

# **MEETING OF THE PARLIAMENT**

Wednesday 18 December 2002  
(*Afternoon*)

Session 1

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## Scottish Parliament

Wednesday 18 December 2002

(Afternoon)

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

### Time for Reflection

**The Presiding Officer (Sir David Steel):** To lead our time for reflection this afternoon, we welcome the Archbishop of Glasgow, the Most Rev Mario Conti.

**The Most Rev Mario Conti (Archbishop of Glasgow):** Members of the Scottish Parliament and officials, I am grateful for the invitation to come here today to offer some reflections as we prepare for the Christmas recess. It is natural that my focus should be on Christ, since it is his birthday that gives the season its name and its cause for rejoicing.

In the Christian calendar, the present season is called Advent. It is a time for looking forward to Christmas. I take as my text for our reflections a passage from the prophet Isaiah, from a book sacred to the great monotheistic faiths of Judaism, Christianity and Islam. It sketches out the figure of the perfect prince as a man of wisdom, dispenser of justice and defender of the poor. You are the princes of the people, and it is therefore good to reflect upon what Isaiah describes:

A shoot springs from the stock of Jesse  
A scion thrusts from his roots:  
on him the spirit of the Lord rests,  
a spirit of wisdom and insight,  
a spirit of counsel and power  
a spirit of knowledge and the fear of the Lord.  
He does not judge by appearances,  
he gives no verdict on hearsay,  
but judges the wretched with integrity,  
and with equity gives a verdict for the poor of the land.

For the Jew, this prince is expected, for the Christian he has come, and for the Muslim he is a prophet. We see history turning on the shaft of his birth.

In poetic terms Isaiah describes a world at peace and the fruits of justice:

The wolf lives with the lamb,  
the panther lies down with the kid,  
calf and lion cub feed together  
with a little boy to lead them.  
The infant plays over the cobra's hole:  
into the viper's lair  
the young child puts his hand.  
They do no hurt, no harm,  
on all my holy mountain,

It is this peace, and a world free from harm, that we and all men and women of good will desire.

Although the use of that passage in our liturgy helps to focus our attention on the Christ child, the words of Isaiah must also resonate here where you have most admirably addressed the needs of the child and expressed in a practical manner your concern for children's safety. At the same time, I think that they may sound a warning bell, for Parliament has to face the fact that despite a worrying increase in teenage pregnancies, the Scottish birth rate is insufficient to renew the population. Does that mean that the child is not so central to our future hopes as it once was and that our attention is more focused on disposable commodities? Our society is certainly marked by such contradictions as an ever-greater medical commitment to helping the infertile while maintaining wide provision for contraception and abortion. The account shows a deficit. There is certainly an unreadiness to welcome the unexpected child.

Relative to Christmas, that poses the question of whether the foretold, but unexpected child of Mary would have been at as great a risk today as he was from Herod. That is a sobering thought.

The great poet theologian Peguy said:

"Hope is the little sister of faith and charity".

I see your fidelity to a social vision and concern for the economically and culturally deprived as corresponding in some way to those supernatural virtues of faith and charity, but you also need hope, both in its normal and in its transcendent form. Hope is the leader's star that makes him, in Isaiah's words,

"a signal to the peoples".

With the wise men, may you recognise this star over the infant's cradle this Christmas.

Allow me to draw from the Old Testament this blessing on you and on your work.

May the Lord bless you and keep you;  
May the Lord let his face shine upon you and  
be gracious to you;  
May the Lord look upon you with kindness and give you  
His peace.

I wish a very happy Christmas to you all.

## Point of Order

14:35

**Tommy Sheridan (Glasgow) (SSP):** On a point of order, Presiding Officer. Given the decision of City of Edinburgh Council yesterday and the prestigious award to Glasgow City Council last week of European city of sport 2003, will you reflect on your choice of First Minister's questions for tomorrow to allow the First Minister the opportunity properly to congratulate the city of Glasgow on that fantastic award?

**The Presiding Officer (Sir David Steel):** I am obliged to you, Mr Sheridan, for giving me notice of that point of order, but I am afraid that I am bound by standing order 13.6.6, which requires me to select First Minister's questions on a Monday afternoon for Thursday. It sometimes happens that events overtake us in between, but there is nothing that I can do about it. However, you have drawn attention to something very important under the guise of a point of order.

## Homelessness etc (Scotland) Bill: Stage 1

**The Presiding Officer (Sir David Steel):** The main item of business today is a debate on motion S1M-3397, in the name of Margaret Curran, on the general principles of the Homelessness etc (Scotland) Bill. I invite all those who would like to take part in the debate to indicate that now. I call Margaret Curran.

14:36

**The Minister for Social Justice (Ms Margaret Curran):** I am very pleased to be introducing the Homelessness etc (Scotland) Bill for consideration by Parliament. The bill clearly demonstrates that the fight against homelessness remains high on the Executive's list of priorities. We believe that everyone in Scotland should have a decent, secure home. Many homeless people simply need accommodation; others face a multitude of other problems. For them, the provision of accommodation alone is not enough. We need to support people who have experienced homelessness—whatever the cause of that homelessness—to achieve sustainable resettlement.

We have embarked upon a comprehensive and long-term programme of action, which we are determined to implement over the next 10 years. The need for such action is clear. Our early action in the Housing (Scotland) Act 2001 is bearing fruit, as those who previously had no entitlement to accommodation and were therefore homeless but unrecorded, are now being given temporary accommodation, advice and assistance. We are criticised for the rising numbers in temporary accommodation in this morning's press, but I tell members that that actually shows that our policies are working. We will not close our eyes and ears to people who need accommodation and support. We have given those people an entitlement that they never had before, and we must expect them to come forward to claim that entitlement.

**Tricia Marwick (Mid Scotland and Fife) (SNP):** I fully appreciate what the minister is saying, but does she believe that bed and breakfast or temporary accommodation is suitable for families and children?

**Ms Curran:** I should point out to members that the work that we have done on homelessness has the full support of Shelter Scotland, the Scottish Council for Single Homeless and many other organisations that share our analysis of why those figures are rising. They are rising because we now have provision, and we are here this afternoon to develop our homelessness policy because we do not think that that kind of accommodation is

appropriate. We are developing a package that enhances the rights of homeless people, and I expect that to be welcomed. The committee reports on the bill are littered with quotes from those organisations, saying that it is probably the most progressive legislation in western Europe and that the Executive has delivered for homeless people in a way that has not been possible before.

As I was saying, we have given people an entitlement and we expect them to come forward to claim it. Now we must continue to develop the necessary framework to help them to gain and sustain tenancies, and to prevent others from becoming homeless in the first place.

The successful delivery of the bill must be viewed in the context of the full report of the homelessness task force, which was endorsed by the Executive and the Parliament earlier this year. That report highlighted the importance of prevention. The bill strengthens the safety net, but we must stop people falling into homelessness in the first place.

The Housing (Scotland) Act 2001 required local authorities to produce homelessness strategies. The strategies will bring into effect the task force recommendations on prevention. Already it is evident that the local partnerships that are being formed to prepare those strategies are improving responses to homeless people. Joint understandings and joint solutions are being developed.

When the strategies are submitted in March 2003, we will have a thorough and detailed assessment of homelessness in Scotland for the first time. That is evidence-based policy development and delivery at its most comprehensive. The strategies will provide the information that we need to develop the task force recommendations and will inform the phased implementation of the bill. We have also established the homelessness monitoring group, which will have an important role to play in advising on the timing of that phasing. It is a unique partnership, as we develop our responses to that evidence.

That brings me to the detail of the bill. In considering the provisions, I will make specific reference to the principles on which the bill is founded and I will address some issues that have been raised through the consultation process and also by the parliamentary committees that considered the bill.

Before I do that, I take the opportunity to thank all those who have been involved in the consultation process, which effectively began in 1999 with the establishment of the task force, and which has involved a wide range of organisations and individuals. I also thank committee members

for all their hard work and their considerable expertise in understanding the complexities of homelessness legislation.

The bill covers four main areas. They are: priority need, intentional homelessness, local connection and specific provisions on repossession.

The bill puts in place a framework within which, over a 10-year period, local authorities can move to a position where they can fulfil their homelessness duties without the need to distinguish, often artificially, between applicants on the basis of an assessment of their priority need. The bill recognises the fundamental principle that if someone is homeless, their priority need is simply to have a home.

We have made it clear all along that we will only progress at a pace that is manageable and sustainable for local authorities. The bill commits ministers to publishing a statement, prepared in consultation with the Convention of Scottish Local Authorities and others, that takes account of the evidence base of the homelessness and housing strategies and sets out the measures to be taken. The preparation of that statement will, in effect, encompass the impact and needs assessment that COSLA and the Social Justice Committee have recommended. We recognise that the committee sought the assessment sooner, but we firmly believe that it is essential to make the assessment on the basis of the most complete knowledge of the problem. We will therefore assess progress in the period from the enactment of the legislation to 2005. We will consider what else requires to be put in place to achieve the target and we will set out how it can be accomplished.

We will also have available to us a better assessment of the progress in preventing homelessness and the benefit of detailed information from the revised system for collecting homelessness statistics.

We are aware of the Social Justice Committee's concern that any expansion of priority need beyond 2005 might have an adverse effect on housing allocations and on people who are in housing need, but not actually homeless. I share the concern of many local authorities to maintain fairness in allocations.

However, the bill will not create more homeless people; indeed it will contribute to the prevention of homelessness and especially cases of repeated homelessness. The bill continues our commitment to responding in the most effective manner to those in the most acute housing need, but not at the expense of others.

Allocations were the subject of guidance issued by the Scottish Executive in February, following

the changes brought in by the 2001 act, but I am happy to discuss with local authorities the need for further guidance on that issue, should it be required.

Much has been said about the need for resources. I want to make it absolutely clear that the Executive has already made a substantial commitment both to housing investment generally and to tackling homelessness specifically. That commitment continues.

A further £127 million is being made available up to 2005-06, specifically targeted at homelessness. So far, £42 million has been allocated to tackle the complex problems of rough sleeping. This year £15 million, and £20 million in each year of the spending review, will support local authorities in delivering improved services to homeless people. I make no apology for the substantial investment of £47 million in the spending review that is specifically targeted at where the problem is at its worst—removing the disgraceful homelessness hostels in Glasgow and replacing them with accommodation and support fit for the 21<sup>st</sup> century.

Another key feature of the debate has been housing supply. Many claims have been seriously overstated. Over time, the bill will translate the current right of homeless people to temporary accommodation into a right to permanent accommodation. The bill is about rights to tenancies and not about overall housing supply. In itself, the bill will have no impact on underlying housing needs in Scotland. That said, I accept that there is a link between the supply and quality of housing that is available to meet local authorities' overall housing needs and the housing requirements to address the problems of homelessness.

**Brian Adam (North-East Scotland) (SNP):** The minister suggests that the bill has no impact on the supply of housing. There is certainly a supply side shortage in significant parts of the country and it is clear that there is totally inadequate affordable public sector rented housing. How will the bill's provisions be met without increasing housing supply?

**Ms Curran:** The member has pre-empted the next few paragraphs of my statement. I accept that there are issues of supply and that different parts of Scotland have different needs. We are attempting to bring forward a package of measures to address that matter and I will go through those measures.

The Executive is putting in place a coherent overall strategy in respect of supply and quality. More than half of all local authorities do not have a shortage of social housing: their problem relates to quality. That is why my announcement last month

about the introduction of a social housing standard for Scotland is so important. I am sure that members will have heard me saying previously that stock transfer provides the most effective way of generating the investment that is necessary to reach that standard. For those authorities that wish to retain their stock, the prudential regime for local authority housing capital finance will allow authorities to decide for themselves an affordable and prudent level of borrowing in their particular financial circumstances and it could release around £200 million of additional resources.

We need to keep a sense of perspective in respect of the balance between supply and demand. Research that was funded by the Scottish Executive in 2001 concluded that there is a net need for affordable housing—low-cost home ownership and social renting—of around 5,400 homes per annum. The existing provision of new social rented housing compares quite well with that total nationally, although at the level of specific authorities, the supply of affordable new homes remains an issue.

We are updating that research in the light of the 2001 census. That will give us a national perspective to go with the information that is coming out of local housing strategies. Taken together, that information will allow us to target new housing provision in areas that are most in need.

Our commitments on quality and supply translate into major financial commitments. Over the next three years, an average of £350 million per year will be distributed through Communities Scotland's development programme and in supporting local authorities to transfer their houses to the not-for-profit social rented sector. That is 10 per cent more than the figure for the current year and will deliver at least 18,000 new homes and allow a further 70,000 tenants to benefit from stock transfer.

Therefore, there is a sound basis for funding housing supply and quality. Each authority's ability to respond to the measures in the bill must be seen and assessed in a wider context.

**Brian Adam:** Will the minister take an intervention?

**Ms Curran:** I ask the member to bear with me, as I have a lot to say. I am sorry.

Addressing issues of supply and quality is a long haul. We will move forward in the light of the evidence that is available to us and in consultation with local authorities.

We recognise not only the need to provide accommodation for homeless people, but the importance of providing tools to manage the tenancies. Currently, the bill places a duty on local



authorities to provide a short Scottish secure tenancy—SST—and support for those who are found to be intentionally homeless. In other words, it recognises a problem and provides a mechanism to address that problem.

The short SST gives the tenant a second chance to prove themselves, but it comes with conditions attached. The approach is very much a rights-and-responsibilities approach. The tenancy agreement must set out the support to be provided and the obligations or responsibilities of the tenant in respect of that support. When the tenancy is successfully maintained the household will be entitled to a full SST. That provides a route back into permanent accommodation for those vulnerable households that are currently entitled only to temporary accommodation, advice and assistance.

When the short SST fails, the bill proposes a continuing duty to provide some form of accommodation with support. That maintains the underlying principle of our policy, which has generally been accepted, that no household which has been assessed as vulnerable should be left homeless by an action of a local authority. That is an essential principle if we are serious about ending the need to sleep rough and about tackling the underlying causes of homelessness and rough sleeping. We need to ensure that local authorities are engaging in a co-ordinated way, and that can best be achieved where households are in accommodation.

However, we recognise that there are concerns about the potential impact of this part of the bill on wider communities in relation to the small number of intentionally homeless people who have become homeless because of their anti-social behaviour. I assure the Parliament of my view that anti-social behaviour is wholly unacceptable. We are determined to tackle anti-social behaviour and to reclaim our neighbourhoods for the decent, law-abiding majority. As the First Minister emphasised yesterday, the introduction of community warden schemes throughout Scotland is an important part of the strategy, along with the other measures that we are putting in place to make Scotland's neighbourhoods safe and attractive places to live.

I am aware that there is concern that what the bill proposes for intentionally homeless people is not fully consistent with action that is being taken to combat anti-social behaviour. Just as we do not wish anti-social behaviour policies to result in an increase in rough sleepers, we do not wish our homelessness policy to undermine action taken to combat anti-social behaviour.

I welcome the helpful suggestions that have been made by the Social Justice Committee and other organisations. It is not our intention that anti-social tenants should benefit from the legislation.

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

The Social Justice Committee has expressed considerable concern about that. Does the minister agree that it is unsustainable to have one type of probationary short SST for those who have been declared intentionally homeless as a result of anti-social behaviour and another type of tenancy for those who have had their tenancy converted as a result of their anti-social behaviour? If the minister agrees that that is an unsustainable position, is it something that she will look at favourably if amendments are lodged at stage 2?

**Ms Curran:** I was just going to speak about stage 2 amendments. Members can obviously see what I am about to say. I will say what I propose to do, but I also say that as a general principle I am happy to engage with the committee to develop legislation that works in practice and meets the needs of the committee. During the passing of the Housing (Scotland) Act 2001, we developed a working partnership where we did our best to include details in the bill that met the concerns of the committee. That is not always possible, as differences may remain, but as a principle I want to negotiate with the committee on such points.

I will go through what I propose and I could perhaps then engage with the committee on the matter. I propose to lodge at stage 2 a series of amendments that will make it clear that tenants who have a proven history of anti-social behaviour will have no automatic right to a second-chance tenancy, but will be entitled only to such accommodation and support as the authority considers appropriate. We will ensure that tenants who have specifically been identified as anti-social cannot play the system of second chances through our provisions on intentionality—I think that that goes some way to answering Karen Whitefield's point. However, in so doing, I am anxious not to devise a system whereby anti-social tenants can disappear into the private sector or into sub-let properties to cause misery among another community of neighbours. I do not consider the Homelessness etc (Scotland) Bill as the only vehicle to address such issues. I stress that we want private sector landlords to adopt good management standards, which include using their scope to deal with anti-social tenants.

**Linda Fabiani (Central Scotland) (SNP):** Will Margaret Curran take an intervention?

**Ms Curran:** I am running out of time. Maybe Linda Fabiani, like other members who have intervened, was going to ask me a question about a matter that I will touch on in the next sentence of my speech.

The housing improvement task force is exploring how to strengthen the regulation of landlords. It is considering recommending powers that would enable local authorities to compel the minority of

poor landlords to meet acceptable standards.

The majority of households found to be intentionally homeless are not in this anti-social category. They need support to re-establish a tenancy and that is what the bill identifies. Through the supporting people arrangements, which have been in development since 1998, homeless people will be able to access support in a way that is better tailored to meet their needs. However, as members know, the supporting people programme is not a panacea for all the problems that face homeless and other vulnerable people. Local authorities and their partners must take an overview of support requirements and ensure that they work together to meet those requirements. That will include looking across funding streams and should stress the importance of developing strategies in partnership with health and social services and the voluntary sector.

Many of the people who will be entitled to support under the bill already receive support in various forms. The challenge is to ensure that support is provided in an easily accessible way that addresses the full range of needs and supports people when they are in a tenancy by maximising the input of public sector funding.

I turn to the issue of the intentionally homeless. I appreciate that there is concern that the form of accommodation to be provided when the short SST fails has not been fully defined. However, that is a direct response to the consultation, in which respondents—principally local authorities—asked for the bill to set a broad framework with minimum standards rather than for it to be overly prescriptive. We have linked the provision of accommodation to the minimum rights of residents in hostels or other short-term accommodation, but it will be for local authorities to determine what the accommodation should be and what support is appropriate. Flexibility is important to allow local and individual circumstances to be taken into account, but if fuller guidance would be helpful, I am prepared to consider it. I would like to explore with COSLA and others the idea of piloting a range of packages for accommodation and support.

Our proposals on local connection would give ministers a wide power to modify the existing provisions. We want to give homeless people maximum flexibility and choice as to where they might live and we want to make their housing solution more likely to be successful. We do not expect major migration, because people are much more likely to stay in the area in which they have ties. There is no evidence that people will do otherwise when the restrictions are lifted. Before we make any changes, we will consult on and publish a full statement setting out the circumstances in which the power will be

exercised and the criteria that will be used. If changes are made that have unforeseen effects or that cause difficulties to particular authorities or in particular circumstances, the bill allows for those changes to be reversed.

The bill contains two provisions that are intended to prevent homelessness. The first requires landlords to notify local authorities of repossession proceedings, which will allow local authorities to respond in good time. The second provides for a court, in deciding whether to grant an eviction order to a private landlord, to take into account the fact that rent might be in arrears because of a delay in the payment of housing benefit. The measure ensures that tenants will not be penalised and made homeless because of a bureaucratic failure.

The general principles of the bill are clear. Our proposals will do away with the false distinction between the so-called deserving and undeserving cases and will acknowledge that all homeless people require an effective and lasting solution. The bill will deal more effectively with vulnerable households who require to address other issues alongside their homelessness. It will give homeless people more choice about their future, prevent further homelessness and enable prompt action when that is threatened.

As we proceed with the bill, and in implementing the legislation, we will bear the following principles in mind. We will continue to work from a sound evidence base and we will not move forward on the expansion of priority need or on changing local connection until we have made full and transparent assessments that indicate that to do so is feasible. Further, we will continue to work in partnership with all those who have an interest and we will continue to involve the Parliament and the Social Justice Committee in implementation. We will proceed with those measures alongside work on the 54 other recommendations of the homelessness task force.

As this is the week before Christmas, it is fitting that the Parliament should discuss homelessness, but homeless people do not require the usual sympathy that is doled out at Christmas; they need decisive and effective action. The bill goes some way towards achieving that and I commend it to the Parliament.

I move,

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

14:59

**Mr Kenneth Gibson (Glasgow) (SNP):** The SNP welcomes the stage 1 debate on the Homelessness etc (Scotland) Bill. Homelessness impacts on an increasing number of Scots and the

SNP concurs with the Executive on the need for legislation in the field. I will touch on a number of areas that the bill focuses on and my colleagues will cover them in greater detail.

A long-term strategy to end the growing problem of homelessness in Scotland is vital. We support the work of the homelessness task force and agree with the general principles of the bill. However, we have a number of concerns, which I believe are shared by members of other parties.

The bill sets out a phased abolition of priority need with a goal of complete elimination by 2012. Phase 1 extends the statutory definition of priority need to include those assessed as being homeless who have not reached their 18<sup>th</sup> birthday, who have experienced domestic abuse or who are defined as vulnerable in the code of guidance. Phase 2 is the complete abolition of priority need by 2012. We support the eventual abolition of priority need but have reservations about the practical and resource implications of implementation.

The homelessness task force noted that, in most cases, the best advice that is offered to those who are assessed as non-priority cases is a list of accommodation providers. It took the view that the only way of ensuring fairness of treatment for all homeless people was to abolish priority need categories altogether, leaving the allocation up to the reasonable discretion of local authorities.

The Social Justice Committee expressed some unease at that approach. Ian Robertson of Glasgow's Hamish Allan centre expressed his view that priority may not, in fact, be best left to the subjective judgment of local housing officers. He stated:

"The problem is that unless the priority is clearly laid out in the legislation, it is left to the individual local authority and the individual members of staff in the organisations, who have the presentations in front of them, to make the decision. That cannot be good for continuity throughout Scotland."

He also said:

"If a woman is fleeing violence with a couple of kids, and she has clearly been abused, most people would recognise that as a number 1 priority. How can that be done if 10 or 15 people are present at one time and nobody has any priority? In operational terms, the people who apply tend to be prioritised."—[*Official Report, Social Justice Committee*, 13 November 2002; c 3269-70.]

In supporting the aim of abolishing priority need, the SNP shares the concerns of the Social Justice Committee about the practical difficulties of implementation while housing demand outstrips supply. We therefore urge the Executive to consider practical and deliverable ways forward at stage 2.

We also recognise that the expansion and abolition of priority need categories will, if the

measure is to be effective, incur significant costs to local authorities in housing development, housing provision and staff resources. In the short term, such resource needs may be less onerous, as Gavin Corbett of Shelter stated in evidence to the committee. He said:

"In the first phase of the main expansion of priority need, most of the people who should be housed in that way should have been housed because they were identified as priorities in the code of guidance. We do not expect a massive new need for accommodation in the first phase."

However, homeless charities fear high resource demands in the second phase because of the potential housing shortage and the inadequacy of resources in the supporting people programme. Kathleen Caskie of the Big Issue in Scotland Ltd informed the committee:

"When homeless people are going through the system and using the legislation that will be brought into force, they will need more advice, explanation and support to enable them to know what is going on."—[*Official Report, Social Justice Committee*, 13 November 2002; c 3243-44.]

In evidence to the committee, Glasgow City Council, Highland Council and West Dunbartonshire Council, among others, raised the issue of housing supply. In order for priority need provisions to be implemented effectively, resources must be made available to deal not only with the existing homeless people, but with the hidden homeless—those who are currently not acknowledged as homeless because they do not present, stay with a relative or sleep on a friend's floor. The abolition of priority need may lead to a significant increase in housing demand as the hidden homeless come forward. There must be flexibility in resource availability if increased needs are to be met. The Executive must continually monitor and assess the progress of local authorities and their resource needs, which will inevitably increase. I am pleased by the minister's earlier comments on that.

The bill replaces the duty on local authorities to investigate intentionality with a power to do so. The bill provides that, in cases in which the applicant is found to be intentionally homeless, local authorities will offer a short Scottish secure tenancy. The ultimate goal is to provide support services that are tailored to each household to address the causes of homelessness and to minimise repeat applications. We agree with the recommendation in the Social Justice Committee's report that

"a definition of the support framework is provided on the face of the Bill and further consideration is given by the Executive to the extent of resources required to fund the Supporting People programme and other support services, including details of numbers of additional staff required, and how they will be trained and deployed."

The homelessness task force noted that the key to preventing repeat homelessness lies in the

quality of the support services that are provided, including facilitating access to benefit entitlement, enabling people to access appropriate services and providing access to advocacy, as appropriate.

To do that, the data must be more complete and should be analysed frequently to enable support to be tailored to the individual. During the past year, there has been a change in the way in which housing data are collected. Figures are no longer collected per applicant but are being compiled per household. The categories of priority need and vulnerability into which the information was broken down will be replaced by broader categories, such as single men. We acknowledge the heightened efficiency of the new system, but it seems to have come at the cost of information that is more useful. Knowing how many families are in need is not enough, because we also need to know why they are in need. The new reports do not adequately highlight an applicant's housing and support needs. The SNP would like the option of more comprehensive data collection and analysis by local authorities to be explored within the framework of the bill.

The bill will suspend local connection criteria. Local authorities will no longer be able to investigate the local connection of an applicant or refer that applicant to another locality where they are deemed to have a connection. COSLA stated that some of its members

"have expressed concerns regarding the impact of the suspension of the local connection and the potential impact on the balance and sustainability of local communities."

**Tommy Sheridan (Glasgow) (SSP):** Does Mr Gibson agree that having some form of local support within an area can be an essential part of the support network and that local connections should not be completely removed from the equation in homelessness applications?

**Mr Gibson:** I thank Mr Sheridan for that intervention. In fact, I am just about to touch on the issue to which he refers.

In 2001-02, only 2.1 per cent of all homeless applications were referred to another local authority. The homelessness task force found that the greatest cause of dissatisfaction concerned where people were housed, which could be a huge barrier to feeling settled, particularly among those who were housed away from their home areas. The SNP acknowledges the potential for pressure in more desirable localities, but we believe that such pressure will be manageable. If pressure mounts, it is better to respond with added supply than to reinstate the local connection provision. Most homeless applicants will, in any case, apply to their own locality, preferring to stay near friends and family, who may provide an informal support network. People who move elsewhere usually have good reasons for doing

so—for example, escaping domestic abuse—and they should be afforded that mobility.

The bill will suspend local connection rather than abolish it. The power remains to reinstate the local connection provision if suspension is found to put undue pressure on authorities. We feel that such concerns are unlikely to be realised and, after taking cognisance of the evidence, we are reasonably happy with the bill's provisions on that matter. However, we seek assurances that there will be continuous monitoring of any additional stresses that are placed on local authorities, so that the decision can be made whether, when and how local connection should be reinstated. I believe that the deputy minister will give such assurances when he sums up.

At a meeting of the Social Justice Committee, David Comley of Glasgow City Council raised concerns about refugees. He said:

"A recent court decision suggested that refugees should be held to have a local connection with the place to which they were dispersed under the asylum seekers dispersal programme. The fact that someone was dispersed to Glasgow does not mean that they have established a connection with the city, because in no sense do asylum seekers chose to be dispersed to Glasgow."—[*Official Report, Social Justice Committee*, 6 November 2002; c 3220.]

Were the local connection provision to be reinstated, we would call for an exception to be made for asylum seekers.

Across Scotland, numerous communities are blighted by anti-social behaviour. I was pleased that the minister touched on that issue. The Chartered Institute of Housing in Scotland and the Scottish Federation of Housing Associations are worried that tenants who are evicted for anti-social behaviour will be offered a short SST. The Social Justice Committee acknowledged that concern and collectively agreed that there should not be an automatic right to a short SST without the fulfilment of responsibilities. The committee seeks an appropriate Executive amendment at stage 2. I noted the minister's comments following Karen Whitefield's intervention. Our view is that a properly prepared Executive amendment would carry more weight than an amendment that came from a committee member.

We acknowledge that repossession should occur only as a last resort. The bill makes two proposals. First, courts will be placed under a duty to investigate the extent to which third parties are a contributing factor before issuing repossession notices. That will serve primarily to guard against repossessions when there has been a delay in a housing benefit claim. Secondly, any application to a court for a repossession order must be reported to the applicant's local authority. That will allow the local authority to assist the applicant and possibly prevent the eviction in the first place.

We support the development of a long-term strategy to close off routes into homelessness and we believe that the proposals to which I have just referred fit in with that strategy. However, we acknowledge that, for the measures on repossession to be effective in preventing homelessness, a time frame must be set for landlords to report repossessions so that the local authorities can intervene where appropriate. As that time period might vary between local authorities, we would like each local authority to develop a time scale for landlords and courts to report repossession cases. That could be included as part of the local authority homelessness strategy.

We encourage ministers to lobby their Westminster colleagues about the restoration of benefits to 16 and 17-year-olds, although we appreciate that the issue does not fall within the scope of the bill. On 13 November, I asked the homelessness charities that were giving evidence to the committee whether the restoration of benefits to 16 and 17-year-olds would make a difference. Kathleen Caskie, of the Big Issue in Scotland, said:

"Yes! I am sorry: that was what in America they call a no-brainer. Yes. Those without income are vulnerable, particularly if they are homeless. Do I need to add to that?"

Gavin Corbett, of Shelter Scotland, added:

"Nobody is going to say no to such a restoration of benefits."

The convener then said:

"We have no hostility towards brief and clear answers. They are welcome."—[*Official Report, Social Justice Committee*, 13 November 2002; c 3264.]

Again, I urge the Executive to lobby Westminster on that issue.

A thread that ran through the evidence-taking sessions was the issue of resources. We stress the importance of providing adequate resources, in terms not only of housing supply and structures, but of support services and the recruitment, training and deployment of staff. As I said, that will be necessary if the bill is to achieve its aims. My colleague Brian Adam will focus on resources. Before the debate, he pleaded with me not to steal his thunder by giving a load of statistics. To stop his cold sweat, I will not go into the issue in any detail, but I will say that page 130 of the document that contains the evidence that was taken by the committee seems to indicate that adequate resources would amount to only £22 million. I also draw members' attention to the practitioners' concern, which was also raised by the Finance Committee and the Social Justice Committee, that

"the Scottish Executive could not quantify the cost of implementing the provisions of the Bill".

There was also concern about

"the danger of funding being skewed away from other services as a result of the Bill creating pressure to address the housing element".

The Social Justice Committee highlighted the fact that the Executive

"could not 'give any future commitments' to funding the financial burdens placed on local authorities (through the expansion of priority need) beyond the investment to 2005-06".

Like the Social Justice Committee, the SNP believes that the much-used word "support" needs to be more clearly defined.

In 2001-02, there were 46,380 homeless applications in Scotland. That is the highest figure on record and it is an indictment of new Labour and its failure to prevent homelessness from rising, let alone to reduce it. Only yesterday, it was revealed that the number of households in temporary accommodation increased by 10 per cent on the previous year to 4,419, including 1,506 families with children. For their sakes, we must get the bill right.

15:13

**Mrs Lyndsay McIntosh (Central Scotland) (Con):** Homelessness is undoubtedly one of the scourges of our society and it would be a fool who thought otherwise. I therefore say from the outset that we whole-heartedly support the general principles of the bill.

Time and again in evidence-taking sessions, organisations and individuals who work at the sharp end and deal with some of the most vulnerable members of our society have told us how necessary the bill is. No one in the committee or in the Scottish Parliament would disagree with that. However, the enthusiasm for tackling homelessness should not blind us to the realities and practicalities of the Government's proposals. Quite simply, there is little indication of where the money will come from to finance the recommendations or of how much they will cost. It is clear that more social housing will be needed to accommodate the applicants who will be entitled to permanent accommodation.

As this is a stage 1 debate and we are fully committed to reducing the incidence of homelessness, the Conservatives will support the motion. However, there must be a better analysis at stage 2. We are signalling our intent now in the hope that the Government will rectify the situation. It would be irresponsible of us to sign a blank cheque by passing an uncosted bill. Blank cheques have been signed in the Parliament before and we need only look down the road to see the disaster that is the Follyrood money pit. Our fears about that were realised, but I hope that our fears about the bill will not be.

The bill makes four main legislative changes: the redefinition and eventual abolition of priority need; the replacement of the duty to investigate the intentionality of homelessness with a power to do so; the suspension of the local connection criteria; and the alteration of court procedures relating to the repossession of property. I will deal with each in turn.

At present, after an applicant is assessed as homeless, a distinction is made between those who are in priority need and those who are not. The priority need category includes pregnant women, those with dependent children, young looked-after children and those who are vulnerable due to old age, mental illness, physical disability or mental disability. Under the bill, that list will gradually be expanded to include under-18s, domestic abuse victims and other vulnerable people. It is planned that, by 2012, the list will be extended to all categories, effectively abolishing priority need and offering permanent accommodation to all who are classified as unintentionally homeless.

The Conservatives are delighted to endorse the proposal. We want everyone to live in a society in which they can experience the comfort of living in a secure home. Contrary to the seemingly popular belief, parties on the left do not have a monopoly on compassion—some of their ideas on how to deliver that outcome have failed vulnerable people since 1997.

Sections 4, 5 and 6 of the bill cover the changes to the concept of intentionality in homelessness. Local authorities are currently under a duty to investigate whether an applicant is homeless intentionally. Under the bill, that duty will be turned into a power, whereby local authorities can make their own decisions about whether to investigate an application, which should enable them to allocate resources more efficiently. As my colleague Keith Harding will highlight, that is precisely the sort of decentralisation to local authorities that we have advocated since the Parliament was established. It is good to see the Government taking our advice again, just as it did on the private finance initiative, the right to buy and the Criminal Justice (Scotland) Bill, to name but a few instances.

It is important to note at this stage that, if the bill is enacted, which we truly hope it will be, there will be significant implications for local authority support for newly housed individuals and families. One of the main problems about which we heard in evidence was the number of people who go through the system almost on a revolving-door basis. Accommodation is found, people are settled and a measure of stability exists for a short time. However, because the support mechanisms that some people need are not always in place, that

stability is merely short term. Like suitcases left on an airport carousel, the same applicants come round and round again. To break that cycle, we must ensure that access to health advice, money advice and other community support is in place. Local authority staff will be expected to provide that support; they, in turn, require support.

The third main area of change involves the suspension of the local connection criteria. At present, local authorities can refer an applicant to another local authority if the applicant has a connection to that second area. Such a connection is defined as the applicant being resident in an area through choice, the applicant being employed in that area, the applicant having family connections in that area or—the well-known catch-all—any other special circumstances. The criteria will be suspended on the basis that most people apply in their local area and that those who apply elsewhere do so for a good reason, such as to escape domestic abuse.

Although the Conservatives have no problem in principle with the proposal, we are happy to note that the Scottish ministers have the power to reactivate the local connection criteria. The suspension of local connection criteria may, I regret, simply be another aspiration, as local authorities are worried that an influx of applicants to an area will outstrip the supply of social housing. For example, in its evidence to the committee, Highland Council talked about the lack of available housing in our less-populated rural areas. Highland and island life can be particularly attractive to many, but one or two families can deplete the stock of social housing.

Local authorities that cover major cities have similar concerns. Many homeless people, especially younger homeless people, flock to the cities like latter-day Dick Whittingtons, believing that the streets are paved with gold, that employment opportunities abound and that their accommodation problems can be solved. Regardless of whether that is actually the case or merely pantomime, the pressure on the social housing services in cities may be unsustainable.

The other legislative change involves repossessions of property by landlords. The bill aims to ensure that tenants do not face eviction through no fault of their own. That could include bureaucratic errors resulting in a late payment of housing support grant and therefore late payment of rent. In such cases, the court can take any errors into account, so that tenants do not find themselves on the streets as a consequence. Landlords will now have to inform the local authority if they file an eviction order, so that the council can take action to prevent the repossession. Those are sensible proposals, which, like the majority of the bill, we welcome and support.

We must engage in a discussion about the resource implications of the Government's proposals. The extension of priority need will inevitably mean that more applicants are entitled to permanent accommodation. More social housing will be needed. Where the money to pay for that will come from is a mystery—we will require answers at stage 2 and beyond. We can be sure that some of it will come from the proceeds of the sale of council houses to tenants.

In 1980, the Conservative Government introduced the right-to-buy scheme, which met with fierce opposition from all the other parties at the time. Unlike them, we realised that the less wealthy members of society had aspirations, just like the more affluent people. We did not consign those people to a life of dependency on the state, as parties on the left did; we gave them a vehicle to lift themselves out of relative poverty.

**Tricia Marwick:** Does the member agree that, during the Conservatives' term of office, about 350,000 houses were taken out of the social rented market through the right to buy? Does she recognise that the incidence of homelessness went up to a record level during that time? Does she recognise the correlation between the lack of housing and the length of housing queues?

**Mrs McIntosh:** I understand that the number of homes was in fact about 400,000. In any case, the right to buy gave people the aspiration and the opportunity to attain their own houses.

As I was saying, we gave those people a vehicle to lift themselves out of poverty. Despite the opposition at the time, who would now have the gall to say that the scheme was not a success?

**Linda Fabiani:** I would.

**Mrs McIntosh:** There is one exception.

**Tommy Sheridan:** Will the member give way?

**Mrs McIntosh:** There are possibly two exceptions. I would like to move on.

Absolutely nothing that the Scottish Government has done or is proposing to do will do more for vulnerable people in Scotland than giving them the right to buy their council houses. However, what has the Government done with that legacy? What has it done with the £8 billion that the Conservative Government invested in new council housing? With specific reference to homelessness, what has the Government done with the consistent record of decline in the number of homeless people that we oversaw prior to 1997?

**Tommy Sheridan:** Will the member give way on that point?

**Mrs McIntosh:** On declining figures?

**Tommy Sheridan:** Yes. The member asks what Governments have done with the money. Will she admit that her Government was wrong to force councils to use receipts from council house sales to pay off debts, instead of investing the money in social housing?

**Mrs McIntosh:** Absolutely not. That had a consequence for taxation.

For the answers to the questions that I posed, we need look no further than the publication of the statistics on the operation of homeless persons legislation relating to temporary accommodation, which were published yesterday. In those statistics, the Government has virtually admitted that, since it took power, it has miserably failed the homeless people of our nation. How ironic that those shocking figures appeared the day after the Scottish Government published a report card congratulating itself on doing so well. The statistics show that, despite all yesterday's hype and spin, the Government is failing on the issues that really matter to Scottish people.

Let us consider some of the figures in more detail to see how badly the Executive has done. The number of households living in temporary accommodation now stands at 4,419, which is 10 times last year's figure. The number has risen every year since 1997.

**The Deputy Presiding Officer (Mr George Reid):** The member has one minute left.

**Mrs McIntosh:** I will speed up—since 1997, the figure has risen by a total of 17 per cent. I now sound as if I have inhaled helium from a balloon.

If that figure is not bad enough, let us consider the latest statistics for the number of households living in bed-and-breakfast accommodation—one of the main indicators on which the minister wants to be judged. When the Conservatives left office in 1997, 355 households were living in bed-and-breakfast accommodation. Yesterday's reality check showed that the figure is now 653—a gobsmacking rise of 84 per cent. Is that something to be proud of?

**Johann Lamont (Glasgow Pollok) (Lab):** Will the member give way?

**Mrs McIntosh:** I am sorry, but I cannot—I am in the last minute of my speech.

**Tommy Sheridan:** More.

**Mrs McIntosh:** Shush.

The situation of children living in B and Bs is very worrying. Since 1999, the aim to reduce the number of children living in B and Bs has been embodied in milestone 6 of the social justice annual report—despite the fact that information was not collected on the measure until June 2001. As we have highlighted before, only the current

Government would have a milestone that it admits is completely unquantifiable. In the year since it started collecting data, the figure for children living in B and Bs has risen by 19 per cent.

We support the general principles of the bill, but I have indicated that we have serious reservations about its financial aspects. "And isn't it ironic", as Alanis Morissette would say, that the former convener of the Finance Committee, whose report underlined the gaping financial holes in the bill, is one of those who is now seeking our support?

I sincerely hope that the problem is resolved, so that the bill does not raise expectations and fail miserably to deliver. If the financial issues are not resolved, thousands of homeless people may find that, come 2012, there will be no room at the inn. Would not that be a tragedy at Christmas?

15:26

**Robert Brown (Glasgow) (LD):** I am not sure that this subject lends itself terribly well to the sort of party-political speech and statistic snipping that we heard from Lyndsay McIntosh.

Recently the Electoral Commission conducted a survey that suggested that people had doubts about the value of the Scottish Parliament and its work. Today the chamber should say to the sceptics, doubters and snipers that the Parliament's record on housing alone is justification for its existence. The Parliament has passed the Housing (Scotland) Act 2001. It has introduced the central heating scheme, the warm homes deal and the rough sleepers initiative. Work has been done on the complex issue of homelessness and there has been a radical programme of community ownership. Now we are considering the Homelessness etc (Scotland) Bill.

Much of the work to which I refer has been done in partnership with the housing movement, through the homelessness task force and other vehicles. That is an important preface to today's debate on the bill. Taken as a whole, that housing programme is worthy of the inspiration of the Scottish Parliament. Over time, it will make a major difference to the housing conditions of our people and ensure that homeless people are catered for sympathetically and effectively in Scotland.

Today we tackle the Homelessness etc (Scotland) Bill, which is possibly the most radical bill on housing issues to be introduced in the United Kingdom. I am told that the bill is much admired by parliamentarians in Northern Ireland and Wales, to say nothing of our colleagues in England. Shelter Scotland says that the bill will

"give Scotland the most progressive homelessness policy in western Europe."

The bill is squarely in the tradition of my Liberal forebears, who built the first council houses and ensured that the Housing (Homeless Persons) Act 1977 was passed, as a key part of our demands under the Lib-Lab pact.

Some of my colleagues on the Social Justice Committee—most recently, Lyndsay McIntosh—have indicated that they regard the bill as unnecessarily aspirational and as uncoded. They have legitimate concerns that ministers must address. However, I do not accept that the aspirational nature of the bill's targets is either wrong or faulty. Few things are so important in society as a home. The home is the centre of family life and the refuge from the world. The Parliament would not merit its existence if it did not aim to abolish homelessness. It is right that the bill should aim high; in doing so, it will make a considerable difference to the lives of many people.

The definition of homelessness is somewhat elusive. Homelessness ranges from people sleeping rough to hostel dwellers, the temporary homeless and people who are staying with parents and friends. It is unhelpful to cite the sort of statistics that were cited before, because those are subject to many qualifications and social trends that exist beyond the thrust of homelessness policy.

As a number of members have indicated, the aim of the bill is to stop people becoming homeless in the first place. The experience of projects such as the Edinburgh sheriff court project suggests that many more people can be sustained in their homes than is the case at present. However, there is a central core of people who are literally homeless, and dealing with many of those people is beyond the capacity of most facilities. They include scores of individuals—usually with chaotic and multiple problems—who require intensive support.

Those people are the bull's-eye of the homelessness dartboard. Figures for those in temporary accommodation have risen from 3,155 in 1991 to 4,419 in 2002, of whom one third are families with children. That is a stark warning of the potential for problems to arise in the future if we do not get the arrangements right. Those homeless individuals and families are concentrated largely in Glasgow, where there are 1,524 homeless households. The numbers are sparser elsewhere, as Edinburgh has 379, South Lanarkshire has 238 and North Lanarkshire has 196. By contrast, the city of Aberdeen has 33 such households, three of which are families with children, which is even less than Orkney, which has 35 including 14 with children. That is a qualification to Lyndsay McIntosh's comment on local connection arrangements and the fact that



people go to the cities. Why do they go to Glasgow rather than to Edinburgh, given the relative balance of prosperity between the two cities?

The evidence that was given to the Social Justice Committee suggested a high degree of underreporting of figures. One third of people leaked out of the system because they could not obtain a satisfactory offer. That is bureaucracy, wasted time and red tape. Many people are not priorities and are not housed under current homelessness legislation. Conversely, as Lyndsay McIntosh rightly said, there are repeat presenters and the revolving-door syndrome, which is the mark of current failure and the high cost of administering the system rather than housing the people who go through it. Even with those qualifications, the numbers involved are both significant and manageable. However, the figures tell us, and some of our colleagues who complain about the level of investment that goes to Glasgow, that in this field, among many others, the level of need in Glasgow is by far the greatest. One third of all the homeless people in Scotland are in Glasgow, so to solve Glasgow's homelessness problem is, in large measure, to solve the problem for Scotland.

I turn to some of the detailed measures of the bill. Without question, the issue of the resources raised and the level of support is central. The Executive is right to look to the local authority housing strategies to paint the details of the picture and provide the assessment of the likely need and the scale of finance that will be needed to tackle it.

A statement on the abolition of the priority need test will be required of Scottish ministers by the end of 2005, and that seems to set a realistic timetable. The Executive can go a little further than it has done in the information that is given, but I do not think that it can spell out all the implications, because that would not be possible at this stage. The latest target date that is set in the bill—of 2012 to fulfil the purpose of the statement—sets a deadline against which political debate can take place. There is no doubt that a relatively prosperous country like ours can meet the target if it has the will and I believe that the Parliament should commit itself to the target.

Shelter Scotland put it well when it said:

"Our belief has always been that the Bill should act as a lever for investment and injection of other resources and that issues around resources should not be used as a reason to dilute the Bill's provisions."

Section 5 will require the local authority to

"provide the applicant with such housing support services as it considers appropriate ... with a view to securing that he becomes entitled to accommodation."

Section 6 deals with housing support services to enable the short tenancy to be made permanent. I believe that the definition of support is too narrow, because it seems to be restricted to the relatively small group of intentionally homeless applicants and it makes only limited reference to the wider services that are needed to sustain a home when a young person, a person with alcohol problems or a person with mental health problems is involved. I reject the reasoning of those who say that such a definition of the support framework is not possible or that it would be too narrow. I find the reasoning unconvincing, with due respect to the new Deputy Minister for Social Justice, whom we welcomed to the committee earlier.

Organisations such as the Edinburgh Cyrenians have pointed out that there is no measure in the bill that would require local authorities, when performing homelessness assessments—a slightly different issue—to consider anything other than the accommodation needs of the household.

We need to examine more closely the 12-month probationary tenancy, which members have talked about already. The support or, more rarely, the accommodation needs might be assessed wrongly or there might be a need for a change of circumstances as things develop, which might involve substantial nuisance and upset to neighbours. I have spoken quite strongly, in relation to previous bills on housing, on the rights of tenants, but we have to set off those rights against the other side of the coin. Although much can be controlled through good management and support, and although people will sometimes agree to a change of house or regime, sometimes there must be arrangements for a management transfer or a change of support. The Scottish Federation of Housing Associations and others argued for that. It is not necessarily helpful to have to go through a full eviction procedure and all the time delays that go with it. What is needed is speedy action to resolve the problem for the individual, for their family and for neighbours.

There is a need for further research. I was interested in the answer that Ian Robertson of Glasgow City Council, to whom Kenny Gibson referred, gave to one of my questions. In relation to difficult people with chaotic problems, he said:

"The number of people in Glasgow who have been everywhere and with whom we do not know what to do is decreasing. As we develop more models of support, the number will decrease still further."—[*Official Report, Social Justice Committee*, 13 November 2002; c 3277.]

That is an important insight. Many members feel that what works and what does not work is a big issue that we must deal with. We must consider how to get the research support to roll out good standards across Scotland.

**Brian Adam:** The member is right to identify significant problems in supporting tenants who find it difficult to cope. Does he agree with those councils that suggested that the required level of such support would be too high for it to be contained within the current housing revenue account? The Finance Committee and the Social Justice Committee raised concerns about the resources that will be required for support. It is clear that the resources that have been allocated are inadequate. The ministers need to spell out why they believe that the proposed funding is adequate. If they accept the views of those two committees, they should say what they will do about the situation.

**Robert Brown:** Brian Adam makes an important point, which other members have mentioned. Arrangements under the supporting people programme are intended to tackle much of what he referred to. Most people—including the ministers—acknowledge that the picture is developing. As we move on with the bill's framework and the widening of priority need, we must assess the new provisions to ensure that they are adequate. Although I accept Brian Adam's point that the housing revenue account will probably not be adequate to deal with the problems that he identified, I do not think that it is intended to do so.

As has been mentioned, the ability to deal with refugees overlaps with Westminster powers. Most members find that difficult, because housing is very much the preserve of the Scottish Parliament. It is therefore a bit odd that the housing of refugees and asylum seekers should be dealt with in a different context. I hope that the Deputy Minister for Social Justice will indicate whether the Executive has held discussions with Westminster about the way in which the regime develops. It is important that the housing of refugees is dealt with as an integral aspect of society. It should not be treated as something separate, as it is under the national asylum support service arrangements.

Support is not primarily a matter of bricks and mortar. Many of our respondees pointed out the importance of social interrelations and the value of social workers and others. Human relations, confidence building and skills building, which are central to so many other areas, are also central to the task of tackling homelessness and related problems.

There is a swell of good will towards the bill in the Parliament and beyond. Let us agree to the bill's general principles, let us examine during the stage 2 proceedings some of the issues that we have identified and let us put on the statute book an important piece of legislation. The Homelessness etc (Scotland) Bill is one of the Parliament's main contributions to the

improvement of the social fabric of life in Scotland. I support the motion.

**The Deputy Presiding Officer:** We move to open debate. As convener of the Social Justice Committee, Johann Lamont will have six minutes. Thereafter, we will have speeches of four minutes, plus time for interventions.

15:38

**Johann Lamont (Glasgow Pollok) (Lab):** I welcome the opportunity to contribute to the debate as the convener of the Social Justice Committee. As ever, I will be mindful of the burden of controlling my tongue.

I want to record my thanks to all those who have been involved in the report's preparation. In particular, I thank the clerks, who again worked to a tight timetable with their usual efficiency. I am sure that the other members of the committee will want to add their thanks for the support that the clerking team gave them. I also thank my committee colleagues for their work in producing the report. There was a remarkable degree of consensus around the key issues that were highlighted. I thank all the witnesses and those who gave written evidence to the committee and I acknowledge the important work of the homelessness task force.

There is no doubt that there was significant consensus among those who gave evidence to the Social Justice Committee and that the committee is willing to embrace the general principles of the bill. However, it would also be fair to say that the committee was troubled by the bill and wished to interrogate the issues further. We desire to flag up concerns so as to ensure that the legislation is robust and achieves the aim of eradicating hopelessness. I welcome the response that the minister has already given to some of the questions that have been highlighted.

Raising such hard questions about an area of legislation that is as important as that on homelessness can be rather difficult, because the issue is charged with a degree of emotion and concern. However, it would be unfortunate if a climate were created in which we could not ask those hard questions for fear of being branded as heartless or as people who would wilfully throw other people on to the streets. I am disappointed that some of the response to the committee's report has been couched in such terms.

In my view, we have nothing to fear from a robust debate from which better policy can perhaps be developed. The danger is not that there might be robust debate, but that the debate be closed down so that it becomes impossible to explore the real difficulties that arise in this area. For the record, the committee's report is the

product neither of a lack of grasp of the issues nor of a lack of compassion for some of the most vulnerable people in our communities. The report is not a strident effort at electioneering on the issue of disorder, but a genuine cross-party attempt by committee members who are doing their job by interrogating some of the key issues.

If I do not manage to cover all the committee's concerns, which fall into several areas, I am sure that other colleagues will flag them up, but let me start by making one point. The homelessness task force and others have made it clear that homelessness policy and legislation must be placed in the context of broader housing policy to ensure that homelessness is given proper attention and brought from the margin into the centre of the debate. We cannot discuss housing without paying attention to homelessness, but equally we cannot divorce action on homelessness from our broader agenda on housing policy, community regeneration and community safety. It is essential that we speak with some consistency on those matters.

There are crucial concerns about the financing of the bill. Evidence ranged from the view that the bill had no financial resource implications to the view—expressed by the Convention of Scottish Local Authorities and others—that the bill was doable provided that the appropriate resources were available. I take the view that anything is doable with the appropriate resources. However, when we explore the issue further, we need to have the harder discussion about where the priorities lie.

The needs of vulnerable people need not simply be met through their housing needs. There must be an explicit debate about how best resources should be used, even if those resources were unlimited. We need to have such a debate if we are not to get into a position in which other supports that are provided for vulnerable people whose problems are not expressed through their housing needs might be left to the side.

I wish to explore the bill's impact on hidden homelessness and on allocation policy. If the priority list is to be extended and then abolished, two questions come to mind immediately. First, if there is no priority, who will prioritise when all are a priority? Secondly, what happens to those who are not homeless but who wish to move to different accommodation? Central to the credibility of social housing as a real housing choice is people's ability to move inside the sector. We need to ensure that whatever we do about any aspect of housing does not work against such movement.

Perhaps the most contentious response to the committee's report concerned anti-social behaviour. I agree with the argument that anti-

social behaviour cannot be tackled only through homelessness legislation. That is why I have been considering appropriate amendments to the Criminal Justice (Scotland) Bill. However, equally, we cannot disregard anti-social behaviour if we are to tackle the question of homelessness.

Let me make it clear that very few homeless people have problems that are caused by their own anti-social behaviour. Indeed, my constituency has striking and very difficult examples of people who have had to declare themselves homeless precisely because of the anti-social behaviour of others. There is no hierarchy of distress that needs to be recognised, but the tensions and demands of the difficulties that are experienced by people in their local communities need to be acknowledged. All those needs must be addressed in our approach to housing.

We need a strong message about safety and security. People should have a right not only to a home but to a safe home and a safe community. People who display anti-social behaviour must show a willingness to work to address those problems. They need support, but we have the right to say that that support must be robust and challenging. Otherwise, we are saying that individuals who are under siege in their homes and in their communities do not deserve a real response. There must be participation from those who create the problems, unless we want to say that we should just dismiss such people as being beyond help and that they can only be tolerated. However, such tolerance is easier for those who do not have to live with the problem.

The committee made an important point about the need to review and monitor the policy that will be introduced once the bill comes into force. It is not enough to have sufficient resources; we have to be open to the possibility that the policy will develop on the ground in a way that was not intended. I seek a commitment to a rigorous approach throughout the legislative process, and a rigorous approach once the legislation is being implemented. There needs to be openness on all sides to reflect what is happening, so that our policy does what we want it to do rather than what we thought it was going to do when we started out on this road.

I commend the stage 1 report to the Parliament and I urge support for the general principles of the Homelessness etc (Scotland) Bill.

15:45

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

I really did not want to start on a soor note, but I found Lyndsay McIntosh's comments quite nauseating. She was quick to throw statistics

around, so I will give her just one in return. In 1979, hardly anybody slept rough on the streets of Scotland. By 1997, more than 1,000 people were sleeping rough on the streets of Scotland every night of the year.

I do not think that anyone has forgotten about the former housing minister who said that the homeless are the

“people you step over when you come out of the opera.”

It is not, therefore, incumbent on anyone in the chamber to start taking lectures from the Tories about homelessness.

I congratulate the Executive on introducing the bill. I also congratulate the homelessness task force on all the work that it has done in guiding the Executive's policy.

In today's time for reflection, Archbishop Conti said:

“Hope is the leader's star ... ‘a signal to the peoples’”.

The bill is the hope for homeless people in Scotland, and it is a signal to the peoples of Scotland that the Parliament, the Executive and the parliamentary committees are committed to dealing with an important issue. No issue is more pressing, more emotive or more desperate than homelessness.

Under the bill, priority need is to be phased out by 2012. The priority need in current legislation is an artificial gate-keeping mechanism. The priorities are hoops that homeless people have to go through. They are asked questions such as, “Are you homeless? Have you priority need? Are you intentionally homeless? Have you a local connection?”

When I first joined Shelter, I thought naively that if someone was homeless, they were homeless. One of the great frustrations was that although someone was homeless, they might not be statutorily homeless and, regardless of their circumstances, if they did not manage to meet all the tests, they were simply not entitled to local authority housing.

There are concerns about resources and the supply of housing, and those issues must be addressed. Johann Lamont mentioned the concerns that have been raised about whether anti-social tenants will use the proposed legislation to continually get access to local authority housing. I agree with Shelter. The bill should not be used to tackle anti-social behaviour. Anti-social behaviour is criminal behaviour and should be tackled by the justice system. Some of our communities are terrorised by those who blight the lives of others. Such people need to be dealt with quickly and effectively by the courts. In my experience, anti-social behaviour orders are simply not working.

However, the proposed legislation would be diluted if we were to use it as an opportunity to express our frustration with the failure of the criminal justice system. I say to colleagues of all parties that it would be a mistake to do that.

**Johann Lamont:** Does the member accept that one of the concerns about anti-social behaviour orders is that they are not being promoted and they are not seen as effective once they get to the courts? There is a danger that even if an anti-social behaviour order has brought about an eviction, but there is an obligation to re-house, the community has a sense that nothing has happened to the person who received the order. I am not saying that that feeling is right, but it might undermine our approach to homelessness and to anti-social behaviour.

**Tricia Marwick:** I could not agree more. The problem with anti-social behaviour orders is the length of time that the cases take to get to the courts and the ineffectiveness of the court system when dealing with them. It is imperative that we deal with that issue as quickly as possible.

Before the Scottish Parliament was established, Westminster used to devote one hour per year to our housing and homelessness issues—one hour for a set-piece debate. If this Parliament had done nothing else in the past four years, the Homelessness etc (Scotland) Bill alone would justify its necessity.

15:50

**Mr Keith Harding (Mid Scotland and Fife)**  
**(Con):** I declare my registered interest as a member of Stirling Council.

I echo the comments of my colleague Lyndsay McIntosh in welcoming and supporting the principles behind the bill. Homelessness is a scourge that, as a society, we have an obligation to eradicate, and it is sad that the Scottish Government, which has promised so much to so many, has delivered so little for so few. Jack McConnell swept to power claiming that he was going to do less, better. When it comes to ending homelessness, as with so many other false promises, he has done nothing, brilliantly.

**Robert Brown:** Will Keith Harding take an intervention?

**Mr Harding:** I will not, thank you. I know what the member was going to say, and I have changed the tenor of my speech because of Tricia Marwick's comments.

As Lyndsay McIntosh highlighted, one has only to look at the Executive's figures to see how little it has done. The number of households in bed-and-breakfast accommodation, which is apparently the crucial yardstick by which Margaret Curran wants

to be measured, has almost doubled from 355 in March 1997 to 653 today. Before the Scottish Government offers the broken-record, default “We inherited 18 years of blah, blah, blah” excuse, and for the information of Tricia Marwick, it should be noted that the Government inherited a steady decline in the figure through the 1990s but has delivered a constant rise to an all-time high.

As local government spokesman, I have been advocating the decentralisation of power to local government for three and a half years. I am happy to say that the bill offers a measure of decentralisation, which I welcome wholeheartedly. If the bill is enacted, local authorities will no longer have a duty imposed on them by the Scottish Government to investigate whether a homeless applicant is intentionally homeless. Instead, local authorities will have the power to do so if they see fit, which will allow them to allocate resources more efficiently. However, that is only one small step in the long journey towards more power for local authorities, and I fear that the control freakery of the Government will prevent it from going further.

A far more worrying aspect of the bill is the Government's abject failure to cost it properly. However admirable the proposals are—and we support them—they will cost a lot of money. New social housing will have to be built and existing housing improved to accommodate the increase in demand and increased support services that will be needed. Unfortunately, two vital financial questions remain to be asked: how much and where from?

Despite the minister's reply to an intervention, she must understand that the funding has to come from the taxpayer by way of an increase in the Government grant or from the rent payers currently in rented social housing. As with many of the Government's policies, the latter option will punish those whom it professes to champion the most. Fortunately, some of the new social housing and refurbishment can be paid for by the revenue from the sale of council houses or stock transfers—Tory policies that may yet save the blushes of the Scottish Government.

Despite those concerns, we support at this stage the general principles of the bill.

15:53

**Cathie Craigie (Cumbernauld and Kilsyth) (Lab):** Like other members of the Social Justice Committee, I thank the committee's team of clerks and the Scottish Parliament information centre for the support that they gave. I also put on record my thanks to all the organisations that contributed evidence to the committee, not only during our stage 1 deliberations on the bill's principles, but

when we considered the homelessness provisions of the Housing (Scotland) Act 2001. The people involved in the homelessness task force must also be acknowledged; their second report has paved the way for the bill and their recommendations have been translated into legislation.

As we all acknowledge, homelessness is a serious problem not only for individuals and families who find themselves without a home, or those who are threatened with losing the roofs over their heads, but for society as a whole. Without a comfortable and affordable home, many other aspects of life are affected and we should remember that people who find themselves homeless are usually ordinary people who are experiencing problems that are not of their own making and that are outwith their control.

However, a small minority of people have more serious problems and we have recognised at last that simply providing accommodation is pointless unless appropriate back-up and support are available. The Executive must work with local authorities to ensure that there are support packages that meet individual needs, and it should encourage cross-departmental working in order to make partnership working normal practice, not only within authorities, but among public bodies.

The Executive must also make it clear that with rights come responsibilities. A number of members have raised that issue this afternoon. People who persistently behave in an unacceptable manner cannot be allowed to destabilise the communities in which they live. I invite the Executive to give further consideration to that matter. I found the minister's remarks this afternoon helpful, and I look forward to the next stage of the bill.

I am pleased that homelessness has been given the political status that it deserves. Over the past few years, more has been done to tackle the problem than ever before. In fact, over the past three years, the Government has done more to address housing need and housing issues than was done by previous Governments in the past 20 years.

We have seen considerable investment in the empty homes initiative and the rough sleepers initiative, and in providing resources to help families in temporary accommodation. There are also the provisions in the Housing (Scotland) Act 2001 itself. However, as we know, there is still much to do. Although the Social Justice Committee supports the general principles of the bill, we believe that it cannot achieve its aims without greater resources.

In the short time that is available to me, it is not possible to go into every detail of the bill, but I would like to highlight some matters regarding priority need. Current legislation places a duty on

local authorities to provide permanent accommodation for those who are assessed as being in priority need. The bill recommends that the definition of those who are in priority needs to be widened, with a gradual removal of the priority need test by 2012 subject, of course, to resources' being available. The committee agreed with that gradual approach, but we still have some doubts about how it will work in practice; committee members have those doubts because of their experiences in their constituencies.

I know that the bill will, on commencement, transfer into primary legislation only the categories of vulnerable people who are already listed in the code of guidance under which local authorities should operate. However, the committee anticipates an increase in applications. The question that the committee has asked—to be perfectly honest, we have not received an answer that satisfies our concerns—is how those in need will be prioritised. Who will decide who is in the greatest and most urgent need of accommodation and how will that process be open and transparent? The committee does not have the answers to that question, and we ask the Executive to consider further the practicalities of implementation of those provisions in the bill.

**Elaine Smith (Coatbridge and Chryston) (Lab):** Will Cathie Craigie take an intervention?

**The Deputy Presiding Officer (Mr Murray Tosh):** Cathie Craigie's time is up, I am afraid.

**Cathie Craigie:** Am I allowed to conclude?

**The Deputy Presiding Officer:** Please do so very quickly.

**Cathie Craigie:** The most recent figures that we have on homelessness suggest that there has been an increase, but I am sure that that is a direct result of the increased rights that we have provided. People who previously considered themselves to be homeless but were, perhaps, ineligible for support have now been given the confidence to come forward. The Executive and the Parliament can be proud of their record on tackling homelessness. I hope that people will come forward and that the resources will be provided to meet that demand.

15:58

**Colin Campbell (West of Scotland) (SNP):** I sometimes wonder why the Tories try so hard to reinforce their political pariah status. As human beings, they seem to be all right, but when they start talking politically it really does them no good at all.

I will go back to the olden days, when Keith Harding and I were young, to make a comparison that I think is relevant to what we are debating.

When I used to wander slowly down Sauchiehall Street in Glasgow, making my way from the University of Glasgow to Clyde Street, where the buses used to leave from, I think I saw a total of one person busking or begging. He wore a top hat and tails and danced to a wind-up gramophone—which suggests how long ago it was—but he was the only such person I saw. Today, any members who travel between Queen Street station and Central station in Glasgow on their way home will at any time of the day come across at least six people selling *The Big Issue*, trying to help themselves out of homelessness. In a world that has largely got better for people during my lifetime, it is quite tragic that homelessness has increased so markedly and so conspicuously in recent years.

I would like to quote from the Church of Scotland's *Life and Work*. The quoted speaker is 39-year-old Jimmy Fraser, a voluntary worker at the Ark project for the homeless in Edinburgh who has been through the whole homelessness process. He said:

"You would think that there would be less homeless people over the last years in Scotland, but I think there are now more than ever."

That is a subjective but genuine perception.

Alastair Cameron of the Scottish Churches Housing Agency is also quoted. He says:

"Nearly one in fifty households in Scotland suffers from some form of homelessness—more than double the figure of 20 years ago."

That is a terrible indictment of our society.

That is the problem, but let us consider part of the solution. The phasing out of priority need to avoid the arbitrary distinctions that Tricia Marwick mentioned forced people to jump through hoops and put homeless people who were already in difficulty through much more embarrassment. We are going to redefine priority need to make it far more inclusive. Given that I have questioned ministers in the past about the high percentage of ex-service personnel among the homeless, I am delighted to note that under section 1(2)(a)(vi), people who have been discharged from the armed forces will be included in the new definition. The SNP supports the redefinition of priority need and the proposal to phase it out by 2012, but it has some reservations—which have been touched on already—about the cost implications to local authorities for housing development and staff resources.

Kenny Gibson quoted Gavin Corbett of Shelter and Kathleen Caskie of the Big Issue in Scotland on the matter of the increased need for resources and support as more people are brought into the net and need to be dealt with quickly. The Scottish Federation of Housing Associations expressed concern that the Scottish Executive's funding of

18,000 new and improved houses for rent and low-cost ownership in the next three years is not a higher rate of provision than in recent years. It states that there is a mismatch between the number of houses that are needed and the funding that will be made available. With additional numbers of people being offered homes, that is a serious criticism and one that the Executive must address.

In addition, the Scottish Federation of Housing Associations says that many of the supporting people resources that will be made available by the Executive will be used—rightly—to protect existing services. It is therefore difficult to understand how local authorities will be in a position to fund the wide range of new support services that will be needed to meet their statutory duty to provide support for vulnerable people and for people with challenging behaviour. To make a success of the bill, the Scottish Executive must provide sufficient financial resources to enable the additional burdens of the expansion of priority need to be met. At the moment, those burdens are impossible to quantify, but I am delighted that the Executive has said that it will monitor and assess progress as it goes along.

16:03

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

There has been universal support for the underlying principles of the bill. Everyone agrees that homelessness and the fear of homelessness should have no place in a modern Scotland, and everyone agrees that no one should have to sleep rough on our streets. That is why it is vital that we get right the bill and other related legislative, spending and policy commitments. We owe that to the people who continue to sleep rough in doorways, to the women who are fleeing domestic violence and trying to protect their children, and to the young people who are seeking their first tenancies.

That is why the Social Justice Committee felt that it had to highlight its serious concerns about the financial and resource implications of the bill. It is vital that the measures in the bill do not become token gestures towards alleviating homelessness and that we create legislation and policy that central Government, local government, registered social landlords and the voluntary sector can deliver. Both the Finance Committee and the Social Justice Committee have highlighted their concerns about the long-term funding implications of parts of the bill—in particular, the phasing out of priority need. Although the bill will be fairly cost-neutral in the short term, it could have serious implications financially and for housing supply and demand later.

I am also concerned about the financial

implications of developing and sustaining accommodation of last resort. Without any model or definition of what is meant by last resort, it is difficult to get any grasp of the cost. For those reasons, the committee has asked the Executive to return with clearer and more detailed information about the financial implications of the bill.

I would like to say something about the provisions in the bill to remove the requirement to test intentionality. I welcome the bill's intention to ensure that people are given every opportunity—legally and through support services—to regain a stable and secure tenancy within communities, and I welcome the minister's commitment to consider amendments at stage 2. It is vital that we get the balance right between the need to address homelessness through the provision of good housing and proper support, and the need to allow landlords to deal effectively with the small minority of people who can cause havoc in our communities and who refuse to take seriously their responsibilities as tenants and neighbours.

Much, although not all, of the debate concerns the availability of good-quality and affordable public housing. It is vital that the Scottish Executive, local authorities and registered social landlords all work to ensure that there is a sufficient number of good-quality houses in the right places in Scotland. It is also important that we remain focused on the complex nature of homelessness. No single policy or piece of legislation can effectively address the homelessness problem in Scotland.

As well as dealing with homelessness, we must put in place measures to prevent homelessness from occurring in the first place. Measures such as support and resettlement for people leaving prison, long-term care or the armed forces, and initiatives such as the mortgage-to-rent scheme, will play a vital role in complementing the Homelessness etc (Scotland) Bill.

The bill's policy aims are commendable; tackling homelessness is surely the kind of broad social policy challenge that the Scottish Parliament was created to address. It is essential that we get things right, so we must ensure that policy and legislation that we create in the Parliament are effective and affordable—anything else would fail the people whom we were sent to the Parliament to represent.

16:07

**Brian Adam (North-East Scotland) (SNP):** The bill's general principles are more than acceptable to the SNP, but we have considerable concerns about the financial memorandum. Such concerns relate not only to the Homelessness etc (Scotland)

Bill; the implications and costs of many Executive bills have not been well laid out. I will not go into the criticisms that were made by the Finance Committee and the Social Justice Committee, but I have every confidence that the former convener of the Finance Committee will address the detail in his report to the Social Justice Committee, and that he will drive things forward to improve the quality of our financial memoranda so that we can be confident in the deliverability of the bill's worthwhile and worthy aims.

I want to speak briefly about the supply and quality of housing. Members have covered the matter of support services fairly well but, on the supply of housing, I was disappointed that the minister believes that, broadly speaking, the right number of houses are being built to address affordable housing needs in Scotland. I do not think that the right number of houses is being built. That is also the opinion of witnesses who gave evidence, in particular the Scottish Federation of Housing Associations. When it was put to that organisation that the funding of more than 18,000 new homes over three years was adequate, the comment was laughed at.

**Ms Curran:** I promised myself that I would not respond to provocation, but as Mr Adam knows, I can never resist doing so. Is the SNP committed to putting more resources into housing supply? How would the SNP address the housing supply issue? It is clear that it does not accept my arguments.

**Brian Adam:** Margaret Curran can await with interest our manifesto, which will appear shortly. We are debating the Executive's proposals and we are debating whether it is adequately financing those proposals and—as many members on the Executive parties' back benches have pointed out—whether we have an adequate supply of affordable housing. Margaret Curran said that she believed that there is currently enough housing overall, but she admitted that there are places where there is an undersupply. That means that there must be—there is—an oversupply in some places. We have heard much today about the situation in Glasgow, which is where most homelessness exists in Scotland, but it is also where the greater part of the oversupply of affordable housing is. The problem is one of quality.

The minister will undoubtedly suggest that the way in which that problem should be, and will be, addressed is through the stock transfer proposals. Notwithstanding the fact that those proposals seem to be running into difficulty, that is not the only answer. The minister has acknowledged that by making the welcome move to allow prudential borrowing by authorities that think that is what they want, which must be of some comfort to tenants who have chosen not to go down the stock

transfer route.

I ask the minister whether the Executive will ensure that there will be a level playing field for the two groups of tenants. The minister has arranged to write off the capital debt in Glasgow, because it has gone down the stock transfer route, but will the minister ensure that there is a level playing field that will allow continued investment in places such as Aberdeen, where the tenants rejected stock transfer? It is right to say that we need to upgrade the quality of our homes so that we do not have repeat homelessness; part of the problem is that people go back into the same kind of substandard accommodation without the support that they need. I hope that whoever sums up for the Executive will address the problem of capital debt in areas where stock transfer does not take place.

16:12

**Sarah Boyack (Edinburgh Central) (Lab):** I strongly welcome the bill and I call on the Parliament to support its key principles.

Margaret Curran was right when she said at the start of her speech that the bill makes provision for an extension of rights to homeless people. It will provide a raft of measures to bring that into reality.

We know that a lot has been done to support homeless people. Work has been done through the rough sleepers initiative, the supporting people initiatives and new investment is on the way for housing throughout Scotland. The empty homes initiative is bringing empty homes back into use and a massive investment in quality social housing is taking place throughout Scotland.

We must accept that homelessness is not only about a physical lack of housing, although I will come back to the physical issues. Homelessness is also about social exclusion and people who have been through, or are going through, personal crises. For example, being made redundant can tip people into homelessness. Homelessness can be a result of difficult experiences in time spent in care or it can be related to alcohol or drugs problems. Other members have mentioned other routes into homelessness. Those factors mean that the support that homeless people get from agencies is critical. Support needs to be targeted and effective so that it can address every individual's past circumstances and needs for the future.

We must recognise that a huge amount has been done since Labour was elected in 1997, at both Scottish and local council level. I have worked with many voluntary organisations that support people in my constituency including the Ark, Streetwork, Edinburgh Cyrenians and the Scottish Council for Single Homeless. Those



organisations do superb work in supporting people so that they can move into tenancies and, crucially, give them the on-going support that enables them to sustain those tenancies. Members have talked about the revolving-door problem. The bill's provisions on probationary tenancies are important, but the key point is to ensure that those provisions are given adequate management support and appropriate resources.

Members have talked about lots of the other big housing problems that exist. The work that the Social Justice Committee has done in considering the bill must be examined at stage 2 when the Executive responds. In my casework, I have many constituents who live in inappropriate accommodation and who cannot get transfers to bigger or more appropriate housing. That can take too long.

I get really angry when I hear Tory spokespeople in the Parliament talk about the success of Tory housing policy. No other members understand how the Tories can still believe that. The long-term impact of the right to buy social housing has meant that without replacement of every house that has been bought under the right to buy, we have a problem. That is why the work that Margaret Curran talks about in respect of reinvesting in housing and creating new housing is crucial.

A lot has been done. Measures such as the common housing register will make it easier for homeless people to register with housing associations and councils. I want to flag up the particular problem in Edinburgh of high land prices and housing costs. We must consider the supply of affordable housing and practical support for homeless people. I welcome Margaret Curran's acknowledgement that we must address both of those issues.

The Social Justice Committee's recommendation about a transparent and consistent set of criteria on priority need is important, particularly for homeless people, who deserve to see the criteria under which they will be housed.

Many members have talked about anti-social behaviour. I agree with Shelter that the bill should not be used to tackle anti-social behaviour, but it is equally important that the bill does not unintentionally cut across the superb work that was put into the Housing (Scotland) Act 2001. That work is still in the early days of implementation and we must get it right through taking effective action.

I welcome the bill, which is long overdue and is part of our long-term commitment to social justice. In order to support people who find themselves homeless, we need effective working among

social work, housing and health agencies and the vast array of voluntary organisations. The bill will require long-term resources. We must build capacity in housing agencies to provide new houses and support structures for homeless people. I welcome the content of Margaret Curran's speech and her willingness to engage at stage 2 in the details of the bill.

The Parliament is making its mark by getting the broad aspirations and the detail right. I welcome the bill warmly and I hope that all members support it.

16:16

**John Young (West of Scotland) (Con):** Colin Campbell mentioned buskers on the streets of Glasgow. I am probably the only one of the 129 MSPs who was a busker on the streets of Glasgow in 1969. The then Glasgow Corporation suggested that buskers should be licensed, and a local newspaper—the *Evening Citizen*—persuaded me to become a busker. The newspaper supplied me with a hat and a guitar and I played in George Square. I remember that a wee woman with boots on and two shopping bags suggested that I should join the lunatics in the “big hoose over there”—the city chambers. I received tuppence from her. I then moved to Buchanan Street for 40 minutes and heard the greatest amount of abuse and swear words that I have ever experienced, including the phrase, “Away and get a job.” I earned fivepence. Ever since, I have had considerable sympathy for those who beg on the streets.

Robert Brown made the point—as election year is coming up—that the Liberals were the first to build public housing. As Robert was a councillor in Glasgow, he should know that the first to build public housing in Glasgow were the moderates in 1924. I say that in passing and to keep the record right.

Homelessness is a complex problem. Members appreciate that there is a wide range of reasons why individuals and families are homeless. That diversity means that a range of appropriate accommodation is required. Let us consider the various reasons why people come under the term homeless; those reasons include family break-up, divorce, separation, illness, death of the breadwinner and lack of adequate finances—the list goes on. In Edinburgh, Glasgow and other parts of Scotland there are people who are genuinely homeless, although I must say that I suspect that many who are begging on Princes Street are not genuinely homeless.

Only time will tell whether the proposed target dates can be met. Some people—perhaps a minority—have reached the stage at which they might be allocated accommodation but are, a

week later, back on the streets. Some of those people suffer from mental illness and others require special accommodation for a variety of reasons including alcoholism, violence, rowdiness and anti-social behaviour.

As has been mentioned, decisions cannot be left to local housing offices in isolation. The subject is a bit more complex than that. It is interesting to note that in 1999-2000, more than 46,000 households presented as homeless or potentially homeless. *[Interruption.]* Am I heckling myself or is that somebody in the gallery?

**The Deputy Presiding Officer:** I am afraid that if you rub your notes on the microphone you produce static.

**John Young:** Do you want me to start all over again?

**The Deputy Presiding Officer:** No. There is no time for that.

**John Young:** I have concerns about the suspension of the local connection provision, which will allow applicants to apply to the authority of their choice. Obviously, the Executive has doubts about the strategy because it has included a caveat that will be used if monitoring shows that an area is targeted excessively. Care must be taken that people whose background involves disruptive behaviour should not be placed in what is recognised as a good area to the detriment of existing residents or tenants.

I remember discussing the issue with the late Geoff Shaw, who mentioned that there are varying degrees of homelessness, which in turn means that varying degrees of rehousing are required. Robert Brown touched on a similar aspect.

It would be interesting to know how our European neighbours handle such problems. The aims of the bill are worthy of support, but Lyndsay McIntosh rightly asked where the funding will come from and whether there will be sufficient funding.

In the 1970s, a number of Vietnamese refugees came to Glasgow. The authorities had never really dealt with refugees from overseas and tended to place them all in the Castlemilk housing scheme. However, they were scattered throughout the scheme and received no support. Many could not speak English and some of the local residents took exception to them. Those people suffered a lot and we have learned some lessons from that experience. It is imperative that refugees who come to Glasgow, Edinburgh, Aberdeen or Dundee are initially placed together, in so far as that is possible.

16:20

**Mr Tom McCabe (Hamilton South) (Lab):** The point has been made eloquently this afternoon that the tragedy of homelessness continues to affect far too many people in Scotland. It is right and proper that the Executive has chosen to address the situation through the long-term improvements that will be made through the bill. I am pleased that the Social Justice Committee has endorsed the principles of the bill, and I warmly welcome the frank and objective comments that were made by the committee's convener, Johann Lamont. Frank and objective discussion of those issues will most properly serve the people who are afflicted by homelessness in Scotland. However, as with most things in life, a balance is required. We must take great care not to devalue the mainstream route to applying for public sector housing.

The Executive is also committed to tackling the scourge of anti-social behaviour through the Criminal Justice (Scotland) Bill. We need to reassure ourselves today, and in the further stages of the Homelessness etc (Scotland) Bill, that there are no aspects of this bill that make that task more difficult or that contradict the worthy intentions that are contained in the Criminal Justice (Scotland) Bill.

Both the Social Justice Committee and the Scottish Federation of Housing Associations have raised important points regarding the bill, and I commend them for that. Those points echo the representations that have been made to me on many occasions by local councillors and practising housing officials in local authorities, not just in my constituency but elsewhere. I am surprised that some of those comments do not also echo the representations that were made to the committee by COSLA.

The Scottish Federation of Housing Associations has seriously questioned the extent of the financial commitment to provide the adequate new social housing that the implementation of the bill will require. All too often, social rented housing has become a service of last resort. It is only when we invest properly in the provision of new homes that we can seriously tackle the deep-rooted causes of homelessness. We can trace the increase in the number of people who are being placed in bed-and-breakfast accommodation back to a lack of decent, affordable rented accommodation being made available to people in Scotland irrespective of their circumstances. Many of the people who will be served by the bill will require intensive and expensive support. Frankly, I see little indication that the finance will be available to make that support a reality.

Other members have mentioned the revolving door. The revolving door will not be stopped if we do not properly fund long-term advice and support.

We must face up to the fact that that advice and support will be for the long term and will be expensive.

Concern also exists over the operation of the short Scottish secure tenancy. For example, if serious anti-social behaviour occurs, under the bill as drafted it will be nearly impossible to end that tenancy within 12 months. Equally concerning is the duty to provide further offers of accommodation when a short Scottish secure tenancy breaks down. The convener of the Social Justice Committee referred to that. There is a danger that that contradicts the policy intentions of the Criminal Justice (Scotland) Bill and that, if it becomes a reality, it will demoralise communities and individuals whose lives are too often torn apart by the thoughtless actions of a small minority.

Finally, I shall touch on the intention to end the requirement for local connection. I have led two councils and have also been a housing convener. I am concerned that, in proposing to end that requirement, we may lose sight of the important distinction between need and the entitlement to decent accommodation, and aspiration. Homelessness need should be addressed through homelessness legislation. However, aspiration should be dealt with through mainstream housing applications. That distinction is important if people are to have a belief in, and see any point in, making a mainstream housing application. I hope that the Executive will take on board those points.

16:25

**Robin Harper (Lothians) (Green):** I reassure members that there is another busker in the chamber.

My party and I welcome the bill's general principles. We believe that its main achievement will be the eventual scrapping of the distinction between priority and non-priority homeless people. Indeed, that has been my party's policy for the past 12 years. I welcome particularly the bill's proposed amendment to section 25 of the Housing (Scotland) Act 1987. I also welcome the widening of the priority groups to include people suffering from mental illness or handicap. I draw to the minister's attention—although I am sure that I do not need to—the fact that there is a dearth of specific advocacy services for people suffering from mental illness, in relation not only to housing but to several other matters, including access to legal services.

It is not enough simply to give homeless people a home. A home needs to be of good quality and people need support in their new houses, but even with those aspects in place, if homeless people continue to be housed in the most disadvantaged

areas, they will end up being homeless again. Shelter Scotland tells me that its work is increasingly about trying to improve conditions in the areas in which people are housed rather than improving the houses. Until the Executive addresses further the problems for people living in our least attractive housing areas, homelessness will continue to be a problem. The Executive has made some progress on that issue, but not nearly enough.

What would my party do to address that issue? First, we would limit the right to buy in order to tackle the current problem of the poorest getting housed in areas in which no one wants to buy, and we would keep pools of affordable, rentable housing in areas that are more attractive to prospective tenants. Secondly, with regard to Johann Lamont's earlier point, we would give real powers to local committees of tenants and residents. Thirdly, we would introduce land value taxation to improve urban land regeneration. I like to bring up that point at every available opportunity.

One aspect of the homelessness policy is being undermined by the UK-wide drugs policy. I understand that hostel providers are reluctant to house heroin users because the hostel providers could be prosecuted for allowing class A drugs to be used on their premises. We need some joined-up thinking in that area and a certain relaxation. I urge the minister and the Executive to continue to consider homelessness in the context of the wider conditions in society that cause homelessness. Meanwhile, I warmly welcome the bill and wish it all the best at stage 2.

16:29

**Jackie Baillie (Dumbarton) (Lab):** I, too, commend the minister for the bill. I cannot help but recall that many members muttered in the chamber about whether there was a need to have a homelessness task force in the first place and said, "Just get on with it." That attitude displayed an ignorance of the complexity of homelessness and is typical of the top-down approach that characterised the failed policies of the past. Like Robert Brown, I think that the Executive's approach is instructive because including people with expertise and, indeed, talking to people who have experienced homelessness means that we are much more likely to get the policy and the legislative framework right and to have shared ownership of the direction of travel—which will be crucial in the bill's implementation.

The Parliament owes a debt of gratitude to the members of the homelessness task force because they stuck with the job for two years despite, as Mel Young would complain, the veritable mountains of paper that civil servants produced for

each meeting. They stuck with the job because they knew that they had a unique opportunity to change the system. They wanted not only to make our new system of dealing with homelessness the best in western Europe—as has been said—but to transform the experience of people who find themselves homeless in Scotland.

Some would say that legislation is the easy part. There are many other recommendations in the task force's report on which I am sure the Executive will continue to focus to make a positive difference. What we need is nothing short of a change in culture and attitude and the bill is a fundamental part of achieving that.

Let us not beat about the bush on priority need. Having a system of priority need is about restricting access to housing, because it is, basically, a rationing system. Equally, the existing categories of priority need create entirely arbitrary distinctions between homeless people. The Executive's approach, of expanding priority need groups before phasing them out entirely over time, will provide the necessary degree of flexibility to ensure that accommodation and services are in place.

**Elaine Smith:** Will the member give way?

**Jackie Baillie:** I am sorry, I have a lot to say in a short time.

While I accept what the minister says about the national picture, I am clear that housing supply does not always match housing demand at a local level. Resources will need to be reprioritised to certain areas to ensure that accommodation is available. Regrettably, however, Lyndsay McIntosh's myopic view of finance fails to take account of the wider picture. We must not forget the fact that homelessness is not simply about bricks and mortar. The underpinning rationale behind the initial provisions in the Housing (Scotland) Act 2001 were to do with preventing homelessness from occurring in the first place, putting in place homelessness strategies that extend beyond the housing department, providing assistance to people before and when they become homeless and extending the time when such assistance and support can be provided. In many cases, that will help to prevent homelessness from occurring. That is the real prize. We know the social cost of homelessness and if we can prevent it, we must do so. Instead of approaching the issue from the point of view of how much money we will need to build more houses, we should focus on helping people to maintain their tenancies in the first place.

**Mrs McIntosh:** Will the member give way?

**Jackie Baillie:** I have no time.

I note the committee's concerns about the short

Scottish secure tenancy. While I agree with Shelter on substantial points, I point out that anti-social behaviour is a criminal matter and that this bill is not the vehicle for tackling the issue. The committee has raised valuable points. We need to ensure that the bill is not a loophole for those intent on abusing the system. I am sure that the minister will consider those points carefully when drafting amendments.

The bill is radical and turns on its head our approach to dealing with homelessness. The current system is over 30 years old. It is time for a fundamental change. I urge members to support the bill.

**The Deputy Presiding Officer:** My regrets to Elaine Smith, who was squeezed out of the debate. Perhaps the minister will let her make an intervention. We come now to the closing speeches. I call Donald Gorrie to wind up for the Liberal Democrats.

16:33

**Donald Gorrie (Central Scotland) (LD):** I am not sure what arrangements we have in the Parliament for correcting a mistake in a previous speech, but when I was speaking to amendment 148 in the Justice 2 Committee, I said that the Free Church of Scotland had described me as the anti-Christ. In fact, the church that was giving me severe criticism was the Free Presbyterian Church of Scotland. I apologise to the members of both churches for any offence that has been caused by my lapse of memory.

I am happy to welcome the Homelessness etc (Scotland) Bill and I endorse everything that Robert Brown said about it. The bill is good because it is the product of very good consultation. Sometimes, we are not as good at that as we should be, but on this occasion, there has been excellent consultation with the various organisations involved in this sphere of activity. The bill builds on the Housing (Homeless Persons) Act 1977, which was proposed by the Liberal MP Stephen Ross. The bill is welcome and is liberal—with a small "l"—in its philosophy.

We need to ensure that there is capital for good-quality, affordable social housing in improved areas. Like some other speakers, I am not impressed by the financial memorandum that accompanies the bill. We need the capital and we need enough money for well-funded new support, advice and independent advocacy to help homeless people.

We need well-trained staff. I am sure that they exist in many places, but dealing with people who come to housing offices, many of whom are difficult individuals, is a difficult job. We need well-trained staff to help to deal with such people.

We also need to address rural homelessness. Almost all speakers in the debate have understandably concentrated on urban homelessness, as the big concentrations of people are obviously in cities. However, rural homelessness is still a big problem. It is small in number but big to those involved. We must tackle that too.

The one area of dispute among the organisations that sent in their views and the committee is on anti-social tenants. It is helpful to keep them within the system but keep some pressure on them by linking the tenancy to their tackling their behaviour within the system. Some such tenants are more sinned against than sinning, but a small minority causes hell for many others.

Sometimes, we fall down in making well-intentioned reforms that the law-abiding majority consider to be too favourable to those who cause all the trouble. We must avoid that. We must bring with us the great majority of tenants who feel that the system is fair. I hope that the committee will manage to deal with that acceptably.

To prevent so many from becoming homeless, we need more joined-up government. We already have some, but we must put more effort into preventing family breakdown, dealing with the problems that arise from drink and drugs and dealing with domestic violence. Those are often the causes of people becoming homeless.

It is a genuine pleasure to me to give strong support to a Government bill. The bill has been well thought through. In many respects, it is excellent. I look forward to having more of the same to support in future.

16:37

**Bill Aitken (Glasgow) (Con):** We all agree that homelessness is a complex question and is, as Tom McCabe said, in many instances, tragic. We cannot simply equate the number of available individual and family units with available houses. We need a real understanding that the reasons for homelessness are many and varied.

There is little in the bill's proposals with which the Conservatives can disagree in general terms, but we have serious concerns about the practicalities. We are even more concerned about the cost implications. Johann Lamont and Karen Whitefield are extremely valuable members of the Parliament, but I have never known them to be particularly financially attuned, so when they issue warnings on cost implications, I see flashing red lights accompanied by the wail of sirens.

It is clear that, by any standard, the supply of social housing will require to be increased

significantly. It is frankly astonishing that the Executive seems unable to quantify at the very least a rough estimate of the number of new houses that may be needed. There will inevitably be pressures on supply.

Let us reflect on the figures. I remind Sarah Boyack—who, I see, has left the chamber—that, during the Tory years in the 1990s, £8 billion was spent on public sector housing. During that time, some 21,000 to 24,000 homes were built each year. Since 1997, the Labour Government and the Labour-Liberal Democrat coalition that succeeded it have managed on only one occasion to match our high of 24,325 new homes. That issue is clearly problematic.

Let us turn to cost. It is little short of incredible that the Executive has presented proposals that are so vague and lacking in specification. We do not know how many new houses are proposed. If we did, we could at least apply a mean cost, which would give some idea of the total capital expenditure that is being contemplated.

**Johann Lamont:** Does Bill Aitken agree that there are two separate issues? One is to do with the availability of housing, but another is to do with housing being desirable and people being supported to stay in that accommodation. It is not simply a question of how many houses are to be built; it is about how people are to be supported and how communities are to be regenerated as places where people will want to live.

**Bill Aitken:** We have always been fairly consistent in the view that, where people require public sector housing—and it is a necessity for many—then it should be of a satisfactory and acceptable standard.

It is incredible and worrying that no one seems to have any idea about the total capital expenditure that is being contemplated. As Lyndsay McIntosh made clear, we support the bill's principles at this stage, but we will be asking some very hard questions at stage 2, and I cannot envisage our level of support continuing unless we get satisfactory answers with regard to the expenditure that is being contemplated.

In summing up for the Executive for the first time in a housing debate, the Deputy Minister for Social Justice should bear in mind the fact that he is damned if he does and damned if he does not: if the bill's measures do not go ahead, he will be accused of failing the people of Scotland and not living up to the expectations in him and his colleagues; if they do, there will be severe tax implications. The deputy minister must also bear in mind the fact that his Executive is running out of the legacy of the expanding economy that the Conservative Government left. The policies of those days have now been replaced by the

traditional Labour tax-and-spend approach. There are serious economic problems ahead. In all probability, the money to carry out the bill's proposals might not be available.

In other respects, the proposals are common sense, although, on the matter of priority homeless, I point out that there will be very few people left who will not be prioritised by the time that the legislation is passed. At that stage, the term "priority" will be virtually meaningless.

**Linda Fabiani:** That is the point.

**Bill Aitken:** Yes. The question of local connection is potentially problematic, although I can see the sense of it. If many people continue to gravitate to the cities, and if the local connection is done away with, there will be resentment on the part of those who live in the area in question but who are not a priority. We are agreeing to the bill at this stage but, unless the answers about how it is to be financed are forthcoming, we reserve the right to revisit our support.

16:43

**Linda Fabiani (Central Scotland) (SNP):** I understand from one of your very worthy clerks, Presiding Officer, that I should declare my interest as a member of the Chartered Institute of Housing in Scotland. I am sorry not to have done so before.

The Minister for Social Justice opened with a defensive stance on the fact that the number of households in temporary accommodation has risen. It struck me as ironic that the minister—backed up by Cathie Craigie and others—said that that was because, through the Housing (Scotland) Act 2001, we are encouraging the hidden homeless to come forward for temporary accommodation, when all the evidence that we took from the Executive on the Homelessness etc (Scotland) Bill indicated that it does not expect any hidden homeless to come forward. I understand the need to spin about a bit, but I do not know how the Executive can square that circle. It seems Orwellian: if homelessness goes down, that is treated as a victory; if it goes up, that is treated as a victory as well.

Lots of members, Brian Adam in particular, mentioned worries about housing supply. Tom McCabe and Bill Aitken spoke of worries about not having enough houses to deal with hidden homelessness. I think that the bill will be excellent legislation. I have no problems with it and its intentions are wonderful. We support it. However, I am convinced that an awful lot of hidden homeless people will come forward in the knowledge that they now have rights. It is incredibly naive to pretend that that will not happen.

I hate to agree with Bill Aitken, but I have to on

this point: the proposals have not been properly costed. The minister mentioned the £127 million that has been set aside to deal with homelessness, but when the Social Justice Committee asked what additional money would be made available over the next few years, it learned that only an extra £14 million had been allocated, rather than the £100-odd million that has been mentioned today.

I am worried about other aspects of the way in which the bill has been portrayed today. My comments are not meant as a personal criticism, but we must be careful about the language that we use when we talk about homelessness and I was worried by a comment that the minister made about intentionality. She said that people needed to be given a second chance to prove themselves. As Karen Whitefield has often said in the Social Justice Committee, not everyone who is homeless is helpless. Not everyone who is homeless needs to prove anything. Someone may have hit a hard time once in their life; they may need a wee step up, rather than on-going support of the type to which the bill refers.

The issue of anti-social behaviour has been raised. I am bothered by the language that people use when talking about that. Every time that anti-social behaviour was raised, members spoke about anti-social tenants. There are anti-social owner-occupiers and anti-social people throughout society, but we always refer to anti-social tenants. Today no one used the word anti-social without mentioning tenants.

**Tricia Marwick:** I did.

**Linda Fabiani:** Apart from Tricia Marwick, of course.

**Tricia Marwick:** I was very careful to use the term anti-social behaviour, because I recognise that anti-social behaviour occurs in all forms of tenure. Does the member agree that we need to ensure that the criminal justice system works to deal with criminal behaviour?

**Linda Fabiani:** Yes—I was about to come on to that.

I was bothered by the comments that the minister made about the new community warden scheme, which we are supposed to laud and applaud. When the scheme was first announced, I lodged a parliamentary question in which I asked what powers community wardens would have. I received the answer that they would have no powers. Last night it was reported that when Scottish Television sent people out to get a handle on the new community warden scheme, they had to change location because youngsters started to stone their cars and cameras. There were no community wardens to be found.

Any form of anti-social behaviour is criminal behaviour. It would be best for us to deploy more police in areas where anti-social behaviour is happening, instead of funding community wardens and placing further responsibilities on housing staff, which is happening insidiously. Housing staff are expected to assume an increasingly significant role in dealing with anti-social behaviour, some of which is of a very difficult and criminal nature. We must be careful that we do not make people responsible for dealing with issues that the police and courts should deal with.

We have talked about anti-social behaviour orders, but the main problem with going to court is that the process takes too long. I was glad to hear the minister say that the Homelessness etc (Scotland) Bill alone cannot deal with all the issues that relate to homelessness. We need to tackle how long it takes cases—particularly housing cases—to come before the courts.

I could rant on for ever, but I do not have much time.

**The Deputy Presiding Officer:** You have one minute.

**Linda Fabiani:** Tom McCabe, Donald Gorrie and many other members mentioned priority need, support services and joined-up approaches. All relevant agencies must come together to deal with the issues. We should place on the face of the bill a description of how joined-up approaches will work. I am glad that the Executive is considering lodging amendments to do that at stage 2.

On behalf of the committee, Johann Lamont raised concerns—which Cathie Craigie confirmed—about waiting list and transfer list applicants. That takes us back to housing supply. Tom McCabe mentioned the aspirations of people on waiting lists and transfer lists, which we must consider, too. It would be terrible if we did not have the housing supply to allow people's aspirations to be met.

I will finish now. I wanted to ask John Young about his busking. I know why Robin Harper would be busking, because he is a bit eccentric anyway, but I am intrigued to know why John Young was busking on the streets of Glasgow many years ago.

We welcome the general principles of the bill and we look forward to stage 2.

16:50

**The Deputy Minister for Social Justice (Des McNulty):** I welcome many of the well-informed contributions that have been made in the course of the debate. Not all the contributions were entirely well informed, but we had a reasonably high percentage of well-informed contributions.

I particularly enjoyed John Young's contribution, because I remember that, in the 1980s, he stood as a Cathcart Conservative, to separate himself from the other Conservatives under Mrs Thatcher at the time. He also reminded us of the achievements of the moderates in 1924. I wonder how far the Conservatives in the 1980s and 1990s went away from the record of the moderates. Given the contributions from Keith Harding and Bill Aitken, it seems that perhaps they have not quite come back yet.

I also want to highlight the considered contribution that Kenny Gibson made in supporting the general principles of the bill. In both content and presentation, he was in Dr Jekyll mode rather than Mr Hyde mode today, which I very much welcome.

I start by repeating one or two of the things that Robert Brown said, because it is important to place on record the significance of the bill. The Homelessness etc (Scotland) Bill is groundbreaking. Robert Brown quoted Shelter Scotland, and I shall repeat the quote, because I think that it is important. Shelter Scotland said:

"This Bill will give Scotland the most progressive homelessness policy in western Europe. It is the envy of social justice campaigners in other UK countries."

I thank Shelter for those comments and for its recognition—and everybody's recognition—of the scale of the task that we have ahead of us if we are to put the bill into proper effect.

I also thank the Social Justice Committee for its thorough consideration of the bill to date. In its report, the committee concluded that there is broad support among stakeholders for the general principles of the bill and the committee welcomed the bill's intentions as highly laudable. The comments that the committee has made in its recommendations are constructive and helpful suggestions for various parts of the bill. I reassure committee members that we will respond to their findings and recommendations quickly.

The fight against homelessness is recognised as a key priority for the Scottish Executive. Homelessness is something that we are determined to do something about, and the bill, together with the Housing (Scotland) Act 2001, is clear evidence of that commitment. It is important that our efforts to tackle homelessness are not viewed in isolation. Although some people who are homeless simply require a house, and the bill reduces the bureaucratic and procedural obstacles that delay homeless people being rehoused, other people who become homeless might be in need of specialist support. In many cases that involves help for children as well as for adults.

Providing homeless people who need support, because of problems with addiction, debt, the

consequences of family breakdown or bereavement, with a rapid solution to their housing problem is the foundation for addressing the other issues that might have contributed to their homelessness. If those issues are not addressed, they could lead to repeat homelessness or a spiralling down of the circumstances that led to the homelessness. In that sense, our homelessness strategy is part of our drugs strategy and our child poverty strategy. It is an effective way of dealing with some of the more damaging forms of social exclusion and fits closely with our strategy for closing the opportunities gap. I repeat that we are working towards a Scotland where everyone matters. Homeless people are citizens of our country and we want to deal with them properly.

As I said, we are addressing homelessness itself, but we are also trying to address the social evils of which it is a symptom and the personal situations that can lead to homelessness situations for many, which the Scottish Executive recognised when it introduced housing legislation to the Parliament.

The Housing (Scotland) Act 2001 places a statutory duty on local authorities to draw up homelessness strategies. Many of the issues that members have raised will be addressed in the context of those strategies. The focus of those strategies is not simply to tackle homelessness; it is to prevent homelessness. We must get our heads round that concept. The measures that we have implemented are vehicles for achieving those objectives.

**Mr Gibson:** Does the minister agree with homelessness charities' belief that it is important to restore benefits to 16 and 17-year-olds? Will the Executive lobby Westminster to achieve that end?

**Des McNulty:** Kenny Gibson well knows that that is a reserved matter. We will address the circumstances of homelessness within the framework of our remit.

I want to address the issue of finance head on. The Social Justice Committee and the Finance Committee have flagged up concerns about costings and the adequacy of the financial provision. I will deal with the second point first. Substantial sums of money are being devoted to our efforts to deal with homelessness. Following the spending review, the outcome of which was not known when the bill's financial memorandum was written, £127 million over three years has been earmarked for homelessness. A significant element of that additional money will be made available to cover the bill's initial costs during the spending review period. The Scottish Executive and COSLA agree that the start-up costs and the on-going costs in that period can be met from the resources that have been made available.

As Margaret Curran said, there is an issue about how to deal with the provision of support and accommodation in the context of a continuing duty. We continue to have discussions with COSLA on that subject.

We are also putting substantial amounts of money—£350 million—into expanding the amount of stock. Together, the homelessness money and the money that is being spent on increasing the amount of stock deal with the point that Brian Adam and others raised.

Beyond the spending review period, we have made it clear that implementation of the further steps that the bill envisages will take place when evidence is available about the effectiveness of local housing and homelessness strategies. In partnership with local authorities and other housing providers, a major review is being undertaken to provide the evidence that is needed to assess how quickly we can progress the implementation of the measures that the bill proposes. That evidence will include detailed information and costings, which the Scottish Executive and local authorities will have to take account of in consideration of funding requirements during subsequent spending review periods. Without that review and the evidence that it gathers, any costings that we provided at this stage would not be robust. The Finance Committee would not have welcomed costings that were not robust.

**Brian Adam:** The minister proclaimed loudly the figure of £350 million and said that the situation in different councils will be taken into account. Will there be a level playing field if councils and their tenants decide not to transfer their stock through stock transfer? Will their capital debts be written off in the same way that those of Glasgow City Council have been?

**Des McNulty:** There is already a level playing field. Margaret Curran made that clear in her speech.

We will keep the Social Justice Committee informed of progress on costings and finance. We will not proceed beyond the initial stage of implementation, the cost of which we are confident that we can quantify, until proper costings are made available. That will happen following the review exercise and consultation with COSLA.

**Bill Aitken:** Will the minister take an intervention?

**Des McNulty:** I want to move on, because I do not have much time left and I want to tackle other issues.

We acknowledge the concerns about anti-social behaviour, which a number of members raised. It is important that we challenge directly any



automatic linkage between homelessness and anti-social behaviour. People become homeless for a wide variety of reasons. We believe that the majority of people whose needs the bill addresses will not cause difficulty for their neighbours. The days of stigmatising homeless people should be put behind us.

It is reasonable to recognise that there will be circumstances in which anti-social behaviour leads to disruption. We must be sure that our policies on homelessness do not cut across any action to combat anti-social behaviour. The amendments that we lodge at stage 2 will reflect the concerns of local authorities and others that the bill has not yet achieved the right balance between the rights of homeless people and the responsibilities of anti-social tenants to address the problems of their behaviour.

We want to give applicants who are assessed as being intentionally homeless a chance to address the reasons for their homelessness. We also want to give them the support that they need to overcome their difficulties. However, we must recognise the potential disruption to communities that anti-social tenants can cause. Local authorities need to be able to take a flexible and pragmatic approach to the difficult issues that often arise in such cases. We will look at the technicalities of the bill, including the arrangements for the short SST, in that context.

I conclude by saying that the principles behind the bill are well established and widely agreed, and that I welcome that broad consensus. It is crucial that the legislation be put in place to shape the wider context in which the task force recommendations will be taken forward. Without the bill, the comprehensive and integrated approach that was set out by the task force for the long-term prevention and tackling of homelessness would unravel.

We do not enter into these commitments lightly. What the bill sets out for the future is challenging and ambitious and will require commitment and determination. Local authorities, registered social landlords, health boards and voluntary agencies will all need to play their part. The Executive has no doubt that the bill is the right way forward. We will continue to engage with all partners to ensure that the bill is implemented successfully.

If we are serious about closing the opportunity gap—as I hope that all members are—we need to tackle homelessness in all its forms. The Homelessness etc (Scotland) Bill will play a crucial part in delivering a Scotland in which we all have a secure home and a secure future.

## **Homelessness etc (Scotland) Bill: Financial Resolution**

17:01

**The Deputy Presiding Officer (Mr Murray Tosh):** The next item of business is consideration of motion S1M-3439, on the financial resolution in respect of the Homelessness etc (Scotland) Bill.

*Motion moved,*

That the Parliament, for the purposes of any Act of the Scottish Parliament resulting from the Homelessness etc. (Scotland) Bill, agrees to any increase in expenditure payable out of the Scottish Consolidated Fund in consequence of the Act.—[*Peter Peacock.*]

## Business Motion

17:01

**The Deputy Presiding Officer (Mr Murray Tosh):** The next item of business is consideration of business motion S1M-3719, in the name of Patricia Ferguson, on behalf of the Parliamentary Bureau, setting out a business programme.

*Motion moved,*

That the Parliament agrees—

(a) as a revision to the business programme agreed on 12 December 2002—

Thursday 19 December 2002

after—

“9.30 am Finance Committee Debate on its 7th Report on Stage 2 of the 2003/2004 Budget Process”

insert—

“*followed by* Procedures Committee Motion on its 4<sup>th</sup>, 5<sup>th</sup>, 6<sup>th</sup> and 7<sup>th</sup> Reports 2002 on Changes to Standing Orders”

(b) the following programme of business—

Wednesday 8 January 2003

2:30 pm Time for Reflection

*followed by* Parliamentary Bureau Motions

*followed by* Stage 3 of Local Government in Scotland Bill

*followed by* Parliamentary Bureau Motions

5:00 pm Decision Time

*followed by* Members' Business

Thursday 9 January 2003

9:30 am Debate on the draft Scottish Parliament (Disqualification) Order 2003

*followed by* Stage 1 Debate on the Council of the Law Society of Scotland Bill

*followed by* Preliminary Stage Debate on Robin Rigg Offshore Wind Farm (Navigation and Fishing) (Scotland) Bill

*followed by* Business Motion

2:30 pm Question Time

3:10 pm First Minister's Question Time

3:30 pm Executive Debate on the Review of Child Protection

5:00 pm Decision Time

*followed by* Members' Business

Wednesday 15 January 2003

2:30 pm Time for Reflection

*followed by* Parliamentary Bureau Motions

*followed by*

Stage 1 Debate on Commissioner for Children and Young People (Scotland) Bill

*followed by*

Transport and the Environment Committee Debate on its 15<sup>th</sup> Report 2002 on Inquiry into the Rail Industry in Scotland

*followed by*

Parliamentary Bureau Motions

5:00 pm

Decision Time

*followed by*

Members' Business

Thursday 16 January 2003

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 Dog Fouling (Scotland) Bill

*followed by*

Parliamentary Bureau Motions

5:00 pm

Decision Time

*followed by*

Members' Business

(c) that the Justice 1 Committee reports to the Justice 2 Committee by 14 January 2003 on the draft Extended Sentences for Violent Offenders (Scotland) Order 2003;

and (d) that Stage 2 of the Mental Health (Scotland) Bill be completed by 19 February 2003.—[*Euan Robson.*]

*Motion agreed to.*

## Decision Time

17:02

**The Deputy Presiding Officer (Mr Murray Tosh):** There are two questions to be put as a result of today's business.

The first question is, that motion S1M-3397, in the name of Margaret Curran, on the general principles of the Homelessness etc (Scotland) Bill, be agreed to.

*Motion agreed to.*

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

**The Deputy Presiding Officer:** The second question is, that motion S1M-3439, in the name of Andy Kerr, on the financial resolution in respect of the Homelessness etc (Scotland) Bill be agreed to.

*Motion agreed to.*

That the Parliament, for the purposes of any Act of the Scottish Parliament resulting from the Homelessness etc. (Scotland) Bill, agrees to any increase in expenditure payable out of the Scottish Consolidated Fund in consequence of the Act.

## Solvent Abuse

**The Deputy Presiding Officer (Mr Murray Tosh):** The final item of business today is a members' business debate on motion S1M-3526, in the name of Marilyn Livingstone, on solvent abuse. The debate will be concluded without any question being put.

I ask members who are leaving the chamber to do so quickly and quietly.

*Motion debated,*

That the Parliament recognises the work of the O'Brien family from Fife in setting up the Lee O'Brien Solvent Trust (LOST); acknowledges the very real threat to young lives posed by solvent abuse; believes that new practical preventative measures are required to control sales of lighter refill gas; notes the support of 18 local authorities for the actions of the LOST campaign and the thousands of individuals who have signed the LOST campaign petition, and considers that the Scottish Executive should take measures to increase protection from solvent abuse through education and, where necessary, legislation.

17:04

**Marilyn Livingstone (Kirkcaldy) (Lab):** In January 2002, almost one year ago, Lee O'Brien died as a result of inhaling cigarette lighter refill gas. Every year, the substance kills approximately 70 young people between the ages of 12 and 18 throughout the UK.

Lee's father, John, and his sister, Susan, along with other family members, decided to begin a campaign for tighter controls on the sale of solvents. The campaign also aims to raise awareness of the dangers among young people. I wish to acknowledge the tireless efforts of the O'Brien family in creating the Lee O'Brien Solvent Trust. John and Susan are in the public gallery this evening and I put on record my personal thanks for their dedication and tireless commitment to the campaign. I also thank members who are present this evening, and all those who supported the motion.

Hugh Henry and Helen Eadie met the family recently when they handed in their 15,000-signature petition to the Public Petitions Committee. Both members were as impressed as I am with the family's genuine commitment to the campaign. Media interest—particularly coverage by the BBC, ITV, the *Daily Record* and the Fife Free Press Group—has helped to expose the deadly threat from solvent abuse. I hope that tonight's debate and the deliberations of the Scottish Parliament and the Executive will ensure that progress will be made in the near future.

The support that the campaign has attracted has been wide ranging and much appreciated. Twenty-three local authorities in Scotland have pledged their support and I thank Fife Council—particularly

Councillor Christine May—for its help with that part of the campaign, which has been successful. More than 15,000 Fifers signed the petition and we welcome the support of Dougray Scott and Stephen Hendry, which not only helped the family but kept the issue high on the agenda. The petition is now in the hands of the Public Petitions Committee, which I hope will consider it on Tuesday 14 January.

I will quote Susan O'Brien on why the family feel that the petition and tonight's debate are necessary. She said:

"I am proud to have come this far with the campaign and we have all worked extremely hard this year. I am doing this for Lee and to help safeguard the lives of other children. I would hate for anyone to experience the loss that me and my family have suffered this year; it's such a tragic waste. If someone had taken this initiative before now, I'm sure things would be different.

I am however confident that we can make a difference and the government has a responsibility to react positively to Solvent Abuse. There is a desperate need for new measures to be taken to prevent any further deaths and hopefully this petition will help to encourage this.

The amount of support we have had is overwhelming and without this I don't think we would have got this far and for that I am very grateful."

Susan's words are quite moving. I hope members agree that she put things far more succinctly than I could have done.

The stark reality is that solvent abuse kills. More than 2,000 deaths from solvent abuse have been recorded in the United Kingdom, with approximately 70 deaths every year. The threat cannot and must not be underestimated. The product is freely available—it is sold over the counter. We ask the Executive to take measures to increase awareness and protection for our young people through education and, where necessary, legislation.

We believe that practical, preventive measures are required to control the sale of volatile substances. In particular, we want the age at which a person can purchase such products legally to be increased. Perhaps the Executive could consider a requirement for proof of age, similar to that for buying tobacco and alcohol.

Reduction of the size of canisters from 250ml to 50ml might also help to dissuade young people from buying the products. We would also like the canisters to display warnings about the dangers, which should be backed up by a campaign of warning posters in retail outlets. In addition, a test-purchasing campaign should be undertaken to expose shopkeepers who fail in their legal duties. We hope that the minister will consider setting up a pilot scheme in Fife to trial the effectiveness of test purchasing, which we believe would be a significant step forward.

The campaign has the support of the Society for the Prevention of Solvent and Volatile Substance Abuse—Re-Solv—and I thank Ralph McGregor, who is also in the gallery, and Warren Hawksley and for their support, advice and help.

On the effects of solvent abuse, Re-Solv states:

"The products abused are volatile by name and by nature. There is no real uniform pattern of effect on an abuser. One instance of abuse may result in a very limited bodily reaction. The next time may induce death. Re-Solv has recently been working with the slogan 'A Loaded Gun', inferring that those abusing cannot predict the risks of each incident."

That is why education and awareness raising are important. We welcome the £13 million for drug treatment and the £20 million for rehabilitation. In particular, we welcome the £20 million for drug work targeted at children and young people.

We do not question the Executive's commitment to tackle the problems associated with drugs and volatile substances. However, we ask for sustainable resources to be targeted at the solvent abuse threat. We will meet the minister and Re-Solv early in the new year to discuss the know the score campaign and how we can best get our message over. We look forward to working with the minister and the Executive on the issue and on all the other issues that will be raised in the debate.

We know that lighter refill gas is a hidden killer that must be exposed at every opportunity. Too many young lives have been lost. We owe it to Lee O'Brien and others like him to succeed in our campaign.

17:10

**Helen Eadie (Dunfermline East) (Lab):** I congratulate Marilyn Livingstone on securing the debate—I know how important the issue is to her and to the O'Brien family. I hope that John and Susan O'Brien, who are in the public gallery, will take some comfort in the fact that the Scottish Parliament and the Executive are taking solvent abuse so seriously. The loss of Lee's young life from sniffing and inhaling cigarette lighter fuel is such a tragedy that the O'Brien family deserve our absolute support.

The tragedy that affected the O'Brien family is not an isolated incident. For that reason, Re-Solv has been working in Scotland to continue to fight for action to stop the waste of life that follows the misuse of volatile substances. From the literature that Re-Solv has given me, I note that there is a solvent abuse clinic in Craigmillar medical centre that targets young people of school age. I am sure that that initiative is not the only one, but we need to work with the Executive to promote awareness of the places where the public can go for help and

information if they encounter the problems that the O'Briens have encountered.

It is important to highlight the efforts of local government, which has recognised that it is not enough to offer sympathy alone to families such as the O'Briens. If the loss of Lee's life is to mean anything, we need to take action. Recognising the tragedy, Fife Council has spearheaded a campaign and secured overwhelming support in Scotland. It hopes that action will follow as a result, and local authorities throughout Scotland have signed up to give their clear support. The actions that Fife Council has called for include backing the Lee O'Brien Solvent Trust, which was launched in March after Lee's death, in its call for a change in the law to make shopkeepers record every sale of solvents by asking for identification and a signature. The council also supports work with young people through the substance misuse education programme to raise awareness at an early age about the dangers of solvent abuse. The council is also involved in promoting alternatives for bored youngsters, such as the Fifestyle card.

Representations have been made by the Fife drugs and alcohol action team to an independent committee that is considering tightening up sales of alcohol to under-18s, calling for the same consideration to be given to solvent sales. Fife Council has called for action to be taken to heighten awareness among retailers and relevant professionals about the dangers of selling solvents to young people. It will also monitor proof-of-age card pilot schemes in other parts of Scotland to see whether a similar scheme could be introduced in Fife.

As deputy convener of the Public Petitions Committee, I was privileged to be asked to receive the petition from John and Susan O'Brien. I hope that the committee will be able to identify ways of helping to secure the necessary action, although I am sure that the minister will probably pre-empt us today, as I know that he, too, is sympathetic to the issue. I also hope that the committee will help to promote the critical message of making everyone aware of the dangers. Let us not make Lee's life one that was lost in vain. Let us make it mean something, which would give comfort to the O'Brien family.

17:14

**Tricia Marwick (Mid Scotland and Fife) (SNP):** I start by congratulating Marilyn Livingstone on securing the debate and, more important, on all the support that she has given to John and Susan O'Brien in their campaign. Anyone who has watched the campaign carefully would recognise that it is a tribute to both the O'Brien family and Marilyn.

Lee O'Brien's death was a great tragedy. The biggest tragedy of all is that, while we are putting resources into tackling drugs and alcohol, we are putting very few resources into tackling solvent abuse or even into raising awareness about solvent abuse. Some 10 or 15 years ago, solvent abuse was something that was spoken about quite often, because that was what many young people indulged in. Unfortunately, we now concentrate so much on drugs and alcohol abuse that we have all but forgotten that solvent abuse is still going on. It is only when there are tragedies such as that of Lee O'Brien that the public and politicians focus on the problem.

Lee's death has highlighted the issue once more. It is not an issue that has gone away, but one that continues to damage people, with 70 young people dying every year in the United Kingdom through solvent abuse. That means 70 wasted young lives and 70 destroyed families. That is why it is important that we congratulate the O'Brien family on putting their grief to one side and campaigning to ensure that we raise awareness about solvent abuse in general and the abuse of lighter refill gas in particular.

I congratulate Fife Council and the other local authorities that have signed up in support of the campaign. They know the problems in our communities, and it is vital that we recognise where all the pitfalls are for young people. We must raise awareness and ensure that the resources are in place. If we are not considering legislation to encourage retailers to address their responsibilities, we should be ensuring that, even without legislation, retailers take responsible social action and do not sell solvents such as lighter fuel to young people in the quantities that they are undoubtedly selling them in. The retail community has a responsibility, notwithstanding any need for future legislation. Retailers must address what they are doing to our communities and we need to raise awareness within the retail community.

I ask the minister to respond positively to the pleas of Marilyn Livingstone and to the campaign by the O'Brien family, who have come to the Public Petitions Committee and have now had their campaign highlighted in the Parliament. I ask the minister to make a positive contribution to the debate, so that we can see where we can go and how we can help the O'Briens' campaign. We need to know how we can raise the issue of solvent abuse among parents, young people and retailers, to ensure that no other young lives are wasted.

17:18

**Mr Tom McCabe (Hamilton South) (Lab):** This is an important debate on a subject that has caused much heartache to families in Scotland

and throughout the United Kingdom. Like other members, I too congratulate Marilyn Livingstone on pursuing this important topic as a members' business debate.

Too many young lives have been lost for far too long. Tragically, statistics tell us that young people continue to lose their lives, unaware of the great dangers inherent in solvent abuse. If too many die, it is frightening to think of how many are damaged through prolonged use and how many families are having to cope with a type of addiction that is not recognised as widely as some others are. We urgently need more information on the scale and impact of that tragic addiction, and we need test purchasing to start now. We have waited too long. Test purchasing is a vital aspect of the campaign to reduce the incidence of solvent abuse. It needs to start and the prevarication needs to stop.

We need to step up public information campaigns to bring the full dangers to the attention of young people and their parents. We are about to consider the Commissioner for Children and Young People (Scotland) Bill. Having been involved in the scrutiny of the financial memorandum for that bill, I am well aware that we may be about to allocate a very substantial budget to ensure its successful implementation. I have no doubt that many demands will be placed on the new commissioner. Perhaps we can be among the first to make a request, by asking the commissioner, as they connect with young people, to impart knowledge of the danger of solvent abuse.

When the minister replies to the debate, I hope that we will hear how the Executive intends to focus on that terrible danger to the young and not so young alike. I hope that we will hear who will tackle the issue and how they will be asked to do so. Just as important, I hope that we will hear when that will happen.

17:20

**Lord James Douglas-Hamilton (Lothians) (Con):** I welcome Mr Tom McCabe's comments and I congratulate Marilyn Livingstone on her success in raising the matter and on her persuasive speech.

People's first thoughts of solvent abuse are usually about glue sniffing, but abusers do not sniff only glue. Solvents include all substances that contain butane or propane gas, trichloroethylene and tetrachloroethylene. That means that gas refills and lighters, some aerosols, some air fresheners, some paint thinners and correcting fluid—all of which contain butane or propane—can be sniffed.

Lighter fuel gives a temporary high when it is sniffed, but can cause side effects such as

vomiting and dizziness, and can kill. It can cause suffocation in 20 seconds or leave people with serious brain damage. Between 1971 and 1999, there were 1,857 deaths in the United Kingdom related to volatile substance use, 250 of which occurred in Scotland.

We express our deepest sympathy to John O'Brien and his family and we are aware that his son Lee died from inhaling butane gas. John O'Brien established the Lee O'Brien Solvent Trust in a bid to prevent more deaths. Recently, he met the Deputy Minister for Justice, Hugh Henry, and handed over a 15,000-signature petition that called for a ban on sales to youngsters and for the tightening of regulations on selling solvents.

The campaign is intended to combat, and inform young people of, the devastating effects of solvent abuse. It is aimed at the Scottish Parliament and bids to change the laws on butane gas that is sold as lighter fuel and to introduce preventive safety measures to eradicate solvent abuse.

Before 1985, Scots courts established that supplying such substances was an offence under Scottish common law, which classifies as criminal actions that are deemed wilful and reckless and that injure another person. David Marshall's Solvent Abuse (Scotland) Act 1983, which I supported in the House of Commons, strengthened the law further. The act made sniffing volatile substances a ground for referral to the children's panel. In the light of what has happened, it is time to revisit the subject, which is important and distressing.

John O'Brien wants Scotland to be brought into line with the rest of the UK, where trading standards officers can undertake test purchasing by sending children into shops to try to buy alcohol, tobacco and lighter fuel. Officers in Scotland are prohibited from doing that. That might be entrapment, but we would not object to it, as young people's lives are in danger. Will the minister explain his position on that? I hope that he will give us some assurance.

I support Marilyn Livingstone's aims. I believe strongly that her motion, which is about protecting our young people from the inherent dangers of solvent abuse, is necessary and timely. We are interested in putting in place the strongest anti-drugs measures, such as tougher enforcement, better drugs education and enhanced treatment and rehabilitation services. We look forward to learning how the minister intends to find the best ways forward.

17:24

**The Deputy Minister for Justice (Hugh Henry):** I congratulate Marilyn Livingstone on the motion, which allowed us to have the debate. I pay

tribute to John O'Brien and his family. We need to acknowledge the role that the O'Brien family played in prompting the debate. That is not to be churlish by denying Marilyn Livingstone's role, but without the O'Brien family's concerted activity, neither she nor anyone else could have facilitated tonight's debate. The tribute to the O'Brien family is more meaningful if we understand the circumstances in which the debate takes place. It is right to convey our sympathy and condolences to the family, but we should also convey our admiration for their courage in adversity and our gratitude that they are determined that something should result from the tragedy.

Recently, I met the O'Brien family when they visited Edinburgh with Marilyn Livingstone to present a petition to the Parliament. I listened to what they said and was moved by their resilience. I could empathise, to a large extent, with what they said. I have two daughters and one son, who is only a year older than Lee was. I thought, "There but for the grace of God go I, or any member of my family." The meeting brought home to me starkly the fact that none of us can be complacent about what our children are doing and that none of us can take it for granted that our children will be safe from society's horrors. In a much more meaningful way than any document, report or paper could do, the meeting brought home to me what solvent abuse does to ordinary families throughout Scotland and the United Kingdom. The O'Briens could have been my neighbours. Our family or friends' families could have been affected, but the O'Briens were. They have stuck with what they are doing and are determined that some good can come of things.

Unfortunately, far too many young people are exposed to solvent and alcohol abuse and drugs because of their immaturity or foolhardiness. They think that they are invincible and that things will never happen to them. Too many succumb. In the past couple of weeks, there has been a tragic case in Paisley, in which a 16-year-old girl died as a result of consuming a mixture of cannabis, ecstasy and alcohol. Another family was blighted by dangerous and inappropriately taken substances. John O'Brien and his family have said that huge attention has been paid to drugs and alcohol and that solvent abuse has somehow been left off the front pages. John O'Brien is right to remind us of the dangers of solvent abuse.

We are talking about cheap substances that are widely accessible alternatives to alcohol and illegal drugs. Many youngsters might dabble once or twice and not return to them, but others persist. Unfortunately, even the first or second incident can be fatal. While such substances are not physically addictive and dependency is rare, some people will regularly indulge in them, despite the fact that taking them irregularly can be dangerous.

It is possible to develop a tolerance for butane that can lead to the intake of several cans a day, which entails many risks. Such substances are not only volatile, but the use of them and behaviour resulting from them can be volatile. Young people are playing Russian roulette with their lives. We need to be aware of the significance of exposure to and use of such substances.

Members have raised similar issues. I hope that some legal issues that are reserved matters for our colleagues in the UK Parliament will be considered, but what can we do? The issue of test purchasing has been raised. There is a role for trading standards officers throughout the country in considering the current law and how it should be applied, determining what can be done and identifying gaps in legislation.

One of the matters that we must reflect on carefully in relation to test purchasing is the problem about evidence in Scots law, to which Lord James Douglas-Hamilton and others have referred. We need to consider some issues carefully to ensure that there is no danger that we are encouraging incitement or entrapment, which would invalidate the evidence. The Executive and the Lord Advocate are sensitive to that issue. The Lord Advocate has relaxed prosecution policy in four pilot areas to see whether the use of test purchasing can be sustained in law. Although that experiment was driven by tobacco sales, the fundamental legal issues are the same. The experiment will start in February next year and run through the year, and we can apply anything that we learn from it about sales to under-age children across all substances, including volatile substances.

I will make a suggestion, which is not about the Executive ducking responsibility. Given that the four pilot areas will be up and running in February, it is unlikely that we could do anything more quickly that would throw up evidence in relation to solvent abuse. If someone sells alcohol, tobacco or solvents to under-age children, they are breaking the law and we need to do something about it. We will learn lessons from the pilot areas about how we tackle the problem.

One thing that Fife Council could reasonably do now would be to consider whether it could run test-purchase schemes. Under current rules, the evidence would not be admissible in court but it would demonstrate the scale and extent of under-age sales—particularly of solvents—which would be of enormous benefit in determining whether anything further could be done. Although Fife Council might not be able to prosecute on the basis of such evidence, it could establish facts and figures that could help the Executive to determine whether more legal action is required. I would be willing for our officials to talk to Fife Council to see

whether its trading standards officers could run test-purchase schemes on the issue. We could then reflect on the evidence.

If the pilot schemes show that abuse is happening throughout the country, we will take whatever action is necessary to tackle the problem. Although the pilots will focus on tobacco, the results will be applicable to other issues. Something practicable can be done. I hope that Marilyn Livingstone can facilitate some discussion with Fife Council to see whether that approach could make a contribution.

We are aware that education is of fundamental importance but, as I said, young people think that they are invincible and that it will never happen to them. We must ensure that education on solvents, like alcohol and drugs education, is pitched in a way that gets information across to young people, and make it clear that we are not lecturing them, preaching to them or ordering them about. We must encourage better understanding of the dangers.

Scotland Against Drugs and the Health Education Board for Scotland have produced a booklet, "The facts of drugs: a parents guide", which includes a section on volatile substances. That publication is currently being updated. A Scotland Against Drugs publication, "Drugs: know your stuff", which is widely available, also deals with solvent abuse. Anyone who is concerned about volatile substance abuse—parents, teenagers or children—can contact our free and confidential "Know the Score" information line to speak to a trained operator. Logging on to the "Know the Score" website also gives access to a great deal of information.

Like Marilyn Livingstone, I pay tribute to the work of the charity Re-Solv, including its video "A Loaded Gun". Re-Solv has provided a lot of supporting information, which is being distributed widely in schools.

We cannot be complacent. Although the number of people in Scotland who die from solvent abuse is far smaller than the number who die from drug abuse, any death is one too many. The death with which the O'Brien family have had to cope should be a telling lesson for us all. Such an incident can happen to any of us, anywhere, at any time. The O'Brien family are to be commended and thanked genuinely for allowing us the opportunity to reflect on a serious issue that still blights and destroys far too many lives in Scotland. I will do what I can—and the Executive will do what it can—to support the on-going work to ensure that substance abuse is taken seriously.

*Meeting closed at 17:35.*



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