are being taken to address the rise in the number of homeless people in Edinburgh. (S1O-4311)

The Minister for Social Justice (Iain Gray): The Scottish Executive has provided more than £9 million to the City of Edinburgh Council over the past five years, and will provide a further £2 million in each of the next two years to address the problem of rough sleeping in Edinburgh. An additional £1 million was provided last year to help reduce the use of inappropriate forms of temporary accommodation for people assessed as homeless. To ensure effective delivery of the increased duties placed on local authorities by the Housing (Scotland) Act 2001, £27 million has been allocated to authorities over the next three years, of which Edinburgh will receive an agreed share.

Fiona Hyslop: I thank the minister for his reply. I am pleased that, after much delay, there has been progress on the rough sleepers initiative. However, I have a specific question about wider homelessness applications, which had increased according to last month's statistical bulletin from the Executive. Many low-paid workers in this city

cannot afford to live in the city in which they work because house prices are going through the roof, the council cannot afford to build houses for rent and the housing association houses that are available will be sold off under the Housing (Scotland) Act 2001. What will the minister do to ensure that we have a sufficient supply of affordable, low-cost rented accommodation in this city?

Iain Gray: The great thing about statistics is that one can use them to build a particular story. The statistics to which the question referred are statistics about homelessness applications, which do indeed show a rise. Those statistics refer to a period that ended some 18 months ago. The point that I tried to make is that we are placing on local authorities the highest-ever level of duty to respond to homelessness applications.

As Fiona Hyslop's supplementary question indicated, the level of applications is less important than the outcome. In the same period, the outcome for applicants in priority need categories was that 82 per cent of applicants were found accommodation. With the homelessness task force, we will continue to consider what further measures we need to take to ensure that the outcomes improve for those who find themselves in need of a homelessness application. We have yet to see the impact of many of the measures that have already been taken. One of those impacts might be an increase in homelessness applications, because people believe and have confidence that a solution will be available for them if they seek it. That remains our priority.

Sarah Boyack (Edinburgh Central) (Lab): I welcome the new resources that have been made available to local authorities by the Scottish Executive, but does the minister agree that the work that is done by the voluntary sector in providing practical support for people while they are homeless is absolutely vital? Does he agree that organisations such as the Ark Trust in my constituency are doing a sterling job? Can he assure me that the Executive will make efforts to work with the voluntary sector to ensure that such organisations are given full support, just as those organisations support the homeless?

Iain Gray: We are absolutely clear that the progress that we have made, particularly with the rough sleepers initiative, has depended very much on the work that has been done by the voluntary sector. New as I am to the social justice brief, I have already met voluntary sector leaders to discuss how to improve the way in which we work with that sector. Voluntary organisations are also key players in the homelessness task force, whose second phase report will be published in the next few weeks. We will respond to the task force's recommendations as quickly as we can,

and I am sure that suggestions on how we cement support from the voluntary sector in addressing homelessness will be among those recommendations.

Racist Attacks

7. Scott Barrie (Dunfermline West) (Lab): To ask the Scottish Executive what measures are being taken to ensure that places of worship are safe from racist attacks. (S1O-4313)

The Deputy First Minister and Minister for Justice (Mr Jim Wallace): In October, the Scottish Executive announced that it would make up to £1 million available to improve security at sites of worship in Scotland that were deemed to be at risk from racially motivated attacks. All Scottish police forces have undertaken surveys, and funding of £234,000 has already been released for security measures in three force areas. Approval for measures in the remaining areas is expected soon.

Scott Barrie: I welcome the fact that, as part of his series of visits throughout Scotland, the minister last week visited the Islamic centre in Dunfermline. When he visited the mosque, he would have been told that the windows in the former miners' welfare building had been boarded up for the past three years because of repeated racist attacks. That shows that it is not just since 11 September that such attacks have happened. Can he assure me that the moneys that the Executive announced in October can be used to fit an alarm system and security lighting at mosques such as the one in my constituency?

Mr Wallace: I cannot go into details. Lighting systems are obviously among the measures that can be used to improve security. It is important that the police, in co-operation with those who are responsible for places of worship, work together to identify the most useful and effective security measures. I found my visit on Friday to the Islamic centre in Dunfermline worth while. It was followed by a visit to the mosque in Kirkcaldy. I got the clear impression that there are good, co-operative relationships between the police, the Muslim community and those who are responsible for the Islamic centre in Dunfermline. I have every confidence that dialogue on effective security measures has been taking place. In fact, I can tell Scott Barrie that Fife constabulary has already received £58,000 of the money that has so far been disbursed.

Lord James Douglas-Hamilton (Lothians) (Con): Does the minister agree that the Lothian and Borders police have been extremely efficient in tracing the person who is alleged to have been responsible for the outrage at the Edinburgh mosque? Does he also agree that the police are rightly sensitive to those problems?

Mr Wallace: Lord James Douglas-Hamilton knows that, because a case is pending, it probably would not be appropriate for me to say that. He was present at the reopening of the refurbished Annandale Street mosque following the fire bombing and knows how appreciative those at the mosque are of the police's work following that bombing. It is important that co-operation takes place. As far as Lothian and Borders police are concerned, £110,967 of the £1 million has so far been allocated for security work at places of worship in the Lothian and Borders police area.

Dennis Canavan (Falkirk West) Does the minister agree that places of worship might be safer from racist attacks if we all worked harder to try to build a multicultural society of equal citizens instead of demanding that immigrants speak English and swear an oath of allegiance to the Queen? Is not it deplorable that such illiberal demands should come from a Home Secretary and his Government-commissioned Cantle report?

Mr Wallace: When I have visited mosques, I have always said that it is a matter for celebration in Scotland in 2001 that we have a diverse community. Scotland should be proud of and should celebrate that diversity. I have been reminded—particularly in Dunfermline—that many people are third-generation Scots. We should recognise the integration that has taken place in Scotland without being complacent about it and we should stretch hands of friendship across the various communities. Real unity comes through celebration of our diversity.

Education (League Tables)

8. Michael Russell (South of Scotland) (SNP): To ask the Scottish Executive what response it intends to make to recent comments by the director of Glasgow City Council's education department regarding the effectiveness of league tables as a measure of educational progress and achievement, as reported on BBC News Online on 29 November 2001. (S10-4277)

The Deputy Minister for Education and Young People (Nicol Stephen): The Scottish Executive does not publish league tables. We publish exam results for each school so that parents and pupils can see what their schools are achieving.

Michael Russell: Perhaps I should encourage the Minister for Education and Young People, who is in the chamber but did not answer the question, to live up to her old-fashioned radicalism and do what her colleagues have done in Wales and Northern Ireland, which is to stop publishing league tables. As Ken Corsar said in the report that I mentioned, school league tables are "crude" and ineffective.

Nicol Stephen: I repeat that we do not publish league tables in Scotland. We recognise and understand that exam performance is not the only measure of educational progress in a school. The Parliament agrees national priorities and schools are now being asked to prepare school development plans. Her Majesty's inspectorate of schools assesses the performance of individual schools with an effective programme that is called "How good is our school?" which considers a range of issues. I hope that Mike Russell and other members in the chamber agree that the improving assessment results in reading, writing and mathematics, which were published this week and show improvements in all subjects at all levels, is a positive trend in our schools.

Murdo Fraser (Mid Scotland and Fife) (Con): Does the minister accept the principle that parents should be given as much information as possible to allow them to make informed choices about their children's education and that league tables or lists of exam results are an important part of that information?

Nicol Stephen: I agree that it is important that parents and pupils are given as much information as possible. We will consider that issue in the coming months. There are ways in which we can improve the current position. Currently, there is a rising trend in attainment in respect not only of exam results that are published school by school, but in attainment by the five to 14 age bracket. That is encouraging.

Robin Harper (Lothians) (Green): I asked questions on this issue last year and the year before. Does the minister agree that some schools and universities appear regularly at the bottom of the league tables through no fault of their own and that the league tables seriously undervalue the work of students and staff in those institutions? Does he agree that it is about time that the Executive sat down with members of the press and editors of newspapers and asked them—if they must publish comparisons of schools—to publish something more sophisticated that gives due value to the work that is done by students and staff of the schools and universities that appear near the bottom of the tables? The present system is totally unrepresentative and meretricious.

Nicol Stephen: It is important that we continue to consider social and deprivation factors when we examine individual schools. We should never look at a single snapshot of a school; we must consider trends over time. However, the actions that Robin Harper and other members seemed to suggest would raise serious concerns about freedom of information.

Rhona Brankin (Midlothian) (Lab): Does the minister agree that it is vital that parents in Scotland have information about schools? Does

he agree that the Scottish National Party has nothing new to add for Scotland's parents in education policy?

Nicol Stephen: I agree on the first point and I am still waiting to see on the second one.

Road Equivalent Tariffs

9. Mr Duncan Hamilton (Highlands and Islands) (SNP): To ask the Scottish Executive whether it will consider carrying out an inquiry into introducing a road equivalent tariff scheme for Scotland's ferries. (S10-4282)

The Deputy Minister for Enterprise, Transport and Lifelong Learning (Lewis Macdonald): No. We will set out our preferred options for future fares policy on the Clyde and Western Isles ferry services when we consult on the draft service specification for those routes early in 2002.

Mr Hamilton: I ask the minister to reconsider that decision immediately and to do something that the previous regime would not do—accept the principle that it should not cost more to travel a mile by sea than it does by road. Does the minister recognise that a road equivalent tariff would be the single biggest step towards boosting tourism and business viability in Scotland's islands? Is he aware of the 1,500-strong petition, which was presented to the Public Petitions Committee this week, calling for a pilot scheme to assess whether RET would benefit the economic development of the islands? Will he support such a pilot scheme?

Lewis Macdonald: The best service that we can offer to people in Scotland's islands, particularly those that are served by Caledonian MacBrayne, is to turn our attention to focusing the efforts that are being made by that company on achieving continuity of the existing services and securing those services within the framework that has been set by the recent European Commission regulation.

It is quite clear that the road equivalent tariff, which the member described, would require substantial alteration in the fare structure of the company just at a time when it and the people whom it serves most require stability and security of service. I would welcome the support of Mr Hamilton's party and of everyone else in the Parliament for efforts to secure continuity of service under the CalMac franchise.

George Lyon (Argyll and Bute) (LD): The minister mentioned continuity and security of service. Is he aware of the proposed strike action by CalMac crews that is due to start on the Clyde services on Monday and is he aware of the damage that the strike is likely to cause to the communities that are served by those services—Rothesay, Dunoon, Largs and Arran? Will the minister confirm that contingency plans are in

place to provide some sort of service if the strike goes ahead and will he assure members that everything possible will be done to resolve the dispute before Monday?

Lewis Macdonald: I am aware of the developments on the Clyde involving CalMac crews; I have been kept fully informed of those developments. We have set in train preparations for the organisation of contingency services, for which we are responsible. Those arrangements are well advanced. I share Mr Lyon's hope that matters will be resolved before Monday—I hope that common sense will prevail and that people will get on and deliver the quality of service that customers are entitled to expect.

Dr Winnie Ewing (Highlands and Islands) (SNP): Does not the minister agree that the economic disadvantages of island living would be greatly alleviated by RET? Will not he consider, out of courtesy, the great success of that scheme in Norway?

Lewis Macdonald: Certainly, I could not disagree that schemes that substantially increase subsidy to island services would be welcomed in the islands. The job of Government is to strike the right balance between providing such support for lifeline services and achieving value for money for the taxpayer. CalMac's current turnover is in the region of £60 million. Thanks to the efforts made by the Executive, CalMac services are supported to the tune of more than £20 million. I believe that that strikes the right balance between subsidy and the needs of the taxpayer.

Marine Special Areas of Conservation

10. Tavish Scott (Shetland) (LD): To ask the Scottish Executive whether socioeconomic factors are taken into account when considering the designation of an area of sea as a marine special area of conservation and, if so, what weight such factors are given when reaching a decision. (S10-4303)

The Deputy Minister for Environment and Rural Development (Allan Wilson): European Court of Justice rulings have determined that socioeconomic factors cannot be taken into account when considering the designation of Natura sites. Once a site has been submitted to the European Commission, socioeconomic factors can be—and are—taken into account in the management of those areas.

Tavish Scott: Does the minister accept that there is dismay at the decision to designate Sullom Voe in my constituency as a marine area of conservation, not least because of the fact that it is a working harbour and the largest oil terminal in the European Union? Will the minister undertake to meet me and Shetland Islands

Council to consider the matter further and to examine how to make a socioeconomic case of the issue? Furthermore, does he accept that it is a matter of local concern that the chairman of Scottish Natural Heritage has hitherto refused to meet local people to discuss the issue?

Allan Wilson: I share some of Tavish Scott's concerns. I certainly expect the chairman of Scottish Natural Heritage to meet him and Shetland Islands Council; indeed, I understand that it has proved possible for such a meeting to take place on 1 February. I undertake to meet the member before that date, if that is possible. Scottish ministers will continue to approve special areas of conservation sites as part of the United Kingdom submission to the European Union.

Mr Jamie McGrigor (Highlands and Islands) (Con): In the light of much angry criticism that designations of SACs and sites of special scientific interest are made before consultations with the local people whose lives will be affected by them, will the Executive tell us who is in charge of consulting people, what the process of consultation is meant to be and how the Executive intends to improve the present unsatisfactory—indeed, inflammatory—situation?

Allan Wilson: Natura sites are selected on advice from SNH, which follows agreed guidelines that are produced by the Joint Nature Conservation Committee in accordance with the EC habitats and birds directives. I should point out that the previous Conservative Government signed up to both those directives.

Although I understand the concerns that have been expressed, the aim of the SAC management is not to shut down existing management activity that is compatible with conservation aims. Neither is new development automatically ruled out. Instead, a balance must be struck between land ownership interest and the conservation interest.

Children (Online Grooming)

11. Mr Gil Paterson (Central Scotland) (SNP): To ask the Scottish Executive what plans it has to review the law to make it illegal for the online "grooming" of children to take place. (S1O-4309)

The Deputy Minister for Justice (Dr Richard Simpson): We are concerned about the grooming of children on the internet. We are currently working with the Crown Office and others to identify the scale of the problem and possible remedies.

Mr Paterson: I am grateful for that answer. In order to combat use of the internet by paedophiles, will the minister task the police with setting up a unit that employs entrapment methods?

Dr Simpson: I recognise the member's helpful and continuing interest in this area. At the moment, the police may apply for an interception warrant under the Regulation of Investigatory Powers (Scotland) Act 2000 where they consider it necessary for the purpose of preventing or detecting serious crime and where the information sought could not reasonably be obtained by any other means.

Local Democracy (East Ayrshire)

12. Mr Adam Ingram (South of Scotland) (SNP): To ask the Scottish Executive what measures it is taking to support local democracy in East Ayrshire. (S1O-4310)

The Minister for Finance and Public Services (Mr Andy Kerr): Through its modernising government agenda, the Executive is committed to an inclusive democracy that involves local people in the decisions that are made by their local authorities.

Mr Ingram: Does the minister agree that actions speak louder than words and that the Executive's decision to dump foot-and-mouth pyre ash at Garlaff without prior public consultation and against East Ayrshire Council's democratically expressed wishes smacks of Government diktat? Does he further agree that the heavy-handed police action that the Executive ordered to deal with protesters at the site leaves a stain on the democratic credentials of ministers and the Executive?

Mr Kerr: I do not agree with that. I thought that the member might have concentrated on some of the initiatives that East Ayrshire Council has adopted to involve the local community in many of its decision-making processes.

The ash to which the member refers has been rigorously tested by the relevant authorities. There is scientific evidence with regard to the issue. I agree that we must deal with such matters in a sensitive manner for the benefit of the community. The problem must be dealt with. The landfill site is fully lined and is up to standard, which means that the ash has found the place where it has to go.

Phil Gallie (South of Scotland) (Con): Is the minister aware of a growing feeling of discontent in Ayrshire over the Scottish Executive's interference in planning issues? The ash is the latest issue, but before that there was the overturning by the Scottish Executive of the Ayr United stadium decision. Will the minister re-examine both those issues and try to align the Executive's policy with the wishes of the people of Ayrshire?

Mr Kerr: I am conscious that the responsibility for this matter rests with my colleague Ross Finnie.

I recognise the strength of feeling that exists, but I point out that this is a matter not for the Executive but for the relevant licensing authorities, who know the issues and conduct scientific tests on which they base their decisions about where to dump the ash.

Railtrack

13. Mr Duncan McNeil (Greenock and Inverclyde) (Lab): To ask the Scottish Executive what representations it has made to Railtrack following its decision of 5 December 2001 not to support four Scottish Executive-funded rail enhancement projects. (S1O-4290)

The Deputy Minister for Enterprise, Transport and Lifelong Learning (Lewis Macdonald): The Scottish Executive is in regular contact with Railtrack on a wide range of issues, including those four projects. We are keen to see the projects taken forward.

Mr McNeil: When the minister next makes representations to Railtrack, will he take the opportunity to clarify whether the company continues to claim that it has pulled out of the Gourrock project because no signalling engineers are available? Will he advise Railtrack that the Strategic Rail Authority takes the view that there is short-term availability of signalling engineers? Will he take urgent action to get to the bottom of this issue?

Lewis Macdonald: We are in discussion with Railtrack and others on these matters. As Mr McNeil said, there is concern regarding the availability of signalling resources. That concern is not confined to the Gourrock project, or even to Scottish projects, but is more widespread. We are asking Railtrack and the other interested parties to consider how best they can ensure that the projects are dealt with. We recognise the importance of safety considerations and of ensuring that signalling engineering resources are put first where they are most urgently needed. We do not think that any of the four projects in Scotland should be set to one side and we will continue to work with Railtrack and the other interested parties on that basis.

With regard to Gourrock, we recognise that the gap between what is needed and what is available is quite small and we will work hard with the developers and the other interested parties to ensure that that gap is filled.

Andrew Wilson (Central Scotland) (SNP): Does the minister agree that the chaos and confusion at the heart of London Government policy on the future of Railtrack is hitting rail investment hard, and that Scotland's hard-pressed passengers are suffering at the hands of a range of London-based organisations who have little regard for Scotland? Is not it time that the

Executive trusted itself to have the same power over railways as it has over roads? Is not independent control of Scotland's railways the way to guarantee future investment?

Lewis Macdonald: That is another example of a questioner knowing the answer before asking the question. No, I do not agree with Andrew Wilson. The important thing that we have to attend to is ensuring that Scottish interests and the interests of Scottish stakeholders are fully represented, whatever the outcome of the discussions on the future of Railtrack. That is not a matter of starting off with one fixed ideological position and sticking to it regardless; it is a matter of discussing and negotiating to ensure that we get the best possible outcome for Scottish passengers and rail users.

Mr David Davidson (North-East Scotland) (Con): The minister will be aware of the threatened loss of the Stonehaven-Aberdeen-Inverurie commuter rail link as a result of the decision that has been made. What action have the minister and the Executive taken to deal, through the Secretary of State for Scotland, with the Westminster Government? What assurances has the Executive managed to get from the Secretary of State for Scotland?

Lewis Macdonald: I am aware of that project and the Scottish Executive wants progress to be made on it, as well as on the other projects that have been mentioned. We have pursued the matter with colleagues at Westminster and with the Strategic Rail Authority. In the case of the Aberdeen crossrail project, an input into the feasibility study stage is required. The Executive has already made a financial investment in realising an outcome to the project. We want that project to succeed and that money to provide the right return. We will continue to talk with all relevant parties, at Westminster and elsewhere, to achieve that end.

Mr Jamie Stone (Caithness, Sutherland and Easter Ross) (LD): The minister may or may not be aware that the Railtrack debacle resulted in some smaller casualties. One of those was the project to do up the old railway building in my home-town of Tain. Will the minister assure me that he will use his good offices in whatever way he can to ensure that, as and when the rescue package for Railtrack is put together, such smaller but important projects are looked after and rescued?

Lewis Macdonald: We have laid out our priorities for rail investment. We will pursue those priorities, but we are of course open to suggestions on other priorities further down the track.

Helen Eadie (Dunfermline East) (Lab): Will the minister assure me that the Forth rail bridge

maintenance project and disabled access to railway stations will feature as high priorities of the Scottish Executive as well as in his meetings with the SRA and the administrators of Railtrack?

Lewis Macdonald: We will continue to discuss the whole range of issues on which we have given commitments in the past. The member's question is of particular relevance to the proposal to reopen the Stirling-Alloa-Clackmannan line, which has particular relevance to the Forth rail bridge and to rail traffic on that route. That is among the priorities that I have described and which we will continue to pursue.

Clackmannanshire Bridge

14. Mr Keith Raffan (Mid Scotland and Fife) (LD): To ask the Scottish Executive what progress is being made on the proposed Clackmannanshire bridge across the Forth at Kincardine. (S1O-4271)

The Deputy Minister for Enterprise, Transport and Lifelong Learning (Lewis Macdonald): Our consultants are continuing their appraisal of potential crossings upstream of the existing Kincardine bridge, and expect to submit their report next spring.

Mr Raffan: Will the minister tell Parliament and me when he expects the line of route to be decided finally? When can we expect detailed design work for the southern end of the bridge, where many think that a grade-separated junction will be needed? When does the minister expect construction to start? Does he agree that, if the gap between completion of the east Kincardine link and completion of the new bridge is too long, congestion will only get worse?

Lewis Macdonald: We have made a commitment on the construction of the new bridge at a value, as Mr Raffan knows, of £50 million. We are therefore keen to ensure that we get the design and route right. The data have been collected and are now being processed by consultants. We expect further steps forward in that process in the course of the coming year.

Tricia Marwick (Mid Scotland and Fife) (SNP): Does the minister appreciate the concern about the fact that the Executive is examining a new option when there is a previously agreed option? Will the minister comment on the impact that that will have on the start date for the construction work? Will he make a commitment that work on the Clackmannanshire bridge will begin before 2003?

Lewis Macdonald: Rather than increasing the number of options, we have narrowed it down to two. Those two are the options that our consultants are considering at the moment. We wish to begin construction as soon as we are in a position to do so, but we will not rush the design

stage. We know from previous transport projects that it is important to get things right at the beginning. We will seek to do that.

Cathy Peattie (Falkirk East) (Lab): Does the minister agree that the bridge will not be a Clackmannanshire bridge, because it will go from Falkirk to Fife? Consultation has taken place in Clackmannan and Kincardine; will similar events be held in Airth and in Falkirk East?

Lewis Macdonald: I am aware that one of the two options that we are considering involves the village of Airth. We will consider carefully the views from that area that have already been expressed to us. If Mrs Peattie is reflecting a sense that people in that community have not had full access to the process, I will certainly address that matter.

Homelessness

15. Mr Keith Harding (Mid Scotland and Fife) (Con): To ask the Scottish Executive when it will next meet representatives of local authorities to discuss housing and homelessness. (S1O-4296)

The Minister for Social Justice (Iain Gray): The Convention of Scottish Local Authorities is represented on the homelessness task force, the housing improvement task force and a number of other Executive-led groups. I hope to meet the COSLA housing group in the new year.

Mr Harding: Does the minister share my concern about the quality of service that Fife Council and Angus Council give to homeless families, given that people in those areas who have been assessed as having priority need are twice as likely as others in Scotland to have to wait for four months or longer to secure permanent or even temporary accommodation?

Iain Gray: I am certainly aware that homelessness is a major issue in Fife, although I note that homelessness application figures are 12 per cent down for the last year for which we have complete figures, compared with the year before. Ultimately, the local councils have statutory responsibility for addressing homelessness in Fife and Angus.

I said in answer to a previous question that what is important in homelessness applications is the outcome. It is worth looking at the statistics. For example, Fife Council secures a permanent accommodation solution for 89 per cent of homeless households that are in priority need. That is a high figure for permanent solutions. A balance must be struck between securing a quick solution, which might break down, and securing a solution that takes slightly longer to achieve but is permanent. Local authorities must strike that balance, but we remain interested in how they do that.

First Minister's Question Time

SCOTTISH EXECUTIVE

Secretary of State for Scotland (Meetings)

1. Mr John Swinney (North Tayside) (SNP):

To ask the First Minister when he plans to meet the Secretary of State for Scotland next and what issues he intends to raise. (S1F-1483)

The First Minister (Mr Jack McConnell): I will meet the Secretary of State for Scotland on Monday night. We talk regularly about current issues of mutual interest.

Mr Swinney: I thank the First Minister for his answer.

Last week, I asked the First Minister about the case of a child who could not receive treatment on the national health service because a waiting list was closed. Yesterday, the Minister for Health and Community Care told the Parliament—and this was supported today in a letter to me from the First Minister—that that was the only waiting list in Scotland that was closed. I ask the First Minister whether that is true.

The First Minister: To the best of our knowledge, it is true. We checked with every board and trust this week. A claim was made in the debate yesterday afternoon that a waiting list was also closed in Inverness. That claim was not true. I checked this morning and I have an absolute assurance that it was not true. I hope that the assurances that I have received are the case.

Mr Swinney: I am sorry to tell the First Minister that the assurances that he has received are not the case. I draw to his attention a letter that one of my constituents received. It is from a consultant child psychiatrist in Tayside and relates to her seven-year-old son. In that letter, my constituent is told that a paediatric clinic is

"not in a position to accept referrals because of the length of their waiting list ... ie 12 months."

If the referral cannot be accepted, the waiting list is closed—that is another waiting list closed, which contradicts what both the Minister for Health and Community Care and the First Minister have said. How on earth can the First Minister expect to improve the national health service if he does not tell the Parliament the truth about it?

The First Minister: I have to say that although these weekly exchanges are an essential part of the duties and responsibilities of Parliament, we also have duties and responsibilities to our constituents. If the leader of the Scottish National Party has a letter with such a claim in his possession, he should have passed it more speedily to the Minister for Health and Community

Care and ensured an answer to the question. If another waiting list in Scotland is not taking referrals, we will act to deal with the fact that we did not get accurate information. If, in fact, the claim is not true, Mr Swinney would have been better served passing his letters to ministers for immediate action, instead of trying to score political points on a Thursday afternoon.

Mr Swinney: I think that the Minister for Health and Community Care will confirm that he receives a barrel-load of letters from me about my constituents' interests in health issues. [MEMBERS: "How many?"] Labour members ask how many letters the Minister for Health and Community Care receives from me. He will tell them how many letters I send him.

The First Minister should be aware that the constituent whom I mentioned made the situation plain to me on Tuesday. The reason why I raise it is that that lady is at her wits' end with a system that has failed to deliver for her child and her family. They are sick to the back teeth of listening to excuse after excuse from the First Minister, who denies the reality of the situation. Is not it the case that last week and this week we have unearthed one of Labour's shameful secrets—the scandal of closed waiting lists? We know that Labour's strategy for the national health service is, if we cannot get waiting lists down, keep people off waiting lists in the first place.

The First Minister: We know that that is not the case. Mr Swinney made that assertion based on one letter last Thursday. He was wrong in making that assertion last week and he is wrong again to use a specific letter to make the same assertion today. There are not closed waiting lists all over Scotland. That is not the case and Mr Swinney should not frighten the people of Scotland with such claims.

If Mr Swinney received a letter on Tuesday this week saying that one of his constituents was in such a position, he should have passed it immediately to the Minister for Health and Community Care so that the matter could have been acted upon. That is what constituency members in the Labour party and the Liberal Democrats would have done and that is what Mr Swinney should have done too.

Prime Minister (Meetings)

2. David McLetchie (Lothians) (Con): To ask the First Minister when he will next meet the Prime Minister and what issues he intends to raise. (S1F-1471)

The First Minister (Mr Jack McConnell): I have no immediate plans to meet the Prime Minister, although I, with Mr McLetchie, enjoyed watching the Prime Minister in the House of

Commons yesterday afternoon. I hope that Mr McLetchie was not too disappointed by the performance of the Leader of the Opposition.

David McLetchie: I was delighted by the performance of the Leader of the Opposition, who managed, I thought, to demonstrate convincingly that throwing more money at a problem does not necessarily get results.

When the First Minister and the Prime Minister meet, will they compare notes about the attempts that are being made to improve health services? Her Majesty's Government now uses the independent sector in England as a matter of routine and as part of central planning. In England, there has been a national concordat and contracts are being placed by health authorities, patients are being treated and operations are being performed. In Scotland, there has been a grudging, reluctant response, lukewarm words and, now, a committee of civil servants. Which approach to partnership does the First Minister think the 80,000 patients who are languishing on Labour's waiting lists in Scotland would prefer?

The First Minister: I will, with pleasure, tell Mr McLetchie which approach they prefer: they prefer sane, sensible decisions about the health service, which take into account the public nature of the service, but which make use of available facilities where they exist. They certainly prefer an approach based on those sane and sensible decisions to the Scottish National Party's approach, which involves a different policy on Sunday, a different policy on Monday, a different policy on Tuesday, a different policy on Wednesday and, no doubt, a different policy again today on the use of private hospitals by the national health service. They prefer it also to the Conservatives' approach, which would be to privatise the health service, regardless of the impact on our state hospitals.

The Administration's policy is to put patients first. It is not privatisation and it is not posturing.

David McLetchie: I wish that the First Minister would avoid such calumnies. Our party's position is that we need a national health service in this country, not a nationalised one. Every single resource should be devoted to achieving a national health service for all patients, which works, where appropriate, in partnership, so as to use facilities to maximum advantage.

The building of one of those facilities, the Health Care International hospital in Clydebank, was vehemently opposed by Labour members at the time. According to the Sunday newspapers, the NHS in England is champing at the bit to use HCI's facilities to treat thousands of patients who require cardiac surgery and who are waiting on health authority waiting lists in England. From

what we heard—belatedly—yesterday, it seems that the First Minister and his Executive have woken up to the danger that Scottish patients in the same situation may miss out, because the contracts in question will be placed for patients down south.

Will the First Minister assure us that steps are being taken to avoid that and to give patients in Scotland access to facilities on their doorstep for operations that they urgently require?

The First Minister: The SNP and the Conservatives are both so disappointed. We take action in the health service to co-ordinate the use of spare capacity and all that does, rather than please the Opposition parties and win praise, is disappoint them, because they cannot posture any more. I have never seen a politician look so sad on television as Mrs Scanlon did last night, when she had to admit the fact that we had taken the right decision yesterday.

We are not in favour of privatising the health service and we are not in favour of using the private sector if that has an effect on the public hospitals of Scotland. There is a rational approach to be taken, which will co-ordinate the use of spare capacity. It is the right approach.

I will certainly not take any lectures on hospital building programmes from the Conservative party, whose Government did not build any hospitals, as opposed to this Administration, which is putting new hospitals in place.

Renewable Energy

3. Mr Jamie Stone (Caithness, Sutherland and Easter Ross) (LD): To ask the First Minister how the Scottish Executive intends to maximise benefit to the economy from Scotland's renewable energy resources. (S1F-1463)

The First Minister (Mr Jack McConnell): The report "Scotland's Renewable Resource 2001", which Ross Finnie published on Monday, highlights the sheer scale of the opportunities that renewable energy can bring to the Scottish economy. We will turn those opportunities into jobs through our proposed renewables obligation (Scotland). The response from the private sector, led by three of Scotland's largest companies, has been to announce new investment in renewable energy totalling £1.5 billion. That investment is already creating jobs.

Mr Stone: The First Minister will be aware of the great economic benefits that Tom Johnston brought to the Highlands when the North of Scotland Hydro-Electric Board tapped power from the glens. Does he accept that our generation of politicians has a duty to ensure that Scotland gains as great a benefit when we tap power from the hills and the seas? Does he also accept that,

to unlock that potential, Scotland needs a greatly improved electricity distribution grid and that, working with Westminster ministers, Scottish ministers have a vital role to play?

The First Minister: It is important that we work with Westminster ministers on this issue. I recall debates in the chamber in recent months in which it has been argued that we should not do that, but now we see the great benefit of this Administration and Westminster working closely together.

There is a real future for Scotland in the renewables sector. This is an exciting development and a challenge that we intend to take up, in conjunction with our colleagues at Westminster. I remember the impact that hydro developments had on Arran when I was a young boy growing up there in the 1960s. I hope that over the next 20 years we can make the same impact on Scotland, by building up our renewable energy resources and making a real difference to our environment.

Bruce Crawford (Mid Scotland and Fife) (SNP): Does the First Minister agree that the publication on Monday of the report, which describes Scotland's massive potential for renewable energy, should finally bury the lie that Scotland is nuclear dependent? In view of that report, will the First Minister unequivocally reject the building of any new nuclear power stations in Scotland?

The First Minister: We have a solid and sensible policy on that issue, which is that it should not be considered until we have received a proper report on dealing with nuclear waste. It is right and proper that we take that approach. It is also right and proper that there should be a balanced outcome to the UK energy review. We have made our input to that review and that input has been powerful and influential. We in Scotland can be proud of that.

Drink Driving

4. Mr John Home Robertson (East Lothian) (Lab): To ask the First Minister what steps the Scottish Executive is taking to tackle drink driving over the festive season. (S1F-1465)

The First Minister (Mr Jack McConnell): Drinking and driving is illegal, dangerous and unacceptable. Even though there has been a sea change in Scotland, we cannot be complacent. I give my full support to the festive safety campaign and hope that everyone will heed the message and not risk drink driving.

Mr Home Robertson: Does the First Minister share my concern about the near certainty that over the next few weeks a number of Scots will be killed or maimed by drunk drivers? I welcome the campaign that the Executive and the police have

launched to tackle the menace of drink driving, but will the First Minister give further consideration to the case for giving the police powers to stop drivers at random for breath tests, as a deterrent to irresponsible idiots who still think that they can get away with drink driving?

The First Minister: The introduction of random testing would be a matter for the UK Government, but it is not supported by police forces, which prefer a targeted approach. That is a sensible approach and we support it. I make absolutely clear that the need for random or targeted testing would be significantly reduced if people would heed the message and stop drink driving.

Trunk Roads (Winter Maintenance)

5. Andrew Wilson (Central Scotland) (SNP): To ask the First Minister whether Amey Highways Ltd and BEAR Scotland Ltd are adequately prepared to meet all winter requirements of the trunk roads maintenance contracts. (S1F-1488)

The First Minister (Mr Jack McConnell): We expect all requirements of those contracts to be met. We have put in place monitoring arrangements to ensure that the contract requirements are met. If any difficulties are reported, they will be investigated and appropriate action will be taken.

Andrew Wilson: I draw the First Minister's attention to information that I received this morning from a trade union representative, who indicated that, in the south-west contract area, 29 gritting machines are currently available, whereas under the previous regime there were 45. That represents a drop of one third in the number of gritting machines in that area. Does that give the First Minister cause for concern? Do not those figures support the view of the man sitting next to him—Andy Kerr—that the contract strategy is flawed and 10 years out of date? Does Andy Kerr's view still hold, or have matters changed since his elevation to a senior Cabinet position?

The First Minister: The task that faces us this winter is to ensure that the contracts are carried through properly and that winter maintenance is properly facilitated on Scotland's trunk roads. I am told that the appropriate arrangements are in place. We will insist on monitoring those arrangements and we will act—as we have acted already with a number of default notices—where there are deficiencies.

There are always problems at the beginning of any contract period with any agency, whether public or private. What is important is that we ensure that the contracts are carried through and that we act if there is any diversion whatever from them.

Iain Smith (North-East Fife) (LD): Is the First Minister aware of the concerns of Fife Council about the BEAR Scotland Ltd contract? Last week, the council issued a press release, which stated:

"Unfortunately our experience of the company's performance over the past four months has left us with no choice but to walk away.

The council is concerned that the service that BEAR is currently providing is poor and that their arrangements for winter emergencies fall way below council standards."

What assurances can the First Minister give the people of Fife that BEAR Scotland Ltd has both the capacity and the capability to provide safe roads this winter?

The First Minister: The situation in Fife may be slightly more complicated than that. I am aware that authorities throughout Scotland have expressed concern about current performance. It is vital that anyone who has evidence of problems with current performance passes that evidence into the hands of those who are responsible for monitoring performance. I urge authorities that have such evidence to do that with some speed. I know that the Deputy Minister for Enterprise, Transport and Lifelong Learning, Lewis Macdonald, has offered to meet authorities from the north and the south of Scotland in January to discuss their concerns.

Tommy Sheridan (Glasgow) (SSP): Is the First Minister aware of the serious problems that have already arisen with the contract in Glasgow, particularly in respect of the M8? Will he give a commitment today that if those problems increase throughout Scotland with the arrival of winter, he will take immediate action to take back the contracts from the private sector and put them back in the public sector, where they are safer and where they belong?

The First Minister: We cannot wait around for Mr Sheridan's political posturing. We must act to ensure that the contract is properly carried through. That is our duty to road users and taxpayers in Scotland and we will carry it through by making sure that the contracts are properly fulfilled. We have been checking them regularly and we will continue to do so. We will take action against the contractors if they fail to meet their obligations.

Johann Lamont (Glasgow Pollok) (Lab): Is the First Minister aware of the concerns in my constituency about the inability of Amey Highways Ltd to clear up the grass verges of the motorways? Communities fear that that will encourage fly tipping and cause another scar on those communities. What advice can the First Minister give my constituents and others who are having grave difficulties in getting a response from the company on how it is responding to that problem

and dealing with it quickly?

The First Minister: I believe that there were early difficulties with grass verges, which is one reason why the monitoring arrangements have been tested. The arrangements are starting to work, because they are being used to monitor the areas in which such issues have been raised. Progress has been made, but I encourage all MSPs to raise specific local problems. It is vital that we monitor the contracts properly and MSPs have a key role to play in helping that to happen by raising local difficulties and by ensuring that we can act upon them.

Universities (Economic Development)

6. Rhona Brankin (Midlothian) (Lab): To ask the First Minister what role is planned for the university sector in respect of developing the economy. (S1F-1489)

The First Minister (Mr Jack McConnell): We intend to build on the hugely important economic role already played by Scottish universities, which produce people with the high-level skills that we need if we are to build a knowledge economy, and which are world-class innovators in many areas of research. Indeed, statistics released today show that the number of graduates who successfully complete higher education courses in Scotland is up by 7.4 per cent on the 1998-99 figures.

Rhona Brankin: I thank the First Minister for his reply. Does he agree that, in addition to universities in Scotland, we have cutting edge research institutes, such as the Moredun Research Institute and the Roslin Institute, which are based in my constituency? Will he undertake to visit the important bioscience cluster in Midlothian, to see examples of commercialisation in the important science sector?

The First Minister: Diaries permitting—an obvious caveat—I would be delighted to make that visit. In Scotland, it is vital that we prepare ourselves for the economic challenges that lie ahead.

As a result of many of the events of the past 12 months, we face a downturn in the global economy and we face economic challenges in Scotland. It is critical that Scotland has the science base and the skills level to allow us to ensure the continued growth and success of the Scottish economy in the years ahead.

The Deputy Presiding Officer: It is now past 15.30, so that concludes First Minister's questions.

Point of Order

15:31

Dennis Canavan (Falkirk West): Presiding Officer, I wish to raise a point of order, of which I have given you advance notice. My point concerns the Executive's excessive delay in replying to parliamentary questions and related correspondence.

Rule 13.5.2 of standing orders states:

"The answer to a written question shall be lodged with the Clerk. An answer shall be lodged normally within 14 days of the question being lodged."

I lodged written question S1W-19259 on 22 October and written question S1W-19808 on 8 November. I am still waiting for replies.

Yesterday, my office received an e-mail from the chamber desk. The e-mail reads:

"the Executive have informed me that there are no answers imminent...due to the ministerial external reshuffle."

The chamber desk could not give me any idea when the questions might be answered. I do not blame the people at the chamber desk—I give them full marks for trying. The lack of an Executive response is completely unacceptable.

One of my questions related to a letter that I sent to the former First Minister on 11 July. The letter enclosed suggestions from Rangers and Celtic football clubs on measures to combat sectarianism in football. Five months later, I still await a reply to that letter. [*Interruption.*] This is important.

The Deputy Presiding Officer (Mr George Reid): Yes, I am giving you time.

Dennis Canavan: My other question concerned the request of the Scottish Bus Group Pensioners' Action Committee to participate in discussions with the Scottish Executive about the winding up of the pension schemes. As the Scottish Executive has now agreed that such participation will take place at a meeting next Monday, there is no reason why the Executive cannot reply to my parliamentary question. I ask you to use your good offices to try to get a response from the Executive, which is clearly in breach of standing orders and is verging on contempt of Parliament.

The Deputy Presiding Officer: Mr Canavan, I let you go on at some length because you raise a matter of importance. You rightly quoted rule 13.5.2, which states that answers should be lodged

"normally within 14 days of the question being lodged."

Of course, "normally" may presuppose a holding

answer.

Policing of such matters is not for the chair; you must raise the matter with the Executive directly. That I have given you so much time on the issue at least means that the Executive will note what you have said.

The First Minister: On a point of order, Presiding Officer, your response demands a response from me. The letter about the proposals from Rangers and Celtic football clubs, to which Mr Canavan referred, has been drawn to my attention. Mr Canavan will receive a reply to that letter within the next few days. I will ensure that he receives a full response on the matter, which I care about deeply. I will take up the other issues that Mr Canavan has raised.

I stress to the Parliament that I am committed to ensuring that letters and parliamentary questions are responded to as promptly as possible by the ministerial team. As we have done before, we will publish the response rates, so that the Parliament can see how well we are doing.

The Deputy Presiding Officer: I thank the First Minister for that helpful answer.

Sea Fisheries

The Deputy Presiding Officer (Mr Murray Tosh): The next item of business is a debate on motion S1M-2546, in the name of Ross Finnie, on sea fisheries, and on the two amendments to that motion. Members who wish to speak in the debate should press their request-to-speak buttons now.

15:35

The Minister for Environment and Rural Development (Ross Finnie): I am delighted to have this opportunity to debate sea fisheries ahead of next week's meeting of the European fisheries council. It gives this Parliament a valuable opportunity to discuss matters that are vital to Scotland and to ensure that we set our priorities for the case that we must make at that meeting. Today, I will outline how I view the current state of our fisheries and describe how I would like things to move forward. I will then set out our approach to the December fisheries council.

This time last year, we said that life for the fishing industry would get harder before getting easier. This year it has felt as if we have been in the eye of a storm. The various stages of the cod and hake recovery plans are under way, but they are biting hard. We have experienced quota cuts and closed areas and we face the prospect of further changes to fishing gear next year, but I believe that this is a storm that we can come through. Yes indeed there is pain, but it is pain for a purpose: the long-term sustainability and viability of the fishing industry.

Sustainability is essential to support the fragile rural communities that depend heavily on the industry. More than 7,000 people are employed in the catching sector alone and a similar number are involved in processing and other downstream activity. More than that, the industry has great significance in purely economic terms. The landings into Scotland by all vessels in 2000 were valued at around £310 million and Scottish boats landed nearly £70 million-worth of fish abroad.

If we are to achieve sustainability—sustainability of fish stocks and economic sustainability—we must work hard towards a better balance between fleet capacity and catching opportunities. That is why we announced last March our intention to have a decommissioning scheme. I am pleased to announce today that we will offer decommissioning grants to 108 of the 197 vessel owners who made eligible decommissioning bids. On that basis, the scheme will remove more than 12,300 tonnes of capacity from the fleet—which is more than 18 per cent of the tonnage capacity of those eligible to apply to the scheme.

Accordingly, the scheme will contribute significantly towards our policy aims for the industry. Officials will write to all scheme applicants over the next few days, advising them of the results of their decommissioning application. I am sure that the Parliament will wish to welcome the announcement that I have made today. It represents the delivery of an unprecedented investment in the fishing industry. We expect that the £25 million set aside for this scheme will be fully taken up.

Of course, we continue to face a number of challenges; I want to refer briefly to two of them. The review of the common fisheries policy is vital. We are committed to delivering a revised CFP that takes account of Scottish needs and that results in a sustainable and competitive fishing industry that closely involves stakeholders in the management decisions that affect them. We have made good progress on that and the European Commission's green paper reflects most of our key priorities.

Tavish Scott (Shetland) (LD): Does the minister welcome, as I do, the fact that the European Commission's green paper acknowledges that the CFP has failed? Does he concur with the Commission in acknowledging the need for the scientific basis of decision making to be much more allied to the experiences of fishermen? Does he share my disappointment at the way in which the Commission is handling the proposed total allowable catch—TAC—for prawns?

Ross Finnie: On the first point, I share Mr Scott's welcome. I assure him that I will come back to that point. I am extremely upset about the TAC and I think that every member of this Parliament is not only upset but extremely annoyed about it. We must proceed on a basis that is understandable not just to those in the Commission but to the fishermen, to whom it must also be acceptable and explicable. It is not a matter for the Commission or for Government ministers—it is a matter for fishermen and their livelihoods. They deserve a level playing field.

As members will know, the Commission's draft proposals take account of most of the Scottish priorities and will deliver the key change on regional management as well as the traditional elements of relative stability, the six and 12-mile limits and—how modest of Mr Scott not to mention it—the Shetland box.

The second set of future challenges will be the recovery plans. They are more complex. I discussed the prospects for the cod recovery plans with the Scottish Fishermen's Federation when I met its representatives last week. We agree that we need to form a clear picture of what has been achieved so far, so that we are clear about the baseline and can then consider how

best to get to the end objectives. I find it slightly worrying that the Commission might move on apace, without pausing to reflect on the many measures that have been put in place as part of the recovery plans. I intend to draw that to the attention of the Commission. I can assure the Parliament that it is my firm intention to involve the Scottish industry in all those matters at every step. I want to ensure that the industry's views are heard in Europe.

With the industry's help, we have been able to achieve good progress on stock recovery without the extreme impact that some of the Commission's initial proposals would have brought. We have done so by working together in a constructive manner. That is something that I intend to continue.

Mr David Davidson (North-East Scotland) (Con): There is much uncertainty about the outcomes of the new technical measures. What evidence is the minister taking to the table to demonstrate that such uncertainty must be taken into account before the Commission rushes to conclusions?

Ross Finnie: That is the very point that we are making. We were on the very point of introducing 80mm square-mesh panels. We did much analysis on that and our industry was quite amenable to moving to 110mm panels. However, with no pause, the Commission has now moved to 120mm panels. We share Mr Davidson's view. We want to take the evidence that we have gathered and for the Commission to reflect on the impact of all the measures before we move to the next stage. There is a great danger that the train will run away without the Commission realising that real changes are taking place and that fishermen are making substantial contributions to that effort.

In terms of our more immediate challenges, the on-going talks with Norway and the Faroe Islands are taking place today in Brussels. We have been negotiating hard to achieve positive results in those talks, but this year the negotiations have been particularly hard because our main currency for swaps, blue whiting, is a stock in danger of collapse. In spite of that, we are confident that the best deal for Scotland will be achieved and that the damage will have been minimised. In particular, we look forward to the prospect of a much better haddock fishery in the North sea next year and in future years.

Therefore, at the December council, my approach will be to support reductions in quotas where there is solid scientific evidence to back such a move. However, we will fight and resist cuts for the sake of cuts.

George Lyon (Argyll and Bute) (LD): Will the minister give way?

Richard Lochhead (North-East Scotland) (SNP): Will the minister give way?

Ross Finnie: I will give way to Mr Lyon first.

George Lyon: The minister will be aware of the deep anger and concern in my constituency over the proposed 25 per cent cut in the prawn quota. As Ross Finnie said, any proposal must be based on science. There is a strong feeling in my constituency that the proposal has no scientific basis. That is a dangerous precedent for the Commission to set.

Ross Finnie: I agree whole-heartedly with that and I will comment on it at some length in a moment. I will take Mr Lochhead's point if he is quick.

Richard Lochhead: What is the minister's response to the proposed reduction in the quota for monkfish, which is also a valuable species?

Ross Finnie: Some of the Commission's proposals are reasonable. We will support increases in the west of Scotland cod quotas. We recognise monkfish as an important stock for Scottish fishermen but must acknowledge the parlous state of that stock. The quotas in recent years have been set much higher than was advised by scientists, so some reductions in quotas appear to us to be necessary.

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

Ross Finnie: No, I have to move on.

I will not support—I repeat, I will not support—the Commission's increasingly ridiculous position on nephrops. I am profoundly disappointed by the European Commission's proposals and I intend to oppose them vigorously. Nephrops stocks are very important to the Scottish fleet, particularly the inshore fleet that operates out of small rural communities. The fundamental point that I wish to make to the Commission is that if it plays ducks and drakes with the scientific advice, it threatens to undermine the whole process of TAC allocations. I cannot make that point strongly enough. Nephrops stocks are healthy, but the Commission wishes to cut the quotas because it believes that that will protect cod, which is sometimes caught with nephrops.

We in Scotland have presented the Commission with overwhelming evidence to disabuse it of that notion. Ninety-four per cent of the vessels that catch nephrops do not catch any other species. It is nonsense for the Commission to assert otherwise and we will resist those assertions. The problem is undermining the whole process. I have already written to Franz Fischler to express our concerns. We will also circulate a note to all member states advising them of the strength of our case. I advise the chamber that I have already

had a discussion with Elliot Morley and I am pleased to say that, as a consequence, we are at one with the United Kingdom position on the issue.

I will attend the fisheries council as part of the UK team and, in those negotiations, I hope that we can use our position of strength to pressure the Commission into revoking these unacceptable cuts. I invite Parliament to endorse the negotiating position and support the Executive's motion.

I move,

That the Parliament calls on the Scottish Executive to seek to negotiate an outcome from the Fisheries Council meeting in December 2001 that reflects the need to preserve stocks for the long term and represents the best achievable deal for the Scottish fishing industry.

15:46

Richard Lochhead (North-East Scotland) (SNP): In moving the amendment to the Executive's motion, I welcome this crucial debate and wish Ross Finnie well in his new post. However, we are disappointed that we do not seem to have a dedicated fisheries minister any longer.

Our fishing communities have had a turbulent 2001. There have been quota cuts and North sea closures, and the industry has conducted a dignified campaign for a compensated tie-up scheme. The industry ends the year by going through the pain of decommissioning. That scheme is over-subscribed, which highlights the industry's low morale. I do not think that any of us can begin to imagine the difficult weeks ahead for those involved with the 108 vessels that might be leaving the industry after a lifetime. There is as much uncertainty at the moment as there was at the beginning of the year.

The minister's immediate priority in Brussels next week must therefore be the rejection of the damaging and foolish proposal to slash the nephrops quota. Europe cannot be allowed to pick and choose when it listens to the science. Officials cannot get away with ambushing the industry after conducting months of talks. I do not need to tell the minister about the horrendous impact that the proposal would have on the catching and the processing sectors throughout Scotland.

Cutting the quota would also displace the fishing effort from healthy stock to more fragile species. Surely that is the last thing we need. If fishermen are to take the regulations seriously, they must be credible. The minister must refuse to leave Brussels until Europe has accepted the evidence that proves that the bycatch of nephrops, or indeed of monkfish, is negligible. Those two fisheries have sustained the industry throughout 2001 and the proposals would be utterly devastating.

The Commission even has the cheek to use the bycatch argument while it is proposing an increase in the cod quota. To whom are those officials accountable? Should not the minister be calling for their heads to roll, given that they are clearly not up to the job?

Tavish Scott: Does Mr Lochhead agree that there is a difference between the aspect of the Commission that has dealt with CFP reform and the aspect that he has just described? On the whole, Commission officials who have dealt with CFP reform, such as Christophe Nordmann, have been amenable to the Scottish case.

Richard Lochhead: I agree, but there are specific individuals who are coming up with ambush tactics year after year. They are the officials to whom the minister must turn his attention.

Ports are already worried about the latest threat to scallops, following the absurd proposal for a new testing regime that could destroy the industry. The minister must also turn his attention to that matter when he is in Brussels. It is another example of faceless bureaucrats acting against Scottish interests.

The minister should instruct the Commission to attack industrial fishing with the same zeal with which it is attacking Scottish stocks. If the Commission is serious about rescuing stocks and reducing the bycatch, it should be proposing a far bigger reduction in industrial fishing in the North sea. Proposals to increase the quota for Norwegian pout or to implement a minimal cut on sand eels are a slap in the face not only for the industry in Scotland, but for conservation itself. The minister should bring back from Europe a plan to phase out industrial fishing—to ensure that human consumption is given priority. He should help the aquaculture industry in Scotland to prepare for the changes ahead. I would like the minister to comment on that when he sums up.

The Commission's apparent lack of understanding of Scotland's need in fisheries reinforces the case for a decentralised common fisheries policy. We could have no better reason than what has happened in recent weeks for decentralising policy and returning more power to the fishermen and the scientists of member states.

Fishermen cannot be prevented from catching other stocks, on which their livelihoods depend, in a vain effort to protect cod. As members said to the minister, Europe must listen to fishermen. As the minister knows, some fishermen think that cod stocks have moved north in recent years, perhaps because of climate change. Ross Finnie must raise that with the European Commission next week.

I will now deal with recovery plans. It is essential that we give the industry time to catch its breath—as the minister said—before we proceed further. The measures that have been agreed must be given time to work. The industry led the way on the 90mm square-mesh panel, new mesh sizes and many other technical measures. They came on top of this year's closures and the fact that we are in the middle of decommissioning. Surely it makes sense to wait until we have conducted a full economic and conservation assessment before more pain is inflicted on the Scottish industry. The minister should tell us his plans for Brussels that will give the industry time—I welcome his brief mention of that.

It would make better sense to introduce zonal management early and allow that to deal with recovery plans in coming years. The minister must propose that to Europe. I would welcome hearing in his closing remarks a guarantee that he will do that.

The SNP welcomes the emphasis of the Commission's proposals on effort limitation rather than relying simply on TACs, which are intended to distribute fishing rights, not to conserve stocks. The Commission has expressed unequivocal support for compensated tie-up schemes. Days-at-sea schemes, or tie-up schemes, will require ministers to untie the purse strings. I ask the minister to make it clear that he does not close his mind to any of the measures that the Commission has laid on the table and that the industry supports. The £25 million that the industry has wrung out of the Government must not be the end of the matter. Investment must continue. As the minister well knows, the support for our fishing industry is pitiful compared with the support for other member states' industries.

Rhona Brankin (Midlothian) (Lab): While he criticises the level of spending, does the member accept that £27 million is the biggest ever single investment in the Scottish fishing industry? Will he recognise that the Commission has said that decommissioning, rather than tie-up schemes, represents much better value for money in producing long-term sustainability for the industry?

Richard Lochhead: The member is well aware that other countries, such as Spain, give their fishing industries far more financial assistance. That is clear. We welcome the cash that the Scottish Executive delivered, but, as Elliot Morley acknowledged, that was the result of a dignified campaign by the fishing industry earlier this year.

The industry's pain has been caused by the failed CFP. That is why it is important that we get the best out of the review, as the minister said. Protecting our historic fishing rights and decentralising the CFP must be our top priorities in the negotiations.

To improve Scotland's chances this month, it is imperative that Ross Finnie—a minister of Cabinet rank, with responsibility for more than two thirds of the UK's fishing industry—is designated the UK's lead minister in Europe. There is no point in sending a Cabinet minister to Brussels merely to carry the bags of an under-secretary of state from London. That is ridiculous. Scotland has the predominant interest in the UK fishing industry and Scotland should represent the UK, just as Flanders will represent Belgium. That makes sense for Scotland.

Rhona Brankin: Will the member give way?

The Deputy Presiding Officer: The member is in his last minute—in fact, he is over time.

Richard Lochhead: I apologise; I am closing.

The SNP urges the minister to pursue a policy that conserves fish stocks and our fishing communities. When necessary, he should refuse to take no for an answer. We look forward to hearing his response to the issues that have been raised and commend the SNP's amendment to Parliament.

I move amendment S1M-2546.1, to insert at end:

“; further calls on the Executive to seek an increase in nephrops quotas in line with scientific advice and ensure that the outcome of all the negotiations recognises the mixed character of Scotland's fisheries and takes into account the many conservation measures already agreed by the industry; further calls upon Ministers to retain an open mind with regard to fisheries management measures proposed by the industry and financially supported by the EU, and urges the Minister for Environment and Rural Development to seek designation as lead UK Minister on the EU Fisheries Council for the forthcoming negotiations on quotas and the Common Fisheries Policy in order to secure the best possible deal for the catching and processing sectors.”

15:54

Mr Jamie McGrigor (Highlands and Islands) (Con): I wish the new minister well in his negotiations on behalf of the Scottish fishing industry.

The proposed cuts in prawn quota will damage fishing communities throughout Scotland that are already reeling from the recent falls in income. Fraserburgh, for example, is the largest prawn port in the UK. The smaller vessels in Eyemouth and Pittenweem on the east coast will be particularly affected. A cut of 22 per cent in quota will obliterate their livelihoods; it is even worse for the west coast, where fishermen will treat a 25 per cent cut with cynicism and derision.

Recently, fishermen have been far more willing to accept scientific advice than they were in the past, but all that good work will be undermined if

the Commission's proposals for cuts in the nephrops, or prawn, quota are implemented. Why has there been no communication of the Commission's intentions in that regard in all the talks that have taken place with fishermen's representatives in the past year? Why, if the Commission states that it based its proposals for quotas on scientific advice, has it clearly not done so in this case? Why does it attempt to link cod stocks with fishing effort for prawns when there is clearly no connection?

Last year, the Commission reduced the prawn quota by 10 per cent, stating that if the UK could demonstrate that prawn fishing has a low impact on the cod fishery, that 10 per cent would be reinstated to the fleet. That was accepted, albeit reluctantly, by the Scottish fishermen, whose efforts to comply with conservation measures have been by far the best in Europe. Imagine, then, their despair and disbelief at the cuts, which are certainly not based on scientific advice.

Had the quotas been based on science, the prawn TAC for next year would have risen to 18,000 tonnes rather than dropped to 12,000 tonnes. Add to that the huge reduction in the monkfish quota and we have a recipe for disaster for the Scottish fishing fleet. A 40 per cent reduction in one year, in any stock, is a step too far. It would reduce the value of the monkfish sector by £10 million. Will the boats involved in that fishery simply not turn their horsepower to the mixed fishery of the North sea, where cod is a serious bycatch?

Returning to the prawn quota on the west coast, where a cut of 25 per cent is envisaged, there is plenty of evidence that cod bycatch is negligible. In 2000, cod landings in the Western Isles were valued at £34,500 and the vast majority of them were caught by vessels targeting white fish with static nets west of the Hebrides—an area where no prawns are caught. During the same year, Western Isles prawn landings amounted to £4,614,000. Those figures demonstrate that there is no significant connection between prawn and cod catches. The same applies in the three other main west coast grounds where prawns are the main target species. The bycatch of cod is minute and becoming less, as an increasing share of the prawn TAC is taken up by creel fishers, who have no bycatch at all. It is ludicrous to expect inshore prawn vessels to take a 35 per cent reduction in earnings to save cod that they are not catching. The realistic option is to restore the west coast prawn TAC and accept that the technical conservation measures introduced into white fish nets will reduce the minute bycatch of cod on the west coast.

Talking of west coast issues—and scallops—reducing amnesic shellfish poisoning levels to 4.6

micrograms per kg would close the fishery for nine to 10 months of the year and wipe out the markets, the processors and the scallop vessels. There has never been any problem of illness associated with Scottish scallops, which are tested at 20 micrograms per kg—the internationally recognised level.

The minister must give his support to the industry in its time of need. Indeed, while the Executive must call for an increase in prawn quotas, it must also rectify the ridiculous proposal of a 5 per cent increase in the Norwegian pout fishery. That fishery is the most damaging to bycatch of other species. What forces are behind that suggested increase? Not only are Scottish fishermen to be hit by quota cuts; vessels that also fish in the Norwegian sector need an extra set of gear with 120mm mesh size. That is handicapping them by £5,000 per vessel. The minister will probably say that state rules forbid aid on that issue, but I point out to him that no action is being taken to stop the regulation, which is an extra burden to Scottish vessels and is therefore, in effect, state aid to other member states by default.

In conclusion, I demand that the Scottish Executive obtain a fair deal for Scotland and scrutinise moves by other EU states in the crucial period leading up to the review of the CFP.

I end by asking the minister whether he knows why Mr Gordon Adam, a Labour member of the European Parliament from Northumberland, is seeking to undermine the efforts that are being made in the Shetlands to secure more quota for local fishermen.

I move amendment S1M-2546.2, to insert at end:

“; in particular calls on the Scottish Executive to seek to overturn the proposed cuts in nephrops quotas in favour of figures based on scientific advice; calls for a significant cut in industrial fishing; notes that the change in net mesh sizes will put an unfair burden on Scottish fishermen who fish both EU and Norwegian waters, and further calls on the Executive to press for retention of the internationally accepted 20-microgramme testing system for scallops to promote the survival of the Scottish scallop industry.

16:00

Elaine Thomson (Aberdeen North) (Lab): This year has, without doubt, been one of the most difficult for the fishing industry—for catchers and processors. Hard decisions have been taken. With the minister's announcement today, some will probably leave the fishing industry for ever. Those decisions needed to be taken to put us where we are today: beginning to look forward to a more optimistic future. Many problems must still be overcome, but the brave actions taken by fisheries ministers over the past 12 months are beginning to put the industry on a more stable footing and to

build a sustainable future for the long term.

It is essential that we ensure that both sides of the fishing industry—catchers and processors—have an economically viable future based on sustainable fish stocks. That has to be the central pillar on which all policy must be developed. This year's fisheries council meeting will undoubtedly be difficult. The focus must be on preserving stocks and on quotas that are in line with scientific evidence. The proposals for nephrops are clearly at variance with scientific evidence.

I welcome the minister's commitment to achieving the best possible deal at the talks in Brussels and the actions that he has taken to pursue the matter so far. This is probably the first year since the Parliament started in which—on the nephrops issue, at least—everyone in Scotland is speaking with one voice, with parties and fishing organisations supporting the minister and the UK delegation in the forthcoming negotiations. Much more can be achieved by all the stakeholders in the fishing industry working together. That is a point that was made strongly at a recent Scottish Fish Merchants Federation dinner in Aberdeen.

SNP members constantly harp on about irrelevancies such as the make-up of the delegations, totally refusing to see that the best interests of the fishing industry will be served by a strong UK voice in Europe bringing much greater voting power than Scotland would ever have on its own. The Scottish minister will be in Brussels, bringing vital Scottish experience and input to the negotiations and working with the UK minister to ensure that we end up with the best possible deal.

Richard Lochhead: On unity in the industry throughout the UK, will Elaine Thomson, who is speaking for the Labour party, take the opportunity to condemn the Labour MEP from south of the border who is protesting against efforts by Shetland fishermen to protect quotas for new entrants and for the local community?

Elaine Thomson: It is essential that we concentrate on the Scottish interests and that we all work together. What we will have—

Dr Winnie Ewing (Highlands and Islands) (SNP): That is not what she said a minute ago.

Elaine Thomson: No, I do not think so.

Next year, the common fisheries policy, which is widely recognised as having failed, will be reformed. The UK response was built on wide consultation with all fishing interests by the European Committee of this Parliament in its inquiry into the CFP reforms. Those views were then adopted by the Scottish Executive. They formed the building blocks of the UK response. That is an example of devolution working for Scotland.

The long-term future of the fishing industry will be much improved by a CFP that resolves issues such as the current overcapacity in boats and moves towards zonal management. I do not believe that it will be helped by temporary tie-up schemes, which people throughout the industry and across Europe have said are not a good use of money.

Over half of all fish stocks are currently at or beyond maximum sustainable levels of exploitation. Some fish stocks, such as cod, are also affected by environmental factors such as increasing sea temperatures, which are thought to be caused by global warming. We need to tackle much of that. Much has been done over the past year, such as the cod recovery plan, the decommissioning of 18 per cent of the fleet and the introduction of technical and other measures, but we need to do much more in a number of areas.

For example, we need to consider the faster introduction of electronic auctions and to continue to improve the quality of fish when they are landed. A lot of money goes to fish catchers to help them look after the quality of fish once they have been caught and before they are landed. Such improvements will ensure that there is an industry in the future.

We must build on those areas to achieve an economically and environmentally sustainable fishing industry in Scotland. I support the Executive's motion.

The Deputy Presiding Officer: That was a model of good timing. We now move to the open debate. Only four minutes can be allowed for each speech.

16:05

Stewart Stevenson (Banff and Buchan) (SNP): I hope that Elaine Thomson did not suggest—as I thought that she did—that we will not get good fish stocks until we solve the problem of global warming. That would mean that we would have to wait a wee while.

I am sure that Rhona Brankin remembers the first speech that I made in Parliament on 14 June. [MEMBERS: "No."] She will remember it, because I will remind her. I spoke about fishing and the excellent work of my predecessor as member for Banff and Buchan. I note that he and many others spoke in the debate in the Palace of Westminster last Thursday, which started at 2.13 pm and finished at 7 pm. It is a matter of regret that our debate will be a mere 90 minutes—in fact, it will be less than that—when the industry is much more important in Scotland than it is down there.

There was good news in the Westminster

debate. Elliot Morley said that he has

"close and friendly contacts with the Scottish Executive".—
[*Official Report, House of Commons*, 6 December 2001;
Vol 376, c 561.]

I hope that Mr Morley will put flesh on those sentiments and that our minister gains leadership in the forthcoming negotiations. I say to Elaine Thomson that I am sure that Mr Morley would trust Mr Finnie with all UK votes. If not, why should Scotland and Mr Finnie trust Mr Morley with ours? There is a strong case.

Rhona Brankin: Does the member accept that if the SNP had its way and Scotland left the rest of the UK, Scotland would have less influence on fishing matters than even land-locked Austria, which has 10 votes?

Stewart Stevenson: I thank the former minister for that. I am aware—as she is—that an independent Scotland would have more votes in the European Union than it currently has as part of the delegation. Furthermore, those votes would always be cast in the Scottish interest. Many small countries in Europe are in a similar position.

Before I turn to my main point, I would like to mention an important matter to which the minister will be happy to respond—the west coast herring fishery. Since 1997, the quota has shrunk by 56.5 per cent and proposals for this year would mean a further year-on-year reduction of 17.5 per cent. That, like a number of other issues that have been raised in the debate, is apparently unjustified by the published science.

Will the minister give an assurance that he will fight that cut on the grounds of weak science? If it proves necessary, will he invoke the Hague preference? The skippers are unanimous that the stock is in good condition.

It would be a sorry occasion if I did not say something about the decommissioning scheme. There has been a 100 per cent over-subscription of the scheme—197 boats. Of those, 108 will get their money. There will be a lot of disappointment. That tells us a lot about morale in the industry.

Distributing the available quota among fewer boats will help—that must be given a modest welcome—but it is certainly not a conservation measure, despite what Mrs Winterton, the Tory spokeswoman in Westminster, thought. It is critical to long-term sustainability that we address conservation. Juvenile herrings are out there in great numbers and if we do not have a fleet to catch them, we will not have a viable industry.

Elaine Thomson: Will the member give way?

The Deputy Presiding Officer: The member is closing.

Stewart Stevenson: I am out of time. The EU is

indicating increased support for compensated tie-up schemes. We must have scientific results so that we can consult fishermen, argue the case here and elsewhere and bid for funds. Conservation is about conserving communities and fishermen as much as it is about conserving fish. I ask the ministers to go for it, to take the lead in Europe and to stand up for Scotland.

16:10

Mr Jamie Stone (Caithness, Sutherland and Easter Ross) (LD): I will speak for a little less than my four minutes, because, if the Presiding Officer will allow it, my colleague Tavish Scott, in whose constituency fishing is vital, has a good deal to say and would like to speak for a little longer.

I have two points to make, but because of what I have heard in the debate, my second point will be different from the one that I first thought of. First, I welcome the statements of support for Ross Finnie—from all parties—as he goes into battle on our behalf. It is important that we sing from the same hymn sheet, because the previous divisions and discord in the Parliament and in the fishing industry were unhelpful. We should weigh in behind the minister so that the case is pressed to the maximum effect.

My second—and new—point is that so far the debate has concentrated, perhaps rightly, on boats, skippers and crew and on landing catches. However, when we talk about the fishing industry, we should remember the shore-side aspect. Elaine Thomson hinted at that when she mentioned fish processing. It does not send a good message to zero in on boats and on landing fish and to forget about people who work in fish factories and the industries that are dependent on them, such as packaging and transport and even sparkies and joiners.

Members tend to forget about that aspect of the industry. An example is the fine and beautiful old burgh of Wick, which is in my constituency. Members who have seen George Washington Wilson's pictures from the turn of the century will know that, around 1900, Wick harbour was jam-packed with herring boats. Since then, there has been a steady decline in the industry in that part of Caithness. Although the people of Wick and the harbour trustees are doing their best to manage the situation, it is fair to say that the general economy of the Wick area is at a low ebb—to use a nautical phrase. Over the years, that has come—gently and in many ways—from the decline in the fishing industry.

I will make a point that I have made to the minister before—I know that he recognises it. In his good work, he should not forget the shore-side

aspect of the industry. The fishing industry is bigger than boats and skippers—it must get together with the Scottish Enterprise network and talk to Wendy Alexander. Even if we solve the problem by reducing the size of the fleet and allowing stocks to recover, a residue of economic ill health would be left in areas such as Wick. Although the situation might be fine on the briny, it would not be fine on the shore because people who had work in the past would no longer have it.

The Parliament and the Executive must take a holistic approach. If they do not, we will be left with the Wicks of this world. Wick is a lovely old town with fine people who deserve all the help that we can give them.

Mr McGrigor: Will the member give way?

Mr Stone: I am sorry, I am going to sit down because I have spoken for too long. I ask the minister to work as closely as possible with the Scottish Enterprise network. I commend the motion.

16:13

Rhona Brankin (Midlothian) (Lab): I welcome the opportunity to be involved in a sea fisheries debate once again. The sea fisheries industry is very important to Scotland. Peterhead is the biggest white fish port in Europe. We have communities such as Shetland, where up to 40 per cent of the economy is dependent on the fishing industry. Many coastal communities—such as those in Orkney, Mallaig, the Western Isles, Eyemouth and Fife—are fisheries dependent. We are not talking about an industry that is of marginal importance to Scotland, but an industry that accounts for over 15,000 jobs across the country, exports worldwide, produces a food that is a vital part of a healthy diet and—most importantly—is an indigenous industry that can be sustainable in the long term.

Sustainability is at the heart of fisheries management. That is why I welcome the announcement of the decommissioning grants for the white fish sector. That £25 million forms part of the biggest-ever single investment in the Scottish fishing industry and I am glad that certain SNP members have welcomed it, albeit in a lukewarm fashion. Such investment is a vote of confidence in the future of the Scottish fishing industry. It will not be easy to create a long-term future for the industry and restructuring the white fish sector is fundamental to that sector's sustainable economic viability. The fisheries council meeting will present a few challenges, some of which have been highlighted this afternoon. However, I am confident that the UK negotiating team will fight Scotland's corner as always.

That point brings me to the SNP's amendment.

Reading through it, I initially thought that it made some sense and that there was a lot in it that we could all agree on. For example, we have already received Ross Finnie's assurance that a fair deal for nephrops will be at the top of the UK's priorities at the council meeting. However, as we read on, we reach the SNP's sad old ideological obsession with who leads at the fisheries council. Once again, the SNP is intent on picking away at the Scotland Act 1998.

Richard Lochhead: Will the member give way?

Rhona Brankin: No, I want to make this point because I passionately believe in it.

The SNP is simply raising the issue as an excuse to argue that more powers should be transferred to Scotland with the ultimate aim of tearing Scotland away from the rest of the UK. I strongly believe that the SNP is playing politics with the Scottish fishing industry; however, the industry will see through what the nationalists are doing. Devolution gives Scotland the best of both worlds: it gives us the strength of the UK negotiating for Scottish interests and the opportunity to engage in Europe to develop the country's own distinctive identity.

Richard Lochhead: Will the member give way?

The Deputy Presiding Officer: No. The member is in her last minute.

Rhona Brankin: We are best placed to achieve that as part of a powerful UK delegation. The SNP should stop whingeing. Scottish fishing communities are interested not in who says what at the fisheries council, but in getting a fair deal for the industry. That is what Ross Finnie will be fighting for at the fisheries council meeting.

Since the establishment of the Scottish Parliament, a unique relationship involving fishermen, scientists and the Scottish Executive has developed and I have been privileged to play a small part in that process. I want to put on record my appreciation of the very constructive role that the Scottish Fishermen's Federation has played in working with the Scottish Executive. Furthermore, I thank the Scottish sea fisheries officials, who play a vital role at the heart of UK fisheries management and are of the highest quality. Although I believe passionately that the Scottish fishing industry has a future, we have to make that future happen. We can do that only by working together constructively. I therefore ask the chamber to support the Executive motion.

16:18

Alex Johnstone (North-East Scotland) (Con): One of the pleasures of my two years as convener of the Rural Development Committee was the opportunity that it gave me to learn a great deal

more about the fishing industry. Although the industry existed almost at my back door, I had very little understanding of it. I have since found myself speaking in most of the Parliament's fisheries debates. Indeed, it was interesting to hear Rhona Brankin give us the benefit of her crash course in the subject, as her appointment as fisheries minister came as something of a surprise to her. However, I think that the chamber is grateful for what she achieved in that time.

We must also remember that the Parliament is invariably and universally behind the fishing industry and usually demonstrates a fair degree of unanimity on the subject. In fact, when we have debated the importance of the fisheries negotiations in Brussels—this debate will be the third such occasion—the whole chamber has clearly backed the minister as he or she goes off to Brussels to represent Scotland's interests as part of the UK delegation.

That said, it is always interesting to hear the debate develop. First, the fisheries minister—this year it was Ross Finnie—stands up and tells us what he is going to do. We agree with the majority of what he proposed today.

Then a speaker from the SNP—it is usually Richard Lochhead—stands up and tells the minister that what he said that he was going to do is the appropriate thing to do. There is rarely any difference in that. This year, however, a piece of variety was provided by Stewart Stevenson, who stood up to tell us one or two new things. He has not been present at one of these annual debates before and he reminded us that the terrible Tories are doing much damage in London.

For our part, we nod and wink at our compatriots around the chamber and indicate that, this year, we will be lending our support to the unanimity of the Parliament, as we always do on this subject.

Richard Lochhead: The member unreasonably accused the SNP of simply repeating what the minister said in his opening speech. Of course, that is nonsense. Will the member accept that one priority that the minister must have in Brussels next week—which he did not mention but the SNP did—is to tackle industrial fishing?

Alex Johnstone: That is dealt with in our motion and I am proud to associate my party with that demand.

I want the minister to address one or two issues in Brussels.

Jamie McGrigor talked about the pressures that fishermen are under with regard to the gear that they use and the requirement to provide new gear in the near future. Is there any way in which the minister could assist those fishermen who, because of the financial constraints that they are

under and the fact that their banks are no longer willing to support them, are unable to supply new gear?

Jamie McGrigor, referring to prawns, made a point that has been made in this chamber several times. Is the Government willing, in applying pressure to the European Union, to take the European Commission to court over the impact of its measure on the prawn fishery if there is no other alternative? The European measure would have a negligible effect on the cod stock but would, undoubtedly, have an impact on our fleet. The French threatened to take the European Commission to court over the coley stocks earlier this year and the Commission caved in.

For the benefit of Richard Lochhead, I ask whether the Executive will push the Commission for the introduction of a strategy that will systematically reduce industrial fishing over the next few years and will lead, hopefully, to a ban on such fisheries in the North sea.

16:22

Christine Grahame (South of Scotland) (SNP): I am an unlikely interloper in a fisheries debate. When I said that I was going to speak in the debate, I was asked what fishing had to do with the Scottish Borders. When I said that I wanted to speak about the plight of the fishermen in Eyemouth—in particular the prawn boats—my questioner was utterly surprised that there was still fishing there. There is, but it is not thriving. The fishing community there dates back to the 13th century, growing, as all fishing communities have done, around its harbour and its fleet. It suffered the worst fishing disaster known in Scotland, on 18 October 1881, when more than 189 fishermen—129 of them from Eyemouth—lost their lives when they put out to sea to meet their tithes to the church. In recent times fishermen are again taking to the sea in more and more dangerous conditions in order simply to make a living.

Fishing is still core to the town's tourism, with a seafood festival in June and a herring queen festival in July. There are currently 61 members of the Eyemouth Port Association, 40 of them fishing prawns. The threat of a further 25 per cent reduction—in the face of scientific evidence that others have referred to—will, when added to last year's 10 per cent cut, push a vulnerable local industry and community close to the edge.

Mr Mike Rumbles (West Aberdeenshire and Kincardine) (LD): Christine Grahame said that she was speaking for the fishermen in the Borders, the area that she represents. Surely, however, there are also fishermen that she should be representing in the south-west. Has she no interest in those fishermen?

Christine Grahame: Yes, I do. I am using Eyemouth as an example of a vulnerable community. I am talking about fishing communities of that size throughout Scotland. I have simply had more meetings with the Eyemouth fishermen than with any others. I speak after having spoken to them today on this matter.

The Eyemouth fishermen have negotiated and accepted the use of larger mesh nets to prevent smaller fish and prawns being caught. David Shiels, of the Eyemouth Port Association, told me that he thought that that and other measures, along with proof that cod was not taken by prawners, would lead to the removal of the 10 per cent cut. I understand that that proof was given but that the cut remained.

The wider issue of discards must be addressed. As a laywoman, it appears to me that, despite all the mesh measures, the fact that good fish are being tossed dead back into the sea is simply irrational. Where is the conservation in that?

If the further cuts go ahead, they will have serious effects on the economy of Eyemouth and surrounding areas, some of which I have described. There would be a knock-on effect on local suppliers. According to David Shiels of the Eyemouth Port Association:

"vessels are already operating too close to the red line".

He predicts that quite a few further firms and vessels will go to the wall. Members should set that against a crash in the prices for fish on the quayside: £12 to £15 for haddock, £6 to £10 for a box of whiting and £10 for a box of monkfish.

The situation is desperate and has given rise to a desperate plea from just one of the many fishing communities in the south of Scotland. I stress the word community because, when the fishing declines, so will the entire economy.

However, Eyemouth is a fighting community. I recommend the article in the *Fishing News* of 30 November this year, which refers to the dreadful disaster in 1881. It is called:

"EYEMOUTH—THE FISHING TOWN THAT REFUSED TO DIE".

Eymouth still refuses to die

Euan Robson (Roxburgh and Berwickshire) (LD): Will the member give way?

The Deputy Presiding Officer: The member is closing her speech.

Christine Grahame: I am winding up.

Eymouth needs advocates who will genuinely plead the case against a cut in quotas. I trust that Ross Finnie will be able to deliver.

16:26

Tavish Scott (Shetland) (LD): I welcome Murray Tosh to his serene position in the chair.

I begin by agreeing with Rhona Brankin. She made an important point about the unanimity of view that should exist in Scotland when a fisheries minister is going to Brussels. I do not apologise for repeating the point. The work of the cross-party group of Scottish MEPs on the European Parliament Fisheries Committee is extremely important. The work that all four main parties do is constructive. It plays a significant role in aiding the Scottish case. I wish that we could do more of that at such times.

In the limited time that is available to me, I will raise three constituency points, following a series of meetings with the Shetland Fishermen's Association and fishermen in my constituency. The first relates to TACs and quotas. I share the concerns that Richard Lochhead raised about the monkfish quota. My concerns relate to the scientific advice. The SFF's analysis, which it was rightly asked to do by the Scottish Executive environment and rural affairs department, suggests that the levels are stable, certainly in the North sea. I believe that that should be reflected in the final TAC. I respect the fact that there may be differences of view with regard to the west coast, but I do not believe that the Commission's proposals for a 40 per cent quota cut are appropriate to the North sea. The minister should resist them firmly in the council next week. The other aspect to bear in mind on monkfish is that the figures from the International Council for the Exploration of the Seas, on which I believe the proposal was based, relate to scientific evidence from 2000. They could therefore fairly be said to be somewhat out of date.

Monkfish is a high-value species. A 40 per cent cut in the quota would be utterly devastating for the Shetland industry. The suggestion that I think the Commission is making—although I do not believe that the Commission knows what its policy is on this—that we can simply solve the problem by mesh sizes is utterly inappropriate. Anyone who has seen a monkfish knows that, no matter whether the mesh size is 80mm, 90mm, 110mm or 120mm, a monkfish cannot swim through it. The logical extension of that position is a closed area for monkfish. All that that would achieve is a repeat of the difficulties that we had earlier this year, because closed areas just lead to displacement of effort and other stocks being hit all the harder. That series of options should be severely restricted—indeed opposed—by ministers.

My second point is on the cod recovery plan, or—as it now appears to be called—the cod and hake recovery plan. I have two points that I ask

the minister to clarify in his closing speech. I am concerned that the Scottish Fisheries Protection Agency is employing a very strict interpretation of 110mm and 120mm nets that are carried on board vessels. That appears to relate to the 2002 proposals and the 2003 proposals. My information is that what is effectively a one-net rule is not being interpreted as such in other member states. I hope that the environment and rural affairs department will be able to quickly clarify those rules to the industry.

I also have a significant worry—which I have made clear in repeated letters to the Executive—about small, low-powered, inshore seine-net fishing vessels. When she was in her previous job, Rhona Brankin was probably fed up with me asking about the issue. However, it is an important issue for a small number of boats because of the effect that 110mm or 120mm meshes would have on them. Those small vessels, which are low-powered and carry fewer crew, catch arguably the best-quality fish, which are landed and go to market as quickly as possible. Those boats play an important role and the department should consider quickly how it can support that sector.

The North Atlantic Fisheries College ran a trial with a Shetland boat, the MVF Harmony. The trial was funded by the £1 million package that was announced by the former fisheries minister earlier this year. The trial results make it clear that the adoption of either of the cod-end net designs that were tested would reduce discarding of undersize haddock or whiting, but would also have a substantial, short-term economic impact on single seine netters. I hope that the ministers will take that point on board.

A third of Shetland's economic output depends on fishing, which illustrates its importance to my constituency. My survey of the crisis in the white fish industry during the summer showed the knock-on effects for shore-side businesses. That is a significant point to note when considering the overall impact of decommissioning on fishing constituencies.

I hope that the minister will have the support of the whole chamber when he argues Scotland's case at the fisheries council next Monday.

The Deputy Presiding Officer: As we are slipping slightly behind time, I must reduce the time allocation to three minutes for the remaining three speakers. I call Dr Winifred Ewing, to be followed by Robin Harper.

16:32

Dr Winnie Ewing (Highlands and Islands) (SNP): The last speaker had five minutes.

The Deputy Presiding Officer: Yes. The time allocation will impact on Mr Smith. There is

nothing I can do about that.

Dr Ewing: I congratulate the minister on a robust performance. I wish him every success in his negotiations. I liked the determined cut of his jaw, but I cannot see how its determination would be lessened if he were given the strength of being the lead minister. I simply cannot understand, with my long 20-year experience as a member of the European Parliament Fisheries Committee, why that should be the case.

I remember the assurances given by the Scottish Office ministers who came to talk to MEPs about the devolution settlement. Those ministers also attended the meeting of the European Parliament Legal Affairs and Internal Market Committee, which came to Edinburgh. I told Mr McLeish at that time that I would write down his exact words, which were:

"When the Scottish interest dominates, the Scottish minister will be the lead minister."

I have quoted those words before and I will quote them again.

Rhona Brankin rose—

Dr Ewing: I will not give way, as Rhona Brankin has not given way to me many a time. That is just the way that I feel about it.

In the negotiations, I believe that Ross Finnie will be well armed with all the information that he needs. I liked his arguments about the scientific evidence and other points. However, we are getting many more new rules and measures, so could there be an assessment of the measures that are already in place? Will that happen? Is the minister aware that the uncertainty is causing problems in recruiting crews? That is the information that many of my constituents give me.

I thank the minister for the information on the update of the decommissioning. Will that be completed by the spring? I understand that it is possible that it will be. Having said that, I have always welcomed the decommissioning, contrary to what Rhona Brankin keeps saying. I just wanted a tie-up scheme, such as those in the Netherlands, Spain and Belgium, as well.

Rhona Brankin: Will the member take an intervention?

Dr Ewing: I am not taking an intervention from Mrs Brankin, because she never gave way to me in the many debates that we had.

I welcome the decommissioning, but we turned down European money that was available in other countries. We do that commonly. We are the only member state that turns down European money, because the UK will not match it. I fail to see where the great clout that the UK gives us is.

Elaine Thomson: Will the member give way?

Dr Ewing: No, I will not give way.

In my years on the European Parliament Fisheries Committee there were four members from the Labour and Tory benches—there were no Liberals at that time. Those members voted consistently with Spain; it is no wonder that they all lost their seats. That is what they deserved. There must be compensation. The Commission is now—[*Laughter.*] It is not a funny subject, as Mr Tavish Scott well knows. If the Commission is to encourage tie-up schemes, as it seems to be doing, or the limitation of days spent at sea, it follows, as night the day, that there must be compensation.

On industrial fishing, I must quote—

Rhona Brankin: How much will the compensation cost?

Dr Ewing: The European Union is willing to give us some of the money. All we have to do is to match it, in the way that other countries do.

I ask the minister why we turn a blind eye to the privileged treatment on industrial fishing that is given to Norway. That country has secured an increase in its quota, although it is not even in the EU. Why do we turn a blind eye to the privileged treatment given to the Danes? Will the joint study that was promised to be undertaken by the UK and Denmark and published by the end of the year be made available? Perhaps the minister could ask that question when he attends the council.

Will the minister support zonal management committees, which I think most of us and most fishermen's associations agree with? Alan McCartney's last act, as it were, as a fisheries spokesman in Europe was to have his report on the matter of zones and local management approved unanimously by the European Parliament Fisheries Committee. We are all beginning to accept the view that we need to encourage that.

16:36

Robin Harper (Lothians) (Green): This debate reminds me of the film "Groundhog Day", in which the central character is forced to relive a day over and over again until he finally gets things right. We appear to be following a similar plot line here. [MEMBERS: "Whoa!"]. Once again, we gather in the chamber just prior to a meeting of the European fisheries council. Once again, scientists are informing us that our fish stocks are in an alarming state. Once again, the Executive has been asked to achieve the seemingly impossible by trying to reconcile the need to conserve stocks while achieving the best deal possible for the Scottish fishing industry.

The current situation is the result of too many years of excessive fishing, due to substantial overcapacity in the EU fleet. Too many boats are competing for too few fish. The situation with regard to fish stocks is still alarming, and our backs are against the wall. If we are serious about securing the future of the fisheries sector, there is no way to avoid a significant reduction in both catches and fishing. Such tough decisions represent

"another black day for European fishermen ... But if we want to avoid the complete extinction of some fish stocks, which would spell the end for our fishermen, decisive action is the only way forward. We have to preserve what our fishermen make their living from - fish."

Although I whole-heartedly agree with the sentiments of that statement, it is not my own. That is an almost verbatim quote from Franz Fischler, speaking just last week. He also made a plea to fisheries ministers to

"show courage and resolve to refrain from political horse-trading and set"

total allowable catch quotas

"at levels that ensure sustainable fisheries."

The Executive must take note of that. The Executive should look beyond the setting of fish quotas for the coming year and should seek to influence the review of the common fisheries policy—[MEMBERS: "Slow down."]—so that the measures adopted ensure the recovery of stocks and bring about sustainable fisheries and safeguard the marine environment. I can now slow down. [*Applause.*] Such measures can include multi-annual quotas, stock recovery plans and an ambitious programme of fleet reduction.

I commend Rhona Brankin on what she achieved as Deputy Minister for Environment and Rural Development, but the entire European fleet needs to be reduced by 50 per cent. We could get close to that target in Scotland tomorrow if there was another £27 million available, which is being queued up for. In addition, fishing-free areas could be designated and an ecosystem approach could be taken to manage the marine environment.

Something must be done at a European level about the unacceptable level of blackfish landings. That undermines everything—both the science and the strategies. There shall be condign punishment for boats caught at it and for people who trade in or process the blackfish caught. Unless we take concerted action, rise above political considerations and commit ourselves to achieving mechanisms that will truly achieve the conservation of our fish stocks, we will surely find ourselves repeating this debate, groundhog-style, next year, the year after and even the year after that, if there are any fish left.

The Deputy Presiding Officer (Mr George Reid): Despite Robin Harper's valiant efforts, there is time for Iain Smith to make only two or three bullet points. He has a maximum of two minutes.

16:39

Iain Smith (North-East Fife) (LD): I will not do what Robin Harper did, and try to make a four-minute speech in two minutes. I will cut down my remarks and get to the points that I wish to make.

The minister is well aware of the situation in Pittenweem. I thank him for taking time out to speak to fishermen there to get a clear picture of what is happening. He knows that even the current prawn quotas are not high enough to allow fishing to be economically viable in smaller communities. For boats under 10m in length, which nowadays form the bulk of the fleet that operates out of Pittenweem, the situation is very difficult. They cannot even buy quota to improve their future prospects. We need to solve that problem.

When the scientific advice was issued from Europe, fishermen were quite hopeful that this year there would be an increase in the nephrop quota. It is unbelievable and unacceptable that the European Commission is proposing a cut in that quota. Last year the Commission cut the nephrop quota by 10 per cent, even though there was no evidence that that was necessary. The Commission was given plenty of evidence that the cut was wrong and it should have restored the quota to its previous level. For it to propose cutting the quota further is totally unacceptable.

We need to examine carefully the operation of European fishing policy. Fishermen in the east neuk of Fife cannot understand why the Firth of Forth prawn fishery should be part of a quota system that is designed to protect species that do not live in the Firth of Forth. That makes no sense. We need to consider managing fishing grounds, instead of focusing on the global picture and ignoring scientific advice. We also need better scientific advice—advice that tells people where they can fish and at what times, with minimum damage to the long-term sustainability of fish stocks.

Those are the main points that I wanted to cover. However, I would like to make two other quick points. First, can we have a scientific study into the possibility of reopening the sprat fishery in the Firth of Forth? Secondly, we need to consider the issue of industrial fishing of sand eels. Sand eels are the base of the food chain in the sea. Hoovering them out by industrial fishing will cause serious damage to that food chain and will seriously damage stocks.

The Deputy Presiding Officer: I am grateful to

Mr Smith for staying within his time. We now move to wind-up speeches.

16:42

Rhoda Grant (Highlands and Islands) (Lab): I very much welcome this debate before the negotiations on catch limits and quotas for 2002. I agree with what Jamie Stone said about members from all parties supporting the minister in the negotiations and I add my support to theirs.

Although this debate is about fisheries quotas, some members have mentioned the scallop fishery. I support the arguments that they have made. The scallop fishery is not a matter for this debate, but it is very important. If we fail to include the industry in our considerations, it will suffer severe damage.

I agree with many of the points that have been made today. I do not want to repeat all of them, but I emphasise the point that Elaine Thomson made about the importance of the processing industry. I know that she has a strong constituency interest in that industry and in the communities that it supports in Aberdeen.

I am also extremely concerned that the work that has been done to bring fishermen and scientists together appears to be being undermined by the European Commission. In the past we have been told that quotas and catch limits are based on scientific evidence, but this year that evidence appears to carry no weight. Such an approach can only breed distrust within our fishing industry.

The proposed cut in the prawn quota is also extremely concerning. I welcome the minister's comments on that. The scientific evidence would appear to suggest an increased quota, but the Commission has proposed a drastic reduction. The prawn fishery is extremely valuable both to Scotland as a whole and to small, remote communities. Inshore fisheries are very much involved in the prawn fishery, which sustains many of the rural and remote communities in my constituency. The proposed cut in quota would threaten their viability. I support the Executive's fight to ensure that those cuts do not go ahead. That will help to safeguard the future of those communities.

The Scottish Executive's decommissioning scheme allows fishermen to leave the industry, making the industry more profitable for those who remain in it. Last year we had too many boats chasing too few fish. I hope that the decommissioning scheme will redress the balance. Last year there were also concerns about crewing numbers. Rumours abounded of boats going to sea undercrewed—that has grave safety implications. However, it is difficult to attract crews into an industry in which profit margins are low.

Decommissioning would allow boats to crew to acceptable standards and would enable fishing crews to have a decent standard of living.

The decisions that we make now will have long-term implications for the future of the industry. Everyone must be signed up to a sustainable fishing industry. I am glad that Rhona Brankin underlined that point. The existing quota limits do nothing to address sustainability—in fact, I would argue that they harm sustainability. To my mind, the waste involved in throwing back over the side dead, over-quota catch in a mixed fishery is obscene. There must be a better way.

We must look forward to the reform of the common fisheries policy. Local management of fisheries is the only measure that will work. There will be a new impetus to conservation when those who carry out the conservation strategies reap direct benefits. We must have an overall EU policy of sustainable fisheries, but that policy must be managed locally. That would provide sustainability for the communities that we serve and that we have mentioned this afternoon.

I am disappointed that the SNP made this a debate on the constitution rather than one on fishing, as fishing is far too important for that. However, I am pleased that the SNP backed the minister's stance in the negotiations. I hope that the minister can make progress with the support of the entire chamber.

16:46

Mr David Davidson (North-East Scotland) (Con): We welcome Mr Finnie's appointment as the third fisheries minister in as many years. However, that appointment is of great concern to the industry, as the previous minister, Rhona Brankin, was well accepted and had worked hard to get herself up to speed on the subject. This is a critical time of the year and Mr Finnie will have to enter the negotiations immediately. I find Rhona Brankin's removal from the job quite insulting to the industry. Surely the political considerations of the Executive could have been dealt with after the new year. That said, I wish Mr Finnie well.

Today's debate was based on the view that, whatever happens, the quota must match the science. That is the message that has been sent from every part of the chamber and it does not matter how it is wrapped up. I have attended conferences at which the fishermen and the scientists did not get on and I have watched them come together gently. As was mentioned, any risk to that new-found partnership and relationship must not be tolerated. We must all—particularly the minister and his team—do everything possible to ensure that that is the basis on which the management of fishing stock moves forward.

We see drastic cuts being made overnight, but we do not see all the evidence for those cuts. That undermines the confidence of the industry. Many members talked about the difficulties that the industry faces with cash flow and the fact that the banking industry lacks confidence in the boats. They also spoke about a lack of confidence in recruitment and the future. Those issues must be explained very carefully in Europe.

When we talk about Europe, we usually want a level playing field. On the mesh rules, however, we want the same flat sea. Our fishermen cannot go out to sea encumbered by rules that do not apply to others who fish the same waters.

As soon as we can, we should reform the CFP and implement a system of zonal management, in which those who are at sea are supported by the Government to contribute, along with the scientists, to the management of stocks. A number of issues relate to that reform and zonal management, such as the six-mile and 12-mile limits and relative stability. I could go on at length, but—

Richard Lochhead: Will the member give way?

Tavish Scott: Will the member give way?

Mr Davidson: I do not have time.

We must make sure that we get that system right.

Tavish Scott: Will the member give way on that point?

Mr Davidson: One or two points have been raised in the debate—[*Interruption.*] Presiding Officer, I wish that, given that this is an important debate—[*Interruption.*] I come from a fishing family—

Tavish Scott: So do I.

Mr Davidson: I understand why emotions are running high in the chamber, but the constant, boorish interventions when members are speaking are an insult to the industry.

Tavish Scott: The member should not be so sanctimonious.

Mr Davidson: I accept that Mr Scott has great knowledge, but I wish that he had got his colleagues to deal with the problems.

I am grateful that the SNP has now backed our position on industrial fishing. I hope that we can encourage the Executive to take the same route, as our amendment calls for.

Rhoda Grant mentioned the obscenity of discards, which is an issue that must be discussed at length. We cannot continue to allow discards and should do away with the problems of blackfish, which may be appearing again. The

industry does not want to go down the blackfish route. Fishermen want to be able to hold their heads high and do a decent job for a fair return, reasonably supported against their competitors.

I hope that we can leave the chamber in a united mood and give the minister every encouragement. We have respect for his ability, as he has done well in the other briefs that he has been given by the Executive. However, it is important that the fishermen's representatives who are in the public gallery take back to their communities the message that we are all behind the moves towards sustainable fishing communities both on sea and on land.

16:50

Fergus Ewing (Inverness East, Nairn and Lochaber) (SNP): It is perhaps salutary to begin with a reminder that, while we risk our political lives, reputations and careers in this chamber, fishermen put their lives at risk every day.

I endorse the remarks of Winnie Ewing and others about the increasing difficulty in obtaining crew, which is being experienced all around Scotland—Mallaig in my constituency is certainly no exception—and which must exacerbate the risks to fishermen's working lives.

By and large, there has been a sense of unity in today's debate, although the odd note of dissonance has been struck. I support the minister's efforts to negotiate the best achievable deal for the Scottish industry. There is a need to preserve stocks, but it is hard to see how any member—no matter their party—could conceive of voting against the motion, which states what any MSP should do in virtually any circumstances. By contrast, motherhood and apple pie are issues of extreme controversy.

Given that this is supposed to be a debate, one question arises: what on earth is the basis of the Commission's proposals to reduce the nephrops quotas—by 25 per cent off the west of Scotland and by 22 per cent in the North sea—when the science indicates that the opposite is required? That is a mystery to which no answer has been given. It is a deep mystery, because we know from Tavish Scott and others that, at the time of last year's 10 per cent cut, the former minister, Rhona Brankin, indicated that the Executive would use its full force from January and throughout the year to ensure that evidence was produced to show that the 10 per cent cut was unjustified.

Last year came and went, yet we are no further forward. We know that a lot of work was done behind the scenes. I believe that evidence was submitted to the Commission in July. I know for a fact that the Scottish Fishermen's Federation and other representative bodies have spent the year

travelling to and fro between Scotland and Brussels, where they presented the factual case. We all know the detailed arguments, which we have read about in briefings and discussed with our constituents.

With all that lobbying by the Executive and the representative bodies in favour of a reinstatement of last year's 10 per cent cut, why has the Commission made its proposal despite the ICES scientific advice, which, as was pointed out, might even be slightly out of date? The reduction in TACs and quotas has been justified on the ground that it is in accordance with scientific advice. There is absolutely no justification for that.

That is why we are pleased to support the minister's line that the Commission's position is increasingly ridiculous. I have never before heard any minister use such language about the European Commission. Of course, the Commission's position is far more serious for those whom it will affect. One must seriously wonder how such people can be expected to have any confidence in the European Union if the Commission makes such proposals.

Perhaps today's debate should have taken place after we had found out the answer to that question. The question is the mystery at the heart of the debate and no one has ventured a solution. Although we wish the minister well in his efforts, I hope that we will say with one voice that the outcome of the negotiations must be an increase in the nephrops quotas.

That brings me to the SNP's approach. We have always supported a decommissioning scheme, so we welcome the fact that such a scheme has been achieved. The credit for that achievement must go to the fishermen, who campaigned in a dignified way. It would be churlish not to recognise that. Our amendment invites the Executive to seek an increase in nephrops quotas; Ross Finnie has said that that is what he will do. It calls on the Executive to acknowledge the mixed character of Scotland's fisheries; the minister referred to that mixed character in his opening speech. It also says that we should take into account the many conservation measures that have been agreed by the industry; the minister dwelt on that in his opening remarks. However, it asks ministers to

"retain an open mind with regard to fisheries management measures proposed by the industry and financially supported by the EU".

The minister did not mention that, so I hope that he will take the opportunity in his closing speech to say whether we are, once again, going to turn away money from Europe that every other country grabs at.

This may be controversial for some members, but our amendment also says that the minister

should be the lead UK minister on the EU fisheries council. For once, I agree with former First Minister Henry McLeish. He argued for the same thing. However, in the same way as Labour said goodbye to that First Minister, it has apparently said goodbye to the commitments that were made. I hope that the minister succeeds in achieving his targets in the negotiations at the fisheries council.

16:56

Ross Finnie: By and large, there has not been much disagreement across the range of issues covered this afternoon. However, I intend to pick up on one or two key points.

Fergus Ewing alluded to the issue that Richard Lochhead and Stewart Stevenson made much of—what the Commission had to say about the level of support that should be given on effort. I do not know where the SNP is coming from in suggesting that the European Union is moving towards giving a more prominent role to tie-up schemes of any shape, size or form. I will quote from a recent European Commission document on effort limitation:

"Days-at-sea systems have drawbacks. Above all, they make no contribution to permanent reduction in fishing effort. Decommissioning, by contrast, addresses the root of the problem of excess fishing effort, which will have to be addressed in any event at some stage. It permanently improves the situation of the remaining vessels of the fleet."

The SNP amendment is deficient because, in fact, the European Union is not adding one penny piece to the support that is available. It is therefore fallacious to say that an additional financial system is available.

Richard Lochhead: Does the minister acknowledge that, only two days ago, the European Commission, when announcing its proposals for recovery plans, not only made tie-up schemes an option but actively encouraged the use of such schemes? The Commission is making even more money available for those schemes. Perhaps the minister should use up-to-date information.

Ross Finnie: The phrase used by the European Union on lifting the limits that member states might use did not imply that the European Union is spending one penny more—or one euro more, I should say.

I want to pick up on other issues that members raised. Richard Lochhead asked whether we would invoke the Hague preference. As he is well aware, it is up to us whether we invoke it. We reserve our position; I will certainly invoke it if necessary. However, Mr Lochhead will understand that we have to know where we are in the negotiations before we consider doing so. I do not wish to advance our position on that.

Stewart Stevenson expressed concern about the scientific advice on west coast herring. I do not know where he got his information because, this year, ICES has made no new assessment of herring. In the absence of such an assessment, it seems reasonable to argue for a roll-over of this year's quota as opposed to the 15 per cent cut that was proposed.

Tavish Scott raised a number of detailed points. There is no one-net rule. Guidance has been issued to fishermen on that. [*Interruption.*]

Mrs Margaret Ewing (Moray) (SNP): On a point of order, Presiding Officer. I ask for some courtesy from the chamber. I am finding it extremely difficult to hear what the minister is saying in response to detailed issues that are important to many of us.

The Deputy Presiding Officer: I agree. It would be helpful if members could take heed of that point.

Ross Finnie: I hope that you are not asking me to raise my voice, Presiding Officer.

The Deputy Presiding Officer: Your voice is fine, Mr Finnie—it is the babbling in the background that is the problem.

Ross Finnie: Perhaps I can return to the points about the 110mm mesh. The evidence on that issue will be reviewed by mid-2002 and will inform the debate on how to proceed.

The final point was on monkfish and we are not entirely agreed on that. Our view is that, although monkfish is an important stock, it is in a difficult state and so we must accept some reductions. However, we will be careful about the level of any reductions.

Christine Grahame was greatly informative about the state of Eyemouth in 1881. I am grateful to my colleague, Euan Robson, for keeping me up to date on the state of Eyemouth and fishing in 2001.

Points were made about the processors. We all understand that processing is a crucial downstream activity. We must also accept that there will be no processing unless we get the TAC allocations, a forward position on effort limitation and reform of the common fisheries policy. Those are all key elements. There were one or two other points in relation to scallops. We must accept that it was our industry that supported and promoted a three-tier system. However, I accept the point that the current trigger level of 4.6 micrograms per gram is not sustainable. It is not a matter for discussion at the forthcoming fisheries council.

Our efforts will take a balanced approach. We are determined to ensure that the outcome is based on science. I can only repeat what I said at

the outset of the debate, which is that I have no intention of leaving the EU in any doubt that to promote a TAC for nephrops is ridiculous. Such a measure threatens to undermine the whole process of the annual TAC review. That is my position and I intend to keep to it.

Richard Lochhead: The minister will appreciate that the biggest issue facing the industry and next week's negotiations is the proposed cut in the nephrops quota. Will he go on record saying that he will rule out no option to ensure that the proposed cuts are overturned, even if he has to use the courts?

Ross Finnie: I do not think that even Mr Lochhead would expect me to reveal my entire hand and negotiating position. I have made my position clear—I cannot be any clearer. The Commission's proposal is ridiculous. I will not accept a proposition that threatens to undermine a serious annual negotiation for TACs. That is my position.

On the other stocks, I hope that we will be able to reach a position that is adequate and based on science. I accept that we are still in an unsatisfactory position in relation to industrial fishing stocks. We continue to discuss those matters with our Danish counterparts. I regret deeply that we have not been able to bring those discussions to a conclusion earlier and that we are still not in a position to deliver what we had hoped to when we discussed the issue a year ago. We are making progress. Although no cut is proposed for the Norway pout, we are pleased to see the beginnings of a reduction in the sand eel catch. The current proposal is to reduce that catch by 20 per cent.

I am absolutely convinced that we can proceed to the meeting—from Sunday evening through to Tuesday—on the basis that we are seeking to get the best practicable solution for the Scottish fishery. I assure the Parliament that I will do everything in my power to bring that about.

Points of Order

17:04

Fergus Ewing (Inverness East, Nairn and Lochaber) (SNP): On a point of order. I have given notice of my point of order to the Presiding Officers. I understand that there is a statutory requirement under the Transport Act 1962, as amended, that there shall be laid before the Parliament the annual report and accounts of the Scottish Transport Group, relating to the Scottish Bus Group pensioners. In a debate on 29 November, the minister referred to information contained in those accounts. However, the accounts have not yet been presented to this Parliament. Under section 121 of the Scotland Act 1998, is there not an absolute duty to lodge such reports and accounts before the Parliament? Why has the Executive had access to information in those accounts when those accounts are still not before us today?

The Deputy Presiding Officer (Mr George Reid): The timely and open provision of information is a matter of importance. The Presiding Officers sympathise with Mr Ewing's request for early public access to important information. However, the decision on when to lay the report and accounts before Parliament remains a matter for the Executive; its timing is not a matter for the Presiding Officers under standing orders.

Fiona Hyslop (Lothians) (SNP): On a point of order, Presiding Officer. Could you inform the Parliament whether the Presiding Officers and the Parliament have been consulted on two amendments to the Animal Health Bill, which is currently being considered for England and Wales? The Conservatives at Westminster today tabled amendments to extend powers under that bill to Scotland. I understand that David McLetchie attended the Conservative shadow Cabinet meeting yesterday—I am not sure whether that was to receive orders. It is important that Parliament is made aware if there has been any consultation on the action that has been taken at Westminster.

The Deputy Presiding Officer: I have quite genuinely no knowledge of that matter, which, I must say to Fiona Hyslop, is not for the Presiding Officer in the first instance. It is for the Executive to come to Parliament if a Sewel motion is required.

Decision Time

17:06

The Deputy Presiding Officer (Mr George Reid): We come now to decision time. There are eight questions to be put as a result of today's business.

The first question is, that amendment S1M-2541.1, in the name of Malcolm Chisholm, which seeks to amend motion S1M-2541, in the name of Nicola Sturgeon, on west of Scotland cancer services, be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

FOR

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)
 Canavan, Dennis (Falkirk West)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Fitzpatrick, Brian (Strathkelvin and Bearsden) (Lab)
 Gillon, Karen (Clydesdale) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (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)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)

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, 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)

AGAINST

Adam, Brian (North-East Scotland) (SNP)
 Aitken, Bill (Glasgow) (Con)
 Campbell, Colin (West of Scotland) (SNP)
 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)
 Ewing, Mrs Margaret (Moray) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Fergusson, Alex (South of Scotland) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Gibson, Mr Kenneth (Glasgow) (SNP)
 Harding, Mr Keith (Mid Scotland and Fife) (Con)
 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)
 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)
 Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 Robison, Shona (North-East Scotland) (SNP)
 Russell, Michael (South of Scotland) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Sheridan, Tommy (Glasgow) (SSP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 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)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)
 Young, John (West of Scotland) (Con)

ABSTENTIONS

Harper, Robin (Lothians) (Green)

The Deputy Presiding Officer: The result of the division is: For 65, Against 46, Abstentions 1.

Amendment agreed to.

The Deputy Presiding Officer: The second question is, that motion S1M-2541, in the name of Nicola Sturgeon, on west of Scotland cancer services, as amended, be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

FOR

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)
 Canavan, Dennis (Falkirk West)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Fitzpatrick, Brian (Strathkelvin and Bearsden) (Lab)
 Gillon, Karen (Clydesdale) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (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)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 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)
 Sheridan, Tommy (Glasgow) (SSP)
 Simpson, Dr Richard (Ochil) (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)

AGAINST

Aitken, Bill (Glasgow) (Con)
 Davidson, Mr David (North-East Scotland) (Con)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Fergusson, Alex (South of Scotland) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Harding, Mr Keith (Mid Scotland and Fife) (Con)
 Johnstone, Alex (North-East Scotland) (Con)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)
 McLetchie, David (Lothians) (Con)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Tosh, Mr Murray (South of Scotland) (Con)
 Wallace, Ben (North-East Scotland) (Con)
 Young, John (West of Scotland) (Con)

ABSTENTIONS

Adam, Brian (North-East Scotland) (SNP)
 Campbell, Colin (West of Scotland) (SNP)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Elder, Dorothy-Grace (Glasgow) (SNP)
 Ewing, Dr Winnie (Highlands and Islands) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Ewing, Mrs Margaret (Moray) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Gibson, Mr Kenneth (Glasgow) (SNP)
 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)
 McGugan, Irene (North-East Scotland) (SNP)
 McLeod, Fiona (West of Scotland) (SNP)
 Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 Robison, Shona (North-East Scotland) (SNP)
 Russell, Michael (South of Scotland) (SNP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Ullrich, Kay (West of Scotland) (SNP)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)

The Deputy Presiding Officer: The result of the division is: For 66, Against 17, Abstentions 29.

Motion, as amended, agreed to.

Resolved,

That the Parliament notes with concern recent developments at the Beatson Oncology Centre and the inevitable impact on cancer services in the West of Scotland if further urgent action is not taken; supports the appointment of Dr Adam Bryson as Medical Director and welcomes the additional impetus and focus this gives to implementation of the agreed action plan, including as a top priority measures to secure appointments both in the short term and on a more permanent basis; supports the Executive's Cancer Strategy, Cancer in Scotland: Action for change, and the additional £40 million investment to support implementation; and calls on the Executive to drive forward the necessary changes, including the construction of the new West of Scotland Cancer Centre, as quickly as possible.

The Deputy Presiding Officer: The third question is, that amendment S1M-2545.2, in the name of Jim Wallace, which seeks to amend motion S1M-2545, in the name of Roseanna Cunningham, on the Scottish Prison Service, be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

FOR

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)
 Finnie, Ross (West of Scotland) (LD)
 Fitzpatrick, Brian (Strathkelvin and Bearsden) (Lab)
 Gillon, Karen (Clydesdale) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (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)

McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 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, 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)

AGAINST

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)
 Ewing, Mrs Margaret (Moray) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Fergusson, Alex (South of Scotland) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Gibson, Mr Kenneth (Glasgow) (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)
 McGrigor, 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)
 Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 Robison, Shona (North-East Scotland) (SNP)
 Russell, Michael (South of Scotland) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Sheridan, Tommy (Glasgow) (SSP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 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)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)
 Young, John (West of Scotland) (Con)

The Deputy Presiding Officer: The result of the division is: For 64, Against 48, Abstentions 0.

Amendment agreed to.

The Deputy Presiding Officer: As that amendment was agreed to, amendment S1M-2545.1, in the name of Lord James Douglas-Hamilton, falls.

The next question is, that motion S1M-2545, in the name of Roseanna Cunningham, on the Scottish Prison Service, as amended, be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

FOR

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)
 Finnie, Ross (West of Scotland) (LD)
 Fitzpatrick, Brian (Strathkelvin and Bearsden) (Lab)
 Gillon, Karen (Clydesdale) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Jenkins, Ian (Tweeddale, Etrick and Lauderdale) (LD)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (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)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Muldoon, Bristow (Livingston) (Lab)

Mulligan, Mrs Mary (Linlithgow) (Lab)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 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, 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)

AGAINST

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)
 Ewing, Mrs Margaret (Moray) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Fergusson, Alex (South of Scotland) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Gibson, Mr Kenneth (Glasgow) (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)
 McGrigor, 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)
 Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 Robison, Shona (North-East Scotland) (SNP)
 Russell, Michael (South of Scotland) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 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)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)
 Young, John (West of Scotland) (Con)

ABSTENTIONS

Sheridan, Tommy (Glasgow) (SSP)

The Deputy Presiding Officer: The result of the division is: For 64, Against 47, Abstentions 1.

Motion, as amended, agreed to.

Resolved,

That the Parliament congratulates the staff and management of the Scottish Prison Service on their good work in maintaining secure custody and good order in Scotland's penal establishments; welcomes the partnership between management and staff to improve industrial relations through the voluntary industrial relations agreement; welcomes the prison service's commitment to collaborating on an increasingly transparent basis with statutory and voluntary agencies to provide effective rehabilitation and through care, aimed at reducing re-offending; notes that investment has been made in upgrading the prison estate, but that more must be done; to that end, welcomes the Executive's open approach in planning to consult on the Prison Estates Review early in the new year, and agrees that work to upgrade the estate must deliver prisons capable of providing sufficient humane and secure accommodation while delivering value for money.

The Deputy Presiding Officer: The next question is, that amendment S1M-2546.1, in the name of Richard Lochhead, which seeks to amend motion S1M-2546, in the name of Ross Finnie, on sea fisheries, be agreed to. Are we agreed?

Members: No.

The Deputy 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)
 Ewing, Mrs Margaret (Moray) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Fergusson, Alex (South of Scotland) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Gibson, Mr Kenneth (Glasgow) (SNP)
 Harding, Mr Keith (Mid Scotland and Fife) (Con)
 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)
 McGrigor, 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)

Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 Robison, Shona (North-East Scotland) (SNP)
 Russell, Michael (South of Scotland) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Sheridan, Tommy (Glasgow) (SSP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 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)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (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)
 Finnie, Ross (West of Scotland) (LD)
 Fitzpatrick, Brian (Strathkelvin and Bearsden) (Lab)
 Gillon, Karen (Clydesdale) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (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)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 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, 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)

ABSTENTIONS

Harper, Robin (Lothians) (Green)

The Deputy Presiding Officer: The result of the division is: For 47, Against 63, Abstentions 1.

Amendment disagreed to.

The Deputy Presiding Officer: The next question is, that amendment S1M-2546.2, in the name of Jamie McGrigor, which seeks to amend motion S1M-2546, in the name of Ross Finnie, on sea fisheries, be agreed to. Are we agreed?

Members: No.

The Deputy 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)
 Ewing, Mrs Margaret (Moray) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Fergusson, Alex (South of Scotland) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Gibson, Mr Kenneth (Glasgow) (SNP)
 Harding, Mr Keith (Mid Scotland and Fife) (Con)
 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)
 McGrigor, 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)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 Robison, Shona (North-East Scotland) (SNP)
 Russell, Michael (South of Scotland) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)

Sheridan, Tommy (Glasgow) (SSP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 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)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (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)
 Finnie, Ross (West of Scotland) (LD)
 Fitzpatrick, Brian (Strathkelvin and Bearsden) (Lab)
 Gillon, Karen (Clydesdale) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (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)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 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, 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)

ABSTENTIONS

Harper, Robin (Lothians) (Green)

The Deputy Presiding Officer: The result of the division is: For 48, Against 63, Abstentions 1.

Amendment disagreed to.

The Deputy Presiding Officer: The final question is, that motion S1M-2546, in the name of Ross Finnie, on sea fisheries, be agreed to.

Motion agreed to.

That the Parliament calls on the Scottish Executive to seek to negotiate an outcome from the Fisheries Council meeting in December 2001 that reflects the need to preserve stocks for the long term and represents the best achievable deal for the Scottish fishing industry.

Binny House

The Deputy Presiding Officer (Mr Murray Tosh): The final item of business is a members' business debate on motion S1M-2400, in the name of Bristow Muldoon, on the proposed closure of Binny House.

Motion debated,

That the Parliament condemns the unilateral and disgraceful decision by Sue Ryder Care to close the Binny House care centre in Ecclesmachan, West Lothian; considers that this shows a complete disregard for the interests of the residents and staff of the centre; believes that by walking away from very substantial offers of additional finance from health boards and local authorities Sue Ryder Care has demonstrated bad faith, and further believes that, unless this decision is reversed, local authorities and the NHS should regard Sue Ryder Care as an unsuitable partner for any future care projects.

17:15

Bristow Muldoon (Livingston) (Lab): Before I begin the main part of my speech I want to address the fact that some members have expressed concerns to me to the effect that the wording of the motion on Binny House might be too hard on Sue Ryder Care. My reason for using rigorous language was to indicate the degree of my disbelief about the decision to close Binny House. I hope that, once I have described what has happened in the past few months, members will understand the reason for the strength of feeling in the motion and, I hope, give it their backing in their speeches.

Before I go into the detail of that recent history I want to make it clear that Binny House has for many years provided high-quality care in West Lothian. I pay tribute to the people who work there, some of whom are in the gallery tonight, and to the many people in West Lothian and the wider community who have supported Binny House for many years. Any criticism that I make in my speech is aimed at the senior management of Sue Ryder Care; none is aimed at the people who work in Binny House and who provide care to people throughout central Scotland.

Binny House is near Ecclesmachan in West Lothian. It caters for about 30 residents at any one time and provides care for people who suffer from a range of conditions—including many neurological conditions—and some respite and palliative care. About 80 people are employed at Binny House, including full-time and part-time members of staff. Sue Ryder Care, the charity that is responsible for the operation of the home, has announced the home's closure with effect from the end of February 2002. The main aim of the debate and all the actions that I have undertaken since becoming aware of the issue is to try to persuade Sue Ryder Care to keep the home open and to

maintain for years to come the standard of care that is being provided to people in West Lothian.

I have mentioned the residents and staff who are in attendance tonight and I pay tribute to the way in which they have gone about campaigning on the issue. They have not given up, despite the announcement of a decision that puts a closure date on the home. Aside from contacting many MSPs, the action group has collected a petition of 10,000 signatures, which was presented to the Parliament last week and is due to be considered by the Public Petitions Committee next Tuesday. I believe that a video will be shown at that meeting to illustrate the standard of care that is provided at Binny House. I urge members who have an interest in the issue and who have been approached by constituents to attend that meeting.

My belief—after dealing with the issue for a number of months—is that the motive that lies behind Sue Ryder Care's decision to close Binny House is purely financial and has nothing to do with the interests of its staff or patients. I will go through some of my reasons for coming to that conclusion. On 13 August this year, Sue Ryder Care announced that it would review the operation of two of its care homes in Scotland—Binny House and Marchmont House, in the Borders. Sue Ryder Care also announced the potential closure of a number of care homes in England. I understand that two are currently under threat of closure in Leicestershire and West Sussex.

I am advised by Lothian Health—one of the major funders of Binny House—that it became aware only in August this year that there was a question mark over the care home. However, in spite of that, it has made a significant effort to try to reach with Sue Ryder Care a new financial arrangement that would allow the home to remain open.

Various funding organisations, including Lothian Health and a number of local authorities, have met Sue Ryder Care on several occasions and have made financial offers. The financial offer that was made amounted to approximately £400,000 of additional public funding to Sue Ryder Care to maintain the home. Lothian Health was also involved in some of the offers for Marchmont House in the Borders, because some of the residents there are funded by Lothian Health.

Unfortunately, Sue Ryder Care decided to walk away from the Lothian offer and to announce the closure of Binny House; however, it decided to accept the offer for the home in the Borders. I would like to explore the difference between the two cases. From information that has been provided by Sue Ryder Care, I can tell members that the offer for Binny House was for £680 per bed per week. The offer at Marchmont House in the Borders was also for £680 per bed for week.

The Binny House offer was rejected, but the Marchmont House offer was accepted.

Sue Ryder Care's decision seems even more perverse because Lothian Health is one of the organisations that was present at both negotiations. I am puzzled and baffled by the decision. An increase in funding of more than £400,000 was rejected. An offer to underwrite an additional 50 per cent of any further overspend was also rejected. If that offer had been accepted, the amount of funding from statutory bodies would have amounted to between 84 per cent and 93 per cent of the home's costs, depending on whose figures one trusts. That funding would have been far more than the funding for many of the homes that Sue Ryder Care will continue to operate in other parts of the UK.

I said that finance had played a major part in the decision and I shall now turn to an important financial issue. I have a copy of Sue Ryder Care's financial statement for the year ending 31 December 2000. It shows that the organisation's total income in resources for that year rose from £26.3 million to £26.6 million. However, the organisation's total expenditure rose from £25 million to £29.4 million. Where was that increase in expenditure taking place? I obviously do not know the full details of every aspect of the financial report, but there are some issues that cause me concern. Spending on fundraising and publicity for Sue Ryder Care rose in that year from £269,000 to more than £1 million—an increase of £788,000. Management administration charges for the charity rose from £794,000 to £1.2 million. More than £1.2 million of the increase in expenditure was on areas that are in no way directly related to patient care. I see that you are urging me to come to a conclusion, Presiding Officer, so I shall try to do so.

The National Multiple Sclerosis Society, which also has an interest in Binny House, has written to members commenting on the time scale for the closure, which appears to show scant regard for the interests of the residents.

I urge Sue Ryder Care to return to the principles on which the organisation was founded—principles of caring for the many people in our society who have complex medical needs. It is not too late for Sue Ryder Care to return to the negotiating table. The Minister for Health and Community Care recently wrote to the charity, urging it to return to the negotiating table. Today, the chief executive of Lothian Health has written again to Sue Ryder Care indicating the health board's willingness to reopen negotiations.

My final plea is to urge Sue Ryder Care to prove that it has not forsaken the principles of its founder and to return to the negotiating table to save Binny House.

The Deputy Presiding Officer: Seven members have indicated that they want to speak, so I shall set a time limit for speeches of four minutes each. I call Fiona Hyslop.

17:24

Fiona Hyslop (Lothians) (SNP): I am pleased that we have the opportunity to debate the closure of Binny House. A number of constituents have contacted me about the matter and I know that it is an important issue in West Lothian, not least for the people who are employed there. As well as residential places, respite places are also provided. I know that the closure is causing a great deal of concern to people and organisations not only in the immediate vicinity, but throughout central Scotland and beyond.

Binny House is unique. It has managed to achieve an unequalled standard of service provision for patients. The important question to ask is whether Binny House will be replaceable if it closes. That is why I am concerned about the terms of Bristow Muldoon's motion, which I have not signed because I think that its reference to a "unilateral and disgraceful decision" will not necessarily be helpful in getting us to where we need to be. We must think about where the patients' best interests lie. Those interests will not be served by Sue Ryder Care's trying to blame the councils and the health authorities and vice versa. The solution is to consider what we can do to rectify the situation.

Bristow Muldoon: Does Fiona Hyslop acknowledge that the public authorities—Lothian Health and the local authorities—are prepared to continue to discuss the issue? The motion was lodged only after Sue Ryder Care refused to continue negotiations.

Fiona Hyslop: Dialogue is the only means by which a resolution to the issue can be reached. The Minister for Health and Community Care is in a unique position and should take an active role. Everyone should be brought together.

We should not forget the provision that has been available. I have a letter from a former Linlithgow constituent—a patient who has advanced multiple sclerosis, but who was previously very active. That patient requires 24-hour nursing and personal care, which the dedicated teams at Binny House provide with kind, patient and affectionate understanding. The constituent's mind is still alert, but unfortunately his body and tongue do not respond. The unique skills of the Binny House teams have helped to make his life as comfortable as possible. His case is not unique—a number of patients are in the same situation. We would be neglecting our duty if we did not seek a resolution.

There is a financial issue; considerable amounts

of money have been offered by the councils. However, there is a legacy of debt and underfunding by the relevant authorities over a long period, which has built up to the current deficit. I am disappointed that the charity is not prepared to continue in the dialogue and that the decisions and the announcement were made in August. That means that there is but a short period for action.

I am also disappointed that Binny House might close in February. I have seen no evidence that anybody is thinking about what can be done for the patients. The capital receipt from the sale of Binny House will be considerable. Voluntary organisations the length and breadth of the country and those that are controlled in London—where many decisions have been made—are under pressure. However, we must recognise people's needs.

Can anything replace Binny House? I do not think so. If nothing can, how will we ensure that we deal with the deficit that Sue Ryder Care says exists in respect of the property and service so that the service and provision can be continued? If we send all Binny House's patients to the four winds—to the different areas from which they come—I am not sure that services for them will be provided as adequately as they are at Binny House.

We must maintain a constructive dialogue. I appeal to the health ministers to do everything that they can to ensure that the quality service that is provided for patients at Binny House continues to be provided.

17:28

David McLetchie (Lothians) (Con): I want to put the issue into some perspective and speak about Sue Ryder Care's work since it was formed in 1953. I will refer to the work that it has undertaken in Scotland in particular.

Sue Ryder Care's mission statement is:

"to relieve human suffering, to empower those most in need of our services and help people and to help their families overcome the challenges they face"

as a result of their illnesses and disabilities.

The charity was founded by Sue Ryder in 1953 and its first nursing home was established in Suffolk. Today, it has 20 care centres throughout the UK and operates internationally in 14 countries as diverse as Macedonia and Malawi. The charity has a long record of working for and with communities and its day centres receive more than 10,000 visits each year.

Each centre specialises in the care that is most needed in the community in which it is located. Unlike many other charities, Sue Ryder Care is not

confined to dealing with a particular disease. Its role is wide. It provides care for people who suffer from cancer, Parkinson's disease, Huntington's disease, motor neurone disease, multiple sclerosis, cerebral palsy and many other conditions.

We all know that the pattern of care provision is changing rapidly from an institutional approach to a community-based approach. We recognise that many care centres and residential centres are located in old buildings that are in need of regular repair and renovation. Such buildings are costly to run and maintain and are not always the best environment for providing the care that we want to provide for people in our community who have disabilities and particular needs.

We must acknowledge that Sue Ryder Care recognises the change in the pattern of care provision. We should acknowledge the work that the charity is doing in Aberdeen with the Grampian Health Board, the local council and a local housing association. An investment of about £2.5 million is going into a new facility in Aberdeen for people who suffer from neurological conditions, work on which will start in summer 2002. That will be a care centre that follows the care-in-the-community pattern of provision and it will be based on supported accommodation that will be provided by a local housing association.

We must acknowledge the fact that significant progress is being made with Marchmont House in the Borders. That facility has existed for 13 years and has places for about 36 sufferers of Huntington's disease. In the Borders, Sue Ryder Care is in fruitful discussions with the Borders Health Board, the Scottish Borders Council and with a housing association, concerning the creation of another project in Duns in Berwickshire.

Binny House has existed for 14 years and it provides intensive care for people who suffer from the conditions that are mentioned in Bristow Muldoon's motion. If we take account of that, an impressive record of achievement in Scotland emerges, which begs the question why there is an apparent stand-off situation at Binny House. That situation is amply and sorrowfully reflected in the negative motion that Mr Muldoon has lodged for debate, which in my opinion does not take us any further forward and indulges in a kind of finger-pointing blame game that reflects no credit on him or the Parliament.

Trish Godman (West Renfrewshire) (Lab): Will the member take an intervention?

David McLetchie: I am sorry, but I am in my last minute.

We all know that the talks between the charity, the health board and the council have failed to

bridge a substantial funding gap. We also know from our experience of other charities that it is not possible or reasonable to expect such deficits to be carried year on year—that would not be the action of a responsible charity.

I am concerned that—unlike in other parts of Scotland, where examples of partnership exist—the situation at Binny House has degenerated into a war of words. That is why I have written to the Deputy Minister for Health and Community Care—as many other members have done—asking him to bring the parties together and to intercede in order to find a solution. From correspondence, I understand that additional funds that would enable an improved offer to be made might soon be available. If that is the case, I would like the minister to clarify the situation on that.

Finally, I hope that the minister will reject the suggestion in Mr Muldoon's motion that Sue Ryder Care should in effect be blacklisted by the NHS and local authorities in Scotland. That is a gross and intemperate overreaction to the situation. However, the words of Mr Muldoon's speech reflect more credit on him than do the terms of his motion. I hope that the minister will accept that the tone of the debate has been characterised by a desire to move forward in partnership with the charity, the health boards and the local authorities in West Lothian, in the same way as has been done in Aberdeenshire and the Borders.

17:33

Cathy Peattie (Falkirk East) (Lab): I represent Falkirk East. A number of my constituents have used Binny House and have nothing but praise for the service that they received there. There is a genuine need for more respite care. Families feel that Binny House provides the kind of service that they have needed and, in some cases, could not get elsewhere.

I received letters and calls from families when they heard earlier this year that Binny House was due for closure. It was not helpful that that announcement was made without any other information. The issue is not about finger wagging; it concerns the fear of families whose members use Binny House, receive good service and are happy with their family situation. After those families found out that the service was to be withdrawn, there was much uncertainty about what would come next and not enough information about what was planned.

I am not the only MSP who has received letters and so on that have raised issues. I do not think that what has taken place is the best way to run a service, whether it be a statutory service or a voluntary sector service. I understand the problems that can arise for voluntary and other

organisations that have a substantial financial shortfall. It is difficult for them to continue with such a shortfall; the Parliament would be critical of any organisations that did.

However, I am concerned about the way in which the closure was announced. The way that people received the news amounted almost to scaremongering; people are still concerned about what will happen to their families and are trying to work together to resolve the situation. Although it is clear that anyone who has a family member who uses Binny House has nothing but praise for Sue Ryder Care, we need a resolution soon to ensure that the many families that are involved are given some comfort. I hope that the minister will suggest some ways of progressing the situation, because there are very few places in central Scotland for people from Binny House to go to.

17:35

Euan Robson (Roxburgh and Berwickshire) (LD): I am grateful for the opportunity to say a few words about this subject. As is obvious, Binny House is not in my constituency, but members have referred to the care facility at Marchmont. It will be regrettable if Binny House has to close. The announcement was made at the same time as the announcement about Marchmont. Although I am not as familiar as Bristow Muldoon is with the detailed issues about the closure of Binny House, I think that a number of comparisons can be drawn.

I acknowledge the distress that might be caused not only to the residents and their relatives but to the staff, who might not have a job if Binny House closes. That said, I must praise the highly responsible campaign run by the residents and staff, who have calmly and coherently addressed all the issues. I pay tribute to the dignity and courage of the residents, their families and the highly skilled professionals who staff that facility. Marchmont is one of the biggest employers in Berwickshire—it accounts for more than 100 jobs—and I would not want to contemplate either the residents' distress at being removed from the facility or the devastating consequences of those job losses.

I guess that Binny House is as unsuitable for long-term use as is the building that houses the Marchmont facility. That issue concentrated our minds as we addressed a very similar set of issues in Berwickshire. Marchmont was running a deficit. We also had to take into account what might be called the stately home premium of running a care centre in an old building. Everyone involved in the Marchmont campaign agreed early on to look to the long term and to try to hold the situation in the short term. What has happened is that the statutory commissioners' offer has resolved the issue in the short term until the long-

term plan of the development in Duns, which David McLetchie referred to, can be implemented. Berwickshire Housing Association, local politicians and residents' families are co-operating and working to that same end. I commend that approach rather than the language that is used in the motion.

Although I understand the emotions that are raised by the issue, my experience of the many discussions I have had with Sue Ryder Care over many weeks has shown me that the charity will listen to those who take a measured and constructive approach.

Bristow Muldoon: A very measured, responsible and effective campaign was mounted by people in West Lothian. I frequently tried to act as honest broker between the chief executive of Sue Ryder Care and many of the public agencies. The terms of my motion reflect the fact that the chief executive of Sue Ryder Care announced the decision to close Binny House by press release and that when I urged him to get back around the table he refused to do so, saying that the decision was irrevocable. Sue Ryder Care walked away from the situation. The West Lothian campaign was every bit as responsible as the Marchmont campaign that Euan Robson has outlined.

Euan Robson: That is fine. I cannot comment on the details of the campaign in West Lothian and I accept what Bristow Muldoon says. I can speak only as I find, and I found that a measured approach paid dividends.

There is more than just cash to this issue. Perhaps Sue Ryder Care now has a different vision of itself, in that it is trying to become trainer and provider of care staff instead of also trying to provide the buildings and everything else.

My hope for the future is that the Binny House situation can be resolved. That would be excellent for the future of the residents. I hope that the two care facilities will not be played off against each other as the lessons learned from one situation can inform the other. I would be happy to discuss such lessons with Bristow Muldoon and other members.

The care of the vulnerable should be what we are all concerned with. I salute the courage of the residents and the way in which they have spoken up. I hope that the long-term facility that can be developed in Duns in Berwickshire will prove to be the long-term solution for my part of the world. Perhaps the way forward might be to consider developing a replacement for Binny House.

17:41

Nicola Sturgeon (Glasgow) (SNP): Like Euan Robson, I have no constituency interest in the

work of Binny House, but I have been contacted by a number of people who have family members resident in Binny House and who have protested about the proposed closure.

The importance of Binny House to those who depend on its services has already been outlined by Bristow Muldoon. It is fair to say that the threat of closure that hangs over the establishment is causing the people who live there and their families considerable stress and anxiety in addition to the stress and anxiety that they already have to live with.

One woman, whose brother is resident in Binny House, wrote to me praising the ethos of Binny House and the effort the staff make. She pointed out that many of the residents are unable to speak but, through their time in Binny House, have learned to communicate effectively with each other and with the staff. Movingly, she said that, for the people who live there, the closure of Binny House would be akin to breaking up a family.

The tragedy of the situation, which has been touched on by every speaker this evening, is the fact that the residents of Binny House and their families are caught in the middle of a dispute between Sue Ryder Care and the various local authorities.

Bristow Muldoon was right to say that money is at the root of this issue. Money is what is motivating the threat of closure. Fiona Hyslop was also right when she talked about the wider picture: care homes all over Scotland are closing because of a lack of funding. The Scottish Executive must address that general issue.

It is hard for someone—especially someone with an outsider's perspective—to come to any firm conclusion about who is right and who is wrong. Sue Ryder Care says that it has not been offered the necessary financial package; the local authority says that it has. I do not really care who is right and wrong in this case. I care about ensuring that some of the most vulnerable people in our society whose quality of life depends on continuing to stay in Binny House and using its services are able to remain there. That would be right for them, for their families and for society. We should not forget that if Binny House closes, the people who live there will have to be rehoused somewhere else. The financial implications will not go away; they will simply be transferred.

I ask both sides of the disagreement to get back round the table and sort out the problem—it cannot be beyond either side to sort it out. If it is true that Sue Ryder Care has refused to continue to negotiate, I plead with it to think again. I echo many of David McLetchie's comments about the excellent work that Sue Ryder Care does around Scotland and I hope that it does not allow this

situation to blot its good record.

If the situation between Sue Ryder Care and the local authorities cannot be resolved, I ask the Scottish Executive to use its good offices to intervene, however gently, to ensure that a resolution to the situation is found and that people who I am sure do not want to be sitting in the public gallery of the Scottish Parliament on a Thursday evening can rest assured that their relatives will get the care that they need and deserve.

17:44

Trish Godman (West Renfrewshire) (Lab): I thank Bristow Muldoon for bringing this matter to our attention. Binny House is not in my constituency, but I have a constituent who lives there.

A unilateral decision was made. There was no consultation and no discussion. I find that unbelievable in this day and age. It used to happen when I first started in social work. We thought that we had sorted it out. It should not have happened and it should certainly not have happened in this day and age.

The motion states that the decision

"shows a complete disregard for the interests of the residents and staff".

David McLetchie does not agree with those words. I think that Bristow Muldoon's language is rather subdued. Had I written the motion, the language would have been much harder. We must ask the question: who is the management of Sue Ryder Care? Is it a commercial enterprise or does it look after people who cannot look after themselves?

Unfortunately, there are times when homes have to close. That is a long process. It involves consultation with families, carers, staff and residents. From my experience, it is one of the most difficult decisions to make in social work: it is asking someone to move out of their home. If any of us moves out of our home, we take a long time to look at houses. We decide where we are going to go, which takes a lot of planning. We check local facilities and schools. That is all stressful even if we want to make the move.

Even when we are asking residents to move out of buildings that are clearly inappropriate, there is much angst and anxiety among them. It is a slow procedure, as it should be. The management has to take families, residents and staff with it: it does not announce in the press that it is closing such and such a facility. That is not how it should be done. The management has to explain to residents why they are being asked to move. It then has to discuss options with them, because, as Nicola Sturgeon said, they have made friends

where they are. It has to discuss with them where they may be moved to, because they will not all be moved from A to B together. It takes them to see their new homes. It shows them around the areas. It shows them the local facilities. It discusses with them whether they want to share with each other in twos or threes because they will not move en bloc.

Families, friends, residents and staff are all involved at every stage. It is a dramatic and unsettling time for them all. Not only the staff from the home are involved: local social work departments are involved, as are the local health service and—as Cathy Peattie said—sometimes, voluntary organisations.

My experience is that homes usually close because of bad standards in provision of care or an unsuitable building. That is not the case in Binny House. The care is excellent. The staff standards are excellent. Why is it being closed? I am afraid that I must agree with Bristow Muldoon: the closure smacks of a hidden agenda or a commercial decision. In negotiations with the local authority and health boards, a substantial offer—I know that it was a substantial offer—of additional money was refused. Two hours later there was another press release that said, “No. We’re closing.”

There are 80 members of staff. Where are their rights? If Binny House were a commercial business, there would be a statutory consultation of 90 days. The staff provide an excellent service. Do they have no rights at all? Of course they do. If the closure is because of a deficit, how could it have happened overnight? Why was nobody talking about it before? Why did they not talk to local authorities before? When I was chair of resources in Glasgow City Council, believe me, such bodies came and talked to me at every opportunity and asked for more money.

The situation smacks of a decision to close, with disregard to the rights of residents and staff. I am really disturbed at the decision. We cannot begin to feel the anxiety that residents, staff and families feel. I know that if Binny House has to close, the local authority and health board will try to make the moving of residents as painless as possible. Believe me, that will not be an easy task.

Unlike David McLetchie, I agree with the statement in the motion that

“Sue Ryder Care has demonstrated bad faith, and ... unless this decision is reversed, local authorities and the NHS should regard Sue Ryder Care as an unsuitable partner for any future care projects.”

However, I hope that Sue Ryder Care will reconsider its position and get round the table. Bristow Muldoon was right to bring the situation to our attention. We must ensure that any loopholes

that would allow such a situation to happen again are closed. I hope that the minister will give us those assurances in his closing speech. The situation should not have happened. It certainly should not happen again.

17:49

Michael Matheson (Central Scotland) (SNP): I congratulate Bristow Muldoon on securing time for a debate on an important issue. I, too, welcome the staff and residents—and their relatives—of Binny House who have travelled here for the debate. In particular, I mention Mrs Robertson, who first raised the closure with me some months ago. Her relative, Sylvia Anderson, has been a resident of Binny House since August last year and has enjoyed extremely good care there.

There has been a strong campaign to highlight the issue and to get to the bottom of why Sue Ryder Care arrived at the closure decision in the first place. I have considerable concerns about how Sue Ryder Care arrived at that decision.

I sympathise strongly with Trish Godman's comments, because in my previous job in social work I had to deal with a home that closed. I had to take residents, who were literally in tears, from their home to a new home. The closure of that home damaged the community that had developed there, and I fear that the same will happen if Binny House closes.

Not only am I concerned, but it is clear from the most recent correspondence that I received from Forth Valley Health Board that it was extremely surprised that such a unilateral and quick decision had been taken. The health board does not feel that it was given sufficient time or information to make suitable contingency provisions.

I had the good fortune to visit Binny House on a number of occasions in my last job, organising placements for respite breaks. The last time that I was there was not long after the staff had completed their redevelopment work in the new wing. That wing was an excellent facility and it was clear to me from my experience there, and from residents who had been placed there, that those residents received a high standard of service and care within the home.

The decision to close Binny House will impact on more people than those who are in the home at present, although they will feel the major effect of the closure. The whole of central Scotland, and Forth valley in particular, has virtually no dedicated services for providing long-term and respite care for young disabled people. A few nursing homes there have a variation on their contract, which allows them to take young chronically sick people for respite breaks, but those homes by no means provide an appropriate environment in which to

place a young disabled person.

If the closure goes ahead, the central Scotland area will be left much poorer for the loss of the service. I believe that the statutory organisations have done everything in their power during the negotiations that have taken place to try to avoid closure. If the closure takes place, we will no longer have a suitable facility for young chronically sick people in the large population area of central Scotland.

Falkirk Council tried to enter into an agreement with the local primary health care trust, but because they were unable to come up with capital funding, that project, which aimed to set up facilities for young chronically sick people at Larbert, fell.

Many members have spoken about trying to get those who are involved back round the table. My concern is that if we lose the facility, it will be nearly impossible to provide suitable respite or long-term care for young chronically sick people in the Forth valley area.

If Binny House closes, we will require a strategy for the Executive to act on the need to replace services that can provide the long-term respite care that many young disabled people require. If we fail to do that, we will fail those young disabled people. We will be leaving many families to pick up the pieces and to continue to support their relatives without the necessary support and opportunity for respite care.

If Binny House closes, we need to consider what the strategy will be to ensure that the Executive provides appropriate care and support for young disabled people in the affected area.

17:54

The Deputy Minister for Health and Community Care (Hugh Henry): Bristow Muldoon outlined very eloquently the concerns that many people have about the proposed closure. He articulated tonight some of the real emotions that surround the decision.

Members will be aware of my and Mary Mulligan's support for the motion before we were appointed as ministers. My support, like that of Mary Mulligan, was based on a desire to raise the profile of this issue in Parliament and to draw attention to the pressing urgency of the situation. More important, our support was driven by a concern to secure care for the current and future residents of Binny House. This, as many members have said, is the real issue—the securing of specialised care for vulnerable people with degenerative neurological conditions such as multiple sclerosis, Huntington's disease and Parkinson's disease.

I understand fully the emotions behind the motion, and why the local member feels compelled to use such strong words. As David McLetchie said, we need a sense of perspective, and I will attempt to bring that. I also recognise the fine work that has been done by Sue Ryder Care over many years. I am aware that many members are worried that it is not necessarily the question whether a suitable revenue funding package is available that is driving the decision; instead there are worries that the land value that could be realised from the sale of the asset might be influencing Sue Ryder Care at the expense of those who are immediately affected. I should add, however, that—from an Executive perspective—we cannot unconditionally rule out using Sue Ryder Care as a partner for future care projects.

Little is to be gained by mud slinging, and I think that the speeches of Bristow Muldoon and others were about the anguish that people are feeling as a result of the proposal. As many members have said, we need to find a way forward that protects the interests of all parties, particularly the users of the service and their families.

It is, of course, deeply regrettable that Sue Ryder Care has signalled that it intends to close Binny House. That cannot have been an easy decision, bearing in mind in particular the effect that the closure would have on residents and their families. The loss of Binny House would be significant; there can be no doubt about that. It would be a bitter loss, not only for residents and their families, but for the 80 or so highly trained and highly motivated staff who currently care for residents.

Trish Godman and Cathy Peattie were right to highlight the unilateral way in which the decision was made and the lack of consultation, to which Bristow Muldoon also referred. I regret the lack of communication and consultation, which I think has distracted from the main issue and has impacted on the way in which the decision-making process has developed. There is a lesson to be learned about how service providers relate to the recipients of the service and to their families.

Even at this late stage, our hope would be that diplomacy will prevail and that a practical solution can be found. We hope that Sue Ryder Care can again sit at the negotiating table with the relevant commissioners of care, and that a solution can be found to safeguard the future of the home.

Like any other national provider of care, Sue Ryder Care has to make tough decisions. Increases in operational and other costs will, no doubt, have increased pressure on the organisation with regard to what it can deliver. Sue Ryder Care has had to take a hard look at what it can afford and has made some hard decisions about how it can best deliver the kind of care that

it provides. It has rationalised and proposes to act accordingly.

It is slightly unfair of Nicola Sturgeon to make a passing comment about the lack of funding from the Scottish Executive. The latest information that I have received is that the local authorities and Lothian Health have come up with a significant offer to Sue Ryder Care.

Nicola Sturgeon: Will the minister give way?

Hugh Henry: I really do not have time.

According to the figures that I have, that offer would mean that the public funding element at Binny House would rise to between 84 and 93 per cent, depending on the approach that is taken to the figures that have been set out. That would make the facility the second-best funded publicly funded Sue Ryder Care centre out of 26 centres in Britain.

Michael Matheson: Will the minister give way?

Hugh Henry: No, thank you.

We should be aware of that funding package, and that information should be used as the basis for discussion. We should try to understand the reasoning behind the decision, and I would encourage discussions between the relevant parties, with all possible information made available.

It is to be hoped that the deal to which Euan Robson referred, which kept the Borders facility open, should inform a future resolution in West Lothian. The situation in the Borders is different from the situation in West Lothian, but what happened in the Borders was a positive step forward and should be regarded as a reference point for future negotiations.

David McLetchie called for a sense of perspective and referred to the record of Sue Ryder Care. The organisation has had to bear the brunt of a number of accusations. Among other things, it has been accused of intending to terminate its Scottish operations wholesale in order to consolidate in England. The information that I have suggests that there is little to substantiate such accusations. Indeed, as David McLetchie said, the charity has signalled a long-term commitment to providing specialist services in Scotland. Its plans for a specialist neurological care centre in Aberdeen are part of that commitment. Sue Ryder Care appears to be committed to remaining in Scotland. The question of the future of Binny House should not be distorted by unfair accusations and we should concentrate on the situation that is immediately before us.

We regret that Sue Ryder Care has signalled that it intends to close Binny House on 28

February next year. As I said, we should try to understand that decision. However, we hope that representatives of the charity will resume discussion with the commissioners of care in Lothian. We understand that the commissioners have worked very hard to put together a satisfactory package, comprising a substantial funding package and measures to reduce overspending in the future through a range of efficiency savings. It would be regrettable if that comprehensive package could not be used as the basis for a future working agreement. We understand that the commissioning partners would be prepared, even at this late stage, to discuss that and a range of other options to keep Binny House open.

I recommend that the Parliament notes the current situation in West Lothian but refrains from rejecting Sue Ryder Care as a suitable partner for care. Apart from anything else, Parliament should recognise that the principle of subsidiarity leaves local partners free to make their own funding decisions. We do not want to do anything in this debate that might jeopardise delicate negotiations.

At the same time, as Michael Matheson and others have said, very articulately, Parliament has the right to encourage everyone concerned, including Sue Ryder Care, to do everything possible to secure the future of Binny House. The service that is provided by Binny House is largely irreplaceable. If Binny House closes, that will have profound human consequences.

Meeting closed at 18:02.

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