

# **MEETING OF THE PARLIAMENT**

Thursday 3 October 2002

Session 1

£5.00

© Parliamentary copyright. Scottish Parliamentary Corporate Body 2002.

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

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

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

---

# CONTENTS

Thursday 3 October 2002

## Debates

Col.

<b>DISCLOSURE OF COMPLAINTS</b> .....	11339
<i>Motion moved—[Mr Mike Rumbles].</i>	
Mr Mike Rumbles (West Aberdeenshire and Kincardine) (LD) .....	11339
The Deputy Minister for Parliamentary Business (Euan Robson) .....	11341
Tricia Marwick (Mid Scotland and Fife) (SNP) .....	11341
Lord James Douglas-Hamilton (Lothians) (Con) .....	11342
Phil Gallie (South of Scotland) (Con) .....	11343
Mr Kenneth Macintosh (Eastwood) (Lab) .....	11344
<b>PROPOSED COMMITTEE BILL (MEMBERS' INTERESTS)</b> .....	11350
<i>Motion moved—[Mr Mike Rumbles].</i>	
Mr Mike Rumbles (West Aberdeenshire and Kincardine) (LD) .....	11350
The Deputy Minister for Parliamentary Business (Euan Robson) .....	11354
Kay Ullrich (West of Scotland) (SNP) .....	11355
Lord James Douglas-Hamilton (Lothians) (Con) .....	11357
Paul Martin (Glasgow Springburn) (Lab) .....	11358
Stewart Stevenson (Banff and Buchan) (SNP) .....	11359
Helen Eadie (Dunfermline East) (Lab) .....	11362
Phil Gallie (South of Scotland) (Con) .....	11364
Tricia Marwick (Mid Scotland and Fife) (SNP) .....	11367
<b>LOBBYING</b> .....	11371
<i>Motion moved—[Mr Mike Rumbles].</i>	
Mr Mike Rumbles (West Aberdeenshire and Kincardine) (LD) .....	11371
The Deputy Minister for Parliamentary Business (Euan Robson) .....	11375
Kay Ullrich (West of Scotland) (SNP) .....	11376
Mr David Davidson (North-East Scotland) (Con) .....	11377
Mr Kenneth Macintosh (Eastwood) (Lab) .....	11380
Tricia Marwick (Mid Scotland and Fife) (SNP) .....	11381
Karen Gillon (Clydesdale) (Lab) .....	11384
Mr Davidson .....	11385
Euan Robson .....	11386
Lord James Douglas-Hamilton (Lothians) (Con) .....	11387
<b>BUSINESS MOTION</b> .....	11391
<i>Motion moved—[Euan Robson]—and agreed to.</i>	
<b>QUESTION TIME</b> .....	11393
<b>FIRST MINISTER'S QUESTION TIME</b> .....	11409
<b>POINTS OF ORDER</b> .....	11417
<b>CORONARY HEART DISEASE AND STROKE</b> .....	11419
<i>Motion moved—[Malcolm Chisholm].</i>	
<i>Amendment moved—[Nicola Sturgeon].</i>	
<i>Amendment moved—[Ben Wallace].</i>	
The Minister for Health and Community Care (Malcolm Chisholm) .....	11419
Nicola Sturgeon (Glasgow) (SNP) .....	11423
Ben Wallace (North-East Scotland) (Con) .....	11427
Mrs Margaret Smith (Edinburgh West) (LD) .....	11429
Paul Martin (Glasgow Springburn) (Lab) .....	11432
Colin Campbell (West of Scotland) (SNP) .....	11433
Murdo Fraser (Mid Scotland and Fife) (Con) .....	11435
Janis Hughes (Glasgow Rutherglen) (Lab) .....	11436
Ms Sandra White (Glasgow) (SNP) .....	11438
Des McNulty (Clydebank and Milngavie) (Lab) .....	11440
Stewart Stevenson (Banff and Buchan) (SNP) .....	11441
Mr Keith Raffan (Mid Scotland and Fife) (LD) .....	11442
Mary Scanlon (Highlands and Islands) (Con) .....	11444

Shona Robison (North-East Scotland) (SNP) .....	11446
The Deputy Minister for Health and Community Care (Mrs Mary Mulligan) .....	11447
<b>POINTS OF ORDER</b> .....	11451
<b>PARLIAMENTARY BUREAU MOTIONS</b> .....	11453
<i>Motions moved—[Euan Robson].</i>	
<b>DECISION TIME</b> .....	11454
<b>FERRY SERVICES (GOUROCK TO DUNOON)</b> .....	11462
<i>Motion debated—[George Lyon].</i>	
George Lyon (Argyll and Bute) (LD) .....	11462
Mr Duncan McNeil (Greenock and Inverclyde) (Lab) .....	11465
Mr Duncan Hamilton (Highlands and Islands) (SNP) .....	11466
Mr Jamie McGrigor (Highlands and Islands) (Con) .....	11468
Maureen Macmillan (Highlands and Islands) (Lab) .....	11470
The Deputy Minister for Enterprise, Transport and Lifelong Learning (Lewis Macdonald) .....	11472

## Oral Answers

**Col.**

<b>QUESTION TIME</b>	
<b>SCOTTISH EXECUTIVE</b> .....	11393
Community Schools .....	11402
Community Schools .....	11405
Homelessness (Fife) .....	11394
Housing Stock Transfer (Glasgow) .....	11401
Meningitis .....	11394
Mental Health (Scotland) Bill .....	11399
National Waste Strategy .....	11395
Pay Gap .....	11397
Poverty (Glasgow) .....	11407
Rural Post Offices .....	11406
Spending Review 2002 .....	11398
Vulnerable Children .....	11393
Waverley Station .....	11404
<b>FIRST MINISTER'S QUESTION TIME</b> .....	11409
Cabinet (Meetings) .....	11411
Leisure Facilities (Community Access) .....	11414
Office of Communications .....	11415
Prisons (Cornton Vale) .....	11415
Scottish Media Group .....	11412
Secretary of State for Scotland (Meetings) .....	11409

---

# Scottish Parliament

Thursday 3 October 2002

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

## Disclosure of Complaints

**The Presiding Officer (Sir David Steel):** We have three short debates this morning. The first is a debate on motion S1M-3386, in the name of Mike Rumbles, on behalf of the Standards Committee, on an amendment to the "Code of Conduct for Members of the Scottish Parliament" in relation to disclosure of complaints. I call on Mike Rumbles, as convener of the committee, to speak to and move the motion.

09:30

**Mr Mike Rumbles (West Aberdeenshire and Kincardine) (LD):** The Parliament's code of conduct for members is rigorous and fair. It underpins the high standards of probity that members are expected to maintain in carrying out their parliamentary duties. Drafting the code of conduct was one of the first tasks of the Standards Committee in 1999 and Parliament endorsed the code on 24 February 2000. When I opened that debate, I said that the committee recognised that the code was an evolving document and that we were committed to revising it as and when necessary and in the light of experience.

Today's debate is a stage in that evolutionary process. The committee has drawn up an amendment to paragraph 10.2.1 of the code, which prohibits disclosure to the media of complaints that are under investigation. Before I set out the details of our proposal, I will remind members why we agreed two years ago to incorporate such a provision. The code as drafted states:

"MSPs should not communicate any complaint to the press or other media until a decision has been made as to how the complaint is to be dealt with."

It is critical to the integrity of the complaints process that an investigation into an allegation of misconduct is carried out in private and independently of the Standards Committee. That is why the Parliament passed the Scottish Parliamentary Standards Commissioner Act 2002 in June this year.

The Standards Committee is resolved that members who are the subject of a complaint should not be unfairly prejudiced by press speculation about a complaint that might subsequently be held to be completely unfounded.

It is an unfortunate fact of political life that allegations of sleaze and wrongdoing are generally splashed across the front pages of newspapers, but any subsequent exoneration of the individual is often tucked away in three lines on page 10 or 12.

The new provision is not just about the rights of the member who is the subject of a complaint. Publicising a complaint that is under investigation can prejudice an inquiry. If the standards adviser's or commissioner's investigation is to be thorough and robust, it must be carried out in private and away from the media spotlight.

I stress that the provision is not a gagging order, nor is it intended to imply that complaints against MSPs will be dealt with behind closed doors or swept under the carpet. Although the adviser—and, from early next year, the commissioner—carry out investigations in private at stages 1 and 2 of the complaints process, the committee's consideration of a complaint at stage 3 is very much in the public domain. We take any evidence that is required in open meetings and our decisions on whether there has been a breach of the code are made in public. The committee's report and that of the adviser—or soon-to-be commissioner—are published as soon as possible after the committee's decision, together with the relevant evidence that has been uncovered during the investigation.

The amendment that the motion sets out is intended to clarify paragraph 10.2.1. The amendment seeks to prohibit members from discussing complaints in the media during stages 1 and 2 of the investigative process and will give greater clarity to the current ambiguous restriction, which applies

"until a decision has been made as to how the complaint is to be dealt with."

More important, the amendment will prevent members from discussing with the press their intention to make a complaint prior to lodging that complaint.

If, despite those measures, a complaint receives publicity, we propose to give the member who is the subject of the complaint a right of reply. Colleagues will note that that will be restricted to a "brief statement", which should avoid discussing details of the complaint. The provision recognises that members might wish to respond to allegations that are made against them and retains an element of protection for the investigative process.

The amendment to the code is key to preserving the integrity of the four-stage investigative process that the Parliament endorsed. As the first session of the new Parliament draws to a close, the political temperature in the next few months will inevitably rise. I want to make it abundantly clear

that the Standards Committee does not wish the forthcoming election campaign to be fought through the complaints process. We will not tolerate allegations by political rivals being trailed in the media. Such behaviour serves only to undermine the Parliament and its members and, ultimately, the democratic process.

I move,

That the Parliament agrees to amend paragraph 10.2.1 of the *Code of Conduct for Members of the Scottish Parliament* as follows: leave out "MSPs should not communicate any complaint to the press or other media until a decision has been made as to how the complaint is to be dealt with" and insert:

**"Disclosure of Complaints**

10.2.1A Members should not disclose, communicate or discuss any complaint or intention to make a complaint with members of the press or media prior to the lodging of the complaint or while the Standards Committee is receiving assistance from an adviser appointed under paragraph 10.2.8 in relation to the complaint. The Standards Committee is to be regarded as receiving the assistance of an adviser appointed under paragraph 10.2.8 in relation to a complaint until it has confirmed that no assistance or further assistance from any such adviser will be sought. Where, during the period when the restriction applies, any complaint or intention to make a complaint has been publicised in the press or media without the involvement of the Member who is the subject of the complaint, that Member may issue a brief statement. In doing so, a Member should, as far as possible, avoid discussing details of the complaint or intention to make a complaint."

09:36

**The Deputy Minister for Parliamentary Business (Euan Robson):** The proposed amendment to the code of conduct that the Standards Committee recommends is a matter for the Parliament to consider. However, I am happy to record the Executive's support for the amendment, which seeks to remove the evident ambiguity over when members can disclose to the press information about complaints. The amendment should put beyond members' doubt the question of when such disclosures should and should not be made.

The Executive shares entirely the committee's view that members should not be subjected to unfair speculation in the press about complaints that might subsequently be held to be unfounded. The amendment, if approved by the Parliament, will provide useful clarification of that aspect of the code of conduct and will strike a fair and proper balance. I offer my support, and that of the Executive, for the proposed amendment.

09:37

**Tricia Marwick (Mid Scotland and Fife) (SNP):** I support Mike Rumbles's and Euan Robson's comments. The Standards Committee found paragraph 10.2.1 in the code of conduct to be inadequate. As Mike Rumbles said, there is no

intention to gag members. Press comment that a complaint about an MSP is to be made to the standards adviser is an unedifying spectacle. Such comments are sometimes encouraged for the sake of a press release or a quick soundbite, regardless of the effect on the MSP concerned.

Many MSPs think that the Standards Committee knows all about the progress of complaints, but although the newspapers might say that a complaint is to be made to the Standards Committee, the committee does not know about complaints until stage 3 of the process. It is right and proper that the standards adviser—or, next year, the standards commissioner—should carry out stages 1 and 2, which are the initial complaint and investigation, in private. Members of the Standards Committee first hear about a complaint when a report on it comes from the standards adviser. At that point, the Standards Committee takes over. All further evidence is heard in public and decisions are taken in public.

I support Mike Rumbles's view that, in the run-up to the 2003 elections, we do not want the Standards Committee and the complaints procedure to be used by MSPs to settle scores or to score political points over rivals. MSPs should display more grown-up behaviour. I know from experience that there is nothing worse than finding that the newspapers have been briefed that a complaint is to be made against oneself. I suffered that, not at the hands of a fellow MSP, but at the hands of a member of the public, who faxed her letter of complaint to the press. Of course, it was found subsequently that there was no case to answer. That situation was difficult, but I dealt with it robustly. I defended myself and said that the allegation was not true. However, it is not helpful to any member to find in the press details of a complaint that is subsequently considered and in respect of which the member is exonerated. Often, complaints do not reach the Standards Committee.

I ask all members to support the proposed change to the code of conduct. I ask also for all members' consideration as we approach the 2003 elections. Let us conduct our election campaigns out there in the streets and not in here, in the Standards Committee. I am conscious of the fact that the SNP chief whip is sitting at my side. On this and on every standards issue that will ever come before the Parliament, the SNP will have a free vote. There is no SNP whipping on standards issues in the Parliament. That is how it should be, and I hope that the other parties will act similarly.

09:41

**Lord James Douglas-Hamilton (Lothians) (Con):** I agree with what Mike Rumbles and Tricia Marwick have said in support of the motion. The main proposed change is that, if an MSP is to

make a complaint against another MSP's honour, that should not be done publicly, because even unfounded allegations might still be damaging. If such allegations were well founded, they would in due course become a matter of public record.

Mike Rumbles wrote a good letter to all colleagues on the Standards Committee on 26 September. In it, he stated:

"It is essential that investigations into allegations of misconduct are carried out in private and independently of the Standards Committee. Members who are the subject of a complaint should not be unfairly prejudiced by press speculation about matters which may subsequently be held to be unfounded. Moreover, publicising a complaint which is under investigation can prejudice that inquiry."

He went on to stress—as he did, quite rightly, this morning—that

"the Standards Committee's proposal is not intended to be a 'gagging order'. Whilst the Adviser's investigation ... takes place in private, the Standards Committee's consideration of the complaint takes place in public. Any oral evidence required by the Committee is taken in open session and our decision on whether there has been a breach of the Code of Conduct also takes place in public. Both the Committee's report and that of the Adviser or Commissioner are published, together with any relevant evidence."

That is the fairest and most professional way in which to proceed. We are aiming for high standards, and those should be achieved with fairness and professionalism. I support the motion.

09:43

**Phil Gallie (South of Scotland) (Con):** I say to Tricia Marwick that I hope that the Conservatives have a free vote on such issues. If we do not, I could be in deep trouble—that will depend on the comments that I get back from Mike Rumbles.

My concern is that the proposal is restricted to MSPs who make complaints against other MSPs. The standards procedure is, no doubt, a good method of control in such circumstances. However, in my experience, complaints do not in the main come from other MSPs but from the wider public. I declare an interest in the matter, as a complaint against me has been through the complaints procedure. I have no complaint to make about the way in which that complaint was handled; it was dealt with reasonably and I welcome the procedure that was followed in that instance. However, another complaint against me was made not to the Standards Committee, but to the Parliament, by an MP. George Foulkes wrote to the Presiding Officer and, at the same time, sent his letter freely to the press. I was happy to respond to that letter immediately, as there were no constraints upon me then. It would worry me if I thought that the code of conduct would place some kind of restriction on my ability to respond in that way in future.

**Mr Rumbles:** I confirm to Phil Gallie that there will be no such restriction. The proposed change would apply to a complaint against him by an MSP, which would be referred to the Standards Committee. The proposed amendment to the code of conduct would give him the right to respond—that is the whole point of it.

**Phil Gallie:** Yes. However, as Mike Rumbles said, that would be a right to respond only briefly, which I could accept in cases of complaints from my colleagues in the Parliament. However, I want it to be made clear that, in relation to complaints from other sources—who are liable to run first to the press, as Tricia Marwick said happened in her case—MSPs will be free to respond as they feel appropriate, without worrying about breaking the code of conduct. If I receive that assurance, I will be happy to support the motion; without it, I shall oppose the motion.

09:45

**Mr Kenneth Macintosh (Eastwood) (Lab):** In responding on behalf of the committee, I shall deal first with Phil Gallie's point. The code of conduct is designed to prevent complaints' being dealt with in the media. Members will have a right of response to any complaint that is made against them, but I strongly advise against their playing out in the media any case against them. Perhaps the committee will discuss that. The point of the code of conduct is to defend not only the integrity of all MSPs, but the integrity of the Parliament. To have an argument in the newspapers is not the best way in which to get a fair hearing. However, the proposed change does not detract from members' right to defend themselves at any point.

**Phil Gallie:** Ken Macintosh is missing the point that, once a complaint gets into the media, any member who finds himself or herself gagged will face a difficulty. I have no difficulty with the proposed change, because it deals with complaints from other MSPs—such complaints can be dealt with internally. However, other complaints cannot be dealt with in that way, and if a political point were made in the media against an MSP by someone else, it would be wrong for such a gag to be placed on the member. I am looking for an assurance that if, for example, an MP made such a complaint against me, I would be free to respond to that complaint, as the Standards Committee would have no control over the actions of that individual.

**Mr Macintosh:** I am not sure that I can give Phil Gallie that assurance on behalf of the committee. The Standards Committee, with the approval of Parliament, is laying down a code of conduct for all MSPs. Ultimately, a member's reputation will be defended by the findings of the committee. I advise Phil Gallie that, in the circumstances that

he described, he should allow the parliamentary standards commissioner to investigate matters on his behalf—we have put in place measures to ensure that that will be a speedy process—and to refrain from making any comment in the press in the meantime. After the process was completed, if he was vindicated by the findings of the committee, he could use that fact. The process and the standing of the process would protect his reputation. I advise him to follow that process.

The code of conduct applies to MSPs, not to members of the public. Ultimately, we have little sanction against members of the public other than the force of our authority and recognition of the fact that our standards are robust. That is what we must rely on.

**Phil Gallie:** If a restriction was placed on MSPs and a member of the public made a complaint to the Standards Committee and, at the same time, released details of that complaint to the press, would the Standards Committee have the opportunity not to accept the complaint because it had been passed to other spheres?

**Mr Macintosh:** It would be up to the commissioner to consider the complaint first. The complaint would not come before the members of the Standards Committee immediately; it would go to the commissioner, who would be obliged to consider the matter as quickly as possible.

The code of conduct exists to prevent unseemly arguments from being played out in the media. Phil Gallie may think that that loads the dice unfairly against members and gives too much power to anybody who wants to make accusations against them. However, in such a situation, members would not be doing themselves or the Parliament any favours by getting down into the muck and having a squabble. It would be better for them to rely on the commissioner to give the matter a fair hearing, and to allow the Standards Committee to listen to the evidence and find for or against the complaint. That is a far fairer process, which avoids the problems that Phil Gallie is talking about, when a member's reputation is pilloried unfairly in the media. I am sorry if that does not give Mr Gallie the reassurance that he seeks, but the Standards Committee decided that that was the best process.

**Lord James Douglas-Hamilton:** Does my colleague agree that we are trying to avoid trial by the press and allow MSPs the right of self-defence?

**Mr Macintosh:** Absolutely. The fact that we have lodged an amendment to the code of conduct that would give a member the right to make a rebuttal is an acknowledgement of the fact that saying nothing is sometimes interpreted wrongly. However, we also emphasised that the

rebuttal should be a short and to-the-point statement, rather than part of a continuing argument in the press. The way to iron out difficulties is through the Standards Committee and the four-point complaints procedure. MSPs are free to use consequent judgments in any way they want.

**Sarah Boyack (Edinburgh Central) (Lab):** I have a brief question for clarification. The proposals that the Standards Committee has presented to us are an improvement and are clearly well worked out and thought through. However, I have a question about people who are not MSPs but who aspire to be, who are selected by their party structures and who campaign as parliamentary candidates. At what point are they expected to come under the aegis of parliamentary standards and principles?

Members of the public might go through the parliamentary process for complaining about an MSP, but might then publicly throw allegations at the MSP. The Standards Committee could not consider those public allegations. A right of reply is all very well, but an MSP does not really have a right of reply to newspaper articles that are already out there. Is there any way in which people who have been selected as parliamentary candidates by their parties, but who have not formally put in their papers could be expected to abide by the high principles and standards that the Standards Committee is setting out for MSPs?

**Mr Macintosh:** I acknowledge the difficulties to which Ms Boyack refers. Again, I emphasise that the code of conduct applies to MSPs and so by definition cannot apply to candidates. I also emphasise that the approach that we are taking is that MSPs should maintain the highest standards of behaviour and not to get involved in unseemly squabbles. However, I hope that the difficulties to which Ms Boyack referred are hypothetical.

**Sarah Boyack:** They are not hypothetical. That is why I asked.

**Mr Macintosh:** If they are not hypothetical, perhaps Ms Boyack would like to refer the matter to the Standards Committee for further deliberation. Currently, we have no way in which to exercise control over members of the public. Potential candidates for Parliament are members of the public only until they are elected. We can perhaps look further into the matter and see whether there are powers that we can use. Perhaps we can exercise some authority other than our moral authority in the situation to which Ms Boyack referred. The political parties could perhaps impose discipline.

However, as Mike Rumbles said, MSPs' behaviour in the forthcoming election will be important. It is particularly important that we do not



get involved in tit-for-tat point scoring that is aimed at damaging someone's personal integrity or reputation. Ultimately, any complaint against an MSP damages every MSP and the institution of Parliament as a whole. We want to guard against that and the only way that we can do so is by members regulating their behaviour. I ask Ms Boyack and all members to bear that in mind.

**Phil Gallie:** Mr Macintosh is being very generous, which I appreciate.

**Mr Macintosh:** There has been plenty of time in the debate.

**Phil Gallie:** There is a way—which I suggested previously—in which to deal with Ms Boyack's point. A block on deliberately passing or leaking complaints to the press could be built into the code of conduct.

**Mr Macintosh:** Unfortunately, as I suggested, we do not control either the press or the behaviour of members of the public and we have little sanction over their behaviour. However, there might be scope for further work in that area. I need to explore further whether we remain MSPs during the period between the end of the parliamentary session and the election of the new Parliament—the actual election period. I think that we should behave as MSPs and that we should maintain the highest standards.

There might be sanctions that we could apply to potential candidates. Their position should certainly be borne in mind and the Standards Committee might wish to consider the matter further. However, I am content that the code of conduct that we are debating is a huge step forward that clarifies, but does not change, the code of conduct for the benefit of all MSPs and members of the public. It clarifies that we wish complaint proceedings to be carried out fairly, rather than secretly by the Standards Committee, and that we do not want complaints to be dealt with in the media.

I will try to make progress in winding up although, as I said, I do not think that we are pushed for time in the debate. I emphasise that it is critical that our adviser's or commissioner's investigation is carried out in private. It is equally vital that their findings and the committee's decisions are made public. That is why almost all the committee's handling of a complaint at stage 3 is in public. The reports of the adviser, the commissioner and the committee will be published together, including any relevant evidence. That transparency will enhance the accountability of the Standards Committee and of the adviser or commissioner.

The amendment to the code of conduct, as I said to Mr Gallie, will also provide a right of reply to a member who is the subject of a complaint that

has been publicised without the member's involvement. We consider that to be only fair to the member concerned. However, the right of reply would be limited to a brief statement and would not touch on the details of the complaint, in order to ensure that the parliamentary investigation can continue.

I thank Tricia Marwick for talking about her experience. I think that all Standards Committee members are aware that it is an anxious process for members to be the subject of a complaint that is investigated and comes before the Standards Committee. It is not a process to be considered lightly. Therefore, it is only fair that the process be carried out properly. It should be robust and timeous, but it is not fair to members to carry out that process in the press. I thank Tricia Marwick for her example and for telling us of her feelings about her experience.

I echo Mike Rumbles's words about the coming months when I say that the temptation to use complaints for electoral advantage must be avoided. The Standards Committee will not tolerate frivolous or malicious complaints about political opponents. Such complaints will not help to engage the electorate, nor will they help to increase turnout over that of recent elections. Such complaints will serve simply to increase cynicism about politicians and to undermine the complaints process.

The Standards Committee has worked hard over the past three and a half years to ensure that Parliament has a rigorous code of conduct and robust arrangements for dealing with complaints. Our work in that area has been acknowledged inside and outside Scotland as having developed an exacting parliamentary standards framework. We must not see that undermined. I urge colleagues to support the motion.

**The Presiding Officer:** That effectively concludes the debate, but perhaps I might add a word. One of the benefits of the new code of conduct is that, when the standards commissioner comes into being, that will relieve the Presiding Officers of a role they have had until now. I welcome that.

In addition, to respond to what Sarah Boyack said, the Standards Committee cannot deal with election matters. However, a draft code of conduct is being batted around between the four party business managers and me. I hope that that will be available for release to members by the end of October. I think that that code will help to deal with the pre-election period as regards members and, indeed, other persons employed in the Parliament who may be prospective candidates. That code's preparation is well under way. I hope that that is helpful.

**Tricia Marwick:** Further to your comments, Presiding Officer, can you confirm that that code will, in effect, be rules of engagement that are agreed by you and the business managers and which, I hope, will be agreed by the parties? That code will not replace Parliament's code of conduct but will be more about rules of engagement in the run-up to the election period that will guide the behaviour of MSPs, parliamentary staff who are candidates and others.

**The Presiding Officer:** Yes. I think that we are going to call it "election guidance". I hope that that will be helpful to all members.

## **Proposed Committee Bill (Members' Interests)**

**The Presiding Officer (Sir David Steel):** We come now to the second debate, which is on the Standards Committee's "Report on Replacing the Members' Interests Order: Proposal for a Committee Bill".

10:00

**Mr Mike Rumbles (West Aberdeenshire and Kincardine) (LD):** It gives me great pleasure to open this debate on the Standards Committee's proposal to introduce a committee bill on members' interests. If the Parliament endorses our proposal today, it will be only the fourth committee bill to have been introduced during this session, although it will be the second time that the Standards Committee has proposed legislation. I would like to take this opportunity to thank my colleagues on the committee for their unflinching commitment to what was, at times, a complex and intensive inquiry.

Members will recall that our first committee bill is now the Scottish Parliamentary Standards Commissioner Act 2002. That act, which comes into force in January, will introduce robust arrangements for investigating complaints against MSPs, including the appointment of an independent standards commissioner. The proposal that I will outline today is intended to enhance the substantive rules that the Standards Committee and the standards commissioner will be required to enforce.

Our proposal for a members' interests committee bill is intended to replace the current transitional arrangements, which are set out in the Scotland Act 1998 (Transitory and Transitional Provisions) (Members' Interests) Order 1999. The members' interests order sets out the various requirements on the registration and declaration of members' interests, prohibits paid advocacy, and makes contravention of certain provisions in the order a criminal offence. Article 10 of the order anticipates the eventual replacement of the order by an act of the Scottish Parliament; today, we debate the Standards Committee's proposals to introduce that legislation.

The members' interests order already establishes a rigorous and exacting regime for members' interests—indeed, as I have just mentioned, certain breaches of the rules are a criminal offence—and so gives the Parliament one of the toughest codes of conduct anywhere. However, in the period during which the members' interests order has been in operation, the Standards Committee and others have identified a

number of areas that need to be addressed in replacement legislation.

In September last year, we began the process of examining the provisions of the existing members' interests order in detail. We published interim proposals for replacement legislation and invited written and oral evidence in response to our tentative recommendations. In crystallising our thoughts on what shape the new legislation should take, we have examined not only the written and oral submissions that we received but the practices and experiences of other legislatures in the United Kingdom and beyond. We have also consulted colleagues and I would like to thank those members who took the time to respond to our consultation paper, which we published in early 2000. We believe that the package of proposals that we offer today will build on and enhance the provisions that we already have in place.

I will now take members through some of the key elements of our proposals. In relation to the interests that members are required to register at present, the major changes that we have recommended relate to gifts and shareholdings. The current rules on gifts require members to register all gifts in excess of £250, regardless of source or context. That means, for example, that an MSP who has the fortune to receive such a gift from a spouse, partner or relative must register it. The infrequency of such gifts being registered with the clerks suggests that we have less-than-generous other halves. Similarly, any gifts of more than £250 to a member's spouse or partner must also be registered. Again, a quick perusal of the register suggests that MSPs are not given to lavishing expensive gifts on their loved ones.

Joking aside, the committee believes that the current rules on gifts represent an unacceptable invasion of the privacy of family members and that such gifts are highly unlikely to influence a member's political life. Paragraph 4.1.1 of the code states:

"The main purpose of the Register is to provide information about certain financial interests ... which might reasonably be thought by others to influence Members' actions, speeches or votes in the Parliament, or other actions taken in their capacity as Members."

We see the current requirement as doing very little to achieve that. There is little legitimate public interest in disclosing in the register gifts such as those that I described. We have therefore decided to recommend that only gifts that are received by an MSP in connection with his or her parliamentary duties will be registrable. Additionally, we have decided to recommend that the value of a gift that will be registrable will be linked to a member's salary as opposed to being a fixed sum that could become outdated. We believe

that that approach will strike an appropriate balance between transparency and privacy.

Members are currently required to register shares where the nominal value—that is, the share price at issue—exceeds £25,000 or 1 per cent of the issued share capital of a company. However, the difference between nominal and market value can be huge. We are convinced that the latter is a more meaningful reflection of the significance of a member's shareholding and the influence that it could have. However, we also recognise that the market value may fluctuate—as indeed it has done in recent days—and we have no wish to impose a heavy and bureaucratic burden on members. We therefore recommend that MSPs register their shareholdings with a market value of more than £25,000 or 1 per cent of the issued share capital of a company, and that they update the registration annually, at the beginning of the financial year.

In addition to reviewing the existing categories of registrable interests, we have recommended the creation of a new category—non-pecuniary interests. The category will include unremunerated directorships and memberships of voluntary and charitable organisations, professional bodies, societies and sporting or cultural organisations. Many members already choose to register such interests voluntarily. The committee thought long and hard about imposing a mandatory requirement on colleagues. However, having taken written and oral evidence on that specific point, we have decided to recommend the mandatory registration of non-pecuniary interests for three reasons. First, we see non-pecuniary interests as potentially wielding the same influence over members in the conduct of their parliamentary duties as pecuniary interests. Secondly, we see the mandatory registration as a positive step, fulfilling the broader purpose of the register, which is to provide information about an MSP's expertise and experience. Thirdly, we are conscious of a similar requirement that is imposed on councillors and others by the Ethical Standards in Public Life etc (Scotland) Act 2000. We do not want MSPs to be accused of double standards.

We recognised the complex definitional issues in specifying what non-pecuniary interests should be registered. One option would be to attempt to define the types of interests in the replacement legislation. That sort of approach has been used by some Australian legislatures. However, we believe that that could be overly restrictive and inflexible, and that it would risk excluding certain interests. We have therefore decided to mirror the approach that was taken in the Ethical Standards in Public Life etc (Scotland) Act 2000. MSPs will be required to register interests that the public might reasonably think could influence their actions. That would be supplemented by extensive

guidance in the code of conduct, which will provide illustrative examples—but illustrative examples only.

Another key recommendation in our proposal is to clarify the rules on paid advocacy. The Standards Committee recognised back in 1999 that the members' interests order contained a major flaw in the provisions on the very serious offence of paid advocacy. Specifically, the members' interests order fails to specify a connection between remuneration and the subsequent action taken by a member as set out in the Scotland Act 1998. That means that, on a strict interpretation of the members' interests order, a member who participates in a debate on a subject on which he or she has a related registrable interest could be caught by the paid advocacy rule, even when the interest has been properly registered and declared and when the member is not participating in return for the benefit that he or she has received. However, our interpretation of the paid advocacy provisions is based on the wording of the Scotland Act 1998 and the Parliament's code of conduct for members.

We propose that the replacement legislation should make it clear that paid advocacy takes place only where there is a connection between the receipt of payment or other benefit and the MSP's subsequent parliamentary action. We also propose to close a potential loophole by ensuring that the new paid advocacy provisions should apply in relation to future or expected interests as well. That will prohibit members from undertaking a parliamentary action in consideration of remuneration or other benefit that they expect to receive in future.

Finally, as I indicated at the outset, contravention of the rules on the registration and declaration of interests and paid advocacy is criminal offence, punishable by a fine of up to £5,000 on conviction. However, the members' interests order does not provide any defences. Liability is strict. For example, a member who failed to register an interest that he or she is not aware of would still commit a criminal offence. Although we believe that it is right and proper that serious transgressions of the members' interests rules should continue to be a criminal offence, we are of the view that MSPs should not commit a criminal offence where they have taken all reasonable steps to ascertain that they have complied with the rules.

In reviewing the members' interests order and developing the proposals for replacement legislation, the Standards Committee has sought to balance the requirements of transparency and proportionality. We were struck by the approach taken by the Committee on Standards in Public

Life, which has highlighted the importance of proportionality in developing rules on conduct. In its report on the House of Lords, which was published last year, that committee stated that it

"now sees proportionality as a test to be kept constantly in mind by any body drawing up rules for conduct. Such rules will command more respect and adherence if they are comprehensible, simple and proportionate."

**Phil Gallie (South of Scotland) (Con):** Given the simple approach that Mike Rumbles has just mentioned, does the member have any examples where action has been taken against a member for an instance of paid advocacy?

**Mr Rumbles:** I am delighted to say that there is no example of paid advocacy transgressions. In 1999, there was one case that brought to our attention the fact that the wording of the Scotland Act 1998 was different from the wording in the members' interests order. I am pleased to say that there have been no cases of transgression in this Parliament; there might have been in others.

The Standards Committee believes that our proposals will bring greater clarity to the rules on members' interests while not diluting or weakening the high standards of conduct to which we must all adhere. The members' interests regime and the prohibition on paid advocacy are essential components to ensure the accountability of members for their parliamentary actions.

We recognise that time might be a bit tight to see the proposal go through the legislative process before the end of the session. However, it is an important bill proposal and it would be helpful to get it on the statute books prior to the new intake of MSPs. We hope that the Parliamentary Bureau will acknowledge the importance of our proposed bill and give us a fair wind.

I move,

That the Parliament agrees to the proposal for a Committee Bill under Rule 9.15 contained in the Standards Committee's 7<sup>th</sup> Report 2002, *Replacing the Members' Interests Order: Proposal for a Committee Bill*, (SP Paper 621).

10:12

**The Deputy Minister for Parliamentary Business (Euan Robson):** The Standards Committee did not seek a response to its report from the Executive. That is quite proper because the matter is for members. I am sorry that the Executive has not yet provided a formal reply, although I understand that one is in process.

The issue is for the Parliament as a whole rather than the Executive. It is clear that the committee has engaged in a very thorough consultation process in working up its proposals. In my view, the proposals to replace the members' interests order are sensible and well founded.

I do not intend to go through the points that Mike Rumbles has already made so eloquently. However, I believe that the proposals will improve the transparency of the registration scheme and thereby improve its effectiveness.

The committee has succeeded in meeting its declared objective, which was to strike a balance between respect for individual privacy and the need to ensure transparency and high standards of probity, openness and accountability.

I am sure that the Parliamentary Bureau will give a fair wind to the proposed bill and I agree with Mike Rumbles that it would be desirable to have the legislation on the statute books. However, the parliamentary session is drawing to a close and there is a great deal of legislation that needs to be completed. There is also a lot of pressure on members' time. We have to bear those points in mind and seek to achieve the objective, but we will need to see how things go.

As I have indicated, the Executive will provide a formal response to the report in due course. However, I do not anticipate that there is anything in the report or recommendations that will give rise to any difficulties.

10:15

**Kay Ullrich (West of Scotland) (SNP):** The Parliament is only three and a half years old, but I am sure that we will all agree that we have had a steep learning curve. That was especially true for the Standards Committee when we embarked on the review of the members' interests order. Underpinning our task were the principles of openness, accountability and transparency.

I am proud of the Parliament, as I am sure that we all are, but facts are chieftains that winna ding. Whether we like it or not, and whether we think that it is fair or not, public opinion has tarred us all with the Westminster brush. Politicians are corrupt, sleazy and only in it for themselves. If we are to gain the respect of the people of Scotland and give them pride in their Parliament, we must ensure that all our actions are above reproach. That means that we must be accountable in all that we do.

When we reviewed the existing categories of interests, we paid particular attention—as Mike Rumbles has said—to the registration of gifts to MSPs and their family members. At present, members are required to register all gifts with a value of over £250, even if that gift was a birthday or Christmas present from a spouse or partner.

I do not know about everyone else, but if I got a gift worth £250 or more from my husband, I would not wonder what he wanted. I would be wondering what he had done.

I was not the only one on the committee who felt that gifts between partners or family members are unlikely to corrupt the political process. We decided that only gifts to a member that were received in connection with their parliamentary duties should be registered. The same criteria will apply to spouses and partners.

Anyone who has been watching the fluctuations of the stock market over the past year will appreciate the need to change the current requirement to register shares held with a nominal value of over £25,000. That might have seemed fair when the stock market was booming. It certainly erred on the side of those registering their interests. However, ask the thousands of people who are watching their pension funds disappear and they will tell you how much a £25,000 stake is worth in the current market.

Of course, what goes down just might go up. That is precisely the thinking behind our recommendation that the market value of a stockholding is a more realistic criterion for registration. Because of fluctuating markets, it will be necessary for members to update their entries annually.

Probably the most contentious recommendation is the registration of non-pecuniary interests. When is a club or organisation deemed to be a non-pecuniary interest? We were aware of that problem and that is why we must ensure that there will be extensive guidance in the code to assist members in deciding whether they should register a particular non-pecuniary interest.

I have already decided that my membership of an informal group of ladies of a certain age who have been friends since school and are commonly referred to by our husbands as the joy luck club, or the golden girls, should probably not be registered. We recognised that genuine errors of omission could be made and that is why we decided that failure to register a non-pecuniary interest should not be a criminal offence.

I hope that members are positive about the new criteria. After all, the register will show the breadth of experience and expertise that is held by members across the chamber. It must be said that members appear to have been meticulous in the registration and declaration of interests. I hope that we can all accept that things have moved on since the members' interests order was made.

As I said at the start of my speech, it has been a steep learning curve. We must use what we have learned in the past three and a half years to ensure that the members of the Scottish Parliament put clear blue water between themselves and the archaic secrecy that sometimes envelopes that other Parliament. I believe that the Standards Committee will go a long way to doing just that.

10:20

**Lord James Douglas-Hamilton (Lothians) (Con):** I support the motion. Registration and declaration of members' interests are central to the Parliament's core principles of transparency and openness. The Parliament already has a tough system of rules that govern members' interests and certain breaches of those rules constitute a criminal offence.

It has been mentioned that the Standards Committee has undertaken a thorough and comprehensive review of the operation of the existing legislation and has proposed changes to be incorporated in a committee bill on replacing the members' interests order. We believe that the amendments will enhance the rules.

We propose changes to the rules on the registration of gifts and shareholdings. Under the bill, members will have to register any gift that is worth more than 0.5 per cent of the salary that they receive in connection with their parliamentary duties. They will no longer have to register gifts from spouses or relatives. We recommended that the threshold for registration of shareholdings should be set by market value rather than nominal value. That will provide a far more realistic measurement of the possible significance of a shareholding.

Perhaps the most difficult area that we considered related to non-pecuniary interests. We propose that members should register non-pecuniary interests that might be thought by the reasonable man or woman in the street to have a possible influence on an MSP in the performance of their parliamentary duties. I accept what Kay Ullrich said about "golden girls" membership not needing to be included under that heading.

The committee did not get down to dealing with complex definitional issues, but I think that the principle to be applied is that if membership of a body leads to disproportionate, considerable or substantial influence, the MSP should consider that membership. For example, freemasonry has been in the press, although we did not consider it in detail. The test should be that an MSP should not be beholden to anyone. An MSP should be their own man or own woman and not beholden to any person or body, only to his or her conscience. If a person was a freemason many years ago, I do not think that that is relevant. However, if a person is currently a freemason, that would be a matter for their conscience and the test that should be applied is whether considerable influence could or might be applied.

Our report sets out a welcome clarification of the paid advocacy rule. Paid advocacy is the most serious offence in the members' interests legislation and it is important that MSPs are in no

doubt as to what behaviour constitutes paid advocacy. My friend Phil Gallie asked whether any elected representative had had to resign over that issue. In the 1974-79 Parliament, one MP resigned from the House of Commons when charged with what would now be described as paid advocacy.

Our proposed changes are sensible and proportionate. We believe that they will ensure that the Scottish Parliament continues to have a rigorous registration framework while enabling members to carry out their duties appropriately and effectively. I support the motion.

10:24

**Paul Martin (Glasgow Springburn) (Lab):** I want to refer to what Kay Ullrich said, particularly the important point that she made about Westminster. We must consider whether we are concerning ourselves purely with weaknesses at Westminster. As someone who has recently joined the Standards Committee, I have come to the issue late. The committee has developed a members' interests order that is in the best interests of the Scottish Parliament and has taken account of many weaknesses at Westminster, but there are a number of positive lessons that we can learn from Westminster. In considering the committee's report, we must ensure that we learn from the experiences of the past three years and develop an effective members' interests order that works in the best interests of the Scottish Parliament. Such an order must be made in Scotland for the Scottish Parliament and must learn from the weaknesses as well as the positive attributes of other Parliaments.

The Parliament has received many knocks. As Kay Ullrich said, its integrity has been questioned many times. However, we should give credit to the Standards Committee for ensuring that this debate has been brought before us today. It should be reported that we are progressing a members' interests order that will ensure that every possible interest is recorded.

Lord James Douglas-Hamilton referred to non-pecuniary interests. I question what he said about freemasonry. I have little knowledge of freemasonry and therefore am not in a position to clarify whether he should declare his interest in such an organisation. The Scottish Parliament should ensure that MSPs declare such interests.

**Lord James Douglas-Hamilton:** I am not and never have been a freemason, nor do I have any inside knowledge of freemasonry. I tried to assert what I thought the principles should be.

**Paul Martin:** That is an important point. In submitting ourselves to public scrutiny, it is crucial that every organisation of which we are members

is registered, whatever the organisation is. That is particularly so if the organisation is a secret organisation and its membership is not made public. If the Parliament is serious about openness and transparency, it must ensure that membership of such organisations is registered. I welcome the committee's development of proposals in that respect—we should give it great credit.

The committee has presented proposals to ensure that all possible future interests are declared, which is important. Members will also be required to declare any ceased interests.

I do not believe that it is in the public interest that spouses' gifts should be declared nor is it in the interests of MSPs for gifts that are more than £250 to be declared. A number of partners would scrutinise the register of members' interests to find out whether they had spent more than £250 at Christmas. Many MSPs will breathe a sigh of relief this Christmas—if the proposals are implemented prior to Christmas—that such gifts will not be recorded.

There is little to argue about in respect of the motion. To the best of the committee's ability and on a cross-party basis, we have produced proposals that will ensure that every member's interests are recorded in the interests of openness and transparency.

10:28

**Stewart Stevenson (Banff and Buchan) (SNP):** As the most recently elected MSP, I thought that it might be useful to speak about some views that I formed when I had to draw up my entry in the register. I say to Mike Rumbles that I did not respond to the consultation not because of lack of interest, but because of lack of time when the opportunity arose.

We must be careful about being too complacent. I think that we have an honest and open group of MSPs and that all 129 of them maintain high standards in ethical behaviour and the expression of interests. However, our regime is very liberal and far from restrictive compared to that which I experienced before coming to the Parliament.

As a bank employee, I operated under the Financial Services Act 1986, which had restrictive and specific requirements to register and to relate information. In my circumstances, those requirements were difficult, because I worked for one bank, my wife worked for the stockbroking arm of another bank and my brother worked for a third bank. None of us was a banker, but nonetheless, the rules covered us. For example, if I wished to conduct a share transaction, the 1986 act required me to do so through my employer, but because of my wife's employment in stockbroking, the act also required me to transact through her

employer, although that was impossible. Fortunately, a procedure existed by which we could nominate the employer that would get the business, although both employers had to be told about it. I could not sell or buy a share in any company without registering the fact that I had done so, or sell or buy a share in my own company except in two four-week periods during the year and with permission. There were significant constraints, only some of which I have dealt with.

I welcome the proposed change from the nominal value of shares to their market value. I spent 30 years with the Bank of Scotland and put my staff profit share away year by year, little amount by little amount, into shares, because of the advantages to doing so. As a result, I had Bank of Scotland shares with a nominal value of £9,800 when I joined the Parliament. However, when I voluntarily registered my interest, their market value was of the order of £360,000. The difference between those values was huge. Even at that level, I did not require to register the shares and would not require to register them under the present order until their market value reached approximately £1 million. I think that members share my view that shares at such a level should be registered. Alas, I have lost about £100,000 in the value of those shares, but I never had that in the first place, so let us not worry about it.

The Standards Committee turned its attention to outside employment. In my previous life, I would have required permission to accept outside employment. I draw that to members' attention as a model that we might think about.

**Mr Rumbles:** The Standards Committee considered prohibiting members from accepting employment outwith the Parliament. Most committee members felt that being an MSP was a full-time job, but that it was not the committee's place to recommend restricting outside employment.

**Stewart Stevenson:** I understood that. I do not oppose small, relevant, outside interests. I lecture a little in the business school at a local university, which helps me to keep in touch with some matters, but my doing that would be inappropriate if it interfered with my ability to do my job as an MSP. The committee may wish to consider whether prior approval of outside employment could apply that test. My opinion—it might not be the opinion of others—is that an occasional audit could be valuable.

Gifts raise an interesting issue. I forgot my wife's birthday this year, so I can tell members that the absence of a gift can—to use Mike Rumbles's phrase—influence political life. I was a bit grumpy for a few days because my wife was more than a bit grumpy. What is a gift between family

members? If the only family member who receives remuneration for employment is the MSP and that person takes their partner on a holiday that costs £500, is that a gift under the order? It might well be. That situation should be considered—it applies to close family members, too.

Outside people could think that many non-pecuniary interests influence members. I voluntarily registered two unpaid directorships. One of those directorships is in a voluntary organisation; I receive no remuneration for it and have no legal obligations under it. The other, however, is in a limited company, which means that the Companies Act 1985 places on me some fiduciary duties that could conflict with my duties as a member of the Parliament, in some circumstances. The test of whether an interest is unpaid is not in itself adequate.

By the same token, we should consider societies and clubs. I am a member of Edinburgh Flying Club. Flying is my hobby, and lest members should think that it is an expensive hobby, I say that if I smoked 20 cigarettes a day, I would spend more than I do on flying, but perhaps that tells members how little time I have spare from the Parliament. As a member of Edinburgh Flying Club, I might—if I were not a member of the Parliament—wish to take a position on developments at Edinburgh airport, which we discussed recently. It would be appropriate for me to make known my membership of that club if we discussed those issues.

I am also a member of an informal group called the escape committee, which comprises former workers in the trenches at the Bank of Scotland, with whom I occasionally have lunch. Like Kay Ullrich, I do not think that it would be appropriate to register such membership. However, if a member were an honorary consul for one of the many small countries around the world that wish to have representation in Edinburgh, it would be appropriate to register that.

I suspect that it would be inappropriate to register the amount of a pension, but there is value in considering registering the fact of a pension, because the source of a pension, the body that pays that pension and the interests of that pension fund might be held to influence a member, in some circumstances.

The members' interests order focuses on services that members provide in their capacity as members and for which they are paid, but members provide services for which they are not paid and which may influence us. For example, I write four newspaper columns for local papers. I am not remunerated for that, but it is in my political interest to maintain a good relationship with the owners of those papers. In some circumstances, members and the general public should be aware

that I have a connection with a commercial company that is non-remunerated but is of value to me.

I suggest that having two parts to the register of members' interests could be valuable. One part would be published and the other part would provide the opportunity to record facts. For example, the amount of a pension might be registered but not published. That might be a way forward and might be useful for a range of matters.

I welcome the thought that any changes could be introduced before the election. That would give those who wish to stand for election a clear view of the expectations of them, so that they would meet no nasty surprises when they arrived here. That could be a benefit.

I welcome the Standards Committee's excellent work and I have no difficulty in supporting the motion.

10:38

**Helen Eadie (Dunfermline East) (Lab):** I agree with most of the comments that members have made and I support the principles in the Standards Committee's report. Public confidence is essential. We need to provide the reassurance that all members have the highest standards of integrity. I am sure that we all sign up to that. We are behind the Standards Committee on that.

I agree with some proposals in particular and I will highlight those that are of note. The proposal on gifts takes a reasonable approach, with a threshold of 0.5 per cent of an MSP's salary, which allows for inflation. I am sure that members feel that that is reasonable.

The committee's research on best practice in other Parliaments impressed me. One of the great benefits of being the baby of the Parliaments is that we can learn from examples of good practice elsewhere. That fact influenced heavily some of the thinking in the committee's report.

The committee recommended that we take the ethical standards route on the mandatory registration and declaration of non-pecuniary interests. That is an area of interest to many of us for a variety of reasons, because we have all made voluntary input of one kind or another at some point in our lives. The committee took a reasonable approach to non-pecuniary interests by suggesting that wherever such an interest might be thought by others to influence a member's actions, it should be treated in a similar manner to their remunerated interests. That is fair. The report notes that that approach is followed in the House of Commons and it is one that we have followed from the beginning of the Scottish Parliament. It would be good to continue on the same basis.



The committee's comparison between the standards that should be set for MSPs and those for councillors is fair and reasonable. It would be entirely unacceptable for us to proceed on the basis of setting standards for ourselves that were lower than those that are set for councillors. I was a councillor for a number of years on Fife Council and we took the standards issue very seriously.

I give a particular welcome to the fair approach that the committee has taken, in the light of experience, to the registration of gifts from spouses, cohabitantes and close family members. I cannot remember when my husband last gave me a gift that was valued at £250 or more. Perhaps my memory is poor—he may chastise me severely when I get home this evening. Sarah Boyack and I were talking about engagement rings. She told me that her ring cost X, Y or Z, whereas my engagement ring cost about £19 10/-. Indeed, I may have contributed to the cost on the day. That is life and it probably says more about the days in which my engagement ring was bought.

I believe that members feel that the registration of gifts is an unreasonable intrusion into their personal life. I am pleased that the Standards Committee has come up with a pragmatic approach to the matter. I agree that the bill should be passed this side of Christmas, rather than in the new year when more political point scoring will be going on.

I accept the totality of the section on expected benefits. The issue is important and it has my support. None of us knows what will happen in the future, but if a member has a reasonable expectation that they will benefit in some way, they ought, in all clear conscience, to register an interest. The committee recommended that such a declaration should be made.

The guidance in the code of conduct on standardised forms will be helpful. I am not sure whether other members have experienced difficulties when filling out forms. I find myself asking, "What does that mean?" The code will help all of us and we look forward to its introduction.

Nothing in the report causes me to feel anxious or to experience discomfort. However, I am concerned about one or two of the points that have been raised in the debate. Members spoke about the masons, which is an issue. However, if we are to be even-handed, other organisations, including the Knights of St Columba, should fall into the categorisation of organisations that is set out in the report. We are talking about organisations that have structures—they are not informal dining clubs. If we believe in openness and transparency, there is no doubt that membership of all such organisations should be registerable.

I welcome the clarification on sponsorship. I am one of the members who was dismayed when, in the early days of the Parliament, it emerged that I might not be able to speak on the issues of mutuality or co-operative development because I had been elected as a Labour and Co-operative candidate. However, voters who put a tick beside my name knew that I wanted to promote the idea of co-operative development. Much thought has been given to sponsorship; members will remember the debate at the beginning of the parliamentary session. I welcome the committee's conclusions on sponsorship. I do not receive a penny from the Co-operative party as a result of its sponsorship. The money goes to the party under the party plan system, which is a situation that must be shared by members throughout the chamber.

I congratulate the members of the Standards Committee and its clerks. Members support the work that they have done on this important issue.

10:45

**Phil Gallie (South of Scotland) (Con):** I want to identify myself with some of the comments that have been made by members in their speeches. At the same time, I want to share some of my deep reservations.

The report contains sensible proposals in respect of gifts. There has been much talk of gifts of up to £250 in value. My gift to my wife this year will be in excess of that, as will her gift to me. We are going on holiday together at Christmas and our gifts to each another will be that holiday. I am sure that other members have found themselves in similar circumstances. That makes total nonsense of the present situation. I recall comments that were made along those lines during the debate on the code of practice.

Stewart Stevenson gave ample reason why changes should be made to the rules governing shareholdings. I have no difficulty in accepting his arguments on that subject.

Euan Robson spoke about the busy parliamentary schedule. We are at the beginning of October and the Parliament will, in effect, wrap up its business in March. The Scottish Parliament should want to pass quality legislation, not bits-and-pieces legislation. It would be nonsense for the Standards Committee to try to drive through yet another bill in the time scale that Mike Rumbles set out, especially as the bill will have to cover the complexities that are detailed in the report. Mike Rumbles should think again. The Executive recognises the dangers of going ahead as the committee proposes.

**Mr Rumbles:** As I am sure Phil Gallie recognises, the Standards Committee has worked

for well over a year on the proposals that are before the Parliament today. The committee has also undertaken comprehensive consultation. If the Parliament approves the motion today, the process of progressing the bill through its stages would not be long drawn out. Speeches this morning have shown that there is support for getting the bill on to the statute book ready for the new intake of MSPs.

**Phil Gallie:** I refer Mike Rumbles to his own words. He spoke earlier about the complexity of the non-pecuniary interest issue. I do not believe that it is possible to build either the drafting time or the required level of expertise into a three or four-month period. The bill drafters are up to their eyeballs already. I also do not believe that it is possible in the time available to draft a meaningful and realistic bill that will last in perpetuity.

Kay Ullrich talked about the label that has been attached to the Scottish Parliament. She suggested that there are such things as a Westminster brush and a Scottish Parliament brush. I agree that there is a Scottish Parliament brush and it tars us with the fact that some of the legislation that we have passed has been rushed and not well thought out. It has brought disrepute to the Scottish Parliament in the eyes of the public.

**Tricia Marwick:** Can Phil Gallie name one act that has been rushed through the Scottish Parliament? Is it not the case that Westminster has repeatedly had to introduce other legislation to close loopholes? Have we had to do that yet?

**Phil Gallie:** I am thinking of the Standards in Scotland's Schools etc Act 2000.

I openly declare that I am a member of the freemasons. I became a member in the late 1950s and went to one or two meetings, but I have not attended a meeting since 1961. No doubt I have met other freemasons over time; quite honestly, I have not associated with them as freemasons but as friends and colleagues. I do not see any difference between my associations with such people and my associations with members of the Knights of St Columba and people from other religions.

Irrespective of whether or not it gets me into trouble with the Parliament, I will not declare my involvement with the freemasons in the register of members' interests. It does not impact on any of my actions in the Parliament. That is my judgment, and is the way that I act as a responsible individual who has been elected to the Parliament.

I have demonstrated that responsibility in other issues. For example, as far as remuneration is concerned, the first thing that I did when I was elected was to wrap up my small business consultancy, simply because I knew that it might result in a conflict of interests. However, my

support of Ayr United Football Club or Dunfermline Athletic Football Club or my membership of Ayr Rugby Football Club or the Royal National Lifeboat Institution are incidental to my overall involvement in the Parliament. I will not declare those interests. Of course, if we were debating lifeboats, it would be only right and proper to declare that interest at that time. Other than that, such interests have no impact on my involvement in the Parliament.

**Helen Eadie:** Is the member saying that, if the bill is passed—as we hope that it will be—he will openly break the law?

**Phil Gallie:** For a start, we are talking about a code of conduct, not legislation. Euan Robson has suggested that the time scales for passing the bill before the end of this parliamentary session are perhaps unrealistic.

As for Helen Eadie's question, I will take that decision in the future. Right now, I state categorically that I will not declare my involvement in the freemasons in the register of members' interests. I am not suppressing the information; indeed, I have acknowledged my membership this morning and will tell any constituent who asks me about it. Instead, I want to make it clear that I will not register the interest because I do not think that it is relevant to my job. If that puts me in conflict with the law, I will have to think about my position.

**Euan Robson:** I want to reassure Mr Gallie that I am not suggesting in any way, shape or form that the Executive will put a brake on the committee bill. I simply referred to the obvious fact that we have a lot of legislation coming up and that there is a lot of pressure on members' time. It is important to get the legislation right. I hope that he accepts that reassurance.

**Phil Gallie:** I accept that Euan Robson did not intend to suggest that a brake would be applied to the bill. Perhaps I should have referred instead to his argument about practicality and reality. On that basis, I do not think that there is any chance that the bill will be introduced and passed by the Parliament between now and next May. That is certainly my interpretation of Euan Robson's comments.

All MSPs have a responsibility to the electorate to be open and honest about everything, especially in matters that affect their daily work in the Parliament. However, we do not need legislation to ensure that we fulfil that responsibility. If we do, it reflects badly on all of us.

Similarly, we do not need to go through the legislative process to achieve the committee's aims as far as gifts and shareholdings are concerned. Instead, the committee could draw up a code of conduct that would be acceptable to the Parliament. I stand to be corrected on that point.

Perhaps someone could respond to it in the summing up.

10:55

**Tricia Marwick (Mid Scotland and Fife) (SNP):**

First, I thank Sam Jones and the Standards Committee clerking team, who have done all the hard work and guided us through this issue.

Although much in our proposal is technical, the chamber must not underestimate the importance of rules on members' interests and paid advocacy. They not only underpin how we conduct ourselves as parliamentarians, but govern how we are perceived by the world at large. We need only go back to Westminster in the early 1990s to see how corrosive allegations and impropriety can be to the democratic process. As other members have pointed out, much of the public's disenchantment with politics and politicians probably has its roots in cash for questions and other scandals of the 1990s.

However, it is important that we do not get allegations of sleaze out of proportion. It has been a busy parliamentary session for the Standards Committee, but for all the right reasons. Through the Scottish Parliamentary Standards Commissioner Act 2002, we have established robust and transparent procedures for investigating complaints. We have produced a comprehensive code of conduct and—as we did today—we have not hesitated to make changes to it as we have learned from experience. We have also conducted a wide-ranging inquiry into lobbying, which we will debate later.

The complaints that we have dealt with have generally been matters of protocol not probity. Today, following a comprehensive review of the Scotland Act 1998 (Transitory and Transitional Provisions) (Members' Interests) Order 1999, we seek the Parliament's agreement to introduce a committee bill.

Other members have outlined the key elements of our proposals. We have recommended changes to the rules on gifts that will balance transparency with allowing family members to have legitimate privacy. I seem to recall that, when Karen Gillon was a member of the committee, the two of us discussed the fact that our husbands were mean. At that time, she said that she hoped to get a ring worth £250. I have looked at the register of members' interests and have found no such declaration. Therefore, I am forced to conclude that Karen never received the ring from her husband, Jim. That is a disgrace; after all, she has had two children since then.

We have suggested changes to the rules on shareholdings, which will make the registration and declaration of such interests far more

meaningful. Moreover, we have proposed the mandatory registration of non-pecuniary interests, which we believe will enhance the current registration framework. The registration of such interests will not only strengthen our commitment to openness but provide a fuller picture of the experience and expertise of the member concerned. Every step of the way, we have tried to ensure that our response has been proportionate. It is not—and never will be—the Standards Committee's intention to overburden members with unnecessary bureaucratic rules that hamper the conduct of their parliamentary duties.

**Phil Gallie:** Will the member give way?

**Tricia Marwick:** If Mr Gallie bears with me, I think that I will address his point.

We are determined that the rules on members' interests will establish clear and rigorous standards that reflect the high expectations that we as elected members must strive to meet.

I want to focus on the issue of paid employment, which was raised in the course of the debate. Following oral evidence in April, the committee considered whether MSPs should be permitted to take on paid employment. That consideration followed a suggestion from witnesses that the Parliament and the committee should be able to act if a member's outside employment impacted adversely on his or her parliamentary duties.

The committee feels that the MSP's role should be a full-time commitment. However, provided that outside employment is properly registered and declared, we feel that any decision to accept such work is a matter for individual members' judgment. It is not for the Standards Committee or for the standards commissioner to judge whether a member's parliamentary work is being hampered by outside commitments. That is ultimately a matter for the electorate to decide. That said, it is vital that members' entries on paid outside employment in the register of members' interests contain sufficient information. As a result, details of the nature of the work and its regularity should be provided as set out in the code of conduct.

I will address the matter of non-pecuniary interests and in particular the points that Phil Gallie raised. The bill will not allow members to decide for themselves whether their non-pecuniary interest necessitates an entry in the register. The committee deliberately went down the route of using the wording in the Ethical Standards in Public Life etc (Scotland) Act 2000. MSPs are required to register interests that the public might reasonably think could influence their action. Whether something should be registered is not a matter of individual conscience. An MSP must bear in mind the fact that the test is whether the public could reasonably expect that membership

of an organisation might influence the member's actions.

**Phil Gallie** *rose*—

**Tricia Marwick:** I will let Phil Gallie intervene in a minute, although I must say that I was disappointed with his earlier comments. It is incumbent on every member of the Parliament to uphold the Parliament's standards and protect its reputation. I think that Phil Gallie's statement was appalling—notwithstanding the fact that the Parliament may pass an act with which he will not comply.

**Phil Gallie:** I thank Tricia Marwick for letting me intervene. I will not respond to her comments; I believe that I made a valid point. I ask her to define how far non-pecuniary interests go. Personally, one of the greatest influences on my thinking and on the actions that I take in Parliament is the fact that I am a member of the Church of Scotland and that I believe, as a Christian, in Christian processes. Should I register that fact in a register? Should those who are Muslim, Jewish or who perhaps follow other faiths do likewise? All those faiths have a major impact on the things that we do and on the ways in which the public sees us act.

**Tricia Marwick:** Comprehensive guidance, which will include illustrative examples, will be issued to all MSPs but, ultimately, the test is not whether the member believes that there is an interest to declare; ultimately, the test—as in the Ethical Standards in Public Life etc (Scotland) Act 2000—is whether the member has an interest that the public might reasonably think could influence their action. The test is not a personal test; it is about what the public might reasonably think could influence a member's action.

**Phil Gallie:** I accept Tricia Marwick's definition of the test. Does she believe that the public would see religious beliefs as being one aspect of that?

**Tricia Marwick:** Comprehensive guidance will be produced. If we were discussing issues of morality, I imagine that an MSP who is a member of a particular church and has a certain point of view might well register that, and that the public might reasonably think that the member should register it. Comprehensive guidance that contains illustrative examples will be produced. I hope that we will all register all our interests to ensure that the Parliament, which is supposed to be open, transparent and accountable, genuinely meets those standards. The situation is the same for all members.

We believe that the rules on paid advocacy must be clarified and that the flaw in the current MIO must be addressed. Paid advocacy is a serious offence, not only in the sense that it is a criminal offence, like other transgressions of the MIO, but

because it is the ultimate betrayal of trust. It strikes at the heart of the relationship between an MSP and the electorate. Any such allegations will be treated with the utmost seriousness by the Standards Committee, the standards commissioner and, if necessary, the procurator fiscal.

It is crucial that the rules on paid advocacy are clear. Although the Scotland Act 1998 is unambiguous, the omission of the link between the payment of benefit and an MSP's subsequent parliamentary action is a failing of the current MIO. Members may recall that that omission gave us great concern in late 1999.

The proposal is not just about parliamentary housekeeping; it is about individual members' accountability for their actions and decisions in the Parliament and about maintaining the highest standards of integrity and probity. Our conduct impacts not only on our individual reputations but on the credibility of the Parliament as a democratic institution. That is why I urge colleagues from all parties to support the bill.

On whether we will get the bill passed by 2003, I have great faith in the parliamentary draftsmen. We have done a lot of the hard work on the thinking behind the bill already. The bill will be a doddle for the parliamentary draftspeople who drew up the Scottish Parliamentary Standards Commissioner Act 2002. I believe that there will be sufficient time for us to make the bill an act by 2003, so that the next intake of parliamentarians to this democratic institution will have the benefit of an MIO that will guide them, protect them and ensure that the people of Scotland have faith in the parliamentarians and the institution.

## Lobbying

**The Deputy Presiding Officer (Mr George Reid):** The next item of business is a debate on motion S1M-3428, in the name of Mike Rumbles, on behalf of the Standards Committee, on its first report of 2002, on lobbying. I call on Mike Rumbles, as convener of the Standards Committee, to speak to and move the motion.

11:06

**Mr Mike Rumbles (West Aberdeenshire and Kincardine) (LD):** I welcome the opportunity to debate the Standards Committee's report on lobbying. Lobbying is at the heart of the democratic process. It impacts not only on our commitment to accessibility but on our commitment to openness and transparency.

The report that we are debating represents the culmination of an inquiry that took us a year and a half. I take the opportunity to thank members of the committee, past and present, for their commitment and enthusiasm during the inquiry and I also thank the clerking team.

The roots of the lobbying inquiry can be traced back to the Parliament's founding principles. The original report by the consultative steering group stated:

"For the Scottish Parliament to deliver a Parliament which will meet the expectations of the Scottish people, a culture of openness and accessibility has to permeate the Parliament".

The Standards Committee wanted to examine how that applies to the relationship between the Parliament and lobbyists.

I say now that we did not—and still do not—see a problem with lobbying in the Scottish Parliament. There is not a problem. Throughout our inquiry, we recognised that lobbying is an integral and legitimate part of the democratic process. However, it is imperative that lobbying is carried out transparently in line with the Parliament's core principles of openness and accessibility.

As MSPs, we represent a wide spectrum of people in differing occupations with differing interests and businesses and diverse needs. We should not be guided only by our own opinions on matters that are brought before us. We should meet and hear from interest groups, lobbyists and constituents—a wide range of people—so that they may inform us of their concerns and needs and we may take the temperature of public opinion. Lobbying can help us to become better informed in forming our political judgments. It also enables us to engage with different sections of society.

All of us must recognise that public concerns remain about the possibility of undue influence being wielded by lobbyists in our legislature. That concern is most marked when organisations carry out lobbying commercially or for profit for third parties. If we are to allay such concerns and reassure the public that lobbying activity is consistent with our core principles of accessibility and openness, transparency must be our watchword.

The need for transparency is paramount when companies lobby on behalf of third parties. That is why the core recommendation of our report is the introduction of a statutory registration scheme for such organisations.

It is a fact of business life that commercial lobbying organisations are paid by their clients to achieve certain results. There is a risk that observers will assume that, because of that, a lobbying or public affairs agency has greater access to or clout with a politician than do individual citizens or a much smaller and less well-funded local voluntary group that is pressing for reforms. We found no evidence to support that proposition, but it is a perception that nevertheless exists in some quarters.

To help address the questions of perception, access and openness, the Standards Committee undertook a wide-ranging inquiry. We have taken evidence from and consulted a broad spectrum of witnesses including commercial lobbyists, interest groups, the voluntary sector, academics and the lobbied themselves—we, the MSPs. We are grateful to all who contributed to that undertaking. The committee has distilled that information down to the four principal recommendations that are outlined in our report.

First, there should be further guidance for MSPs. At the moment, the guidance is contained in section 7 of the code of conduct and relates to statutory obligations. Paragraphs 71 and 72 of the report outline some of the practical steps that members can take that will keep us all on the right side of the code of conduct.

Secondly, annexe E of the report sets out a revised section 7 of the code of conduct on lobbying and access. The revisions are not extensive, but the committee felt that they added clarity and enhanced the existing text. The changes that we are asking Parliament to agree to incorporate into the code today will clarify the role of commercial lobbyists; will place greater emphasis on the need for transparency in the relationships between MSPs and commercial lobbyists; and will provide supplementary and practical advice on dealing with commercial and other lobbyists. Those changes to the code will provide greater clarity to members on their obligations and will ensure that the relationships

with all lobbyists are handled with complete propriety.

Thirdly, we recommend that a statutory registration scheme for commercial lobbyists be introduced. As that proposal has attracted a lot of attention, I will spend a little time explaining the background.

The main impetus in our decision to recommend statutory registration is the need to ensure transparency. Only then can we begin to dispel the unease that is felt by the public. The evidence that we received during our inquiry does not suggest that substantial difficulties exist in the relationships between MSPs and lobbyists. Our recommendations are not driven by a few examples of bad practice in the lobbying industry, nor are they intended to constrain or inhibit the legitimate business of commercial lobbying companies.

Some witnesses said that our approach would secure greater transparency but at the expense of accessibility. They were concerned that such a registration scheme would confer elite status on a group of lobbyists and give the impression of privileged access to MSPs. By the same token, other organisations or individuals might be deterred from engaging with the Parliament. However, we were not persuaded by that argument. Any eventual registration scheme will be restricted to commercial lobbyists working on behalf of a third party. Voluntary organisations or interest groups, for example, would not be covered by the scheme.

In response to the suggestion that statutory registration would create a so-called favoured elite, I refer the chamber to the code of conduct, which specifically prohibits members from giving preferential access to commercial lobbyists. The Standards Committee would view any breach of that provision with the utmost seriousness.

**Karen Gillon (Clydesdale) (Lab):** Is the point not that members would give anybody who was registered elite status, but that the public would perceive that people who were registered had special status?

**Mr Rumbles:** That is a valid point, but the point that I am trying to make is that it is up to us to ensure that that impression is not created and, if it is, to ensure that it is dispelled immediately and forcefully.

Our proposed registration scheme for commercial lobbyists would include the name of the lobbying firm, the names of the staff engaged in the lobbying and the identity of the clients that the firm represents. The sanctions of naming and shaming for failing to register or for deliberately providing inaccurate information should be sufficient deterrents for commercial lobbyists in the

relatively small world of public affairs consultancy. The Standards Committee did not propose that in-house lobbyists, trade associations or voluntary groups should register. If they contact an MSP, whom they represent is clear to the MSP, which is not always the case with a commercial lobbyist.

Our fourth recommendation is that the Scottish Parliament draw up a voluntary code of conduct for all lobbyists. The Standards Committee is aware that various umbrella groups and professional associations that are involved in lobbying have their own codes of conduct to which their members are required to sign up. We welcome those codes, as they show a desire to commit to and maintain high standards within those industries. The Parliament code that we recommend would serve as a common standard or level playing field that we would be able to recognise. It could be published on the internet or issued as a handout and would be readily available to help lobbyists and MSPs.

The Standards Committee recognises that a significant proportion of lobbying activity is directed at the Executive, be it ministers or civil servants. We have reiterated our view, which the committee first voiced in late 1999, that the Scottish ministerial code should be re-examined to ensure that it contains appropriate guidance and safeguards on dealing with lobbyists. We have also asked the Executive to consider whether any subsequent statutory registration scheme that might emerge from our report should cover the relationship between ministers and commercial lobbyists.

I am pleased to say that, last week, the Minister for Parliamentary Business wrote to me to say that the Scottish ministerial code will be revised to bring it into line with the changes that we have proposed today to the Parliament's code of conduct. The minister also indicated that she sees no difficulty in the relationships between commercial lobbyists and ministers coming within the scope of the statutory registration scheme. I particularly welcome the minister's statement that the Executive would not stand in the way of a committee bill if the Parliament's view is that having a statutory register is the right way to proceed.

The motion calls on the Scottish Parliament to note the recommendations of the Standards Committee's first report of 2002, on lobbying, and agree to amend section 7 of the code of conduct along the lines that are set out in annexe E of the report. The Standards Committee believes that the recommendations in the report will ensure that lobbying continues to be carried out in a transparent and appropriate manner.

I move,

That the Parliament notes the recommendations of the Standards Committee's 1<sup>st</sup> Report 2002, *Lobbying*, (SP Paper 507) and agrees to amend section 7 of the *Code of Conduct for Members of the Scottish Parliament* as set out in Annex E of the report.

11:17

**The Deputy Minister for Parliamentary Business (Euan Robson):** As the convener of the Standards Committee has just said, the Minister for Parliamentary Business has responded on behalf of the Executive to the Standards Committee's report on lobbying and I am grateful to be able to say a few words on the subject.

Our response welcomes the report, which we consider to be an important and valuable contribution to the debate on lobbying. We welcome the committee's conclusion that there are no substantial difficulties in the relationships between members and lobbyists. We note the committee's recommendation that a statutory register of commercial lobbyists should be established. Our response queried what value a statutory scheme would add to the existing codes governing the conduct of MSPs and lobbyists, especially when the committee also recommends that those voluntary codes should be strengthened. However that is, of course, a matter for the Parliament to decide and we will listen with interest to the views that are expressed today. I listened carefully to the details of Mike Rumbles's speech on that point.

The report recommends the extension of the proposed statutory scheme to cover the relationship between ministers and commercial lobbyists and, as Mike Rumbles said, our response made it clear that we see no difficulty in a statutory scheme applying to dealings between ministers and commercial lobbyists in exactly the same way as it does to MSPs.

The recommendations for the Parliament to draw up a voluntary code of conduct for lobbyists and to strengthen the relevant section of the code of conduct for members seem entirely sensible and practical.

The report sought the Executive's re-examination of the code of conduct for ministers with regard to the relationship between ministers and lobbyists. The Scottish ministerial code was comprehensively revised earlier this year—in February, I think—and now includes a new section on contact with commercial companies. However, as the convener of the Standards Committee also said, in the event that the Parliament approves the revised code of conduct, the Executive will amend the Scottish ministerial code when it is next revised to include a specific cross-reference to the new guidance on dealings with lobbyists in the code of conduct for MSPs.

The committee's report and recommendations are a substantial and important piece of work for which thanks are due from us all. I am pleased to record the Executive's thanks. I look forward to hearing the views of the Parliament on the committee's recommendations.

11:20

**Kay Ullrich (West of Scotland) (SNP):** I was not on the Standards Committee when it started its deliberations into lobbying; I joined the committee more than a year later. Like all members, I was aware that a national newspaper had bounced the committee into conducting an inquiry into the so-called lobbygate affair before a proper discussion of lobbying could take place. Talk about being thrown in at the deep end. I commend all our colleagues who had to endure the full glare of media speculation while trying to conduct a serious inquiry. However, after all the hoo-hah, the committee settled down to its original intention of conducting a wide-ranging inquiry into lobbying.

As I said in the previous debate, our new Parliament tends to find itself hoist by Westminster's petard. The Standards Committee has been aware of the need to learn from Westminster—and, indeed, from throughout the world. The fact that we are a new Parliament means that we can learn from others' mistakes, as well as from their successes.

The committee presents its recommendations today, but we realise that some members may wish to dispute aspects of those recommendations. I, for one, sincerely hope that they will take the opportunity to do so, because we must all be involved in areas that affect our credibility in the eyes of the public, who, after all, elected us to represent them. I tell members from the horse's mouth that, for that reason, the Scottish National Party does not apply a whip on issues that involve standards.

Not least among the contentious issues will be the fact that the proposed statutory registration scheme is only for commercial lobbyists who work for a third party. Members should note that the committee does not ask for statutory regulation, although they may dispute the committee's view on that. On the evidence that the committee received, no difficulties seem to have been encountered between members and commercial lobbyists. We therefore opted not to recommend statutory regulation. However, ever mindful of public opinion—highlighted, I am afraid, by the lobbygate affair—we took the view that the Parliament's relationship with commercial lobbyists must be transparent and accountable. Hence our recommendation for a statutory registration scheme.

That argument apart, the most important of the committee's recommendations are the proposed changes to the code of conduct for MSPs and the voluntary code of conduct for all lobbyists. Colleagues should make no mistake: the committee is not taking an anti-lobbying stance. The Parliament should welcome lobbying. Members should think of the information that we have received over the past three and a half years from lobbyists. They should also think how much that information has done to inform our debates and our decision making. I used to serve on the Health and Community Care Committee. Without doubt, organisations that are defined as lobbyists made a valuable contribution towards the delivery of free personal care for the elderly in Scotland during that committee's inquiry into care in the community.

I ask that, whatever views are expressed in the debate, members acknowledge at all times the need for transparency and accountability in our dealings with lobbyists. I also ask that we do not throw the baby out with the bath water and that we acknowledge that, although there must be codes of conduct on both sides, the Parliament is better informed, more in touch with society and, in general, a more democratic organisation if it acknowledges the role that lobbying plays in the democratic process. I urge members to support the Standards Committee's motion.

11:25

**Mr David Davidson (North-East Scotland) (Con):** As many members know, especially if they have looked at my register of interests, I come from a commercial world. I recall my first experience of being involved in a lobbying process, which was on an interesting trip to the European Parliament in Strasbourg. We were trying to demonstrate to Europe the worth of the distribution system for prescription drugs. The purpose of the trip was as simple as that. We were not lobbying for one company alone, which I believe complied with the European Parliament's rules.

When we got to Strasbourg, we found that we were in a long corridor—there were six large halls, in each of which were food, drink, slide shows and presentations from different organisations. Instead of taking up Kay Ullrich's idea that the process is a great way of getting information, the wonderful members of the European Parliament seemed to have decided that they would have the first course with us, the second course with someone else and finish off with the wine at the presentation at the far end because that was the best menu selection that they could get.

I thought at the time that that was a cynical approach, but I realise that the members were making an excuse to drift through all four

presentations. They were taking the opportunity to visit interest groups and pressure groups while they were giving up their time. With hindsight, I look at that situation and smile, because a benefit to everyone came out of it.

When I consider the quality of the lobbying that happens around the Scottish Parliament, I realise that we have a lot to be grateful for. Some of the companies merely facilitate. They do not come in and sell a line; they facilitate opportunities for speaking to people. I can think of occasions on which many members have shared a working dinner that was facilitated by one of the public affairs companies, sponsored perhaps by a drugs company, and at which key people who deliver an aspect of health care were present. Such dinners provide an opportunity and a safe working environment to get different points of view. That is an essential point, which has been picked up in annexe E of the committee's report.

As all speakers have said, it is an essential part of the democratic system that any individual should be able to lobby the Parliament or any of its members. That right should also apply to voluntary and charitable bodies, because many of them have general interests to pursue.

Lobbying is not only about seeking change or benefit. It is also about ensuring that MSPs and ministers are up to date with information. We live in a fast-moving world—knowledge moves extremely quickly. The Parliament is supposed to be about choices and we have a duty to ensure that we come to debates informed. We must do more than rely on the half-page summary sheet that some researcher has drawn up and that makes us world authorities. We must go out and speak to those who are delivering or trying to bring about change in our society.

Being in the Parliament is like living in a goldfish bowl. One of the Parliament's strengths is the easy and ready access. We can all moan about the piles of people who want to come and see us when it is a bad day, but everyone else has that problem, too. We should be proud and feel privileged that we are given the opportunity to be accessed by so many.

In some instances, statutory or compulsory registration schemes for lobbyists in other countries have failed. If that is the route that the Parliament decides it will follow, we must, whatever we do, make our scheme workable.

A commercial company's choice of lobbyist is based on the lobbying firm's track record. The perceived transparency in the actions of the firm generate respect. No minister will go anywhere near anyone who he thinks is not open, professional and transparent. I welcome Euan Robson's comments on that.



We have no evidence yet to prove that a commercial lobbyist has managed to pull the wool over a politician's eyes. Is that still to come? I do not think that any member has complained about someone trying to do that. It is my firm view that the Scottish people expect their politicians to be capable of not being conned by any lobbyist, be they an individual, an organisation or a commercial interest. Earlier this morning, Lord James Douglas-Hamilton talked about conscience. If personal conscience is applied to annexe E of the committee's report—in other words, if there is a rewrite of section 7 of the code of conduct—people will have a good set of guidelines. We have to take responsibility to ensure that we properly consider, and do not just buy or snatch at, the material that we receive from people who approach us.

Let me throw a point of discussion into the debate. Let us suppose that we institute a voluntary registration scheme and ask commercial lobbyists to join it. If, at the end of a year, there is evidence of transgression and a statutory scheme is introduced, with everyone aware of the rules, will the industry miss out on the opportunity to demonstrate its professionalism and integrity? I think not. We have to work with people who are involved in lobbying, many of whom facilitate rather than bring a single message.

I have seen the industry change since the establishment of the Parliament. In the early days, no one knew what to do or how to do it; now, there is a good understanding of the amount of time that MSPs have to spare and of the kind of information that is helpful to us and useful to the Parliament.

I am pleased that the Standards Committee has decided not to go down the route of statutory regulation, which tends to spring to politicians' minds too quickly. We sometimes think that we must get everything on to the statute book, although that often means that later we have to go back to unscramble it and sort out where different pieces of legislation overlap.

In annexe D of the committee's report, various bodies, including the Association of Professional Political Consultants and the Association for Scottish Public Affairs, propose codes of practice. I wonder whether some work could be done by the Parliament and those organisations to come up with a simple, jointly agreed code, rather than our each having our own code—although there may be professional reasons for that.

If we are to enact any legislation, we must do so only when it is complete. We must not rush it. We have seen rushed legislation in the chamber before. It is important that we get the ground rules of the operation of the Parliament in place at an early stage. We have come a long way from being at the mother's breast. Suddenly, we are crawling

into the world. Now, we are expected to run. Rushing does not help anything.

I hope that we get the time to consider such a bill, although that puts the onus on the Executive. If we are to have a properly thought out code in place before the second Parliament is elected, with many new members, we must ask the Executive whether it is prepared to consider that such a bill is more important than some of the political legislation in its programme. It is far more important that the Parliament is in good order, as that will, in time, lead to good legislation and will help us win the respect of the people of Scotland. Not all of them put us here—not all of them voted. We need the people to have confidence in the Parliament. Is it not more important to pass a bill to that end and give it fair time than to pursue some of the political matters that could wait until after the election?

11:34

**Mr Kenneth Macintosh (Eastwood) (Lab):** I look forward to Mr Davidson and the Conservatives giving up some of their Opposition debates in the chamber, which I think we all recognise are mostly a waste of our time. We could use that time to reassure the public that we are doing the right thing on standards.

Neither the committee's report nor its inquiry into lobbying was motivated by a perception of bad practice. In fact, our inquiry was reassuring and revealed high standards of behaviour from lobbyists and the lobbied alike. Lobbying is not only a legitimate activity; it is a desirable one. We do not want to put barriers in the way of any member of our society who wishes to make their views known to us. We are keen to establish a more open, transparent way of working. The rich and powerful already have no difficulty in making their views known. It should be clear to MSPs and the public who is talking to whom.

We in the Scottish Parliament are establishing a new way of working and a new and, I hope, more accessible approach to politics. I am particularly pleased that we are now setting an example for others on how to deal with lobbyists. The desire not to create barriers between the Parliament and those whom we represent, to encourage an open, understandable way of working and to set the highest standards of behaviour in public life underpins the committee's recommendations on lobbying. The committee is not only suggesting that we have a new code of conduct for all lobbyists; we want to establish the first ever statutory registration scheme for commercial lobbyists—those who provide professional lobbying services on behalf of third parties.

There will now be no doubt about who is lobbying the Parliament, but that does not mean putting in place disproportionate or onerous obligations and regulations, which might put small voluntary organisations or neighbourhood groups at a greater disadvantage than they already are.

I remind members that, ultimately, the greatest guarantor of appropriate behaviour on the part of lobbyists rests with us, the lobbied. The new, enhanced guidance for members is arguably the most important of the committee's recommendations. I urge members to read that guidance and to support the motion.

**The Deputy Presiding Officer (Mr Murray Tosh):** Before we move to the open part of the debate, I point out that Mr Davidson, Mr Macintosh and Mr Robson are all entitled to give closing speeches. If they wish to do so, they will need to press their request-to-speak buttons. I have received no requests to speak in the open part of the debate, so we now proceed to the closing round. I call Tricia Marwick.

11:37

**Tricia Marwick (Mid Scotland and Fife) (SNP):** I am neither closing for the Scottish National Party, nor closing for the committee; I am speaking as an individual Standards Committee member, which is how I think it should be.

I have listened with interest to the brief, but beautifully formed, debate. It is important that we go back to 1999, when the Standards Committee hoped to set up an inquiry into all aspects of lobbying. The reason why lobbying was important to the committee and filled some of our early discussions was that we were aware that the Parliament was set up at a time when the institution of Westminster had been discredited over such issues as cash for questions. There was a great desire among the people of Scotland that the Parliament should be different. I am sure that I am not alone in recalling that one of the aspirations that was often cited during the referendum campaign and the 1999 election campaign was that the Scottish Parliament should be different from that lot down at Westminster.

That was the background to the initial discussions about standards and lobbying. At that point, as Kay Ullrich said, we found ourselves parachuted into an inquiry subsequently known as lobbygate. In the context of commercial lobbying organisations, it is important to remember what that inquiry was essentially about—a lobby company, Beattie Media, boasting to a potential client that it could deliver privileged access to ministers. The subsequent inquiry found that, on the evidence available, none of the ministers in question had transgressed. Why did that commercial lobbying organisation boast that it

could offer privileged access? It made that boast because, if it had not, the client might have wondered what the point of employing the firm was.

I believe that lobbying is an essential part of the democratic process. Whether we are talking about the man who came to my office last week to lobby me about his concerns over fluoridation of the water supply or Help the Aged, Shelter Scotland and other voluntary organisations, they are all engaged in lobbying. As Kay Ullrich and others have said, the information that such bodies and individuals have provided has helped to inform debates in the Parliament. It has allowed us to make better legislation than we would otherwise have made.

Commercial lobbying organisations fall into a different category. They lobby for profit and engage with the Parliament and parliamentarians on behalf of third parties. During our inquiry, it became clear that the commercial lobbying companies were lobbying heavily to influence the thinking of the Standards Committee. The inquiry took a long time. We listened to commercial lobbying organisations, trade unions, representative organisations and individuals. We also consulted MSPs. The report is not a rush job. We have worked on the issue since 1999.

**Mr Davidson:** I did not intend to indicate that the committee had rushed the job. However, I want to ensure that any bill that is introduced to the Parliament is properly prepared and that there is adequate time for all concerned to consider it before it becomes law.

**Tricia Marwick:** Committee bills are unique, because they originate with committees. We have proposed the establishment of an ad hoc committee to scrutinise the bill, as happened with the Scottish Parliamentary Standards Commissioner Bill. I anticipate that ad hoc committees will be set up to consider any future committee bills. That is the right and proper thing to do.

I agree with many aspects of the Standards Committee's report, but I would like to distance myself from some of it. That is why I am speaking as an individual in this debate.

I do not agree that a statutory registration scheme is enough or that the commercial lobbying organisations are being asked to give enough information. They are not being asked to detail the fees that they receive to lobby the Parliament on behalf of their clients. That is wrong—fees should be banded. I will lobby members of the Standards Committee and of future committees heavily on that issue.

My main difficulty is with the desire of the majority of committee members for a statutory

registration scheme. Mike Rumbles, who knows a great deal about these matters, referred to such a scheme as the third way—somewhere between doing nothing and regulation. However, it is for us to propose regulations for the engagement of lobbying organisations with the Parliament. It is for us to regulate the activities of lobbying organisations, in the same way as we regulate the activities of MSPs through the code of conduct. I agree that the primary responsibility lies with MSPs. That is why I support the proposed changes to the code of conduct.

**Mr Rumbles** *rose—*

**Tricia Marwick:** I will give way to the member in a minute. We have had these arguments before and will no doubt have them again.

I do not accept that commercial lobbying companies should be able to play fast and loose with the reputation of the Parliament, as Beattie Media did in 1999. The act by a commercial lobbying company of promising something that it did not and could not deliver harmed the Parliament's reputation, which is of paramount importance—it is far more important than the reputations of individual members and the commercial considerations of lobbying companies.

**Mr Rumbles:** I do not want anyone who is not a member of the Standards Committee to get the wrong impression. Tricia Marwick makes a valid point and has argued her case consistently. However, the report reflects the unanimous view that the committee took when it signed off its report. For legitimate reasons, Tricia Marwick was unable to attend the meeting in question, but all the other members of the Standards Committee are 100 per cent behind the report.

**Tricia Marwick:** I accept that. The first Standards Committee meeting that I missed was the meeting at which the committee signed off a report about which I feel strongly. That was no one's fault—it was simply one of those things that happen. I accept that the unanimous view of the committee members who were present at the meeting was that we should opt for registration rather than regulation. I disagree with that view and will continue to argue my case in the future.

Having said that, I invite all members to support the motion. I look forward to contributing to the debate that will take place in future. Whatever happens, the system that has been proposed is robust. Whether we opt for registration or regulation, standards in this Parliament will be far higher than standards elsewhere. No other Parliament has proposed even a registration scheme. Such a scheme would be okay, but it would not go far enough. I will argue for regulation.

**The Deputy Presiding Officer:** I am grateful to Tricia Marwick for clarifying that that was not a

closing speech. The SNP is entitled to have one of its members make a closing speech, if it wishes. We are still in open debate.

11:46

**Karen Gillon (Clydesdale) (Lab):** I had not intended to speak in the debate, but I have again experienced the attraction and excitement of the Standards Committee. I am a former member of the committee and remember the lobbygate inquiry. I returned from a party conference in Bournemouth to attend the meeting of the Standards Committee at which we considered how we would respond to claims that had been made in a newspaper the previous Sunday.

My view, which I have expressed to the committee, is that to regulate or register commercial lobbyists is to confer undue status on them. I have listened to today's debate with interest. My remarks refer only to commercial lobbying organisations. Lobbying is a legitimate part of the parliamentary process. I prefer to think of it as advocacy on behalf of constituency organisations, trade unions or voluntary organisations. In a previous life I acted in that role, and I make no apology for saying that it is legitimate for trade unions and voluntary organisations to approach MSPs, MPs and councillors and to seek to make their views heard. The private sector, businesses and those who employ commercial lobbying organisations have the same right.

I was surprised when, shortly after my election to the Parliament, four lobbyists from a lobbying organisation that was acting on behalf of sportscotland approached the Education, Culture and Sport Committee—of which I was a member—to ask whether they could arrange a meeting between sportscotland and members of the committee. I did not understand why sportscotland was paying money to a commercial lobbying organisation to gain access to MSPs who are involved in regulating it. That does not happen any more. Now representatives of sportscotland approach us directly and we meet them directly. That is the kind of culture that I would like us to develop in Scotland.

I am not convinced that the Standards Committee has done the right thing by recommending the registration of commercial lobbying organisations. Registration is a halfway house—it is neither one thing nor the other. It would not involve regulating lobbyists, so we would have little control over them. There would be few sanctions that we could use against them. We could deregister organisations, but what would that mean? If we are serious about controlling the activities of commercial lobbying organisations, we must opt for regulation.

In my view, registration or regulation would confer a status on commercial lobbying organisations that they do not deserve. The public would perceive such organisations as having something that they do not have. If lobbygate taught us anything, it is that people believe that commercial lobbying organisations have undue access to politicians. I do not believe that that is the case. The lobbygate inquiry found clearly that that was not the case in the Parliament. The person who had made, in a tape-recorded conversation, the claims that we were investigating could offer no evidence to substantiate them. He was unable to say why he had made them, except to secure financial gain for his company.

A halfway house may lead us to more problems in the future. Over the past three years, I have come round full circle to Tricia Marwick's view that, if it is the will of Parliament, we need to monitor and regulate commercial lobbying firms. Tricia and I have previously had vicious and difficult debates in the Standards Committee, but if the Parliament is going to do something, rather than getting caught in the middle we should go the full hog. We need to make the system right and ensure that it is enforceable. It must be worth something to the people of Scotland.

I shall therefore watch the debate with interest and I will certainly contribute in the future.

**The Deputy Presiding Officer:** We come to the closing speeches. I think that Mr Davidson has taken me up on my offer.

11:50

**Mr Davidson:** I shall be brief, Presiding Officer.

Some interesting points have been made in the debate, in particular in the latter stages, when some personal contributions have shown that there is a little unease in some areas of the Parliament. Unlike Karen Gillon, who has seen the hard work that goes on in the Standards Committee, I have not had the privilege of being a member of the committee. Karen Gillon was there in the early days, when the committee had to move in and decide how to deal with what was becoming a problem.

It was interesting that sportscotland, which as Karen Gillon pointed out is accountable to the Parliament, took advice on how to lobby. I see nothing wrong with that, because many people do not have the necessary skills for presenting their case. Perhaps what is required is the hiring and firing of a chief executive or a marketing director, but that is for the organisation itself.

**Karen Gillon:** Surely to goodness, if the people who work for sportscotland do not have the ability

to talk one-to-one with MSPs to tell us what they are doing to promote sport and to improve people's involvement with sport in Scotland, they should not be there in the first place.

**Mr Davidson:** As I said, whether the chief executive or whoever is up to the job is for somebody else to decide. I am simply saying that many people need help with lobbying.

Karen Gillon also said that she did not want an uneven playing field with the professional commercial bodies on one side and the active charitable and voluntary sector bodies on the other. Many people who work for charities and so on need to know how to present their case. That does not mean to say that the lobbyist needs to hold their hand and front everything, but many people take advice because that is a cost-effective way for them to work.

All that I am saying is that anybody can come to the Parliament, but some may need advice on how to do that. I have no objections about whether they get that advice on a good-will basis from a friend or from a former teacher who was in the field or whatever, but I am concerned about this rush to regulation, which would continually need to be amended to take account of new situations.

**Mr Rumbles:** I am getting a little concerned at some members' contributions. Despite Tricia Marwick's genuine comments, the report has nothing to do with regulation. It recommends registration because that would provide transparency and would not confer any special status on those who lobby through a third party.

**Mr Davidson:** I thoroughly agree with Mike Rumbles on that. I have no difficulty with that, but I wanted to respond to an issue that was brought into the debate.

I found it amazing that there should be any difference between the ministerial code of conduct and the code of conduct for MSPs. Although I understand that people will not necessarily come through MSPs to get to ministers, we are basically all in this together. I am delighted at Euan Robson's earlier comments that ministers will seek to standardise the way that we work across the Parliament so that we have the same standards of transparency for all activities.

**The Deputy Presiding Officer:** Earlier, I offered Mr Robson the opportunity of making a closing speech. I think that he now wishes to do so.

11:54

**Euan Robson:** I will be brief.

Ministers are of course MSPs to start with. There was no omission from the ministerial code, but we will simply need to cross-reference the

ministerial code with any new developments. We have given full assurances to the Standards Committee about that.

I do not want the impression to be given that there is somehow a yawning gap in the ministerial code. The code will be cross-referenced with and brought into line with the suggested code of conduct for MSPs. I re-emphasise that ministers cannot be anything other than MSPs to start with. Ministers are already covered because they are MSPs.

11:55

**Lord James Douglas-Hamilton (Lothians) (Con):** I thank colleagues for their comments during this morning's lively debate. In particular, I wish to thank the clerks of the Standards Committee for the excellence and dedicated professionalism that has been the hallmark of their work throughout.

Kay Ullrich mentioned lobbygate, which arose before detailed machinery for investigating complaints had been put in place. Happily, that is not the position today. At that time, there were concerns that, in the absence of clear rules, commercial lobbying should not take place with MSPs for an interested purpose or purposes.

Both Tricia Marwick and Karen Gillon have said clearly this morning that they would like to go further than the committee suggests. We need to strike a balance. Although those members would like us to go further, we are obviously going much further than a great many of the commercial lobbyists would like. In due course, we will need to review how our policies are working in the light of experience.

If I may respond to the point that was made about regulation, countries that have regulation are required to review and update the regulations every few years because of changing circumstances. That would be a complex, detailed and cumbersome process. I mention that in passing.

During lobbygate, there was a fear that, in the absence of clear rules, MSPs could be approached by commercial lobbyists in such a way as to give rise to possible charges of impropriety against MSPs. That gave rise to unease. When one commercial lobbyist approached me, I replied somewhat bluntly, "I prefer to deal with constituents directly". I never saw that commercial lobbyist again and that was the end of the matter.

However, we must recognise that much lobbying is legitimate and healthy and central to the democratic process. It is a sign that Parliament is engaging with civic Scotland. In the Parliament's

first few years, much of its energy has rightly been directed at securing increased participation in the political process.

Our inquiry showed much about the lobbying landscape in the Parliament. For example, our MSP survey found that 98 per cent of respondents had been lobbied by voluntary organisations and charities. We also found that 49 per cent had been approached by commercial lobbyists. Of those, some 87 per cent stated that it had always been made abundantly clear from the outset on whose behalf the firm was acting.

Many respondents emphasised the knowledge and experience that the many and varied interest groups that engage with MSPs bring to the democratic process. However, some respondents sounded a cautionary note. They pointed out that there is a danger that some of the more powerful pressure and interest groups could dominate the democratic process. In that context, it is important that nobody should be discouraged from participating in the democratic process.

Respondents emphasised the need for transparency in the way in which commercial lobbyists deal with MSPs, as was highlighted by Kay Ullrich. That imperative has driven our recommendations.

The written and oral evidence that we received generally painted a positive picture of an open and accessible Parliament, but we cannot be complacent. Although the Parliament's website is seen as a powerful resource, some concern exists about how we can engage with groups and individuals that are without access to the internet. Those and other issues are being examined in the Procedures Committee's CSG inquiry. Presiding Officer, we very much look forward to your committee's eventual report.

The Standards Committee's inquiry into lobbying has been underpinned by the principles of transparency and openness. Our recommendations would in no way restrict the commercial lobbyist from going about his or her business.

We have always stated—and indeed the Standards Committee convener has restated this morning—that lobbying is part and parcel of the legislative process and a legitimate activity in which to be engaged. Similarly, from an outside perspective, what we propose in our report would not hide lobbying activity behind closed doors, but would bring it out into the light of day to be scrutinised by a wider public.

I make it clear that the recommendation in paragraph 83 of the committee's report, which recommends a statutory registration scheme, would require legislation, but that the recommendation in paragraph 84, which seeks a

voluntary code for lobbyists, could, I understand, proceed more quickly, as it is a voluntary code and there is no reason why it should be unnecessarily delayed.

As we have already heard, two key recommendations flow from the report. First are the changes to the members' code of conduct, which are set out in annexe E of the report. We are asking the Parliament to agree to incorporate those changes to the code with immediate effect. The changes are intended to buttress the existing provisions in section 7 of the code. They clarify the current rules and emphasise the need for transparency in our dealings with lobbyists. The additions also provide practical advice for members, which will make certain that we continue to engage with lobbyists in an appropriate manner.

Secondly, the report also recommends the introduction of a statutory registration scheme for commercial lobbyists. I acknowledge that David Davidson queried that policy. It is, of course, a radical proposal. If the scheme were to be enacted, it would be the first of its kind in the United Kingdom. Some observers have suggested that such a scheme would create a perception of preferential access for commercial lobbyists, or that other organisations or individuals might be deterred from engaging with MSPs. That is neither the intention nor a plausible outcome. The code is explicit in that regard. All lobbyists, be they individuals, interest groups or commercial lobbyists acting on behalf of a third party, must have equal access to members. Any allegations of preferential treatment for commercial lobbyists will be treated seriously by the Standards Committee. The scheme will not deter individuals or groups from engaging with the Parliament. The scheme is restricted to commercial lobbyists acting for third parties.

Our decision to exclude in-house lobbyists from the proposed scheme has attracted considerable comment. While a number of written submissions criticised their exclusion, we believe that the transparency issue does not arise for members when dealing with in-house lobbyists. There is a clear distinction between organisations that lobby on their own behalf and those that lobby on behalf of third parties in return for payment. If a parliamentary officer from a company contacts an MSP concerning an issue, it is quite clear whose interest he or she is representing.

Finally, I wish to touch on our recommendations on the Scottish ministerial code. During our inquiry, we heard evidence that a significant proportion of lobbying activity is directed towards the Executive. That is hardly surprising, given the policy-making role of ministers and civil servants. We therefore made two recommendations in

relation to the Executive. First, we suggested that the Executive consider extending any subsequent statutory registration scheme to cover the relationships between ministers, civil servants and commercial lobbyists. Secondly, we reiterated our recommendation—first voiced in November 1999—that the Scottish ministerial code should be re-examined by the First Minister to make certain that it has adequate guidance for ministers dealing with lobbyists. After all, it has to be appreciated that ministers are also MSPs. I am pleased that the Executive has responded positively to both those suggestions.

The report that we have debated this morning represents the considered findings of a wide-ranging inquiry. The fine tuning of section 7 of the code of conduct that we are asking the Parliament to endorse will not only give greater clarity to members about their obligations when dealing with lobbyists; it will give practical advice that will assist members. The purpose of a statutory registration scheme is to enable all concerned to know who is and is not a commercial lobbyist, so that MSPs should know exactly who and what they are dealing with. Our recommendation for the introduction of a statutory registration scheme for commercial lobbyists does not represent a knee-jerk reaction, but should be seen as a positive step towards fulfilling this Parliament's commitment to transparency, openness and probity. I commend the motion to colleagues.

## Business Motion

12:05

**The Deputy Presiding Officer (Mr Murray Tosh):** We move to the next item of business, which is consideration of the business motion S1M-3451, in the name of Patricia Ferguson, on behalf of the Parliamentary Bureau, which sets out a business programme.

*Motion moved,*

That the Parliament agrees—

(a) the following programme of business—

Wednesday 9 October 2002

2:30 pm Time for Reflection

*followed by* Parliamentary Bureau Motions

*followed by* Ministerial Statement on National Debate on Education

*followed by* Executive Debate on the Future of Air Transport in Scotland

*followed by* Parliamentary Bureau Motions

5:00 pm Decision Time

*followed by* Members' Business – debate on the subject of S1M-3419 Michael Matheson: Closure of Prison Officers' Social Club at HM Prison Polmont

Thursday 10 October 2002

9:30 am Justice 1 Committee Debate on its 6th Report 2002 on the Prison Estates Review

*followed by* Transport and the Environment Committee Debate on its 4th Report 2002 on Petition PE327 by the Blairingone and Saline Action Group on Organic Waste Spread on Land

*followed by* Procedures Committee Motion on its 4th Report 2002 on Changes to the Standing Orders of the Scottish Parliament

*followed by* Business Motion

2:30 pm Question Time

3:10 pm First Minister's Question Time

3:30 pm Executive Debate on Closing the Opportunity Gap

*followed by* Parliamentary Bureau Motions

5:00 pm Decision Time

*followed by* Members' Business – debate on the subject of S1M-3407 Rhoda Grant: European Capital of Culture Bid – Inverness Highland 2008

Wednesday 30 October 2002

2:30 pm Time for Reflection

*followed by* Parliamentary Bureau Motions

*followed by*

Stage 1 Debate on Water Environment and Water Services (Scotland) Bill

*followed by*

Financial Resolution in respect of the Water Environment and Water Services (Scotland) Bill

*followed by*

Parliamentary Bureau Motions

5:00 pm

Decision Time

*followed by*

Members' Business – debate on the subject of S1M-3388 Kenny MacAskill: 50<sup>th</sup> Anniversary of the Nordic Council

Thursday 31 October 2002

9:30 am

Scottish National Party Business

*followed by*

Business Motion

2:30 pm

Question Time

3:10 pm

First Minister's Question Time

3:30 pm

Stage 1 Debate on Public Appointments and Public Bodies etc. (Scotland) Bill

*followed by*

Financial Resolution in Respect of the Public Appointments and Public Bodies etc. (Scotland) Bill

*followed by*

Parliamentary Bureau Motions

5:00 pm

Decision Time

*followed by*

Members' Business

and (b) that Stage 1 of the Building (Scotland) Bill be completed by 6 December 2002 and that the date for completion of Stage 2 of the Land Reform (Scotland) Bill be extended to 6 November 2002.—[*Euan Robson.*]

*Motion agreed to.*

**The Deputy Presiding Officer:** I apologise to the school party that arrived at two minutes past 12.

**Karen Whitefield (Airdrie and Shotts) (Lab):** It is Airdrie Academy.

**The Deputy Presiding Officer:** I would not dare to suggest whether their four-minute exposure to the debate makes them the luckiest or unluckiest school party to visit, but business is closing early.

12:06

*Meeting suspended until 14:30.*

14:30

*On resuming—*

## Question Time

### SCOTTISH EXECUTIVE

#### Vulnerable Children

**1. Karen Gillon (Clydesdale) (Lab):** To ask the Scottish Executive what measures it is taking to protect vulnerable and at risk children. (S10-5709)

**The Minister for Education and Young People (Cathy Jamieson):** Current measures include the Protection of Children (Scotland) Bill and the review of child protection, which will report shortly.

**Karen Gillon:** I thank the minister for her answer. Shortcomings in the Protection of Children (Scotland) Bill have been identified. In particular, the bill does not cover the voluntary sector. What steps can be taken to ensure that children who are subject to services that the voluntary sector provides have the safety and security that they deserve?

**Cathy Jamieson:** The member will be aware that earlier this week we launched a parental checklist that encourages parents to ask a series of questions before children and young people take part in clubs and organisations. Of course the vast majority of clubs and organisations are run well and have committed volunteers, but parents will want reassurance and it is important that the voluntary sector has child-protection policies in place. We will continue to consider the matter.

**Christine Grahame (South of Scotland) (SNP):** Is the minister aware that, in evidence to the justice committees yesterday, Jim Wallace declared that, according to the advisory committee report on secure accommodation, there was no evidence to suggest that there was a shortage of such accommodation, even across her portfolio? Given that, according to the minister's leaked documents, it is now clear that the 25 additional places have been filled, will she confirm that no vulnerable children are waiting for secure accommodation?

**Cathy Jamieson:** We made a clear announcement that we want to reconfigure the secure estate to take account of the needs of young people who are there for their own care and protection as well as the needs of those who are there because of offending behaviour. That is part of our policy. That is what we will continue to implement and I believe that it is the correct course of action.

#### Homelessness (Fife)

**2. Mr Keith Harding (Mid Scotland and Fife) (Con):** To ask the Scottish Executive when the Minister for Social Justice last met Fife Council to discuss homelessness. (S10-5686)

**The Minister for Social Justice (Ms Margaret Curran):** I have not recently discussed homelessness with representatives of Fife Council.

**Mr Harding:** I am disappointed to learn that. The number of homelessness applications in Fife has risen 49.2 per cent since Labour came to power more than five years ago, promising, in the words of Mr Blair, to end the scandal of homelessness. Is the minister satisfied with that record?

**Ms Curran:** The Executive would expect there to be an increase in the number of applications as awareness of local authority homelessness services increases and as we work towards full implementation of the Housing (Scotland) Act 2001. As we further extend the rights of homeless people, we expect there to be more pressure on the services. We are determined to tackle the root causes of homelessness, which is more than a housing problem, rather than carry out a simple statistical exercise.

#### Meningitis

**3. Mrs Margaret Smith (Edinburgh West) (LD):** To ask the Scottish Executive what plans it has to reduce the risk of meningitis. (S10-5668)

**The Deputy Minister for Health and Community Care (Mr Frank McAveety):** Immunisation, which provides effective protection against some forms of meningitis both for individuals and for society as a whole, is offered routinely as part of the childhood immunisation programme. Immunisation against meningitis C now covers everyone up to 25 years of age. The Executive also funds and will fund voluntary sector activity to raise awareness of meningitis and provide support for sufferers.

**Mrs Smith:** What is the Executive doing specifically to raise awareness of the fact, which the Meningitis Trust raised in a campaign this week, that adults, too, can get meningitis and that 25 per cent of meningitis cases last year were adults? Some 90 per cent of adults are not aware that they can get meningitis. At this time of freshers going to university and college, will the minister do what he can to raise awareness throughout Scotland?

**Mr McAveety:** I share the concern that Margaret Smith raised and indicate that we are concerned that the proportion of adults among those who suffer from meningitis has increased, although the



number of adults with meningitis has decreased. I am happy to work with organisations on meningitis and campaign to ensure that public awareness is increased. I would welcome the member's views on how to progress with that.

**Mr David Davidson (North-East Scotland) (Con):** I will follow on from the minister's first answer, in which he said that all students would be pulled into the scheme. How many students are inoculated against meningitis? Has the Government's programme been a success or a failure?

**Mr McAveety:** I said that the opportunity for immunisation was available to everyone up to the age of 25. I would consider David Davidson to be a mature student—perhaps we are not able to cover the age profile into which he fits. I do not have the statistics on the specific point that he raised in front of me, but I would be happy to write to him about that. We are working in partnership with agencies to ensure that adults are aware that the programme may apply to them and that they should consider taking up whatever immunisation is available to them.

### National Waste Strategy

**4. Mr Adam Ingram (South of Scotland) (SNP):** To ask the Scottish Executive how it will ensure that the principles of the national waste strategy are adhered to by local authorities. (S10-5688)

**The Minister for Environment and Rural Development (Ross Finnie):** We will provide support to authorities from the strategic waste fund only for schemes that are in line with approved area waste plans. Those plans will only be approved if they have followed the principles in the national waste strategy. We also plan to take a power in the Local Government in Scotland Bill to allow ministers to set statutory targets and to require authorities to prepare integrated waste management plans to meet those targets.

**Mr Ingram:** I thank the minister for his answer. For his part, will he give a commitment not to overturn decisions by local planning authorities to reject large-scale waste management centres, such as those that are proposed for Killoch in East Ayrshire and Westfield in Fife, given that those proposals are not consistent with the principles of the national waste strategy?

**Ross Finnie:** It would be wholly inappropriate for me to give commitments in relation to planning matters, particularly as I have not been involved in those proposals. It will be important that those developments—or any similar developments—are shown to fit the best practical environmental option for dealing with waste, so that we may consider them in the context of the national waste strategy

and determine whether they qualify for financial support.

**Robin Harper (Lothians) (Green):** Given the huge success of small-scale recycling projects, such as the new project in Golspie, Campbeltown Waste Watchers Ltd and the waste collections in central Scotland that are organised by the British Trust for Conservation Volunteers, what proportion of the Executive's funding is destined to support waste minimisation and small-scale recycling projects?

**Ross Finnie:** As Robin Harper is aware, the entire national waste strategy enshrines a hierarchy as its first principle, at the top of which is waste minimisation and reuse. We have not allocated specific sums, but it is quite clear that we can deliver that national waste strategy only as long as we address each element in that hierarchy.

**John Scott (Ayr) (Con):** Does the minister intend to give the Scottish Environment Protection Agency additional powers to ban landfilling of specific types of waste and to direct waste producers to dispose of their waste by a particular route or process?

**Ross Finnie:** I do not think that we have plans to give such powers or directions. There is no question but that we are looking at the regulations on landfill, as there is an issue to do with whether the proximity principle is being properly adhered to. We are consulting on that matter and I hope that the outcome will address some of the issues raised by John Scott.

**Ms Margo MacDonald (Lothians) (SNP):** I think that the minister said in reply to Adam Ingram's first question that the Executive means to require local authorities to adopt adequate and suitable waste management policies. Is he willing to require Midlothian Council to act on the planning permission that has already been granted to a company for what I am told is a proposed high-tech waste management scheme? In co-operation with the City of Edinburgh Council, that scheme might kill two birds with one stone: it would give Midlothian an adequate treatment centre and Edinburgh access to something other than the proposed landfill into which Midlothian would otherwise have to put its waste.

**Ross Finnie:** As a minister with some responsibility for wildlife, I am never keen to kill birds with stones.

Midlothian Council and other authorities have voluntarily entered into agreements for the area waste plans. It is imperative that they deliver on those agreements. If the proposal to which the member refers meets the guidelines, there is no reason why Midlothian Council should not proceed on that basis.

### Pay Gap

#### 5. Trish Godman (West Renfrewshire) (Lab):

To ask the Scottish Executive what recent action it has taken to encourage closing the pay gap between men and women. (S1O-5662)

**The Minister for Social Justice (Ms Margaret Curran):** Last year, the Executive launched a major campaign—"Close the Gap"—to raise awareness about the pay gap between men and women. This year, through the EQUAL Community initiative, our development partnership secured nearly £500,000 of European money to help us to achieve that. On 24 September, I addressed a conference that was hosted jointly by the Scottish Executive and the Equal Opportunities Commission, which was aimed at alerting employers, trade unions and advocacy agencies to their rights and responsibilities in tackling the pay gap.

**Trish Godman:** Does the minister agree that in spite of the introduction of equal pay legislation in 1970, women are still not able to fulfil their earnings potential and are under-represented in managerial positions in all levels of local government, the civil service and the private sector? What steps is the Executive taking to set targets to eliminate such iniquitous discrimination?

**Ms Curran:** I totally accept the premise that legislation is not enough to tackle the pay gap between women and men. We recognise that women are not properly valued in the work force, in relation to both pay and opportunities. The Executive has strong targets for promoting women at all levels in the civil service. I will provide the member with the relevant details. I give the Parliament the categorical assurance that I will be happy to champion the rights of women in the Executive to ensure that they are properly valued.

**Andrew Wilson (Central Scotland) (SNP):** Is the minister aware that, since Labour came to power, the pay gap between men and women in Scotland and men and women south of the border has widened? Will she tell us why the gap is widening and will she name one policy that will go some way to closing the gap?

**Ms Curran:** It is most disappointing that when we are discussing gender issues and the promotion of women the Scottish National Party has again raised a constitutional issue. The fundamental approach to tackling pay inequality is to understand why such divisions exist within the work force and why there is a segregation in relation to work and the value of women's work. Obtaining such understanding will enable us to find the solutions to the pay gap problem. That is what the Executive will do and that is how we will narrow the gap between women and men.

#### Mrs Lyndsay McIntosh (Central Scotland)

**(Con):** Will the minister use the fact that significant numbers of women are the main or sole breadwinners in their families to promote pay audits?

**Ms Curran:** Yes. Much of the Executive's work involves the promotion of pay audits. We have been talking to the public sector and the private sector to ensure that pay audits are promoted. We think that there is indirect discrimination against women, particularly those who are lone parents and who have such serious responsibilities. Through that process, we hope to increase significantly the earning power of women.

### Spending Review 2002

#### 6. Elaine Thomson (Aberdeen North) (Lab):

To ask the Scottish Executive how it is ensuring that all parts of Scotland benefit from the spending review 2002. (S1O-5697)

**The Deputy Minister for Finance and Public Services (Peter Peacock):** The spending review created a budget for all Scotland. In providing for the long term, its focus was on growth and opportunity for all Scotland's people.

**Elaine Thomson:** The minister will be aware of the development of plans for a modern transport system in Aberdeen. The largest part of that integrated transport plan is the western peripheral route, which will provide a bypass for Aberdeen. The western peripheral route, together with proposals for the Aberdeen crossrail project and a park and ride system round the city, make up the main elements of the modern transport system. Will the minister clarify how the extra resources in the spending review might assist with that?

**Peter Peacock:** Elaine Thomson has been assiduous in lobbying transport ministers and finance ministers about the transport needs of Aberdeen. We acknowledge that much work needs to be done in Aberdeen.

In relation to spending review funding for the western peripheral route, the member will be aware that we are awaiting the results of a study that is taking place. We will study those results and the value-for-money case. I assure the member that the Scottish budget contains sufficient resources to make the necessary progress on the road in question during the spending review period.

**Alex Neil (Central Scotland) (SNP):** I refer the minister to the announcement that the First Minister made on "Newsnight Scotland" two nights ago, in which he stated his intention soon to announce additional measures to tackle depopulation, which was highlighted in the census report on Monday. Have those additional measures already been costed and included in the

spending review and, if so, under what budget do they appear?

**Peter Peacock:** Alex Neil is aware that the spending review has been greeted warmly by the business community in Scotland and by most sectors of the Scottish community, because it provides for growth and opportunity. The challenge of tackling population decline in Scotland is essentially about stimulating the economy. That is why we have taken so much care with the spending review and the Scottish budget to provide for new transport links, better education, better training and better skills development and to reduce the taxation burden on businesses. That will result in the growth of the Scottish population.

**Alex Johnstone (North-East Scotland) (Con):** When the minister considers how he will distribute his largesse, will he consider the position of the health service in Grampian? Famously, it contributes 10 per cent of the activity of the entire health service in Scotland, but does so on only 9 per cent of the resources.

**Peter Peacock:** We have seen health spending grow dramatically in the Scottish budget—far more than would ever be possible under any policy of any other party in the chamber. Health spending will rise to more than £8 billion. In recent years, we have had reviews of the distribution of health cash through the Arbutnott formula. Rural parts of Scotland in particular have benefited and Grampian has benefited from the growth in the available funds.

**Mr Jamie Stone (Caithness, Sutherland and Easter Ross) (LD):** The minister—living in the Highlands as he does—will understand that I am much bothered by the fact that doctors and dentists are resigning from their posts in Caithness. Indeed, the accident and emergency service in Thurso is suspended at present. Does the minister agree that all agencies, including the Scottish Executive, must get together to work out the situation and bring it to a stop as soon as it is humanly possible?

**Peter Peacock:** Again, I am aware that my colleagues in the health department are conscious of the particular problems of recruiting staff in the Highlands. My colleagues will work with whomever necessary to find solutions to those problems. The health budget in the Highlands is growing by more than 7 per cent in the year in question. That provides new opportunities and more money is coming into the Highlands through the Arbutnott formula changes, which will provide the flexibility to consider how those resources can be spent.

### **Mental Health (Scotland) Bill**

**7. Mr John McAllion (Dundee East) (Lab):** To ask the Scottish Executive what steps it is taking

to protect the rights of children and adolescents under the Mental Health (Scotland) Bill. (S10-5700)

**The Deputy Minister for Health and Community Care (Mrs Mary Mulligan):** Children or adolescents who might be subject to measures of compulsory care and treatment will be entitled to the same protections as the bill provides for other patients. Other specific provisions in the bill, for example, particular treatments and education, will bring additional safeguards and benefits for children.

**Mr McAllion:** Of the 30 children and adolescents who were admitted to hospital under section in 2001, 21 were placed in sometimes highly disturbed adult environments. Given the Millan committee recommendations that all children and adolescents should be treated in age-appropriate environments, and Bruce Millan's recent evidence to the Health and Community Care Committee that he would welcome a duty to that effect being placed on health boards and local authorities, why is such a duty not in the bill? Why does the Executive seem to be resisting the important recommendations of the Millan committee?

**Mrs Mulligan:** The Executive recognises the concerns about the inappropriate placing of children. That is why a national review is being carried out by the Scottish needs assessment programme to examine the organisation and housing of such children. However, the recommendation that a specific duty should be placed on the health service will not be accepted at the moment because we believe that that goes beyond the general duty of the Executive to support the national health service. We will continue to consider whether benefits can be drawn from such a duty.

**Shona Robison (North-East Scotland) (SNP):** Will the national review take account of the declining number of in-patient beds and the increase in the incidence of mental health problems in the under-16 age group, which means that more children and young people are treated in inappropriate adult psychiatric settings? Is there not a compelling argument for putting a duty on health boards to provide appropriate treatment facilities for children and young people? Otherwise, that practice will continue.

**Mrs Mulligan:** The argument cannot revolve around the number of beds alone. The question is about providing the appropriate treatment and support for each of those children. Given that the review is on-going, it is important that we listen to the findings of the review and respond to them appropriately.

**Robert Brown (Glasgow) (LD):** Does the minister accept that one in 10 children under the age of 16 is said to suffer from a mental illness severe enough to affect their daily functioning? The World Health Organisation estimates that that figure will rise to one in five by 2020. Does the Executive accept that it is wholly inappropriate that any child or young person should be treated in an adult in-patient psychiatric setting?

**Mrs Mulligan:** As I said, it is essential that we provide the most appropriate setting for children, whether that is residential or supported within the community. The review will assist us in deciding how and where that should be provided. Once that has been done, we will take further decisions.

### **Housing Stock Transfer (Glasgow)**

**8. Mr Kenneth Gibson (Glasgow) (SNP):** To ask the Scottish Executive whether the proposed Glasgow housing stock transfer will take place on 28 November 2002. (S10-5701)

**The Minister for Social Justice (Ms Margaret Curran):** The Executive has always made it clear that the aim is for the transfer to be concluded by the end of the year. The transfer will deliver real and lasting change for the tenants of Glasgow.

**Mr Gibson:** I thank the minister for her rather evasive reply. Will she advise us whether the Scottish Executive intends to provide any additional funding to the Glasgow Housing Association to meet its targets? If so, how much will there be and from which budgets will the money come? Will she explain whether the delay in delivering the Glasgow transfer is the reason why tenants in Glasgow will have to wait two years longer than tenants elsewhere in Scotland for completion of the central heating programme, as outlined in the fuel poverty statement? Given that the date of transfer was a promise made to tenants that will now be broken, will she tell us what other promises will not be kept?

**Ms Curran:** The Executive will, as ever, always honour the promises that it makes. I was most struck by the SNP's response to my answer to Mr Gibson's first question, because it goes to the heart of the confusion that exists among SNP members over whether they support the radical proposal for investment for tenants in Glasgow. Some of them seem to support it as Kenny Gibson has in the past and others, such as Sandra White, appear not to.

We will work to honour the decision of the tenants of Glasgow and to make the transfer work. The financial framework that underpins the process is absolutely robust. We will move according to the timetable to deliver sustained investment for the tenants of Glasgow. The SNP could never have dreamed of a policy that would deliver that for tenants.

**The Presiding Officer (Sir David Steel):** Before we go further, I remind members that the question is about the date of the transfer and not about the general policy.

**Bill Aitken (Glasgow) (Con):** Is the minister aware that there is concern that is growing into genuine anxiety that those deadlines will not be met? Can she give us a description of some of the tangible measures that she is taking to ensure that the deadline is met?

**Ms Curran:** Is nagging a tangible measure?

**Bill Aitken:** In the minister's case, it most certainly is.

**Ms Curran:** I do myself a disservice—that was an assertive intervention.

I assure Mr Aitken that I appreciate that the proposal has been to the fore of Glasgow tenants' minds. It is a serious proposal and we must ensure that it delivers. I will always listen to tenants' genuine concerns about the matter, rather than to party politicking, which undermines the process. I assure members that all efforts are being made to ensure that the policy will deliver as soon as possible for the tenants of Glasgow.

**Dorothy-Grace Elder (Glasgow) (Ind):** I note that the minister has still not given a firm date. She is now saying that the transfer will be concluded by the end of the year. She will recall that the scheme was first launched formally by Wendy Alexander in April 2000. Since then, the dates for ballots have changed constantly; in fact, the Glasgow housing stock transfer has had more political dates than Edwina Currie. Will the minister please admit that the privatisation of Glasgow council houses and the sell-off to the private sector is simply not working?

**Ms Curran:** I have just been advised by my colleague Jim Wallace that I should tell Dorothy-Grace Elder that the housing stock transfer is indeed a major policy for the Scottish Executive. *[Interruption.]*

**The Presiding Officer:** Order.

**Ms Curran:** In addressing Dorothy-Grace Elder's serious comments, I would like to make a correction: Calum MacDonald was the first minister to pursue the policy. I reassure members that we are moving forward on the development of the proposal. We have strong financial interests and the package is about to go to funders. When the lead funder is appointed, we will move to transfer. That is imminent. It is in the very near future.

### **Community Schools**

**9. Paul Martin (Glasgow Springburn) (Lab):** To ask the Scottish Executive what progress it is

making with the expansion of new community schools. (S10-5714)

**The Deputy Minister for Education and Young People (Nicol Stephen):** On 30 September, Cathy Jamieson, the Minister for Education and Young People, and Mary Mulligan, the Deputy Minister for Health and Community Care, announced additional funding of £21.5 million in 2004-05, rising to £25.8 million in 2005-06, to support the roll-out of the community school approach to every school in Scotland.

**Paul Martin:** Will the minister deal with the large number of complaints that I have received from parents in connection with the public-private partnership in Glasgow and the fact that that partnership has not been rolled out to the primary school sector? Will he ensure that we deliver community schools in Glasgow and assure me that the successful public-private partnership in Glasgow will be rolled out to other sectors in Glasgow, including primary schools and community schools?

**Nicol Stephen:** On public-private partnerships, we announced more than £1 billion of new investment earlier this summer, which will ensure the building of new primary schools as well as secondary schools throughout Scotland. So far, Glasgow City Council—in contrast with other authorities—has chosen to focus only on its secondary schools. The same is true of the initiative that it has taken on new community schools.

I think that I have all my documents with me. I can tell members that, for 2004-05, Glasgow received more than £1.75 million of additional funding for new community schools. For 2005-06, there will be more than £2,350,000 of additional funding. Such funding will allow investment in every primary and secondary school in Glasgow.

**Dennis Canavan (Falkirk West):** Is the minister aware of the problems that are being experienced by amateur sports clubs in gaining access to community facilities in schools in the Falkirk area as a result of the prohibitive charges that are being levied by the private finance initiative company that built and owns the schools? Will the Executive ensure that community schools belong to and are accessible to communities, rather than follow Tony Blair's inane suggestion that people do not care who builds and owns schools?

**Nicol Stephen:** I am—as all members are—concerned about making certain that there is community access to new PPP schools and, indeed, to every school that is built in Scotland. Too few schools in Scotland offer high-quality community access. Most—indeed, virtually all at the moment—that do are owned by local authorities. There are examples of lack of access

that I would like to turn around. Community access being allowed is central to getting new investment right both in PPP schools and in schools that are built using traditional capital funding initiatives. We should ensure that there is an expansion of community access and that new schools have not only excellent traditional classroom facilities, but excellent drama, music and sporting facilities to which young people and local communities can obtain access.

### Waverley Station

**10. Ms Margo MacDonald (Lothians) (SNP):** To ask the Scottish Executive what stage the discussions with the lead agency for the redevelopment of Waverley railway station have reached. (S10-5703)

**The Minister for Enterprise, Transport and Lifelong Learning (Iain Gray):** A steering group that is chaired by the Strategic Rail Authority and includes the Scottish Executive is overseeing the necessary preliminary work required to inform the final design of the station. Output from that work is expected in spring 2003.

**Ms MacDonald:** The minister will know that a number of people are anxious to know the plan for Waverley station, given its strategic importance to transport in Scotland. Does the Executive have a timetable for the redevelopment of the station? Is it in a position to order that timetable? If it is not, who is?

**Iain Gray:** Because of the station's strategic importance to the rail network, the lead agency on its redevelopment is the SRA, but the Executive has shown leadership recently by providing £1 million for the technical work that is necessary to develop the plans. In the real world, there must be a plan before we can progress. That work and 35 other pieces of technical investigation are now under way. I see no reason why, if we progress properly, Waverley cannot be redeveloped by 2008. There is no reason why we should not progress properly.

**Sarah Boyack (Edinburgh Central) (Lab):** On this day of the establishment of Network Rail—the replacement for the failed Railtrack—will the minister give his commitment that he will, with that not-for-profit company, the Strategic Rail Authority and the UK Government, do everything in his power to keep the Waverley station project on track, on time and to the standard that people in Edinburgh and throughout the UK require of the development of the Government's aspirations for our railway network?

**Iain Gray:** Sarah Boyack has a well-known interest in Waverley station, which is in her constituency. Her Westminster counterpart for Edinburgh Central has some interest in the matter,

too. The subject has been important in my discussions with him recently.

One problem in the redevelopment of our rail network is that we continue to deal with the botched privatisation that took place under the Tories. Today's announcement that Network Rail takes over from Railtrack is a significant step forward. I expect that to have positive consequences for developments at Waverley station.

### Community Schools

**11. Karen Whitefield (Airdrie and Shotts) (Lab):** To ask the Scottish Executive what plans it has to increase the number of new community schools. (S10-5669)

**The Deputy Minister for Education and Young People (Nicol Stephen):** The Scottish Executive is committed to rolling out the new community school approach to every school in Scotland by 2007.

**Karen Whitefield:** Will the minister join me in welcoming the recent introduction of the community school approach at Petersburn Primary School in my constituency? Does he agree that community schools can play an important part in building social capital in Scotland's communities?

**Nicol Stephen:** I am happy to welcome what has been done in North Lanarkshire. It is interesting to contrast Karen Whitefield's question with Paul Martin's earlier question. North Lanarkshire chose to focus the new community school approach exclusively on its primary schools and will roll out the programme to its secondary schools in the coming years.

New community schools are about more than providing a room or an office for a social worker and for a member of health board or health department staff. They are about a school's ethos and spirit and its links with the community and they are about focusing on the needs of individual children and bringing services to a school. Before community schools, children and parents had to track round parts of the community to access those services. That spirit and that ethos are important—that links to Dennis Canavan's question. When we do not get that right, we must ensure that we tackle the problem and make new community schools meaningful to every community.

**Cathy Peattie (Falkirk East) (Lab):** I welcome the minister's comment. To ensure that new community schools work, will the minister establish realistic monitoring and evaluation that involves the stakeholders and the parents who use the schools, in order to ensure that money is spent on creating not only new schools, but new community schools?

**Nicol Stephen:** Yes; that is one of our concerns. Full monitoring of the phase 1 projects will not be available until 2003, so we have worked hard to pull forward information from the early-stage monitoring to ensure that we have good access to quality information about the new community school initiatives that make the greatest difference. It is vital that parents and young people are involved in that.

### Rural Post Offices

**12. Murdo Fraser (Mid Scotland and Fife) (Con):** To ask the Scottish Executive what support it gives to rural post offices to expand the public services that they offer. (S10-5676)

**The Deputy Minister for Environment and Rural Development (Allan Wilson):** Consignia, post offices and postal service matters are reserved, and direct support to post offices is a matter for the UK Government. The Scottish Executive is encouraging rural post offices to participate in its public internet access point initiative.

**Murdo Fraser:** The minister will be aware of the performance and innovation unit report that said that some aspects of the programmes for rural post offices were the responsibility of the devolved Governments. Will the minister explain the delays in rolling out the "Your Guide" programme and in access to internet learning, which are causing considerable concern among sub-postmasters in rural areas throughout Scotland?

**Allan Wilson:** As the member knows, the Department of Trade and Industry published an evaluation report on the proof of concept pilot, but as the member said, no announcement has been made.

The Scottish Executive has been in close contact with the DTI and Consignia about "Your Guide". The public internet access point initiative, to which I referred in my earlier reply, offers the opportunity to establish 1,000 new venues throughout Scotland where people can get cheap, easy access to the web and all its services. I suggest that that would be an admirable way for rural post offices to compete in an industry that is changing both globally and in the nature of its competitiveness.

**Alasdair Morgan (Galloway and Upper Nithsdale) (SNP):** How can post offices be expected to compete on services such as the payment of tax credits when the credit transfer application form asks only for bank account details? Is not it time that those application forms also asked for post office payment details? Will the minister liaise with his colleagues south of the border to ensure that the post office option is given equal prominence to direct bank payments?

**Allan Wilson:** The short answer to the question is yes. I am happy to liaise with colleagues south of the border on those matters. As I said, we are committed to a high-quality, universal postal service that can compete and thrive in a world of technological change. We are investing massive sums of money—£270 million to sustain the rural network and £480 million to automate it—so it is very important that the Post Office give its customers and consumers the service that they want and that they can take full advantage of that service. It is not enough only to invest; we must ensure that the service to the consumer is of the required standard. I am happy to make representations to the DTI.

**Mr Keith Raffan (Mid Scotland and Fife) (LD):** Will the minister do more than liaise? Will he have a quiet word with his friends in the United Kingdom Labour Government whose policies are decimating the incomes of our sub-postmasters, not only in rural sub-post offices, but in suburban and urban sub-post offices? Will he take a more proactive stance in ensuring that "Your Guide" is rolled out much more widely? As my colleague from the Mid Scotland and Fife constituency rightly said, we will otherwise see sub-post offices close and sub-postmasters thrown out of work.

**Allan Wilson:** I have been in touch with colleagues south of the border to discuss those very matters. I met Douglas Alexander and I propose to meet Stephen Timms. However, I did not discuss Mr Raffan's assertion that the incomes of sub-postmasters have depreciated under Labour. In fact, the decline in the closures of post offices that was instigated by the Tories has been halted by Labour. The Tories would not invest in the Post Office because they did not believe in it. The nationalists cannot invest in the Post Office because of the black hole in their fiscal finances. Only the Labour Government can and will invest in the future of the Post Office.

**The Presiding Officer:** Question 13 is withdrawn.

### Poverty (Glasgow)

**14. Tommy Sheridan (Glasgow) (SSP):** To ask the Scottish Executive what action it intends to take to improve the disposable income of those households in Glasgow currently living in poverty. (S10-5699)

**The Deputy Minister for Social Justice (Hugh Henry):** Supplementary to UK-wide tax and benefit changes, a number of measures are already in place to improve the disposable income of low-income households in Glasgow. Those measures include: supporting older people with free personal and nursing care; free off-peak local travel for pensioners; tackling fuel poverty through the central heating programme and the warm deal;

tackling financial exclusion by improving access to credit and other financial services through credit unions; and helping young people to stay on at school or college through educational maintenance allowances. All those measures will contribute to closing the opportunity gap for Glasgow's poorest citizens.

**Tommy Sheridan:** The level of poverty in Glasgow is shameful. I want to address child poverty in Scotland. I ask the minister to respond on a point that was made by the previous incumbent of his office, Jackie Baillie, on 15 November 2000. In reply to a question about how she measured poverty in Scotland, she said:

"The main measure on which we base our findings is 60 per cent of median income".—[*Official Report*, 15 November 2000; Vol 9, c 16.]

According to the latest statistics from the Department for Work and Pensions, child poverty in Scotland in the period between 1999-2000 and 2000-2001 rose from 29 per cent to 30 per cent.

**The Presiding Officer:** The member must ask a question.

**Tommy Sheridan:** That means that 27,624 more children are now living in poverty under the Executive. Is the minister ashamed of that? Will he apologise for failing those children?

**Hugh Henry:** The Executive recognises that more needs to be done to reduce child poverty; indeed, our spending plan commitments will make inroads into that problem. However, we will tackle the issue in partnership with the UK Government, which has a Prime Minister and a Chancellor of the Exchequer who are passionately committed to that aim. I point out that there have been steep falls in child poverty from 34 per cent in 1997 to 21 per cent in 2001. As I have said, we recognise that more needs to be done. Everything that the Executive has done indicates that it takes the situation seriously.

## First Minister's Question Time

15:10

**The Presiding Officer (Sir David Steel):** We move to First Minister's questions. I call John Swinney.

**Mr Duncan McNeil (Greenock and Inverclyde) (Lab):** Come on, John. Release your potential. *[Laughter.]*

**Mr John Swinney (North Tayside) (SNP):** It is happening, and it will happen on 1 May 2003. *[Interruption.]*

**The Presiding Officer:** Order. Let us settle down.

### Secretary of State for Scotland (Meetings)

**1. Mr John Swinney (North Tayside) (SNP):** To ask the First Minister when he will next meet the Secretary of State for Scotland and what issues he intends to raise. (S1F-2151)

**The First Minister (Mr Jack McConnell):** I have met the secretary of state on a number of occasions over the past week and we have had very interesting discussions on a number of issues.

**Mr Swinney:** I want to ask the First Minister about events surrounding his Government this week. First, Wendy Alexander, who was recently a Cabinet minister, admitted that the only big idea in Scottish politics in 96 years was independence in Europe. Secondly, we have had today's disclosure of the First Minister's spin manual to deceive the public on youth justice. Will the First Minister confirm that his commitment to have more facts and less spin—which is less than a year old—lies in tatters today?

**The First Minister:** It is interesting to note that independence in Europe is one of the few big ideas in Scottish politics in the past 100 years that has completely failed. That is a much more accurate reflection of the situation.

Since I became First Minister last November, I have taken an absolutely rigorous and consistent approach to the issue of government information and transparency of facts and statistics. Over that time, I have had to act on a number of issues to ensure that our information is more accurate; that we provide it in a more transparent way; and that we reduce additional comments around the edges and focus on the facts. That was the right approach for the confidence of the people of Scotland and the Parliament and to ensure that the Executive is focused on the key priorities, which as I have said before are jobs, transport, housing, education and crime.

**Mr Swinney:** I want to ask the First Minister about a specific point in his spin manual. He wants to use the launch of new standards as part of a "pre-emptive handling of an Audit Scotland report" that will say that the current youth justice system is "too slow, inconsistent and lacking in clear aims".

In judging that he needs such a pre-emptive strike, the First Minister has either had sight of an Audit Scotland report three months ahead of publication, which is a matter of enormous public concern, or else knows what every reasonable person knows—that the youth justice system is in crisis. Which one is it?

**The First Minister:** I hope that an Audit Scotland report would make such comments about the youth justice system. It is too slow; it does not have clear aims; and it requires radical action. That is exactly why we published a 10-point action plan in June, which will make changes to transform the system into one that meets Scottish society's objectives in tackling the particular issue of young teenagers between 14 and 18 that the current system does not tackle well enough.

If Mr Swinney had listened to any of the answers that he has received in the chamber since January, he would have heard me—not some junior official in some department who was drafting a note for a minister—saying those things over and over again. I will say them again today, and will say them when the Audit Scotland report is published, whatever its conclusions might be. In the meantime, we will take action. Youth court pilots are on the way; specialist children's hearings pilots are on the way; an increase in secure accommodation is on the way; national standards for the children's hearings system are on the way; and a police visibility campaign is on the way. All those measures will make a difference in Scotland, and they are much better than the Scottish National Party's spinning.

**Mr Swinney:** We can always tell: the long answers are the defensive ones. The First Minister's answer beautifully ignores the fact that he has been responsible for youth justice not only as First Minister, but as the Minister for Education, Europe and External Affairs. He has delivered no progress. He has told us in the chamber that the youth justice system has problems that need to be tackled. Is not the problem with the youth justice system the cynicism and deceit that lie at the heart of the Government?

**The First Minister:** I regard the last comment as offensive and not worthy of a response.

The issue is the important one of youth crime and fear of youth crime throughout Scotland. To tackle that issue, we need solutions not slogans. We need real solutions. That means youth courts



for older teenagers and specialist children's hearings to get younger offenders—who currently go back out on to the street because the system cannot cope with them—through the system and dealt with properly. It means increasing the number of secure accommodation places to ensure not only that we have enough places for those who need them but that we have the right places, so that boys and girls are separate, and ensuring that offenders are rehabilitated and come back out as better people.

All those changes are important. The pace of change in youth justice in the past few months has been quicker than on any other item that has ever been on the Scottish Parliament's agenda and there will continue to be quick movement, because we treat the matter as an absolute priority for the people of Scotland.

### **Cabinet (Meetings)**

**2. David McLetchie (Lothians) (Con):** To ask the First Minister what issues will be discussed at the next meeting of the Scottish Executive's Cabinet. (S1F-2140)

**The First Minister (Mr Jack McConnell):** The Scottish Cabinet always discusses issues that matter to the people of Scotland. The next meeting will be no different, as we will discuss education and training, rural development and health.

**David McLetchie:** I am delighted to hear that subject list for the Cabinet meeting. Will the First Minister and his Cabinet follow the lead of the Prime Minister by setting up foundation hospitals, which will have the freedom to make decisions on how best to meet patients' needs, within the national health service in Scotland, or by allowing successful schools to take over failing schools in the neighbourhood as a way of raising educational standards for all? Will those ideas be on the agenda?

**The First Minister:** The ideas on the agenda in Scotland that are making a real difference, particularly in education and health, are those that are appropriate for the Scottish systems. The objectives, which the Prime Minister and I share, are to ensure that there is choice, excellence and quality in public services and to back up the programme of investment with a programme of reform. We share the objectives and the end result, but the processes in Scotland and in England are, quite rightly, different. There are different education systems and health structures in Scotland and England. We are a smaller country. We can do it even better. We can be bold and radical and we can ensure that we make a difference.

**David McLetchie:** Many people will be surprised to hear the answer about doing it better. What we get from the First Minister is the mantra

of so-called Scottish solutions to Scottish problems. It is really all about no answers to real problems.

I am surprised that the First Minister apparently has nothing to learn from our neighbours, given that his party has been an ideas-free zone for the best part of 100 years. When a recent survey has established that, despite all the First Minister's boasts, it takes Scottish patients much longer than patients in England to get an appointment with their GP, are we doing it better? Is not it about time that the First Minister realised that the only way to achieve real improvements to our schools and hospitals in Scotland is to stop kowtowing to the public sector unions and to put in place reforms that will put pupils and patients first?

**The First Minister:** Let me give Mr McLetchie a good example of what I am talking about. This morning, I was at the Western general in Edinburgh, which is part of what, in Scotland, we call a managed clinical network. We could call the Western general a foundation hospital. We could call the various hospitals that it works with throughout Scotland foundation hospitals. The reality is that we want centres of excellence, each of which is linked to other centres of excellence through local primary care teams and hospital management throughout Scotland. The Western general is part of that; I discussed that with people there this morning. Its centre of managed excellence stretches from the Highlands to the Borders. As I saw this morning, that ensures that a patient from Kirkcaldy who needs urgent heart treatment can come with his consultant to the Western general in Edinburgh and be treated there this morning rather than have to wait for treatment in Fife.

That is what we need in the health service in Scotland. We are a small country with huge potential and we can manage our services better than a large country can. We will certainly not be able to do so if the SNP cuts our budgets by taking us out of the United Kingdom. *[Interruption.]* The rabble on the SNP benches should go to the health service for treatment.

There is a key point. We could call the hospitals foundation hospitals, but what we want is a centre of excellence in every hospital and health centre across Scotland. Scotland has managed excellence networks—the Tories can call them foundation networks if they like—that stretch from the Highlands to the Borders and which deliver treatment quickly. It is the patients who matter, not the names of the hospitals or their structure. That is why our solutions are starting to work.

### **Scottish Media Group**

**3. Tavish Scott (Shetland) (LD):** To ask the First Minister whether he has met the Secretary of

State for Culture, Media and Sport and the Secretary of State for Scotland to discuss the sale of the Scottish Media Group. (S1F-2139)

**The First Minister (Mr Jack McConnell):** Criteria will be set by the Competition Commission and the United Kingdom ministers to maintain competition. It will be for the commission and the UK ministers to satisfy themselves that any buyer of the SMG's publishing business satisfies those criteria. At the right time and if appropriate, I will make representations to UK ministers on the matter.

**Tavish Scott:** Does the First Minister accept the need for diversity of ownership in Scotland's national newspapers? What progress is being made at Government level with regard to that diversity both in Scotland and in the UK? Does the First Minister accept that it would not help to maintain such editorial diversity if the current owners of *The Scotsman's* stable bought *The Herald's* stable?

**The First Minister:** It would be wrong of me to speak of potential owners when we are nowhere near that stage yet. However, I believe strongly that many important issues are at stake, including editorial independence and diversity, which *The Herald* and a number of Scottish titles have given us for many years. It is not by accident that we have one of the highest levels of newspaper readership anywhere in the world. However, we have to ensure that we maintain, as far as is possible, the headquarters and business operations of the group in Scotland. I hope that the Scottish Executive can assist with that during the sale.

We live in a modern world and we have to ensure that we are part of the global economy and the UK economy—in my view, at least—but we also have to ensure that, where Scottish interests are at stake, we represent them forcefully. I will always do that as First Minister.

**Michael Russell (South of Scotland) (SNP):** I declare an interest, in that I am a contributor to *The Herald*.

I associate myself with Tavish Scott's question. Given the vital cultural and democratic interest that relates to the ownership of newspapers and a diverse press, does the First Minister agree that it is not enough simply to talk about a referral to Westminster? Would he encourage an appropriate body in Scotland—for example, a Scottish Parliament committee—to inquire into the matter when appropriate and to come to conclusions on behalf of the people of Scotland so that the Scottish voice can be heard on this essential matter?

**The First Minister:** The committees of the Scottish Parliament have a perfect right and a responsibility to make their own decisions about

what they inquire into, without advice from me. I believe strongly that the issues of editorial independence and diversity in the Scottish media are important. However, it is also important that the Scottish Parliament concentrate on using the powers that it has got to make the biggest difference in Scotland rather than spending all its time arguing about powers that we do not have.

#### **Leisure Facilities (Community Access)**

**4. Bill Butler (Glasgow Anniesland) (Lab):** To ask the First Minister what the Scottish Executive is doing to ensure adequate community access to sports and leisure facilities built through public-private partnership schemes. (S1F-2146)

**The First Minister (Mr Jack McConnell):** We announced in the Scottish budget on 12 September that £1.15 billion would be spent using PPPs to build or modernise 300 schools across Scotland. That is the next stage in our new school building programme.

Schools have a key role to play in ensuring that all communities have reasonable access to sport and leisure facilities. Our Scottish schools standard PPP contract contains provisions that deliver that essential requirement.

**Bill Butler:** Extra moneys and resources are welcome and necessary to target and combat social exclusion and to improve health. However, the First Minister will be aware that, in newspaper reports over the weekend, concerns were raised on proper access for communities to sports and leisure facilities within the Glasgow schools PPP. Indeed, constituents of mine in Glasgow Anniesland have raised the matter. Will the First Minister outline for members' benefit what the Executive intends to do to support Glasgow City Council's efforts to ensure the widest possible public access to those facilities and to ensure that that access does not result in increased payments to the private consortium that manages them?

**The First Minister:** Glasgow City Council is to be praised for the implementation of one of the biggest ideas in Scotland for a long time. In pursuing the schools PPP programme, the council has transformed secondary education in Glasgow, just as it is about to transform housing in Glasgow. The council deserves praise for both.

The council also deserves praise for including in the original contract provisions that secured community access at certain times and under certain conditions for the local communities. That was far-sighted of the council, and it was right and proper that it did that. Contrary to reports that we have seen occasionally in newspapers over recent days, that was in fact the case. However, because the schools are such high-quality, new facilities, demand has outstripped those provisions and the council is rightly renegotiating the contract.

I wish the council well. We will give it every support that we can, but it is the council's job to renegotiate the contract. I am sure that it will do so well.

### Office of Communications

**5. Richard Lochhead (North-East Scotland) (SNP):** To ask the First Minister what steps have been taken to secure a place for Scotland on the board of the new Office of Communications. (S1F-2132)

**The First Minister (Mr Jack McConnell):** I have discussed the matter, as I have indicated to the Parliament before, with United Kingdom ministers and submitted our response to the draft Communications Bill, which advocates greater representation for Scotland within the Ofcom structure, including—as one option—a place on the full board.

**Richard Lochhead:** When the First Minister indicated to the Parliament in May that he had made a number of representations to the UK Government to secure a place for Scotland on the Ofcom board, the Parliament and the broadcasting community in Scotland welcomed his comments warmly. However, we have a real problem, because London said no. Will the First Minister indicate today how he will overcome that problem? Will he reiterate his view that we must secure a place on the board so that we can protect the interests of Scotland's broadcasting community and protect Scottish culture and identity?

**The First Minister:** The premise is wrong: nobody has said no and the discussions continue. Those discussions are important. If Mr Lochhead has read our submission, which is available, he knows that provisions that we have suggested include a number of options. To have a committee in Ofcom with responsibility for Scottish interests might be a better option than to have one individual with all those responsibilities on the Ofcom board.

The discussion that we are having is not whether Scottish interests can be better represented in the new structure, but how they will be better represented in the new structure. Our efforts in that regard would have been substantially assisted if the Scottish National Party had made a submission to the Government's consultation on the topic—as we did—and ensured that its voice was heard in support of our position.

### Prisons (Cornton Vale)

**6. Dr Sylvia Jackson (Stirling) (Lab):** To ask the First Minister what progress the Scottish Executive is making in reducing the prison population at HM Prison Cornton Vale. (S1F-2154)

**The First Minister (Mr Jack McConnell):** Fifty prisoners will move from Cornton Vale to Greenock next month. Independent living units have provided a further eight spaces and work is in hand to provide nine spaces in the former training for freedom hostel at HMP Perth.

**Dr Jackson:** Another issue exists around the transfer of women prisoners from the various courts in Scotland to Cornton Vale. Will the First Minister agree to examine the problems for the staff at Cornton Vale when large numbers of women prisoners arrive late in the evening, often in a poor state of health that is exacerbated by the long waits after court hearings?

**The First Minister:** Sylvia Jackson has in the past raised issues about the overall size of the prison's population, and I understand the importance of her specific issue about provision in the evenings. We have various measures in place to ensure that a variety of provision for women prisoners at different stages in their terms of confinement is in place as quickly as possible. We expect major improvements in that regard in the course of the next year, and I am sure that when they have been implemented, the situation will be significantly better than it has been for a long time. I know that the Cornton Vale over-21s visiting committee recognises that we are absolutely committed to ensuring that that progress is made.

**Lord James Douglas-Hamilton (Lothians) (Con):** Does the First Minister agree that one of the main objectives is to reduce the number of crimes that are committed by increasing deterrence and by increasing the number of police officers on the streets, in which case the number of people going to prison will be reduced?

**The First Minister:** Yes.

## Points of Order

15:30

**Michael Russell (South of Scotland) (SNP):** On a point of order, Presiding Officer.

**The Presiding Officer (Sir David Steel):** I hope that it is a genuine one.

**Michael Russell:** Of course it is a genuine one, Presiding Officer—I would not do anything else. I know that you are not responsible for what the First Minister says—

**The Presiding Officer:** That was my point.

**Michael Russell:** You are, however, responsible for facts being used in the chamber. The First Minister said that the Scottish National Party made no submission on the draft communications bill, and that was simply not true. I know that Mr McConnell believes in more facts and less spin. To have some facts would be acceptable. I hope that the First Minister will withdraw what he said.

**The First Minister (Mr Jack McConnell):** Further to that point of order, Presiding Officer.

**The Presiding Officer:** It was not a point of order at all, but never mind.

**The First Minister:** I spoke to the department in London two hours ago, and it confirmed that it had not received a submission from the Scottish National Party.

**Members:** Oh!

**The Presiding Officer:** Order. We cannot argue over this on a point of order, because it is not a point of order at all; it is a point of argument. You can sort it out afterwards.

**Andrew Wilson (Central Scotland) (SNP):** On a point of order, Presiding Officer. Will you confirm that the purpose of question time is to hold the Executive to account, and that such scrutiny involves a two-way process? What protection does the Parliament have against the failure of Government ministers to answer questions that are put to them? I will give you a couple of examples.

**The Presiding Officer:** No.

**Andrew Wilson:** I asked a question—

**The Presiding Officer:** Hang on, Mr Wilson. I do not want a couple of examples. I have said repeatedly that—

**Andrew Wilson:** But—

**The Presiding Officer:** Listen to me. Do sit down for a second, Mr Wilson. The content of

ministerial answers, as I have said over and over again, is not a matter for the chair. If members are dissatisfied with the answers that they get, they must put more questions to ministers. Alternatively, they can write to ministers. However, it is not a question to be dealt with during points of order for the chair. I must be quite firm about that.

**Andrew Wilson:** On a separate point of order, Presiding Officer.

**The Presiding Officer:** If it is a real point of order, I will hear it.

**Andrew Wilson:** Is it not the case that points of order should be heard in full and in silence?

**The Presiding Officer:** It was quite clear that what you were embarking on was not a point of order.

**Andrew Wilson:** Why?

**The Presiding Officer:** Because you were offering me examples of something that was not a point of order. That is why I am reluctant to let you go on.

**Michael Russell:** On a point of order, Presiding Officer. With the greatest respect—and I mean that—if a minister, or indeed any other member, misleads the chamber, that is a matter for the chair. There is no doubt about that in terms of standing orders. All that members are asking for is the protection of the chair in such matters.

**The Presiding Officer:** I think that I gave you a lot of latitude on that last point, Mr Russell. There is clearly a dispute as to the facts between you and the First Minister, which I cannot sort out from the chair.

Mr Wilson wanted to offer me examples of ministerial answers that he thought were inadequate. Perhaps they were, but that is not a matter for me—that is all that I am saying.

**Mr Kenneth Gibson (Glasgow) (SNP):** On a point of order, Presiding Officer. Given your apparent ability to predict what members are going to say on points of order, could you tell me what Saturday night's winning lottery numbers will be?

**The Presiding Officer:** I think that that was a point of cheek, rather than a point of order. Let us turn now to the serious debate that we have ahead of us.

## Coronary Heart Disease and Stroke

**The Presiding Officer (Sir David Steel):** The next item is a debate on motion S1M-3450, in the name of Malcolm Chisholm, on action against coronary heart disease and stroke, and on two amendments to that motion.

15:34

**The Minister for Health and Community Care (Malcolm Chisholm):** The incidence of deaths from coronary heart disease and stroke has declined over the past few years. Progress has been made through service developments and health improvement initiatives in equal measure, but it has been much too slow. Today we seek a step change in both the health care and health improvement sides. Mary Mulligan will speak in more detail about the health improvement agenda later.

I emphasise at the start the strong health inequalities dimension to our agenda. In our most disadvantaged communities, people over the age of 65 are three and a half times more likely to die from coronary heart disease than those in the most affluent areas are. A key focus of the strategy for improvement and care must be to deal with that shocking manifestation of the opportunity gap.

With our national demonstration project—Have a Heart Paisley—we have made a good start. It is acting as a test-bed for action that will reduce the impact of CHD on the population of Paisley. I have been pleased to visit the project on two occasions. I know that the lessons learned from it will be rolled out through the CHD learning network, which will be headed by Professor Phil Hanlon of the Public Health Institute of Scotland.

We owe it to those who have CHD or have had a stroke to ensure that they receive treatment of the highest quality. That means ensuring that new, effective treatments come on stream as soon as possible. It means treating people earlier, with the better outcomes that result from that. It means ensuring that people who have had a stroke are cared for in a specialist stroke unit, which will result in reductions in the number of deaths and admissions to long-term care.

Our overall targets are to halve deaths from CHD and stroke among the under-75s over 15 years and to reduce waiting times for procedures such as angioplasty and heart-bypass surgery. We have no difficulty in accepting the SNP amendment. Median waiting times for bypass surgery have already fallen from 152 days in 1999

to 50 days today. However, we seek a maximum wait of 18 weeks by 2004 from angiogram diagnosis to angioplasty or bypass surgery.

The basis of our strategy is to provide more integrated care, particularly across primary and secondary care. We seek the empowerment of patients and front-line staff in the managed clinical networks, which I shall describe in a moment, to deliver services, lead change and make spending decisions.

I am entirely in agreement with the first part of the Conservative amendment, which refers to

“a reformed health service that empowers patients”.

However, the second part of the amendment, which refers to “the number of providers”, is inappropriate as a blanket statement, particularly in the context of today’s debate. We want and shall have more staff to provide care. It is definitely our objective to have more health care teams. However, sometimes it is better to concentrate staff. It is always better for staff to work together in new, integrated ways across primary and secondary care. Our agenda of modernisation and reform is rooted in integration, decentralisation and empowerment. It is not to be measured by the simplistic numerical barometer of how many providers exist. For that reason, we must oppose the Conservative amendment.

The strategy takes the model of managed clinical networks as the method for delivering cardiac and stroke services in future. The networks involve all the people who provide a service, alongside patients. They integrate services by eliminating traditional boundaries between primary and secondary care, between different health professions and between one national health service board and another.

I have mentioned more than once before the highly successful cardiac services managed clinical network in Dumfries and Galloway. This morning I was pleased to hear from two patients from the area who have benefited from that network. They talked about thrombolysis and clot-busting drugs delivered in the community. They talked about the service that they have received from cardiac nurses, the rehabilitation services that they have had and the new ways in which they have been involved in the planning of care in Dumfries and Galloway. Through the strategy, we intend to roll out that model across Scotland.

Local cardiac services managed clinical networks will have to address a wide range of issues. Those include developing prevention strategies based on the lessons learned by Have a Heart Paisley; setting targets for secondary prevention and rehabilitation; helping to develop rapid-access chest-pain clinics, which the First Minister and I heard about at the Western general

hospital in Edinburgh this morning; conducting needs assessments for CHD services in deprived and remote communities; and considering new, extended roles for health professionals in the network.

Each of the local networks will link to the Scottish cardiac intervention network. That Scotland-wide network will link the five existing cardiac surgery centres, including the national waiting times centre. It will also cover the 11 hospitals in which angioplasty is currently carried out. Along with regional planning groups, the Scottish cardiac intervention network will be responsible for the commissioning of all revascularisation in Scotland. It will develop guidelines and protocols so that all patients get the treatment that they need. The network should become operational by January 2004.

The network will be part of the national standards agenda. There is a balance to be struck: the strategy is a national strategy with national standards and national funding, but delivery will be at local level through the managed clinical networks, in which clinicians will be on the front line with patients, where they can deliver services and lead change.

**Mary Scanlon (Highlands and Islands) (Con):** I have not read every word in the strategy, but I was quite surprised at page 17 of the strategy document, which states:

"NHS Boards should give consideration to making innovative appointments to MCNs, rather than to institutions."

Will the managed clinical networks be a new form of employer?

**Malcolm Chisholm:** For managed clinical networks to employ people directly is a good development. Part of the strategy will mean that every managed clinical network will certainly have a dedicated manager as well as a lead clinician. The employment of people by managed clinical networks is an example of the new integrated, decentralised health care that we will develop. That will be described in more detail in the forthcoming white paper.

Managed clinical networks are also the model for stroke services. Each NHS board is to have a stroke network in place by April 2004. Those stroke networks will build not only on the generic lessons from Dumfries and Galloway, but on Lanarkshire's demonstration stroke network and Highland's reconfiguration of stroke services.

We believe that managed clinical networks are the way ahead because they are about integrated working between primary and secondary care. They put patients and clinicians in the lead in driving service development. The key role for patients means that we can be sure that, as with

clinical standards, we deliver the services that patients really want.

The strategy also has important recommendations about setting up national databases for both CHD and stroke. That may sound rather dull, but it is absolutely fundamental. The huge gap in data for primary care makes the proper planning of services difficult. Moreover, we cannot be sure that services are of the proper quality unless data are available. We cannot give optimum care to individuals unless the full patient record is available and up to date in every care setting.

**Ben Wallace (North-East Scotland) (Con):** Will the minister give way?

**Malcolm Chisholm:** If I have time, I shall give way after I have finished the next bit of my speech, which is about staff.

The strategy also highlights the need for additional staff in the medical, nursing and allied health professions to make the strategy work. It is most explicit about the need for more cardiologists and stroke specialists. I fully acknowledge that need. The strategy also recognises the need to develop multidisciplinary team working with new and extended roles. I acknowledge that as well.

We are all keen to move directly into the implementation phase. I am setting up a project group to take forward the detailed planning of the Scottish cardiac intervention network. I am pleased to be able to announce that Dr Nick Boon, who is a consultant cardiologist at Edinburgh royal infirmary, will chair the network. The project group will act as our national advisory body on CHD issues. Its immediate tasks will include developing the thinking on the integration of the national waiting times centre with other cardiac surgery centres and the planning of a national heart failure centre in Glasgow.

I am also pleased to announce that Professor Martin Dennis, who is a consultant stroke physician at Edinburgh's Western general hospital, has accepted my invitation to chair the national advisory committee on stroke that we are setting up. The committee will provide advice on all aspects of stroke services.

NHS boards are already devoting considerable resources to CHD and stroke. Those resources will continue but, to help with the implementation of the strategy's key recommendations, I can today announce that an additional £40 million is being set aside over the next three years. The advisory bodies that we are setting up will help to ensure that resources are allocated to the aspects of the strategy that patients and clinicians consider should have priority. However, many of the spending decisions will be made in the managed clinical networks.

I will now give way, if the Presiding Officer allows me.

**The Deputy Presiding Officer (Mr George Reid):** The minister has one minute remaining.

**Ben Wallace:** The minister may have answered my question in his remarks. Will he clarify whether he envisages that the managed clinical networks will have control of funds and whether they will be able to buy in services and purchase the care that is needed if it is not provided by the health boards?

**Malcolm Chisholm:** Yes, some funds will go directly to the managed clinical networks, although clearly some of the money, as I have just described, will have to be spent on important infrastructure, particularly information technology.

That is a bit like the cancer strategy, where we have given money to cancer groups—involving clinicians on the front line and patients—which make the decisions about spending priorities. I was pleased that one of the leading cancer experts in the UK yesterday praised our approach to cancer in Scotland and said that it was the best model in the United Kingdom.

By giving patients and health professionals a strong voice in the way in which services are managed and developed, we can bring about huge improvements. I firmly believe that today marks the start of a new era in our struggle against the twin scourges of CHD and stroke, which have taken an unacceptable toll on our families and communities for far too long.

I move,

That the Parliament recognises the unacceptable toll which coronary heart disease and stroke continue to take on Scottish families and communities; acknowledges the role of front-line staff in delivering and developing services for the thousands of people affected each year; supports health improvement initiatives to reduce the incidence of the diseases and the disproportionate burden suffered by the most disadvantaged communities, and looks forward to the development of more integrated services that are backed up by significant and dedicated resources.

15:46

**Nicola Sturgeon (Glasgow) (SNP):** I welcome today's debate. Tackling coronary heart disease and stroke is a major challenge in Scotland and will continue to be so for the foreseeable future. Too many people in Scotland have their quality of life diminished and their lives cut short by those conditions. As the minister pointed out, rates of, and deaths from, heart disease have steadily declined over the past 20 years, which is good news. Nevertheless, Scotland still has the second-highest mortality rate from heart disease in the whole of Europe and the highest by far in the United Kingdom. Every year in Scotland, 12,500

people of all ages die from heart disease. As the minister said, those who live in deprived communities are far more likely to suffer from symptomatic disease and to die from it than are those who live in more affluent circumstances.

The strategy that has been published today is a welcome contribution to meeting that challenge and I have no hesitation in supporting its contents. The question that I want to pose is whether the strategy goes far enough in two key areas to ensure that the Government targets can be met.

Those targets are rightly ambitious: a 50 per cent reduction in the number of deaths from heart disease and stroke among the under-75s by 2010 and a reduction in maximum waiting times for cardiac treatment from 36 weeks to 26 weeks by 2005. I am sure that everyone in the chamber and everyone in Scotland will enthusiastically sign up to those targets. However, if the targets are to be met, we must achieve two things: first, a reduction in the number of people who get heart disease or suffer strokes—in other words, a more effective focus on prevention—and, secondly, improvement in the speed of diagnosis and the quality of treatment that patients receive.

I will concentrate the remainder of my remarks on prevention and the need to shorten waiting times. The obligation that the strategy places on all NHS boards to develop heart disease and stroke prevention strategies by 2004 is a step in the right direction, but the strategy offers little in the way of new ideas about how we should tackle some of the root causes of heart disease and stroke. I welcome the indication that Mary Mulligan will focus her remarks on those issues in summing up the debate.

The strategy tells us that

"Smoking is a major preventable cause of CHD and stroke",  
that

"Dietary factors may be responsible for significant amounts of CHD and stroke"

and that

"Physical inactivity is a major ... risk factor".

We know those things already. The strategy lists some of the initiatives that are already under way, but it says much less about how we can effectively tackle those factors.

**Mr Keith Raffan (Mid Scotland and Fife) (LD):**

Was the member a bit surprised, as I was when I read the strategy, that it goes into detail on smoking, diet and physical activity, but does not mention alcohol and the tragic contribution that alcohol consumption can make to coronary heart disease and stroke?

**Nicola Sturgeon:** I will make two points in response to Keith Raffan's intervention. First, I do

not think that the strategy goes into enough detail on smoking and diet and, yes, it completely ignores the contribution of alcohol, which is an omission. Secondly, and more generally, if the ambitious targets that have been set are to be met, fresh thinking will be required in all those areas. In that regard, I will focus my remarks on smoking.

One in five of all deaths from heart disease and one in 10 of all deaths from stroke are caused by tobacco. In the under-64 age group, nearly half of all deaths from heart disease are tobacco related, yet all the strategy does is restate the Government's targets for reducing smoking and claim that

"A wide range of work is in hand".

That is not entirely reassuring when we consider that, five years after it was promised, we still do not have a ban on tobacco advertising. I hope that Mary Mulligan will give us more detail in her speech. For example, what more is the Government going to do to discourage young people, especially young girls, from taking up smoking? Let us remember that nine out of 10 smokers start smoking before their 19<sup>th</sup> birthday.

Will the ring-fenced funding for smoking cessation, which is about to come to an end, be continued? Will it be increased, given that the demand for smoking-cessation services already outstrips supply in many parts of Scotland? Perhaps even more fundamental than that, is the Government prepared to show leadership on the need to protect people from the effects of passive smoking, which increases the risk of heart disease by about 20 per cent? I hope that the minister will give us more detail on those questions when she sums up.

More detail would also be useful on the further measures that the Government intends to take to tackle poverty and deprivation. The strategy document rightly makes the link between poverty, particularly child poverty, and higher rates of heart disease and stroke. However, progress on tackling that problem is painfully slow. When Labour came to office, one in three children in Scotland lived in poverty. Today, one in three children in Scotland still lives in poverty.

**Tommy Sheridan (Glasgow) (SSP):** Does the member agree that progress is shamefully slow, given that the most recent statistics state that some 27,649 more children are now living in poverty? Does she agree that unless we tackle that we will not be able to improve the health of this country?

**Nicola Sturgeon:** The Government's record on tackling poverty is, to use Tommy Sheridan's word, shameful. However, more worrying than that is that this Parliament lacks the tools, such as the

power of benefits and taxation, to tackle the problem effectively. That is the context in which the strategy will be implemented. The strategy does not say nearly enough about those issues.

Speed of diagnosis and speed of access to the best treatment are prerequisites for cutting the number of deaths from heart disease and stroke. The scale of the challenge is enormous—I accept that Malcolm Chisholm has acknowledged that. We all want waiting times to come down, but in some areas they are not even going in the right direction. For example, waiting times for angioplasty increased from 31 days to 41 days between 1999 and this year.

The emphasis that the strategy places on developing integrated care through managed clinical networks is important, as is maximising the contribution of existing staff across professional boundaries within those networks. Notwithstanding all that, tackling staff shortages is an essential prerequisite for improving the quality of care and reducing waiting times. In my view, the strategy is most lacking in that respect.

The task force that reported last year recommended the appointment of an additional 30 consultant cardiologists. However, the strategy commits only to an additional 10 specialist registrar posts in cardiology. The gap between what was recommended and what is being delivered is enormous.

**Malcolm Chisholm:** Will the member give way?

**Nicola Sturgeon:** I am in my last minute. I am sure that the minister can come back to the issue.

Missing from the strategy is a clear statement of how we get from what is a second-best position to the optimum staffing level that the task force recommended. Of course consultants cannot be magicked out of thin air and the shortage is a problem that crosses professional boundaries as well as national boundaries.

**Malcolm Chisholm:** Will the member give way?

**Nicola Sturgeon:** Have I got time?

**The Deputy Presiding Officer:** Yes, you have a minute.

**Malcolm Chisholm:** I just want Nicola Sturgeon to reflect on the fact that the 10 additional specialist registrars would not be a one-off. Thirty consultants is an overall figure and 10 specialist registrars a year would add up to 30 quite quickly.

**Nicola Sturgeon:** That is a useful clarification. However, a meaningful strategy would address two additional issues. First, what will be done in the medium-to-long term to attract consultants, so that we have a chance of meeting the task force's recommendation? Secondly, in the short term, what guarantees can the Government give that the



10 specialist registrar posts will be filled, either on a one-off basis or on a continuing basis? The difficulties in attracting consultants are perhaps less severe than are the difficulties in attracting staff to other posts, but they still exist. I would like to hear more about that.

It is worth pointing out that the number of specialist registrar posts in cardiology has fallen in the past year. In 2000 there were 30 whole-time-equivalent posts, but in 2001 that number fell to 25. There is clearly a problem. It is incumbent on the Executive to say more about how we will go about recruiting to those posts.

The strategy is commendable as far as it goes, but in my view it does not go far enough to meet the Government's own targets to start to turn around our quite appalling record on coronary heart disease and stroke.

I move amendment S1M-3450.1, to insert at end:

"and result in shorter waiting times for patients."

15:55

**Ben Wallace (North-East Scotland) (Con):** The Scottish Conservatives welcome the opportunity to discuss the strategy for coronary heart disease and stroke in Scotland. We find little to disagree with in the Executive's motion, which we will support.

The debate gives the Scottish Conservatives a chance to air our record in the sector. In the last three years of the Conservative Government, NHS heart bypass procedures increased by 56 per cent, whereas over a similar number of years under the Scottish Executive and Labour, there was only a 22 per cent increase. It is even more worrying that we now admit fewer people from the coronary artery bypass waiting lists than we did in 1997. I am sure that the Minister for Health and Community Care will say in his defence that many more day cases are being treated, but I am afraid that that is not the case.

**Malcolm Chisholm:** I raised that question at the Western general hospital this morning. The answer is that many more angioplasties are being done. It was explained to me that many people who would have had heart bypasses in the past are now more appropriately treated by angioplasty.

**Ben Wallace:** I thank the minister for giving me the opportunity to point out that statistics released today by the information and statistics division of the Common Services Agency show that that is not the case. When the Conservatives left office, only one person was waiting for more than a year for angioplasty and angiography; now, 36 people are waiting for more than a year for that treatment.

I am afraid that that tears the First Minister's pledge to shreds. As Nicola Sturgeon said, waiting times are heading in the wrong direction—they are increasing. That is an important point. We saw the new targets that Labour issued in June, when the Executive said that it would reduce waiting times to six months, yet waiting times are increasing. We will not hold our breath on that pledge.

Let us look closely at whether changes to the structure of health care delivery under the Executive will produce the better conditions and services that people across Europe take for granted. We should expect reforms to deliver similar standards, given that our country tops the European league of gross domestic product spend on health care. Like Mr Milburn—but certainly not like Mr McConnell—I am not wedded to the ideological argument and I do not care for a health care structure that is a single state monopoly. Members may see in our manifesto proposals that Mr Milburn would describe as reforming. We must reform if we are to tackle the problems with service delivery in the areas of heart disease and stroke.

Previously, the SNP attempted to reduce waiting times by effectively reintroducing commissioning at the local health care co-operative level. I am delighted to welcome the SNP back to elements of the internal market. Something is very wrong with the system if health professionals and patients have to wait with bated breath for handouts from the minister, who is acting like a Russian tsar or a Soviet leader. Only the other day, it was announced that £12 million was to be handed out to resolve the winter crisis—as if such handouts will change things. If the system is not changed, I do not think that there will be a shift in any of the data on treatment times of more than a few days.

Yesterday in Blackpool, the Government consistently talked about giving the patient the choice to choose their providers and doctors. The Government down south has built on some of our earlier reforms, which are producing benefits—the waiting times there are reducing, whereas our waiting times are increasing, despite the fact that we are spending more. It would be better if we could decide on a structure that would resolve the problems that the strategy rightly identifies.

Nye Bevan said that the NHS was designed

"to provide the medical profession with the best and most modern apparatus of medicine and to enable them freely to use it, in accordance with their training, for the benefit of the people of the country ... The individual citizen must be free to choose his doctor and the doctor must be able to treat his patients in conditions of inviolable privacy."

Nye Bevan recognised that the health service existed to provide choice. By utilising that choice, the patient's journey would be improved and their needs would be responded to. I do not see much

in the strategy to indicate that heart disease and stroke patients have that choice, which would empower them by allowing them to purchase surgery or whatever service would benefit them most.

**Mr Raffan:** Mr Wallace has gone into all that business about structure and ideology, but can he answer a simple question? What are the Conservatives going to do about social deprivation and its impact on health—social deprivation causes coronary heart disease and strokes—other than have their leader pay the occasional visit to a Glasgow housing estate with his “A to Z”?

**Ben Wallace:** It is rather ironic for Keith Raffan to make such a remark, because during the past few weeks his party has harped on about complete structural reform of the NHS, right down to the idea that regions will be able to run mini-health services. His party also believes in a hypothecated tax. We will not take lectures on structural reform from the Liberal Democrats.

We acknowledge that poverty problems, such as smoking and diet, must be solved. I have often commended the Executive for some of its initiatives to improve health, especially those that are aimed at the young. We will strongly support moves to increase physical activity, because that helps to cut the development of heart disease.

The other half of the strategy relates to managing the delivery of heart disease services. It is important that we have a debate on that. I have read all the cancer documents that the Clinical Standards Board for Scotland has produced. Professionals say that, although those documents contain many good things, they do not empower professionals to implement the proposals that they contain.

I was heartened by the minister's plans to empower the clinical network to deliver. Empowering the clinical network will be the key to success. It is right to expect a better standard of service for our money. We should consider other reforms and should not restrict ourselves in relation to providers. The important thing is that people in Scotland get the best service, whoever provides it, to treat their heart disease and stroke problems.

I move amendment S1M-3450.2, to insert at end:

“in the context of a reformed health service that empowers patients and expands the number of providers.”

16:01

**Mrs Margaret Smith (Edinburgh West) (LD):** Coronary heart disease and stroke are major causes of death and ill health in Scotland. Half a million people are estimated to have coronary

heart disease and about 12,500 Scots die from it each year. Many of those who die are middle-aged men in the prime of their lives. Their deaths are premature. They are people like my father, who died at the age of 51, leaving a family that felt bereaved, distraught and very cheated. That is the bad news.

The good news is that there has been a decline in deaths from coronary heart disease of about 30 or 40 per cent since the peak, which occurred in the 1970s. The decline appears to be the result of better acute coronary care treatment and, crucially, of secondary prevention—people changing their lifestyle by reducing smoking, controlling high blood pressure and lowering cholesterol levels through better diet and more exercise.

The good news is that coronary heart disease and stroke are preventable. In the past, Scandinavian countries such as Finland have tackled the problem head on with a total community approach and have seen a remarkable turnaround. We are making progress in reducing the incidence of CHD and stroke, but the rate of progress is not as fast as that of many of our European neighbours. The numbers are still far too high.

The reasons and risk factors are well known: age, gender, smoking, having a poor diet, taking little exercise, alcohol consumption and high blood pressure. Behind those reasons are the effects of deprivation. In the most deprived communities, the death rate among men aged under 65 is still more than double the rate in affluent areas. That is why the Liberal Democrats who work in the coalition have introduced, through the Executive, a number of measures to tackle some of the underlying issues. In some cases, that has been achieved through the use of hypothecated taxes.

Such measures include smoking cessation treatments that receive funding from the health improvement fund, the physical activity task force and the Have a Heart Paisley demonstration project, which the minister mentioned. That project works through primary care and uses local co-ordinators in each of four locality networks. The local authority is committed to supporting the project in schools, community centres and leisure centres. Such an approach ought to be developed across the country.

We welcome the publication of the strategy and the announcement of additional funding of £40 million over the three financial years beginning next April. We also welcome the minister's comments, in which he reiterated targets for cutting waiting times and early deaths.

A key element in the strategy is the development of managed clinical networks, which will pull

together a multidisciplinary group, covering everything from prevention to treatment and rehabilitation services. That mechanism will help to deliver a better patient journey from secondary to primary care and across health board boundaries.

We must accept that by the time that someone is received in a coronary care unit or is rushed into accident and emergency with a heart attack, we have already failed them. That makes it even more important that the managed clinical networks focus on prevention and on working with high-risk groups, such as patients who have high blood pressure or diabetes, those who live in the most deprived circumstances and those who smoke. A whole-population approach is also necessary.

There is an opportunity for public health nurses and specialist nurses in cardiac and stroke services to work at community level to advance the aims of that strategy.

Although it is important to improve services at community level, it is also important to have national bodies to ensure that the strategy is implemented and backed up by the performance assessment indicators, to ensure that boards are doing what they are meant to do and that the services and strategies are properly monitored.

I welcome the development of the Scottish cardiac intervention network and the appointment of Phil Hanlon. One of the best aspects of the implementation of the cancer plan is the fact that Anna Gregor and her colleagues have made the decisions about dispersal and allocations of resources utilising established and developing managed clinical networks. I am pleased that that approach appears to be envisaged for identifying priorities for new investment in cardiac services within the network. The clarification from the minister was welcome.

Crucial to all of this is proper planning, and critical to that are the collection, storage and management of relevant data. I am also pleased that there is a proper focus on discharge documentation. I took part in a recent Scottish intercollegiate guidelines network discussion on discharge documents and was amazed by the omissions and variations that clinicians and nursing staff have to deal with, not to mention the problems caused by poor handwriting. Any work to ensure that the patient's journey is enhanced by electronic discharge documentation is to be welcomed.

In his introductory remarks, I noted that the minister commits us not only to waiting times targets, but to a focus on high-quality treatment. I am interested to know whether the minister feels that there is a need for further computed tomography brain imaging equipment and

radiology staff to deal with the recommendation that, by June 2003, radiology departments will provide the amount of dedicated time needed for stroke patients to have CT scans in line with the SIGN guidelines.

There are workforce and training implications in the strategy. I welcome the commitment to an additional 18 specialist registrar posts. We all remain concerned by the points raised in sections 43 and 46 of the strategy about the extra numbers of specialist nurses, allied health professionals, technicians, pharmacists, intermediate specialists, cardiologists, cardiac surgeons and stroke physicians needed to fulfil the strategy and the low numbers of suitable people to fill those posts. That is probably the key issue to be addressed if the strategy is to be successful. I hope that the deputy minister will give further information on how she envisages that matter being tackled and will say whether ministers are confident that the strategy can be delivered despite those gaps.

It is critical that proper training is given to everyone who works with patients with CHD and stroke. I am pleased that NHS Education for Scotland will be involved in training for all professionals who deal with such issues. I am keen to find out whether the information could be extended to relevant local authority staff, patients and their families.

We should never underestimate the impact that CHD and stroke have on Scottish families. I know that I never can, so I welcome the new strategy and wish it every possible success.

16:08

**Paul Martin (Glasgow Springburn) (Lab):** I welcome the tone of the minister's motion. He has accepted the many challenges that he faces, in coronary heart care in particular. He recognises the serious issues that we face in Glasgow. He is facing up to the challenges and dealing with them with the help of the action plan.

I also welcome the fact that he commends the front-line staff involved in the process. At Stobhill, front-line staff provide a first-class service hospital under the leadership of Dr Frank Dunn, a consultant at Stobhill for more than 30 years.

Dr Dunn and his team have made several innovations, one of which particularly enthused me because it is an excellent initiative. I refer to the two wards, each with 20 beds, where patients are prepared for release from hospital following intensive heart treatment. It is important that patients receive that kind of treatment during the period before release and that they are advised on ways in which they can improve their lifestyle and so ensure more effective treatment. I seek a commitment from the minister that he will ensure

that similar innovations in hospitals such as Stobhill continue to be developed.

That brings me on to the acute services review decision in Glasgow. I have the luxury of representing two hospitals in my constituency—Glasgow royal infirmary and Stobhill. I genuinely foresee severe difficulties in the reprovision of services from Stobhill hospital to the royal infirmary, particularly with regard to cardiac treatment. Will the minister give me a commitment that, if there is reprovision of that service to the royal infirmary, the level of service will increase? My concern about the acute services review is that the health board has made no contractual commitments on where it will make specific improvements.

**Mary Scanlon:** I am not an expert on the Glasgow acute services review, but does Paul Martin agree that Glasgow needs a medium-secure unit in order to release people who are inappropriately detained in Carstairs?

**Paul Martin:** I do not think that it is appropriate to discuss the medium-secure unit now, although I would be more than happy to discuss it with Mary Scanlon later. What is at issue in this afternoon's debate is cardiac services in Glasgow and particularly at Stobhill.

I ask the minister to tell me exactly what improvements people can expect on the excellent service that is provided at Stobhill hospital if the reprovision proposal is implemented. If the Auditor General for Scotland discovers that reprovision would not represent value for money or lead to an improvement in services, will the minister still go ahead with the proposal?

The Parliament has produced many glossy documents, and the printers must have made a fortune out of them, but those documents must be processed into real action for front-line services. Let us ensure that the glossy documents make a difference to local services.

16:12

**Colin Campbell (West of Scotland) (SNP):** We live in a society where booze, fags and a sense of futility combine to kill large numbers of our people. I recall from my earlier life the rush of 300 children at school lunch time to obtain their share of the 60 meat pies in the dinner hall, and the scorn with which salad was derided as bunny food. Those children of the 1980s are now parents, if not grandparents, and I doubt whether their diets have changed much. As Nicola Sturgeon said, the first priority is prevention and, in that, there is a mountain to climb. There must be fundamental changes in lifestyles, and we all know that that cannot take place overnight.

Where do we start? It is interesting to note that the NHS boards have to come up with a programme for 2004. I hope that it will be holistic and will take in all the other agencies, pre and post-natal clinics, nursery schools and schools. There must be a shift in popular diet, entailing conspicuous fat reduction and regular exercise, and an assault on tobacco consumption and the overuse of alcohol. We must also create hope in people's lives, so that they do not write themselves off because their modest expectations seem unattainable and they then live carelessly as a result.

Also important is the early identification of people who may be susceptible to, or be in the early stages of, heart conditions. Regular, available screening is essential. I have a friend who, at the age of 35, was screened as part of a University of Glasgow and Western infirmary project on heart disease and osteoporosis in twins. He was found to be suffering from hypertrophic cardiomyopathy, is on medication for the rest of his life and is regularly subjected to medical checks. But for the fact that he was a twin and took part in the twins project, the condition would have gone unrecorded and could have killed him.

What is to be done to screen people of all ages and to encourage people to insist on a regular medical check-up? There are good examples of well-publicised cancer-screening programmes that have saved lives. Do we have the medical staff to screen everyone who wants a check-up? Should we leave things purely to individual initiative or should we embark upon a programme to encourage every citizen to have regular check-ups and screening for susceptibility to CHD and stroke? It is better to diminish such conditions by lifestyle changes or to identify people who are most susceptible or are in the early stages and take immediate steps to improve their chances of survival than to wait until they have the conditions.

The most important question is: how do we encounter the macho male attitude? I understand that a men's health clinic in Alexandria in Dunbartonshire closed, because nobody went to it. Real men do not get ill. Real men do not want to know. Are real men chicken when it comes to health? How do we crack that fundamental problem?

Such remarks might not apply only to men. I understand that Chest, Heart and Stroke Scotland had a stall at our conference last week and offered cholesterol and blood pressure checks. A person who watched the stall for a wee while thought that only the thin and fit dared to go near it and that others who thought that they might have a problem did not go anywhere near it. Each individual must take a more responsible attitude. It would be easier to reduce waiting times—which

we all want to do—and the number of people who suffer from CHD and stroke through a positive prevention programme and early identification of people who are at risk.

**The Deputy Presiding Officer (Mr Murray Tosh):** After that, I think that I will call only the thin and fit. I will start with Murdo Fraser, who will be followed by Janis Hughes.

16:16

**Murdo Fraser (Mid Scotland and Fife) (Con):** I am pleased to follow Colin Campbell, whose speech was well thought out. He mentioned prevention, which I would like to highlight, too. We all know that money spent on prevention is better than money spent on cures. In winding up, perhaps Mary Mulligan will respond to some points that I hope to raise.

We have a truly terrible record on CHD and stroke, with one of the highest death rates in the world. We do not need to look too far for the causes—poor diet, lack of exercise, smoking and alcohol, which Keith Raffan mentioned. I have spoken in the chamber before about women with alcohol problems. The problem is hidden at the moment, but I hope that it is starting to come to the surface.

Members may have been following the television series on Ninewells hospital, which is extremely interesting. I pay tribute to the staff at Ninewells who have taken part in the programme. A programme that I saw two weeks ago dealt with people who had been admitted with heart disease. It followed a number of patients who were stabilised, treated and visited by the consultant afterwards. The consultant gave them advice about lifestyle, diet, exercise and the need to stop smoking. That was not the first time that some patients had been given such advice—they were repeat offenders, if you like. There were encouraging signs when they all said in the hospital that they would never smoke again and that they would cut down on drinking and take exercise. The follow-up programme was interesting. At least one patient confessed that he had continued to smoke, despite the manifest risk to his health and life. Such attitudes must be overcome.

I want to discuss physical exercise, too. It is estimated that 36 per cent of men's deaths from CHD and 38 per cent of women's deaths are due to lack of physical activity. In the UK, some 9 per cent of deaths from CHD could be avoided if people who are sedentary or have a light level of physical activity progressed to a moderate level of activity.

If we are to change attitudes, we must start with the young. We should catch pupils in our schools

and get them to understand the need for exercise and good diet. We have a long way to go in that respect, as obesity rates among the young are still rising steadily.

Two weeks ago, I visited Pitlochry High School and talked to the modern studies class. Coincidentally, the Scottish Rugby Union had an introduction-to-rugby day course at the same time, which went down well, as the school is small and does not have rugby on its curriculum. Talking to the teachers was interesting. They said that, that morning, there had been a sudden rash of sick notes from pupils, who all claimed that they had colds and could not participate. It was obvious that the worst offenders were girls. Perhaps they did not fancy rugby or did not feel that they wanted physical exercise. In fact, one pupil ended up being taken to hospital with a broken jaw, so perhaps they had intelligent foresight, but that is by the bye.

Girls and young women everywhere, not just girls in Pitlochry High School, seem to have a problem with physical exercise. We must encourage more activity among the young.

Health education has a role, but I am somewhat sceptical about the effect of television adverts, always battering people and saying that they must eat better and stop smoking. I wonder whether people will behave better because the state lectures to them.

A better initiative would be to place more physical education teachers in schools. The Conservatives have said in the chamber that they want a full-time equivalent PE teacher in every primary school in Scotland. That initiative would increase physical activity among the young. If we catch them young, it is to be hoped that that will set a pattern for the rest of their lives. After that, we can deal with the problem of our appalling rates of coronary heart disease and stroke throughout Scotland.

I am delighted to support the amendment in the name of my colleague Ben Wallace.

16:20

**Janis Hughes (Glasgow Rutherglen) (Lab):** I am delighted to speak in the debate, which highlights Scotland's unenviable record of having some of the highest rates of coronary heart disease and stroke in Europe. It is a shocking fact that those diseases, along with cancer, account for 65 per cent of all deaths in Scotland. Half a million Scots suffer from coronary heart disease and 12,000 die from it every year.

Given such figures, it is vital that we take two approaches. The first approach is through treatment. We heard much about treatment from

the Minister for Health and Community Care and we will hear more when the Deputy Minister for Health and Community Care sums up. Waiting times for coronary angiography have more than halved since 1999 and are now at an average of 10 weeks. Bypass surgery waiting times have also fallen. However, there is always room for improvement.

I will focus on the second strand—education. Treatment is vital, but we need to focus on prevention and public health education. Ill health is not the legacy that we want to pass on to our children. We should not accept that it is inevitable that they will inherit our bad habits. It is all too easy to say, “My mum and dad had heart problems and high blood pressure, so I will get them too.” We should not encourage such a legacy for our children.

Several excellent initiatives on prevention and education have been taken. The Glasgow healthy city partnership brings together many agencies to ensure a partnership approach to health education and prevention. The starting well initiative aims to ensure that the next generation has a better start in health terms. The Braveheart campaign in Lanarkshire takes nurses into communities to offer blood pressure and cholesterol checks to help with early detection of potential problems. The partnership between primary health care and secondary health care is vital. Local health care co-operatives have a vital part to play. Camglen LHCC in my constituency lists heart disease as one of its key priorities.

Such initiatives must be built on and encouraged in all communities, so that people are more aware of the consequences of their lifestyles. As with many other health and well-being issues, education must begin early, as Murdo Fraser said. Pre-school, that can mean encouraging healthier diet choices—such as fruit instead of biscuits and sweets, as we see when we visit various nursery schools—and teaching children that exercise can be an enjoyable and fulfilling part of their everyday lives. I agree with Murdo Fraser—it is important to teach that to children at an early age, because when they are in their early teens, it is more difficult to introduce exercise. However, I disagree with Murdo Fraser on one point. There is no difference between the number of girls and young women who are sedentary and the number of boys and young men who are sedentary. The situation is equal.

The community schools programme can help to take education to the next stage. My local council, South Lanarkshire Council, has recognised the benefits of that. An holistic approach is needed—we hear much about that in the chamber, but it is important that we teach children from an early age about the benefits of lifestyle changes, compared

with what they may be used to seeing at home. We must educate not only children, but parents. We must tell parents that they can make a difference to their children's future health.

Access to healthy foods in communities through initiatives such as the Cambuslang health and food initiative in my constituency, which provides cheap fruit and vegetables as well as nutritional advice, can encourage people on lower incomes to include fruit and vegetables regularly in their diet.

Although healthy eating is one way for people to improve their life chances, it is just as important for there to be a reduction in the number of smokers. I know that a number of my colleagues will squirm at this point. As Nicola Sturgeon said, a number of smoking cessation programmes exist, but we must ensure that those programmes are tailored to meet needs and that there are enough to go round. We also have to tackle the much more difficult issue of passive smoking.

I welcome the health improvement initiatives and look forward to seeing an even more dramatic improvement in the health of the country. Coronary heart disease and stroke are one family heirloom that we do not want to leave our children.

16:25

**Ms Sandra White (Glasgow) (SNP):** I wish that I was not taking part in the debate today because that would mean that we had begun to eradicate these terrible diseases. As a Glasgow MSP, it is with deep concern that I note that the British Heart Foundation puts Glasgow at the top of the United Kingdom league for coronary heart disease.

Other members have mentioned the research that points to the links between coronary heart disease and deprivation, physical inactivity and poor nutrition in childhood and adolescence. It is for that reason that I welcome the strategy to tackle the problem of coronary heart disease. The big question is whether the strategy will go far enough.

Deprivation has been identified as one of the key factors in creating the conditions in which heart disease and stroke flourish. The Scottish health statistics demonstrate a clear link between deprivation and the death rate from heart disease. It is unfortunate that the Scottish Parliament does not have the full powers to tackle the fundamental problem of deprivation. My colleague Nicola Sturgeon mentioned the reasons for that. The strategy mentions briefly the socially disadvantaged, but we need real action to end deprivation, which is the cause of these terrible diseases in so many areas of Scotland.

Physical inactivity has been mentioned in the debate. It is another key risk factor for heart

disease. Children must be encouraged to take up sports and exercise, which have been recognised as providing protection against heart disease in middle and later life. Schools have a key role to play in increasing the amount of physical activity in which children and adolescents are involved.

However, if members examine the Executive's record, and that of previous Governments, they will see the sell-off of playing fields and the decline in the provision of community facilities. People in Glasgow are having to pay additional money to use those facilities. The Executive must address that. We must provide our children with accessible alternatives to television and computer games. We must reverse the trends that have seen the number of obese six-year-olds double and the number of obese 15-year-olds treble in the past 10 years.

Good nutrition is paramount in the fight against coronary heart disease. It is crucial to improve our children's eating habits. They need to be educated at an early stage to become knowledgeable about nutrition and the benefits of good nutrition. It is also crucial that healthy eating is promoted in schools in place of the fatty snack foods that are commonly consumed at lunch and break times. Colin Campbell mentioned that. The Executive must address and replace the so-called "fuel zones", with their menus of junk food and soft drinks.

We had an opportunity to do something about that when we considered the School Meals (Scotland) Bill. The Executive rejected a bill that could have gone some way towards instilling the practice of healthy eating among our children and so helping to prevent the development of coronary heart disease. *[Interruption.]* I hear Karen Gillon saying something. Does she want to intervene?

**The Deputy Presiding Officer:** The member is in her last minute. The intervention will have to be brief.

**Karen Gillon (Clydesdale) (Lab):** Sandra White should remember that SNP members on the Education, Culture and Sport Committee voted not to proceed past stage 1.

**Ms White:** Karen Gillon is very much mistaken. The bill passed its stage 1 reading. The Executive voted down the bill in the chamber. If the Executive had had the courage of its convictions, we could have had that bill. Karen Gillon should check her records.

**Karen Gillon:** I am the convener of the Education, Culture and Sport Committee. *[Laughter.]*

**Ms White:** The issue may be a laugh for the convener, but it was the Executive that voted down the bill. She must recognise that.

The SNP welcomes the Executive strategy and the additional investment. *[Interruption.]*

**The Deputy Presiding Officer:** Members must please not make any more interventions. Ms White has only 8 seconds left.

**Ms White:** Vision and commitment are required if the problems of deprivation, poor diet and physical inactivity are to be solved. I sincerely hope that the strategy will go some way towards resolving those issues.

16:29

**Des McNulty (Clydebank and Milngavie) (Lab):** First, I commend the minister on one of his reforms—the establishment of the national waiting times centre in my constituency—and record that excellent progress is being made both on the number of patients who are being treated for heart disease and other conditions and on the quality of provision. It is certainly making a difference. What with the other initiatives that the minister highlighted, we are improving the quality of treatment that patients receive.

Although I welcome the strategy, I want to make a number of comments that echo concerns about the balance of the activities that are highlighted in the document. The section on prevention is the shortest and contains only one recommendation, compared with something like nine recommendations on information technology and the development and use of databases. There might be good reasons for that; for example, we might be making some progress on the issue. However, we must signal that the key issue is prevention, and that how we deal with it is important.

The section on prevention recommends that every health board should develop a strategy, which is the right approach. However, what health board in Scotland does not have a strategy for developing prevention measures or is not considering a series of active routes in that respect?

A lot is being done. For example, I have been involved for a number of years in trying to promote health improvement agendas. Janis Hughes mentioned the healthy city partnership; I was chair of the board of that partnership for a couple of years. I am aware that a number of projects in greater Glasgow are directly addressing how we improve people's health before they are stricken with heart disease. Given Glasgow's particularly poor health profile and the incidence of strokes and cancer in the city, the onus is on us to focus on prevention and to tackle the problems of particular groups. Instead of adopting a passive approach and waiting for people to get sick, we should be taking an active approach and looking

for people who have hypertension, high cholesterol and other indicators of heart disease.

**Mr Raffan:** Would Mr McNulty be in favour of introducing in Scotland pilot schemes similar to English schemes in which 200 surgeries provide access to swimming pools and leisure centres on prescription? Would that not be a good idea, particularly in the country's most deprived areas?

**Des McNulty:** A number of initiatives that provide access to leisure centres have been introduced in Glasgow. I hope that that important approach will be rolled out across Scotland, because exercise is crucial. We must also tackle diet head on. Much of the problem lies in people's habits and in the cultural eating patterns of this country.

As several members have mentioned, we must address the problem of smoking. Although some argue that smoking can be tackled by giving advice or by dealing with cigarette advertising, I believe that we should take a harder line in Scotland. We must make concrete progress and the most effective way to move forward the agenda would be to seek to restrict people's opportunities for smoking. We must make smoking an unacceptable habit—that is what the tobacco companies are most frightened of.

One of my final points is partly a criticism of the tone of the strategy document, although I am sure that the minister did not intend to create such an impression. There is a sense that we are operating within silos. For example, the strategy document is a health silo document. Instead, we need to take account of education, housing and the whole series of factors that cause ill health.

We also need to operate an evidence-based strategy and spend our money on measures that deliver the best change. Doctors, practitioners, experts and others must steer us towards what we can best do to achieve change. Politicians should be supporting them in that work, instead of suggesting their own ideas about how matters should be developed.

16:34

**Stewart Stevenson (Banff and Buchan) (SNP):** I will make a fairly brief speech after Des McNulty.

The minister said that health professionals are at the core of the plans. That is right and proper. I hope that a substantial proportion of the £40 million will go on professionals.

I will spend a minute or two on the challenges that are faced in relation to staffing. First, and fairly obviously, over the past six years the number of deaths from stroke has declined, although the incidence of stroke remains much the same. That

increases the burden on support after a stroke, which involves a wide range of services. By the same token, the ambitious targets for bringing down angiography waiting times will increase the demand for staff.

I have before me work force statistics from the information and statistics division. I will focus on nurses, because they are an essential component of the strategy. As of August 2002, there are 1,869 vacancies for nurses generally. Intensive care has the highest percentage of vacancies: 6.8 per cent of positions are currently vacant. The next highest is paediatrics at 5.7 per cent and the third highest is theatre nurses at 5.3 per cent. That is against an overall vacancy level of about 4 per cent.

Consider some of the other statistics. Over two years, the number of cardiologists has declined by 2 per cent and the number of cardiology consultants has declined by 4 per cent. More worryingly, over a five-year period, the number of neurologists has declined by 63 per cent.

What will happen in future? A written answer to my question S1W-27665 gives the profile of retiring nurses over the next 10 years. It shows that 321 qualified nurses will retire in 2002 upon reaching normal retirement age. By 2007, that figure will have more than doubled. The number of nurses leaving the profession is accelerating due to nature. At the same time, there are real difficulties and vacancies.

As far as training is concerned, the figures are more reassuring and suggest that many people are coming through. However, the number of people in training is less than the number of nurses who will reach retirement age. On that basis, we will certainly have some problems.

I hope that Mary Mulligan, in replying to the debate, will be able to assure us that we will not only get money, but that we will be able to pay staff sufficient to attract new people into the profession. In particular, will she agree with the SNP that nurses are very much at the core of what we do in health and that they should be rewarded accordingly with substantially higher salaries than they receive at present?

16:38

**Mr Keith Raffan (Mid Scotland and Fife) (LD):** Much of the debate has focused on prevention and public health education. In a sense, we got it the wrong way round. Malcolm Chisholm opened the debate by talking about treatment, managed clinical networks and so on—and I agree with much of what he said—but I think that many of us feel that not enough is being done on prevention. Several ideas have come from the chamber on that crucial issue.



There are three major causes of ill health in Scotland, not only of coronary heart disease and stroke, but of cancer, diabetes and so on. They are bad diet, smoking—tobacco, in other words—and alcohol consumption. The strategy rightly refers to life circumstances and lifestyles. Life circumstances are part of the Executive's social justice agenda.

It is important that we improve our housing stock, and that is not only about Glasgow housing estates. I was recently in a house in Scone where damp was running down the walls and there was appalling ventilation. The tenants of that council flat suffer from numerous illnesses including asthma, bronchitis and thyroid problems. It is crucial that housing is improved.

Also developing across Scotland are the so-called one-stop shops, such as Stirling Health and Wellbeing Alliance. I was at a conference in Cowdenbeath recently and learned about a similar organisation initiated by medical practice in Inverkeithing. Advice on diet and healthy living must be made available in deprived areas

It is also essential that we have healthy lifestyle education in the curriculum. I know that we have drugs, alcohol and sex education in schools, but there are many other aspects of healthy living. Health promotion is, above all, a cross-cutting issue. It is important that enhance that element of our education system. I read that, in 96 per cent of schools, there is some form of health education, but we need to get that up to a uniformly high standard in all schools.

I agree with Nicola Sturgeon, who said that the section on lifestyles in the strategy document, which makes up only two of the 50 pages, is rather short, given that lifestyle is important in relation to the causes of coronary heart disease, stroke and other illnesses.

I agree with what the minister said about national strategies and local projects and initiatives. However, if health campaigns are to have an impact and bring about culture change, they must be national. We can see the effectiveness of the national approach in Finland, which, over a 30-year period, has cut deaths from coronary heart disease by three quarters.

We have to do our utmost to reduce smoking and alcohol intake and improve diet. I do not think that the Executive's targets for a reduction in smoking are high enough, particularly given the fact that we have a smoking rate of 35 per cent in Scotland compared to 27 per cent in the UK. I want legislation to prevent smoking in public places. We are the only country in Europe that has no restriction on that.

The national plan for alcohol—and I will end with this, Presiding Officer—was launched earlier this

year, somewhat bizarrely, in a pub. However, it has yet to be debated in the chamber. If the Executive is serious about health promotion, that plan must be debated soon. There are 250,000 chronic or serious alcohol misusers in Scotland compared with 35,000 injecting heroin addicts. We debate drugs in this chamber a couple of times a year, but we have yet to debate what we are going to do about alcohol abuse. To be frank, I think that that has been because we do not spend nearly enough per head on tackling alcohol misuse compared with drug misuse.

We must have a national campaign on diet. The editor of the British section of *The Economist* visited us in July and, over breakfast with me and other members, said, "Don't you eat fruit and vegetables up here?" One of the main things that we have to drive home is the importance of diet. We must do it in schools. I was brought up in a medical household and developed a highly sweet tooth and did not eat nearly enough fruit and vegetables. We have to start with everybody, doctors included—

**The Deputy Presiding Officer:** There was a promise to finish a minute ago.

**Mr Raffan:** An improved diet is the final part of a prevention programme.

16:43

**Mary Scanlon (Highlands and Islands) (Con):** I congratulate Keith Raffan on the excellent work that he does in the Parliament on drugs and alcohol.

In the absence of other mentions of alcohol abuse, I would like to acknowledge the excellent work that is done by Alcoholics Anonymous. Scotland has 9 per cent of the UK's population and Alcoholics Anonymous provides 30 per cent of alcohol abuse support groups at no cost to the taxpayer.

I welcome the excellent work that is being done in Dumfries and Galloway towards the establishment of a managed clinical network, particularly in relation to the development of primary care standards for coronary heart disease and the Highland stroke strategy for the review of stroke services throughout the region.

The last sentence of the Executive's motion mentions

"the development of more integrated services".

There is often a feeling that coronary heart disease and stroke treatment begins and ends at acute hospitals. However, during my members' business debate last week it was acknowledged that, if the patient could be treated in primary care, they should be. I would like to emphasise prevention, which was highlighted by Des McNulty.

In a recent paper from the Scottish Association of Community Hospitals, Dr Joan Noble of Nairn discussed the completion of a successful screening programme of Nairn and Ardesier local health care co-operative's 65 to 75-year-old male patients. Unlike in Colin Campbell's area, the uptake was 93 per cent and the screening took place at the community hospital in Nairn.

As well as ultrasound screening, a vascular nurse provided a full well-man check that covered blood pressure, height, weight, urine, smoking and lifestyle issues that arose during the appointment. At the end of the MOT, patients were given a pack of specially selected health promotion leaflets.

Out of 624 patients, 24 aortic aneurysms were detected, six of which required immediate treatment. Those patients were referred to the local vascular surgeon. Four were successfully operated on, and the other two are still being assessed. The remaining patients who have smaller aneurysms are receiving continuing annual supervision.

The screening also uncovered 99 possible new hypertension patients and two new diabetics. That holistic approach in primary care—rather than a single-disease approach—not only saves the national health service money, it saves the patient time from multiple appointments and gives peace of mind.

The Nairn practice will now invite for screening all male patients over the age of 65. I use that example because men in Nairn were much keener to come to come in to the general practitioner and the community hospital. Members should compare that with the example that Colin Campbell gave of an acute hospital.

However, if the Executive really means to develop an integrated service, it needs to ensure that community hospitals, GPs and the full primary care team are fully integrated into the managed clinical networks. It must also put greater emphasis on prevention and aftercare where patients are treated as near to their homes as possible.

The Conservatives agree with and endorse the strategy. However, it is one of many strategies, glossy brochures, consultations and action plans. Will the minister now—after three and a half years of the Parliament—start to give us an update on the strategies? Will he monitor and publish what has been achieved? Will he let us know exactly what comes out of the strategies? I agree with Paul Martin and endorse his comment: let us ensure that the glossy brochures make a difference.

**The Deputy Presiding Officer:** That showed Mr Raffan how to do it.

16:47

**Shona Robison (North-East Scotland) (SNP):** Thank you, Presiding Officer. [*Interruption.*] When Mr Raffan is finished, I will begin.

Malcolm Chisholm and others have rightly focused on managed clinical networks as an important tool in getting the best out of the resources that we have. However, for me, the theme that has come out the debate is the fact that prevention is the key to turning round our fortunes and our unenviable position of having the second-highest mortality rate for coronary heart disease in Europe.

I agree with Des McNulty that the fact that the section on prevention is the shortest in the strategy—only two pages out of 50—does not send out the right message. It is important that we send out the message that prevention is the key and that without it—without a change in lifestyle—our nation's health fortunes will not change.

I also agree with Keith Raffan that the omission of alcohol from the strategy is short-sighted, given that we know that alcohol—especially a combination of alcohol and smoking—is a key factor in the incidence of strokes and coronary heart disease. Perhaps the Executive should respond by making alcohol far more prominent.

As Nicola Sturgeon outlined, smoking cessation is key. Smoking is one of the key causes of so many of the diseases that plague Scotland. I, too, would like the Parliament to take as many measures as possible to tackle it. We need to know what will happen to the ring fencing of funding for smoking cessation. When a person wants to give up smoking, it is vital that the support is there when they require it and that the moment is seized.

As many members have said, poverty and deprivation are key aspects of our poor health record. The higher levels of coronary heart disease and strokes in deprived areas are well documented.

We need to raise the ambitions and aspirations of our people. If people do not see something to change their lifestyle for—an aspiration or a goal to aim for—why would they fundamentally change their lifestyle?

Colin Campbell's speech was well thought out and was one of the best in the debate, focusing on giving people hope. The main issue is about changing attitudes, particularly those of men, who still tend not to seek health-related assistance, which they do not see as being of any relevance to their lives. We must reverse such an attitude, which begins at an early age, so that we do not all end up with the "we've all got to die of something" attitude. We do not need to "die of something" 10,

20 or 30 years younger than when we do have to leave this earth.

People are dying far too young from preventable diseases, and they have a key role in preventing them themselves. As Murdo Fraser said, the message has to be given to people from a young age. It is crucial that we set out the diets that people should follow at a young age. If we do not, people will end up following the same poor diet over a lifetime. If we do not reverse that at an early age, it is more difficult to do so later.

At lunch time today I heard a good example of a health education project in the Whitfield area of Dundee. It was a healthy eating initiative, involving whole families, who would come together and take part in the project, enjoying simple, healthy foods. The initiative has proved so popular that there is a waiting list. That is the kind of project that we need to roll out. Such initiatives are not expensive; they are cost-effective, and display good results. Where they work, let us see more of them.

Stewart Stevenson highlighted vacancies among doctors and nurses. Filling those vacancies is critical to ensure that we have the resources that are required to provide the necessary treatment.

Sometimes we politicians can focus too much on the short-term solutions—we all have the date of the next election in mind. We must focus on the long term when it comes to changing our nation's health. That is not without risk, because it can be 10, 20 or, to take the case of Finland, even 30 years before we see results. We have to be brave enough to invest resources for the long term if our nation's health is ever to change.

16:53

**The Deputy Minister for Health and Community Care (Mrs Mary Mulligan):** We have had a valuable debate this afternoon on one of the key health issues facing the people of Scotland. The contributions have been constructive and the tone of the debate has done justice to the importance of the subject matter.

Before I deal with some of the specific points that members made, I will say a little more about health improvement. Last month, during the spending review debate, we stressed our commitment not just to Scotland's national health service, but to the national health of Scotland. Of course we want people to get the best possible services when they are ill, but we also have a duty to build a healthier nation for the future.

Our efforts will therefore be concentrated on children and young people, with more support for families during children's early years, with healthier school meals and with children being encouraged to lead more physically active lives.

Murdo Fraser said that we do not take enough exercise. We live more sedentary lifestyles these days, and fewer people are involved in manual work. I accept that sport plays a valuable part in providing exercise, but I hope that Murdo will accept that we are talking not just about sport but about activity in general. Sometimes, non-sporting activities can be less off-putting for those who are less active. That might mean walking to school or to work, which can enhance people's general level of health, and which should therefore be encouraged.

When I saw Nicola Sturgeon wrinkle her nose at the idea of playing rugby, I recognised that not everyone is keen on team sports. We should tailor the availability of sports to the needs of the individual and the young people whom we are trying to involve.

Nicola Sturgeon asked what we will do once funding from the health improvement fund has ended. Last week we agreed that, through the spending review, more than £170 million will be injected into additional health improvement actions across the Scottish Executive. Coronary heart disease and stroke are clinical priorities of NHS Scotland because they can be prevented. Our target is to achieve a 50 per cent reduction in deaths from coronary heart disease and stroke of people under 75 between 1995 and 2010. We appear to be on track to meet it, but we cannot afford to let up.

Our national demonstration project, Have a Heart Paisley, recognises the wide-ranging improvements in environment, lifestyle and services that are needed to prevent coronary heart disease. The project is working closely with local communities and individuals in Paisley, as well as with a wide range of agencies.

The national coronary heart disease learning network that is being developed by the Public Health Institute of Scotland will help us to roll out the lessons that have been learned from Have a Heart Paisley and from other projects such as In Fine Fettle—the Borders primary prevention programme—and Braveheart in Lanarkshire.

Many of the risk factors for heart disease and stroke are the same as the risk factors for many other serious illnesses: smoking, poor diet, lack of physical activity, alcohol misuse and social exclusion. Our overall approach to those factors is set out in the white paper "Towards a Healthier Scotland". The paper focuses on the generic determinants of health—lifestyles and life circumstances—as well as on specific conditions. Its overarching aim is the reduction of health inequalities. That aim is particularly relevant to coronary heart disease and stroke, as the toll that they take is much greater among our most disadvantaged citizens.

We are making good progress in advancing the agenda that is set out in "Towards a Healthier Scotland". We have been helped by the decision to channel £26 million a year over the past three years from the health improvement fund.

We are progressively implementing the white paper "Smoking Kills" to step up the prevention and cessation effort on smoking. Work is in hand to address other key lifestyle determinants.

**Mr Raffan:** Will the minister give way?

**Mrs Mulligan:** I will give way to Keith Raffan after I have dealt with the tobacco issue.

A number of members raised the issue of smoking. We all recognise that with some key groups—especially young girls—we are not making the progress that we would like. However, cessation programmes that are under way throughout the country are having an impact. In West Lothian, treatment by a nurse at St John's hospital is supported by work with counsellors, to help people to give up the nicotine habit. That work makes a difference, because it deals with people as individuals.

We are making progress on passive smoking, which Nicola Sturgeon raised. Increasing numbers of public places are being designated as non-smoking. An increasing number of licensed premises restrict access for smokers or have non-smoking policies. Because the number of such premises is continuing to increase, we do not think that it is appropriate to legislate on the issue at this stage. However, we hope that by the end of the year legislation will be in place to ban tobacco advertising.

**Mr Raffan:** Is the minister aware that, since she launched the plan for action on alcohol problems much earlier this year, it has been subject to growing adverse comment? The chamber has not yet debated it. Will the minister assure us that the Executive is not complacent about that issue, which affects at least 250,000 Scots and is a primary cause of CHD and strokes?

**Mrs Mulligan:** We are not ignoring the plan for action on alcohol. At this very moment, people across Scotland are developing local plans. It is absolutely essential that we give them time to do that, because those who are working at the coalface can have the greatest effect. The plans will need to be submitted by the beginning of next year. We will then look at the resources that the Executive needs to make available to finance the plans. I can inform Keith Raffan that we are committed to making progress on that issue.

Another question that was raised was why there was not much about alcohol in the strategy. It has been raised as an issue, and if members want further information, the document that we have

before us refers to the chief medical officer's top tips on how people can look after their heart.

We must acknowledge, as a number of members have mentioned, that the issue of heart disease and stroke cannot be tackled only by the health service. In the Executive, we will continue to work with our colleagues in other departments—education, culture, sport and social justice—to ensure that we have cross-cutting measures that will have a real effect on people's lifestyles. In that way, we will reduce the number of people who are affected by coronary heart disease and stroke.

The additional £170 million that we are investing in health improvement action across the Executive signifies our ambition for Scotland. We are determined to end the fatalistic and defeatist attitudes to health in this country. When we consider the human reality—the individuals whose lives have been devastated by the effects of a stroke and the families who have lost a much-loved mother or father to a heart attack—we know that we have to act.

I commend the strategy to the Parliament and ask members to endorse the Executive's motion.

## Points of Order

17:02

**Ms Sandra White (Glasgow) (SNP):** On a point of order, Presiding Officer. During the previous debate, Karen Gillon accused our members of not voting for the School Meals (Scotland) Bill to proceed beyond stage 1.

**Mr Duncan McNeil (Greenock and Inverclyde) (Lab):** That is not a point of order.

**Ms White:** It is a point of order. What Karen Gillon said was untrue. I ask her to withdraw that remark.

**The Presiding Officer (Sir David Steel):** I am sorry to repeat what I said earlier this afternoon, but what members say in the chamber is a matter for them, not for the chair.

**Michael Russell (South of Scotland) (SNP):** On a point of order, Presiding Officer. *[Interruption.]*

**The Presiding Officer:** Order.

Does your point of order refer back to what was said this afternoon, Mr Russell?

**Michael Russell:** No. My point of order follows on from the point that Sandra White has just made. If the parliamentary record of a vote that was taken is misrepresented in the chamber, surely that is a matter for the Presiding Officer. The record shows that what was said was not true.

**The Presiding Officer:** That may be so, but having checked standing orders after listening to what you said earlier this afternoon, I think that you have invented a standing order that does not exist. *[Interruption.]* Order. I do not mean this unkindly, but it is not the case that the Presiding Officer is responsible for misrepresentation in the chamber, as you suggested. You cannot involve me in arguments about what is or is not correct.

**Michael Russell:** I am always more hopeful than most that that standing order should exist. However, the reality is that a reference was made to a vote that was taken that was on the record. That vote was misrepresented. Surely the Presiding Officer as the defender of the Parliament should correct the impression that was given.

**The Presiding Officer:** If I had to correct every mistake that was made in the chamber, I would have another job on my hands.

**Karen Gillon (Clydesdale) (Lab):** On a point of order, Presiding Officer.

**The Presiding Officer:** This will be the last point of order.

**Karen Gillon:** I want to point out that, as Mr Russell was not in the chamber, he does not know what I said. I referred not to a vote but to a procedure. *[Interruption.]*

**The Presiding Officer:** Order. Members cannot continue debating something on points of order. That is becoming a habit.

## Parliamentary Bureau Motions

17:04

**The Presiding Officer (Sir David Steel):** We come now to consideration of two Parliamentary Bureau motions. I ask Euan Robson to move motion S1M-3452, on the designation of a lead committee.

*Motion moved,*

That the Parliament agrees that the Rural Development Committee be designated as lead committee in consideration of the Organic Farming Targets (Scotland) Bill and that the Transport and the Environment Committee be a secondary committee.—[*Euan Robson.*]

**The Presiding Officer:** I also ask Euan Robson to move motion S1M-3455, on the establishment of a committee.

*Motion moved,*

That the Parliament agrees to establish a committee of the Parliament as follows:

Name of Committee: Robin Rigg Offshore Wind Farm (Navigation and Fishing) (Scotland) Bill Committee

Remit: To consider the Robin Rigg Offshore Wind Farm (Navigation and Fishing) (Scotland) Bill

Duration: Until the Bill is passed, or falls or is otherwise no longer in progress

Convenership: The Convener will be a member of the Labour Party and the Deputy Convener a member of the Scottish National Party

Membership: Colin Campbell, John Home Robertson, Tom McCabe, Jamie McGrigor and Mike Rumbles.—[*Euan Robson.*]

## Decision Time

17:05

**The Presiding Officer (Sir David Steel):** I have eight questions to put to the chamber, so attention, please.

The first question is, that motion S1M-3386, in the name of Mike Rumbles, on behalf of the Standards Committee, on the “Code of Conduct for Members of the Scottish Parliament”, be agreed to. Are we agreed?

**Members:** No.

**The Presiding Officer:** That is agreed.

The second question is, that motion S1M-3429, in the name of Mike Rumbles, on behalf of the Standards Committee—

**Mr Lloyd Quinan (West of Scotland) (SNP):** On a point of order. I do not think that you heard what was said, Presiding Officer. I said no.

**The Presiding Officer:** I am terribly sorry. You are quite right that I did not hear it. Minorities who want to shout have to shout very loudly—[*Interruption.*] Order. I heard a mutter of agreement all round the chamber, but out of fairness I will go back to the first question and put it again—[*Interruption.*] Order. It helps if members are quiet when I put questions.

The first question is, that motion S1M-3386, in the name of Mike Rumbles, on behalf of the Standards Committee, on the “Code of Conduct for Members of the Scottish Parliament”, be agreed to. Are we agreed?

**Members:** No.

**The Presiding Officer:** There will be a division.

**FOR**

Aitken, Bill (Glasgow) (Con)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Barrie, Scott (Dunfermline West) (Lab)  
 Boyack, Sarah (Edinburgh Central) (Lab)  
 Brankin, Rhona (Midlothian) (Lab)  
 Brown, Robert (Glasgow) (LD)  
 Butler, Bill (Glasgow Anniesland) (Lab)  
 Campbell, Colin (West of Scotland) (SNP)  
 Canavan, Dennis (Falkirk West)  
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)  
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)  
 Cunningham, Roseanna (Perth) (SNP)  
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)  
 Douglas-Hamilton, Lord James (Lothians) (Con)  
 Eadie, Helen (Dunfermline East) (Lab)  
 Ewing, Dr Winnie (Highlands and Islands) (SNP)  
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)  
 Fabiani, Linda (Central Scotland) (SNP)  
 Ferguson, Patricia (Glasgow Maryhill) (Lab)  
 Fergusson, Alex (South of Scotland) (Con)  
 Fitzpatrick, Brian (Strathkelvin and Bearsden) (Lab)

Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gibson, Mr Kenneth (Glasgow) (SNP)  
 Gillon, Karen (Clydesdale) (Lab)  
 Godman, Trish (West Renfrewshire) (Lab)  
 Gorrie, Donald (Central Scotland) (LD)  
 Grahame, Christine (South of Scotland) (SNP)  
 Gray, Iain (Edinburgh Pentlands) (Lab)  
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)  
 Henry, Hugh (Paisley South) (Lab)  
 Home Robertson, Mr John (East Lothian) (Lab)  
 Hughes, Janis (Glasgow Rutherglen) (Lab)  
 Hyslop, Fiona (Lothians) (SNP)  
 Ingram, Mr Adam (South of Scotland) (SNP)  
 Jackson, Dr Sylvia (Stirling) (Lab)  
 Jackson, Gordon (Glasgow Govan) (Lab)  
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)  
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)  
 Johnstone, Alex (North-East Scotland) (Con)  
 Kerr, Mr Andy (East Kilbride) (Lab)  
 Livingstone, Marilyn (Kirkcaldy) (Lab)  
 Lochhead, Richard (North-East Scotland) (SNP)  
 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)  
 Marwick, Tricia (Mid Scotland and Fife) (SNP)  
 Matheson, Michael (Central Scotland) (SNP)  
 McAllion, Mr John (Dundee East) (Lab)  
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)  
 McCabe, Mr Tom (Hamilton South) (Lab)  
 McGrigor, Mr Jamie (Highlands and Islands) (Con)  
 McGugan, Irene (North-East Scotland) (SNP)  
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)  
 McLeish, Henry (Central Fife) (Lab)  
 McLeod, Fiona (West of Scotland) (SNP)  
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)  
 McNeill, Pauline (Glasgow Kelvin) (Lab)  
 McNulty, Des (Clydebank and Milngavie) (Lab)  
 Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)  
 Muldoon, Bristow (Livingston) (Lab)  
 Mulligan, Mrs Mary (Linlithgow) (Lab)  
 Murray, Dr Elaine (Dumfries) (Lab)  
 Neil, Alex (Central Scotland) (SNP)  
 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)  
 Reid, Mr George (Mid Scotland and Fife) (SNP)  
 Robison, Shona (North-East Scotland) (SNP)  
 Robson, Euan (Roxburgh and Berwickshire) (LD)  
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)  
 Russell, Michael (South of Scotland) (SNP)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Scott, John (Ayr) (Con)  
 Scott, Tavish (Shetland) (LD)  
 Simpson, Dr Richard (Ochil) (Lab)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Smith, Iain (North-East Fife) (LD)  
 Smith, Mrs Margaret (Edinburgh West) (LD)  
 Stephen, Nicol (Aberdeen South) (LD)  
 Stevenson, Stewart (Banff and Buchan) (SNP)  
 Sturgeon, Nicola (Glasgow) (SNP)  
 Swinney, Mr John (North Tayside) (SNP)  
 Tosh, Mr Murray (South of Scotland) (Con)  
 Wallace, Ben (North-East Scotland) (Con)  
 Wallace, Mr Jim (Orkney) (LD)

Welsh, Mr Andrew (Angus) (SNP)  
 White, Ms Sandra (Glasgow) (SNP)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)  
 Wilson, Allan (Cunninghame North) (Lab)

#### AGAINST

Gallie, Phil (South of Scotland) (Con)  
 Harding, Mr Keith (Mid Scotland and Fife) (Con)  
 MacDonald, Ms Margo (Lothians) (SNP)  
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)  
 Quinan, Mr Lloyd (West of Scotland) (SNP)

#### ABSTENTIONS

Elder, Dorothy-Grace (Glasgow) (Ind)  
 Harper, Robin (Lothians) (Grn)  
 McMahon, Mr Michael (Hamilton North and Bellshill) (Lab)  
 Paterson, Mr Gil (Central Scotland) (SNP)  
 Sheridan, Tommy (Glasgow) (SSP)  
 Young, John (West of Scotland) (Con)

**The Presiding Officer:** The result of the division is: For 95, Against 5, Abstentions 6.

#### *Motion agreed to.*

That the Parliament agrees to amend paragraph 10.2.1 of the *Code of Conduct for Members of the Scottish Parliament* as follows: leave out "MSPs should not communicate any complaint to the press or other media until a decision has been made as to how the complaint is to be dealt with" and insert:

#### **"Disclosure of Complaints**

10.2.1A Members should not disclose, communicate or discuss any complaint or intention to make a complaint with members of the press or media prior to the lodging of the complaint or while the Standards Committee is receiving assistance from an adviser appointed under paragraph 10.2.8 in relation to the complaint. The Standards Committee is to be regarded as receiving the assistance of an adviser appointed under paragraph 10.2.8 in relation to a complaint until it has confirmed that no assistance or further assistance from any such adviser will be sought. Where, during the period when the restriction applies, any complaint or intention to make a complaint has been publicised in the press or media without the involvement of the Member who is the subject of the complaint, that Member may issue a brief statement. In doing so, a Member should, as far as possible, avoid discussing details of the complaint or intention to make a complaint."

**The Presiding Officer:** The second question is, that motion S1M-3429, in the name of Mike Rumbles, on behalf of the Standards Committee, on its "Report on Replacing the Members' Interests Order: Proposal for a Committee Bill", be agreed to. Are we agreed?

#### **Phil Gallie (South of Scotland) (Con): No.**

**The Presiding Officer:** That is a good example of how to shout. There will be a division.

#### FOR

Aitken, Bill (Glasgow) (Con)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Barrie, Scott (Dunfermline West) (Lab)  
 Boyack, Sarah (Edinburgh Central) (Lab)  
 Brankin, Rhona (Midlothian) (Lab)  
 Brown, Robert (Glasgow) (LD)  
 Butler, Bill (Glasgow Anniesland) (Lab)  
 Campbell, Colin (West of Scotland) (SNP)

Canavan, Dennis (Falkirk West)  
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)  
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)  
 Cunningham, Roseanna (Perth) (SNP)  
 Douglas-Hamilton, Lord James (Lothians) (Con)  
 Eadie, Helen (Dunfermline East) (Lab)  
 Ewing, Dr Winnie (Highlands and Islands) (SNP)  
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)  
 Fabiani, Linda (Central Scotland) (SNP)  
 Ferguson, Patricia (Glasgow Maryhill) (Lab)  
 Fergusson, Alex (South of Scotland) (Con)  
 Fitzpatrick, Brian (Strathkelvin and Bearsden) (Lab)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gibson, Mr Kenneth (Glasgow) (SNP)  
 Gillon, Karen (Clydesdale) (Lab)  
 Godman, Trish (West Renfrewshire) (Lab)  
 Gorrie, Donald (Central Scotland) (LD)  
 Grahame, Christine (South of Scotland) (SNP)  
 Gray, Iain (Edinburgh Pentlands) (Lab)  
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)  
 Harper, Robin (Lothians) (Grn)  
 Henry, Hugh (Paisley South) (Lab)  
 Home Robertson, Mr John (East Lothian) (Lab)  
 Hughes, Janis (Glasgow Rutherglen) (Lab)  
 Hyslop, Fiona (Lothians) (SNP)  
 Ingram, Mr Adam (South of Scotland) (SNP)  
 Jackson, Dr Sylvia (Stirling) (Lab)  
 Jackson, Gordon (Glasgow Govan) (Lab)  
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)  
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)  
 Johnstone, Alex (North-East Scotland) (Con)  
 Kerr, Mr Andy (East Kilbride) (Lab)  
 Livingstone, Marilyn (Kirkcaldy) (Lab)  
 Lochhead, Richard (North-East Scotland) (SNP)  
 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)  
 Marwick, Tricia (Mid Scotland and Fife) (SNP)  
 Matheson, Michael (Central Scotland) (SNP)  
 McAllion, Mr John (Dundee East) (Lab)  
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)  
 McCabe, Mr Tom (Hamilton South) (Lab)  
 McGrigor, Mr Jamie (Highlands and Islands) (Con)  
 McGugan, Irene (North-East Scotland) (SNP)  
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)  
 McLeish, Henry (Central Fife) (Lab)  
 McLeod, Fiona (West of Scotland) (SNP)  
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)  
 McNeill, Pauline (Glasgow Kelvin) (Lab)  
 McNulty, Des (Clydebank and Milngavie) (Lab)  
 Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)  
 Muldoon, Bristow (Livingston) (Lab)  
 Mulligan, Mrs Mary (Linlithgow) (Lab)  
 Murray, Dr Elaine (Dumfries) (Lab)  
 Neil, Alex (Central Scotland) (SNP)  
 Oldfather, Irene (Cunninghame South) (Lab)  
 Paterson, Mr Gil (Central Scotland) (SNP)  
 Peacock, Peter (Highlands and Islands) (Lab)  
 Peattie, Cathy (Falkirk East) (Lab)  
 Radcliffe, Nora (Gordon) (LD)  
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)  
 Reid, Mr George (Mid Scotland and Fife) (SNP)  
 Robison, Shona (North-East Scotland) (SNP)  
 Robson, Euan (Roxburgh and Berwickshire) (LD)  
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)  
 Russell, Michael (South of Scotland) (SNP)

Scanlon, Mary (Highlands and Islands) (Con)  
 Scott, John (Ayr) (Con)  
 Scott, Tavish (Shetland) (LD)  
 Sheridan, Tommy (Glasgow) (SSP)  
 Simpson, Dr Richard (Ochil) (Lab)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Smith, Iain (North-East Fife) (LD)  
 Smith, Mrs Margaret (Edinburgh West) (LD)  
 Stephen, Nicol (Aberdeen South) (LD)  
 Stevenson, Stewart (Banff and Buchan) (SNP)  
 Sturgeon, Nicola (Glasgow) (SNP)  
 Swinney, Mr John (North Tayside) (SNP)  
 Tosh, Mr Murray (South of Scotland) (Con)  
 Wallace, Ben (North-East Scotland) (Con)  
 Wallace, Mr Jim (Orkney) (LD)  
 Welsh, Mr Andrew (Angus) (SNP)  
 White, Ms Sandra (Glasgow) (SNP)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)  
 Wilson, Allan (Cunninghame North) (Lab)

#### AGAINST

Gallie, Phil (South of Scotland) (Con)  
 Harding, Mr Keith (Mid Scotland and Fife) (Con)  
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)  
 Young, John (West of Scotland) (Con)

#### ABSTENTIONS

Elder, Dorothy-Grace (Glasgow) (Ind)  
 MacDonald, Ms Margo (Lothians) (SNP)  
 McMahon, Mr Michael (Hamilton North and Bellshill) (Lab)  
 Quinan, Mr Lloyd (West of Scotland) (SNP)

**The Presiding Officer:** The result of the division is: For 97, Against 4, Abstentions 4.

#### *Motion agreed to.*

That the Parliament agrees to the proposal for a Committee Bill under Rule 9.15 contained in the Standards Committee's 7<sup>th</sup> Report 2002, *Replacing the Members' Interests Order: Proposal for a Committee Bill*, (SP Paper 621).

**The Presiding Officer:** The third question is, that motion S1M-3428, in the name of Mike Rumbles, on behalf of the Standards Committee, on its first report on lobbying, be agreed to.

#### *Motion agreed to.*

That the Parliament notes the recommendations of the Standards Committee's 1<sup>st</sup> Report 2002, *Lobbying*, (SP Paper 507) and agrees to amend section 7 of the *Code of Conduct for Members of the Scottish Parliament* as set out in Annex E of the report.

**The Presiding Officer:** The fourth question is, that amendment S1M-3450.1, in the name of Nicola Sturgeon, which seeks to amend motion S1M-3450, in the name of Malcolm Chisholm, on action against coronary heart disease and stroke, be agreed to.

#### *Amendment agreed to.*

**The Presiding Officer:** The fifth question is, that amendment S1M-3450.2, in the name of Ben Wallace, which seeks to amend motion S1M-3450, in the name of Malcolm Chisholm, on action against coronary heart disease and stroke, be agreed to. Are we agreed?



**Members:** No.

**The Presiding Officer:** There will be a division.

**FOR**

Aitken, Bill (Glasgow) (Con)  
 Douglas-Hamilton, Lord James (Lothians) (Con)  
 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)  
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)  
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)  
 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)

**AGAINST**

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)  
 Campbell, Colin (West of Scotland) (SNP)  
 Canavan, Dennis (Falkirk West)  
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)  
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)  
 Cunningham, Roseanna (Perth) (SNP)  
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)  
 Eadie, Helen (Dunfermline East) (Lab)  
 Elder, Dorothy-Grace (Glasgow) (Ind)  
 Ewing, Dr Winnie (Highlands and Islands) (SNP)  
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)  
 Fabiani, Linda (Central Scotland) (SNP)  
 Ferguson, Patricia (Glasgow Maryhill) (Lab)  
 Fitzpatrick, Brian (Strathkelvin and Bearsden) (Lab)  
 Gibson, Mr Kenneth (Glasgow) (SNP)  
 Gillon, Karen (Clydesdale) (Lab)  
 Godman, Trish (West Renfrewshire) (Lab)  
 Gorrie, Donald (Central Scotland) (LD)  
 Grahame, Christine (South of Scotland) (SNP)  
 Gray, Iain (Edinburgh Pentlands) (Lab)  
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)  
 Harper, Robin (Lothians) (Grn)  
 Henry, Hugh (Paisley South) (Lab)  
 Home Robertson, Mr John (East Lothian) (Lab)  
 Hughes, Janis (Glasgow Rutherglen) (Lab)  
 Hyslop, Fiona (Lothians) (SNP)  
 Ingram, Mr Adam (South of Scotland) (SNP)  
 Jackson, Dr Sylvia (Stirling) (Lab)  
 Jackson, Gordon (Glasgow Govan) (Lab)  
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)  
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)  
 Kerr, Mr Andy (East Kilbride) (Lab)  
 Livingstone, Marilyn (Kirkcaldy) (Lab)  
 Lochhead, Richard (North-East Scotland) (SNP)  
 Lyon, George (Argyll and Bute) (LD)  
 Macdonald, Lewis (Aberdeen Central) (Lab)  
 MacDonald, Ms Margo (Lothians) (SNP)  
 Macintosh, Mr Kenneth (Eastwood) (Lab)  
 MacKay, Angus (Edinburgh South) (Lab)  
 Maclean, Kate (Dundee West) (Lab)  
 Macmillan, Maureen (Highlands and Islands) (Lab)  
 Martin, Paul (Glasgow Springburn) (Lab)  
 Marwick, Tricia (Mid Scotland and Fife) (SNP)  
 Matheson, Michael (Central Scotland) (SNP)

McAllion, Mr John (Dundee East) (Lab)  
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)  
 McCabe, Mr Tom (Hamilton South) (Lab)  
 McGugan, Irene (North-East Scotland) (SNP)  
 McLeish, Henry (Central Fife) (Lab)  
 McLeod, Fiona (West of Scotland) (SNP)  
 McMahon, Mr Michael (Hamilton North and Bellshill) (Lab)  
 McNeill, Pauline (Glasgow Kelvin) (Lab)  
 McNulty, Des (Clydebank and Milngavie) (Lab)  
 Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)  
 Muldoon, Bristow (Livingston) (Lab)  
 Mulligan, Mrs Mary (Linlithgow) (Lab)  
 Murray, Dr Elaine (Dumfries) (Lab)  
 Neil, Alex (Central Scotland) (SNP)  
 Oldfather, Irene (Cunninghame South) (Lab)  
 Paterson, Mr Gil (Central Scotland) (SNP)  
 Peacock, Peter (Highlands and Islands) (Lab)  
 Peattie, Cathy (Falkirk East) (Lab)  
 Quinan, Mr Lloyd (West of Scotland) (SNP)  
 Radcliffe, Nora (Gordon) (LD)  
 Reid, Mr George (Mid Scotland and Fife) (SNP)  
 Robison, Shona (North-East Scotland) (SNP)  
 Robson, Euan (Roxburgh and Berwickshire) (LD)  
 Russell, Michael (South of Scotland) (SNP)  
 Scott, Tavish (Shetland) (LD)  
 Sheridan, Tommy (Glasgow) (SSP)  
 Simpson, Dr Richard (Ochil) (Lab)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Smith, Iain (North-East Fife) (LD)  
 Smith, Mrs Margaret (Edinburgh West) (LD)  
 Stephen, Nicol (Aberdeen South) (LD)  
 Stevenson, Stewart (Banff and Buchan) (SNP)  
 Sturgeon, Nicola (Glasgow) (SNP)  
 Swinney, Mr John (North Tayside) (SNP)  
 Wallace, Mr Jim (Orkney) (LD)  
 Welsh, Mr Andrew (Angus) (SNP)  
 White, Ms Sandra (Glasgow) (SNP)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)  
 Wilson, Allan (Cunninghame North) (Lab)

**The Presiding Officer:** The result of the division is: For 15, Against 88, Abstentions 0.

*Amendment disagreed to.*

**The Presiding Officer:** The next question is, that motion S1M-3450, in the name of Malcolm Chisholm, as amended, be agreed to.

*Motion, as amended, agreed to.*

*Resolved,*

That the Parliament recognises the unacceptable toll which coronary heart disease and stroke continue to take on Scottish families and communities; acknowledges the role of front-line staff in delivering and developing services for the thousands of people affected each year; supports health improvement initiatives to reduce the incidence of the diseases and the disproportionate burden suffered by the most disadvantaged communities, and looks forward to the development of more integrated services that are backed up by significant and dedicated resources and result in shorter waiting times for patients.

**The Presiding Officer:** The next question is, that motion S1M-3452, in the name of Patricia Ferguson, on behalf of the Parliamentary Bureau, on the designation of a lead committee, be agreed to.

*Motion agreed to.*

That the Parliament agrees that the Rural Development Committee be designated as lead committee in consideration of the Organic Farming Targets (Scotland) Bill and that the Transport and the Environment Committee be a secondary committee.

**The Presiding Officer:** The last question is, that motion S1M-3455, in the name of Patricia Ferguson, on behalf of the Parliamentary Bureau, on the establishment of a committee, be agreed to.

*Motion agreed to.*

That the Parliament agrees to establish a committee of the Parliament as follows:

Name of Committee: Robin Rigg Offshore Wind Farm (Navigation and Fishing) (Scotland) Bill Committee

Remit: To consider the Robin Rigg Offshore Wind Farm (Navigation and Fishing) (Scotland) Bill

Duration: Until the Bill is passed, or falls or is otherwise no longer in progress

Convenership: The Convener will be a member of the Labour Party and the Deputy Convener a member of the Scottish National Party

Membership: Colin Campbell, John Home Robertson, Tom McCabe, Jamie McGrigor and Mike Rumbles.

## Ferry Services (Gourock to Dunoon)

**The Deputy Presiding Officer (Mr George Reid):** Members should move along and clear the chamber.

The final item of business is the members' business debate on a motion in the name of George Lyon, on the Gourock to Dunoon ferry services. The debate will be concluded without a question being put. Members who wish to contribute to the debate should press their request-to-speak buttons now.

*Motion debated,*

That the Parliament notes with concern the Executive proposal to restrict Gourock to Dunoon ferry services to passenger-only in the draft Invitation to Tender for Clyde and Hebrides ferry services currently operated by Caledonian MacBrayne; further notes that this proposal undermines action to upgrade Dunoon pier and transport links at Gourock pier; further notes the total opposition of the local community to this proposal, and considers that the Executive should find an alternative proposal that includes a vehicle-carrying ferry and satisfies European competition rules.

17:12

**George Lyon (Argyll and Bute) (LD):** I begin by thanking those who supported the motion and put their signatures to it.

The Executive's proposal to restrict the ferry service between Gourock and Dunoon to a passenger-only service has gone down like a lead balloon in Dunoon and Gourock. It is not the first time that a Government has tried to shut down the service. The previous Tory Administration tried to do so twice, but was thwarted both times by a huge community effort and failed to carry out its threat.

I turn to what the proposal might mean for my constituents in Dunoon and for people in Gourock, who are Duncan McNeil's constituents. I am delighted that he is here to give the Gourock perspective. First, in relation to the people of Dunoon and the wider Cowal area, the proposal fundamentally removes choice and competition in the ferry route between Dunoon and the mainland. It creates a private monopoly on the route. Most of the community and I believe that the private operator will be unable to cope with the extra demand as a result of the withdrawal of Caledonian MacBrayne Ltd's service on the Gourock to Dunoon route. The proposal comes at a time when the new Loch Lomond and the Trossachs national park has just come into being. The Gourock to Dunoon route is one of the two entrances to the park, so we are expecting a rise in demand for that service.

We also believe that the proposal will lead inevitably to higher fares on the route. At the moment there is real competition. We can contrast the service level and price structure of the route with that of the Rothesay to Wemyss Bay service. The distances that the services cover are virtually identical, the crews are identical and identical ships operate on the two routes, but the Rothesay to Wemyss Bay service is approximately twice the price of the Gourock to Dunoon service. It is impossible for businesses to negotiate private arrangements with operators on the Wemyss Bay route. However, most operators, regardless of whether they are tourist operators, manage to negotiate good rates as a result of the competition on the Gourock to Dunoon route.

We believe that fares will inevitably rise on the route, but that situation is in stark contrast to that which faces the other 25 communities that are affected by the tendering process. It is quite right that the Executive has guaranteed them a cap on fare increases over the five years of the contracts, but Dunoon is the only community that will not be given a guarantee on future fare levels as a result of the proposals in the contract.

We believe that the proposals will mean poorer service and higher fares. Many businesses in Dunoon believe that the proposals could cause a severe economic downturn in the area. It is certain that the proposals will hurt individual businesses because of the likely rise in fares—there is no argument about that.

Deloitte & Touche—the Executive's consultants—looked into the options for the route and concluded that a passenger-only option was the most expensive for the public purse and that the option was

“not considered feasible in the long-term”

The impact on the town of Gourock will also be substantial. The 110,000 cars, 7,877 commercial vehicles and 1,154 extra coaches that will be carried by Caledonian MacBrayne will all be diverted through Gourock town centre, which has—to say the least—very high levels of traffic congestion. That congestion will increase as a result of the diversion of all vehicle traffic from the CalMac service to the Western Ferries (Clyde) Ltd service. The proposal could also bring into question further progress in the development of the transport interchange in Gourock. I am quite sure that Duncan McNeil will raise that issue.

Gourock is the sheltered port for the Arran and Rothesay services. In bad weather, all boats in the Clyde are diverted to Gourock, which is the only port where they can tie up in extreme weather, particularly if a sou-wester is blowing. Last year, 35 diversions from the Rothesay service went to Gourock. What will happen to the link spans if the

service is shut down? Who will pay for the link spans under the new contract? Will they still be available to meet that demand when the wind blows and the weather is extremely bad?

More than 6,000 people—over 60 per cent of the local population—have signed our petition against the Executive's decision, which demonstrates the depth of local concern.

What is the way forward? The local community accepts that the Executive must follow European rules on the matter—we do not dispute that. However, local people will not accept the lack of consistency in the approach that has been taken to the situation in Dunoon, in comparison with that which has been taken to the position of our friends in Orkney and Shetland. The contract for Orkney and Shetland came into existence only recently—members may have seen in the news only last week the announcement that a new ferry operator is taking over that contract. There is a subsidy for cars and passengers but not for freight and, despite the fact that there are two unsubsidised freight carriers in competition on those routes, the subsidised operator is not being prevented from carrying freight to meet European state aid rules. To me, that shows a lack of consistency in our approach to meeting our obligations under European state aid rules and the cabotage regulations. My constituents believe that that is unacceptable. If the Executive is to be consistent, it must surely mirror the approach that it took to the Orkney, Shetland and Aberdeen route in the Dunoon to Gourock route. That means a passenger-only subsidy that would leave the operator free to carry vehicles on a commercial basis.

**Maureen Macmillan (Highlands and Islands)**  
**(Lab):** Were those state services in situ when the contract was put out to tender?

**George Lyon:** I understand that those services have been in operation for a number of years. On a number of occasions my colleague Mr Wallace wrote on behalf of the private operators claiming subsidy leakage from the subsidised operator on the route. The Scottish Office told him that the subsidy was ring fenced, that there was no leakage whatever and that there was therefore no case to answer. The Executive has consistently adopted that Scottish Office approach to the payment of subsidies on that route.

My constituents are in favour of a passenger-only subsidy; one can only argue genuinely that there should be a passenger-only subsidy. However, they object strongly to the proposed restriction of services to carrying only passengers, which would mean that the operator would not be allowed to carry vehicles on a commercial basis—the current operator takes vehicles on a commercial basis. There is no reason why that

argument cannot be won in Europe. Some of the Executive's proposals in relation to ScotRail allow for the use of a mechanism whereby subsidy can be ring fenced to deliver certain goods. I see no reason why such a mechanism cannot be used for the Gourock to Dunoon route.

The European state aid rules were introduced in 1993, when the United Kingdom Government held the presidency of the European Union. John MacGregor, the then Secretary of State for Transport, drove through the state aid rules and the cabotage regulations. It is clear that he was unaware of how that might affect the Caledonian MacBrayne position. He must have been unaware that we had subsidised services in Scotland.

For the past 10 years, CalMac has been operating on the route with a passenger-only subsidy from the Executive and, before that, from the Scottish Office. CalMac has been free to carry vehicles on a commercial basis. The Minister for Enterprise, Transport and Lifelong Learning has confirmed that situation in written answers on a number of occasions. If Europe claims that the present operation represents an illegal proposition, why has the European Commission not challenged it in the past 10 years?

I have had discussions about the situation with the Deputy Minister for Enterprise, Transport and Lifelong Learning. I ask the minister to restate the pledges that he gave to Alan Reid and me. We had a good discussion on the matter. I acknowledge that the minister is aware of the concerns. I ask him to confirm that he has an open mind on the matter, to examine the alternative proposals that all the other community representatives and I have suggested and to press those proposals with the European authorities. Finally, I ask him to ensure that his officials work closely with the local community for the duration of the process.

**The Deputy Presiding Officer:** We move to open debate. We can have speeches of four minutes, plus time for interventions.

17:22

**Mr Duncan McNeil (Greenock and Inverclyde) (Lab):** I thank George Lyon for giving us the opportunity to debate the issue, but I regret that I cannot support his motion. I cannot accept that transport links, in the shape of the transport interchange and the extensive redevelopment of the area around Gourock pier, which has received substantial Executive support, should be at risk. I seek assurance from the minister on that point.

I share the concerns of George Lyon and others about the Gourock to Dunoon ferry service. Like George Lyon, I have a strong constituency interest in the matter and have had regular meetings with,

and briefings from, ministers for some time. Lewis Macdonald has been left in no doubt about my disappointment with the content and timing of the announcement to reduce the passenger service.

It would be churlish not to welcome the continuation of the subsidy for the passenger service, but that is seen as a bit of a hollow victory and as one of those odd EU decisions, because a reduced service will be delivered for an increased subsidy. That is the sort of decision that brings the EU into disrepute.

I share George Lyon's concerns about the restriction of the route to passenger-only services. Inverclyde needs effective, attractive and efficient transport links. I fear that reduction to a passenger-only service will cause a breakdown in the use of ferry services. The Gourock to Dunoon route that links the centres of the towns connects with the existing rail service at Gourock and forms a direct link to the west of Scotland, Glasgow airport and the rest of the world.

As well as being a significant link between the two communities, the route is important for the local economies. The economic strategy of Inverclyde Council is to promote the area as a place of opportunity for substantial economic growth. It is keen to attract businesses, families and tourists. I understand that Argyll and Bute Council has similar initiatives. Therefore, it is important that the Executive makes clear its commitment to the future of the service over the longer term.

I also have some local concerns. The present facilities at Gourock include the CalMac headquarters, which provides the area with a wide range of highly valued, quality jobs. We do not wish those jobs to be put at risk.

George Lyon mentioned traffic congestion, which is already a problem for Gourock residents, with 110,000 cars and 9,000 heavy goods vehicles and coaches using its narrow roads. I concede that that existing problem will continue to be a problem irrespective of the decision that is taken. The problem is growing and must be acknowledged by Western Ferries at McInroy's Point.

Proposals for services for foot passengers only raise serious concerns among my constituents. I hope that the minister does not have a closed mind on that matter and that he will treat my constituents' concerns seriously and consider all the proposals in order to ensure the future of this important service.

17:25

**Mr Duncan Hamilton (Highlands and Islands) (SNP):** I find myself in the unique and pleasant position of agreeing with absolutely everything that

George Lyon said and I thank him for securing the debate. I want to augment some of the things that he said and to suggest to the minister three reasons for thinking again on the matter. He must prove that the consultation process is real.

First, there is the absolute certainty of the creation of divisive local opposition and the probability of a legal challenge, should things go that far. Members who represent Dunoon or Gourock will be aware of the work that has been done and I want to pay particular tribute to the pier pressure group, the Dunoon and Cowal marketing group and the Cowal ferry users group. Those people have been good at keeping their eye on the ball and at focusing on what they can achieve. There is no unrealistic expectation and there is no desire to put Western Ferries out of business, but there is a desire to allow a private company to compete on a fair basis and only on a fair basis. Those people deserve credit for that.

We have to bear in mind the fact that, if the proposals go ahead, the creation of the private monopoly would lead almost inevitably to a challenge by the Office of Fair Trading—a challenge that is in the offing. That would also almost inevitably lead to a complaint to the European Commission, which could be made on many grounds. I will tell members a few: inefficient use of public subsidy; the fact that the Scottish Executive's own report from Deloitte & Touche in 2000 highlighted that the public service obligation subsidy would have to be four or five times higher if the effect of having vehicles on the same route was removed; the fact that the proposals are anti-competitive; the fact that a public subsidy would be creating a private monopoly; and the fact that, since 1981—I think—there has been a frequency restriction on the public company, which again is evidence of an anti-competitive situation. The fact that the vesco, the vessel-owning company that will be created, would be providing a vessel that was suitable only for foot passengers and not for vehicles could be taken as evidence of the creation of a barrier to fair competition. In other words, unless the minister reconsiders, I fear the certainty of further challenge.

Secondly, the principal point that the minister has made throughout this process has been that we cannot have cross-subsidy because Europe will not allow it. That is an especially weak argument. Nobody is suggesting that there should be cross-subsidy. Professor Neil Kay of the University of Strathclyde has been instrumental in putting a different view. His submission makes the point that accounting procedures are already in place in different Government departments—the Department of Trade and Industry, the Office of Fair Trading and the Office of the Rail Regulator. Why can those procedures not work here? Using the benchmark figures from the 2000 report that it

commissioned, the Executive could set up a capping system that would guarantee that there would be no cross-subsidy. That transparency could then be taken back to Europe when the Executive argues its case, using its own figures. In other words, there is a way. It is not enough to say that we cannot go anywhere near cross-subsidy.

Thirdly, I do not know whether the minister has had a chance to read the submission from Professor Sir Neil MacCormick MEP, who mentions the continuing dispute over the respective benefits to the public purse of a passenger-only service or a passenger and vehicle service, and then asks a simple question. Why not run a dual tender for that route, asking those who seek to win the tender to put in the level of subsidy both for the passenger service on its own and for the passenger and vehicle service? The advantage of that is that it would answer the question once and for all. We would no longer have to test the market on various models, but we could find out from the market exactly what the route is worth and what the benefit or loss to the public purse would be.

If the consultation process is to mean anything, the minister must listen to the total cross-party opposition to the proposals. He must understand that to go down the proposed route is to alienate and divide a community. He should not try to blame that on the European Union, because the European Union has made a decision based on information that was given to it by the Executive. He should reopen the matter; he should revisit it and then ask for a different interpretation.

17:30

**Mr Jamie McGrigor (Highlands and Islands)**

**(Con):** I am glad that George Lyon has secured this debate on a subject that is vital to the people of Dunoon and of the Cowal peninsula. The importance of maintaining the CalMac vehicle service from Gourock to Dunoon cannot be stressed strongly enough. I ask the minister to listen to the people of Dunoon and to take action to ensure that their lives are not disrupted and diminished by the withdrawal of the service.

A similar situation arose in 1982, and it was an intervention by the then MP for Argyll and Bute, the late John MacKay, who brought the matter to the attention of Malcolm Rifkind and George Younger, the Secretary of State for Scotland, that resulted in the vehicle service being maintained. That Conservative Government listened to the people of Dunoon, and I hope that the current Lib-Lab coalition will follow that example.

The main problem seems to lie in the evidence that was given to the European Commission by the Scottish Executive and on which the

Commission has based its responses. The foot-passenger service is subsidised, but not so the vehicle service. However, the Executive seems incapable of identifying a way of showing that there is no subsidy leakage from foot passengers to vehicles. That is the key issue and the one in which changes must be made to ensure the security of the service for the people who want it and need it—the people of Dunoon and Cowal and the tourists who want to visit Scotland's new national park and other parts of the west Highlands. What on earth is the point of the Executive trying to publicise Dunoon as a gateway when it seems to be intent on closing the main gate?

Since news broke of the possible withdrawal of the vehicle service, there has been public uproar and indignation in Dunoon. I hope that the minister is aware of that public resentment. I have been involved in the hard fight to resurrect the historic Dunoon pier and would like there to be a roll-on, roll-off service for vehicles and passengers using the Gourock to Dunoon route. The Deloitte & Touche report points out that carrying vehicles would reduce considerably the necessary subsidy compared with a passenger-only service. Why then is the Executive so intent on creating an unpopular passenger-only service, which would be more of a drain on the public purse than a popular RORO service would be? It certainly does not make any sense to the people of Dunoon.

The Scottish Executive has failed to provide the Commission with any excuse to agree to the continuation of the CalMac vehicle service. I do not believe that the Commission wants to inconvenience the people of Dunoon with long ferry queues. It has been forced into the current position by the Scottish Executive's wrongful portrayal of the facts of the case. The Scottish Executive, not the Commission, has produced the mess, and the Executive must now extricate itself and the ferry users from that mess. That is perfectly possible, but the Executive must establish an accounting system that shows the costs and revenues of an extra vehicle service separate from the costs and revenues of the basic subsidised foot-passenger service. That would satisfy the Commission. The Scottish Executive has asked the Strategic Rail Authority to do something similar. If it can be done for rail services, why not for ferries? Bidders for the CalMac networks could be instructed by the Executive to use accounting methods that prevent subsidy leakage. The Executive could ask the SRA or the OFT how to do that, and they would tell it.

As a PSO is necessary for the Gourock to Dunoon route, it is surely the Executive's duty to consider the best option of delivering a PSO, bearing in mind the needs of passengers and the

cost to the public purse. It is obvious to most people that the best option is a RORO service between Gourock and Dunoon that subsidises passengers only. That would please the people of Dunoon. Along with Western Ferries, it would make Dunoon a gateway to the Highlands and it would satisfy the European Commission.

The Rural Development Committee has just completed a report on the barriers to integrated rural development, which highlights transport infrastructure as a key barrier. Ferries were mentioned again and again in evidence. Membership of the EU is meant to help our citizens rather than disadvantage them. I urge the minister to work on a different decision for the ferries to Dunoon that will prove advantageous to local people and tourists alike and will help Dunoon to prosper.

17:34

**Maureen Macmillan (Highlands and Islands)**

**(Lab):** I thank George Lyon for giving us the opportunity to debate the important issue of the Gourock to Dunoon crossing, in which I have an interest as an MSP for the Highlands and Islands and as one of two reporters on the CalMac tendering process to the Transport and the Environment Committee. The other reporter is Des McNulty, who has apologised for being unable to be here—he has an engagement in his constituency.

Des McNulty and I have followed the process for well over a year. Our interim report in September 2001 concentrated on the justification for tendering and the implications of the decision. Our second report, which was presented to and unanimously accepted by the Transport and the Environment Committee this week, deals with the draft service specification.

Sometimes together and sometimes separately, Des McNulty and I spent about two weeks in western Scotland and the islands gathering people's opinions on the draft proposals—of course, that included visits to Argyll and the Clyde. I have spoken privately and at public meetings to councillors, community groups, hauliers, trade union and local authority officials and individuals, so I have a clear idea of the strength of feeling over the proposed loss of the vehicle ferry service from Gourock to Dunoon and anxieties over the future of Dunoon pier and the prosperity of the town. The same is true in respect of Gourock.

Some of the strength of feeling was caused by shock at the proposal, which was not expected. Indeed, only three or four months previously, CalMac said that the vehicle service was not at risk as far as it was concerned. Of course, CalMac was not in a position to know what was happening

in the negotiations between the Commission and the Executive, but its reassurances engendered a false sense of security. I am sorry that the Executive was not more forthcoming at that point about its negotiations with the Commission. I appreciate that the lack of transparency was at the Commission's insistence, but the Commission should be made aware that we think that the process was undemocratic and unacceptable and that the people in Cowal deserve better.

I know that a great deal of effort was put into winning agreement from the Commission for PSOs for mainland to mainland routes and that the then minister with responsibility for transport stated clearly that the PSO across the Clyde—Gourock to Dunoon—was for passenger service only. I do not think that local people appreciated the implications of that and that is the fault of the consultation process.

**George Lyon:** The member must understand that Sarah Boyack came to Dunoon at my request when the issue emerged. It was clear from conversations with her, as the minister with responsibility for transport, that she intended to argue for a subsidy for passengers, but no restriction on the kind of service to be provided—that is, the status quo. In the period between then and the sudden body blow of an announcement on the day before we broke up in June, no one—including me, the local community, Duncan Hamilton and the other MSPs—had an inkling that suddenly, in November, as Iain Gray stated in his letter to *The Herald*, the Executive had been informed that Europe's requirements would be to restrict the service to a passenger-only service. Perhaps Maureen Macmillan knew.

That is why there has been great anger in the community. I hope that the member accepts that view. We were always led to believe that the status quo would exist and that there would be a passenger-only subsidy, but no restriction.

**Maureen Macmillan:** Yes.

The earlier consultation process was flawed, in that the consultants did not seek the views of people at the grass roots. I pointed that out to the consultants at the time and circulated my views to all community councils to try to alert them to the consultation. It is of the utmost importance that people are fully informed of issues that will affect them. From public meetings that I held and press reports in particular, it was obvious that there was an ignorance of the process and total shock at the outcome.

Unfortunately, it seems that European competition rules must be obeyed, even if they throw up ridiculous anomalies such as the fact that obeying them could result in the necessity of a larger subsidy or could result in a private

monopoly where previously a public service competed with a private service.

**Mr Hamilton:** Maureen Macmillan is right to say that, to a certain extent, European regulations must be obeyed, but the issue relates to the interpretation of the regulations. Does she accept that the Executive should go back with more robust information, which it has had since 2000, and the Deloitte & Touche report, and argue the case for the maintenance of competition?

**The Deputy Presiding Officer:** Maureen Macmillan has one minute.

**Maureen Macmillan:** I know that the Executive has gone back and forward continually with the issue. Duncan Hamilton misleads us when he says that the Executive could have done something else and that it did not give information. That is his interpretation; it is not mine.

I said that European competition rules must be obeyed, but I feel that the draft proposals should not be the last word on the Gourock to Dunoon service. The Transport and the Environment Committee's report said that the EC's rules were too inflexible and should be challenged on their rigidity, which acts against the public interest that they are supposed to protect.

I ask the Executive to continue discussions with Europe and to point out the anomalies, while considering other options. Would the Gourock to Dunoon route be viable if the passenger service were removed from the bundle and put out to tender alongside the vehicle service, with total transparency over where subsidy would apply? If the combined passenger and vehicle route were market tested and seemed profitable, would the Executive consider putting the route out to tender out of undertaking?

The Executive may have to do that with other routes and subsequent bidding rounds, so it cannot set its face against such options. However, I am pleased that the deputy minister has said several times forcefully—the last time was when he gave evidence to the Transport and the Environment Committee—that the proposals are in draft form and that he is open to suggestions from any quarter of an alternative solution that is more acceptable to the people of Gourock and Dunoon and which satisfies Commission rules. I hope that the minister can show that he has sought such a solution. I look forward to his response to the debate and to the committee's report.

17:41

**The Deputy Minister for Enterprise, Transport and Lifelong Learning (Lewis Macdonald):** I have listened with great interest to the speeches and I thank George Lyon for the opportunity to

debate this important issue. The matter is of great concern to communities on both sides of the Clyde and I was glad of the opportunity to meet community representatives in Dunoon at the end of August. A consultation process is being undertaken, which is why I met them and met various elected members, local authorities and the Clyde shipping services advisory committee. As Maureen Macmillan said, I also gave evidence to the Transport and the Environment Committee a few weeks ago.

The context of our proposals is the need to bring subsidised west coast ferry services into line with European law, by inviting tenders under public service obligations, known as PSOs. In April 2000, "Delivering Lifeline Ferry Services" sought views on options for putting our lifeline ferry services out to tender to comply with European rules. Following that consultation, we sought European approval for tendering the network as a single bundle. That approach was designed to maximise service reliability, simplify vessel management and prevent cherry picking of the potentially most profitable routes. Most respondents to the consultation exercise supported that approach.

We were also keen to overcome the presumption in European rules against subsidies for mainland to mainland routes such as the Gourock to Dunoon route and the Tarbert to Portavadie route—particularly on the Gourock to Dunoon route, which is in direct competition with a private sector operator that provides an unsubsidised service. We worked hard to show that the unique circumstances of Scotland's west coast justify a single-bundle approach, PSOs on mainland to mainland routes and a continuing subsidised service between Gourock and Dunoon. We have made important progress in discussing those matters with the Commission.

**Dr Winnie Ewing (Highlands and Islands) (SNP):** During all those negotiations, did any Commission officials, who seem to have quite a power of decision over the matter, visit the area?

**Lewis Macdonald:** The discussions were conducted in Brussels, as is the way of these things. I am sure that Dr Ewing is more than familiar with how the European Commission operates.

We concluded from those discussions that the network can be tendered as a single bundle; that mainland to mainland routes can be justified; and that a subsidised passenger service between Cowal and Inverclyde can be continued, as it provides a direct connection for foot passengers between the bus station at Dunoon and the railhead at Gourock, which the private sector operator's out-of-town vehicle service does not. However, following those discussions, we concluded that the existing combined passenger

and vehicle service on the Gourock to Dunoon route would not comply with EC rules, as it would breach competition law by providing an unfair advantage to the successful tenderer in attracting vehicle custom between Cowal and Inverclyde.

**Mr Hamilton rose—**

**George Lyon:** Will the minister give way?

**Lewis Macdonald:** I will give way in a moment.

That decision was not reached lightly. We continue to talk to the Commission about possible interpretations of the European rules, enforcement of which is the Commission's responsibility, but our view is that the proposal that we have published for a continuing passenger-only subsidy on a passenger-only vessel is the best way to secure the future of a subsidised service between Gourock and Dunoon.

**Mr Hamilton:** The minister says that he made representations. Will he publish the documentation that relates to the representations that he made? Given the nod-nod, wink-wink, "Don't worry, it'll be a passenger-only subsidy" assurance, surely there is nothing to stop a vehicle service in addition to the passenger service. Did the Executive at any point use different, transparent accounting procedures to get round the problem of cross-subsidy leakage, which is the basis on which the Commission rejected the Executive's proposals?

**Lewis Macdonald:** The discussions with Europe have been held informally. That is the usual way in which such advance discussions with the Commission are held. That is why we will not publish the documentation.

**George Lyon:** The minister has stated categorically that the interpretation was the Executive's and not Europe's. The point that we are making is that the minister should consider other approaches. He should go back to Europe and argue the case again. We believe that other approaches exist. In the debate, we have demonstrated that a number of good ideas could be taken back to the Commission. We should stop trying to blame Europe—the interpretation is the Executive's.

**Lewis Macdonald:** As I said a moment ago, we continue to discuss the matter with Europe. Although the Executive will take the decision, it would be completely remiss of the Executive to take our decision without considering the discussions that we have held with the European Commission. The consequences of making the wrong judgment on the matter are not trivial. We could jeopardise any future Gourock to Dunoon service. We might also close the door on other mainland to mainland routes and put at risk the whole strategy of tendering the network as a single bundle.



I do not know where Duncan Hamilton got his nod-nod, wink-wink idea. In response to George Lyon's point, I said that it is firmly the case that when Sarah Boyack went to Dunoon on behalf of the Executive, she made it clear that the Executive would continue to work to achieve a combined passenger and vehicle service. No guarantee was given at that time, nor could one have been given.

As a number of members have mentioned, the key difficulty is finding a way to ring fence robustly the subsidy for the passenger-only service. The simple fact is that to allow a vehicle service to operate on the same vessel as a subsidised passenger service would mean subsidising one operator to run against an unsubsidised private competitor. Any subsidy that is received in respect of passengers cannot fail to contribute to the common overheads of a vessel that carries passengers and vehicles. That is the fundamental problem with a dual tendering approach. As I said, we will continue to explore with the Commission whether we can identify a way of ring fencing that would demonstrate that subsidy for passengers does not reduce the cost of carrying vehicles.

**Mr Hamilton** *rose—*

**Maureen Macmillan** *rose—*

**Mr McGrigor:** It has been pointed out that the roll-on, roll-off service would be cheaper than the passenger-only service. If that is the case, how are the vehicles subsidised by the passengers?

**Lewis Macdonald:** Those points arose from the Deloitte & Touche report. The final conclusion was that it was difficult to justify any subsidy on the route. If we could find a mechanism for ring fencing the subsidy, we could consider whether to seek to implement that on a single route within a larger bundle or, as at least two members have mentioned, whether to explore the option of a separate PSO for the Gourock to Dunoon service. In that case, there would be no certainty that the successful bidder for the service would be the same as for the rest of the network.

It is worth noting that we could undertake a separate tender for passenger subsidy of a combined passenger and vehicle service only if we first found a way to ring fence the subsidy. As with the single-bundle approach, that is the first requirement. If what we propose does not conform with European regulations, a separate PSO will be no more likely to be acceptable than the route being part of a single bundle.

One further option, which has been mentioned in the debate, is to place no PSO on the Gourock to Dunoon service. That would allow an operator to provide a combined service at their own commercial risk. CalMac operates the current vehicle service as an out-of-undertaking service. If there is no PSO, there is no obligation on any

company to provide a commercial service. The consequence of taking the Gourock to Dunoon service out of the undertaking altogether might result in no service of any kind. Given the real benefits that we believe can continue to be delivered by a passenger service between the two town centres, it would take a lot to persuade us that the no-PSO option was worth the risk.

We are mindful of the consequences on both sides of the Clyde if the result is the end of the present combined service. As far as Dunoon is concerned, a public transport fund award was made last year for construction of a breakwater, and preparatory work on that is under way. It is up to the council to consider whether it should put forward a case for a new linkspan and other shoreside works. As a private sector operator might, indeed, wish to operate a vehicle service from Dunoon pier, there may well be a case for those works. If that case is made, we will consider any funding options, whatever the status of the PSO service.

In response to Duncan McNeil's points about Gourock, responsibility for Gourock pier, as with other CalMac piers, will fall to the vesco. There is no reason why Gourock's current use as a safe refuge for vessels should not continue for as long as it is required. The vesco would be responsible for maintaining the pier, although it might delegate that responsibility through the management contract.

I should also point out that decisions on the ferry service will not impact directly on the Gourock interchange project. We share concerns about the delay to the project and are exploring with Network Rail, Inverclyde Council and others ways of moving the matter forward. We will also discuss concerns about traffic problems in Gourock with the local authority should such infrastructure problems arise.

One of the protections for the headquarters facility at Gourock is the application of the Transfer of Undertakings (Protection of Employment) Regulations, which are built into the entire tendering process and impact on the work and conditions of the people who are employed there. In any case, we see no reason why the headquarters would move.

We have made significant progress since we concluded that our ferry services required to be tendered to comply with EC rules. I recognise that we have not made the progress that we sought to make on the combined passenger and vehicle service between Gourock and Dunoon. The strong response to our consultation paper reflects concern about that issue. The responses have been helpful to us and we will consider their content carefully, in particular to find out whether they contain any suggestions that would enable a

combined service to fulfil the terms of the proposed passenger PSO and meet EC rules. If so, I will explore those suggestions further with the Commission, which is aware of local feeling. My officials and I have a continuing dialogue with the Commission on the issue, and we will consider the options carefully.

We will wish to announce the decision on the final service specification as soon as possible to allow us to proceed with tendering the whole network. At the heart of our decisions will be a determination to protect fares and services as far as we can. We recognise that to do that, we must make proposals that comply with European law, and I hope that any such proposals will have the Parliament's support.

*Meeting closed at 17:53.*

Members who would like a printed copy of the *Official Report* to be forwarded to them should give notice at the Document Supply Centre.

No proofs of the *Official Report* can be supplied. Members who want to suggest corrections for the archive edition should mark them clearly in the daily edition, and send it to the Official Report, 375 High Street, Edinburgh EH99 1SP. Suggested corrections in any other form cannot be accepted.

The deadline for corrections to this edition is:

**Thursday 10 October 2002**

Members who want reprints of their speeches (within one month of the date of publication) may obtain request forms and further details from the Central Distribution Office, the Document Supply Centre or the Official Report.

#### PRICES AND SUBSCRIPTION RATES

##### DAILY EDITIONS

*Single copies: £5*

*Meetings of the Parliament annual subscriptions: £350.00*

The archive edition of the *Official Report* of meetings of the Parliament, written answers and public meetings of committees will be published on CD-ROM.

WHAT'S HAPPENING IN THE SCOTTISH PARLIAMENT, compiled by the Scottish Parliament Information Centre, contains details of past and forthcoming business and of the work of committees and gives general information on legislation and other parliamentary activity.

*Single copies: £3.75*

*Special issue price: £5*

*Annual subscriptions: £150.00*

WRITTEN ANSWERS TO PARLIAMENTARY QUESTIONS weekly compilation

*Single copies: £3.75*

*Annual subscriptions: £150.00*

Standing orders will be accepted at the Document Supply Centre.

Published in Edinburgh by The Stationery Office Limited and available from:

**The Stationery Office Bookshop**  
**71 Lothian Road**  
**Edinburgh EH3 9AZ**  
**0131 228 4181 Fax 0131 622 7017**

**The Stationery Office Bookshops at:**  
123 Kingsway, London WC2B 6PQ  
Tel 020 7242 6393 Fax 020 7242 6394  
68-69 Bull Street, Birmingham B4 6AD  
Tel 0121 236 9696 Fax 0121 236 9699  
33 Wine Street, Bristol BS1 2BQ  
Tel 01179 264306 Fax 01179 294515  
9-21 Princess Street, Manchester M60 8AS  
Tel 0161 834 7201 Fax 0161 833 0634  
16 Arthur Street, Belfast BT1 4GD  
Tel 028 9023 8451 Fax 028 9023 5401  
The Stationery Office Oriel Bookshop,  
18-19 High Street, Cardiff CF12BZ  
Tel 029 2039 5548 Fax 029 2038 4347

**The Stationery Office Scottish Parliament Documentation**  
**Helpline may be able to assist with additional information**  
**on publications of or about the Scottish Parliament,**  
**their availability and cost:**

**Telephone orders and inquiries**  
**0870 606 5566**

**Fax orders**  
**0870 606 5588**

**The Scottish Parliament Shop**  
**George IV Bridge**  
**EH99 1SP**  
**Telephone orders 0131 348 5412**

[sp.info@scottish.parliament.uk](mailto:sp.info@scottish.parliament.uk)

[www.scottish.parliament.uk](http://www.scottish.parliament.uk)

**Accredited Agents**  
(see Yellow Pages)

and through good booksellers