

# **MEETING OF THE PARLIAMENT**

Thursday 10 October 2002

Session 1

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## Scottish Parliament

Thursday 10 October 2002

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

### Prison Estates Review

**The Deputy Presiding Officer (Mr George Reid):** Good morning. The first item of business is a debate on motion S1M-3438, in the name of Christine Grahame, on behalf of the Justice 1 Committee, on its sixth report of 2002, on the prison estates review.

09:30

**Christine Grahame (South of Scotland) (SNP):** Before addressing the substance of the report, I make reference to a 12-page document that I received by e-mail yesterday evening. I first had the opportunity to read the document at 9 pm last night, on my way home from meetings. It was the Scottish Executive's response to our report and it came with a covering letter from the Minister for Justice's private secretary, explaining that he hoped that the Justice 1 Committee would find it useful. Somewhat disingenuously, the letter was dated "October 2002". Why do I suspect that it was sent out on the eve of the debate simply to enable ministers to claim that they have responded to our report?

The minister has applauded the committee procedure in the Parliament. However, in the discourteous and hasty dispatch of that response, he and his department have shown scant regard for committee members, many of whom have not had the opportunity to read it before the debate. We published our report more than three months ago, yet the minister has responded—allegedly—only on the eve of the debate. That will not do and I will ask the committee members whether they want to pursue the matter. I hope that some members will have the opportunity—albeit during the debate—to comment on the content of the response.

On behalf of the committee, I belatedly take this opportunity to thank our seemingly indefatigable clerking team, who worked at break-neck speed from the first evidence-taking session on 16 April until the production of the final report on the cusp of the summer recess. The Parliament is also indebted to the many witnesses, including those who submitted written evidence. They were a wide range of the usual suspects: the Scottish Prison Service management, the minister, prisoners, governors past and present, the Association of

Visiting Committees for Scottish Penal Establishments, the Prison Service Union, a range of accountancy firms and Professor Marshall in Canada, who gave evidence via video link. All that evidence was collected within seven weeks, showing that we on the Justice 1 Committee are a determined lot.

I extend my personal gratitude to my colleagues on the committee, who applied themselves to the task in hand with determination and commitment, despite thrice-weekly meetings in May and twice-weekly meetings in June, to meet a timetable that was truncated by the Easter recess, which followed almost immediately the publication of the "Scottish Prison Service Estates Review". The review was promised to the original Justice and Home Affairs Committee for spring 2000, but it was delayed because the private build, public operate model was not even mentioned in the original specification. The review was further delayed because the figures did not add up—I shall say more about that later. Nonetheless, the committee was resolved and ended up with a unanimously agreed report. Every paragraph was signed off by every member, which demonstrated the valuable committee system at its best.

Things have moved on and a member of our press corps has questioned the need for a debate now—as if everything was done and dusted, which is plainly not the case. No doubt, in the course of members' speeches, the many issues that were thrown up during our inquiry will be developed. I shall therefore try to speak to the broader issues, focusing on four of them: private finance initiatives and public-private partnerships; HM Prison Peterhead; slopping out; and alternatives to custody. I shall link those issues to recent developments, in particular the minister's statement of 5 September, which gave a marginal opportunity to explore the issues. The limited time that we had then is, in part, why the committee is using its precious allocated time to have a two-hour debate today. If time allows, I shall also make cursory reference to the Executive's response, which, as I said, I received last night.

I shall address the four issues that I have identified in reverse order, as the last one should have been the starting point for the prison estates review, not the requirement to end slopping out, with which we agree. Paragraph 52 of the executive summary of the committee's report states:

"The Committee believes that slopping out should be eradicated as soon as possible and recommends that this be addressed by either refurbishing existing accommodation or by building new houseblocks on existing sites."

That issue is not a problem. However, it is not with that issue alone in mind that one should proceed

either ostensibly or principally to redesignate and redesign not only the prison estate, but the service and the functioning of prisons themselves.

The committee challenged the notion that we can build our prison service for the decades ahead without addressing penal reform and simply by basing changes on projected and continuing increases in prison numbers. That idea should be exposed as too simplistic a premise in any event and it should be subject to even more critical examination—we know that a prison is a waste of resources, as so many offenders return after a few months. A substantial majority of prisoners serve a sentence of six months or less and there is no time for them to attend a relevant programme to deal with literacy or numeracy, let alone drug dependency. I refer the minister to paragraph 21 of the committee's report:

"The Committee is concerned that crucial decisions about the long-term future of the prison estate are being based on a single set of assumptions which must be subject to policy considerations. The Committee ... considers that the Executive should have carried out a complete review of alternatives to custody, how they could be used more effectively and their potential impact on projected prisoner numbers in advance of the Estates Review."

It continues:

"It is not prudent to consider the Estates Review without examining penal policy."

On the effectiveness of throughcare, the committee said:

"The Committee is dismayed by the lack of reliable evidence on participation in rehabilitation and throughcare in the public sector. If we do not know the percentage of the prisoner population taking part in programmes, we cannot assess their effectiveness. It is essential that reliable data is produced on participation in these programmes and the outcomes."

During this week's questioning of Alec Spencer at the Justice 1 Committee, it was disclosed without even a cursory blush that the director of rehabilitation for the Scottish Prison Service could not produce data on the effectiveness of rehabilitation programmes. That is the level at which the SPS is operating.

On slopping out, the committee agreed—who would not?—that the practice should end, for the sake of the staff as well as the inmates.

I move quickly to the issue of PPP and PFI. The prison estates review considered three options: private build, private operate; private build, public operate; and public build, public operate. The committee expressed "serious concern" that the private build, public operate model—although commonplace in many sectors—did not figure in the review except as a late afterthought. In paragraph 43 of our report, we agreed with Stephen Nathan that there had been a "paucity of

research" and we recommended that

"the Executive should carry out further comparative work".

No doubt, in responding to the debate, the minister will advise us what steps he has taken in that regard. I do not think that that is addressed in his written response.

The private build, private operate model is called the Kilmarnock option for short. Our findings on such a model were unequivocal—as were our other conclusions—and brought into question the quality of the operational leadership of the SPS, if such differentials as were placed before us, between private build, private operate and private build, public operate models, are to be believed. Paragraph 48 of our report states:

"This calls into question the quality of operational leadership and management of public sector prisons".

The Executive believes that the SPS would not be able to commission a building project, which seems extraordinary. We asked the minister, in connection with our other concerns about the leadership of the SPS, to

"explore the reasons why the SPS does not believe that it has sufficient in-house expertise".

The minister should not ask the SPS simply to come up with an alternative, but—much more fundamental—he should ask it why it did not and, more important, why it cannot. I will not mince my words, because the committee did not. In reference to Tony Cameron, the chief executive of the SPS, we say in paragraph 60 of the report:

"The Committee found the evidence of the Chief Executive of the SPS extraordinary and unconvincing on the issue of buildings, staffing and the space required and found his comments about the inefficiency of his organisation astonishing."

That paragraph, like all the others, was signed off and agreed word for word by all members of the cross-party committee. I have no doubt that the minister will advise us what cognisance he has taken of that comment.

Our concern extended to the use of Kilmarnock—the only private build, private operate prison in Scotland—as a model:

"The Committee is concerned that the specification for HMP Kilmarnock is being used as a point of comparison, despite evidence that there is inadequate space for staff in that building. The Committee believes the building specification is inextricably linked to staffing levels".

It is unfortunate—to say the least—that, despite that, the minister has embarked on instructing at least one PPP prison. Although it has been stated that that prison is to incarcerate remand prisoners, we have yet to be told how long the period between decision and occupation will be, despite my parliamentary questions. Perhaps the minister will give an answer in this debate.

On Peterhead—an issue that other members will address more fully—the committee is clear:

“The Committee therefore recommends that a long-term male ... offenders’ facility should remain at Peterhead with the following recommendations: the state of the building should be addressed either by refurbishment or new build and the difficulties associated with throughcare should be tackled.”

I have checked the minister’s measured response on Peterhead on 5 September:

“As our priority is to develop wider sex offender programmes, now is not the time to move the long-term programmes from Peterhead. Peterhead will therefore remain open and will continue to be the main centre for long-term sex offenders.”—[*Official Report*, 5 September 2002; c 13375.]

I think that, when pressed, the minister said that he could not see that changing for the foreseeable future. I compare that with Alec Spencer’s response to the Justice 1 Committee this week, from which it is clear that Peterhead is reprieved pro tem, but that is all. In his evidence, Mr Spencer made it clear that the reprieve might be for eight or 10 years only and that no final decision has been made, although one might be made in the summer of next year.

Unlike the journalists, who have moved on to another instant headline, the committee—and whichever committee follows on—is committed to the long game and to keeping a watch on what happens in the months ahead.

I note that the Scottish Parliament information centre briefing paper on the prison estates review states that there are three key documents: the SPS report, the PricewaterhouseCoopers report and the Executive’s consultation document. That is not so: there are four key documents and the Justice 1 Committee’s report is certainly not the least of them.

I move,

That the Parliament notes the 6<sup>th</sup> Report, 2002 of the Justice 1 Committee, *Report on the Prison Estates Review* (SP Paper 612).

09:42

**The Deputy First Minister and Minister for Justice (Mr Jim Wallace):** Anyone who suggests that I, the Scottish Prison Service and the Executive have been less than co-operative towards the Justice 1 Committee is simply wrong. The committee members are well aware that I gave evidence on 23 May and that, at the committee’s express request, I came back and gave evidence at a further meeting on 6 June. On 27 June, the Executive gave the committee notes on the consultation responses from Grant Thornton and Peter McKinlay. I made a substantive statement to the Parliament on 5

September. In many respects, that statement reflected some of the issues that the committee’s report raised. I was subjected to questions for considerable time on that date. I also answered questions on prison estates issues when I met the Justice 1 Committee and the Justice 2 Committee at a joint meeting on 17 September.

We have sought to co-operate with the committee on the estates review. The review is an important matter and it is right and proper that the committee should address it. We are grateful to the committee for its contribution. Although the committee’s report was published after the end of the formal consultation period, I indicated all along that we would not make any decisions before we had received the report. We honoured that commitment.

When the Scottish Executive was established in 1999, we inherited a prison estate that had, sadly, been starved of investment for many years. The result was that many of our prisons were more suited for the 19<sup>th</sup> century than for the 21<sup>st</sup> century. Nearly a third of prisoners still had to slop out. There were not enough prisoner places to cope with projected increases in the number of prisoners. The Scottish Prison Service and prison staff were showing remarkable effort and commitment in dealing with prisoners, but they were being asked to do so in conditions that simply were not good enough.

We had to face up to tough decisions and take action to make our prisons capable of contributing as effectively as possible to our aim of creating a safer Scotland. That is why we announced a comprehensive review of the prison estate and, on 21 March, produced the proposals for the future of the estate.

I have explained on numerous occasions why those proposals were not produced earlier. Had we produced proposals without considering the private build, public operate option, that would have been a source of some criticism and we would have been sent back to the drawing board. Instead, we tried to anticipate that. When Henry McLeish and I asked that that work be done, we had no notion of what the outcome would be. In fact, we rather hoped that it would produce figures much closer to the private build, private operate option than it did.

The estates review proposals focused on three main challenges: to provide enough places for the prisoner population; to end the practice of slopping out in our prisons as quickly as possible; and to find the option that represents the best value for money to the taxpayer. The review set out to identify ways in which those objectives could be achieved. To announce the result as a fait accompli would have been simple. We chose not to do so. In recognition of the importance of the

issue not only for the Parliament but for the people of Scotland, we were anxious to have a full, genuine and constructive debate. We therefore published our proposals for public consultation and undertook to consider carefully all the responses before taking any final decisions. That consultation was conducted in line with the good practice on consultation that the Executive had introduced.

It is obvious that our proposals stimulated a considerable debate, including the Justice 1 Committee's extensive consideration of the proposals and the full report that followed. It should come as no surprise to members that I do not agree with everything in the report. The important point that I want to make is that we have had a full and open consideration of the issues as part of a genuine consultation. The decisions that I announced on 5 September differed in a number of ways from the original proposals. That does not mean that our original proposals were wrong. Rather, we took account of the responses to those proposals when we came to shape our final decisions. We said that we would listen. We have listened, as the final result shows.

The decisions that I announced on 5 September responded to many of the points that are raised in the committee's report. However, I will still make some observations on the main issues that are raised in the report. It is important to focus not on the past, but on the way ahead and how we can build on the work that has been done to create a modern and efficient prison system.

I welcome the fact that the report accepted the main principles that underlay the estates review's proposals, which primarily related to the need to house prisoners in proper conditions and, in particular, to end slopping out and to address overcrowding by providing additional prisoner places. Christine Grahame echoed that in her speech. Although there has been much debate about how best to meet those objectives, the consultation process showed that there was a considerable degree of consensus that the objectives were correct. That consensus provides a base from which to move forward.

I was pleased to see the report's recognition of the importance of prisoner rehabilitation and throughcare. The need to provide suitable conditions for the effective delivery of rehabilitation and throughcare was one of the main drivers for the estates review. The review was never simply about providing enough prisoner places. Rather, from the outset, its consideration of the size and quality of the prison estate was undertaken in the context of how to make Scotland safer by reducing reoffending.

Having said that, I agree with the committee's report that more needs to be done to obtain

reliable data on the effectiveness of rehabilitation and throughcare activity. Only when such data are available can we reach informed decisions on how we can best focus our efforts and improve the services that we provide. We have made a start with the regular publication by the Scottish Prison Service of figures for return to custody. Further work will be done in that area and I have instructed a review into how best to use the level of recidivism or similar measures as tools in the context of performance management.

The committee's report called for steps to be taken to improve the efficiency of the public sector estate. Much has been done in recent years in that area, but I accept that more needs to be done. That is why I have asked the SPS to develop for 2003 a framework for the performance management of public sector prisons. That framework is to include published performance agreements, improvement targets and details of each establishment's performance.

**Christine Grahame:** In the light of the committee's serious concerns with regard to the chief executive of the SPS, is the minister confident that, under the current leadership, those reviews and changes will take place with the negotiated consent of the staff?

**Mr Wallace:** I am confident about that. Moves have already been made, including the agreement on attendance patterns that was reached and the subsequent agreement. Indeed, after I made my statement to the Parliament on 5 September, the management of the SPS and the trade union side put out their joint statement. All that augurs well for the co-operation that will be needed.

As for monitoring the new framework for efficiency in the public sector estate, I indicated to the two justice committees that I would welcome their views on how best to involve parliamentary committees in trying to ensure effective monitoring of what is going on.

Much was said in the committee's report, and in response to consultation, about the cost gap between the public and private sectors. Despite many claims that the estates review exaggerated the size of that gap, no one was able to produce credible alternative costings that removed that gap, as the committee's report acknowledges. It is clear from the extensive work on the subject that was done during the estates review that the private sector can deliver prison places more quickly and more cheaply than the public sector can.

Christine Grahame thought it a matter of criticism that there was not an in-house team within the Prison Service ready to build a public prison. The role, duty and responsibilities of the SPS are to develop, maintain and deploy existing



expertise to manage the existing estate. In common with other parts of the public sector—this is in no way unique to the Prison Service—the SPS simply does not have the resources or expertise to carry out all the work of designing and constructing new prisons and I do not believe that that would be the best option for using public money.

**Christine Grahame:** The Justice 1 Committee's view certainly was not that the SPS should take a direct hand in design; it was simply that the service should commission a private firm to undertake that work, just as the construction of house blocks is commissioned. That was the committee's view; it was not just my personal view.

**Mr Wallace:** I understood from her speech that the convener of the Justice 1 Committee thought that the SPS should have the expertise to get on with that work. If I misunderstood, I apologise, but that is how I interpreted what Ms Grahame said.

Because our approach involves buying prison places instead of putting a new prison on to the SPS's balance sheet, it is more affordable, freeing up capital for investment in the public sector estate. As I said, the allocation over the next three years of £110 million for investment in the estate—specifically at Glenochil, Perth, Polmont and Edinburgh prisons—represents the biggest commitment to the refurbishment of the prison estate in the SPS's history. That is why, in addition to our investment in the public sector, I announced on 5 September that the first of the two new prisons to be built would be constructed and run by the private sector. The new prison is needed quickly to address the recent dramatic rise in the number of remand prisoners and to enable substandard accommodation elsewhere in the estate to close.

When I listened to Christine Grahame, I could not help but reflect that she was inviting us to embark on yet another examination of all the alternatives to custody and the whole issue of penal policy before getting on and building prisons. The level of overcrowding in our prisons and the associated pressures are not things that we can simply wish away. If the quickest route to constructing new prisons is the one that we are embarking on, I believe that our decision was right, particularly with regard to the quite exceptional rise in the number of remand prisoners—a 28 per cent increase since this time last year. Specifically, we ought to be addressing the issue of remand, as I indicated in my statement on 5 September.

We remain committed to a strong public sector. I am therefore anxious that the public sector should be given the chance to show that it can compete with the private sector on cost and speed in the

provision of new prisons. That is why I announced on 5 September that, if the SPS and the trade unions can produce a robust and credible plan for the second new prison that is competitive, offers value for money and delivers the required number of places on time, I will be prepared—indeed delighted—to take that forward either wholly in the public sector or as a private build, public operate project.

Irrespective of how the second new prison is provided, the majority of prisoners will continue to be held in the public sector. We therefore need to work to make the whole of the public sector more efficient. I was encouraged by the partnership agreement that was reached earlier this year between the SPS and the trades unions, which commits both sides to work together to make the public sector more competitive. For our part, we have demonstrated that commitment to the public sector by announcing the £110 million capital investment programme. Taken together with the two new prisons, that programme should, once completed, enable us to end slopping out for good, an objective that I know is shared across the chamber.

I was pleased to note that the SPS and the trade union side issued a joint statement in response to my announcement on 5 September, welcoming the package of investment and making a commitment to work in partnership. Richard Simpson and I have agreed to attend a joint SPS/TUS event later this year to help SPS staff and management to take forward work on bridging the gap.

I will say a few words about HMP Peterhead and the management of sex offenders. The responses to the estates review's proposals showed a strong body of opinion in favour of keeping Peterhead open. We listened to those views and decided to keep Peterhead open. That is not the end of the story, however. We will act to improve the conditions at Peterhead. In its response to the estates review, the Prison Officers Association Scotland suggested how prisoners at Peterhead might be given access to night sanitation. Discussions on those proposals have already begun between the SPS and the POAS. Work on installing electric power in cells is expected to start in the spring of next year. Consideration will be given to what other improvements might be made. In the longer term, development plans will be prepared for each public sector prison, including Peterhead. Decisions on future capital investment will be based on those plans.

On the management of sex offenders more generally, we look forward to receiving comments by the end of the year on the report of the group chaired by Alec Spencer. As I indicated on 5 September, that will be followed by discussion

between the SPS and partner agencies, with the aim of introducing proposals for the next session of Parliament.

I believe that the consultation that we inaugurated on the publication of the estates review was full, frank and open. It was not simply about the provision of prisoner places; it reflected wider criminal justice issues. In the light of further analysis and rolling-out of alternatives to custody, we were able to revise down the number of places that we would need. The Justice 1 Committee report featured prominently in that consultation; it was constructive and helpful. In my announcement on 5 September, I believe that I reflected many of the concerns that were raised not just by the committee but during the consultation. Cumulatively, that improves the quality of decision making and brings it closer to the people of Scotland. I welcome the Justice 1 Committee's report.

09:57

**Michael Matheson (Central Scotland) (SNP):** Some members may feel that there is, given the minister's statement of 5 September, no need for this debate. However, the minister did not address fully in his statement a number of the particular concerns that are highlighted in the Justice 1 Committee's report on the prison estates review. A ministerial statement does not afford members the opportunity to debate issues in any great detail.

**The Deputy Minister for Justice (Dr Richard Simpson):** Will the member give way?

**Michael Matheson:** The minister should let me make some progress first.

**Dr Simpson:** My intervention is in relation to what Michael Matheson just said.

**Michael Matheson:** I am sure that one of the first lessons that the minister will take from this debate is that the way in which the Scottish Prison Service has handled the prison estates review is exactly how not to undertake a policy review, judging from the mess that the service has made over the past three years.

I acknowledge that the Justice 1 Committee's report was probably uncomfortable reading for the minister, but I hope that it was also uncomfortable reading for senior managers in the Scottish Prison Service, and that they recognise the challenge that has been laid before them in a number of the concerns that the committee expressed.

The SPS's senior managers should be very uncomfortable with the committee's report because it

"calls into question the quality of operational leadership and management of public sector prisons".

It also calls into question whether the Scottish Prison Service is sufficiently accountable to the public. It highlights concerns that were expressed about evidence that was given by the chief executive of the Scottish Prison Service. The report states that

"The Committee found the evidence of the Chief Executive of the SPS extraordinary and unconvincing",

and that it

"found his comments about the inefficiency of his organisation astonishing."

The committee was astonished not only that the organisation was so inefficient, but that its chief executive was so open about it. That begs the question what the chief executive of the Scottish Prison Service had been doing during the previous four years that he was in charge of it. I hope that the SPS's senior management recognises the challenge that lies ahead. I must confess, however, that the committee's findings do not exactly inspire me with confidence in the ability of the SPS's senior managers to rise to that challenge.

I sometimes wonder whether the minister appreciates the depth of concern among members throughout the chamber about the way in which the SPS operates and about its stewardship of our prisons. I am surprised that despite the amount of criticism that has been levelled at it, it appears to be business as usual at the SPS. If we are to have confidence in the ability of our senior managers within that public service to deliver a modern and efficient prison service, the service should not be built on the inefficiencies of the past. It is clear that those senior managers are part of the problem.

I welcome—as, I am sure, do all members—the minister's announcement of a new monitoring system through a performance framework, but why has it taken so long for the Scottish Prison Service to wake up to the fact that it needs to be more accountable for its actions? I confess that I do not share the minister's confidence in the Scottish Prison Service's senior management, even following his announcement today.

The culture of secrecy that lies at the heart of the SPS is one of the major inhibitors to examining the way in which our prison estate and the SPS operate. When I have been in correspondence with the SPS, I have at times been unable to help but feel that the organisation is somewhat resentful that MSPs dare to question it on particular issues. When its representatives came before a committee of the Parliament, I could not help but feel that they were somewhat reluctant to come along and answer questions from MSPs. I hope that the minister will make it clear to the SPS that the days when its senior management could, as civil servants, do what they liked are gone.

They are accountable to the Parliament and to the people of Scotland. They should accept that and be prepared to be so.

Alongside the culture of secrecy within the SPS are fundamental problems in ensuring that private prisons are sufficiently accountable to the public, because issues to do with private prisons are hidden behind the cloak of commercial confidentiality. It took the Justice 1 Committee six months to get access to the contract for Kilmarnock prison after protracted correspondence between the committee and Premier Prison Services Ltd and the SPS. Given that the Executive is intent on privatising yet further the prisons estate, it is essential that the problems of insufficient accountability and scrutiny of the running of private prisons be addressed. I hope that the minister will in his closing remarks be clear about the action that the Executive is prepared to take to ensure that there is no hiding behind commercial confidentiality, and about the fact that committees of the Parliament will be able to scrutinise openly and accountably what happens in private prisons.

A key point about privatisation and the contracts for private prisons particularly concerned the Justice 1 Committee. When the committee was taking evidence, Wendy Alexander brought up the way in which the contracts had been set up in 1999. She questioned whether any internal or external work had been commissioned to examine whether the cost structure that was agreed in 1998 for Kilmarnock prison had been fulfilled over the past four years. Surprisingly, or perhaps unsurprisingly, Tony Cameron said that there had not. Given that the minister has decided to build another private prison—and, possibly, a third—I would have thought that it would be a priority to review the contract for Kilmarnock to see whether the cost structure and staffing levels that were agreed back in 1998 have been fulfilled. I hope that the minister will recognise that that should be a priority, and that the matter should be reviewed quickly.

I turn to the Spencer report. The Justice 1 Committee was unable to examine the issues, given that the minister had decided to set up an expert group under Alec Spencer, the director of rehabilitation and care at the Scottish Prison Service. His report on the future management of sex offenders within our prison estate makes interesting reading. The panel of experts recommended that long-term sex offenders should be contained in a single-purpose prison. The report suggests that Glenochil prison, for example, could deal with the numbers of sex offenders in the Scottish Prison Service system.

In his statement in September, the Minister for Justice ruled out consideration of another prison to

deal with long-term sex offenders and stated that such prisoners would for the foreseeable future be dealt with at Peterhead. The expert panel report stated that there are in the region of 450 to 500 long-term sex offenders in the Scottish prisons estate and the panel believes that we require enough places for those prisoners. Given that Peterhead has capacity for only 300 long-term sex offenders, it is obvious that we need another 150 to 200 places. I hope that the minister will acknowledge that the best way to address the problem is to build the extra 200 places at the single-purpose site at Peterhead.

I hope that the minister will show that it is ministers who are driving matters, rather than their officials. The minister's credibility on such things is at issue. There is a need to tackle the problem of how in future we will deal with long-term sex offenders. If the expert group recognises that there is a need for another 200 places, those places should be provided at the single-purpose site at Peterhead. The minister should be big enough to act on that.

10:06

**Lord James Douglas-Hamilton (Lothians)**

**(Con):** I welcome the fact that the Minister for Justice has responded to the persuasiveness of the arguments that the Justice 1 Committee advanced in producing a much more acceptable package of proposals for the future of Scotland's prisons. In particular, I welcome the decision to keep Her Majesty's Prison Peterhead, which is a national resource for convicted long-term adult male sex offenders. It is also a centre of excellence that offers a range of programmes that are designed to challenge offending behaviour in order to reduce the risk of reoffending on return to the community.

I am aware that the buildings at Peterhead were built in 1888—more than 110 years ago—and that no prisoners have access to power in their cells or to proper night-time sanitation. The Justice 1 Committee recommended not only that the long-term male adult sex offenders facility should remain at Peterhead, but that the state of the building should be addressed, either by refurbishment or by new build, and that the difficulties associated with throughcare should be tackled.

I invite the minister to set out the options for modernising Peterhead and to specify the time scale for each option. For example, will he contemplate establishing new prison facilities on the publicly owned land adjacent to Peterhead prison? Will he modernise the existing buildings or engage in demolition and new build? If he will do the latter, how will he do it and over what time period? At the very least, dealing with night-time

sanitation and electric power in cells should be a priority.

On the debate on private and public sector prisons, the Conservatives have long advocated the benefits of private prisons, because we believe that there are important places for the public and the private sectors. We take a pragmatic view about the most appropriate balance, taking all circumstances into account. A number of private sector advantages were highlighted in the estates review; for example, the contractual relationship that governs a private build, private operate prison increases the drive for innovative ways of working, which can encourage the public sector to be more competitive. Also, risks are transferred while the operational advantage is absorbed by the public sector. That means that should delays occur in private prisons such as those that occur often in the public sector, the private company must absorb the cost.

Private prisons are more cost effective. For instance, SPS prisons tend to require 25 per cent more staff than prisons that are run by the private sector and the SPS. The Scottish Prison Service can control the level of involvement of the private prison concerned.

The minister suggested building a new private facility that would be of service within the Scottish prison estate. I recommend that if he chooses to go down that path, he should consider creating a facility for remand prisoners under strict contractual conditions using the tender specifications that are applied to the private sector. The minister confirmed that the remand population is 28 per cent larger this year than it was last year, so with the closure of a number of public sector prisons, it is desirable that development proceed in that area. Perhaps the minister will say what his preferred site or sites might be for such an initiative and what detailed plans he has in mind for the sites at Low Moss and Glenochil.

It must be remembered that public sector prisons and private sector prisons in Britain are undergoing transition and that the services of each are not exactly comparable. Nonetheless, Kilmarnock has performed reasonably well, overall. The chief inspector of prisons for Scotland acknowledged that Kilmarnock can deliver effective services and can often be innovative. That resulted in the recognition of 12 items of best practice in Kilmarnock's formal inspection report. That compares with eight items at HMP Edinburgh and four items at HMP Greenock, both of which had inspections during the same period as Kilmarnock's inspection. I do not hesitate to say that, as a new organisation, Kilmarnock prison is making an important contribution to the Prison Service, even if the range of its programmes is not

as wide as provision elsewhere in the Scottish prison estate.

**Stewart Stevenson (Banff and Buchan) (SNP):** The member said that Kilmarnock prison had been innovative. Does he care to say how it has been innovative? In doing so, will he note parliamentary written answers S1W-24735, S1W-24608 and S1W-24733, which were given in response to questions that I asked on that subject and all of which indicate that no identifiable innovations are known to ministers?

**Lord James Douglas-Hamilton:** The member should study closely what the inspector of prisons said. I also recommend that the member reads Dr McManus's evidence to the Justice 1 Committee, which says:

"private sector prisons are much more accountable than state prisons. The contract under which they are run specifies in minute detail what they must provide on a daily basis."

He also describes how that is monitored.

I described the general conclusion that I have drawn. Of course, many private prisons have been established south of the border, too. I can say only that the debate continues. The public and private sectors have much to learn from each other.

I hope that the minister will describe his proposals for introducing plans to end the degrading practice of slopping out, which requires extra prison officers being on duty to escort prisoners throughout the night. Prison officers and prisoners are united in wishing for an end to that disagreeable practice.

Paragraph 11 of the committee's report calls for cells to be upgraded to include a hot and cold water supply and electric power. Overcrowding needs to be addressed urgently. It follows that the modernisation of the prison estate on a continuing and rolling basis will enhance the quality of life of prison officers and prisoners. Many members of the public might not be minded to be sympathetic to prisoners, but they certainly understand the demanding and arduous duties that Scotland's dedicated prison officers face, and the need to have good working arrangements in prisons that are secure, efficient and rehabilitative.

As for alternatives to custody, less than half the fines that sheriff courts impose are paid in the available time. I realise that the Executive is drawing up pilot projects for two courts where alternatives to custody will be used, but in our view fines should be deducted at source from salaries or benefits, which would reduce the incidence of fine default. Imprisonment should be a last resort—if it did not exist as an ultimate sanction, many fines and compensation orders would remain unpaid.

On the public interest and protection of the public, we have always said that there should be honesty in sentencing and that criminals should serve the sentence that the court hands down to them. The Justice 1 Committee-sponsored surveys into public attitudes to alternatives to imprisonment showed backing for greater truth in sentencing. The report on those surveys said that

“Current arrangements for early release are viewed as difficult to understand or to justify”

and lead to an increase in cynicism about, and distrust of, the system.

In primitive societies of a bygone era, all punishment was either capital or corporal. The stocks, or comparable humiliation, were recommended for minor offences. We have come a long way since those dark ages. Our policy on prisons—sadly, they will always be with us—should be a continuing priority with a view to deterrence, rehabilitation, public protection and a general reduction in the level of crime.

Therefore, subject to satisfactory responses to the questions that I asked, accompanied by a constant sufficiency of resources, we will support the sure, steady and steadfast upgrading of Scotland's prison estate for the years to come.

10:15

**Paul Martin (Glasgow Springburn) (Lab):** I welcome the minister's statement and particularly the record investment in the Scottish Prison Service. I will touch on some of what Christine Grahame said. She was correct—the Justice 1 Committee worked as an effective team and many hours were put into the report. As I said in a previous debate, I had an open mind on the way forward for Peterhead, but Christine Grahame failed to recognise the fact that the consultation document contained a recommendation that Peterhead prison should close. The minister listened to every point that was raised effectively by the local member of the Scottish Parliament, by the local community and—which is important—by the Parliament.

The Parliament must grow up. When the Executive reconsiders its position, we should accept that and we should constructively consider the way forward. The people of Scotland do not want us to sit in the Parliament and become involved in the political point-scoring exercise that Christine Grahame's speech was about. We must move forward and consider that the important issue that faces the people of Scotland is ensuring that we deliver an effective service. From experience of the issues that the Peterhead community raised effectively, I learned that Peterhead delivers a service and that the local people accept that. We must move on.

**Christine Grahame:** I hope that the member appreciates that my speech was remarkably politically restrained and that I kept to the committee's report. My problem is simply that the committee recommended that a long-term sex offenders unit should stay at Peterhead, but we do not have a crystal-clear commitment that such a unit will stay for good. That is not the message that is being given and ministers can clear that up today. Alec Spencer told us that we can see only 10 years up the road and that no commitment has been given after that. That is my problem.

**Paul Martin:** I know of no prison that we could say will remain for good. A commitment has been given on Peterhead prison, which I welcome. The clear message to the unelected quangos out there is that the Parliament has shown them how they should consult. They should learn from our experience. People are quick to knock the Parliament, but we have sent a clear message that we are willing to listen to the people of Scotland. We have put in place the framework for doing that. The people of Peterhead will acknowledge that, while they continue to examine ways of improving their prison.

While the arguments were being made about Peterhead, Dr McManus raised in his evidence several issues that had to be dealt with, such as throughcare and the difficulties with Peterhead prison's location. Later, I will touch on the leadership that is required in the Scottish Prison Service to ensure that its services are delivered locally. The SPS should listen to local staff's views on Peterhead prison and on the best way to deliver throughcare. I did not agree with everything that Peter McKinlay said in evidence, but we could learn much from his experiences in his previous life as the chief executive of Scottish Homes.

We must audit the effectiveness of the service that is provided at Peterhead prison. Stewart Stevenson—rightly—gave his view several times on the effectiveness of the STOP 2000 programme. That programme has much mileage and must run for several years to allow us to clarify whether it is a success. We should acknowledge that the STOP 2000 programme is the foundation of the service and learn from that. The services that are provided at Barlinnie should also be recognised as successes.

In my last speech in a chamber debate on the subject, I raised the point that the estates review is not only about bricks and mortar. I appreciate the difficulties and challenges that the Parliament faces and the challenges that the Scottish Executive faces, but the estates review was conducted in terms of the bricks and mortar without consideration being given to the needs of the Prison Service. We must consider those needs.

During the committee's evidence-taking sessions, we were impressed by the commitment of the Scottish Prison Service staff and support staff. We need to recognise that the Prison Service is not only the prison officers and that staff in every sector of the system deliver services within the Prison Service. Michael Matheson touched on the point that morale in the Scottish Prison Service is low and we must address that because it is unacceptable for morale to be low. The Scottish Prison Service management needs to show leadership on that issue. The Minister for Justice faces a serious challenge in ensuring that the low morale that the committee detected during several evidence-taking sessions is dealt with.

In my previous speech on the subject I touched on public-private partnerships versus the private build option and said that I was not opposed to that option. I remain of that opinion. I see no difficulty on ethical grounds in building other private prisons similar to Kilmarnock prison. That said, however, my preference is for the public-private option. I believe that there is a grey area in the Executive's response in respect of its undertaking to interrogate the public-private option.

Another grey area is the large number of academics who provided information and evidence to the committee, but failed to suggest alternatives. They were quick to criticise the fact that the public-private option was not delivered by the Scottish Prison Service, but they were not as quick to propose alternatives. I also criticise Grant Thornton for its opinion that the public-private option could be delivered, but not as a guaranteed option. I welcome the Executive's commitment to the possibility of the trust option and point out that that is another example of the way in which the Executive has demonstrated that it is willing to listen to the points of view that have been raised by the wide range of political parties in the Scottish Parliament.

I welcome the Executive's record investment in the Prison Service. The Parliament should take credit for considering the ways in which to improve the Prison Service. People tend to say that there are no easy answers and I am sure that the minister will say that when he makes his wind-up speech, but the committee has in its report made suggestions for improvement of the Scottish Prison Service and I believe genuinely that they will be acted on by the Executive.

10:23

**Richard Lochhead (North-East Scotland) (SNP):** I welcome the publication of the committee report, which is an influential and tough report that does the Parliament credit. It serves as an illustration that our new democracy in Scotland is

working well. I joined the committee on the visit that it made to Peterhead prison a few months ago because I wanted to see at first hand the expertise at Peterhead. The trip was fascinating.

One of the best points about the consultation is the fact that the minister accepted the case for keeping Peterhead open. We should congratulate the local community on its dignified and effective campaign. However, the campaigners are not at the finishing line yet and the minister needs to back up his verbal support for the prison by putting some hard cash on the table. That would demonstrate that long-term investment in the prison will be made.

When Christine Grahame asked the minister about time scales, he mouthed something that sounded like "100 or 200 years". Is that not long term? The minister has to give us an indication of the time scale for long-term investment, because the community does not want to have to rehearse its past campaign. Those people want to know that a long-term commitment to the prison has been made. Perhaps when the Deputy Minister for Justice winds up today, he will make that long-term investment pledge.

Reference has been made to the Spencer report, which said that sex offenders should be housed in a single location. That report also set out the need for more sex offender places. Let us press ahead and build the new block on the Peterhead site. I cannot understand why ministers cannot give that commitment today.

The committee report mentioned the importance of rehabilitation; rehabilitation is vital and we would not be talking about building new prisons if we had managed in the past to put good rehabilitation measures in place. Reoffending would have been cut drastically, which would have reduced the need for new prisons. I welcome the mention of rehabilitation that the minister made in his opening speech, but a system is not in place that could measure the success of rehabilitation.

In March this year, I asked a couple of parliamentary questions on prisons. In the minister's reply to a question about individual prisons' effectiveness in cutting the reoffending rate, he said that no system is in place to measure the effectiveness of local prisons. That means that we cannot measure the effectiveness of one prison against another. Surely we need to do that in order to discover which are successful so that we can replicate that success in other prisons?

I also asked about the measurement of rehabilitation success. Tony Cameron's reply was that

"It is not possible to measure rehabilitation".—[*Official Report, Written Answers*, 25 March 2002; p 272.]

Surely it must be possible to measure rehabilitation. If someone with a drug habit goes to prison, is put on a programme and six months down the line is not using drugs, surely that is a measurement of rehabilitation? Surely it is possible to discover which prisons are managing to achieve such objectives? I do not accept Tony Cameron's answer and that issue has to be addressed.

Both the prison estates review and Jim Wallace's statement in September indicated that investment would be made in a number of prisons. Craiginches prison was not mentioned in either, but the Thursday after Jim Wallace's statement, the chief inspector of prisons felt it necessary to take the unprecedented step of publishing a special report on the state of HMP Aberdeen at Craiginches, which he described as the worst report on any prison in Scotland. Craiginches prison has been crying out for investment since 1997 but, five years later, we continue to wait for that investment.

The chief inspector of prisons reported on the prison, but the minister has neither mentioned it nor made a commitment to spend on it one penny of the £110 million spending he announced. Craiginches is a prison in which 85 per cent of the inmates use drugs. The prison has virtually no rehabilitation services—

**Mr Jim Wallace** *rose*—

**Richard Lochhead:** I will take an intervention if I have time to do so.

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

**Richard Lochhead:** I say to the minister that we need action on Peterhead, Craiginches and other local prisons in Scotland that do not have adequate rehabilitation services. Effort needs to be made to reduce reoffending. Action also needs to be taken on the accountability of the Scottish Prison Service's management. Tony Cameron must go; prison officer morale will not lift until he does. Will the minister please sort out the SPS management problems?

10:28

**Pauline McNeill (Glasgow Kelvin) (Lab):** Christine Grahame began by rightly saying that the Justice 1 Committee's report is a key document in the debate. Christine will be pleased to know that the report is so popular that no copies of it are left. I thought that that would cheer her up. Because of that, I have not had an opportunity to read the whole report. However, from what I have seen of the report, the Justice 1 Committee has made a good job of it.

It seems that we have been discussing prisons

for ever—I have a feeling of déjà vu. I apologise if I repeat points that I have made many times before, although there is no need for me to do that—the points are important. The Parliament is making much progress on the subject. I listened to the contributions from the various parties and, apart from the particular points on which the parties concentrated, we have heard a joint analysis of the context in which prisons should operate.

Even the Tories made it clear this morning that they believe that imprisonment in respect of fines should be used only as a last resort. Prior to devolution, did members ever think that we would find consensus on examining the context in which we use our prisons? That would have seemed a dream. Every party should recognise the progress that we have made.

We should also recognise that we inherited a crumbling prison estate in which there was overcrowding; a high incidence of drug taking; the unacceptable practice of slopping out; a lack of accountability; and no commitment to or measurement of rehabilitation.

HMP Longriggend is long gone. That decision was taken by the SPS almost a year ago. Having visited Longriggend with my colleagues from the Justice 1 Committee and the Justice 2 Committee, I believe that that was the right decision. Now, we are about to make the correct decision to close Scotland's most violent prison—Low Moss. Let us take some credit for the progress that has been made. There will be dramatic improvement, but further matters must be examined.

Like many others, I am concerned about the role of the public sector and how it has been criticised for not being accountable, up-to-date or modern enough in its approach to running the prison service. One of the reasons that the Parliament exists is to analyse what is being done. If we truly believe in the mix of public and private investment—whether in our prisons or anywhere else—there must be a level playing field, which currently there is not.

The Justice 1 Committee is correct to point out that we must allow for the development and modernisation of in-house teams in the public sector with the necessary expertise to oversee new design and build. If we do not recognise that there has been a failing to modernise those teams in the prison service—and the public service in general—we will put the public sector at a disadvantage when Jim Wallace throws out his challenge to the public sector to build and run a public prison. However, I welcome that challenge.

The issue of pay and conditions has been rehearsed many times so I will not rehearse it again today. I am satisfied with the Executive's

response, although it must deliver on its important promise. The public sector should not be run at the expense of the work force.

The private sector should be slighted for its approach to pensions because it does not take the matter as seriously as it should. The public sector has a good pensions record. Please let us not lose sight of that: if we do not lead the way in the types of pension schemes that there should be for all workers—in the public or private sectors—it will be detrimental to society in the long run.

Am I running out of time, Presiding Officer?

**The Deputy Presiding Officer:** Yes.

**Pauline McNeill:** I have not had a chance to mention Cornton Vale. I feel strongly that we must get it right for Cornton Vale. I hope that in the minister's closing remarks, he will comment on plans to tackle the position of women offenders in the near future.

10:33

**Mrs Lyndsay McIntosh (Central Scotland) (Con):** As a member of the old Justice and Home Affairs Committee, I could not let the opportunity pass to participate in the debate. Why? Because the prison estates review was the most eagerly awaited report to come before the Parliament and certainly before the old Justice and Home Affairs Committee.

My membership of that committee has come and gone, together with my membership of its offspring, the Justice 2 Committee. During the time that we waited for the report—I struggle to find a euphemistic way to say this—relations between the officials of the Scottish Prison Service and members of the committee were strained.

Paul Martin, Michael Matheson and Christine Grahame commented on the managerial and leadership abilities of the senior management of the Scottish Prison Service—reluctant and resentful—so I see that things have not changed.

It was delay after delay and all the while the committee members went on prison visits, court visits, procurator fiscal visits and even a visit to the Crown Office. Finally, towards the end of March 2002, the review was published. That was some gestation period. I leave to others the task of reviewing the somersaults and contortions that have been performed since that date. Naturally, there has been considerable interest in the private prison at Kilmarnock. My visit there to see things for myself came not as a result of the Parliament's keen interest, but as a result of the interest of the Justice 1 Committee and the Justice 2 Committee in North Lanarkshire. I did not see anything better or worse than anyone else, and I was undoubtedly satisfied to note the progress and success of Kilmarnock recorded in the review. I quote:

"It has been recognised by HM Chief Inspector of Prisons that Kilmarnock can deliver not only effective services, but can often be innovative".

The Executive's response to the committee's report states:

"Kilmarnock has a number of very positive features such as the longest time out of cell of any establishment in Scotland and the fullest working week with time off permitted for approved activities such as programme interventions."

Compared with Kilmarnock, Edinburgh and Greenock prisons did not receive anything like the number of recommendations in that response.

Only a fool would not recognise that some members have ideological difficulties with the concept of private prisons and that they remain bitterly opposed to the notion that private profit can motivate people to build facilities for incarceration.

**Christine Grahame:** I must make it plain that, with cross-party agreement—which includes a Conservative member—the Justice 1 Committee report states:

"Given these concerns, the Committee does not believe that HMP Kilmarnock should be used as a point of comparison for proceeding with further private prisons in Scotland."

That is unequivocal.

**Mrs McIntosh:** I do not doubt that. I merely quoted from the Executive's response to that report, in which I found some encouragement.

For some, the opposition to private prisons is a long-held view and for others it is a temporary point of principle that is to be ditched at the wayside along with other flotsam and jetsam. The Conservatives have been more pragmatic. We believe that there is room for both sectors and that they can learn from each other. We are happy to praise the work at Peterhead, which is in the public sector, and to appreciate what the private sector offers. I understand why people who do not have a direct interest in the issue might be concerned by reports that the Kilmarnock prison is like a hotel in that reservations are required and it is palatial. I have been there, and it is not. However, the prison is a vast improvement on what is on offer at a number of other establishments. The governor and staff are justifiably proud of the opportunities, such as the visiting area and a host of other improvements that they use for the benefit of prisoners who are committed to their care for the period of detention.

I turn briefly to Low Moss. I have passed Low Moss several times recently; it is a most depressing thought that we expect to change people's behaviour in such an institution. The estates review recommends the closure of Low Moss and, after the recent disturbances, it is hard to disagree with that.



10:37

**Donald Gorrie (Central Scotland) (LD):** I speak as a human being and as a member of the Justice 1 Committee who, incidentally, happens to be a Liberal Democrat. I welcome the changes that ministers have made to the prison estates review proposals. Those changes do not go far enough, but they are welcome and the Executive has shifted a bit. Ministers must accept that, rightly or wrongly, among people to whom the committee talked, including members and others, there is widespread and perhaps universal opinion that the attitude and competence of the Scottish Prison Service's management require serious examination. That is a fact to which ministers must face up.

Pauline McNeill rightly said that we have been discussing prisons for ever. We have been discussing the wrong issue. We should increasingly discuss how not to send people to prison by creating the sort of society in which people do not commit crime. We need a war to reduce crime; not a soft, liberal-with-a-small-l, wet war, but a serious and effective way of dealing with crime. We are failing dismally and we must get stuck into the issue. That will involve a range of measures, including rehabilitation and helping prisoners not to reoffend, alternatives to custody, diversions from prosecution and early intervention to prevent people from going down the wrong path. We do not tackle the issue seriously. There has been progress, for which ministers deserve credit, but we must mobilise all departments to work together, which they fail to do at present, and we must put heavy resources—the sort of money that we are prepared to spend on building jails—into preventing people from going to jail.

There is a desperate lack of youth recreation facilities. The number 1 complaint of any group of school pupils is that there is nothing to do in the evenings. We must remedy that. We cannot complain when people go astray if there is nothing worth while for them to do.

Voluntary organisations dealing with offenders, and especially those dealing with youth work, are grossly underfunded. They get money for project funding. The Government is daft on projects, but it will not give organisations core funding. Let us forget about those rather mendacious and, in some cases, ludicrous projects, and fund organisations for what they are really doing. Youth organisations nationally got a £40,000 training grant to train volunteers, and people to train the volunteers, but it has suddenly been removed for no reason whatever. The New Opportunities Fund seems to discriminate against voluntary organisations.

Recent research has shown that 70 per cent of the persistent offenders who come before the

children's panels had first appeared there as a care and protection case, because there had been a family break-up or violence in the family. In any sensible society, we would put much more money into helping families that are coming adrift. If we intervened at that stage, we could stop reoffending and nip crime in the bud.

We want to develop many more successful programmes. Every organisation that I speak to will say that there is a very good thing in North Lanarkshire, Moray, or wherever, and that other people should copy it, but that simply does not happen. There are good national programmes run by organisations such as Barnardo's and Airborne Initiative, which could profitably be copied but are not.

I find the performance of ministers dismal. I recently received a set of answers to my questions of 17 and 26 September, and they are the worst ministerial answers to questions that I have received in my considerable experience. I appeal to the minister. As I know well, he is an intelligent, decent and liberal man. Is he prepared to preside over a Scottish justice system that sends a higher proportion of people to jail than virtually any civilised country on the globe?

10:42

**Fiona McLeod (West of Scotland) (SNP):** I feel that I should start with an apology to the chamber, and especially to the opening speakers, for my late arrival. Thank you, Presiding Officer, for your understanding of the vagaries of ScotRail timetabling.

I want to confine my remarks to Low Moss prison, which we all know is unfit as a prison for the 21<sup>st</sup> century. It is unfit for the prisoners, for the staff and for the community living around it. I am not the only person saying that; the same statement has been made by the minister, by the committee in its report and by the current governor of Low Moss.

For the benefit of those members who have not been to Low Moss prison, I should inform the chamber of just how dire the situation is there. Low Moss is a category C prison for 300 prisoners. Those 300 prisoners are housed in ex-RAF wooden huts, in dormitories of up to 30 inmates at a time, and we know the problems that result from that kind of accommodation. Since the beginning of the year, we have had at least half a dozen incidents of disorder at Low Moss prison, the most recent of which was only a few weeks ago.

It is not just disorder that the dormitory accommodation gives rise to. There are also problems with drug taking. If there is a prisoner who wants to come off drugs living with 29 other

inmates who may not want to, it is much more difficult for that prisoner to make that decision and stay with it. We heard that in the evidence that the governor gave to the Justice 1 Committee. There are also problems with the bullying and intimidation of prisoners in a dormitory situation.

One of the things that struck me on a recent visit to Low Moss was that, although the education unit is excellent and its dedicated staff work hard with inmates, inmates can take part in the education programme only when they are in the education unit itself. It is much more difficult to find the peace and quiet to get on with work in a dormitory where there are 29 other inmates. That is something else that the Justice 1 Committee heard in evidence from the governor.

The Justice 1 Committee said in its report

“that the current prison is untenable”,

and the current governor, Ian Bannatyne, said in evidence:

“My belief is that morale is not low in the sense that it is affecting staff performance, but there is a degree of uncertainty that will not be removed until decisions on the proposals in the estates review are made.”—[*Official Report, Justice 1 Committee*, 30 April 2002; c 3512.]

Given those statements, I would like to ask the minister to tell us when Low Moss, as it exists today, will be closing. We keep hearing that it is past its sell-by date and we need to know what that sell-by date is, so that we know that the minister is making provision for the future.

When he is reviewing the future, the minister must recognise that a private prison on that site is not an option. I say that because the record from Kilmarnock private prison is quite clear. We have seen the records on staffing, on drug taking and on lack of rehabilitation. Stewart Stevenson has quoted from parliamentary answers to tell us about the lack of innovation for staff there.

**Brian Fitzpatrick (Strathkelvin and Bearsden) (Lab):** Will Fiona McLeod give way?

**The Deputy Presiding Officer:** She is in the final minute of her speech, Mr Fitzpatrick.

**Fiona McLeod:** I am sorry that I cannot take Brian Fitzpatrick's intervention.

Given Kilmarnock's record, we must be clear that a private prison on the Low Moss site is not the answer. We do not want to replace an inadequate building with an inadequate service. In closing, I stress that the community wants to know when the closing date for Low Moss will be and what the future is for that site.

10:46

**Mr David Davidson (North-East Scotland) (Con):** I shall try to limit my comments to two

locations: Peterhead and Craiginches. After listening to some parts of today's debate, I feel that I may also have to raise the issue of what prisons are for. They are not just for public safety, but also for rehabilitation and for putting back into society people who are able to cope. To achieve that, prisons must have the conditions that allow staff to act professionally, in a safe and caring manner.

I welcome the minister's U-turn on longer-term investment in Peterhead. I agree that it is absolutely urgent that he deal with the minor titivations of electricity and slopping out, but we must have long-term commitment and investment. I take umbrage at Richard Simpson's protestations about the numbers. There may be only 300 or so long-term sex offence prisoners in the male population, but if there are 200 or 300 others in the system who require short-term treatment, why not develop Peterhead as a centre for such treatment? Why not develop it further as a constructive means of dealing with that problem within Scotland, as a national centre and not just for long-term prisoners?

I congratulate the people who fought the campaign to save Peterhead. I told them that that was only the first step, and that has been proved right by subsequent comments from the minister. What are the ingredients for investment in public sector services? The answer must be, “Something to invest in.” There is a location; a local site is available for a new build prison. There is a community that is willing to host such a prison. There is a prison staff with expertise and skills that are recognised worldwide. For any ministerial decision, those are the major ingredients for investment if we are looking for long-term benefit and commitment.

We must create an environment and culture within which prisoners will be encouraged to respond to treatment. That involves developing the morale of staff and recruiting staff. The staff at Peterhead are underrecruited and there are problems with recruitment, because of a lack of commitment from the minister. We need a clear statement to build morale. That morale will transfer into confidence in that prison and among the prisoners.

Fiona McLeod talked about Kilmarnock as if it was the only place that had problems, but Craiginches has problems too. According to Clive Fairweather's report, there are heroin and cocaine difficulties, and prisoner-on-prisoner assault is worse than at Barlinnie, which has five times the population. The report also lists inadequate induction and many other problems that are not unique to any one prison, but are a fact of life in the Scottish Prison Service, particularly at Craiginches. About a year ago, I paid a private

visit there, which I did not publicise. I was appalled at what I saw in that prison. The tension at every level was palpable from the moment I entered, and that cannot be allowed to continue.

The prison was overcrowded and dirty. There were poor buildings that could not cope and poor staff facilities. Staff were willing to run programmes, but it was difficult for them to operate. Clive Fairweather's report made it clear that the prison is in urgent need of attention. Morale is awful. There must be a quick upgrade for the prison to provide some service within the SPS and to be of benefit to people who must go it.

Is it in the minister's heart to understand that if a prison's culture is not right, it will fail the staff and those who are sent to it for correction and punishment? I presume that punishment is part of correction. For prisoners to have their freedom taken away is one thing, but they must come out of prisons capable of being part of society again.

10:50

**Ms Wendy Alexander (Paisley North) (Lab):** I echo the congratulations that members have offered to the Minister for Justice, Jim Wallace, on listening to the deliberations of the Justice 1 Committee. The parliamentary process is tested when there is no consensus. On this occasion, the minister has listened and I speak from personal experience when I say that he has shown ministerial leadership. Sometimes, a minister is strongly advised that they should hold to their original judgment and not listen to a committee. We should congratulate Jim Wallace, particularly on listening to the Justice 1 Committee and on meeting the immediate challenge of dealing with overcrowding.

That prisons are firmly on the public policy agenda in Scotland is also a testament to the Parliament. In the previous century, it was left to churches and voluntary organisations to raise issues that are now the subject of debate in a legislature.

I want to turn to the substance of the report. The committee tried to get to the bottom of enormous cost differences. Why are the public sector and private sector cost differences so large? It is obvious that some differences relate to construction and that some relate to running costs and working practices. However, some relate to and raise the issue of quality of service.

What are prisons for? As members have said, in part, prisons are there to protect the public, but they should also try to reduce the number of people who return to them. Therefore, what prisons are doing to reduce recidivism should be the focus of what happens in the months ahead, not least because decisions that Jim Wallace or

future ministers with responsibility for justice must take about how many more prisons are needed will be rooted in our success in reducing recidivism rates. Peter McKinlay summed up the issue in his own inimitable way. He told the committee that

"Prisons are in the people business."—[*Official Report, Justice 1 Committee*, 11 June 2002; c 3877.]

The leadership that Scotland has shown in the past in reducing recidivism—I am thinking of the special unit at Barlinnie, for example—has not continued in recent years as we might have hoped that it would. It is sad that, after 200 years of prison reform, only in 1999, with the establishment of the Parliament, was the first director of rehabilitation appointed. The SPS established its first throughcare centre as late as 1999 and we are still deliberating on whether there should be a further roll-out.

It is encouraging that the Prison Service now embraces a vision of itself as a leader in correctional excellence. If it wants to be a leader in that field, we must know how many prisoners need help, what kind of help they need and what difference it will make. It is slightly disappointing that it will be 2003 before the information technology system that is needed will be there. The earliest roll-out will be in 2004 and it will be 2005 before the data are in place. Jim Wallace will not have a prisoner's dilemma, but a ministerial dilemma. He will have to take decisions about the number of prison places that are needed when the correctional and rehabilitation regime that we hope for is being put in place.

Members of the Justice 1 Committee detect a tension between, on the one hand, those who acknowledge the shortcomings of the past, embrace a reform agenda and try to drive it forward as speedily as possible and, on the other hand, those who are less willing to concede shortcomings and are not committed to driving forward the agenda to reduce recidivism as it needs to be driven forward. We simply ask ministers to be on the side of the reformers, who acknowledge the shortcomings of the past and are happy to embrace a reform agenda. We will avoid having to build extra prison places—which has created such a dilemma in the prison estates review—only by reducing recidivism.

**The Deputy Presiding Officer (Mr Murray Tosh):** We proceed to closing speeches. Nora Radcliffe has four minutes.

10:55

**Nora Radcliffe (Gordon) (LD):** The debate has been good. Members have raised detailed questions, which the minister will wish to answer. Donald Gorrie in particular gave us a timely reminder of wider issues.

I echo what Paul Martin said. Review of the prison estate is about bricks and mortar and the effective use of public funds. Such matters are important. When a person is taken into custody, responsibility for their welfare is taken out of their own hands and passed to the state. That is a heavy responsibility. It is important that outcomes from the review are as right and good as we can make them. Paul Martin also reminded us of the state's responsibility to prison staff.

No one has a monopoly on wisdom and the consultation on the review and the committee's work have been necessary, constructive and effective. As a result of responses to the consultation—I want to highlight the thorough and well-argued report that Aberdeenshire Council submitted and the extremely effective campaign that was mounted by the partners of prison officers at Peterhead—common sense and rational argument have won the retention of a prison at Peterhead. Those who made the case and those who listened and acknowledged the strength of the case should be commended. As a result of the rigorous scrutiny of what might in the past have been just another official document, the proposals have been thoroughly tested and the eventual outcomes—I say eventual, as it is obvious that much more work is to be done—will be much better for such scrutiny.

10:58

**Bill Aitken (Glasgow) (Con):** The debate has been good and largely constructive. I note Donald Gorrie's point that there should be a war against crime, although I am not convinced that the weapons that he is lining up will result in success. I share his view that the performance of Executive ministers has been abysmal, but I would not restrict that criticism purely to the justice team.

The committee report is good. It is welcome, as there has definitely been Executive movement on some issues. The retention of the Peterhead facility is particularly welcome and I once again pay tribute to those who have fought hard to ensure its survival. The Executive has genuinely recognised that there would be potential difficulties in moving the facility, which does a lot of work, to another area of Scotland that might not be as receptive to it. That said, it is clear—and the Executive recognises—that more work is required at Peterhead as a result of the age and condition of the buildings.

The report underlines the tensions that inevitably exist between concepts of private and public prisons—Pauline McNeill was correct to raise that issue. I understand the misgivings that people have and do not think for a moment that the usual Pavlovian response when there is a debate about the private sector and the public sector has been

manifest. Some take the view that if the state takes someone's liberty away, the state should deal with the issue of imprisonment—that is an argument.

However, what cannot be gainsaid is that on the basis of value for money the private sector provides a better example of how services can be provided more cheaply. Some of the criticisms of Kilmarnock prison are unfair. There is inconsistency between Stewart Stevenson's interpretation of answers to his questions about Kilmarnock and the report on Kilmarnock by the chief inspector of prisons.

Of course, as Paul Martin rightly underlined, there are many missed opportunities in the estates review. We all know that the end of slopping out is essential. We would have liked more movement along that particular road. I accept that there is no great public sympathy for those who are sent to prison and I do not have much sympathy for them either. However, prisoners should be housed in reasonably sanitary conditions and those are not the case while slopping out continues.

The estates review also failed to address other problems. One of the most serious aspects of the running of our prisons is how drugs appear to be readily available. It would not have been rocket science for us to have used the estates review to address the growing problem of drugs in prisons. If adjustments in the design of prison buildings and how prisons are run could bring about a reduction in drug abuse in prisons, those adjustments would be beneficial.

The estates review also failed to address the potential increase in the number of prisoners. The ministers correctly identified a 28 per cent increase in remand numbers. However, a few weeks ago, the Minister for Justice referred to the reduction in the numbers being imprisoned for the non-payment of fines but did not appear to know why that was the case. The answer is simply that means warrants are not being executed. If they were being executed, the prison population would increase dramatically. Those figures should have been considered. It is also unfortunate that the estates review was not used to ensure that proper statistics are available, particularly on the success or otherwise of rehabilitation schemes.

The Justice 1 Committee is to be congratulated on a comprehensive and thorough report. I am sure that it took much time and effort to produce it. The report has caused some movement and we should be grateful for that at least.

11:02

**Stewart Stevenson (Banff and Buchan) (SNP):** The debate has been mature and has not descended into the petty bickering that sometimes occurs in debates. There will be consensus, if not

unanimity, about the outcome. It is disappointing that Lord James Douglas-Hamilton appears to have broken the previous consensus on Kilmarnock—but there we are.

We welcome the development plans that will be put in place for each of the existing prisons. Wearing my constituency hat, I particularly welcome the indication that one will be developed for Peterhead.

**Lord James Douglas-Hamilton:** Will the member give way?

**Stewart Stevenson:** I do not have time. I have too much to say—sorry.

I want to say a word about the Spencer report. The Deputy Minister for Justice appeared to indicate that he disagreed that there were 450 sex offenders in the system. The Spencer report stands on four key assumptions. The fourth assumption is that about 10 per cent of the prison population are sex offenders, which means that there are 460 sex offenders serving sentences of four years or longer.

**Dr Simpson** *rose—*

**Stewart Stevenson:** I will be delighted to hear from Dr Simpson in his summing up. However, if the minister is to tell us that an assumption on which the Spencer report is based is wrong, there will be wider issues to consider. However, I will wait to hear from Dr Simpson.

On the issue of public versus private sector provision, I will first say something about the staff in both systems. I have met staff in both private and public prisons. I am certain that all the staff in both systems are committed to doing their best. The real issue is whether the staff in a private prison have the capability and the tools—as they do in the public sector—to do their best. For example, Pauline McNeill made a valid point about pensions. The commitment and enthusiasm of people who are working for a pension is much greater than that of those who are not.

It has been asked where the figure of £700 million for the difference between the costs of public and private prisons came from. I understand that the chief executive of the Prison Service was asked that question by the Cabinet and that he replied that he did not know where the difference came from. The ministers might tell us that that informal report is incorrect.

The reality is, however, that the public sector comparator is used in the issue of private versus public. For example, higher rates of staffing in public prisons are assumed for comparison than exist in any prison in the Prison Service. We should also bear in mind the fact that the PricewaterhouseCoopers study was limited because it used numbers provided by the Prison Service that were not audited.

That brings us neatly to the subject of Mr Cameron and the leadership of the SPS. It is important to distinguish between management and leadership. Managers must, of course, be leaders; otherwise staff cannot respond and understand what is required of them. The Prison Service managers might have exercised certain management responsibilities—although when they turn out an estates review that is subject to such widespread criticism, one has to ask questions—but they have abjectly failed in leadership. They have severed effective links with their staff and failed to take staff with them. There have been recent encouraging developments in joint statements. I hope that that continues, but I suspect that that is just sticking a finger in the dyke.

I hear echoes of a 1984 episode of “Yes, Minister” in which the minister and Sir Humphrey had a discussion about who ran the department for which the minister was responsible. Sir Humphrey suggested that the minister was the salesman for the department. The Minister for Justice must decide whether he wants to exercise effective leadership and be more than simply a salesman for the management’s ideas. The latter role would dig him deep into trouble.

I support the minister’s right to change his mind and I congratulate him on doing so; it was a tribute to the consultation process on prisons. However, the minister cannot have it both ways. He said in his opening remarks today that the original proposals were correct. He must reflect on that.

In his speech when he came to office, the First Minister said that public services were at the heart of his concerns. That is entirely appropriate. When thinking about private versus public, we must consider that public service is not simply about doing what no one else wants to do, but about contributing value through the ethos and commitment of the people in the public service.

**The Deputy Presiding Officer:** I call the Deputy Minister for Justice, Dr Richard Simpson, to close for the Executive. We saved a couple of minutes earlier in the round, so I will give you eight minutes, minister.

11:08

**The Deputy Minister for Justice (Dr Richard Simpson):** Overall, the debate has been good. However, it is clear that if Parliament is to be effective we must have processes by which it is accepted that the Executive’s decisions are not always totally right or totally wrong, but are balanced decisions that are made on the evidence that is presented to us. It must also be accepted that when we consult, which we have done more than any other Government has, we have an opportunity to examine any fresh evidence.

Of course, some of the fresh evidence came through the Justice 1 Committee, but some came from consultation responses to the Executive, particularly from Labour MSPs. Stewart Stevenson and Alex Salmond submitted evidence on Peterhead to the consultation, but otherwise only Labour members submitted evidence.

It is clear that if decisions are balanced, we should be able to make different decisions on the basis of new evidence. If members return to the speeches that were made during the debate on Peterhead—prior to the statement and the debate on the prison estates review—by Jim Wallace and by me as a back bencher, they will see that we said exactly the same thing. We said that if it could not be guaranteed that the closure of the prison would not disrupt the Peterhead programmes, that would be an important consideration, because the programmes offer the best chance of treating serious sex offenders. During the consultation it became clear that building a new prison or shifting prisoners to a central-belt prison would disrupt programmes to an extent that would not be helpful.

I want to deal with the issue of sex offenders. Michael Matheson and Stewart Stevenson raised the matter, but they have not read the Spencer report correctly. There are 650 convictions of sex offenders annually. About 5,000 offences are committed annually. There are about 300 long-term offenders. There are thought to be another 300 or so short-term offenders in the system. There are problems of identification, because the offence that is listed is the first or most serious offence on the charge sheet. That is not always a sex offence. That is why the Spencer report indicated that sex offenders may constitute 10 per cent of the total prison population. However, not all sex offenders are long-term offenders. The majority of sex offenders convicted annually are short-term offenders. Out of the 650 offenders who are convicted annually, only about 50 end up in Peterhead.

Since I was appointed as a minister, my main concern has been to follow—

**Christine Grahame** *rose—*

**Stewart Stevenson** *rose—*

**Dr Simpson:** I will not give way. Neither Christine Grahame nor Stewart Stevenson allowed me to intervene to correct them. Had they accepted an intervention from me earlier, I could have shortened my speech considerably.

My concern in setting up the Spencer committee was to deal with short-term offenders, who form a substantial proportion of offenders. To do that, we must have effective programmes in place. We have established such programmes at Barlinnie, Polmont and elsewhere. We need to consider

whether those should be brought together in a single-purpose prison in the central belt that will deal with short-term sex offenders. Throughcare and links to the community are of crucial importance. The rehabilitation of long-term prisoners at the end of their sentences can take place in the central belt.

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

**Dr Simpson:** No. I do not have time to deal with all the points that have been made.

The Spencer report is now out to consultation. I hope that people will respond to it. We need to have a serious debate about short-term sex offenders, who may progress to more serious offending.

The other theme of today's debate has been that prison should be used only for those for whom it is appropriate and that there should be alternatives to custody. I look forward to seeing the committee's work on that issue, which will develop alongside ours. The alternatives to custody that the Executive has produced are greater in number and type than those produced by any previous Administration. Drugs courts and drug treatment and testing orders are but two examples of those. We have funded local authorities to carry out bail supervision. Arrest referral and diversion—measures to which Donald Gorrie referred—are in place. If they are used by the courts, they will be effective.

Bill Aitken and Lord James Douglas-Hamilton, among others, referred to fine default, which is a problem. We are considering implementing on a pilot basis the provisions of the Criminal Procedure (Scotland) Act 1995 for dealing with fine default. We may want to re-examine that issue. At present, the daily population of prisons includes only 60 prisoners who have been imprisoned for fine default. That figure does not reflect the weight of work that has been done on the issue. There are 7,000 cases of fine default a year, involving around 5,000 people.

By introducing tagging and by piloting time-out centres for women—we will consider that for men in due course—we are trying to provide alternatives to custody. That is reflected in the number of prisoners. The only group of convicted prisoners whose numbers have increased substantially is long-term adult prisoners. The number of short-term adult prisoners has been stable since 1997. The number of short-term young offenders is down by 23 per cent. The number of long-term young offenders is down by 15 per cent.

We are overwhelmed by problems with remand. Bill Aitken, among others, referred to the issue of drugs. Through the contract with Cranstoun Drug Services Scotland, we have produced throughcare

that will take the number of people whose needs in relation to drugs are assessed from 200—the figure at the time of the establishment of the Parliament—to a target figure of 6,000. That is a sizeable attempt to assess the drugs problem with the individuals concerned and to develop programmes that are effective.

The other issue that I want to address is that of private versus public provision. Certain members often attempt to demonise Kilmarnock prison. I welcome Stewart Stevenson's praise today of staff at Kilmarnock. Frankly, some of the remarks that members have made over the past few years on this issue have been outrageous. Occasionally members need to seek a balanced approach and not be partisan. When dealing with the argument of public versus private provision, it is inappropriate to demonise Kilmarnock prison.

I want to respond to another comment by Stewart Stevenson. Last year or the year before, inspectorate reports identified 24 items of best practice in Scotland. Twelve of those came from Kilmarnock. Kilmarnock is not all bad, but it is not all good. I wish that members would not always say that everything about it is bad. We need to strike a balance in these matters.

Let us re-examine the proposals. Originally we proposed the establishment of two or three private prisons. Our proposal was based on the fact that prisoner numbers are difficult to project. We are taking risks by saying—as Jim Wallace indicated in his statement—that we have decided to opt for only two prisons. One of those will be used initially for remand prisoners, who are not convicted and whose rights are largely removed on conviction. We have said that we will opt for a private build, public operate prison. No matter what is said about the French system, the experiment in Chile and the attempt in Goa, that has never been done before.

Two years ago, the introduction of new working arrangements led to unofficial strikes. We have moved to a position where the trade union and the SPS were able jointly to welcome the minister's statement. They have signed a compact to work together in a genuine partnership to try to make the public prison sector work. In backing that, we have made the largest-ever investment in the public prison sector, to modernise the estate.

I will conclude, because I know that I am well over time. Thank you for your indulgence, Presiding Officer. I will come back to the members who spoke about Craiginches prison. We will continue to examine the problems there, about which I am genuinely concerned.

11:18

**Maureen Macmillan (Highlands and Islands) (Lab):** I thank the ministers and MSPs who have

contributed to today's debate. The Justice 1 Committee's report on the prison estates review was one of the most important reports that the committee has ever produced. The committee was almost unanimous in its reaction to the review, although inevitably different members emphasised the importance of different issues raised by it.

Those concerns were shared by many other MSPs from all parties, members of the public, organisations such as Safeguarding Communities Reducing Offending, prison visitors, prison officers' families, prison chaplains and others, many of whom wrote directly to individual committee members. The committee felt that it was speaking for a large section of the Scottish people. The Executive was right to take account of our views.

Various concerns were raised, but they related to three main areas. First, people were worried about the privatisation of the Scottish Prison Service, either because they had philosophical aversion to private prisons or because they were not convinced that the model of Kilmarnock would deliver the kind of prison regime that we want in Scotland in the 21<sup>st</sup> century, either for prisoners or for staff.

I endorse what Pauline McNeill said about pay and conditions and pensions. However, as Richard Simpson said, we should not demonise Kilmarnock. There is both good and bad there, just as there is both good and bad practice in the public sector.

We believe that the review missed an opportunity to factor in the role of alternatives to custody and the role that the development of better rehabilitation programmes and throughcare could play in keeping people out of prison or preventing them from reoffending.

I come to the proposed closure of Peterhead prison and the implications that that would have for the successful delivery of the STOP 2000 programme. That was bound up with the economic impact that closure would have on Peterhead and resulted in intense lobbying, not only by prison officers' partners but by, I believe, the whole of Aberdeenshire. I pay particular tribute to the work that Stewart Stevenson did on that. The Peterhead debate hinged on whether the buildings were no longer fit for purpose or whether they could be adapted; whether the STOP 2000 programme would be jeopardised by closure; whether the prisoners and, crucially, their families were content to remain so far from the central belt; and whether throughcare could be delivered to central-belt prisoners—a point that Paul Martin emphasised.

The evidence to the committee raised serious doubts as to whether the SPS had conducted any real assessment of the state of the buildings. It

seemed that the decision to close the prison was taken first and the arguments that were employed to justify it were made later.

We are all aware of the degradation of slopping out for both prisoners and prison officers. In Peterhead it seemed that it was possible to manage that because of the nature of the prisoners. I am glad that the Executive has reconsidered Peterhead and has acknowledged that prison officers, prisoners and prisoners' families are content with the present location and that throughcare can continue to be delivered to central-belt prisoners by moving them nearer home towards the end of their sentence.

I welcome the minister's confirmation of the refurbishment of the cells at Peterhead and the negotiations with the staff about overnight toileting. I acknowledge that the Executive cannot give 100-year guarantees on the future of Peterhead and I am content with what has been proposed.

**Mr Davidson:** When the minister was talking about the disruption to providing the services at Peterhead he mentioned new build. I tried to intervene at that point. Did the member take it from what the minister said that new build is not on the agenda any more?

**Maureen Macmillan:** I believe that new build is not on the agenda at the moment. I believe that there will be a review in another 10 years' time or so. I am sure that by then, if not before, we will have more indications from the minister.

There was talk of the disparity between public and private prisons costs. Tony Cameron, the chief executive of the SPS, blamed that on the inefficiency of the public sector. We found that to be an astonishing admission. We imagined that part of his job description would be to address such inefficiencies rather than to use them as an excuse for a privatisation agenda. Tied up with that is the relationship between management and the work force and the fact that there have been poor industrial relations in the Prison Service. I believe that past difficulties were factored into the financial equation when we were told that the running costs of the public sector caused the cost differential, not only when comparing totally public provision with totally private provision but when assessing the comparative costs of a PPP, such as the one that Stewart Stevenson proposed for Peterhead.

I welcome the fact that the Executive has now challenged the SPS to bid for the provision of a new prison in partnership with a private building provider or a voluntary or not-for-profit organisation. I hope that that will be pursued seriously and that it represents a commitment from the Executive, rather than just window-dressing.

The Prison Officers Association Scotland has insisted that it is ready to work flexibly. The

Executive has told the SPS that it has to improve its management practices. I hope that the POAS is left in no doubt that it has to deliver if the public sector is to be able to bid to run one of the proposed new prisons. I want assurances from the Executive that the SPS will be left in no doubt that there has to be a sea change in its management practices, that it has to make a real commitment to making the public sector work and that it realises that it is accountable to the Parliament, as Michael Matheson said. So far, we have not been too impressed. Witness the continuing dispute at Polmont over the closure of the staff social club and the seeming lack of urgency shown by the SPS when it gave evidence to the Justice 1 Committee this week on the effectiveness of prison work and rehabilitation programmes.

As Wendy Alexander and others have said, the crux of the matter is that prison is not just about locking people up. Prisoners must come out with employable skills, ways of managing aggression and the confidence that they will be supported in the community. Mindless work is not good enough and sometimes there is no work at all. We need proper rehabilitation programmes that are delivered mainly by prison officers who have built up a relationship with the prisoners. We need work that will result in recognised qualifications, rather than just passing the time.

We are aware of good work that is being done in some prisons, notably Saughton prison, but I am concerned about how slowly those good initiatives are being rolled out elsewhere. Part of the justification for the three new prisons was the projected rise in prisoner numbers. There is no question but that prisoners who are guilty of serious crimes and who are a danger to the public must have custodial sentences. We must adequately fund and promote alternatives to custody, which are not a soft option but which statistics show prevent more people from reoffending and, I hope, prevent petty criminals from becoming serious criminals later on. I appreciate what Donald Gorrie said about support for young people who are at risk.

The Justice 1 Committee is now turning its attention to examining alternatives to custody. We acknowledge that the Executive has many initiatives in that area. We are particularly concerned to discover why those initiatives are not being used by judges when they seem to many of those who gave evidence to be an answer to recidivism and some aspects of the prison population problem.

In conclusion, I thank the committee members, the many people who wrote to us and all those who gave evidence. I particularly thank the team of clerks whose commitment went above and beyond the call of duty. I commend our report to



the Parliament. I believe that it has already influenced considerably the Executive's thinking. I hope that I can look forward to a modern prison estate where there are good industrial relations, an end to overcrowding and slopping out, the introduction of meaningful work experience and the development of rehabilitation programmes and throughcare. All that will lead to a decline in reoffending and a drop in the prison population. I realise that that cannot be achieved overnight, but I acknowledge the record investment from the Executive and I hope that it will be used well.

I make a special plea for local prisons in the north, such as Aberdeen and Inverness. We have heard from David Davidson and Richard Lochhead on Craiginchies and the chief inspector of prisons has already raised concerns that Inverness prison might go the same way. I beg the Executive to take note of that. Excuse me for ending on a constituency note, but I am extremely concerned about it and I have not yet had a satisfactory answer from the Executive about it.

**Fiona Hyslop (Lothians) (SNP):** On a point of order, Presiding Officer. I wonder whether you could clarify whether the timing for Executive responses to committee reports is covered by standing orders or whether it is a matter of protocol. I note that rule 14.1.5 in the standing orders, on the publication of documents, says that the business bulletin will indicate when publications are available. My understanding from the debate—I apologise for only having watched it from my office—is that the Executive responded to the Justice 1 Committee's very important report at only half-past 5 last night.

I wish to clarify whether the Justice 1 Committee's report is a report in itself or whether it is a response to the Executive's consultation on the prison estates review. My understanding is that it is the former rather than the latter. I want to clarify whether the ministerial statement on the Executive's consultation on the prison estates review was not in itself a sufficient reply to the Justice 1 Committee's report. Is it the case that a full response by the Executive to the report was needed, given that the report raised a great many points, and that the response should not have come at only half-past 5 last night?

**The Deputy Presiding Officer:** I am grateful for the notice that was given of the point of order, although the point of order that has been raised is much more wide-ranging than the one to which I was briefed to respond. Strictly speaking it is not a matter for the standing orders, as Fiona Hyslop had clearly worked out by the time that she raised the verbal point of order. It is clear that there is a non-binding protocol that requires the Executive to provide a response within two months of the publication of committee reports. It is clear that in

this case the Executive did not do so. I am unable to respond to the points in Ms Hyslop's point of order that are essentially points for the Executive. The Minister for Justice is in a position to raise a point of order that might clarify the matter.

**Mr Jim Wallace:** I want to respond in the same way in which I made my opening remarks. The Presiding Officer is right that this is a matter of protocol. It is obvious that the substance of the issues that the Justice 1 Committee report addressed relates to the prison estates review. Anyone would acknowledge that there were a considerable number of responses to the consultation on the prison estates review. It was right and proper that priority was given to analysing those responses and preparing a statement to Parliament, which I made on 5 September, when I took questions for an hour.

I accept that that was not a full response to the Justice 1 Committee's report, but I hope that the Parliament will accept that our priorities were right and that we spent a considerable amount of both ministers' and officials' time analysing the responses to the consultation and devising the statement and the policy that was announced in it. I believe that the spirit in which we operated was one of trying to provide Parliament with a statement of our intentions, many of which reflected points that were raised in the committee's report. As I indicated in my speech, on numerous occasions during the committee's preparation of its report, my officials, the SPS and I co-operated with the committee in order to provide it with the information that would help it to produce its report.

**Christine Grahame:** On a point of order.

**The Deputy Presiding Officer:** Let me respond to the minister's comments first.

The minutiae of such matters go beyond the authority of the chair, but it is clear from the protocol that a procedure is laid down to cover the circumstances in which the Executive may wish to take longer to respond, or to respond in a way that is different from that set out in the protocol. I understand that that procedure was not followed in this case, and the minister may wish to consider how the Executive's response was dealt with, in order to clear the ground for doing things better in future.

Are there further points of order?

**Lord James Douglas-Hamilton:** I received the Executive's response only a few minutes before the debate started. I would welcome a bit more notice in future.

**The Deputy Presiding Officer:** We can probably secure agreement on that point.

## Organic Waste Disposal

**The Deputy Presiding Officer (Mr Murray Tosh):** The next item of business is a debate on motion S1M-3465, in the name of Bristow Muldoon, on behalf of the Transport and the Environment Committee, on its fourth report in 2002, on petition PE327, by the Blairingone and Saline Action Group, on organic waste spread on land.

11:31

**Bristow Muldoon (Livingston) (Lab):** Today's debate is at the behest of the Transport and the Environment Committee and is on a report that we produced in response to petition PE327, by the Blairingone and Saline Action Group. Our report makes recommendations for action on a serious concern that affects a number of communities—the impact on the environment and on health of waste, such as sewage sludge and abattoir waste, being spread near residential areas.

Although the issue was raised by a local action group, it is important that we recognise its broader resonance for the rest of Scotland. That was why the Transport and the Environment Committee decided to undertake work on the issue. Jack McConnell, the First Minister, recently committed the Scottish Executive to the principle of securing environmental justice for the people of Scotland. Therefore, it is important that the Parliament's committees deal seriously with issues that raise environmental concerns and that legislation is introduced to address those concerns.

I will begin by outlining how the issue was brought to the attention of the Transport and the Environment Committee. Then I will highlight the committee's key recommendations. Finally, I will outline the more recent developments that have taken place since the publication of the report, in particular the Scottish Executive's response to the report, and the areas in which the committee believes that further progress must be made.

The issue first came to the committee's attention through the petition from the Blairingone and Saline Action Group, a campaigning group from Kinross-shire, which sought changes to the regulations that govern the spreading of waste on land near residential areas. The petition was submitted to the Parliament in December 2000. The report recognises that the people who campaigned on behalf of Blairingone and Saline carried out their campaign—[*Interruption.*]

**Tricia Marwick (Mid Scotland and Fife) (SNP):** I ask Bristow Muldoon to pronounce the word as "Salin"—I mean that kindly. I say it as a Fifer to someone who is not.

**Bristow Muldoon:** I thank Tricia Marwick for her intervention. My colleague Andy Kerr was giving me heavy whispers to that effect. I apologise to the good people of Saline, which is a village that I have not visited. I will endeavour to pronounce it correctly, as "Salin", for the remainder of my speech.

The petitioners complained that waste, such as sewage sludge and blood and guts from abattoirs was being spread near residential areas. The petitioners were concerned about the potential consequences of waste spreading for people's health, as well as about the odour pollution that was created. They also indicated their frustration with the inadequacy of the regulatory framework that governs the spreading of organic waste, which they believed was difficult to enforce effectively.

I recognise the considerable contribution that George Reid has made by bringing the issue to Parliament's attention. He has campaigned on the issue since 1999, when he became an MSP, if not since before then. In his pursuit of the issue, he has openly shared information with members of other parties, such as my colleague Sylvia Jackson and members of the Transport and the Environment Committee. If members want an example of how to make progress on an issue and gain cross-party support for it, they would be well advised to study George Reid's actions over the past few years.

I also recognise the interest that Sylvia Jackson has shown in the issue. She represents Argaty, an area with similar problems, and her involvement in the issue goes back a number of years. David Martin MEP has been involved over the years, as have many politicians from all parties, including local councillors.

The then convener of the Transport and the Environment Committee, Andy Kerr, was chosen to be our reporter on the petition when it was referred to the committee. On behalf of the committee, I thank him for the work that he carried out. The report that we published was almost wholly based on the professional and well-worded report that he drafted. I know that the affected communities welcomed his visits. Through those visits and through the production of the report and its recommendations for action, the Scottish Parliament was seen to take action to deal with the problems experienced by people in Scotland.

Our report did not consider only the specific issues that were raised in the petition. We also considered the Executive's response to the Scottish Environment Protection Agency's report, "Strategic Review of Organic Waste Spread on Land", and the adequacy of the regulatory and legislative framework for waste disposal in Scotland. We called for evidence from a wide

range of bodies and received evidence from the Blairingone and Saline Action Group, the Scottish Executive, SEPA, Friends of the Earth Scotland and the Institute of Wastes Management. Site visits were undertaken to Blairingone and Argaty. The campaigners' recognition of the Parliament's work is underlined by the fact that, on the Parliament's 1,000<sup>th</sup> day, Duncan Hope, the chairman of the action group, welcomed the actions of a member of the committee in

"taking evidence from people in their own homes",

which, he said,

"brought the Parliament much closer to the people than they had ever been to it before."

On behalf of the committee, I recognise the contribution that the action group made by drawing the issue to our attention. Members were startled and surprised by the fact that it is legal for a large volume of blood and guts to be spread directly on land that is adjacent to housing at any time of the day or night. The committee dealt with that issue in its report.

I referred to the fact that the committee considered the SEPA report, the aim of which was to conduct a strategic review of, and to report on the practice of, spreading organic waste on land. A number of recommendations were made, including a ban on the spreading on land of septic tank sludge. SEPA's recommendations are covered in our report.

Our report recommended that proposals to amend the waste management licensing regulations should be implemented urgently. When the committee's report was published, it was thought that consultation on amendments to the regulations would be issued early in 2002. However, that consultation has yet to materialise, and the committee recently sought clarification from the Executive of the time scale for the consultation exercise.

I move on to some of the outstanding concerns that the petitioners highlighted, such as the spreading of sewage sludge and blood and guts on land, the injection of material into land with field drains, the inability of the authorities to deal with odour nuisance, the spread of waste material at night and health complaints. I am sure that George Reid will return to the health aspect in his speech, as he has raised it on several occasions.

The committee made a number of recommendations for action, including a strengthening of guidance relating to the storage and spreading of sewage sludge. The committee indicated that a review of the injection of waste into land with field drains should be established and that the review should consider possible changes to regulations, to address the health and environmental concerns that arise from the

practice. The committee recommended that the Executive should investigate more effective mechanisms for substantiating genuine odour nuisances and that the spreading of material outwith daylight hours should be prohibited.

The Executive's response to the report stated that a number of new regulations—for example, regulations to ban the spreading of untreated sewage sludge on land—were being introduced to address the committee's concerns. The committee considered the Executive's response at its meeting on 26 June 2002, during which we reiterated our concerns about the spreading of untreated blood and gut content on land. Although we welcomed the Executive's intention to implement the European Union animal by-products regulation as a means of addressing our concerns, we noted that the time scale for implementation of the EU regulation had slipped from summer 2002 to the first half of 2003, because of delays in the European Parliament. We heard from George Reid about further evidence of the damaging environmental health impact of spreading untreated blood and gut content on land and we were concerned that the practice could continue for a further year.

The committee agreed to write to the Minister for Environment and Rural Development to recommend that the application of untreated blood and gut content to land be prohibited in advance of the EU animal by-products regulation. We sought information on the effectiveness of the environmental hazard investigation team, as concerns had been raised that it had not engaged fully with the local community. We acknowledged that many of the health issues did not fall directly within the remit of the Transport and the Environment Committee and that the heavy work programme of the Health and Community Care Committee had perhaps militated against its taking action on some of the issues.

Progress still needs to be made on a number of the issues that arose from our report, such as the timetable for implementing amendments to the waste management regulations and the way in which the petitioners' health concerns have been addressed. However, in addressing some of the petitioners' concerns and securing movement towards new environmental regulations, the committee has achieved a great deal. The only challenge that remains is to convert the recognition of the problems that the petitioners have identified into positive action by the Executive and the Parliament that will resolve the outstanding concerns. I hope that members will support my motion and I look forward to a positive response from ministers and the Executive.

I move,

That the Parliament notes the 4<sup>th</sup> Report 2002 of the Transport and the Environment Committee, *Report on Petition PE327 by the Blairingone and Saline Action Group on Organic Waste Spread on Land* (SP Paper 528).

**The Presiding Officer (Sir David Steel):** The next speaker will be George Reid. He will take both lots of SNP time in a one, so he has eight minutes.

11:43

**Mr George Reid (Mid Scotland and Fife) (SNP):** The people of Blairingone have been blighted for far too long. For eight years up until 1996, they had to endure the dust and noise of opencast mining. Since that time, when the land was transferred, they have been subjected to the spreading of sewage sludge and the composting of a cocktail of waste.

I do not know what Blairingone has done to deserve all that, apart from being guilty of being thought to be too small, too remote and too rural to put up a fight for environmental justice. I know that the people of Blairingone are not nimbys—they are well aware that, although their problems are local in origin, they are national in importance and will not be solved by transferring the muck to someone else's backyard.

The petition that the people of Blairingone lodged with the Parliament sought the institution of a safe, sustainable and enforceable strategy for the disposal of waste to land in Scotland and requested assurances that the environment and public health were not at risk. The way in which the environmental aspect has been handled is exemplary; the way in which the health aspect has been handled by SEPA, by the investigation team and by the Parliament's Health and Community Care Committee, which has twice batted back requests for an inquiry, is not. The health area requires further inquiry.

Andy Kerr's work as reporter to the Transport and the Environment Committee, as part of which he expressed his amazement at what was going on, was a model of its kind. It is quite proper that the committee agreed that maintaining the status quo was not an option.

**The Deputy Minister for Justice (Dr Richard Simpson):** Will the member take an intervention?

**Mr Reid:** If Dr Simpson will allow me to develop my argument, I will let him in shortly.

Throughout the campaign, I have never denied that sludge may be useful as a fertiliser and a soil additive, but I have expressed my concerns about pathogens, heavy metals and toxic chemicals. I have been wryly amused by the ability of public relations men to rebrand excrement as beneficial

biosolids. I openly accept that the big contractors, such as Snowie Ltd, strive to work to the highest standards that are set by Government.

**Dr Simpson:** I acknowledge what George Reid has done. Given that the issue is a public health matter, I wonder whether the public health consultants in the appropriate health board have looked at the health of the Blairingone community. It is the responsibility of those people, along with the groups that Mr Reid has mentioned, to examine such health issues.

**Mr Reid:** I will deal with that point in a little while, when I move on to health.

Since the end of dumping at sea, my concern has been that the quantity of waste is rising so fast that the rate of its application to land—250 tonnes per hectare can be spread, producing 6in thick of material—amounts to industrial waste disposal rather than agricultural activity. The Executive has accepted that key principle. In future, the contractor will have to prove agricultural benefit before spreading, which will give SEPA some of the teeth that it currently lacks.

Since the petition was lodged, the Executive has accepted many of the Blairingone proposals, such as the need for a consistent legislative framework, for more extensive analysis, for an end to spreading the contents of septic tanks, for a review of exemptions and for putting the safe sludge matrix on a statutory basis. I thank the Executive for introducing measures that will make Scotland a greener and cleaner place. I just wish that the Executive had banned the application of blood to land, as SEPA wanted and as contractors have urged the minister to do.

The Deputy Minister for Environment and Rural Development should walk through frozen fields with gelatinous red goo lying on the top, which gulls are pecking at. He should walk through silage—destroyed in the so-called process of fertilisation—which is smeared thick with blood and guts. Foxes run through it and cats bring it into the house. One hundred thousand gallons of the stuff have been lying in tanks at Argaty for almost two years.

In a letter to Bristow Muldoon in August, Ross Finnie said that, after a series of actions, that "isolated and extreme" activity was behind us. He said that it would not be appropriate to take immediate action. Is the minister sure about that? Can he tell the Parliament, categorically, that the practice in question is over? Is not it the case that the contractor has told the media that the practice is not over by a long shot? Has not the minister boasted to the media that he has built up the immunity of the local community by spreading? Is not it true, as of today, that composting continues on the Argaty site, because the site has suddenly

been turned into a mushroom farm? That is simply another loophole.

In addition, is not it true that, in the past week, spreading has been transferred to Linn Mill in Clackmannanshire, where it is going on at a highly intensified rate? Is not it true that the pest control officer has notified SEPA and that Clackmannanshire Council is about to intervene? The council has intervened in the past to end an illegal scrap business on what is an agricultural site and it will do so again. Blood, guts, paunch content and now scrap are involved. I look forward to hearing how the Executive's measures have stopped such "isolated and extreme" activity.

I will turn to health measures. Duncan Hope made forceful remarks about cases of blisters as big as 50p pieces and about a child who nearly died of measles with encephalitis, viral meningitis and general metabolic breakdown. Mr Hope was clear—as I have always been—about making no causal connection between spreading or composting and alleged ill health. His position was exactly the same as that of Andy Kerr, who reported:

"Although there was no conclusive proof on the health issues, there were many coincidences."—[*Official Report, Transport and the Environment Committee*, 3 October 2001; c 2111.]

We have no wish for any shock-horror headlines; we just want the cases to be examined.

Yes, SEPA helped to set up an environmental hazard investigation team, but after that, there was a catalogue of confusion and mutual recrimination. The terms of reference were made public, as the committee wanted, only after the EHIT reported that there was no case to answer.

The EHIT appears to have considered only five cases reported to Perth and Kinross Council. The villagers were never seen. Indeed, they did not know that the inquiry was taking place until it was over. The EHIT report was delivered to the contractor, Snowie, which promptly put out a press release saying "Snowie not to blame".

SEPA then wrote to me saying that it was asking for authority for the EHIT to release the document to Parliament. SEPA then refused to accept the report until the EHIT contacted the villagers. The EHIT refused to go to Blairingone; it said that Blairingone could come to it, and so on and so forth. Now the EHIT blames Mr Hope for refusing to appear while SEPA swithers.

The first meeting was on 23 October 2001. The chairman was not there but SEPA said that

"adverse health would be difficult to identify".

However, the minutes make it clear that that was not the view of the public health consultant from Forth Valley NHS Board, Dr Anthony Breslin, who

is well known to Dr Simpson. He proposed an initial study that would annotate the villagers' concerns, contact GPs and collect prescription data. He commented that such information was "easily obtainable". The minutes of the meeting record that it was agreed to conduct an initial study. That was all that was ever required for meaningful dialogue with the community.

However, the EHIT decided not to proceed. Alarm bells should have rung. As Dr Simpson knows, a medical examination was being carried out for the United States Congress by the American National Academy of Sciences, involving 16 of the most distinguished professors of public health, soil science and waste management in America. Their report, "Biosolids Applied to Land: Advancing Standards and Practices", was delivered to Congress on 2 July. It concludes that the standards that govern using untreated sludge on soil are based on outdated science.

The chairman, Professor Thomas Burke of the department of health policy at Johns Hopkins University said:

"There is a serious lack of health-related information about populations exposed to treated sewage sludge. To ensure public health protection, the Environment Protection Agency should investigate allegations of adverse health effects and update the science behind its chemical and pathogen standards".

The committee has called for improved methods of assessing health risks, new risk assessments and detailed studies on populations exposed to biosolids in their environment.

I do not think that I need to say any more apart from the following. I believe in the Parliament and its procedures. I believe in justice. I believe that the Parliament was set up to cast light on the dark corners of Scottish life, to give voice to the people and to ensure that the elites of old corporate Scotland do not determine what we should think.

The Executive has taken considerable steps forward. The Health and Community Care Committee may yet decide to appoint a reporter and ask for professional advice. However, there must be further inquiries if the Parliament is to fulfil its central role of listening to the people of Scotland.

In taking note of the recommendations of the committee's report, Blairingone reserves the right to come back to the committee. That right was given by Andy Kerr, who said that the committee should keep a "watching brief".

I see that John McAllion is present. I also reserve the right to go back to the Public Petitions Committee and ask whether the health issues that have been raised by the villagers have been adequately addressed by the Parliament.

11:54

**John Scott (Ayr) (Con):** First, I declare an interest as I am a farmer. As I am speaking in the debate, let me say that I am categorically against the spreading of blood and guts on agricultural land. I congratulate George Reid on his speech today.

Given the variety and complexity of past food scares related to the disposal of offal and spinal cord, it is outrageous that such unnecessary risks of blood and guts disposal are being inflicted on communities. It is a matter of regret that the Health and Community Care Committee has thus far refused to consider the health hazard of spreading blood and guts on agricultural land. However, on that point I take issue with the Executive rather than with the Health and Community Care Committee. There is only so much work that a committee can undertake in any one session, and the Health and Community Care Committee has, unquestionably, had more than its fair share. Perhaps in time the committee will feel able to address those issues, but it is unrealistic of the Executive to try to address every issue in the first session of the Parliament.

There is outstanding work to be done on the health impact of the practice. However, assessment and information gathering will become significantly more difficult the longer that the task is left on the to-do list.

I welcome the report, but I cannot welcome it whole-heartedly because, like Topsy, it has grown. While the original petition, rightly, wanted action on the disgusting practice of spreading blood and guts, the report has been broadened beyond the scope of the original inquiry into a review of agricultural practice generally, and the spreading of natural organic farm waste in particular.

Of course, it is not unreasonable to expect farmers to demonstrate an agricultural benefit to spreading waste products on land in the future. However, what are farmers to do with waste such as dirty water from dairy farms, which has no benefit and is 99.9 per cent water but still needs to be got rid of? Such wastes have to be stored in the first instance, given that, on SEPA's instruction, they cannot be allowed to enter the sewerage system, the natural drainage system or field drains that are found in the countryside.

**Bristow Muldoon:** I am intrigued that the member is distancing himself from the committee's report. I have flicked through the report and I cannot see any substantive dissent from the member.

**John Scott:** I have had further time to consider the report. The member will be well aware that I did not come to the report in the first instance, and in the first months of addressing the report, I was perhaps not as confident as I might have been.

The addressing of a specific practice, which is unanimously agreed to be unacceptable, has led to SEPA seeking to move away from the voluntary and self-regulating option of the code on the prevention of environmental pollution from agricultural activity. SEPA now seeks to strengthen the guidance in the hope that that might reduce other alleged abuses of the PEPFAA code. The Transport and the Environment Committee has heard no evidence about that, but it all increases the burden of regulation and cost on the farming community.

It is unreasonable to move the burden of proof from SEPA having to prove that agricultural contractors and farmers are causing a problem, to those contractors and farmers having to prove that they are not causing pollution. Many of the farming practices that involve farmyard organic waste have been regarded as best practice for generations, and still are. The subject of diffuse pollution by farms has to be addressed, but that is already happening.

On odour nuisance, it is a fact of life that in country areas, the spreading of cattle, pig and chicken manure waste on land causes odour—it always has done and it always will do. Why should those who have done that for generations now be expected to spread such wastes without creating smells and odours?

SEPA's view that organic waste should not be spread outwith daylight hours is another contentious area of the report. The Scottish Executive has pointed out, rightly, that that would disadvantage farmers. SEPA ignores that, but the simple fact is that, with increasing wet weather in the stock-producing areas in west and central Scotland, it is essential to be able to seize the moment, in daylight or darkness, to spread manures when the weather and ground conditions are right. Conditions are rarely right now as a result of global warming.

I support the committee's report with regard to the spreading of blood and guts on land in Scotland, and its outright condemnation of that practice. I look forward to the problem being dealt with by the implementation of amendments to the waste management licensing regulations in the autumn.

I am very uncomfortable with the concept of spreading sewage sludge on agricultural land that is used for produce for humans. I disagree with SEPA that the spreading of farmyard manures and organic waste should be significantly more constrained than it already is.

I thank members for their indulgence.

11:59

**Mr John McAllion (Dundee East) (Lab):** The story of this petition highlights both the strengths and the weaknesses of the Parliament's petitions system and indeed of the new democracy that we are trying to build in Scotland.

First, I will speak about the strengths, which George Reid referred to in his speech. Two small local communities are determined to protect their environment and health from what they regard as the dangerous practices of a local private company in the fields surrounding where they live. They form an action group, hold public meetings, engage politicians and Government agencies, and finally petition the Scottish Parliament. The Parliament's Public Petitions Committee listens to their concerns, agrees that they must be addressed and refers the petition to the Transport and the Environment Committee with the recommendation that it consult the Health and Community Care Committee about the health issues that the petition raises.

The Transport and the Environment Committee then appoints a reporter, conducts an investigation, publishes a report and pressurises ministers into action—although, as I understand from George Reid, the action is insufficient to meet the petitioners' demands. That is all excellent. It is the way that the system was intended to work, and it reflects very well on the Parliament and its procedures.

However, the petition also highlights the weakness in the system, which is of course the failure to lock the Health and Community Care Committee into the process. As well as being the convener of the Public Petitions Committee, I am a member of the Health and Community Care Committee. I was completely unaware that the petition was being batted back and forth between the Health and Community Care Committee and the Transport and the Environment Committee and indeed that there had been any row between the committees. I do not think that most members of the Health and Community Care Committee are aware of the situation.

In defence of the Health and Community Care Committee, I should say that it has one of the heaviest work loads of any parliamentary committee. Not only is the committee dealing with the Mental Health (Scotland) Bill, which is the biggest and most complex bill to come before the Parliament and which recently required the committee to meet four times in a week, it is dealing with a number of outstanding petitions—on myalgic encephalomyelitis, the measles, mumps and rubella vaccine, heavy metal poisoning and the impact of gaps in the health service—that it has not yet been able to bring to a conclusion. Time is at a premium and it seems that the Health

and Community Care Committee simply does not have the time to deal with this petition.

The great irony is that the Public Petitions Committee has been left standing on the sidelines, powerless to intervene in the situation.

**Mr Reid:** Mr McAllion will remember Duncan Hope, who is in the gallery today, talking about a boy in Blairingone with blisters as big as 50p pieces on his backside. Mr Hope spoke about that at the Public Petitions Committee, and Mr McAllion said that the matter should be investigated. However, it has never been investigated and I have now been challenged about whether it ever happened.

I want to show members a photograph of what happens when a child gets blisters as big as 50p pieces on his backside. The photograph was released by the patient and taken from his doctor's files with the doctor's consent. Surely the Health and Community Care Committee could appoint a reporter and a professional adviser who would go and take evidence in Blairingone.

**Margaret Jamieson (Kilmarnock and Loudoun) (Lab):** Will the member give way?

**Mr McAllion:** Perhaps I should respond to George Reid's intervention, but go ahead.

**Margaret Jamieson:** John McAllion mentioned the Health and Community Care Committee's current heavy work load, and a number of members have expressed concerns about the amount of legislation that that committee has to consider. George Reid needs to understand that we regularly review the petitions that await the Health and Community Care Committee's consideration. I am concerned that John McAllion, given the length of time that he has been a member of the committee, has never seen the document on petitions. I assure members that the Health and Community Care Committee considers petitions, but perhaps the parliamentary authorities need to examine the committee's heavy work load.

**Mr McAllion:** Another great irony about the situation is that two members of the Health and Community Care Committee sit on the Public Petitions Committee. Unlike other parliamentary committees, the Public Petitions Committee does not have such a heavy work load. Our only concern is the petitions that have been submitted to the Parliament. However, because of the standing orders, we lose ownership of petitions when we pass them on to other committees.

It seems that, under standing orders, the Public Petitions Committee can

"take any other action which the Committee considers appropriate"

in relation to a petition. I ask the people who are

responsible for the standing orders—for example, the Parliamentary Bureau and the Presiding Officer—to consider whether, in this case and with the permission of the Health and Community Care Committee, the Public Petitions Committee could undertake the health inquiry that George Reid has suggested is absolutely essential to address the petitioners' needs.

I do not see why the Public Petitions Committee cannot be used far more often to conduct investigations and produce reports on petitions, so long as it consults the appropriate policy committee and gets its agreement to take that action. If the Health and Community Care Committee is so busy that it simply cannot deal with the petition, I, as convener of the Public Petitions Committee, offer it the opportunity to refer the petition back to us. One of the members of the Health and Community Care Committee who sit on the Public Petitions Committee will then act as reporter and conduct the investigation that George Reid seeks.

**The Presiding Officer:** I think that I can intervene at this point and make a ruling. My reading of rule 15.6.2(c) is that in these circumstances the Public Petitions Committee is quite at liberty to

"take any other action which the Committee considers appropriate".

If the committee wished to appoint a reporter, carry out the kind of work that Mr Reid has indicated and seek the necessary professional advice and back-up, it just needs to come to the Scottish Parliamentary Corporate Body with the usual request to appoint an adviser. I would have thought that that was perfectly open to the committee.

However, I must not enter into the debate. The next speaker is Dr Sylvia Jackson.

12:06

**Dr Sylvia Jackson (Stirling) (Lab):** I am very pleased to speak in this debate, particularly given the fact that I am not a member of the Transport and the Environment Committee. I am involved with the residents of Argaty, which is in my constituency. I welcome some of them to the chamber; I have just looked up at the gallery and seen that they are here. I am very pleased that they have managed to come this morning.

The Argaty residents' problems started two years ago in October 2000 with the spreading of abattoir waste—which, as George Reid has rightly pointed out, is blood and guts—directly on to fields that a local farmer had leased out. The effects have been dreadful. Indeed, I might ask John Scott to come along and see what has happened at Argaty, because I do not think that he realises

how bad the situation has been.

**John Scott:** I could not have been more forthright in my condemnation of the practice of spreading blood and guts. Perhaps Sylvia Jackson misunderstood me, but I have condemned that practice from the outset.

**Dr Jackson:** I got the impression that John Scott was perhaps not as sympathetic as he might have been. However, I accept his comments and I am sorry if my interpretation was wrong.

The community has been affected by persistent odour from the fields; spreading in the evening and at night; enormous environmental worries; and the unsightly nature of the business operations. For example, storage tanks have been covered with graffiti and slogans about several MSPs—I see that George Reid has left the chamber.

The whole experience has been absolutely dreadful for the community. The matter was raised at a meeting of Kilmadock community council, and the residents gave evidence in the case that was brought against the tenant by Stirling Council. The situation has involved Stirling Council, Central Scotland police, representatives of the Forth valley region of the National Farmers Union, the Scottish Parliament through the Transport and the Environment Committee and the Public Petitions Committee, other MSPs—notably George Reid—SEPA and even a member of the European Parliament, David Martin. John Scott said that the matter grew like Topsy; it has had to, because the issues are important.

Until recently, when the reporter found in favour of Stirling Council's case, it seemed that, apart from the foot-and-mouth crisis, nothing was going to stop the practice happening. Of course, an appeal is now under way, but we hope that that process will not take too long.

However, we now find that other activities such as composting are taking place at Argaty. When we asked SEPA to find out whether the composting was being done correctly, we discovered that the agency does not have the necessary powers to investigate the issue. Furthermore, it seems that limited composting activity is allowed, which means that—as George Reid pointed out—another loophole has opened.

Similar things are happening in the area that Cathy Peattie represents. For example, there have been spillages, and blood and guts have been spread on to land. I am sorry, but the matter is growing like Topsy because it is so important.

**John Scott:** I am totally against the spreading of blood and guts. However, I am also against the broadening of the report to encompass other, perfectly legitimate, agricultural practices that I do



not believe it was ever the petitioners' intention to introduce. That is where I disagree with the report.

**Dr Jackson:** Okay. I shall conclude by saying how we should go forward, and I hope that John Scott and I will be in agreement on that.

First, SEPA's powers need to be reconsidered. We must be able to involve SEPA much more quickly to stop such activities, which, in this instance, are not taking place for an agricultural operation. Secondly, we need legislation. The European legislation will be introduced next year, but it would help if we could get going on our own legislation. As George Reid said, we have approached Ross Finnie, and we hope that the legislation will be drafted as quickly as possible. Under the ministerial code, I cannot say anything about health matters, but there are issues there as well.

I am glad that this issue has been discussed this morning, and I thank the past convener of the Transport and the Environment Committee, Andy Kerr, and its present convener for securing the debate.

12:11

**Alex Johnstone (North-East Scotland) (Con):** I draw members' attention to my entry in the register of members' interests. As a dairy farmer, I have wide experience of the production and disposal of huge volumes of what we are calling organic waste. That is not a flippant remark, as I have some experience to bring to the debate.

I shall talk briefly about good agricultural practice. It does not take a genius to work out that, in recent years, we have seen one or two examples of bad agricultural practice and what it can do to the farming industry and the country's economy. That is what we saw during the foot-and-mouth disease outbreak. I call good agricultural practice the practice that I indulge in, which is ensuring that I bring as little on to my farm as I can. I do not bring in livestock—everything is home bred—and everything that enters the farm as a feed or a fertiliser is properly monitored and assessed. Many such requirements have been introduced by legislation to prevent BSE, but they are examples of good practice and should continue.

The practice of spreading blood, guts, abattoir waste or untreated or partially treated sewage sludge on agricultural land is, in my view, simply bad agricultural practice. It should not be encouraged, but it appears to be encouraged at the moment by a system that is unwilling to take action to prevent it. I refer to the Executive's failure to act in respect of the problem. We all know that, as environmental regulations are tightened, there are things that need to be disposed of and that we

must find ways of achieving that. However, I bring to the Executive's attention the traps that we have fallen into in the past. Much of the waste that is being spread on fields, to which George Reid eloquently drew our attention, might also have been dried and used as an animal feed at some time in the past. It takes only a moment of thought to connect what happened when dried and processed waste was used as animal feed and what could, ultimately, happen as a result of the failure to monitor and analyse properly the materials that are being spread on land.

As a Conservative, I have been accused many times of being in some way responsible for BSE. As a farmer, I still get communications that tell me that I maliciously fed animal waste to my cattle and caused the disease. I understand why people take those views. However, we were all working on the best advice that was available at the time. That advice proved to be wrong, and the consequences became obvious as time went on. My concern is that we are in exactly the same position today and that, unless we secure better advice, better practice and a change in the practice that has been outlined, we may be here in 10 years' time dealing with a similar unforeseen problem.

I support the broad principle that lies behind what members have said. Specifically, I abhor the spreading of untreated abattoir and sewage waste on land. I will vote in favour of the motion.

12:15

**The Deputy Minister for Environment and Rural Development (Allan Wilson):** Due tribute has been paid to the role that George Reid has played in bringing the matter to the Parliament's attention and making progress on it. I stress that the views and concerns that have been expressed—by all parties, after John Scott's and Alex Johnstone's statements—are reflected in the Scottish Executive. Many of us have long experience of dealing with waste disposal. In a different context, I—as members already know—organised the crews of the Glasgow sludge boats, which deposited their cargo off my constituency in Arran. Andy Kerr has a long history of professional involvement in Glasgow's waste disposal.

The Executive is critically aware that the spreading of organic wastes on land attracts strong public interest. Striking the right balance between necessary and useful activities and public amenity is an essential component of environmental justice, which we wish to see introduced. The Executive therefore welcomes the important work that Bristow Muldoon and his colleagues on the Transport and the Environment Committee have done in investigating the matter. We have been pleased to note the broad

agreement between the committee, SEPA—the regulators—the residents of Blairingone and Saline and us on what needs to be done. As Bristow Muldoon and George Reid acknowledged—at least on environmental matters—much progress has been made on many of the issues. I will detail our progress to members.

The Scottish agricultural pollution group, which is made up of representatives of the Executive, SEPA, the Scottish Agricultural College and the National Farmers Union of Scotland, is currently reviewing the code on the prevention of environmental pollution from agricultural activity. In advance of the completion of that review, Ross Finnie launched a short practical guidance document in June this year. That guide has now been sent to about 50,000 agricultural businesses and their contractors. It provides helpful dos and don'ts and recommended actions that are in line with issues that are under discussion today. The group is currently consulting all interested bodies on the full version of the code. Members are entitled to give their input to that. The group is also considering how best to meet the recommendation in "Custodians of Change: Report of Agriculture and Environment Working Group" to raise awareness of the PEPFAA code.

Another important piece of work in which I have been involved in the past few months is the development of a four-point pollution prevention plan, which was first published in our bathing water strategy. That issue is of concern to me as a representative of Ayrshire.

**Bruce Crawford (Mid Scotland and Fife) (SNP):** I am grateful to hear how issues have been acted upon. I will stretch the envelope a bit more. Will the minister consider whether we need much stronger regulation of and detailed guidance on what practice is industrial and what is agricultural?

When the minister considers that—particularly the industrial practice and the large amount of waste that is being spread on land—will he review the relationship between SEPA and the contractors and ensure that SEPA has more power to deal with the waste notes that contractors provide? At the moment, SEPA relies far too much on the information the contractor gives and does not inspect or monitor enough.

I would be grateful if we can get some real work done on that and a review of it. Will the minister commit himself to that?

**Allan Wilson:** The case that George Reid highlighted today demonstrates in part that the system is working in so far as Stirling Council stopped the action of the contractor in the case of the mushroom farm, as it represented an industrial—rather than agricultural—activity. That

demonstrates that the system can work, but I will come to the wider regulatory issues.

**Mr Reid:** I alleged that the transformation of a field into a mushroom farm shows that there is a hole in the legislation. My prime concern was that Ross Finnie said that what he called acute and isolated cases did not require emergency action because what he had done had taken care of it. I gave the minister the case of Linn Mill. I gave him the case that Cathy Peattie put to him. Is the minister content that the present legislative and regulatory framework covers what Ross Finnie called isolated, extreme cases? What will the minister do about Linn Mill and about Cathy Peattie's people?

**Allan Wilson:** I was going to come to those precise points, but I am happy to deal with them now, since George Reid has raised them. To be fair to Mr Finnie, he explained the difficulties associated with an immediate ban. I do not believe that George Reid disputes their existence. They include a lack of treatment capacity and extra costs that would be placed on the industry. It may be that, in the SNP, no regard is given to additional costs, but we in the Executive obviously have to have such a regard.

Many of the specific additional points that George Reid raised today are new to me. The proper authorities should be alerted to such issues. SEPA and the local authority should be given the power to investigate such practices and to take action to stop them in accordance with the powers they already have.

I come now to the wider powers and regulatory issues that were mentioned by Bruce Crawford, John Scott, George Reid and others, specifically extending the relevant regulatory powers to such bodies as SEPA and local authorities, to take account of the need for wider action.

**Mr Reid:** If pest control officers know about what I have highlighted today, if SEPA knows, if Perth and Kinross Council knows and if Mr Finnie says that there is no need for any immediate measures because the problem is all in the past, why does Mr Wilson not know?

**Allan Wilson:** Because George Reid's raising of some issues today was, to the best of my knowledge, the first time they have been raised with the Executive. I would not have known about them until George Reid chose to raise them with me.

**Mr Reid:** But SEPA knew about them.

**Allan Wilson:** I have given a straightforward, simple explanation to the question George Reid asked me.

Sewage sludge is an important part of the issue. Scottish Water follows the safe sludge matrix, and

work is continuing on related issues. The Executive continues to aim to issue consultations on amendments to the Waste Management Licensing Regulations 1994 by the end of November. Provided no difficulties come to light during the consultation period, amended regulations will be in force by spring 2003.

The requirement to demonstrate agricultural benefit is aimed at preventing the kind of environmental pollution that is highlighted in the petition. It is necessary to ensure that appropriate material is spread on the land. It would be wrong to exempt a range of specific activities simply because they are said to be legitimate. That is the point that has been made in connection with the latest examples: the protection that the requirement offers would disappear.

As regards action that may be taken in the case of an urgent environmental problem—which may or may not arise in connection with the latest examples cited—under the Environmental Protection Act 1990, local authorities can

“serve a notice (‘an abatement notice’) ... requiring the abatement of the nuisance or prohibiting or restricting its occurrence or recurrence”.

How soon the relevant local authority might serve such a notice is for it to decide.

**Dr Jackson:** Will the minister give way?

**The Presiding Officer:** I am sorry, but we cannot have any more interventions. The minister is already well over time.

**Allan Wilson:** Important matters have been raised, which require answers.

**The Presiding Officer:** That is why I am not stopping you, minister, but I do not think that we can allow any more interventions.

**Allan Wilson:** Where a consent or licence exists, the 1990 act, with the Control of Pollution Act 1974, endows SEPA with powers to ensure that conditions are enforced. Those powers do not apply when waste has been spread under an exemption. That is another reason for our wish to restrict exemptions. SEPA could, however, seek an interdict to prevent an activity involving serious pollution where the circumstances might persuade the court that the pollution was on-going and likely to persist were such action not taken. The Transport and the Environment Committee has quite properly raised those issues with the Executive, and those are the answers that I am happy to announce to the Parliament.

I would, with your indulgence, Presiding Officer, like to mention other work in which we are engaged. We are considering a revision of the Sludge (Use in Agriculture) Regulations 1989 to define statutory sludge treatment processes and to

update the relevant code of practice. We hope to issue a consultation paper on that in the near future, with the prospect of making a safe sludge matrix a statutory provision.

Under the Waste Management Licensing Regulations 1994, we intend to ensure that prior risk assessment of land is carried out, including consideration of the position of field drains—which is another important matter that has been raised with us—before blood and gut contents from abattoirs is spread.

The animal by-products regulation that has finally been agreed in Brussels will end the spreading of untreated blood on land. In the meantime, as I said to George Reid, we have commissioned research into treatment methods for blood.

I freely admit to Alex Johnstone that progress may have been slower than we envisaged. That is not due to any lack of will on the part of the Executive; it arises from the necessity to come up with a coherent regime that we do not have to pull apart in two or three months' time and reconstruct because it was not right in the first place. That is the answer to the wider questions that Alex Johnstone raised on the validity of the advice we receive. If we act, we have to act on secure knowledge and safe science, rather than constantly revisit the issue if doubts are subsequently expressed about the safety of the science.

I am winding up, Presiding Officer. We should also note that while the spreading of organic waste on land is important in itself, it is part of the wider issue of best environmental practice. That is why I said that the PEPFAA code will address many of the concerns that have been expressed by the Transport and the Environment Committee and by members today, and will put important detail in the dos and don'ts of what can be accommodated in the code.

I end by referring to the broad agreement that appears to exist among all the stakeholders about the seriousness of the issue. It is an example of the Parliament's committee system working well. I whole-heartedly encourage the local community to engage with Dr Rowarth, who has offered to meet the community, although the community has not taken up that offer. Engagement is a two-way process, so I encourage the local community to take up the offer of engaging with Dr Rowarth, so that they can address their concerns.

We are working on the measures that the Transport and the Environment Committee welcomed. We will continue to do so, so that the “Fields of Filth”, as George Reid described them, become a thing of the past.

**The Presiding Officer:** We are running rather

late and we have two other items of business, so if Nora Radcliffe could be brief I would be grateful.

12:28

**Nora Radcliffe (Gordon) (LD):** I am sorry that I have such a short time in which to wind up, because there is a lot to say. First, I congratulate the petitioners from the Blairingone and Saline Action Group, who have mounted and maintained an excellent campaign on behalf of their communities. They have been ably and effectively backed by their MSP, George Reid, as has been demonstrated again today.

As deputy convener of the Transport and the Environment Committee, I thank our previous convener Andy Kerr, who was the reporter to the committee and who did much of the work in the report, our current convener Bristow Muldoon, the members of the committee and our excellent and hard-working clerking team for their contributions to the report.

The process of producing the report highlighted some unacceptable practices, the possible health consequences and the difficulty of dealing adequately with irresponsible operators with the regulations as they are currently framed. Bristow Muldoon outlined different responses to that difficulty. The problems were outlined in SEPA's "Strategic Review of Organic Waste Spread on Land" in 1998. There has been a series of attempts to implement the recommendations of that report. They have suffered various degrees of slippage that I will not go into.

The Transport and the Environment Committee recommended seven months ago that the matter be taken forward with urgency, so I was glad to hear that we now have a time frame, such that there will be consultation in November and that amendments should be in place by spring.

John Scott rightly and responsibly articulated farmers' concerns about ancillary matters. I say to him that the proposed consultation and amendments afford an opportunity to explore the issues thoroughly.

John McAllion highlighted the Health and Community Care Committee's work load but suggested a way forward, with a helpful interjection from the Presiding Officer. The Transport and the Environment Committee has written to the Minister for Health and Community Care for information on the powers that are available to him on such public health matters.

Sylvia Jackson showed that what happened at Blairingone was not an isolated incident and described the enforcement difficulties under current regulations and powers. Alex Johnstone reminded us that good agricultural practice exists.

He also talked about the practical problems that are created by the continuing development of better standards and better practices and about the necessity of better advice. I welcome the minister's response on that.

Progress remains to be made on completing the process and achieving amendments to the regulations. The Transport and the Environment Committee is not satisfied that the petitioners' health-related concerns have been addressed, but that is not in the committee's remit. I am confident that both issues will be brought to a satisfactory conclusion eventually. The matter typifies much of my work as an MSP—it creates pride in the Parliament and how it works and frustration at how long it takes to do anything.

The process has been a job well done so far and it has shown how the Parliament, the Executive, the Parliament's committees and the people of Scotland can work together. George Reid's blow-by-blow account makes it obvious that that must be done with commitment, adaptability and persistence. I commend the report to the Parliament and the Executive and look forward to action on its conclusions and recommendations.

**The Presiding Officer:** I am grateful to the member for taking much less than her allotted time.

## Standing Orders (Changes)

**The Presiding Officer (Sir David Steel):** The next item of business is consideration of motion S1M-3460, in the name of Murray Tosh, on behalf of the Procedures Committee, on its fourth report of 2002, on changes to standing orders. Will Murray Tosh explain the changes?

12:31

**Mr Murray Tosh (South of Scotland) (Con):** I will say simply that the Parliament's agreeing to the motion will give effect to the standing orders changes in the Procedures Committee's fourth report of 2002 only in relation to the Scottish parliamentary standards commissioner. They are a series of consequential changes that arise from recent legislation and are necessary to allow the Scottish Parliamentary Corporate Body to appoint a commissioner.

I move,

That the Parliament agrees the recommendations for changes to the Standing Orders of the Scottish Parliament concerning the Scottish Parliamentary Standards Commissioner contained in the Procedures Committee's 4th Report 2002, *Changes to Standing Orders concerning the Scottish Parliamentary Standards Commissioner, European Committee remit, Private Legislation, Temporary Conveners and the Journal of the Scottish Parliament* (SP Paper 665), and agrees that these changes shall come into effect on 14 October 2002.

**The Presiding Officer:** No one has asked to speak on the motion and the decision on it will be taken at decision time.

## Business Motion

12:31

**The Presiding Officer (Sir David Steel):** The next item of business is consideration of business motion S1M-3476, in the name of Patricia Ferguson, which sets out a business programme. The motion is published in the business bulletin.

*Motion moved,*

That the Parliament agrees—

(a) the following programme of business—

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: 50th 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

Wednesday 6 November 2002

2:30 pm Time for Reflection

*followed by* Parliamentary Bureau Motions

*followed by* Executive Business

*followed by* Parliamentary Bureau Motions

5:00 pm Decision Time

*followed by* Members' Business

Thursday 7 November 2002

9:30 am Executive Business

*followed by* Business Motion

2:30 pm Question Time

3:10 pm First Minister's Question Time  
 3:30 pm Executive Business  
*followed by* Parliamentary Bureau Motions  
 5:00 pm Decision Time  
*followed by* Members' Business

(b) that the Justice 2 Committee reports to the Justice 1 Committee by 28 October 2002 on the Criminal Legal Aid (Scotland) (Fees) Amendment (No.2) Regulations 2002, the Criminal Legal Aid (Scotland) Amendment Regulations 2002 and on the Criminal Legal Aid (Fixed Payments) (Scotland) Amendment (No.2) Regulations 2002

and (c) that Stage 1 of the Organic Farming Targets (Scotland) Bill be completed by 7 February 2003 and that Stage 2 of the Local Government in Scotland Bill be completed by 28 November 2002.—[*Euan Robson*.]

*Motion agreed to.*

12:32

*Meeting suspended until 14:30.*

14:30

*On resuming—*

## Question Time

### SCOTTISH EXECUTIVE

**The Presiding Officer (Sir David Steel):** We begin this afternoon's business with question time. For question number 1, I call Paul Martin.

#### Health Care Facilities (Site Selection)

**1. Paul Martin (Glasgow Springburn) (Lab):** To ask the Scottish Executive what steps will be taken to improve the process of selecting sites for new health care facilities. (S1O-5736)

**The Presiding Officer:** I call Sandra White.

**Brian Fitzpatrick (Strathkelvin and Bearsden) (Lab):** Never!

**The Presiding Officer:** I beg members' pardon. I apologise, but I was still shuffling my papers. I call Malcolm Chisholm.

**The Minister for Health and Community Care (Malcolm Chisholm):** Draft interim guidance that was issued recently to the national health service requires a thorough and rigorous approach to public involvement and consultation when any substantial development or variation in health services is proposed. Moreover, the Scottish capital investment manual requires NHS bodies to appraise a range of feasible options when selecting sites for new health care facilities in order to enable operational suitability and value for money to be examined and compared before final decisions are made. That guidance is currently being revised.

**Paul Martin:** Does the minister agree that it is absolutely crucial that facilities such as new medium-secure units are selected in the most effective and best sites possible? Does he share my concerns that a 1998 option-appraisal document discounted two sites in Glasgow for public and political reasons? Does he agree that that is unacceptable? Does he also share my concern that Stobhill was selected because the capital receipts that would have come from its sale would have been minimal compared to other sites at the time?

**Malcolm Chisholm:** That certainly would be unacceptable if that was what had happened. However, both Paul Martin and I heard Tim Davison, chief executive of the Greater Glasgow Primary Care NHS Trust, say to the Health and Community Care Committee that that was not the case. Although someone might have made such a statement at an NHS board meeting, Tim Davison

said that the reason that Paul Martin cited for the site's selection was not the case. The trust examined many site options, but one factor that had to be considered was the need to get the medium-secure unit built as quickly as possible. Tim Davison also said that, although receipts from other sites were a relevant and legitimate factor in terms of value for money, it was not the overriding factor that influenced the decision.

**The Presiding Officer:** Before I call supplementary questions, I remind members that the question is about sites for new facilities. It is not about the wider issues in national health services in Glasgow.

**Ms Sandra White (Glasgow) (SNP):** I thank the Presiding Officer for the promotion, although I thought that I had more hair than Mr Chisholm.

What are the criteria for providing adequate transport to the hospital sites that are identified? I speak in particular about the Southern general hospital. Are there contingency plans in the event that the Clyde tunnel is closed or are there new plans for extra transport links to be provided?

**Malcolm Chisholm:** That is a crucial issue. As I said in the debate in the Parliament on 12 September, an important report on that will be published this month, which I know MSPs are waiting for. I certainly hope that the report will give impetus to the issue although, as Sandra White knows, we have a considerable amount of time before the changes will be implemented in full.

**Mary Scanlon (Highlands and Islands) (Con):** Given the commitment in the Mental Health (Scotland) Bill to the least restrictive alternative, will the minister guarantee that there will be a medium-secure unit in the west of Scotland that could take appropriate patients out of the state hospital at Carstairs?

**Malcolm Chisholm:** As all members will know, we are keen to have a medium-secure unit for Glasgow NHS Board as well as for the other west of Scotland NHS boards. I held a meeting about that with NHS board chairs a few weeks ago, so I know that work is being carried forward on the matter. It is clear that it is important that such units are built as soon as possible so that we can, among other things, deal with people being in Carstairs for longer than they ought to be, which Mary Scanlon referred to.

**Tommy Sheridan (Glasgow) (SSP):** Does the minister agree that it is wrong that his department should send letters to the director of South Glasgow University Hospitals NHS Trust indicating its support for the building of new ambulatory care and diagnostic units? A letter was sent on 11 September, which was the day before we had a debate in the chamber on whether the Parliament supported the trust's proposals for reorganisation.

Does not that letter show a flagrant disregard for the democracy of the Scottish Parliament?

**Malcolm Chisholm:** Absolutely not. We would never disregard the democracy of the Scottish Parliament.

I expressed a view on ACADs in August; it was therefore not surprising that a letter expressing that view should have been sent. However, it is important that information on the wide range of services to be offered in those ACADs is made available. Many people in Glasgow say that they do not yet know what new services will be offered. The principle is that as many services as possible will be provided locally and 85 per cent of the services will be.

As Dr Tim Parke—the leading accident and emergency consultant in south Glasgow—said in his recent letter to *The Herald*, the arguments for some centralisation of specialist services are overwhelming. I hope that everybody will read that letter, which was in *The Herald* on 8 October.

**The Presiding Officer:** We wandered well wide of the question there. We move now to question 2.

## Flood Prevention

**2. Trish Godman (West Renfrewshire) (Lab):** To ask the Scottish Executive what action it is taking in the field of flood prevention. (S10-5753)

**The Deputy Minister for Environment and Rural Development (Allan Wilson):** The Executive is taking forward a number of initiatives on flood prevention, such as providing increased resources for local authorities in support of their investment in flood prevention schemes.

**Trish Godman:** I welcome the support that has been given for flood prevention schemes. However, is the minister aware of the cost of promoting minor flood prevention schemes and the length of time that is required for such schemes under present legislation? For example, there is a flooding problem in my constituency that requires urgent attention, but it cannot be dealt with under current legislation. Has the minister any plans to introduce new legislation to simplify procedures for schemes that have a value of less than, say, £250,000?

**Allan Wilson:** I think that I am familiar with the scheme to which Trish Godman refers, because I live only a matter of miles from it. I am glad that she welcomes the increased resources because we are expanding those resources to £40 million over the period that is covered by the new Scottish budget.

The Executive is reviewing its administrative procedures and the statutory procedures that are required by the Flood Prevention and Land Drainage (Scotland) Act 1997 with a view to

simplifying and speeding up the process. The review is on-going, so it is too early to say whether legislative changes will be proposed. However, the need for a shorter and simpler procedure for minor works—a procedure that would continue to provide the necessary safeguards for the rights of those who would be affected by such works—is certainly a matter for consideration in the review.

**Fiona McLeod (West of Scotland) (SNP):** Notwithstanding what the minister said about considering legislation, will he explain why—given that mitigation of flooding will be one of the indicators of the success of the Water Environment and Water Services (Scotland) Bill—he is not using that bill as the legislative vehicle with which to deal with flooding?

**Allan Wilson:** The Water Environment and Water Services (Scotland) Bill, as Fiona McLeod knows, is currently at stage 1 in the Transport and the Environment Committee and I understand that the committee will produce a report soon. When it does, I will consider closely its recommendations on the matter.

**Maureen Macmillan (Highlands and Islands) (Lab):** The minister will know that the management by farmers of flood plains has a huge part to play in flood prevention. What support will the minister give to farmers and crofters to enable them to preserve and restore flood plains?

**Allan Wilson:** We are already taking action. Planning guidelines will involve a presumption against building on flood plains. However, the Executive requires a catchment-based approach to flood prevention. We encourage best practice in councils' consideration of appropriate sustainable solutions to flooding problems. There have been a number of examples of that; I visited one in Linlithgow recently.

**John Scott (Ayr) (Con):** The minister will be aware that, in the Water Environment and Water Services (Scotland) Bill, little attempt is made to address flooding problems and their mitigation. Who should be ultimately responsible for the development and delivery of flood management plans? Should it be local authorities or the Scottish Environment Protection Agency?

**Allan Wilson:** Local authorities should be responsible.

### Drug Users

**3. Elaine Thomson (Aberdeen North) (Lab):** To ask the Scottish Executive what progress it is making in developing an integrated approach to treatment and care of drug users. (S10-5754)

**The Deputy Minister for Justice (Dr Richard Simpson):** On 2 October, the Minister for Health and Community Care launched a report by the

Executive's effective interventions unit that provides comprehensive information and advice on the provision of integrated care for drug misusers. The report is based on a review of research evidence and on consultation of health care professionals, service providers in the statutory and voluntary sectors and service users.

Our objective is to encourage statutory and voluntary organisations that design, commission and provide services to deliver person-centred integrated care that takes account of the variety of social, economic and health problems that are often experienced by drug misusers.

**Elaine Thomson:** I thank the minister for his reply. I welcome initiatives such as the increasingly successful use of drug treatment and testing orders in Aberdeen. I hope that that will soon be complemented by the introduction of a drugs court.

Is the minister aware of the level of prostitution in Aberdeen? Almost all the women involved are funding their drug habits. Does the minister agree that an appropriate use of seized assets from drug dealers might be to fund an urgently required drop-in centre to ensure that those women are in contact with drug agencies, the police and health workers?

**Dr Simpson:** We are determined that criminals should not be allowed to benefit from their ill-gotten gains. The recent passage of the Proceeds of Crime Act 2002, which we will begin to implement in December and will implement in other respects in February of next year, will produce resources that over time we will put back into communities and into treating problems in communities.

I also acknowledge what Elaine Thomson said about the problem of prostitution and its association with drug taking, not only in Aberdeen but in Glasgow, Edinburgh, Dundee and elsewhere. Some local initiatives, such as the Scottish Prostitutes Education Project in Edinburgh and Routes Out of Prostitution in Glasgow, are beginning to help with those problems. I hope very much that the drug action team in Aberdeen will work closely with other people—directly or through the joint future arrangements—to ensure that effective services are available for such high target groups. They need adequate support to effect good harm reduction.

**Alex Fergusson (South of Scotland) (Con):** Will the minister join me in congratulating the volunteer founders of the You Are Not Alone family support group, which was launched on a shoestring budget two weeks ago in Stranraer? It is a telephone helpline service for addicts and their dependants. Will he undertake to issue guidelines



to local and area drug action teams so that they will actively support and encourage such groups and initiatives?

**Dr Simpson:** I had the pleasure of meeting the Stranraer Against Drugs group some time ago. I was particularly pleased with the highly effective raid that was conducted recently by Dumfries and Galloway police. I know that the Stranraer Against Drugs group was present at the briefing. The raid was a very effective demonstration of enforcement. Alex Fergusson is right that we must also support family units. The First Minister recently announced for the support of family groups the use of £180,000 of money confiscated under the Proceeds of Crime (Scotland) Act 1995. We also held our first national family conference this year. We will develop support for groups in localities such as Stranraer. Although we are not issuing specific guidelines, we have produced a report on the subject.

**Brian Adam (North-East Scotland) (SNP):** Does the minister agree that the integrated approach should include the opportunity to have residential detoxification, rehabilitation and throughcare services? Will he take steps to ensure that we have that in the north-east? Does he share my regret about the demise of the Grampian Addiction Problem Service, which has worked with prostitutes in Aberdeen and elsewhere in the north-east? What steps will he take to ensure that agencies such as health boards and local authorities help, support and encourage community groups such as the Grampian Addiction Problem Service?

**Dr Simpson:** The member raised two specific issues, one of which is residential rehabilitation. I have to say that such decision must be judgments of local drug action teams. Community groups often regard residential rehabilitation as the best way of proceeding, but it is not; rather, community-based rehabilitation and withdrawal systems are more effective. We should be cautious about wasting money on rehabilitation.

The second matter that Brian Adam raised is the Grampian Addiction Problem Service. As with the first matter, decisions about which community groups to support are for the local drug action team. It is a matter for regret that Mrs Jess's organisation will go out of operation and I am not fully clear about why it has happened, although we have suggested to Mrs Jess other possible funding streams through the new opportunities fund. I believe that everybody has to be on board. People have different approaches and we need to respect those different approaches. It is a matter for some regret that she is pulling out of the area, but any discussions must be local.

## British Embassies (Contact)

**4. Richard Lochhead (North-East Scotland) (SNP):** To ask the Scottish Executive whether it is in regular contact with British embassies. (S10-5763)

**The Deputy First Minister and Minister for Justice (Mr Jim Wallace):** Yes.

**Richard Lochhead:** I spoke to an ambassador in a European embassy a couple of weeks ago who informed me that she is briefed only by Whitehall departments on policy issues, including issues that are devolved to the Scottish Parliament. On checking the websites of any of the British embassies around the globe, one can find pages that promote Buckingham Palace and Big Ben, but finding any reference to Scotland is like finding a needle in a haystack. Will the minister speak to the Foreign and Commonwealth Office and remind it that there is a place called Scotland, which it should be promoting as well, because—for the time being—Scottish taxpayers continue to fund the Foreign and Commonwealth Office and those embassies?

**Mr Wallace:** I am always keen to find ways to promote Scotland, and if using embassy websites helps us to do that better, I am happy to pursue that. However, I make it clear that the Foreign and Commonwealth Office does provide appropriate support to ministers and officials when they travel overseas. External relations officials are in daily contact with Foreign and Commonwealth Office officials in London and in embassies abroad. I have had personal contact with a number of British embassies and British ambassadors, and not just in Europe. It is only fair to say that the service that ministers receive from British embassies—or high commissions, as when the First Minister visited South Africa recently for the earth summit—when we visit other countries is first class. This is an opportunity to put that on the record.

**Phil Gallie (South of Scotland) (Con):** I welcome the minister's positive response. Given the strong family links between families here in Scotland and in Zimbabwe, has the minister had any contact with the high commission in Harare? If so, has he expressed the concern of families here about the safety of their relatives in Zimbabwe?

**Mr Wallace:** I have not had contact with the high commission in Zimbabwe. The matters to which Mr Gallie refers are reserved to Westminster, and are therefore the responsibility of the Foreign and Commonwealth Office.

## Scottish Water (Tariff Structures)

**5. Cathy Peattie (Falkirk East) (Lab):** To ask the Scottish Executive when Scottish Water will report on its review of tariff structures and whether the review will take account of the impact of recent

increases in fixed and volumetric charges on the viability of small businesses. (S1O-5761)

**The Minister for Environment and Rural Development (Ross Finnie):** First, I acknowledge Cathy Peattie's interest in the matter on behalf of a number of constituents who have business interests.

Although the issue is essentially an operational matter for Scottish Water, I am obviously aware that Scottish Water is currently reviewing the tariff structure. I am advised that that work will not be completed until 2004-05 and that the review will entail consultations with all customers.

By way of further clarification, in a written response that I gave on 7 June to Christine Grahame's question S1W-26315, the factors to be taken into account in Scottish Water's review were described in some detail. To recap briefly, those factors were: to seek to establish the most appropriate tariff structures for all customers, including issues such as metered supplies; to provide appropriate structures for surface water drainage charges; and to have a consistent approach to charging for all customers.

**Cathy Peattie:** Will the minister examine ways in which to address the negative impact that huge water costs are having on small businesses? In my community—in Grangemouth, Bo'ness and Brightons—people tell me about bills for boiling a kettle and flushing the loo once a day that are three times the amount that they used to be. Surely that is not appropriate. We need to find ways of supporting small businesses.

**Ross Finnie:** First, I regret deeply that the review is taking so long, but I well recall that during the early passage of the Water Industry (Scotland) Bill in committee and in the chamber I acknowledged that one of the major tasks that faced the water companies was to review charges. I regret to say that if one examines the practices of the three former water authorities, one finds that they were different and that different treatments were applied. One of the things that we have to be careful about is that in some cases, people rush to the conclusion that metering will be the answer. We have also to take account of the fact that in the water industry, a large percentage of the charge is the fixed charge for transmitting the water supply to one's door to make water available 24 hours a day.

Although I accept the point that the member makes, I repeat that the review is a major exercise that requires the water company to meet all the criteria that we have set out.

**Christine Grahame (South of Scotland) (SNP):** Is the minister aware that a business in Coldstream that has the same rateable value as one in Berwick has a water bill that is at least £200

more? Notwithstanding what the minister has just said, what interventions will the minister make to redress such competitive disadvantages, especially given that Borders businesses continue to struggle in the aftermath of the foot-and-mouth outbreak?

**Ross Finnie:** I am not saying that the example that Christine Grahame cites is in any way equitable, but I regret to say that the pattern of water charging throughout Scotland is not satisfactory. That is why this fundamental review is under way. I regret that it will take rather longer than I had hoped it would, but I am afraid that it would be impossible for ministers to intervene in individual cases throughout Scotland on the basis of the evidence that we have. We have to await the outcome of the rigorous review.

**The Presiding Officer:** Question 6 has been withdrawn.

### Education (Children with Disabilities)

**7. Mr Kenneth Macintosh (Eastwood) (Lab):** To ask the Scottish Executive what progress is being made in ensuring that local authorities are able to introduce strategies that ensure that children with disabilities have equal access to education. (S1O-5751)

**The Minister for Education and Young People (Cathy Jamieson):** All local authorities must prepare their first accessibility strategy by 1 April next year and the Executive has published guidance that provides advice to help education providers with that duty. The Disability Rights Commission is also holding seminars for local authority planning groups on the approach to preparing strategies.

**Mr Macintosh:** I thank the minister for the money that was announced recently to give children access to specialist equipment. Is the minister aware that families are committed to raising funds to buy specialist information technology equipment? In my constituency, the Clegg family spends a lot of time raising funds to buy IT equipment for a nursery.

Is the minister also aware that nurseries that are not attached to primary schools sometimes have a particular difficulty in purchasing IT equipment? Although I acknowledge the money that has recently been announced, will the minister promise to examine that difficulty in detail so that parents can be reassured that all children will have equal access to education?

**Cathy Jamieson:** I would be happy to examine the circumstances that Kenneth Macintosh describes. It is important to acknowledge that the money that has been made available is to enable local authorities to examine the range of facilities that they provide. The recent investment was not

only to provide physical access to buildings, but to provide the kind of equipment that allows children and young people to get the benefits of education.

**Lord James Douglas-Hamilton (Lothians) (Con):** Will the minister accept that there is a place in certain circumstances for special schools for children who have severe and complex learning difficulties; that decisions about what disposals offer the best outcome for children are sensitive and difficult and that the views of families need to be taken into account as well as those of the experts?

**Cathy Jamieson:** I have no difficulty in giving the member that reassurance. I have always said that our policy of including young people has to take account of the fact that many young people have extremely complex difficulties and might require specialist education, whether that means day provision or residential schooling. I have not changed my view on that.

### Fire Services

**8. Alex Johnstone (North-East Scotland) (Con):** To ask the Scottish Executive what provision it has made to ensure that fire services will be maintained should strike action be taken by firefighters. (S10-5735)

**The Deputy First Minister and Minister for Justice (Mr Jim Wallace):** There are contingency plans in place for a range of possible scenarios, including industrial action in the fire service. Detailed planning is taking place with the military and the emergency services on the arrangements for responding to emergency calls. However, those arrangements cannot replicate fully the cover that is provided by local authority fire brigades. It is still to be hoped that common sense will prevail and that, in the light of the independent review, the Fire Brigades Union will withdraw its wholly unnecessary call for industrial action.

**Alex Johnstone:** We must be aware that, in the 25 years that have passed since a Labour Government last forced the fire service to the verge of strike action, the availability of military equipment to provide cover in the event of a strike is now rather less than it used to be, with many green goddess fire engines either scrapped or in museums. Similarly, the quality of the equipment that we rely on now is much higher than it was in the past. Will the minister therefore ensure that military personnel have access to existing fire service equipment, should it be required?

**Mr Wallace:** I am not in a position to say that. As I said in my answer to Alex Johnstone's first question, we cannot replicate fully the cover that is provided by local authority fire brigades. There will be about 110 green goddess crews, manned by approximately 1,800 personnel. In addition to that,

there will be specialist breathing apparatus rescue teams and rescue equipment support teams. The basic green goddess crew consists of six personnel.

**Ms Margo MacDonald (Lothians) (SNP):** Will the Deputy First Minister tell the Parliament whether the Convention of Scottish Local Authorities has joined his ministerial working group? I was surprised to hear that COSLA had not been invited to do so at the outset. Will the minister assure the Parliament that the Executive will make it plain to the office of the Deputy Prime Minister that we deprecate his approaches in respect of the fire service review to local government in England but not in Scotland?

**Mr Wallace:** Although COSLA is not represented formally on the working group, I discussed the matter with COSLA representatives at an earlier stage in the dispute and officials have subsequently maintained contact with COSLA. The relationship with COSLA is productive. It is not for me to comment on what the office of the Deputy Prime Minister has said to local authorities south of the border.

**Tricia Marwick (Mid Scotland and Fife) (SNP):** Given that the United Kingdom Government fully consulted local authorities in England and Wales on the terms of reference of the fire service review, will the Deputy First Minister explain why the Scottish Executive failed to consult COSLA on the subject? Will he confirm that COSLA will be fully involved in discussions about arrangements for emergency cover in the event of a strike?

**Mr Wallace:** COSLA is the employer. In respect of emergency cover, I want to make it clear that the military assets will be under the direct control of the responsible military commander who will direct actions in the event of industrial action. The military commander will do so in consultation with the police and the appropriate fire authority representative. The military will take the final decision on the division of available resources, taking advice where necessary.

### Population

**9. Andrew Wilson (Central Scotland) (SNP):** To ask the Scottish Executive what the causes are of Scotland's declining population. (S10-5726)

**The Deputy Minister for Justice (Dr Richard Simpson):** Since 1981, Scotland's population has declined by an estimated 116,000, or 2 per cent. The main factor contributing to the decline over that period is a net migration out of Scotland of some 136,800 people. The figure is offset by a natural increase of 20,800. In more recent years the rate of net out-migration has fallen. As the birth rate has fallen, deaths have exceeded births and natural decrease has become a more important component of population change than migration.

**Andrew Wilson:** I am grateful to Dr Simpson for his reply. However, as a doctor, does not he accept that he is mistaking symptoms for causes? [Interruption.] The Labour back benchers will have to employ their ears more often.

Is not the decline in population a key symptom of long-term economic underperformance? Is not that economic underperformance and population decline the ultimate proof of the true cost to Scotland of the union? Does the Executive accept that the choice for the people of Scotland now is between more complacency and underperformance under the Labour establishment and the chance to grow our economy and our country and release our full potential with the powers that would come with independence?

**Dr Simpson:** The answer to almost 98 per cent of Andrew Wilson's question is no. However, I say to him that, in the year 2000-01, there was an increase in the population. The estimates showed a net in-migration of 9,900. That figure was offset slightly by a natural decrease of 3,900. The figure demonstrates that the Executive's policies are working. It also demonstrates that the Executive has reversed a long trend and that Scotland, as part of the United Kingdom, is a very attractive place to be.

**Miss Annabel Goldie (West of Scotland) (Con):** I do not pretend to be an expert on breeding, but I ask the minister whether there is concern about the composition of the population? It seems that, whatever the migratory movements, we are heading towards a more elderly population. Does the minister anticipate that that will give rise to a serious problem in respect of skills provision?

**Dr Simpson:** The problem of an aging population exists in all developed countries and it is one that we must address in a range of areas. We must consider the question of ageism because there are many skilled people out there who, having completed a first career, are able to go on to a second. I like to think that I am one of them.

**Mr John McAllion (Dundee East) (Lab):** The grain of the Scottish population reflects changes that are happening throughout highly developed countries in the west—in contrast to the still steeply rising populations in poor countries elsewhere in the world. Does not that imbalance in population growth make a nonsense of asylum and immigration policies throughout the west that seek to keep out the very migrant workers who could breathe new life into stalled and dying communities here in the west?

**Dr Simpson:** The question of asylum seekers is a serious one. We received some 5,500 asylum-seeker migrants into Scotland in the past year. We are doing our bit to accept people who genuinely

need asylum. They can make a major contribution to our society.

**Dr Winnie Ewing (Highlands and Islands) (SNP):** Is the minister aware of a serious report in today's edition of *The Herald* about the 16 per cent drop in the population of Shetland and the Western Isles? As the situation is so serious, I suggest that the time to disperse jobs to those areas is now.

**Dr Simpson:** It is slightly beyond my ministerial remit to answer, but the Executive is examining appropriate dispersal of civil service jobs. The question that Mrs Ewing asked, however, is broader: it is a question about rural communities. My colleague Ross Finnie has done much to support rural communities to make them vibrant and alive. That is crucial to a dynamic Scotland, which is part of a dynamic United Kingdom.

**The Presiding Officer:** Question 10 has been withdrawn.

### Alcohol (Highlands)

**11. John Farquhar Munro (Ross, Skye and Inverness West) (LD):** To ask the Scottish Executive what action it is taking to reduce binge drinking in the Highlands. (S1O-5721)

**The Deputy Minister for Health and Community Care (Mrs Mary Mulligan):** The Executive's "Plan for Action on alcohol problems", which was published in January, sets out a range of measures to reduce binge drinking; indeed, reducing binge drinking is one of the plan's two key priorities. The "How Much is Too Much?" national communications strategy, which was launched in April, specifically targets male and female binge drinkers. The plan requires alcohol action teams, including the team covering the Highlands, to assess needs in their areas and to produce local prevention and communications strategies to address those needs by April 2003.

**John Farquhar Munro:** I am sure that the minister is aware of the need to tackle the apparent culture of alcohol misuse among our young people, particularly in the Highland area. The problem often starts when people are young because, in many Highland villages, the pub is the centre of all community activity. Will the minister commit the Executive to exploring the possibility of expanding the number of youth cafes and community centres in Highland areas?

**Mrs Mulligan:** Changing the culture of alcohol use in Scotland is one of the biggest tasks facing the Executive and it will not happen overnight. The Executive is committed to considering a range of measures—both local and national—to address the problem. In the past, we have spoken about specific measures for young people, such as drop-in cafes and education programmes. We want to

support such measures to ensure that, in the long term, we bring about a change in attitudes towards drinking.

**Mr Jamie McGrigor (Highlands and Islands) (Con):** What is the Executive doing to ensure long-term funding for alcohol and drugs counsellors? Mid Argyll council on alcohol and drugs receives referrals from local doctors, hospitals, social work departments, the reporter to the children's panel and the courts, as well as from clients who refer themselves, on a budget of £2,500. That council wrote to me recently to say that it will have to close at Christmas unless further funding outwith the core of £2,500 can be found and quickly—

**The Presiding Officer:** Order. The member must not add supplementary information to his question.

**Mrs Mulligan:** As I said, it is important that we support local projects. Once the alcohol action teams have produced their plans for action, we will consider what resources are needed. The Executive has already set money aside under the health improvement plans. Within that budget, we will be seeking to allocate money specifically to local projects.

### Fireworks

**12. Dr Sylvia Jackson (Stirling) (Lab):** To ask the Scottish Executive what action it is taking to reduce misuse of fireworks. (S10-5718)

**The Deputy Minister for Justice (Dr Richard Simpson):** The sale and supply of fireworks are consumer protection matters and as such are reserved. The Department of Trade and Industry runs annual firework safety campaigns, to which the Executive gives its full support. Fire brigades undertake local work in schools and the wider community and the Scottish Executive supplements that by funding regular publicity on fire safety.

**Dr Jackson:** It is quite clear that the voluntary code on the sale of fireworks is not working and a Convention of Scottish Local Authorities working group has been set up to consider the issue. Will the minister give an assurance that the Scottish Executive will look seriously at the COSLA report when it is published, as it will deal with the need for giving local authorities full licensing powers? Will he consider that report while allowing MPs at Westminster to press for even tighter controls using their reserved powers?

**Dr Simpson:** We will certainly look closely at the COSLA working group's report when it comes out. I take this opportunity to stress that it is important that the voluntary code should be followed and that fireworks should be sold only in the three weeks before 5 November and for a few

days afterwards. It is imperative that the voluntary code is followed in every regard—fireworks simply must not be sold to children. That is absolutely vital, this year perhaps more than any other year. We will look closely at the COSLA report and decide whether there are further measures that the Executive can take.

**Shona Robison (North-East Scotland) (SNP):** Is the minister aware of the all-party support for my proposed bill, which I lodged today, to introduce a licensing scheme for retailers of fireworks? Will he listen to the concerns of members of all parties in the Parliament, to COSLA, to the police and to the Scottish Society for the Prevention of Cruelty to Animals, as well as to the public? Will he agree to use the powers that he has under the Civic Government (Scotland) Act 1982 to amend the current law by regulation, so that we can bring a speedy solution to the gap in the legislation on fireworks? I also ask him to contact Melanie Johnson MP, the minister with responsibility for consumer affairs, who has clearly said that she is happy for Scotland to move ahead on the issue.

**Dr Simpson:** It is important that we study the COSLA working group report, which my colleague Dr Jackson mentioned, to see what additional powers are needed. If additional powers are needed and it is appropriate for us to take them, we will consider that carefully. Shona Robison is right to say that the issue is serious, as the cross-party signatures to her bill indicate. We will consider the matter carefully.

**Robert Brown (Glasgow) (LD):** Does the minister agree that the problem of fireworks for the public is becoming increasingly bad day by day? In substantial measure, the problem relates to young people. Is he in a position to consider urgently questions of enforcement and of raising the age at which young people can buy fireworks? If he can reduce the supply, perhaps the inconvenience to the public will also be reduced.

**Dr Simpson:** The issues that Robert Brown has raised are important. The numbers of people injured in the past three years have been 89, 66 and 82 respectively. Those injuries are often horrific. As a doctor, I have experience of young children who have been injured not because they have been sold fireworks but because fireworks have been used inappropriately or because an accident has occurred. It is horrendous to see the burns that can occur in such situations. It is important that the law is enforced and I know that the police are fully aware of the problem. Beyond that, it is much more important that safety measures are taken. This year of all years, I urge that private bonfire parties, if they are held, be held under the closest possible supervision. Preferably, people should go to large, outdoor

events where safety is properly monitored; that is a more appropriate way of celebrating the annual feast.

**Margaret Jamieson (Kilmarnock and Loudoun) (Lab):** Will the minister join me and other members in condemning retailers who have ignored the voluntary three-week code on the sale of fireworks—particularly R S McColl in Stewarton in my constituency—by selling fireworks at half price outwith the three-week period? *[Applause.]*

**Dr Simpson:** The response from members speaks for itself. It is absolutely imperative that all people who sell fireworks should adhere to the code. If members are aware of people who do not follow it, they should expose those people in the way that Margaret Jamieson has.

## First Minister's Question Time

15:10

### Prime Minister (Meetings)

**1. Mr John Swinney (North Tayside) (SNP):** To ask the First Minister when he will next meet the Prime Minister and what issues he intends to raise. (S1F-2155)

**The First Minister (Mr Jack McConnell):** I expect to meet the Prime Minister again on 22 October. Among other things, I will tell him about the Dewar art awards, which I launched today in Glasgow to mark the second anniversary of Donald Dewar's death. Such recognition of young people and young talent will be an appropriate tribute to Donald Dewar's memory and I am sure that members of all parties will join me in welcoming it. *[Applause.]*

**Mr Swinney:** I associate my party with the remarks that the First Minister has made about the art awards.

In order to reassure the public that there has been no breach of the Scottish ministerial code, will the First Minister today fully disclose to Parliament his knowledge of irregularities in his local Labour party?

**The First Minister:** The Presiding Officer is shaking his head, so I will try to stick to parliamentary business. I will speak about the Parliament's reputation, which is dear to me.

I am aware that the Labour party has agreed to investigate concerns that I raised with it about my local constituency party's accounts. The matter is not a parliamentary matter, but it is important to clarify things. I am happy for the party to investigate such concerns. It should investigate them quickly and thoroughly and we should support any resultant action that it takes. It is also important to mention that the constituency party clarified yesterday that it will publish its report openly and make it available. Perhaps that addresses the issue that Mr Swinney has raised.

As First Minister of the Parliament, I regard the reputation of the post that I am honoured to hold and the reputation of the Parliament as important and I will never do anything that will bring the Parliament into disrepute.

**Mr Swinney:** The First Minister may question why I raise the issue. The reason is that the ministerial code of conduct makes it clear that

"Ministers must ensure that no conflict arises, or appears to arise, between their public duties and their private interests".

In respect of the First Minister's declaration of private interests, the finances of his local Labour

party are integral to that return, as he declares in the "Register of Interests of Members of the Scottish Parliament" that his constituency association received £5,000

"as a contribution to local party development."

That is now under question, which is why it is important to raise the issue.

When did the First Minister first become aware of the problem? If he has known about it since February, as the media suggest, and his party may be the subject of a criminal investigation, why did he not report the matter to the police?

**The First Minister:** The Labour party made a statement about a criminal investigation yesterday as a result of investigations that it carried out yesterday morning. It would be inappropriate for me to say a lot about that, as that might prejudice a future investigation. However, I understand that the party referred to information that it was able to uncover or at least start to consider in detail yesterday morning. I was able to give information to the Labour party some three months ago about my constituency party accounts. There seemed to be a problem in that the auditor asked questions that did not produce answers. The party has followed up the matter carefully and properly; it has contacted the right person and has asked for the right answers.

I recognise that some members do not regard the issue as a parliamentary matter, but I regard the reputation of each and every one of us as a parliamentary matter. That is why I have been assiduous since I became an MSP in, for example, registering my interests, to which Mr Swinney referred. If I remember correctly, in May 1999, newspaper diary columns laughed at the fact that I declared so much in the register of interests. I have always thought that we should be open and transparent about such matters. We should follow the rules and involve the police where that is necessary.

**Mr Swinney:** I thank the First Minister for his answer. I accept the line of argument that he is developing about the need for openness and transparency. However, my first question to him was whether he would divulge to Parliament his knowledge of what is involved. In order to protect the integrity of the office of First Minister, we need to hear directly from him what he knew and what he has now put into the public domain. Parliament deserves that from the First Minister.

**The First Minister:** I am happy to tell Mr Swinney exactly what I know, which is that the auditors of my local constituency Labour party asked questions, which may or may not produce answers that are of concern, of the treasurer and of the local constituency party. The auditors were not receiving answers to those questions. I

reported that situation, which was worrying for me, to the Labour party nationally and asked it, as is right and proper under the constitution of the party, to investigate the local party situation.

I want to make it absolutely clear in the chamber that there is no question that my constituency office accounts have even been questioned as part of the exercise. The issue is about the local Labour party's voluntary bank accounts. I have never seen and should not need to see those bank accounts, but the Labour party should. That is what it is going to do. If the Labour party acts on that, it will have my full support.

### **Secretary of State for Scotland (Meetings)**

**2. David McLetchie (Lothians) (Con):** To ask the First Minister when he next plans to meet the Secretary of State for Scotland and what issues he intends to raise. (S1F-2162)

**The First Minister (Mr Jack McConnell):** I expect to meet the secretary of state again soon.

**David McLetchie:** I thank the First Minister for that terribly revealing answer. I wonder whether he might explain to the Secretary of State for Scotland, whenever they meet, why his Minister for Education and Young People is refusing to tackle the shortcomings of the comprehensive education system, which result in problems such as the widespread inability of Labour party members to keep simple accounts—as was obvious from yesterday's statement by Cathy Jamieson.

Will the First Minister acknowledge that the current comprehensive system is failing far too many of our children and young people in Scotland today? Will he remove the reek of complacency that hangs over his Administration on the issue?

**The First Minister:** The only complacency about Scottish education was the complacency with which Mr McLetchie's party, the Tory party, regarded the system for so long when it was in government. I will just remind Mr McLetchie of some of the significant achievements of the comprehensive system over recent years. There have been increases in the number of pupils achieving not just satisfactory, but very good levels of attainment in reading, writing and mathematics. In reading, the figure has gone from 44.5 per cent to 56.4 per cent; in writing, it has gone from 38 per cent to 45.9 per cent; and in maths, it has gone from 41.7 per cent to 51.2 per cent. Those are real increases because of real, new resources, better buildings and equipment, more teachers and a real commitment to choice, diversity and a free state education system. Those things were never there when his party was in power, but they are there now and they are making a difference.

**David McLetchie:** I remind the First Minister that the only people who are paying for education in Scotland today who did not do so previously are students, who are being taxed by the Labour party. If some people are committed to a free education system, they certainly do not include members of the Labour party and the Liberal Democrats, who have imposed fees and graduate taxes. We must put that in perspective.

Will the First Minister say, while he is enunciating all his satisfaction with the system, whether he is satisfied with the fact that 95 per cent of our pupils in our worst-performing schools fail to pass three highers by the end of their fifth year? How can he be satisfied with that when the very people whom he claims to champion are being let down by the system? I am thinking of the people who, unlike Labour MSPs, cannot afford to buy smart houses in smart catchment areas.

When will the First Minister recognise that what we need are reforms to create a school system that is based on choice and diversity? When will he recognise that that is the real way in which we can bridge the opportunity gap in Scotland today, instead of hanging on to a system that is failing?

**The First Minister:** If Mr McLetchie visited a proper state school in Scotland, I do not think that he would recognise the picture that he has painted. Furthermore, in me he has picked the wrong person to ask, as I have never lived in a big fancy house in a fancy area with a fancy school next door.

The local schools in my constituency, which is one of the poorest in Scotland and has areas of serious multiple deprivation, are among the highest achieving of their type in Scotland. That is because they have excellent head teachers, a record level of resources and a commitment not just to the academic curriculum but to music, art, sports and other activities. They are driving up standards and winning international competitions. They are doing so because of the commitment to change, excellence and improvement that is being driven through the state system across Scotland.

I am not satisfied if any pupil in Scotland who could pass highers is not doing so. I want to ensure that the practices of the best schools in Scotland are replicated in every school in Scotland. Every school in Scotland should be excellent, improving or—preferably—both. That is what I intend to deliver.

**Mr Jamie Stone (Caithness, Sutherland and Easter Ross) (LD):** I am certain that when the First Minister meets the Secretary of State for Scotland he will bring to her attention the support for a comprehensive, yet flexible, state education system that has been shown in the responses to the national debate on education. Can the First

Minister give us an idea of the level of support that was shown in responses to the Scottish Tories' proposals to privatise the state education system? The Conservatives are determined to restore the discredited voucher system and to get schools to opt out of local authority control.

**The First Minister:** I know that I am not meant to talk in much detail about political parties. However, this week I watched with interest the Conservative party trying to pretend at its conference that it had learned some new ideas. On education, it has learned absolutely nothing. The school to which David McLetchie refers, at which 94 per cent of children have not passed three highers by the end of their fifth year, is the school from which he would remove resources to benefit schools in other areas. That is not acceptable in modern Scotland. We need excellence in every school and classroom in Scotland. Where excellence does not exist, those responsible should be replaced by people who can deliver and who should have our full support.

### **Genetically Modified Crop Trials (Contamination)**

**3. Bruce Crawford (Mid Scotland and Fife) (SNP):** To ask the First Minister whether the Scottish Executive will ensure that conventional crops within the immediate vicinity of GM crop trial sites are tested for contamination by GM materials. (S1F-2156)

**The First Minister (Mr Jack McConnell):** The independent advice that we receive from the Advisory Committee on Releases to the Environment and the Advisory Committee on Novel Foods and Processes is that testing would only confirm what we already know: that extremely low levels of cross-pollination can occur and that that poses no threat to human health or the environment.

**Bruce Crawford:** I am deeply disappointed by the First Minister's answer. Why does not the First Minister accept the findings of the European Environment Agency, which said that

"oil seed rape can be considered to be a high risk crop for pollen mediated gene flows from crop to crop"?

That means that there is a real danger of GM contaminating conventional crops and entering the human food chain.

If the First Minister will not listen to public concern, will he listen to his scientific advisers from the Scottish Agricultural College, who yesterday called for the immediate testing of crops grown next to GM crop trials?

**The First Minister:** I have said this before in the chamber and I will say it again: I do not believe that politicians should try to second-guess



scientific advice on these matters. All of the scientific advice is that the tests are being carried out properly. I want to state on the record that it is not the case that the crops that are being tested have never been tested before. They have been tested over and over again in other circumstances.

It is right and proper that the tests should be carried out under the appropriate scientific conditions. We would not have it any other way. Until the scientific advice changes, it would be very wrong for politicians to second-guess it. The Scottish nationalist party may be anti-science, but we are not.

**John Scott (Ayr) (Con):** Given the new knowledge that we have about the ability of transgenic pollen and other contaminants to travel greater distances than the 50m buffer zone, would it not have been wise before harvesting this year to have kept the surrounding crop out of the human food chain?

**The First Minister:** That would be an issue if cross-pollination were at a level that our independent scientific advisers regarded as serious. They have said repeatedly and quite clearly that the level of cross-pollination is absolutely minuscule and that it is not a threat to health or to the environment. I believe that, when we get such independent scientific advice, it is wrong for the Parliament to try to cross-check or cross-guess it. If we have independent and scientifically based advice, we should use it.

### Begging

**4. Sarah Boyack (Edinburgh Central) (Lab):** To ask the First Minister whether the Scottish Executive plans to take any action in the light of the suggestion of the Association of Scottish Police Superintendents regarding begging. (S1F-2170)

**The First Minister (Mr Jack McConnell):** I am not convinced that the zoning approach apparently advocated by the ASPS will work. We must not tolerate incidents involving intimidation, robbery and assault, wherever they occur. Such behaviour is already a criminal offence under common law. The police have the powers to deal with it and they should do so.

**Sarah Boyack:** I welcome the First Minister's answer and strongly support action to protect people from intimidation, robbery and assault. I commend the work that was carried out in the Edinburgh city centre initiative with the police and with the use of closed-circuit television. I draw to the First Minister's attention the need to support organisations that work to tackle the underlying causes of begging and homelessness. Does he agree that we need joined-up action between housing and social work departments, voluntary

organisations and the police to tackle the related problems of alcohol and drug abuse, particularly the activities of drug dealers who prey on vulnerable people?

**The First Minister:** I agree with multidisciplinary action to try to ensure that people are kept off the streets and have homes and proper services that can help to lead them to a more fulfilling lifestyle. However, I do not accept drug dealing or any other social problem as an excuse for violence or intimidation on our streets. Yes, we need to be helpful and to provide the services to get people off the streets into proper homes and jobs, but we must also be clear that violence and intimidation on our streets by any person in any area is unacceptable and that the police must act.

**Richard Lochhead (North-East Scotland) (SNP):** Begging is a growing issue in the streets of Aberdeen. Given that the mainly young people who are involved tend to have drug or alcohol problems, does the First Minister believe that the issue is related to the chronic lack of drug and alcohol rehabilitation services in the north-east and throughout Scotland?

**The First Minister:** To suggest that there is a chronic lack of services might be an exaggeration, but there is a case to be made for arguing that there is a gap in provision in the north-east of Scotland, as I saw during discussions with the families of drug users when the Parliament sat in Aberdeen in May. That is one of the key reasons why in the budget for 2003-06 we decided to allocate a significant increase in money to drug rehabilitation services. We intend to improve drug rehabilitation services throughout Scotland, including in the north-east, where those services are so badly needed.

### Wind Farms

**5. Nora Radcliffe (Gordon) (LD):** To ask the First Minister what guidance the Scottish Executive issues to planning authorities in respect of the consideration of proposals for wind farms. (S1F-2168)

**The First Minister (Mr Jack McConnell):** There is existing guidance, such as national planning policy guideline 6, which is on renewable energy developments, and planning advice note 45, which is on renewable energy technologies. Both sets of guidelines were revised and reissued recently, but ultimately it is for local planning authorities to take decisions relating to individual sites.

**Nora Radcliffe:** Clear policies and sharing best practice are helpful to planning authorities. Given that many of the best sites for wind farms are likely to be in remote areas with the least robust connection to the national grid, what is the First Minister doing to press the case for the proposed

subsea cable off the west coast of Scotland to be installed as quickly as possible to open up possibilities and to help us to meet our 40 per cent renewables target?

**The First Minister:** I believe that wind, wave and tidal power opportunities in the Western Isles—and perhaps elsewhere, in the north Atlantic in particular—might give us a fantastic resource not just for Scotland but for selling outwith the borders of Scotland. Therefore I regard as a priority the development not just of the cable but of the technologies, research and infrastructure and the decisions that will lead to those developments. We signalled the importance that we attach to the issue in our consultation document, which set the much-increased, ambitious but achievable targets for increased renewable energy production in Scotland. We are in discussions with those who are responsible in the United Kingdom Government to ensure that that development and generation opportunity can take place.

**Alasdair Morgan (Galloway and Upper Nithsdale) (SNP):** Does the First Minister agree that a real danger exists? Although local authorities may sign up to green energy in principle, they may vote against individual applications, because such proposals bring little local economic benefit and no lack of local objections on the ground of amenity. How does he propose to overcome that serious problem?

**The First Minister:** I understand when local people are nervous about the possibility that the development of windmills in an area will damage the landscape and the environment in some way. However, I do not think that the facts in Scotland back up that nervousness. Where developments have taken place, they have been welcomed after time because they have been seen to benefit the local economy and the economy of Scotland as a whole.

I praise Alasdair Morgan for his stance on this issue. Unless I misheard him, when he spoke on the radio a few days ago, he defended the proposed scheme in his area against local objections. He was quite right to say that it is important to keep the issue in perspective. It is good that local members take that stance and it is important that we reassure people and that local authorities scrutinise and treat planning matters carefully. However, it is also important to recognise that, whenever Scotland has made a major shift to improve energy production and generation over the past 30 or 40 years, there have been local difficulties. There have been challenges, whether in connection with the development of power lines, hydro production or any number of other initiatives. It is important that we keep the matter in perspective for the long-

term benefit of Scotland and that we go ahead with the development of renewable technologies.

**Robin Harper (Lothians) (Green):** Can the First Minister give us further information about the discussions that have taken place on how the necessary improvements to the existing grid and to the connection from the Western Isles are to be accommodated? How are we to fund them?

**The First Minister:** Fortunately, perhaps, transmission and generation issues are reserved and are not entirely our responsibility. However, we have a responsibility to generate discussion and to speed up decisions on such matters. That is exactly the process in which we are involved and to which we are committed, as are the energy companies that are active in Scotland. Working together, the energy companies, the local authorities, the UK Government and the Parliament and the Executive in Scotland can make a real difference over the next two decades.

## Opportunity Gap

**The Deputy Presiding Officer (Mr George Reid):** We come now to the debate on motion S1M-3477, in the name of Margaret Curran, on closing the opportunity gap, and two amendments to that motion. I ask members who are not staying for the debate to move along.

15:33

**The Minister for Social Justice (Ms Margaret Curran):** I am pleased to move the motion in my name, because one of the fundamental imprints of the Scottish budget is how its spending plans are focused on closing the opportunity gap. That not only indicates the Executive's values in relation to our five priorities of health, education, jobs, crime and transport, but, crucially, it translates those values into decisive, systematic, measurable action for which we can be held to account.

All too often, the disadvantaged of our nation have been on the receiving end of much sympathy, compassion and even political rhetoric, but what is most needed is real change on all fronts. We need determined action, innovative policies with the resources to match, action plans that are focused on results and programmes to deliver lasting change.

I will lay out to Parliament some of the actions to which we are already committed, supported by some of the specifics in the Scottish budget. I want to begin with an honest acknowledgement of the problems that we face.

We must all recognise that the challenge is formidable. No one wants to live in a Scotland where poverty and prejudice are allowed to prevail, or a Scotland where a family's potential is determined not by its abilities but by its postcode.

**Karen Whitefield (Airdrie and Shotts) (Lab):** Does the minister agree that it is not sufficient for the Executive to say that tackling child poverty is a priority? We must demonstrate beyond doubt what we are doing to eradicate child poverty and what we will do in the future.

**Ms Curran:** Karen Whitefield is correct in her assertion. I want to talk about how we are tackling child poverty. It is right that child poverty has been the subject of debate in the Parliament on many occasions. As the First Minister indicated a few weeks ago, part of the debate is about laying out the difference between absolute measures of poverty, on which we are making significant progress, and the enduring problem of relative levels of poverty, on which it is clear that we need to take fundamental action.

**Tommy Sheridan (Glasgow) (SSP):** Will the member take an intervention?

**Ms Curran:** I do not know whether I can take an intervention while I am responding to one.

**The Deputy Presiding Officer:** On you go, Mr Sheridan.

**Tommy Sheridan:** Does the minister accept the definition of child poverty that refers to 60 per cent of median earnings, which the then Minister for Social Justice gave to the Parliament in November 2000? If so, does she accept that the number of children living in poverty in Scotland grew by some 27,600 between 1999-2000 and 2000-01?

**Ms Curran:** Mr Sheridan raises a number of points. I will address two fundamental issues. I accept that definition of relative poverty. I have been straightforward in stating that there is a distinction between absolute measures of poverty and relative measures of poverty. We acknowledge that the relative level of poverty persists, although it has decreased from 34 per cent in 1997 to—I think—30 per cent last year. We are making progress, but I would be the last person to suggest that that progress is enough. We have much work to do. I accept that there is always more to do.

I am determined to ensure that we obtain figures for Scotland that are absolutely accurate. I have been working closely with the Department for Work and Pensions to improve its methodology, which has not given us the full Scottish picture in the past. I am sure that the SNP will back me up on that. The sampling that was done was not appropriate to Scotland. I have held detailed discussions with the DWP to ensure that we obtain accurate figures. I will discuss those figures with members of the Parliament in the context of the social justice annual report. As Karen Whitefield pointed out, today's exercise is much more focused on the action that we must take across all departments. We are determined to tackle poverty in Scotland.

I will provide some examples of the scale of the challenge that faces us. It is not right that 40 per cent of pupils in Kelvin go on to higher education, while only 14 per cent of children from schools in Maryhill do so. I assure members that the First Minister is right—every school in Scotland should be an excellent school. I praise the Minister for Education and Young People for saying that she will drive up standards in all schools. In the past, standards have been driven up only in certain schools. The Executive makes an absolute commitment in that regard.

It is not right that men living in deprived areas are more than twice as likely to die from heart disease as men living in our most affluent areas. Although much remains to be done, much action has already been taken. Through our central heating programme and free personal care for the

elderly, we are improving the quality of life of older people in Scotland. Through our investment of £24 million in child care to help lone parents to pursue education, we are making a radical alteration to services, to ensure that they lift people out of poverty.

We are tackling the barriers that have prevented too many people from making the most of their abilities and interests, through educational maintenance allowances, unparalleled investment in the prevention of domestic abuse and in support for its victims, a ground-breaking anti-racism campaign and investment in social inclusion partnerships. The intrinsic elements of closing the opportunity gap are promoting equality, investing significant resources and empowering communities.

We will set out our future direction and will lay out in more detail how our plans will tackle poverty, build strong, safe communities and create a fair and equal Scotland.

The document that is before Parliament addresses all ministerial portfolios, and sets out their objectives and targets to close the opportunity gap. As Minister for Social Justice, I have direct responsibility for policy areas central to that agenda—housing, regeneration, the work of the voluntary sector and equalities. It is also my job to ensure that every part of the Executive concentrates its efforts on closing the opportunity gap and delivers the commitments in the document. We will be rigorous in making sure that the investment achieves our desired outcomes. Resources will be linked to results.

The focus of the document is to extract the budget plans that will deliver on that agenda. It covers all of the Executive's work and addresses the needs of all sections of the community.

Cathy Jamieson has made it clear that all children in Scotland have the right to expect high-quality services but that we owe our most disadvantaged and vulnerable children a particular responsibility. That is why the Minister for Education and Young People is continuing her reforming agenda by extending to 2006 the changing children's services fund to deliver high-quality, integrated services. That is why she is investing an extra £31 million so that sure start Scotland can continue supporting the most vulnerable families with very young children. That is why £250,000 has been committed to a breakfast service fund to ensure that vulnerable children continue to have the chance of breakfast every day.

In the Scottish budget, Iain Gray continues our commitment to reducing the number of young people who are not in education, employment or training. That is why he is investing an additional

£25 million to increase the uptake of modern apprenticeships and other training opportunities. By giving young people the skills that they need for today's workplace we will give them a real chance to succeed in a decent and sustainable job.

Iain Gray will extend educational maintenance allowances to cover all of Scotland. That will allow young people from less well-off families the chance to stay on at school or college. Those young people who would have left school at 16 without reaching their full potential are being given a chance that others take for granted.

In social justice, we will continue to tackle fuel poverty and the pay gap between women and men and we will work closely with the voluntary sector to innovate in service delivery.

In Glasgow, we know that the problems of rough sleeping have been exacerbated by wholly unacceptable hostels, which, we are told, are often more frightening and dangerous than the streets. That is why we are committing £47 million to close those hostels, replace them with more appropriate accommodation and put in place effective support and services.

The Executive is targeting unprecedented levels of resources at the most vulnerable section of society. Now we will go further. We will link child care resources specifically to the fight against poverty. We will commit resources specifically to the regeneration of our communities, because the quality of life, both in physical and in social terms, is a vital contribution to environmental justice.

We all know why health has been the focus of so much political attention. The vicious, mutually reinforcing cycle of poor health and poor life circumstances is one that Malcolm Chisholm and the Executive are determined to break, through a combination of investment and reform. We all know that that is about prevention and provision.

We must work with people to improve our nation's health, because a prosperous and fair society depends on everyone being able to enjoy a good quality of life. We must work with families so that children are encouraged to get a good, healthy start in life, because what happens in the early years has a lasting influence on health and well-being later on. We want people of working age to have opportunities for a healthy life, so that they can do the jobs that will contribute to our economy and so that individuals are given the best chance of a prosperous life. We are committed to enabling those who are growing older to enjoy full, healthy and productive years.

Therefore, we have set ourselves challenging health targets, including a target to reduce deaths from coronary heart disease and stroke among the under-75s by 50 per cent between 1995 and 2010.

To achieve such targets, we must address the underlying causes of disease. Changing unhealthy lifestyle habits is part of that. That is why the Executive is spending £173 million on an agenda specifically to improve the health of our people. The health improvement fund will focus on health inequality.

Of course, I am giving just a glimpse of the range of actions that will be delivered by the Executive; the document lays out the range of actions.

When the First Minister spoke recently at the launch of the centre for research on social justice at the University of Glasgow, he said:

"Confidence cannot flourish in homes which are cold or damp, in communities which are physically detached from employment opportunities because of inadequate transport, or impoverished by the absence of amenities and the presence of dereliction and neglect."

Driven by the First Minister, we will ensure that all departments work in concert, with a clear agenda to ensure that we deliver the significant commitments in the document. That commitment is truly cross-cutting and has been prioritised by all ministers, as shown by the presence of some of them in the chamber this afternoon.

Poverty remains the greatest of evils and the worst of crimes and we cannot flinch from doing all at our disposal to create a Scotland where all our citizens, whatever their background, share in the opportunities.

I move,

That the Parliament welcomes the document *Closing the Opportunity Gap: Scottish Budget for 2003-2006*, which shows how the Executive's spending plans, as set out in *Building a Better Scotland – Spending Proposals 2003-2006: What the money buys*, will deliver a better life for the most disadvantaged people and communities in Scotland and agrees that the Executive's social justice spending plans for the next three years will improve outcomes for those people and communities, through investing in their homes and neighbourhoods.

15:45

**Linda Fabiani (Central Scotland) (SNP):** It is nice to be back on familiar territory, and there is no more familiar territory than the failings of the coalition Government.

I want to place the cards on the table right away. We all know that the power to change benefit rates is held prisoner in London. Moreover, the fact that the main levers of economic competence are withheld from us makes it difficult for us to improve employment prospects. We do not even have the chance to play a full role in supranational organisations such as the European Union, because that is a reserved matter. Again, we are deprived of the opportunity to glean the full benefits of membership.

Paraphrasing Wendy Alexander, I should say, "It's the constitution, stupid." If we really want to make a difference in Scotland, are really sincere about improving life chances and want to do more than simply administer our pocket money, we have to agree with Wendy that independence in Europe is the one big idea in Scottish politics.

**Ms Wendy Alexander (Paisley North) (Lab):** Does that mean that Linda Fabiani's view differs from that of the leadership of her party, which alleges that it believes that "It's the economy, stupid" not "It's the constitution, stupid"? I am interested to know the SNP's position on that question.

**Linda Fabiani:** It is basic mathematics: A leads to B, straight down the line. We need independence to improve life chances. In Scotland, we have the choice between the big vision of independence—in other words, the desire to improve the country—and the narrow and blinkered vision that decrees that we are somehow not good enough to run our own affairs and that we must take our lead from London. That is the opportunity gap. We are tinkering around the edges when we could be talking independence to release the country's full potential.

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

**Linda Fabiani:** No, thanks.

While we await the Executive's Damascene conversion, we will just have to trawl through the latest self-promoting publication and find out what it contains or—more likely—misses. Page 19 of the document is a nice place to start. It says that social justice

"encapsulates the Executive's core beliefs that child poverty is unacceptable and must be eradicated".

I am glad to hear it, because child poverty has continued to rise in Scotland under new Labour and, in fact, is at a higher level now than it was under Thatcher. For example, 30 per cent of Scottish children still live in poverty after five years of new Labour's continuation of Tory rule. Of course, that figure is reached using the international definition of poverty as 60 per cent of the median income after housing costs.

Although we have already heard that absolute poverty is falling in Scotland, we should consider what that term means in the new Labour-Liberal Democrat lexicon. The definition of absolute poverty used in "Social Justice ... a Scotland where everyone matters: Annual Report 2001" is living at a level below 60 per cent of the median income of 1996. It is hardly surprising that the level is falling. If we changed the baseline year to 1832, we could wipe out poverty in a flash.

I am glad to hear that the Executive will examine methodology, but it should have done so a long

time ago, because it has neither conducted any research into nor accepted any academic findings on the minimum levels of income that are necessary to avoid poverty. As a result, the opportunity gap has widened.

It is time that Government ministers started getting honest with the electorate, told the truth and owned up to what they can and cannot do. I know that it is difficult for new Labour to throw away the crutch of spin and step away from the smoke and mirrors, but I assure it that it would gain far more respect by being open and telling the truth. Indeed, I welcome the minister's honest acknowledgement that poverty exists.

**Robert Brown:** I know that, in certain respects, the SNP wants to move the place where decisions are taken from London to Edinburgh. However, the chamber is interested in hearing the different decisions that the SNP would make if that happened. That is the key issue.

**Linda Fabiani:** If Robert Brown wants to remit the Government now, we can show him what decisions we would make. If he would rather wait, he will find out after next year's election.

Poverty in Scotland is a national disgrace and there can be no solution to it until the problem is fully admitted. After all, the first action in any therapy has to be an admission that there is a problem in the first place.

Yes, funding for child care is a good idea, so of course the SNP welcomes the £20 million investment in child care for deprived areas, but it is not enough simply to provide child care. That cannot help parents into work where there are no jobs.

Without the ability to create the economic conditions that will grow the potential for employment, we cannot provide the jobs. The sad part is that the Executive does not have the powers that it needs to alter substantially the employment market in Scotland. Worse, it does not even want to acquire those powers. It is interesting that page 21 of "Closing the Opportunity Gap", which details the social justice objectives, gives no targets for increasing employment in Scotland.

There is an unemployment target in the chapter on enterprise and lifelong learning, but it is merely to narrow the division between the worst 10 per cent of areas and the Scottish average. There is no target to increase the number of people in employment. Under milestone 13 of the social justice annual report, the Executive admits that it is not even possible to provide sub-Scottish figures for unemployment. Therefore, we will never know whether the Executive has managed to close the gap, because the figures to measure progress are simply not available.

Never mind that, the target on page 30 of the document is one of the least ambitious time scales ever for creating employment. There is a concentration on project grants rather than on economic growth. Economic growth is the key to raising employment and to raising the standards of everyone in the country. Instead of being able to tackle Scotland's problems and create a vision to be realised, all the Executive can do is trim the fringes. That is like painting a house while it is falling down.

I have no doubt that the Government would like today's debate to be merely a congratulatory pat on the back for having worked out how to spend Gordon Brown's extra pennies, but life is a bit tougher than that. No one in the chamber would argue that extra money should not come to Scotland, but surely we should have the courage to raise and spend our own money rather than rely on someone else. That would mean real responsibility. We would need to take care of ourselves. We would need to raise and spend our own money responsibly and wisely. There is no gain for Scotland in merely throwing money into a pot and hoping that the right result will come out. We need to be sure that the money is spent for the benefit of those whose home is in Scotland.

Sadly, the Executive is not living up to that duty. Child poverty in Scotland is still at 30 per cent, while homelessness is on the increase. Perhaps that is why the income of the poorest 20 per cent of the population rose by only 1.4 per cent during the first three years of Labour Government while the richest 20 per cent saw their income rise by double that rate. The gap between the rich and the poor and between the haves and the have-nots is growing. The situation is growing worse for those in Scotland who live in poverty.

I offer the Executive the opportunity to come clean. The opportunity gap exists and Scotland's opportunities are falling down that gap. When that happens, people in Scotland suffer.

I move amendment S1M-3477.2, to leave out from "welcomes" to end and insert:

"notes the failure of the Scottish Executive to make any improvement in the field of social justice; further notes its inability to close the opportunity gap; agrees that the lack of adequate powers of the Executive and the Parliament perpetuates inequalities, and calls for the return of full parliamentary powers to Scotland."

15:53

**Mrs Lyndsay McIntosh (Central Scotland) (Con):** The minister has asked us to welcome the document. Even at this stage, it seems as if the Executive has all the answers. I do not for one moment doubt the minister's personal commitment to delivering a better life for people in the most disadvantaged communities in Scotland, but when

she states that child poverty is unacceptable and must be eradicated, that everybody should have the chance of a decent warm home and that people should be supported in building for themselves strong, safe communities in which to live and work, she is simply stating things with which we can all agree. Nobody would object to the minister's core comments, but the Executive should not profess to have a monopoly on such concerns.

I question whether the minister has examined in close detail the five basic priorities that are outlined in "Building a Better Scotland". Those priorities were health, education, crime, transport and jobs. Does the minister know what we need to make Executive intervention effective? I presume not, judging by the four key targets that are elaborated in "Closing the Opportunity Gap":

"We will give our young people the best possible start in life ... We will make our nation healthier ... We want our young people to realise their full potential through education and work ... We will tackle poverty and disadvantage wherever we find it."

Those are worthy aims, but we all share them. They are so glaringly obvious and so fundamental as not really to warrant a huge amount of document space. We agree on the aims, but they are not backed up by Executive action.

"Closing the Opportunity Gap" states that, by 2010, the Executive wants a 50 per cent reduction in death from coronary heart disease among people under the age of 75. Why then are people waiting for up to a year for a heart operation? It is because the Executive refuses to offer choice to patients and doctors so that they can access quick, flexible and responsive treatments. Our national health service—although we should perhaps rename it our national illness service—will only get worse if we do not reform it. The situation could be every bit as bad in education, as my colleague Keith Harding will illustrate shortly. Instead of all its generalisations, the Executive should perhaps focus on the core mechanisms that help everyone to realise their individual potential.

Perhaps the most important factor in providing everyone with the best possible chance of making the most of their potential is the promotion of a low-tax economy. A low-tax economy reduces deprivation, improves health and creates jobs. Those benefits trickle down to everyone. Conversely, the Executive's policies stunt economic growth and punish the vulnerable people whom they are supposed to help. The best way to pull people out of the poverty trap is to give them the means to get off benefits, get a job and continue to prosper. Poor people are not helped by an explosion of benefits packages, which do more damage than good.

Margaret Curran stated in her press release for this debate that there are

"still too many people claiming benefits".

On that point, I disagree with the SNP. It is the Executive's partners in the Westminster Government who use the increasing number of people on benefits as a measure of success. That is not a measure of success; it is an admission of monumental failure.

Let us consider the Executive's priorities on law and order. Where are we going? In the wrong direction. That is displayed by the crime figures since Labour took office. The Executive aims to reduce serious violent crime by 5 per cent by 2004, but, in reality, violent crime has increased by 24 per cent since Labour took office in 1997.

Crime and the fear of crime—of which the Executive has heard much of late from its own back benches—will fall as sentences and deterrents to criminal activity rise and as appropriate alternatives to custody are used more often by our courts. We discussed that just this morning. After years of reductions, police numbers are finally back up to the levels under Tory Administrations. Because of soaring crime rates under the Executive, we now need even more of a visible police presence on the streets.

We would like to deploy community policemen so that people have a direct contact that would make them feel immeasurably safer. We must have a safe society so that people can go out to work and participate in society without the fear of being attacked or of their houses being broken into in their absence. Social justice can be built only on a foundation of law and order for every community. Without that foundation, we will waste millions of pounds and frustrate the efforts of many.

Our position is that the best way to close the opportunity gap is to maximise opportunities for everybody and not just for a select few, thereby delivering a better life for all. The Executive wants to impose uniform mediocrity; the Conservatives want to offer everyone the chance to reach their individual potential.

I move amendment S1M-3477.1, to leave out from "welcomes" to end and insert:

"notes the document *Closing the Opportunity Gap: Scottish Budget for 2003-2006*; believes that the Scottish Executive's centralised, target-based approach will prevent the most vulnerable from realising their full potential, and further notes that the best way to close the opportunity gap is to offer vulnerable people real choice and diversity through reform of public services and to promote a low-tax market economy which creates jobs and allows our vulnerable people to lift themselves out of the poverty trap, thereby delivering a better life for all."

15:59

**Robert Brown (Glasgow) (LD):** The Executive does not want mediocrity; it wants high standards. Margaret Curran stated that clearly in her opening speech.

I suspect that the debate will not make headlines in the popular press tomorrow. It ain't particularly sexy, there ain't a scandal, and ministers are not being pilloried on some spurious allegation of incompetence. There is broad support in the chamber for the objectives—if not always the methods—of the programme.

Few things are more important to Scotland than success in closing the opportunity gap; and few things make me more angry or frustrated than the idea of a young man or woman whose chances in life were blighted at birth by a lack of opportunity.

In passing, I have to say that I am wearily disappointed by the SNP amendment. Linda Fabiani is, if I may so, one of the brightest talents in the SNP, but I do not think that she has risen to her own standards today. The SNP is entitled to put its case for independence, which is after all its *raison d'être*, but if it wants to be taken seriously it must sometimes accept that whether the decision or the power resides in London or in Edinburgh is less important than what is done with the power, how the SNP would do it differently and what could be done better. I have to say that I think that the SNP is letting Scotland down by turning every issue that is debated in the Parliament into a rather sterile constitutional dispute.

We all want community planning and holistic thinking. Recognition of the importance to individual opportunity of health, education, housing and transport is something that the Liberal Democrats and others have banged on about for years, but there are some cautionary notes. If we are not careful, worthy aspirations can disappear into a bureaucratic farrago of jargon and top-down power, which leads to communities and individuals being more excluded than ever.

The Scottish Executive has invested much expectation and a great deal of funding in social exclusion partnerships. It is difficult to get a handle on those partnerships, as they vary in style, image and success. I have a degree of scepticism about SIPs. They seem to me to be possibly the least accountable organism in the public sector. There is a significant degree of complaint about them from local groups and there is an inherent conflict of interest in some of their decision making. Any organisation that spends public money can hardly help having something to show for it, but I remain to be convinced that SIPs constitute the best or the only way forward. I incline to the view that the proper body to oversee strategic investment of this sort is the elected and accountable local

authority—with its voting system reformed, of course.

**Ms Curran:** Robert Brown has made some significant points. We may disagree on whether the social inclusion partnership strategy is right, but I would be interested if he has details of substantial complaints being made about social inclusion partnerships. We examine them rigorously. Communities Scotland has a substantial monitoring programme in place to examine SIPs. I would argue that many SIPs have recorded significant achievements for local people. SIPs are the route for many local groups to get significant funding. I accept that there is a disagreement between us, but I challenge some of the detail of Robert Brown's arguments.

**Robert Brown:** That may be a matter to take up in detail at some other time.

I want to sound another note of caution, about how the success of specific projects is measured. MSPs get glowing reports across their desks from many organisations—not only from the Executive, from councils and from voluntary groups, but others too—about how many people are in employment because of their efforts, how many fewer people are unemployed, how many jobs have been created, how many fewer people are in poverty and all the rest of it. Much of it is—I use the phrase advisedly—self-serving propaganda, so it deserves closer examination. For example, the Executive's fuel poverty strategy—central heating projects and all the rest—is possibly the single best thing that the Parliament has done and is to be commended. However, it does not necessarily follow that the reduction in the number of people in fuel poverty is entirely the result of the strategy when there is, at the same time, a fall in fuel prices. That is a fairly obvious point to make, but it is the sort of point—the linkage of cause and effect—that we sometimes have to be rigorous about throughout the sector.

Having said that, efficient and effective public services are the bedrock of local communities. Adequate investment in core public services in deprived areas is vital. I happened to be in one area the other day when a cleansing vehicle came round; it comes twice a week to collect the big bins from the tenement blocks. It is obvious that for it to come twice a week is inadequate, because rubbish was all over the place and it spilled out of the bins. That has a horrible impact on the confidence of the local community and on the environment. Those services must be improved to make them work.

I will finish, in this short debate, on the point that the debate is about individual and community power. It is about power for local communities to make decisions for themselves and power for individuals and families to have the maximum



opportunity to fulfil their potential. That is a classic Liberal Democrat doctrine. I believe that that is also the objective of the chamber and of this sort of policy going forward. We must have longer discussions and debates on these important issues, but the main targets in the document show that the Executive is on the right track, as do many of the procedures that the Executive has set in place to bring about the closing of the opportunity gap. I beg to support the motion.

**The Deputy Presiding Officer:** We have seven speakers, so members may make speeches of four minutes each, plus time for interventions.

16:05

**Jackie Baillie (Dumbarton) (Lab):** Ending child poverty in a generation, ensuring employment opportunities for all, and providing dignity and security for our pensioners are the three pillars of "Closing the Opportunity Gap" and achieving social justice in Scotland and, of course, they are interlinked. It still remains the case that the best way out of poverty is through employment. Many of us in the chamber have seen the results of poverty visited on successive generations, whether it is poor diet, ill health, lack of educational attainment, or long-term unemployment leading to a lack of confidence, low self-esteem and little or no aspiration.

We need to break that cycle of despair. The most effective means of doing so is to eliminate child poverty—giving children the best start in life. I will focus my comments on children and education. It is staggering to think that a child's life chances—their entire future—can be determined by the time that they reach the age of three. If we are going to make a difference, we need to get much better at identifying and supporting the most vulnerable families and their children from the earliest years of their lives. That is why I particularly welcome the Executive's sure start programme, because it has a critical role to play in targeting those who are in most need. The additional £31 million from the Executive to enhance provision in communities will help those children who are most vulnerable.

Another welcome development is the child care strategy. In a short period, we have made sure that every child aged three and four has access to a nursery place—firm foundations on which we can build.

And then on to school: we have a duty to ensure that no child at primary school and no young person at secondary school falls through the net. That they have access to a range of opportunities is important, but even more important is their ability to realise those opportunities. In the past, the focus in education was on equality of input.

Little attention was paid to outcomes and results. That simply is not good enough. We need to get better at delivering the best possible outcome for each and every child—every child must be given the opportunity, the encouragement and the support to maximise their potential.

It does not stop at children. We need to encourage parents too, by involving them in their children's and, by doing so, raising their aspirations. The rolling out of new community schools, which provide a much more integrated approach to the delivery of services for children and involve their parents, is welcome. They are at the heart of the community.

Supporting children throughout their lives, and as they make the transition to adulthood, is undoubtedly challenging. Nobody underestimates the scale of the task that lies ahead, but through working with our colleagues at Westminster, the Executive is taking the action that is needed to close the opportunity gap. We have to stay focused on the problem. We need to get better at targeting resources at the substantial concentrations of poverty that exist.

Great political movements have not shirked hard challenges. Great political movements have a clear sense of purpose. Contrast our approach with that of the SNP. I was astonished—not disappointed, because it is consistent—to hear Linda Fabiani admit that the SNP has nothing to offer. "Sorry, we can't do anything," says the SNP. That is not surprising when the SNP is bankrupt of ideas and policies and unable to do more than whinge. Contrast that with our approach. Our purpose is nothing short of delivering full employment and nothing short of eliminating child poverty. That is our mission. The difference between Labour and other political parties is that we will deliver.

16:09

**Nicola Sturgeon (Glasgow) (SNP):** The end of Jackie Baillie's speech was a bit rich, given that she represents a party that, according to one of its own members, has not had an idea, good or otherwise, since 1906.

Closing the opportunity gap is an objective that we are all committed to and reducing health inequalities is absolutely fundamental to ensuring equality of opportunity for all. It is a fact that people are more likely to suffer from ill health if they live in poverty or in a poor physical environment. Perhaps we do not need to be reminded of that fact yet again, but rather to do something about it.

Ill health destroys life chances. It reduces a person's capacity to work and learn and therefore to earn and enjoy life to the full. Many thousands

of people in Scotland are caught in the endless trap of poverty that breeds ill health that, in turn, breeds poverty. To lift people out of that trap and enable them to release their potential, we face a twofold challenge. First, we must close the accessibility gap. Too often, the quality of health care that a patient receives in this country depends more on where they live than on what is wrong with them. We all know examples of that, such as drugs being available in one area, but not in another, and widely varying waiting times across the country. One of the serious omissions in "Closing the Opportunity Gap" is that it does not mention the endemic problem of postcode treatment, let alone suggest any solutions.

The second challenge that we face, to which Margaret Curran referred, is to prevent people becoming ill in the first place. That means that we must tackle the direct causes of some of Scotland's biggest killers, such as smoking, drinking, poor diet and a lack of physical exercise. However, I must make the same comment about this document that I made about the coronary heart disease and stroke strategy document that was published last week, which is that the document is good at recognising what needs to be done, but it is less good at outlining how we will go about doing it.

I will take smoking as an example. Some may say that the target of reducing smoking by 4 per cent over 15 years is hardly ambitious, but that aside, the question remains of how we are to achieve that target. Five years after it was promised, we have no ban on tobacco advertising. The demand for smoking cessation services outstrips supply in many parts of the country. More and more young people, particularly young girls, are taking up smoking every day of the week. Nine out of 10 smokers start smoking before their 19<sup>th</sup> birthday, which suggests that we are still not winning the war in relation to our young people. Fresh thinking is urgently needed and there is no sign of it today.

Earlier, Andrew Wilson accused the Executive of not being able to tell the difference between symptoms and causes. Smoking, drinking and all the other activities that we rightly name as causes of ill health are all too often symptoms of poverty. Lifting people out of poverty is therefore fundamental to tackling health inequalities. That is where this document seriously falls down.

I entirely support the comments of Linda Fabiani. A Parliament that has no control over benefits or taxation and has no ability to boost wealth creation or ensure that that wealth is distributed more fairly will always have at least one hand tied behind its back.

When Wendy Alexander, the self-proclaimed brains of the Scottish Parliament, who is no longer

in the chamber, suggests that we have to choose between improving economic performance and completing the powers of this Parliament, she perhaps betrays the limitations of her intellect. It is impossible to do the former without doing the latter. We cannot boost the economy and create more wealth for public services without having the powers to do so. That is why I am delighted to support Linda Fabiani's amendment.

16:14

**Mr Keith Harding (Mid Scotland and Fife)**

**(Con):** I am sure that every member of the Parliament wants opportunities to be extended for every person in Scotland. It is good that we debate how the nation can best achieve that. The Scottish Executive's document, "Closing the Opportunity Gap" is well meaning. However, it fails to see the wood for the trees and its prescription is akin to providing an aspirin for a heart attack.

There is a problem in Scotland regarding the lack of opportunities for our country's most vulnerable people. However, the report, with its arbitrary targets, will not even tackle the symptoms of the problem, let alone the causes. It is perhaps unsurprising that Labour—the party that has not had a good idea for close on a century—has helped to produce such a meaningless document.

The report completely fails to recognise that much of the opportunity gap is caused by how we deliver our most basic public services, including education. The quality of a child's education in Scotland today depends on their postcode. It is only those who can afford to pay twice for their child's education—through taxation and school fees—who can opt to have their child taught as they wish. The children who are left in the comprehensive system are further differentiated by where their parents can afford housing. As my colleague, Murdo Fraser, said yesterday in the chamber:

"If we wanted to design a school system with the express aim of perpetuating social division, it would be hard to see how the Scottish Executive could improve on the present arrangements."—[*Official Report*, 9 October 2002; c 14488.]

I am sure that all parents in the chamber understand how the system works and make decisions accordingly about their children's education. It is natural that everyone wants the best for their children. The inequality is not the fault of the parents; it is the fault of the system.

However, despite that, the Scottish Executive yesterday re-stated its faith in the comprehensive system that most fails those whom the Executive claims to represent—namely, Scotland's most vulnerable children. Members should not take my word for it. Last week, in a speech to the Labour party conference, Tony Blair said:

"The better-off can buy a better education or move to a better area ... Every time the reform is tough, just keep one thing in mind: the child in a school where barely any pupils take "A" levels, where only 20 per cent get good GCSEs and where the majority know that they will just end up as one of the 7 million British adults who can't even read or write properly ... If the status quo was good enough, that child would be a figment of our imagination."

How about George Kerevan, former Labour councillor and now deputy editor of *The Scotsman*? He wrote:

"The ideal of the comprehensive school is of pupils from all classes and abilities being taught together in an ethos of common social purpose. The best encourage the weak. However, like most social engineering, comprehensivisation produced the very reverse in practice. As the middle-class and skilled working-class families departed for the garden suburbs, places like Drumchapel were filled by the council housing departments with one-parent families. Comprehensives became the opposite of what they were claimed to be: one class, low achieving, low ambition."

The Scottish Conservatives recognise that our geographical comprehensive system, which is held up by the left as a guarantor of equality, is one of the main reasons for today's debate. It would be a good thing for Scotland if the Scottish Executive recognised that too. After all, it is not possible to solve a problem until its existence is admitted.

The Scottish Conservatives believe that all parents, regardless of their postcode or income, should have a choice regarding their child's education. I support the amendment in the name of Lyndsay McIntosh.

16:18

**Karen Whitefield (Airdrie and Shotts) (Lab):**

Many theories exist as to how best to close the gap in our society between those who have most and those who have least. For 18 years, the Tories believed that an unfettered free market would increase the number of wealthy people. They believed that some of that wealth would drip down to the poorest without any Government intervention. Lyndsay McIntosh made that point.

However, as someone who grew up during those Tory years, I am not so sure that the drip-down theory served my community particularly well. Every family in Shotts knew only too well the tragedy of unemployment. Only four pupils in my year were given the opportunity to go to university. If that is the kind of policy that the current Tories are offering for Scotland, the Tory vision is appalling, short-sighted and disgraceful.

Other members subscribe to the opposite side of the monetary and fiscal theory. They say that if only we could tax the wealthiest in our society—100 per cent in the case of some parties—such a redistribution would eradicate poverty. Those

members fail to mention the impact that such a policy would have on a generation of wealth in Scotland. Those on the extreme left and right like to create false dichotomies. I am happy to side with Bill Clinton on the issue. In a recent speech to the Labour party conference, he spoke of the need to focus on outcomes rather than ideology.

We do not have to choose between wealth creation and fighting poverty. The Labour party and the Scottish Executive understand that closing the opportunity gap demands concerted effort on both fronts. That is why building and sustaining a stable economy is a vital part of our effort to deliver over 24,000 modern apprenticeships. If we said to those young people who benefited from modern apprenticeships in my community, "There is nothing that the Parliament can do without extra powers", those who are currently in employment would say to the SNP that that is rubbish. That is why increasing educational and training opportunities for all is as important as, and complements, the nurturing of new indigenous companies.

Policies such as sure start and the central heating programme help to ensure that our youngest and oldest citizens, especially those from our poorest communities, are given the opportunities and the quality of life that they deserve. The social inclusion partnerships rightly seek to involve local people in the regeneration of communities. Community planning will complement those efforts and help to ensure that the efforts of councils, health boards, police and other agencies are co-ordinated and that they respond to local needs.

All constituency MSPs in the chamber are aware of the devastating effect that persistent crime can have on local communities. I am pleased that the Executive recognises the need to close the gaps between communities and the varying quality of life enjoyed in them. We must ensure that every effort is made to make our neighbourhoods safe. That is especially true of some of our most deprived communities. Too many people live in fear in their homes and on their streets. Our policies must help to create communities in which people want to live and where they feel safe. I urge the minister to ensure that that remains an Executive priority.

I welcome the ministerial statement on closing the opportunity gap. However, we cannot and must not become complacent. There are still too many children living in poverty; there are still far too many communities in which residents do not feel safe. We have made considerable progress, but we must not say that there is nothing that we can do. The Parliament and the Executive must redouble efforts to ensure that closing the opportunity gap in Scotland remains the primary

aim of the Government—just as it has always been the primary aim of the Labour party. I urge members to support the minister's motion.

16:22

**Mr Jamie Stone (Caithness, Sutherland and Easter Ross) (LD):** I suppose that I should give colleagues a declaration of faith that I welcome the ministerial statement and I fully support all the money that will go into our society.

That said, however, if one reads what has been printed in recent weeks in the national broadsheets, it contrasts with what one might read on the front page of the *John O'Groat Journal and Weekly Advertiser* or the *Caithness Courier*. Despite the money that is going into the health service, we are witnessing a string of doctors and dentists giving up their professions. It started earlier this year with local general practitioners in Caithness packing up; it was followed by the closure of the Thurso accident and emergency services and, most recently, as I have mentioned before in the chamber, the disappearance of our NHS dental service in Thurso. We cannot understand why that is happening: we see the cash going into the services and the pound signs reported in the newspapers and yet, locally, we see the opportunity gap widening.

Although I did not agree with the general drift of Nicola Sturgeon's speech—it was a good Opposition-style speech—she used a phrase that caught my imagination:

"Ill health destroys life chances".

It seems that people in remote parts of Scotland are losing out, while people in other parts are doing rather better. One cannot deny the fact that geography and climate militate against people. In Thurso we do not have the choice of another NHS practice to go to, as we might have to travel many miles and that is not possible in the Highlands. I make no apologies for mentioning the subject time and again.

"Closing the Opportunity Gap" says, on page 15:

"Key indicators of inequalities in health will be included in the framework for monitoring progress made by NHS boards."

I urge ministers to take that seriously because, despite the best intentions of the Scottish Executive and despite cash delivery, there appears to be a blockage in the system. The outcome is that areas such as Caithness in the far north are seeing health services—vital to people's lives and vital to people coming into the county rather than leaving it—going backwards, not forwards.

I have received representations, e-mails and letters without number from the local trades

council, from councillors and from constituents. The single biggest issue in Caithness is that broad, three-pronged health problem of a lack of dentists, GPs and accident and emergency services. Ministers are aware of the problem, as I have raised it many times before, but my patience is running out. There is a continuing silence from the NHS—a silence that is not at all in keeping with what ministers are trying to achieve. I urge ministers to take the lid off the problem and to get in, sooner rather than later, before the damage becomes irreparable.

16:25

**Mr Kenny MacAskill (Lothians) (SNP):** Many of my points will be made more in sorrow than in anger, because I think that there have been brave attempts by all to try to eliminate poverty. Many views are sincerely held in the chamber, not least by the minister, but we need a holistic approach rather than a sticking plaster or piecemeal approach. Just as we need to integrate housing and social work at local authority level if we are to deal with many problems, we also need to integrate taxation and benefits at national level. We need to have the powers to deal with things, not to be left in isolation or impotence on major issues. That brings us back to powers and vision.

It also brings us back to fundamentals. Great strides have been made, post 1945, on the back of a consensus of social democracy. The great credit for that goes to the Attlee Government, but there was consensus. The father of the welfare state was Beveridge, who was a historic old Liberal, and the Conservatives, in a coalition Government during the war, also signed up to the principles that Attlee delivered. There was a consensus round social democracy about the role of a state and what needed to be done to tackle poverty.

Many mistakes have been made. The legacy of the housing schemes that proliferate round central Scotland is testimony to errors that were not made deliberately but which are seen as errors with hindsight—a great thing to have the benefit of. Great strides and improvements were made, but I believe that we have lost that route path and many of those powers.

I disagree fundamentally with the Tory amendment. I am a child of the 1960s, and I recall that when I went to schools they were new schools, when I went to health centres they were new health centres, or new health centres were being built, and when I went to hospitals, new hospitals were being constructed. That was being done on the back of my parents' and grandparents' generation, who did not clamour continually for lower taxes and more money in their pockets, but who recognised—post war and post two wars—that they had a duty to deliver to

future generations. If that meant that they did not get as much money in their pocket there and then, it also meant a better society for their children and their children's children.

It ill befits anybody in our society who grew up in that generation not to recognise that we have a similar obligation to future generations, and we must stop continually striving for a low-wage, low-taxation economy. Some things have to be paid for; those things are fundamentally the responsibility of the state, and the money must be gathered in by the public exchequer.

The consensus was attacked by Thatcherism, and perhaps most of all by Keith Joseph, who was the axis behind it. Social democracy is under attack. According to Pilger on new democracy, the major aspect of globalisation is not the proliferation of Starbucks or McDonalds, but the abrogation by social democratic Governments of matters that were taken for granted as being the responsibility of the state. It was taken for granted that it was the responsibility of society and of the state to deliver housing, health and education, yet we now put those matters out to the private sector. We must get back to the basis of a social democratic consensus if we are to go forward. The fundamental antithesis of that is Toryism and its offshoot in Blairism. The fundamental responsibility lies not with the minister or on the Labour benches, but with her president down in London.

We must have a vision of the society that we want. I do not want to go down the road of having a low-wage, low-taxation economy as manifested in the USA or Australia, with great disparities of wealth and all the consequent problems that they bring. I believe that we should emulate our north European neighbours, and particularly the Scandinavian nations, which have never given up the consensus of social democracy and have maintained the role and duty that are incumbent upon a Government to deliver. Those nations have less poverty, better health, fitter children and lower unemployment. At the end of the day, we require to deliver such objectives.

I support the SNP amendment because, if we do not have adequate powers, we cannot create a consensus to deliver the social democracy that we need and from which we, as children of the 1960s, benefited.

16:30

**Mr Duncan McNeil (Greenock and Inverclyde) (Lab):** A person does not need to be a brain surgeon to realise that Scotland, and the west of Scotland and my Greenock and Inverclyde constituency in particular, have a history of ill health. In my constituency, a typical man or

woman will die earlier than their average Scottish counterpart. In addition, as Margaret Curran said, they will carry the burden of ill health and incapacity with them for many years before they die.

Thankfully, trends are improving, but there is no room for complacency. Average life expectancy is rising, fewer people are smoking and more mothers are breastfeeding. The increased investment to tackle heart disease and cancer is welcome and popular, but there is still a massive job to be done.

We will not win any popularity prizes by trying to encourage Scots to take more responsibility for their own health. Convincing people to stop smoking, reduce their alcohol intake or give up their pudding suppers is a challenge in a country that sometimes seems to be more interested in the health of its national football team than in the health of the nation. However, we must convince people to do such things, as prevention is better than cure.

The programme for action recognises that ill health is the final insult to those who are forced to endure poor housing, unemployment and low pay. Only the Executive recognises that ill health cannot be tackled in isolation. Tackling ill health means improving housing, ending low pay, tackling unemployment and working together in the Parliament and with our Westminster colleagues to ensure that we can and will do better for the people of Scotland.

That approach should be contrasted with the arguments of the nationalists. In Linda Fabiani's amendment and their speeches, the nationalists say that nothing is being done and that nothing can be done. The Tory amendment simply suggests that all that is required of vulnerable people is that they pull themselves up by their bootstraps—that is what the Tories mean. Thankfully, politicians in the Parliament came together as a coalition and put aside their political differences to ensure that the Parliament would deliver for the people of Scotland. I am proud to be part of that coalition and am delighted that, in the document, the Executive has committed itself to improving the lives of the most disadvantaged people in Scotland.

16:33

**Donald Gorrie (Central Scotland) (LD):** I am happy to follow Duncan McNeil's excellent pro-coalition speech. I am also happy to support the motion and the document, which are excellent. The difficulty lies in turning words into action, but we must do so.

There is general agreement in that we all want to tackle the problems, but there is disagreement

about how to do so. The nationalists think that if there is independence, a wand will be waved, all will be well and nobody will be poor. The Tories have the strange idea, which I have not yet fathomed, that if taxation is reduced, public services will be improved.

I have a few positive suggestions about how we can try to deliver. How to get communities to help themselves is a difficult subject. First, it has to be a bottom-up, self-help enterprise. People will make many mistakes, but they will be their mistakes. The same argument applies to communities helping themselves as applied to support for having a Scottish Parliament. We want people to do their own thing and learn from that. We can build up people's self-confidence. I am sure that we have seen people in local voluntary committees who have steadily increased their self-confidence and self-esteem and gone on to do things that they never dreamed they could do.

One particular disadvantaged group in the community is young people and I appeal for recreation facilities for them and for somewhere for them to go. Adults can go to the pub and have a good time, if they behave themselves. Pensioners have clubs and other organisations. However, young people in most areas have nowhere safe to socialise. We must provide more for them.

We must provide far more core funding for the voluntary sector. There is far too much funding for fancy projects and not enough for voluntary organisations, such as the citizens advice bureaux, which must keep going year after year and deliver in their areas. Money has been given for money advice but almost all of that—or three quarters of it—across Scotland has been taken by local authorities and not passed on to the citizens advice bureaux, which are struggling.

We should find ways to help credit unions and other good self-help groups in different communities.

**Ms Curran:** I am afraid that I am not the kind of person who has immediate recall of statistics, but it seems to me that Mr Gorrie's figures about the money advice moneys are wrong. I think that half of that money went to the voluntary sector and half went to local authorities. I am happy to correct that in writing, but I think that Mr Gorrie's information is wrong and must be corrected.

**Donald Gorrie:** My information came yesterday from Citizens Advice Scotland. I apologise if that organisation has got the information wrong, but I think that CAS probably knows the facts.

We must put more money into early intervention. For example, primary teachers can identify pupils at the age of five or six who will have problems in due course because of their family or other

circumstances. Therefore, we must get in early with significant support. We must have better cross-departmental investment and co-operation. It is far easier to get parties to co-operate than to get civil service departments to co-operate. We want a holistic—or whatever the word is—budget and effort so that people will work together to tackle the issue of helping communities that have many problems.

We must copy what works well. There are many good schemes in different parts of Scotland, but they are not properly copied by, or passed on to, other people. For example, councils are often too proud to learn from one another and Government departments have pilot schemes but then never follow them up. We must study what works well and copy it. I am sure that our aims will be better delivered if we do so.

16:38

**Bill Aitken (Glasgow) (Con):** The debate has at least given us the opportunity to compare and contrast political philosophies. We heard first the Executive: the companions-in-misery brigade who want to wallow together in grief and strife. We then heard from Linda Fabiani, who said that if we had an independent Scotland everything would be better. We heard what the Liberals said, which as usual was not very much.

However, there were some refreshing contributions. We heard from Kenny MacAskill, the left-wing conscience of the left-wing SNP and the child of the 1960s, who talked about all the hospitals and schools of that time, but conveniently forgot to remind us that it was probably the Tory Government that built them. We also heard from Karen Whitefield about last week's Labour party conference and the address by ex-President Clinton in which he spoke about his outcomes. I wondered what she meant.

Of course, there is a serious aspect to the debate. I do not for one moment think other than that everyone in the chamber wants to see the outcomes that the minister articulated well in her opening speech. We all want the poorer members of our society to be better off. The argument is about how we achieve that.

The minister is suggesting that the cake should be cut up in a different manner. If we take away all the fripperies and niceties of language, we find that she talks about a gap that she wants to see narrowed. Of course, there is another way of ensuring that the poorer people in society become better off—by making the cake bigger. As our economy grows and becomes a vibrant, forward-looking economy, there will be more money in it. That money will go to all sections of our society. Poorer people will benefit from it proportionately.

Let us see what the Executive has done over the past three and a half years, and what Labour has achieved over the past five years. Let us consider the five priorities that are listed. I suggest to the Executive that one day someone will have to prioritise the priorities, because ministers must be becoming very confused.

I will start with health. Is the Minister for Health and Community Care seriously saying that during his tenure of office and the period of the Labour Government the national health service has got better? Demonstrably, it has got worse. That is clear, no matter how the statistics are presented. Sometimes one is tempted to feel that the only things that are being doctored in Scotland are the health figures.

I turn now to education. Yesterday we heard much about the advantages of the comprehensive education system, in Ayrshire in particular. The Minister for Education and Young People is not being hypocritical personally when she talks about those advantages, but there is hypocrisy in the system. What is happening under the comprehensive education system is a great inequality. If children's parents have money, they will live in a good area and attend a good school. There is nothing wrong with that, but it impacts on poorer areas and poorer schools. That is the problem that must be addressed.

**The Minister for Education and Young People (Cathy Jamieson):** Does Bill Aitken accept that according to the report that was prepared for the Executive—independently, by Professor Pamela Munn, a well-known and respected educationist—following the national debate on education, the vast majority of people recognise that there are problems in the comprehensive system, with which we need to deal, but want the system to be retained? They want every school to be an excellent school and a new community school. We will raise attainment levels by improving the comprehensive system rather than by introducing the sort of system that the Conservative party conference proposed this week. That would mean reverting to a form of vouchers in education, privatisation of the comprehensive system and a return to the failed opt-out that the Scottish people rejected.

**Bill Aitken:** I accept that the contents of the report are as the minister has articulated. However, I ask her to compare Drumchapel and Jordanhill in the city of Glasgow—areas that are only a couple of miles apart. In Jordanhill, where parents have been given choice, the system has been better.

**Robert Brown:** The area is represented by a Liberal Democrat.

**Bill Aitken:** For many years it had a very high

quality of local government representation, until the ward boundaries changed and I moved to Kelvindale.

**Bill Butler (Glasgow Anniesland) (Lab):** Will the member give way?

**Bill Aitken:** I cannot give way, as I am in my last minute.

Today we are debating yet another anodyne, self-congratulatory motion from the Executive. At the end of the day, we would be reluctant to support it.

16:44

**Mr Kenneth Gibson (Glasgow) (SNP):** This debate has shown that the Executive is devoid of vision and ambition for Scotland. It is happy to accept the crumbs from London's table and unwilling to release our potential by demanding the powers of an independent Parliament. It is not even prepared to demand the powers that are enjoyed by the Isle of Man or Jersey, both of which have zero unemployment.

The unionist parties continue to run Scotland down and to talk Scotland down. They say that we are too wee and too poor, and that we lack the talent. When we are denied self-esteem and self-confidence by being told continually that without London Government we can never achieve anything, it is no wonder that Scotland is in its current economic and social state. Of course the SNP knows that that is nonsense. We have only to look around the rest of Europe to see what smaller nations have shown can be achieved, even with fewer resources.

**Ms Curran:** If the member does not think that the Scottish Parliament can achieve anything to tackle poverty, why did he support it in the referendum?

**Mr Gibson:** I do not recall saying that we could not achieve anything. I am saying that we cannot achieve our full potential and I shall move on to that.

A recent United Nations report into child poverty showed that the gap is getting wider, not narrower. The Executive can move the goal posts in how it assesses child poverty if it likes, but it cannot deny that child poverty levels are higher in Scotland than they are elsewhere in the European Union—a shameful legacy of successive unionist Governments. Of course, the SNP is committed to dismantling the obstacles to ensure that we have full control over our economy and the tax and benefits system.

One or two members asked what the SNP would do. I will give some examples of what we could do, so that members cannot mump and moan and

grump and groan and say, "You huvnae got any ideas of what you would do." Now that Fiona Hyslop, our vice-convenor for policy, has left the chamber I can say things without the prospect of getting a severely spanked bottom for pre-empting some of our manifesto commitments. One of the reasons that my gorgeous pouting assistant, Linda Fabiani, was unable to mention such things in the debate was that the cold stare of Fiona Hyslop was bearing down upon her.

We would of course establish a fund for future generations—a Scottish trust for public investment. We would eliminate the high rate of marginal taxation on pensioners with small occupational pensions. We would disregard council tax and housing benefit when assessing working families tax credit. We would invest in public assets, such as roads, railways, air links, harbours and vacant and derelict land. We would cut corporation tax to stimulate economic growth. We would allow local authorities to undertake prudential borrowing on their housing sector to invest in our public sector housing stock. For most of those things, we would need the powers of an independent Scottish Parliament.

Linda Fabiani talked about the equalities gap and touched on Tom Clark and Alissa Goodman's report, "Living Standards under Labour", which was published in 2001. The report showed that in the first three years of Tony Blair's first Government the average income of the richest quintile in the population rose by 2.8 per cent, while the average income of the poorest fifth of our people rose by only 1.4 per cent. The Tories did better than that. In the seven years of John Major's Governments, the income of the richest 20 per cent rose by 1 per cent per year and the income of the poorest rose by 1.9 per cent. New Labour is doing worse than the Tories did—what an appalling record.

Lyndsay McIntosh mentioned benefits. The Executive has lauded the fall in the uptake of unemployment benefit, but it should consider that in Glasgow alone—a city with a population of less than 600,000—64,000 men are on incapacity benefit, the highest proportion for any conurbation in the United Kingdom. That is the hidden unemployment in our society.

Robert Brown talked about fuel poverty. He did not say that although the Executive is committed to ensuring that tenants have central heating installed by 2004 in 31 of Scotland's local authority areas, in Glasgow the target date will be 2006. Clearly the Executive is not closing the opportunities gap for pensioner tenants in Glasgow.

Jackie Baillie talked about pensioner poverty, but she did not say that the best way to reduce it would be to ensure that the Parliament has control

over pensions. Nicola Sturgeon talked about many aspects of health. The suicide rate is at a record level as despair increases in our society.

"Building a Better Scotland" talks about homelessness. It is astonishing that the document says:

"By 2006 we will substantially reduce the number of households becoming homeless more than once a year."

What an ambitious target that is. Of course, this is only a couple of weeks after the level of homelessness applications reached an all-time record. Since the Executive came to power, it has shown itself clearly to be incapable of stopping homelessness levels from increasing, let alone reducing them. We do not say that nothing can be done; we say that not enough is being done.

**Ms Curran:** Will the member give way?

**Mr Gibson:** I am sorry, but I am in my final minute.

I apologise to Jamie Stone, because I was slaying dragons on the astral plain while he was talking about the John O'Groats advertiser, or whatever it is called, so I cannot comment on what he said.

Kenny MacAskill—the voice of reason in the Parliament—talked about the holistic approach and touched on the fact that inequalities are widening under new Labour. Members may recall that Tony Blair admitted that during in the Paxman interview.

The apparatchiks, Karen Whitefield and Duncan McNeil, tried to do down Scotland's ambition. They slurred list MSPs by suggesting that, somehow, only constituency MSPs appear to know that there are problems. I hope that the three Labour and five Liberal list MSPs remonstrate with them later, because that was highly offensive.

**The Deputy Presiding Officer (Mr Murray Tosh):** Time to conclude, Mr Gibson.

**Mr Gibson:** It is clear that the Executive cannot achieve all that it wants to achieve. It never will unless we have the full powers of an independent Scottish Parliament, which we will get by voting for Scotland's party—the Scottish National Party.

16:50

**The Deputy Minister for Social Justice (Hugh Henry):** I say to Kenny Gibson that, no matter how often he repeats the SNP's trivial slogans on releasing potential, he will not move any higher up the SNP list. In all sincerity, I say to him that his remarks about some of his female colleagues explain why women do so badly in obtaining places on the SNP lists. He displayed chauvinism and a disregard for women as equals that was quite shameful and inappropriate to the debate.



The debate should have given us an opportunity to recognise the consensus that exists around our attempts to achieve a better society, as Kenny MacAskill and others said. We should all realise that everyone in our society should have the same opportunity and should be able to achieve their full potential. Unfortunately—but perhaps not surprisingly—SNP members again disregarded the opportunity to say exactly what could be done by the Parliament or to describe the practical measures that could be taken, given the substantial resources that are available to us. Instead, they went on a constitutional rant.

According to Linda Fabiani, we need more powers before we can do anything for people in Scotland and we must change the constitution. She still has to explain to us why embassies in Ethiopia and consulates in Columbia would make any difference to people in the communities that we serve. She said that we should own up about what we can and cannot do. This afternoon, we heard what the SNP cannot do. When it comes to the next election, people should remember that SNP members have admitted that they will not be able to do anything within the confines of the powers of the Parliament, because they do not believe that they are capable of achieving anything with those powers. Nicola Sturgeon also talked about the need to recognise what can be done and said that the document, "Closing the Opportunity Gap", was "less good" at doing that.

One needs only to look at last year's social justice annual report to see the substantial achievements that have been made. That report showed the progress that has been made against the 29 milestones that are dedicated to tackling poverty and social injustice, such as reducing the proportion of children who live in workless households and reducing the proportion of pensioners who live in low-income households. The report showed real progress, based on real evidence, and it is simply wrong to claim that no progress has been made.

Like my colleagues, I know from personal experience that progress has been made. Today, I again had the pleasure of meeting Mr and Mrs Hughes from Liberton in Edinburgh, who are Angus MacKay's constituents. The couple have benefited from that progress through the installation of central heating, and they spoke with real pride about how their lives have been transformed by living in a warm house with affordable heating. I know from talking to people—particularly poorer pensioners—who have benefited from free local bus travel what that policy is doing for people throughout Scotland. Lyndsay McIntosh talked about improving safety in communities. I know that there are more police on the beat in my area. I have spoken to constituents who are desperate for the neighbourhood warden

scheme to be extended because of the progress that has been made in their communities.

I have visited communities such as Petersburn in Airdrie, which is in Karen Whitefield's constituency, and have looked at the new houses that are being built by Link Housing Association. I have talked to people who are genuinely proud of the fact that, for the first time in many years, they are able to live in a beautiful home in an area that has been transformed thanks to the efforts of local politicians and the local community. That is what the Executive has delivered.

We have to do more in relation to health. We can consider the success of the Have a Heart Paisley project in my constituency and in Wendy Alexander's constituency, which is tackling chronic heart disease. For the first time, people are being made aware not just of the consequences of their actions, but of decisions that they can take to improve their lives.

From talking to people in communities such as those that Wendy Alexander represents, I know what the health improvement through sport project is doing about getting young people—particularly young people from deprived communities—more involved in sporting activity. I know about the differences that education maintenance allowances, such as those that have been piloted in the constituencies of Margaret Jamieson and Cathy Jamieson, are making to young people who otherwise might not have been able to take advantage of a full education and go on to college and university.

I know that much is being done. We are implementing the recommendations of the homelessness task force, which will mean that by next year no one in Scotland should have to sleep rough. We are investing more than £33 million in our child care strategy and £42 million in sure start Scotland. The warm deal programme will improve insulation. The list goes on. There are those who say that nothing can be done—that is just not true. Plenty is being done, but much more remains to be done.

Several members have pointed to examples of significant progress. Jackie Baillie mentioned the contribution that is being made in community schools and Duncan McNeil referred to what needs to be done to tackle some of the health issues in his constituency, which for too many years was abandoned by the previous Government, and to tackle the economic decline that that Government allowed to take place.

Keith Harding is ignoring the evidence when he says that "Closing the Opportunity Gap: Scottish Budget for 2003-2006" is simply a well-meaning report. When he and Bill Aitken talk about quality depending on postcode and better-off parents

being able to access better education, it is clear that they know little about Scottish education. This week, my son started a law course at the University of Glasgow. He went to school with children from areas such as Govan in Glasgow, Moorpark in Renfrew and Gallowhill in Paisley, where all the children were educated together in an excellent school that achieved excellent results. The children were educated together for the benefit of both the individual and the community. Real comprehensive education makes a real difference.

My concluding remarks are aimed at Lyndsay McIntosh and the Tories. Kenny MacAskill made a highly reasonable speech. He seems to be much better when he is not making wild promises and when he is not ranting about independence. A social democratic consensus that focused on improvement developed in Scotland after the second world war. We need no lectures from the Tories. At every opportunity, we should remind people just what the Tories are capable of doing if they are let loose on our society.

We do not need to listen to SNP members, to Liberal Democrat members or, indeed, to Labour members to find out what the Tories would do. We need to remind people of what the Tories have admitted that they are capable of doing.

**Mrs McIntosh:** Will the minister take an intervention?

**Hugh Henry:** No, thank you. I am just finishing.

Today's debate should give us the opportunity to put the Tory days behind us once and for all—the Tory days of war on lone parents, as David Willets has said; the Tory days of refusing to discuss domestic violence, as Caroline Spelman has said; the Tory days of glib moralising and hypocritical finger waving, as Theresa May has said; and the Tory days of the hurt that was caused to people in this country, as Iain Duncan Smith has said.

**Mrs McIntosh:** Will the minister give way?

**The Presiding Officer (Sir David Steel):** Order. I heard the minister say that he was concluding a minute ago.

**Hugh Henry:** We will have no more Tory days. Today's debate gives us the opportunity to move forward.

## Parliamentary Bureau Motion

17:00

**The Presiding Officer (Sir David Steel):** The next item of business is consideration of a Parliamentary Bureau motion. I ask Euan Robson to move motion S1M-3480, on the approval of a statutory instrument.

*Motion moved,*

That the Parliament agrees that the Food Protection (Emergency Prohibitions) (Amnesic Shellfish Poisoning) (West Coast) (No.12) (Scotland) Order 2002 (SSI 2002/430) be approved.—[*Euan Robson.*]

## Decision Time

17:00

**The Presiding Officer (Sir David Steel):** There are seven questions to be put as a result of today's business. The first question is, that motion S1M-3438, in the name of Christine Grahame, on behalf of the Justice 1 Committee, on the report on the prison estates review, be agreed to.

*Motion agreed to.*

That the Parliament notes the 6<sup>th</sup> Report, 2002 of the Justice 1 Committee, *Report on the Prison Estates Review* (SP Paper 612).

**The Presiding Officer:** The second question is, that motion S1M-3465, in the name of Bristow Muldoon, on behalf of the Transport and the Environment Committee, on the report on the petition by the Blairingone and Saline Action Group, on organic waste spread on land, be agreed to.

*Motion agreed to.*

That the Parliament notes the 4<sup>th</sup> Report 2002 of the Transport and the Environment Committee, *Report on Petition PE327 by the Blairingone and Saline Action Group on Organic Waste Spread on Land* (SP Paper 528).

**The Presiding Officer:** The third question is, that motion S1M-3460, in the name of Murray Tosh, on behalf of the Procedures Committee, on the report on the standards commissioner, be agreed to.

*Motion agreed to.*

That the Parliament agrees the recommendations for changes to the Standing Orders of the Scottish Parliament concerning the Scottish Parliamentary Standards Commissioner contained in the Procedures Committee's 4th Report 2002, *Changes to Standing Orders concerning the Scottish Parliamentary Standards Commissioner, European Committee remit, Private Legislation, Temporary Conveners and the Journal of the Scottish Parliament* (SP Paper 665), and agrees that these changes shall come into effect on 14 October 2002.

**The Presiding Officer:** The fourth question is, that amendment S1M-3477.2, in the name of Linda Fabiani, which seeks to amend motion S1M-3477, in the name of Margaret Curran, on closing the opportunity gap, be agreed to. Are we agreed?

**Members:** No.

**The Presiding Officer:** There will be a division.

**FOR**

Crawford, Bruce (Mid Scotland and Fife) (SNP)  
Ewing, Dr Winnie (Highlands and Islands) (SNP)  
Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)  
Ewing, Mrs Margaret (Moray) (SNP)  
Fabiani, Linda (Central Scotland) (SNP)  
Gibson, Mr Kenneth (Glasgow) (SNP)  
Grahame, Christine (South of Scotland) (SNP)  
Hamilton, Mr Duncan (Highlands and Islands) (SNP)

Harper, Robin (Lothians) (Grn)  
Ingram, Mr Adam (South of Scotland) (SNP)  
Lochhead, Richard (North-East Scotland) (SNP)  
MacAskill, Mr Kenny (Lothians) (SNP)  
MacDonald, Ms Margo (Lothians) (SNP)  
Marwick, Tricia (Mid Scotland and Fife) (SNP)  
Matheson, Michael (Central Scotland) (SNP)  
McLeod, Fiona (West of Scotland) (SNP)  
Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)  
Reid, Mr George (Mid Scotland and Fife) (SNP)  
Robison, Shona (North-East Scotland) (SNP)  
Sheridan, Tommy (Glasgow) (SSP)  
Stevenson, Stewart (Banff and Buchan) (SNP)  
Sturgeon, Nicola (Glasgow) (SNP)  
Swinney, Mr John (North Tayside) (SNP)  
Ullrich, Kay (West of Scotland) (SNP)  
Welsh, Mr Andrew (Angus) (SNP)  
White, Ms Sandra (Glasgow) (SNP)  
Wilson, Andrew (Central Scotland) (SNP)

**AGAINST**

Aitken, Bill (Glasgow) (Con)  
Alexander, Ms Wendy (Paisley North) (Lab)  
Baillie, Jackie (Dumbarton) (Lab)  
Barrie, Scott (Dunfermline West) (Lab)  
Boyack, Sarah (Edinburgh Central) (Lab)  
Brown, Robert (Glasgow) (LD)  
Butler, Bill (Glasgow Anniesland) (Lab)  
Canavan, Dennis (Falkirk West)  
Chisholm, Malcolm (Edinburgh North and Leith) (Lab)  
Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)  
Curran, Ms Margaret (Glasgow Baillieston) (Lab)  
Douglas-Hamilton, Lord James (Lothians) (Con)  
Eadie, Helen (Dunfermline East) (Lab)  
Ferguson, Patricia (Glasgow Maryhill) (Lab)  
Fergusson, Alex (South of Scotland) (Con)  
Finnie, Ross (West of Scotland) (LD)  
Fitzpatrick, Brian (Strathkelvin and Bearsden) (Lab)  
Fraser, Murdo (Mid Scotland and Fife) (Con)  
Gallie, Phil (South of Scotland) (Con)  
Godman, Trish (West Renfrewshire) (Lab)  
Goldie, Miss Annabel (West of Scotland) (Con)  
Gorrie, Donald (Central Scotland) (LD)  
Grant, Rhoda (Highlands and Islands) (Lab)  
Gray, Iain (Edinburgh Pentlands) (Lab)  
Harding, Mr Keith (Mid Scotland and Fife) (Con)  
Henry, Hugh (Paisley South) (Lab)  
Home Robertson, Mr John (East Lothian) (Lab)  
Hughes, Janis (Glasgow Rutherglen) (Lab)  
Jackson, Dr Sylvia (Stirling) (Lab)  
Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)  
Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)  
Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)  
Johnstone, Alex (North-East Scotland) (Con)  
Kerr, Mr Andy (East Kilbride) (Lab)  
Livingstone, Marilyn (Kirkcaldy) (Lab)  
Macintosh, Mr Kenneth (Eastwood) (Lab)  
MacKay, Angus (Edinburgh South) (Lab)  
Maclean, Kate (Dundee West) (Lab)  
Macmillan, Maureen (Highlands and Islands) (Lab)  
Martin, Paul (Glasgow Springburn) (Lab)  
McAllion, Mr John (Dundee East) (Lab)  
McAveety, Mr Frank (Glasgow Shettleston) (Lab)  
McCabe, Mr Tom (Hamilton South) (Lab)  
McConnell, Mr Jack (Motherwell and Wishaw) (Lab)  
McGrigor, Mr Jamie (Highlands and Islands) (Con)  
McIntosh, Mrs Lyndsay (Central Scotland) (Con)  
McMahon, Mr Michael (Hamilton North and Bellshill) (Lab)  
McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)  
McNeill, Pauline (Glasgow Kelvin) (Lab)  
McNulty, Des (Clydebank and Milngavie) (Lab)

Morrison, Mr Alasdair (Western Isles) (Lab)  
 Muldoon, Bristow (Livingston) (Lab)  
 Mulligan, Mrs Mary (Linlithgow) (Lab)  
 Murray, Dr Elaine (Dumfries) (Lab)  
 Peacock, Peter (Highlands and Islands) (Lab)  
 Peattie, Cathy (Falkirk East) (Lab)  
 Radcliffe, Nora (Gordon) (LD)  
 Robson, Euan (Roxburgh and Berwickshire) (LD)  
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Scott, John (Ayr) (Con)  
 Simpson, Dr Richard (Ochil) (Lab)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Smith, Iain (North-East Fife) (LD)  
 Smith, Mrs Margaret (Edinburgh West) (LD)  
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)  
 Thomson, Elaine (Aberdeen North) (Lab)  
 Tosh, Mr Murray (South of Scotland) (Con)  
 Wallace, Mr Jim (Orkney) (LD)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)  
 Wilson, Allan (Cunninghame North) (Lab)

**The Presiding Officer:** The result of the division is: For 27, Against 71, Abstentions 0.

*Amendment disagreed to.*

**The Presiding Officer:** The next question is, that amendment S1M-3477.1, in the name of Lyndsay McIntosh, which seeks to amend motion S1M-3477, in the name of Margaret Curran, on closing the opportunity gap, 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)  
 Goldie, Miss Annabel (West of Scotland) (Con)  
 Harding, Mr Keith (Mid Scotland and Fife) (Con)  
 Johnstone, Alex (North-East Scotland) (Con)  
 McGrigor, Mr Jamie (Highlands and Islands) (Con)  
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Scott, John (Ayr) (Con)  
 Tosh, Mr Murray (South of Scotland) (Con)

#### AGAINST

Alexander, Ms Wendy (Paisley North) (Lab)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Barrie, Scott (Dunfermline West) (Lab)  
 Boyack, Sarah (Edinburgh Central) (Lab)  
 Brown, Robert (Glasgow) (LD)  
 Butler, Bill (Glasgow Anniesland) (Lab)  
 Canavan, Dennis (Falkirk West)  
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)  
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)  
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)  
 Eadie, Helen (Dunfermline East) (Lab)  
 Ferguson, Patricia (Glasgow Maryhill) (Lab)  
 Finnie, Ross (West of Scotland) (LD)  
 Fitzpatrick, Brian (Strathkelvin and Bearsden) (Lab)  
 Godman, Trish (West Renfrewshire) (Lab)  
 Gorrie, Donald (Central Scotland) (LD)

Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (Edinburgh Pentlands) (Lab)  
 Harper, Robin (Lothians) (Grn)  
 Henry, Hugh (Paisley South) (Lab)  
 Home Robertson, Mr John (East Lothian) (Lab)  
 Hughes, Janis (Glasgow Rutherglen) (Lab)  
 Jackson, Dr Sylvia (Stirling) (Lab)  
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)  
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)  
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)  
 Kerr, Mr Andy (East Kilbride) (Lab)  
 Livingstone, Marilyn (Kirkcaldy) (Lab)  
 Macintosh, Mr Kenneth (Eastwood) (Lab)  
 MacKay, Angus (Edinburgh South) (Lab)  
 Maclean, Kate (Dundee West) (Lab)  
 Macmillan, Maureen (Highlands and Islands) (Lab)  
 Martin, Paul (Glasgow Springburn) (Lab)  
 McAllion, Mr John (Dundee East) (Lab)  
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)  
 McCabe, Mr Tom (Hamilton South) (Lab)  
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)  
 McMahon, Mr Michael (Hamilton North and Bellshill) (Lab)  
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)  
 McNeill, Pauline (Glasgow Kelvin) (Lab)  
 McNulty, Des (Clydebank and Milngavie) (Lab)  
 Morrison, Mr Alasdair (Western Isles) (Lab)  
 Muldoon, Bristow (Livingston) (Lab)  
 Mulligan, Mrs Mary (Linlithgow) (Lab)  
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)  
 Murray, Dr Elaine (Dumfries) (Lab)  
 Peacock, Peter (Highlands and Islands) (Lab)  
 Peattie, Cathy (Falkirk East) (Lab)  
 Radcliffe, Nora (Gordon) (LD)  
 Robson, Euan (Roxburgh and Berwickshire) (LD)  
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)  
 Sheridan, Tommy (Glasgow) (SSP)  
 Simpson, Dr Richard (Ochil) (Lab)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Smith, Iain (North-East Fife) (LD)  
 Smith, Mrs Margaret (Edinburgh West) (LD)  
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)  
 Thomson, Elaine (Aberdeen North) (Lab)  
 Wallace, Mr Jim (Orkney) (LD)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)  
 Wilson, Allan (Cunninghame North) (Lab)

#### ABSTENTIONS

Adam, Brian (North-East Scotland) (SNP)  
 Crawford, Bruce (Mid Scotland and Fife) (SNP)  
 Ewing, Dr Winnie (Highlands and Islands) (SNP)  
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)  
 Ewing, Mrs Margaret (Moray) (SNP)  
 Fabiani, Linda (Central Scotland) (SNP)  
 Gibson, Mr Kenneth (Glasgow) (SNP)  
 Grahame, Christine (South of Scotland) (SNP)  
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)  
 Ingram, Mr Adam (South of Scotland) (SNP)  
 Lochhead, Richard (North-East Scotland) (SNP)  
 MacAskill, Mr Kenny (Lothians) (SNP)  
 MacDonald, Ms Margo (Lothians) (SNP)  
 Marwick, Tricia (Mid Scotland and Fife) (SNP)  
 Matheson, Michael (Central Scotland) (SNP)  
 McLeod, Fiona (West of Scotland) (SNP)  
 Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)  
 Reid, Mr George (Mid Scotland and Fife) (SNP)  
 Robison, Shona (North-East Scotland) (SNP)  
 Stevenson, Stewart (Banff and Buchan) (SNP)  
 Sturgeon, Nicola (Glasgow) (SNP)

Swinney, Mr John (North Tayside) (SNP)  
 Ullrich, Kay (West of Scotland) (SNP)  
 Welsh, Mr Andrew (Angus) (SNP)  
 White, Ms Sandra (Glasgow) (SNP)  
 Wilson, Andrew (Central Scotland) (SNP)

**The Presiding Officer:** The result of the division is: For 13, Against 61, Abstentions 26.

*Amendment disagreed to.*

**The Presiding Officer:** The next question is, that motion S1M-3477, in the name of Margaret Curran, on closing the opportunity gap, be agreed to. Are we agreed?

**Members:** No.

**The Presiding Officer:** There will be a division.

**FOR**

Alexander, Ms Wendy (Paisley North) (Lab)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Barrie, Scott (Dunfermline West) (Lab)  
 Boyack, Sarah (Edinburgh Central) (Lab)  
 Brown, Robert (Glasgow) (LD)  
 Butler, Bill (Glasgow Anniesland) (Lab)  
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)  
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)  
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)  
 Eadie, Helen (Dunfermline East) (Lab)  
 Ferguson, Patricia (Glasgow Maryhill) (Lab)  
 Finnie, Ross (West of Scotland) (LD)  
 Fitzpatrick, Brian (Strathkelvin and Bearsden) (Lab)  
 Godman, Trish (West Renfrewshire) (Lab)  
 Gorrie, Donald (Central Scotland) (LD)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (Edinburgh Pentlands) (Lab)  
 Harper, Robin (Lothians) (Grn)  
 Henry, Hugh (Paisley South) (Lab)  
 Home Robertson, Mr John (East Lothian) (Lab)  
 Hughes, Janis (Glasgow Rutherglen) (Lab)  
 Jackson, Dr Sylvia (Stirling) (Lab)  
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)  
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)  
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)  
 Kerr, Mr Andy (East Kilbride) (Lab)  
 Livingstone, Marilyn (Kirkcaldy) (Lab)  
 Macintosh, Mr Kenneth (Eastwood) (Lab)  
 MacKay, Angus (Edinburgh South) (Lab)  
 Maclean, Kate (Dundee West) (Lab)  
 Macmillan, Maureen (Highlands and Islands) (Lab)  
 Martin, Paul (Glasgow Springburn) (Lab)  
 McAllion, Mr John (Dundee East) (Lab)  
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)  
 McCabe, Mr Tom (Hamilton South) (Lab)  
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)  
 McMahon, Mr Michael (Hamilton North and Bellshill) (Lab)  
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)  
 McNeill, Pauline (Glasgow Kelvin) (Lab)  
 McNulty, Des (Clydebank and Milngavie) (Lab)  
 Morrison, Mr Alasdair (Western Isles) (Lab)  
 Muldoon, Bristow (Livingston) (Lab)  
 Mulligan, Mrs Mary (Linlithgow) (Lab)  
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)  
 Murray, Dr Elaine (Dumfries) (Lab)  
 Peacock, Peter (Highlands and Islands) (Lab)  
 Peattie, Cathy (Falkirk East) (Lab)  
 Radcliffe, Nora (Gordon) (LD)  
 Robson, Euan (Roxburgh and Berwickshire) (LD)  
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)

Simpson, Dr Richard (Ochil) (Lab)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Smith, Iain (North-East Fife) (LD)  
 Smith, Mrs Margaret (Edinburgh West) (LD)  
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)  
 Thomson, Elaine (Aberdeen North) (Lab)  
 Wallace, Mr Jim (Orkney) (LD)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)  
 Wilson, Allan (Cunninghame North) (Lab)

**AGAINST**

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)  
 Goldie, Miss Annabel (West of Scotland) (Con)  
 Harding, Mr Keith (Mid Scotland and Fife) (Con)  
 Johnstone, Alex (North-East Scotland) (Con)  
 McGrigor, Mr Jamie (Highlands and Islands) (Con)  
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Scott, John (Ayr) (Con)  
 Sheridan, Tommy (Glasgow) (SSP)  
 Tosh, Mr Murray (South of Scotland) (Con)

**ABSTENTIONS**

Adam, Brian (North-East Scotland) (SNP)  
 Canavan, Dennis (Falkirk West)  
 Crawford, Bruce (Mid Scotland and Fife) (SNP)  
 Ewing, Dr Winnie (Highlands and Islands) (SNP)  
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)  
 Ewing, Mrs Margaret (Moray) (SNP)  
 Fabiani, Linda (Central Scotland) (SNP)  
 Gibson, Mr Kenneth (Glasgow) (SNP)  
 Grahame, Christine (South of Scotland) (SNP)  
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)  
 Ingram, Mr Adam (South of Scotland) (SNP)  
 Lochhead, Richard (North-East Scotland) (SNP)  
 MacAskill, Mr Kenny (Lothians) (SNP)  
 MacDonald, Ms Margo (Lothians) (SNP)  
 Marwick, Tricia (Mid Scotland and Fife) (SNP)  
 Matheson, Michael (Central Scotland) (SNP)  
 McLeod, Fiona (West of Scotland) (SNP)  
 Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)  
 Reid, Mr George (Mid Scotland and Fife) (SNP)  
 Robison, Shona (North-East Scotland) (SNP)  
 Stevenson, Stewart (Banff and Buchan) (SNP)  
 Sturgeon, Nicola (Glasgow) (SNP)  
 Swinney, Mr John (North Tayside) (SNP)  
 Ullrich, Kay (West of Scotland) (SNP)  
 Welsh, Mr Andrew (Angus) (SNP)  
 White, Ms Sandra (Glasgow) (SNP)  
 Wilson, Andrew (Central Scotland) (SNP)

**The Presiding Officer:** The result of the division is: For 59, Against 14, Abstentions 27.

*Motion agreed to.*

That the Parliament welcomes the document *Closing the Opportunity Gap: Scottish Budget for 2003-2006*, which shows how the Executive's spending plans, as set out in *Building a Better Scotland – Spending Proposals 2003-2006: What the money buys*, will deliver a better life for the most disadvantaged people and communities in Scotland and agrees that the Executive's social justice spending plans for the next three years will improve outcomes for those people and communities, through investing in their homes and neighbourhoods.

**The Presiding Officer:** Before I put the final question, I have been asked to remind members that the informal photograph for the annual report will be taken in the black-and-white corridor immediately after decision time. Members who are not staying for the members' business debate are asked whether they would mind going out the other door and having a chat in the corridor for two minutes so that the photograph can be taken. I know that members are shy and retiring by nature, but it would be appreciated if a sufficient number turned up.

The seventh question is, that motion S1M-3480, in the name of Patricia Ferguson, on behalf of the Parliamentary Bureau, on the approval of a statutory instrument, be agreed to.

*Motion agreed to.*

That the Parliament agrees that the Food Protection (Emergency Prohibitions) (Amnesic Shellfish Poisoning) (West Coast) (No.12) (Scotland) Order 2002 (SSI 2002/430) be approved.

## **European Capital of Culture Bid (Inverness Highland 2008)**

**The Presiding Officer (Sir David Steel):** For members who are not going to have their photograph taken, the next item of business is a members' business debate on motion S1M-3407, in the name of Rhoda Grant, on the Inverness Highland bid to be European capital of culture.

*Motion debated,*

That the Parliament notes the on-going competition to decide the United Kingdom's nominee for the European Capital of Culture in 2008; further notes that Inverness Highland 2008 is the sole Scottish bid; recognises the imaginative plans that the bid team have proposed including capitalising on the Highlands' unique culture and the development of a cultural plan; further recognises the immense economic, social and cultural benefits that a successful bid would bring to Inverness and the Highlands, and considers that, as this is the sole Scottish bid, the Scottish Executive, MSPs, government agencies and the wider Scottish society should do all in their power to support the bid and promote a successful outcome.

17:07

**Rhoda Grant (Highlands and Islands) (Lab):** It is a great pleasure for me to open this debate, which is of great importance to Inverness, the Highlands and—I hope—the rest of Scotland. I want to take this opportunity to thank all the members who signed my motion.

The debate is as much about the future as it is about the past. The bid for European capital of culture status in 2008 is a sign of growing confidence in the Highlands about who we are and what we have to offer the world. Anyone who visits the Highlands today will find a growing population—it has risen by 2.4 per cent since the previous census—and more job opportunities.

A number of key figures have supported the bid's development. As the bid co-ordinator, Bryan Beattie has played a key role in ensuring that a coherent, well-thought-out plan has been put together. Sir Cameron Mackintosh, the bid's patron, David Green, the convener of Highland Council, and local and national agencies have also supported and encouraged it. Many other people have been involved in it, but there are too many to mention this evening. I pay tribute to them all, whatever their role and regardless of how large or small their involvement has been.

The bid is about the people of the Highlands working together and taking ownership. I should add that Bryan Beattie left this month. We all wish him well for the future. Bill Sylvester, who replaces him, has our support and I am sure that he will continue the great work that has already been carried out. His enthusiasm was apparent to the members who met him today. Indeed, I think that

Fergus Ewing wanted to put a few names to him because of that great enthusiasm. It is good to see someone who is so behind the bid.

Inverness Highland 2008 is the sole Scottish bid for the title of European capital of culture. For the first time, city regions can bid. As the Inverness Highland bid is the only one of this kind, it deserves unanimous support from all parties, the Government, public bodies and agencies and ordinary individuals. I know that the bid team is pleased with the support it has received from the First Minister and the Scottish Executive, which is one of the 23 concordat partners.

What does the Inverness Highland bid have to offer? I cannot do it justice in the short time that I have available, but under the broad theme of "Fàilte—Welcome All", the bid seeks to put in place programmes and events that celebrate and challenge the icons and stereotypes that have become associated with the city region. The bid recognises the environment of the area and looks at things that have inspired artists, writers, musicians and other creative people through the years.

In order to generate ideas, the bid team launched an initiative to find 2008 ideas for 2008. Within only three months, 2008 ideas had been submitted, which is a clear sign that ordinary people have seen the potential of what a successful bid could bring to the area. The ideas included: a new piece of musical theatre that would be produced and performed by young people; having a year of fèis, with a fèis held every week during 2008; the world's largest clan gathering, to encourage descendants from all over the world to return to the Highlands during the culture year; a Gaelic teaching programme to raise awareness of Gaelic culture; the creation of a Highland science centre; and a proposal to bring north one leg of the Tour de France in 2008.

Importantly, the bid has young people and volunteers at its heart, thus recognising that young people have as much right to have their say in culture decisions as everybody else. As part of the bid, two members of Highland Youth Voice have been working on a young persons' guide to the Highlands.

To assess the likely benefits that would come from a successful bid, the bid team commissioned two studies, one of which examined the economic benefits while the other focused on the social ones. The economic benefits are believed to be achievable by the bid team and are likely to make anybody sit up and take notice. Up to 8,600 jobs would be created throughout the north in the year of culture. That figure does not take into account the additional jobs that would be created from infrastructure development and from the programmes that have already been started.

The benefits cannot be judged simply in terms of finance, as the enormous social benefits that would be generated are just as important. For example, the cultural pledge would be a lasting legacy to the children and young people of the Highlands. The pledge would mean that every pupil would receive access to all forms of culture, including access to drama tuition, music tuition and tuition in six sports. They would also visit the Highland folk park and Highland museums. That is to name but a few of the benefits that the young people would receive. The pledge would make a substantial difference to the value that those young people place on culture. For those young people, this is an opportunity of a lifetime, the benefits of which would hopefully flow through to future generations.

The Highlands have something unique to offer. With their history and culture, the Highlands are best placed to showcase cultural activity to the rest of Europe. I hope that the minister will continue to do everything she can to ensure that the Inverness Highland bid is strongly represented to ministers and to the Department for Culture, Media and Sport.

The bid is full of exciting and challenging aims. It offers the Highlands the opportunity to unleash the talents and creativity of all its people, young and old. The Highlands could show that it is not simply a place of history but one with a vision for the future. This is the opportunity of a lifetime and one that we must fight hard to win.

17:13

**Fergus Ewing (Inverness East, Nairn and Lochaber) (SNP):** I warmly congratulate Rhoda Grant on securing the debate and agree with just about everything she said. I am pleased to see that Dr Elaine Murray will reply to the debate, because I know that she has taken a close interest in matters Highland.

It is matters Highland that we are debating tonight. There can be few parts of the world that have such a high recognition factor. We think of ceilidhs, capercaillies, clarsachs and clans. We think of mountains, moors, crofts and peat-land. We think of whisky, bagpipes, claymores, kilts, heather—the list goes on. When we look at the prospect of success for Inverness Highland becoming the European capital of culture in 2008, we think about those things, which are the warp and the weft in the tapestry of everything that makes the Highlands what it is.

I do not believe that it is the wish of any politician or party, in supporting the bid, to attack the merits of other bids from cities in the United Kingdom. No doubt they all have their particular claims, but it is reasonable to point out that the

Highlands, perhaps exclusively, have international recognition for their unique culture and heritage.

I commend the efforts of the individuals mentioned by Rhoda Grant and those of many others. I was especially struck by the enthusiastic presentation that Bill Sylvester gave today. I suggest that he should call himself Mr MacMotivator, such was the infectious nature of his enthusiasm.

There are many reasons why this bid should succeed. Some are not immediately obvious. We think of when Glasgow was the city of culture. The city's image was transformed around the world. It changed from "No Mean City" to a modern European capital in the European tradition. We think of the intangible benefits of things such as this, transforming the image and reputation of a place.

Part of the difficulty that Inverness faces is in some ways the difficulty of success. The city has very low levels of unemployment, which makes it difficult for some employers to find workers. I know that from a meeting I had with the Federation of Small Businesses on Monday. If we can draw people to Inverness by portraying it as an exciting place to stay, and if we can draw young people from Scotland and further afield by portraying our city as a European capital of culture, we can attract more people to the Highlands and no longer witness the emigration that we have witnessed over the years.

I want to make a particular mention of genealogy and the expert concept and plan that Mr Dennis MacLeod is promoting, to establish a centre in Helmsdale to commemorate the clearances. I am delighted that the idea has received support from people of all parties and none.

I played a modest part in the promotional literature for this bid—

**Mary Scanlon (Highlands and Islands) (Con):** We saw your legs.

**Fergus Ewing:** Wisely, Mary, that photograph did not make the front page. I managed to participate in and complete the Loch Ness marathon, sponsored by Baxter's, which took place a week ago last Sunday. I achieved the twin aims of finishing and avoiding precipitating a by-election. The variety of events—both cultural and sporting—will be a key to the success of this bid.

I am delighted to be taking part in this debate. I know that people from all parties will unite in the Highland cause to support this bid and make Inverness Highland the European capital of culture in 2008.

17:18

**Mary Scanlon (Highlands and Islands) (Con):**

I, too, congratulate Rhoda Grant on securing this debate in support of the Inverness Highland bid to become European capital of culture in 2008. On this historic occasion, I fully endorse everything Rhoda Grant and Fergus Ewing have said. Highland MSPs often leave their politics aside and work together. Like them, I congratulate Bill Sylvester, the chief executive of Inverness and Nairn Enterprise, on his role leading this bid. Such is Bill's enthusiasm that, if people do not support the bid when they meet him, they certainly will when they leave him.

This bid gives us a win-win situation. If we win, it could generate up to £230 million of additional income for the Highlands—a figure that is based on a 30 per cent increase in tourism. If we are short-listed, a benefit of £80 million could accrue. If we are not short-listed, we will have the benefit of having 23 partners across the Highlands working together and the benefit of probably the most extensive audit of culture, heritage, sports, environment, arts, language and music ever done. The bid will help to raise awareness, to develop innovative ideas on culture and to show the city's contribution to regeneration, social inclusion, education and business.

At lunch time, the bid was likened to the Scotland in bloom competition: if we win, it is wonderful; if we do not win, it is still beautiful. The cultural pledge is an example of joined-up thinking and partnership.

Free music tuition was enjoyed in the Highlands in the past. It is now based on a means test. I also raise the example of Caithness United: a young and able football team that has been banned from the Highland League because of travel distances.

**Mr Jamie Stone (Caithness, Sutherland and Easter Ross) (LD):** Mary Scanlon raises a point that worries many of us in the far north. Does she agree that one of the most disconcerting aspects of the matter is the fact that a veil of secrecy seems to have been drawn over the matter in terms of explaining to Caithness United why it has been excluded? That is deeply unsatisfactory in this day and age. Answers must be given.

**Mary Scanlon:** I take Jamie Stone's point and commend the work that he has done on the matter. I listened to Tommy Docherty on the radio this morning. He talked about the fact that managers of the Scotland team used to go to watch Scottish players playing for all the big football clubs in England, but now it is very difficult to get the team together. If we believe in social inclusion, we should believe in giving the young lads in Caithness the opportunity to play not only for their own club, for Caley Thistle and for Ross



County, but for Scotland. I believe that Caithness United is an excellent team. I hope that the minister will investigate the secrecy around the decision.

The cultural pledge includes drama workshops, free access to swimming and creative arts or crafts courses. They should be the pledges not only of the cultural bid, but of every councillor who is elected on 1 May next year.

I welcome the bid and I support it. I wish the bid team all success in showing and highlighting the confidence of the Highlands as the European capital of culture.

17:21

**John Farquhar Munro (Ross, Skye and Inverness West) (LD):** I am delighted to be taking part in the debate, which demonstrates the support the Scottish Parliament has previously indicated for the city of Inverness's bid to become the European capital of culture in 2008. I am confident that Inverness will achieve that objective, primarily because the bid has been professionally prepared and presented and, most important, because it has universal support throughout the area. The bid has the support of all the communities throughout the Highlands and Islands and of business groups, both private and commercial. On top of that, the bid has been demonstrated to be innovative, enterprising and imaginative. It has all the hallmarks of success that we would expect.

Inverness is fortunate, because it is central to the Highlands. It is recognised as the Highland capital and its identity has always been enhanced by the cultural diversity of the region it serves, which is historically anchored in the language of Eden. I do not need to tell anybody that that is our Gaelic language—its culture, music and traditions, which have survived through the ages and still appeal to all groups, all ages and in particular our younger generation, who will carry forward those worthy traditions.

The initial bid identifies an extensive programme of capital development. According to the current figures, a sum in excess of £60 million will be spent in the area to provide opportunities for young and old alike to participate in and enjoy a wide range of cultural and sporting activities throughout the Highland area. That is new, innovative and enterprising.

The bid by the Highlands is for the Highlands. It is centred on the commercial hub of Inverness and it deserves our full and unmitigated support. Giving it that support will let us demonstrate that we agree with a young lady called Annie Marrs, the vice-chair of Highland Youth Voice, who is quoted in a pamphlet about the bid. She forecasts that Inverness will become

“the most fantastic and unique Capital of Culture that Europe has seen.”

Let us prove her correct and support the bid.

17:25

**Mr Jamie McGrigor (Highlands and Islands) (Con):** On 19 September I supported the bid during a debate in the chamber. I highlighted the pledge that the Highland Council is making to young people to give them the opportunity to participate in at least six hours of sport and games per week, to give them free musical tuition in schools, and to give children and young people free entry to cultural events that visit Inverness and the Highlands. The pledge is scheduled for 2003 and 2004 and it is intended that, by 2005, the area will have a generation of young people who are more adept in sports and more culturally adapted than was previously the case. Even if the bid fails, that incentive will allow young people to reap in later life the physical and mental benefits that those extracurricular activities will bring.

But the bid must succeed. At any rate, the minimum target must be a place on the short list and to be one of the four areas that will be able to use the name “centre of culture”. However, the object is to win. That will bring huge benefits to Inverness and Highland, and the rest of Scotland for that matter, as it did when Glasgow won.

In Inverness and Highland we have a special complexity of cultures, such as the environmental culture, where surely we reign supreme. Where else can one see herds of deer, eagles and ospreys, whales and dolphins, and a plethora of other animals and birds? There is a plan for an environmental orientation centre, if the bid wins, where people can be informed about the finer points of bird, animal and plant species, where to find them, when is the best time to see them in their natural habitat, and how to cause the least disturbance.

I like another idea, which is for tourist centres to provide inquiring visitors with individual computerised itineraries relating to their length of stay and particular interests.

We also have a scientific culture, which includes the highest medical research, marine biology centres and, of course, the university of the Highlands and Islands. When will the UHI receive full university status?

We have our Highland heritage culture, which is unusually strong, comprising archaeological and historical artefacts. There are plans for a Highland archive centre, to which many of the original Highland artefacts that clutter various shelves in Edinburgh could be returned.

Genealogical heritage could be a huge market. We should examine Ireland's progress and success in that sphere.

We have a great arts culture, with music, dancing, painting, sculpture and drama, and a particularly strong language culture based on Gaelic, especially through the fèis movement, which has done so much to transpose the traditional Highland music into a form of popular music that has received strong acclaim. That should prove to be a particularly strong point in the bid of Inverness and the Highlands.

We also have a multisport culture in the Highlands, in which angling reigns supreme, fast followed by shinty.

Inverness Highland is unique. Capital projects around Inverness, such as Eden Court Theatre and the bringing back into use of Inverness Castle, would be advanced. Other areas in the Highlands would stand to benefit, such as Fort William, with an arts centre and waterfront development, and Thurso, with an arts centre. The market centre project in Dingwall might well be advanced. Success in the bid would bring many benefits.

My recent involvement in the great glen raid on the Caledonian canal showed me only too clearly the value to Scotland in foreign advertising that can be generated by new innovative projects—15 million Europeans viewed and read about Scotland in a wonderful light.

While we must never forget our traditions of bagpipes, kilts, cabers and whisky, we must show that Scottish culture is not static, but continually moving on. That is why I urge the Scottish Executive and all people in Scotland to get behind Scotland's one and only bidder, Inverness and Highland. I wish the bid every success.

17:29

**Dr Winnie Ewing (Highlands and Islands) (SNP):** I had the privilege of being the chairman of the culture committee of the European Parliament for three years. Choosing the capital of culture was one of the big annual events. When I was on that committee, the capital of culture was Glasgow. Although I am a Glaswegian, I assure members that that had nothing to do with me—I can claim no credit for it. A minister from London came up to look at our case. Of course, Bath and Edinburgh were also involved. He eventually told me the secret that Glasgow had against the others. He said, "Bath and Edinburgh talked about the past and Glasgow talked about the future."

All of us know that we have a magnificent future in the Highlands and Islands. Jamie McGrigor has already mentioned the Highland Council's pledges to our young people, so I will not talk further about

them, other than to say that they are the most magnificent set of pledges that I have ever seen and I am sure that the aims can be achieved.

When Glasgow won, in my capacity of chair of the committee I received a marvellous letter from Chancellor Kohl. He said that the choice of Glasgow was an inspiration to all Europe because Glasgow—unlike previous winners, such as Florence and Athens—had suffered from the demise of a lot of heavy industry and many European cities were in a similarly depressing position.

The choice of the Highlands, however, would be unique. It is an entirely different proposal. The area has 90 inhabited islands and is rich in cultures. There are more archaeological remains being found in Orkney than in any part of Europe at the moment. It is so rich in archaeology that the whole of Europe is coming to see it. Shetland has a magnificent fishing history going back to whaling and so on and now it is the norm that students from the third world come to the fishing college in Shetland. And of course, we must admit that Orkney and Shetland have distinctive cultures, as do the Western Isles, as a result of their connection with Norway and the Vikings. Further, the fact that Scotland was in the Hanseatic league is remembered in Hamburg, Berlin and Bremen, where I have spoken. We are rich in culture.

In Europe, John Hume and I created a budget line for the lesser-used languages, of which 35 are recognised across Europe, two of which we have in the Highlands and Islands: Gaelic and Scots. That is of fantastic interest in European terms. The attitude in the European Parliament, of which I was a member for 24 years, is that every language of Europe and every bit of our literature and music is precious and must be preserved in every possible way. As a reflection of that, the budget line has gone up each year and is still doing so, as far as I know.

That is another example of how the Highlands fits into the deepest concerns of Europe. Europe wants to rediscover all that it can about how the continent became what it is. Although we are on the periphery, we are a key part of that effort as we have been exposed to many different experiences.

Other people have spoken about the musical heritage of the Highlands, which is rich, and I am sure that many Europeans would like to share more of it with us. People have mentioned sport, so I need do no more than mention golf, shinty, curling, mountain climbing and the sheer joy of the most beautiful part of Europe.

The Highland and Inverness proposal is unique and I am sure that, across Europe, that approach will be seen as extremely refreshing.

When I was in the European Parliament, I used to say, "I've got 90 inhabited islands," and the whole place would say, "Ninety inhabited islands?" Mind you, when Greece came along with 222 inhabited islands, my gas was put at a peep. Nevertheless, Greece always says that it has no minority languages, but we have a fantastic richness.

We can offer Europe something that is different and modern and I hope that our new approach succeeds.

17:34

**Robin Harper (Lothians) (Green):** It being national poetry day, I feel that I should have brought at least one poem by George Mackay Brown or Sorley Maclean, but I neglected to do so.

I was born in Thurso and have lived in the Orkneys, so I am always glad to receive invitations to return to the Highlands, even if they are similar to the last two that I received—to open a sewage works and to assist Highland Council in the launching of a recycling initiative. I should say that both visits were thoroughly enjoyable occasions.

When I visit, I stay with friends who have been involved in the music and cultural life of the Highlands for the past 20 years. My friends travel frequently: to Ireland, Wales and—most often—Brittany. I want to make a point that may appear to be small, but that is important. If Inverness were to become the European capital of culture in 2008, that would make an enormous statement for the Celtic cultures throughout Europe. The people of Brittany would rejoice at the choice of Inverness, as would all of our other Celtic friends throughout Europe. We should not keep on saying, "Let us get into the last four." We should say, "Let Inverness become the European capital of culture in 2008."

17:36

**Maureen Macmillan (Highlands and Islands) (Lab):** As Jamie Stone has reminded me that today is national poetry day, let me say:

"My heart's in the Highlands, my heart is not here;  
My heart's in the Highlands a chasing the deer;  
Chasing the wild deer, and following the roe;  
My heart's in the Highlands, wherever I go."

As it happens, I was born in Argyll, not in what is now thought of as the Highlands. However, over the past 30 years, I feel that I have been naturalised.

I congratulate Rhoda Grant on securing such a welcome debate. I would like to join her in paying tribute to all those who were involved in the preparation of the bid. As Rhoda said, the Inverness bid is the only regional bid. It is the first such bid to be submitted under the new rules that

allow four regions to bid for the title "European capital of culture".

When I went to Inverness for the first time about 30 years ago, I was not impressed. It was a dull town with nothing much happening in it. I am talking about a time before Eden Court Theatre was built. Indeed, it was even before Marks and Spencer arrived in the town to put its label on Inverness as a town that people wanted to go to from as far north as Wick. Perhaps I should not go into the economics of all that, especially as it might not be a cultural reference.

I was interested to see Annie Marrs, one of my former pupils, on the front page of the *Inverness Highland 2008* October newsletter. She is quoted as saying:

"When I started secondary there was no Youth parliament, no budget air travel from Inverness, no Highland Festival, no art.tn, Kilmorack or Castle galleries, no city status for Inverness".

So much has changed since my first visit. What will Inverness be like in 2008? How much more will it have changed by then?

There is such vibrancy in the Highlands today; not only in Inverness, but in other Highland towns. Look at the change that has taken place in Alness, which has pulled itself up by its own bootstraps. It has won Scotland in bloom, Britain in bloom and world in bloom awards. Look at Wick and the schemes to develop its old Poultny town—the old Thomas Telford complex around the harbour. All those things are happening now and there are plans for further developments in future.

Just as the Highlands in 2008 will be a different place, so it is the case with Europe. Only yesterday, the European Union announced that another 10 countries are to become members. That announcement further highlights the opportunities that would be opened up for the Highlands if it won the award.

I want to concentrate my remarks on two areas: tourism and Gaelic. The potential for tourism in the bid is great indeed. In simple economic terms, any boost to tourism numbers would be welcome. The activities that are proposed in the bid are likely to provide a significant boost to the area. However, the bid also poses a considerable challenge for transport and tourism operators and the wider tourist industry in the Highlands. There is a need to ensure that the area is prepared properly to cater for visitors from around the globe. I have no doubt that we will win the bid; we deserve to win it. The award would act as a tremendous attraction for people, especially as the award would be not merely a European event. It would give the Highlands the opportunity to speak to the world, to show it the value that we already place on our culture and to show it how our traditions and heritage are adapting in a changing world.

We must work closely with the British Tourist Authority and VisitScotland to ensure that marketing is of the highest standard. Marketing is of little use if the final product is not up to the standard that visitors expect, so improving quality is also a key priority and quality is improving all the time. We must attract Scots to visit the north, not just visitors from the United Kingdom or beyond.

Gaelic is a cornerstone of the bid. I agree with the bid document where it stresses that the Gaelic language is perhaps the most distinctive element of Highland heritage, although I recognise that other cultures are equally important. It is the element that sets the Highland bid apart from every other bid for 2008. The proposals for the development of Gaelic are imaginative—a language centre, a Gaelic teaching programme and the expansion of the Royal National Mod to include representatives from other Celtic countries. The Inverness bid is the Scottish bid to bring the capital of culture back home again. Glasgow benefited significantly from being the city of culture in 1990 and the benefits can be just as significant to the Highlands. As Rhoda Grant pointed out, the benefits will not end when 2008 has passed—the legacy will remain and the benefits will continue. I hope that the Executive and the Parliament will be passionately committed to promoting a successful outcome that will bring lasting benefits to the Highlands.

17:41

**Mr Jamie Stone (Caithness, Sutherland and Easter Ross) (LD):** I add my congratulations to Rhoda Grant for securing the debate.

As members can imagine from my involvement in the arts in the Highlands—in the Eden Court Theatre and the Highland Festival—culture is dear to my heart. Since I was at school, we have had a renaissance of culture in the Highlands. If one thinks about music and art in particular, times have changed since I was a teenager. Culture in the Highlands has grown and got better and better. To demonstrate that, I mention two events of which I am extremely proud. The first was when the Gizzen Briggs—the traditional music group based at Tain Royal Academy and Kinlochbervie—came to play in the Parliament. The other was when the southern schools pipe band came to play for us. I thank all the MSPs who turned up to both those events—it was great for the young people and I was grateful to all who came.

There is no reason why, from such a renaissance, we should not have the ultimate flowering in recognition of Inverness as the capital of culture in 2008.

When one thinks about culture in other parts of Europe, one might think of Vienna. When one

goes to Vienna, quite apart from the pictures, the magnificent buildings and the Ringstrasse—which I am sure you know, Deputy Presiding Officer—one thinks of the excellent coffee that is available in cafes, the wiener schnitzel and the schnapps. When one thinks of the Highlands, one thinks of whisky and scallops—a subject dear to the heart of my friend Jamie McGrigor. One might think of fine salmon or venison, which are equally dear to the heart of my friend John Farquhar Munro. Culture is also about food—members should remember that when they are offering an experience to tourists. We can build on those blocks to offer a wide experience. Culture is about the music, the art, the language, but it is also about the finer things in life and we have those to offer in the Highlands.

The acid test for me is what Bryan Beattie once referred to as the “spokes of the wheel” idea: how much culture can go out from Inverness to the more remote parts of the Highlands? Maureen Macmillan mentioned Wick and other areas have been mentioned. The bid passes that test handsomely. When I look at the brochure “Inverness 2008 Highland”, I do not understand why that cannot be the case. Everything that has been said to me by the organisers of the bid gives me confidence that the philosophy behind the bid is to reach more remote areas.

I commend the bid to the Parliament and from the bottom of my heart I wish it the greatest success.

**The Deputy Presiding Officer:** Are you done?

**Mr Stone:** I continue for three words: let Mary intervene.

**Mary Scanlon:** I support Mr Stone's comments as a member for Caithness and Sutherland. On this national poetry day, does the member say that Caithness, Sutherland and all of Ross-shire are worthy of being capitals of culture? [*Interruption.*]

**Mr Stone:** It is clear that Mrs Scanlon's remarks had a profound effect on the minister. I endorse them entirely.

**The Deputy Presiding Officer:** If the minister is ready, we shall move to the conclusion of the debate.

17:45

**The Deputy Minister for Tourism, Culture and Sport (Dr Elaine Murray):** I congratulate Rhoda Grant on securing the debate and I congratulate all the members who spoke, because the debate has been good. Members highlighted the many and varied aspects of the bid, which make it strong. Like other speakers, I congratulate the bid team on producing such a strong bid and a well-developed set of proposals.

The bid is imaginative and audacious and it shows the team's pride in the region. The views of the members from Inverness and the Highland areas reflect that pride. When the bid was made, some people did not seem to appreciate the importance of the region's relationship with the city and how the city reflects the rural areas. Inverness was the county town originally, but it eventually became the regional capital and is now a city in its own right. Those who, to some extent, scorned the fact that the region was being included in the bid did not appreciate that such relationships are important in rural areas.

As Jamie Stone said, that is what Bryan Beattie referred to as a spokes-of-the-wheel approach, which came from the bid team's breadth of vision. Members referred to the large number of spokes in the bid wheel, such as the work that is being done with young people, the pledges to young people and the contribution to the bid by Young People, including Annie Marrs from Highland youth voice. I did not realise that she was a former pupil of Maureen Macmillan's. She went to London to make a presentation to the Department for Culture, Media and Sport on 24 September. That bid was produced partly by young people and was presented by young people.

The cultural pledge has reflected what many of us in the Executive feel that we want to do with school co-ordinators. We may be thinking along the same lines as the bid team.

A science centre has been proposed, and as a former scientist, I welcome science coming into culture. Science and the arts have much in common.

Jamie Stone referred to the development of a cultural quarter. Last night, I was at a production of "The Duchess of Malfi" at Dundee Rep Theatre, which is part of a cultural quarter in Dundee and relates to the educational experience of the University of Dundee. That is important to Dundee and I am certain that such a development in Inverness will strengthen its cultural base and be educationally important for the relationship with the university of the Highlands and Islands.

As my portfolio covers tourism, culture and sport, I am pleased that sports events are part of the bid. Rhoda Grant referred to the Tour de France and I congratulate Fergus Ewing on completing the marathon. I admire people who manage to remain fit in a job such as ours, because that is difficult.

As many people—including Winnie Ewing, John Farquhar Munro and Maureen Macmillan—have said, the Gaelic language and the Scots language are important. They are important to the cultural heritage of the area.

The bid team emphasised access. I will take up

Mary Scanlon's issue about Caithness United, because access is an important part of the bid. Groups that are under-represented in cultural activity are being considered. The bid team is considering people with special educational needs, and community transport, and will hold a meeting about access issues.

As Jamie McGrigor said, the area is strong on the environment, which will play an important part in the bid. Maureen Macmillan and Jamie Stone referred to tourism, for which European capital of culture status would be valuable. Jamie Stone is right that the gastronomic delights of the Highlands should never be forgotten.

The bid reflects the breadth of the definition of culture, which I am pleased to see. I am depressed when people say, "Culture has nothing to do with me." Culture has everything to do with everybody. It is huge and broad and includes a number of activities. Fergus Ewing was right to mention the strength and importance of the international image of the Highlands.

All of us agree that success is extremely important. Winnie Ewing hit the nail on the head when she spoke of the Glasgow debate and the importance of Glasgow's successful bid. Success would make a real difference to Inverness. It does not have a cultural backdrop over the centuries, but a successful bid would make a huge difference to the city and the region. That is incredibly important and we should get that message across to those who make the decisions.

The Executive has been pleased to support the bid. It has done so financially, with many partners, and the First Minister and Mike Watson attended the launch on 25 March. I have had the good fortune to meet Bryan Beattie a couple of times. He has enthusiasm in buckets. I have known him for many years, during which he has been associated with the high arts, and I am sure that he will take his huge enthusiasm to Cork. I have not yet met Bill Sylvester, but he seems to be of the same mould and he is enthusiastic, which is important. I have also discussed the matter with Tessa Blackstone from the DCMS. She listened politely and encouragingly, but was diplomatic enough not to give me any hints as to how the DCMS was thinking.

We look forward to the announcement of the shortlist at the end of the month. I hope that Inverness will at least be one of the centres of excellence and that there will be funding for some strands of its bid. However, we want the gold medal—that would be the first prize for Inverness.

I enjoyed reading the book. I have seen the video and listened to the compact disc. If there were a T-shirt, I would be more than happy to wear it if that would help the bid to be successful.

**Mr Stone:** That can be arranged.

**Dr Murray:** I am pleased to hear that.

We have all expressed enthusiasm for the bid. Let us hope that there is a good result at the end of the month. If our bids for both major events are successful, 2008 could be a wonderful year for Scotland. Let us hope that there is progress.

Robin Harper reminded us that today is national poetry day. I appreciated Mary Scanlon's contribution. We must reflect on the tremendously strong literary and poetic heritage of the whole region.

I am pleased that national poetry day has been celebrated by a new competition sponsored by *The Herald*. However, I say to the organisers that I did not notice Gaelic mentioned as one of the languages in which to write poetry. I hope that they will reflect on that and on the importance of encouraging poetry and literature in Gaelic, as well as in Scots and English.

I am pleased to have taken part in the debate and look forward with great enthusiasm to the future. I am sure that, if the bid is successful, it will bring a tremendous amount to the Highlands. I am sure that many other areas of Scotland would look to how Inverness managed to achieve its aims. I congratulate all members who have spoken.

*Meeting closed at 17:53.*

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