

MEETING OF THE PARLIAMENT

Thursday 27 February 2003

Session 1

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Scottish Parliament

Thursday 27 February 2003

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

“Partnership for Care”

The Presiding Officer (Sir David Steel): Our first item of business is a statement by Malcolm Chisholm on “Partnership for Care: Scotland’s Health White Paper”.

09:30

The Minister for Health and Community Care (Malcolm Chisholm): Today’s white paper, “Partnership for Care”, is about the promotion of health in the broadest possible sense, and the creation of a health service that is fit for the 21st century. At the heart of the white paper’s vision is a culture of care that is developed and fostered by a new partnership between patients, staff and Government.

In the next session of Parliament, we plan to increase investment in health from £6.7 billion to £9.3 billion, which is an annual increase of 5.5 per cent in real terms. That is high by historical standards, but it will deliver the necessary improvements only if it is matched by a programme of modernisation that is based on patients’ needs. Our aim is to have a national health service that delivers faster and better-quality health care and that delivers that care at local level whenever it is safe and practical to do so. We want a service that responds to patients’ needs and the interests of local communities and that meets national standards of health care.

Those objectives require new reforms that will streamline the NHS so that it relies on simpler structures that have stronger local roots. That will require devolution of authority to front-line units and promotion of integrated services for the convenience of patients, which is what the white paper aims to deliver. The white paper sets out radical measures to achieve those objectives. Of course, the implementation of the measures, including the legislation that is involved, must be a matter for the next session of Parliament.

By redesigning services, we can deliver a new pattern of local health care services. At local level, health professionals have established local health care co-operatives to enable them to plan and manage services on behalf of their communities. We propose to build on the LHCCs, to match them better with local authority social work services and to ensure that they have stronger roots in their

communities. We will strengthen the LHCCs to become new community health partnerships, which will be based on those teams of primary care professionals, and we will empower them to serve their communities within local NHS systems, with appropriate resources and devolved authority.

Our emphasis on integration and decentralisation has implications for the future of NHS trusts. The existence of separate NHS trusts that cover the same areas as NHS boards has not yielded clear benefits, but has confused accountability and obstructed the integration of services. We shall require NHS boards to submit plans to dissolve trusts and to establish decentralised operating units that have a strong role for front-line staff. By bringing together the boards and trusts, we will reduce bureaucracy and produce efficiency savings for front-line services.

Within NHS boards, we shall ensure that there is a leading role for health professionals to drive forward the necessary changes in the service. We will require each NHS board to establish a service redesign committee that has the strong involvement of clinicians and other health professionals and which includes representation from each community health partnership. We will require boards to produce service redesign plans to show how they will tackle the challenge of modernising services. We will support the boards with a new change and innovation fund, which will provide an extra £26 million for NHS boards in the next financial year. The centre for change and innovation will also support boards by funding pilot projects, supporting redesign and helping to share best practice.

The challenge of redesigning services will not be met by professional experts working in isolation; rather, NHS boards will need to engage better in public consultation. A new Scottish health council will promote the involvement of patients and the planning and delivery of better services. At local level, we will require community health partnerships to engage with their communities through local public partnership forums.

Our first priority in improving services must be to improve waiting times, because that is what we hear patients express concern about first. Today, the latest quarterly report on the performance of the NHS in reducing waiting times is published and it shows how the service is making real progress. By the end of 2002, the NHS had met its target of ensuring that no one waits more than 12 months for in-patient treatment. The number of people who had to wait nine months before receiving treatment had fallen to the lowest level since the census began in 1992, and there was a 48 per cent reduction in those waiting more than nine months for in-patient and day-case treatment between September and December last year.

Therefore, our initiatives to tackle waiting times are now bringing concrete results. A lot has been done, but there is a lot more still to do.

If we look more closely, we can see actual examples of sharp cuts in waiting times that have happened through the redesign of services. For example, in Ayrshire and Arran, the development of a one-stop diagnostic clinic in urology, and the nurturing of team working have reduced waiting times from about 40 weeks in August 2002 to 12 weeks now. Major national work has been launched to reduce out-patient waiting through redesign and other changes.

Earlier this month in Dundee, the First Minister announced the next stage of our approach on waiting times. For the first time, we are giving a guarantee of treatment on time. We will guarantee treatment within national waiting times—initially for coronary heart disease procedures—for all in-patient waiting by the end of this year. We will set new clinical targets for specific conditions such as hip operations or cataracts, and NHS boards will set new local targets to drive up performance ahead of the national targets.

Waiting times, however, are just one element of the new emphasis on standards and quality of service in NHS Scotland. In Scotland, we have an international reputation for our work on measuring the quality of care; we are determined to sustain that. We will underpin the drive to tackle standards by ensuring that there is independent inspection and audit, as well as by publishing the findings. We will review our systems of incentives for good performance and support for weak performance, and we will ensure that we have powers to intervene effectively when there is service failure.

A key theme of the white paper is the importance of partnership working among different parts of the health service, patients and social care. We believe that that approach will encourage the development of integrated services that are in line with the wants and needs of patients. We shall break down the traditional barriers between primary and secondary care and between health and social care. One important way of doing that will be through support for the development of managed clinical networks for cancer, coronary heart disease, diabetes and many other conditions. Community health partnerships will also have an important role to play; they will establish substantive partnerships with local authority services and will act as the focus for integrating local health services, both primary and specialist.

Information technology, or e-health, is an important tool for change and integration. We shall invest in clinical information systems, require the appointment of a clinician as director of clinical information in each NHS board area to champion

that work, and work towards an integrated care record that is owned jointly by the patient and their health professionals.

Patients must be at the centre of all this drive for reform. We have talked for some time about patient-centred services, but today we are signalling a step change so that looking at services from a patient's point of view becomes the key driver of change in the health service. That will have specific outcomes, such as a new complaints procedure, a patient information initiative and a new statement of patient rights and responsibilities. However, underlying those specific initiatives is a more fundamental culture change that involves patients at every stage as partners in care and as key contributors to quality improvement.

There is also a new emphasis on the role of staff, particularly front-line staff, as leaders of change in the health service. We shall increase the capacity of the NHS work force, develop new work force planning arrangements, improve opportunities for continuing professional development and establish reformed pay systems. We shall also ensure that health care teams are given the support, the tools and the freedom to redesign services and improve patient care.

All those measures will ensure the improvement and modernisation of health services, but we will never achieve the health outcomes we want unless there is parallel progress on the broader health improvement agenda. That will require a sustained effort that involves not just the Scottish Executive and NHS Scotland but local authorities, employers, trade unions, community planning partners and local communities.

We will publish soon a health improvement challenge to set out in more detail how we will focus actions on four groups: children in the early years, teenagers, people at work and local communities. We are backing that up with plans on a range of measures to improve health that will cost almost £250 million over the next three years. Underpinning all that will be action to narrow the health gap between the poorest and richest communities through targeting health improvement initiatives and particular focus on community action. The NHS itself has an important role to play in promoting good health. We need to ensure that front-line NHS staff, especially the primary care teams in communities, work to promote good health.

The "Partnership for Care" white paper signals a direction of travel to enable us to go forward together. It takes a broad view of health and it puts patients first. It recognises the importance of national standards of health care and of independent inspection of performance, and it sets out specific reforms to devolve power, involve

health professionals, modernise services and so reduce waiting times. It is a comprehensive but pragmatic set of reforms that address the real challenges that face the NHS in Scotland. Many of those reforms will require legislation by the next Parliament and I commend them to the Parliament.

Nicola Sturgeon (Glasgow) (SNP): I thank the minister for his statement, which is an attempt—albeit a poor one—to deflect attention from the fact that, according to today's figures, there has been no improvement whatever in median waiting times.

There are one or two good ideas in the white paper, but I say that because most of them are SNP ideas. Does the minister recall that, in May 2002, I said that we would strengthen local health care co-operatives? Today, he says that he will build on LHCCs. Does the minister recall that, in May 2002, I said that we would abolish health trusts? Today, he says that he will dissolve health trusts. Does the minister recall that, in May 2002, I said that we would establish an independent health inspectorate? Today, he says that he will ensure that there is independent inspection. I am glad that the minister is listening.

However, will he listen a bit more closely? Will he agree that the proposals in the white paper will, on their own, do nothing to reduce waiting times—which is, after all, what matters most to patients? Will he agree that, in order to do that, he must adopt two more SNP policies that are designed to tackle the core problems in the national health service, which are undercapacity and the fact that there are too few beds and too few front-line staff? First, will the minister today commit to a national beds review, such as that which has been carried out south of the border, to ensure that the health service has the right number of acute beds to meet demand? Secondly, will the minister pay our nurses 11 per cent more than the United Kingdom settlement, to give Scotland a competitive edge in recruitment to ensure that we have enough nurses in our hospitals to treat more patients and to do so more quickly?

Malcolm Chisholm: I note with interest the fact that Nicola Sturgeon says that she had a policy in May 2002—although she has not been promoting it very widely in the past year—to strengthen LHCCs. I refer her to the debate on primary care on 25 April 2002—which, by my reckoning, was before May 2002—in which I made strong statements in favour of primary care throughout my speech. I have been consistent in advocating that more power and responsibility be devolved to primary care, not only during my time as the Minister for Health and Community Care, but for several years before that.

The main point that Nicola Sturgeon made was about waiting times. I am glad that she spared us

the disgraceful misrepresentation of the issue that she gave in a press release yesterday, which was the most disgraceful misrepresentation that I have seen since I became an MSP. In effect, she said that everybody who has waited longer than nine or 12 months should be counted. I am quite happy to speak from experience today and advise Nicola Sturgeon that I have been on a deferred list for a minor leg operation; however, I will now be transferred to the single list, because I have abolished the deferred list. I will have a guarantee exception code, as I should have, because I have said that I do not want the operation at this time: people will understand that I am quite busy. Why should I be counted among the figures that Nicola Sturgeon cited yesterday to peddle misinformation about the state of waiting in the Scottish health service?

Nicola Sturgeon says that there is nothing about waiting in the white paper; perhaps she will read it more carefully in the next hour or two. There is a major emphasis on service redesign. I admitted in the debate yesterday that we need to take more radical approaches to out-patient waiting in particular and we will do that. That is the centre for change and innovation's first priority.

On in-patient waiting, Nicola Sturgeon should acknowledge the progress that is reflected in today's figures and the fact that the series of initiatives that we have taken in relation to using the private sector and the Golden Jubilee hospital has had some effect. It would be better if members took a more balanced attitude towards such problems—as they did yesterday—and recognised that what I said about a lot having been done, but there being a lot still to do is the correct approach to these matters.

The Presiding Officer: I advise the Parliament that 14 members would like to ask questions. If there is to be any hope of calling them all, we need brevity in these exchanges.

Mary Scanlon (Highlands and Islands) (Con): I find the white paper interesting. It feels very familiar to one who has read the Executive's health plan, "Our National Health: A plan for action, a plan for change". As we have received the white paper only in the past hour, I have examined the summary, which is the best thing to do when time is short.

The white paper proposes "Unified NHS boards", which have already been delivered, under section 4 of the health plan; change and innovation centres, which are promised in section 9 of the health plan;

"A Patient Information Initiative and a new complaints procedure",

which are mentioned in section 5 of the health plan; health improvement initiatives, which appear

in section 2 of the health plan; "New Community Health Partnerships", which is a new name for the joint future agenda;

"A new Scottish Health Council",

although health councils already exist; and guarantees and targets for waiting times, which the Executive has been giving us for four years. My question for the minister is this: what is new?

Malcolm Chisholm: We are prepared to admit that we are building on the health plan. I have talked to NHS staff over the past year, and the last thing that they want is complete structural upheaval of the health service. The white paper builds on the health plan and carries it forward in significant ways. My statement indicated the new ways in which we are carrying the initiatives forward. I highlight in particular the move towards a decentralised and integrated system that carries forward significantly what was outlined in the health plan.

Everything that I mentioned in my statement is new. The community health partnerships will strengthen LHCCs and build on their good aspects. We have set up a new body to provide independent inspection, building on the health plan and carrying it forward in significant ways. Our health improvement strategy started with the £26 million health improvement fund, but we are now putting far more money into it and we are targeting our efforts to achieve the step change that is required in health improvement. I am proud to announce continuity that is balanced with significant new steps and a new emphasis on the devolution of power to front-line staff, with a more fundamental role for patients at the centre of the health service.

Mrs Margaret Smith (Edinburgh West) (LD): I thank the minister for his statement. There is quite a lot to welcome in it, especially the health improvement challenge. Not only the concept of the challenge, but the £250 million is very much to be welcomed. I also welcome the devolution of decision making.

However, one of the concerns that many members have had about the LHCCs is that they have been patchy throughout the country. In certain areas they have been very good, but in other areas they have been non-existent. Can the minister tell us whether community health partnerships will spell the end of LHCCs? When the appropriate resources and responsibilities are devolved to them, will they also become fully accountable, and will he anchor them in legislation in due course?

It would also be interesting to know how community health partnerships will work with local authorities to deliver the whole community care joint future agenda. I agree with the minister that

NHS staff who talk to us tell us that they do not want wholesale reorganisation of the service. Can the minister assure us that this is not change for change's sake, that NHS trusts will be replaced by local alternatives that have been well thought through, and that there will not be a vacuum?

Malcolm Chisholm: I agree entirely that we do not want wholesale reorganisation. That repeats the point that I made to Mary Scanlon: we want change without upheaval. What we propose for LHCCs is a good example of that. We will see the evolution of LHCCs, building on the strengths of LHCCs but using them as a basic building block for the health service.

In my statement, I talked about strengthening the LHCCs. We will anchor them in legislation and, to ensure local accountability, we will set up public partnership forums for each LHCC. Therefore, we will build on the strengths of the LHCCs, which we consider to be fundamental building blocks, especially in terms of our emphasis on devolving decision making and power to front-line staff.

Mr Duncan McNeil (Greenock and Inverclyde) (Lab): I welcome the minister's statement and its attempt to tackle bureaucracy and give patients a greater say. The minister will be aware that Argyll and Clyde NHS Board is creating a single board structure and that staffing difficulties are creating a pressure to centralise services, especially maternity services. How can the minister reassure my constituents that the reforms that he outlined in his statement will give patients a real say in the NHS and halt the march towards centralisation of services?

Malcolm Chisholm: I am glad that Duncan McNeil welcomes our pledge to tackle bureaucracy to a greater extent. It is obvious that we have made great advances from the internal market bureaucracy that existed under the previous Administration. Argyll and Clyde NHS Board is a good example to give, because it has made the decision to go for single-system working. I know, having talked to several people in Argyll and Clyde, that the board's decision has been widely welcomed. Clinicians in particular welcome the fact that they are involved in discussing how the new forms of services will develop.

Duncan McNeil made an important point in relation to his concerns about centralisation of services. A key message of the white paper is that, over time, more services will be developed in primary care settings and community settings. The fact is that upwards of 80 per cent of health service activity takes place in communities. However, some services must be concentrated in specialist units. That is the hard issue that arises in relation to acute service reviews; it is an issue in Argyll and Clyde and in Glasgow. One of the white

paper's points is that we want to, and will, involve the public far more effectively in discussions about reorganisations than we did in the past.

Shona Robison (North-East Scotland) (SNP): Does the minister appreciate how fed up the public are becoming with glossy documents being produced but no action being taken? Is it not time that there were fewer documents and more action to address the core problems in the NHS, which are lack of beds and a lack of staff? When will we see progress on those matters? Does the minister think that it is a bit desperate on his part not to describe progress on waiting times as being encapsulated by an increase in out-patient waiting times? Does he think that progress on in-patient waiting times is represented by—according to the figures that were produced today—a staggering 0.4 per cent increase? Does his claim that those facts show progress in waiting times not reflect desperation on his part?

Malcolm Chisholm: I am not sure what the 0.4 per cent refers to. I have been open and frank about the need for more radical solutions to tackle out-patient waiting times. That is why the issue has been at the top of my agenda and the First Minister's agenda over the past few months. We have started work on waiting times with the centre for change and innovation. I am always willing to admit failure to make progress in an area but, equally, Opposition parties should acknowledge that progress has been made in some areas. That point was a key feature of a parliamentary debate yesterday.

I talked to staff at Edinburgh royal infirmary today and a doctor said to me exactly what I said in the debate yesterday, which is that there is nothing more demoralising for staff than to hear relentless negativity. Let us hear about the problems, but let us also hear about the success stories. Shona Robison knows that in her part of the world, which I have visited more than once recently, Tayside NHS Board has many success stories. That health system has been turned around in the past three years and is trail-blazing in many important ways for patients.

We are, of course, taking action on staff; staff numbers will be announced tomorrow. The numbers of qualified staff—nurses, doctors and other staff—are increasing. We said in the Scottish budget that there will be 600 more consultants in the next three years of the spending review period. No issue has been more important to me over the past year than recruitment and retention of nurses. The issue is partly about pay, which the "Agenda for Change" seeks to address, but many other issues are involved in recruitment and retention of nurses, including issues around continuing professional development, which is highlighted in the white paper. We believe that, as a

fundamental part of dealing with those problems, we must increase the health service's capacity.

However, the difference between the Labour party and the SNP is that we realise that more is required and that we must work differently. A key message that I also got this morning at Edinburgh royal infirmary is that we need people in health-care teams—which are the basis of the white paper—to work in different ways and, in some cases, we need people to perform different roles. We are prepared to put in the money and to modernise and reform, but the SNP wants to put in money—which it does not have—and to change nothing.

Dr Richard Simpson (Ochil) (Lab): I must begin by declaring that I am a member of Amicus MSF, the British Medical Association, the Scottish Association for Mental Health, the Royal College of General Practitioners and the Royal College of Psychiatrists.

I welcome the tenor and approach of the minister's statement, which builds on the changes that we have been making since 1997. The recognition of the need for service redesign is now made explicit, as is the imperative of integrated primary and secondary services. A clear definition of the role of community health partnerships, which embraces the best practice of the LHCCs, is particularly welcome.

I want to ask the minister about the IT systems that are needed to underpin an integrated national health service. The NHS IT systems are ineffectual and dysfunctional. The general practice administration system for Scotland, which is the primary care system that is used by 85 per cent of GPs, has always been the poorest of the UK systems. What will the minister do to ensure that the IT proposals in the white paper will not be just another piece of rhetoric, such as we have heard repeatedly from health service executives over the years? In addition, will the minister consider using the proposed new community hospital in my constituency, which is to provide integrated primary and intermediate care, as a model for the vertically integrated networks that are crucial to the delivery of care for diseases such as diabetes and respiratory disease? Finally—

The Presiding Officer: Order. I think that that is enough. Mr Chisholm will reply.

Malcolm Chisholm: I welcome the proposed community hospital to which Richard Simpson referred, which is precisely the model of care that is encapsulated in the white paper in terms of more being done in community systems to link in an integrated way with more specialist services. Richard Simpson is right that IT—or e-health, as I prefer to call it—is fundamental to integration; it is

one of the subjects about which I have listened this year. Certainly, I was no expert in IT matters a year ago.

Clinicians throughout the country have told me repeatedly about the fundamental importance of e-health for developing integrated care. That is why we have such an important section on e-health in the white paper. We will require a clinician to be appointed director of clinical information to lead change in each NHS board area because one of the messages that I have heard is that e-health should be led by clinicians. However, I shall chair the e-health programme board as a mark of the importance that I attach to e-health.

Ben Wallace (North-East Scotland) (Con): I thank the minister for the advance copies of his statement and the "Partnership for Care" white paper.

Page 35 of the white paper, on the development of partnership integration and redesign, states:

"If necessary, we will bring forward legislation to require NHS Boards to devolve appropriate resources and responsibility for decision-making".

Does that mean that the minister will devolve funds to LHCCs or to community health partnerships? Will he allow those partnerships to commission care from outwith their board areas? If he answers yes to either of those questions, will not that just be the reintroduction—under another name—of the internal market?

Malcolm Chisholm: Resources and decision making will be devolved; that is a fundamental message of the white paper, but trusts will be dissolved only on the condition that decentralisation schemes are in place.

However, we do not believe in recreating the internal market. In fact, the abolition of trusts will get rid of the last vestiges of the internal market because the funds that primary care will have will not be for the commissioning that existed under the Tories. That is a key point, because there is no doubt that people will try to make general descriptions of what my statement proposed. What we propose is a non-market system of decentralisation that contrasts with the Tories' internal market, which was a centralising system. There was never as much command and control in the health service as there was under the most recent Conservative Government's management executive.

People will try to distort what I have said today as being about centralisation, but the key or fundamental message of the white paper and of my statement today is that we will have a more decentralised health service with more power to front-line staff.

Paul Martin (Glasgow Springburn) (Lab): I welcome the minister's commitment to scrap the health trusts, but I seek an assurance from him that there will be a genuine cull of the unnecessary bureaucracy and senior management posts in the trusts. Will the resources that are freed up by that process be made available to the front-line staff who serve in our local trusts and provide an excellent service?

Malcolm Chisholm: As I indicated in my statement, there will be savings in bureaucracy. At the same time, I want to send out the strong message, which is contained in the white paper, that we attach a high importance to operational managers. It is important that we recognise that the health service has not been well enough managed. We want improved management. I want to send out a positive message about management, but I link that with the strong message that managers and clinicians must work together better, as that area has been one of the historic problems in the health service. I expect and will encourage a culture of mutual respect, in which the importance of clinicians and managers is recognised.

Brian Adam (North-East Scotland) (SNP): Will the minister please review the position on in-patient waiting times for cardiac surgery? I ask him to do so particularly in light of the fact that the existing spare capacity in both Grampian and Lothian is being used to allow private patients to queue-jump using NHS facilities and NHS surgeons. Will he give us an assurance that the existing capacity in the NHS will be used for cardiac surgery so that people do not have to be sent to private hospitals or abroad?

Malcolm Chisholm: In-patient waiting times for cardiac surgery are one area in which we have had a significant fall, although we want to see further improvements. The median waiting time for cardiac surgery has fallen from more than 150 days at the beginning of the Parliament to fewer than 50 days now, but there is room for further improvement. I shall certainly ask questions about how that works in Grampian and I shall write to the member when I have a full response from his local trust.

Jackie Baillie (Dumbarton) (Lab): I welcome the minister's statement. As Duncan McNeil said, Argyll and Clyde is already moving to a single NHS delivery system. I can tell the minister that that has proved to be not only popular but, more important, sensible. Already, we have seen a reduction in bureaucracy, with much more focus on patient care and people in the service working together rather than against each other. There is also a renewed emphasis on front-line delivery.

I welcome the enhanced role for LHCCs. However, does the minister agree that it is

important that general practitioners not only have a closer working relationship with social work, but are involved in shaping acute services? I am particularly keen that, alongside clinicians, the public are directly involved in shaping services, too. Will the minister indicate how that will be realised, as it is clear that we will require a fundamental cultural change among some clinicians as well as managers?

Malcolm Chisholm: Once again, I acknowledge the way in which the changes in Argyll and Clyde have been welcomed. Jackie Baillie's comments are in accord with all the conversations that I have had in that area, where the move to a single system has been welcomed. If people want to see what the white paper proposes, they should perhaps look at what is happening in Argyll and Clyde, where work is already going on to come up with more integrated arrangements at locality level.

On the enhanced role of LHCCs and GPs, I said in my statement that someone from each LHCC will be on each board's service redesign committee. One problem has been that people in primary care have felt that they do not have enough influence over the rest of the health system, including acute services. Through the white paper, we are taking direct action to deal with that problem, as I know is happening in Argyll and Clyde.

Finally, Jackie Baillie referred to the importance of public involvement. People should perhaps remember that there are two parts to patient/public involvement. There is the public involvement in service change—the white paper proposes that that should happen quite differently from the way it has in the past—but there is also the whole patients agenda, whereby individual patients are involved as partners in their own care. We need to listen far more carefully to what patients are telling us, as patients are a key factor in improving the quality of services. The white paper gives a good example from Ninewells hospital in Dundee, where nurses asked patients about a whole series of issues concerning their experience of care. That feedback was then used to improve services. That is an important model of how we can improve the quality of care.

Alex Johnstone (North-East Scotland) (Con): The headline figures that the minister came up with at the beginning of his statement were very big indeed. He suggested that the Scottish health budget would rise to £9.3 billion by the end of the next parliamentary session. For those of us who take an interest in how money is raised as well as in how it is spent, that is a big number. Will the minister explain to what extent he believes that that number is achievable? Has the number simply been plucked from the ether in order to be placed

in the Labour party manifesto so that he can buy back the votes of the people whom he has been letting down for the past four years?

Malcolm Chisholm: The number has not been plucked from the ether. I would have expected Alex Johnstone to have some knowledge about how spending reviews are carried out and the role of Westminster in announcing spending plans. All the matters to which he referred are matters of macroeconomic policy. I have great confidence in Labour's management of the economy and that confidence is borne out by what has happened in the past six years. I am therefore confident about the figures in the white paper.

It was slightly foolish of Alex Johnstone to raise the question of money given that the fundamental problem with the Conservatives' proposals at Westminster is that that money would not be available for the health service if ever the Conservatives were to come into government. Fortunately, I do not think that my spending projections are threatened by that possibility.

The Presiding Officer: We are running out of time for the statement, so I will take the final three questions together.

Mr John McAllion (Dundee East) (Lab): I welcome the minister's statement and I assure him that there is nothing wrong with following Susan Deacon's lead. He should try that more often in other policy areas.

A major gap in the redesign of the NHS is the continuing lack of local democratic accountability at the health board level. Partnership forums are fine, but the 15 NHS boards will remain appointed, unelected, undemocratic and unaccountable to the local communities that they serve. Will the minister assure me that the democratic reform of health boards is still on the Government's agenda, as we consider the white paper?

Fiona McLeod (West of Scotland) (SNP): I was interested in the minister's opening sentences, in which he said that he wants to ensure that the NHS

"responds to ... the interests of local communities".

In the light of that, when will he and the First Minister respond to the communities of Kirkintilloch and Bishopbriggs by accepting their invitation to come and explain to them why, month after month, they see department after department at Stobhill hospital closing and transferring to the Glasgow royal infirmary?

Mr Kenneth Macintosh (Eastwood) (Lab): In welcoming the statement, I note the contrast between the minister's substantive comments and the lack of substance and the relentless negativity that has come from the Opposition benches this morning.

Given the bruising experience of the Glasgow acute services review and other such experiences around the country, does the minister agree that we have a major task on our hands to re-establish trust among our constituents in the principle and practice of local accountability? I welcome his clear commitment to patient involvement. People accept that difficult decisions must be made, but they want to see good examples of when and where their views will be taken into account and they want to be clear about the criteria that will be used and the limits that might exist in that process.

Malcolm Chisholm: On John McAllion's question, my mind is certainly not closed to further local democratic accountability, but we should also acknowledge the progress that has been made. I certainly pay tribute to Susan Deacon and to the way in which she constructed the unified boards, which have given a much greater degree of local accountability both through the involvement of local authority members and through the important contribution of staff members. We have a whole agenda around patient focus and public involvement. The correct way of viewing the issue is to recognise that patients and the public can be involved in a variety of ways, so I would not say that John McAllion's proposal was the only way.

Fiona McLeod and Ken Macintosh raised important points about public involvement in service change. If there is a choice between two sites for a hospital—Fife perhaps illustrates the difficulty better than Glasgow—it is not always possible to satisfy everybody. The white paper has a section about acute hospitals. We cannot avoid the fact that, in the interests of patient care, some acute hospitals must be organised differently. I accept that we have not always persuaded the public of the merits of that, which is why it is important to pursue public involvement far more effectively, although I accept that it will not always be possible to keep everyone entirely happy with what is going on. On patient involvement, I think that it is possible to be far more responsive directly to what patients are telling us about the quality of care.

National Galleries of Scotland Bill: Preliminary Stage

The Presiding Officer (Sir David Steel): We come to the debate on motion S1M-3935, on the National Galleries of Scotland Bill. I call Rhona Brankin to speak to and move the motion on behalf of the National Galleries of Scotland Bill Committee.

10:10

Rhona Brankin (Midlothian) (Lab): As members will know, the National Galleries of Scotland Bill is the second private bill to be considered by the Scottish Parliament. The bill was introduced on 28 October 2002 by its promoters, the trustees of the National Galleries of Scotland.

I present the National Galleries of Scotland Bill Committee report to the Parliament today as convener of the committee, on behalf of the members of the committee, and not as the member in charge of the bill. Private bills are introduced by a promoter, who can be an individual, a company or a group of people who wish to obtain powers or benefits in excess of the general law. Private bills are not introduced by a member of the Scottish Parliament, as is normally the case, and as such cannot have a member in charge.

It might be helpful to the Parliament if I take a few moments to outline the process of consideration of the bill to date and the procedure that will follow if the Parliament agrees to the general principles today. Following the introduction of a private bill, any person who feels that their interests would be adversely affected by the bill can object to it. They have 60 days in which to do so, which is known as the objection period. The objection period for the National Galleries of Scotland Bill ran from 29 October and no objections were received.

Dr Richard Simpson (Ochil) (Lab): On that subject, will the member comment on whether she feels that a fee of £20 for lodging such an objection is appropriate?

Rhona Brankin: I do not believe that the fee would necessarily stand in people's way, but the Parliament will have to reflect on that in due course.

The National Galleries of Scotland Bill Committee was established in December and consists of five members, none of whom lives in, or represents, the constituency that is directly affected by the bill and none of whom has any connection with the promoters of the bill. Before I turn to the detail of our report, I record my thanks

to the committee. The procedures were new to the members and I thank them for their work and assistance on the bill to date.

Preliminary stage consideration of the bill began when the committee was established in December. The committee's role at preliminary stage is to report to Parliament on two issues: the general principles of the bill and whether the bill should proceed as a private bill. The committee could also give a preliminary view on objections, but we had no objections to consider.

The committee took evidence on the general principles of the bill earlier this month at a meeting in Edinburgh. Prior to that meeting, we visited the National Gallery of Scotland and the Royal Scottish Academy building to see the site of the works that the bill relates to. I take this opportunity to thank the promoters for their time in showing us around the site. I also thank all those who came to the meeting to give evidence to the committee.

We published our preliminary stage report on Friday and today's debate provides the Parliament with an opportunity to consider our recommendations. If the Parliament agrees to the general principles of the bill today, the bill will move on to consideration stage. Consideration stage is similar to stage 2 of a public bill, but it is in two parts. First, further evidence can be heard from the promoters and, secondly, the committee will consider any amendments to the bill. The final stage of a private bill is broadly similar to stage 3 of a public bill. It takes place at a meeting of the Parliament and begins with the consideration of any amendments to the bill, followed by a debate on the passing of the bill.

Although the bill must be one of the shortest to come before the Scottish Parliament, it is nevertheless considered to be an essential part of the Playfair project. The Playfair project is the overall name for the galleries improvement project, in which the foundations of the Royal Scottish Academy will be stabilised, the RSA will be restored and a link below ground from the RSA to the National Gallery of Scotland will be created. The project began in the late 1990s and received planning permission and listed-building consent from the City of Edinburgh Council in spring last year.

The land that the bill relates to is a rectangular strip adjacent to the Mound on the east side of Princes Street gardens. The promoters wish to build a new entrance to the galleries on that strip of land. Most members who use the Playfair steps will walk past the land, but few will probably notice it. It currently has the Spanish civil war memorial located on it and until recently had an air monitoring station. If the bill is approved, the war memorial will be moved further along the bank, underneath the steps up to Market Street.

Until August last year, the land was held by the council for the common good, as part of Princes Street gardens. In order to dispose of land held for the common good, a court order is required. One of the conditions of such a court order can be that the land is substituted for another piece of land. In this case, the council swapped the land for a piece of land on the Mound in front of New College, which the promoters owned. The transfer of ownership of the land from the council to the promoters was granted by the sheriff in Edinburgh in August last year.

The bill is small and focused. It does two things: it removes the piece of land from Princes Street gardens and it disapplies section 22 of the schedule to the City of Edinburgh District Council Order Confirmation Act 1991. Section 22 prohibits any type of building in Princes Street gardens, except those specified in the act, such as gardeners' lodges and bandstands.

The promoters contend that the bill has to remove the land from the gardens, because simply transferring the ownership of the land from the council to the promoters does not remove the land from the gardens—it would still be part of the gardens even though the ownership had changed. The promoters also have to disapply the restriction in section 22 of the schedule to the 1991 act. Until that section is disapplied, they cannot build on the land that they now own.

Our committee was in what will probably turn out to be an unusual position for a private bill committee in that no objections were lodged to the bill. To enable us to scrutinise properly the general principles of the bill, we invited interested parties and groups with heritage experience to give evidence to the committee. At our meeting at the start of the month, the people who gave evidence raised some interesting issues, which I will take some time to go through.

The Cockburn Association raised two concerns. The first was the effectiveness of the statutory protection of the gardens from detrimental development. However, the committee heard evidence from the council and the Scottish Civic Trust, which both thought that the 1991 act had been effective in preserving the character of the gardens.

The Cockburn Association's second concern related to the fact that the promoters were seeking permission from the Parliament to disapply section 22 of the schedule to the 1991 act midway through the Playfair project. The association felt that the promoters should have sought that permission before commencing work on the project as a whole. The association was concerned about the message that the bill could send out to future developers that they, too, could start their projects before coming to the Parliament to seek statutory

permission, perhaps viewing the Parliament application as little more than a rubber-stamping exercise.

During our site visit we noted that no work had yet taken place on the walls or area subject to the restrictions of the 1991 act and, in their evidence, the promoters explained that contingency measures are in place should the bill fall. The bill relates to only a very small part of the Playfair project and does not confer authority for the project as a whole. As I said, planning permission and listed-building consent have already been granted, so there was no requirement for the promoters to come to the Parliament before the overall project started.

The bill does not set a precedent for future developers. Each project will be dealt with on its merits and it will be up to developers to seek the appropriate consents at the appropriate times. It must be noted that, if the promoters of the bill had started to build on the land before coming to the Parliament or without the bill being passed, they would have been in breach of the terms of the 1991 act.

The Edinburgh World Heritage Trust, the Architectural Heritage Society of Scotland and the Scottish Civic Trust in their joint submission and evidence raised concerns that the extension of the galleries into the gardens might commercialise the character of the gardens. However, the promoters confirmed in evidence that they would take measures to prevent the commercial nature of the project from impinging on the gardens. For example, at night, the light levels from the new part of the galleries will be lowered and will be consistent with those from the other floodlit buildings around the gardens. Tables from the restaurant will not be situated in the gardens.

The primary concern of the witnesses who spoke to the committee was to ensure that the Parliament, in agreeing to the bill, did not open the floodgates to other developments in the gardens or set a precedent for future building in the gardens. The committee agrees with the bill's promoters, the City of Edinburgh Council and the minister that the bill is a one-off and that any other project to build in Princes Street gardens would have to be scrutinised by the competent authority at the time and judged on its merits. The bill is tightly drafted and relates only to a small piece of land next to the Mound. It will not set a precedent for future building in the gardens.

If the Parliament is minded to agree to the general principles today, the bill will move to consideration stage. The committee will meet in March to hear from the promoters again and to consider any amendments to the bill. Thereafter, the bill will move into final stage consideration at a meeting of the Parliament. On behalf of the

committee, I ask the Parliament to approve the bill's general principles.

I move,

That the Parliament agrees to the general principles of the National Galleries of Scotland Bill and that the Bill should proceed as a private Bill.

10:21

The Minister for Tourism, Culture and Sport (Mike Watson): The Executive welcomes and supports the private bill and I am pleased to see from the committee's report that the committee supports the bill, too. I thank Rhona Brankin, who is the committee's convener, and her colleagues John Young, Maureen Macmillan, Alasdair Morgan and Margaret Smith for their consideration of the bill.

Rhona Brankin referred to the work that the National Galleries of Scotland are undertaking with the Playfair project. It is fairly well known that the Royal Scottish Academy's stabilisation works are completed and that the internal refurbishment is nearing completion. The RSA is on course to open in August this year, to coincide with the Edinburgh festival. It will open with a flourish with the Monet exhibition, which I am sure will be a huge attraction. The link building will provide a series of facilities for the RSA and the National Gallery of Scotland, including dedicated education and information technology areas, as well as restaurant facilities.

It is important to say, in response to some concerns, that the work in Princes Street gardens cannot begin until the bill is passed. The National Galleries have taken the work on the link as far as it can be taken until royal assent is given. The project managers expect to gain access to the site in Princes Street gardens at the end of March, when they will put up hoardings, undertake the enabling work and begin intensive site investigation within the new site boundaries. Of course, no substantial building work will take place until the bill has been given royal assent. As would be expected, the National Galleries have contingency plans should the bill not be passed, but it is not suggested that that might happen.

The RSA and National Gallery buildings date back to the mid-19th century and have over many years as a tourist attraction given much enjoyment to many people from Edinburgh, from Scotland as a whole and from much further afield. Facilities needed to be modernised and upgraded and the Playfair project is designed to improve and extend the galleries.

The Executive has contributed £10 million towards the overall cost, the Heritage Lottery Fund has provided £7 million and the National Galleries are raising the remainder, which is about £12 million, from several sources.

The RSA building is of great architectural significance and Princes Street gardens are an important and popular venue. The National Galleries have always been conscious of the need to make the architecture involved sympathetic to the surroundings.

A relatively small strip of land is involved—it measures about 320 sq m—but the Playfair project will enable the National Galleries to widen access to the collections and to educational facilities by providing about 2,500 sq m of additional facilities. Part of the complex will be a lecture theatre to promote further the arts and culture and to contribute to greater cultural awareness in the community—that is one of the aims of the national cultural strategy, which was launched two years ago. As part of that, we are trying to promote Scotland's image overseas. The National Galleries, which are already world-class institutions, will be further enhanced by the work that is being undertaken.

When completed, the project will enhance the National Galleries' extensive educational programmes, which are under the tutelage of Roberta Doyle. The programmes are part of the galleries' outreach work and their attempts to increase the people of Scotland's participation and involvement in the treasures that are to be found in the galleries. I also wear a tourism hat and, as I said, the project will benefit tourism.

The foresight of the National Galleries of Scotland will provide a tremendous resource for people to enjoy, for the exhibiting of art even more effectively and for the conservation of art. It will also provide improved facilities to display permanent and temporary exhibitions. Many members have enjoyed those exhibitions and that experience will be further enhanced. I look forward to the bill's being passed and I reiterate the Executive's support for it.

10:26

Alasdair Morgan (Galloway and Upper Nithsdale) (SNP): Our capital city of Edinburgh has, arguably, one of the most magnificent townscapes of any European capital. That townscape is a combination of the natural, as in Arthur's Seat; the natural with some man-made protuberances, such as Edinburgh castle; the man-made built environment of the old and new towns; and what might be called the man-made natural environment of Princes Street gardens. We must be cautious about anything that alters that townscape. I am glad, and I agree with the committee, that the development will not be taken as a precedent.

We should note that other developments in the gardens did not set precedents and mostly enhanced our capital's appearance. Those

developments include the Scott monument, the Playfair buildings—the Royal Scottish Academy and the National Gallery of Scotland—and Waverley station and the lines that lead into it. Although railways are not necessarily things of beauty for everyone, Edinburgh has at its heart a railway station, which makes many other cities envious, and the station is largely in sympathy with the townscape.

It is interesting to note that, in 1890, Waverley station suffered from severe overcrowding—that remains the case today—after the Forth rail bridge was opened. Passengers would wait for hours for trains that could not enter the station. On one day in the summer of 1890, trains full of passengers stopped at every signal between Waverley and Dalmeny and could not enter Waverley station because of a lack of platforms. In comparison, ScotRail's performance today seems pretty good.

Tricia Marwick (Mid Scotland and Fife) (SNP): No.

Mrs Margaret Smith (Edinburgh West) (LD): Did Alasdair Morgan clear that statement with the SNP's transport spokesperson?

Alasdair Morgan: It is all relative. Having sat on a train for a considerable time yesterday between Waverley and Dalmeny, I note that such delays continue.

The solution of enlarging Waverley station to its current size and building the extra tunnels that exist today was hugely controversial. The development was considered a desecration of Princes Street gardens, but it was approved. I hope that most of us would say that, on balance, the development was of great benefit to Edinburgh. We should not be afraid of approving proposals for the gardens on their merits, even if they deal with only 319 sq m.

I have one concern, which relates not to the bill but to a matter that arose in evidence on the bill. As the convener of the National Galleries of Scotland Bill Committee said, the bill will disapply section 22 of the schedule to the City of Edinburgh District Council Order Confirmation Act 1991 for the Playfair project. As the convener said, section 22 prohibits the construction of buildings in the gardens, except those of certain types, which are

"Lodges for gardeners and keepers, hothouses and conservatories, monuments, bandstands, public conveniences, police boxes and buildings for housing apparatus for the supply of electricity or gas."

When Jim McKay of the City of Edinburgh Council gave evidence to the committee, he said of the council:

"we adhere strictly to the 1991 act. For instance, a proposal was agreed that a kiosk be erected in east Princes Street gardens, immediately to the east of the RSA. That kiosk was designed in the shape of a bandstand,

which is permissible under the 1991 act.”—[*Official Report, National Galleries of Scotland Bill Committee*, 3 February 2003; c 17.]

It seems to me that a kiosk is not a bandstand, even if it is built in the shape of a bandstand. Anyone who walks past the kiosk will notice that one would be hard pushed to get a band inside it. I have certainly never seen a band inside it—indeed, if that happened, it would be much to the consternation of the kiosk proprietor. It is not a particularly happy situation for the City of Edinburgh Council to play fast and loose with the 1991 act for its own purposes.

One of the committee's duties was to consider that point when it was raised in evidence. I am not sure who is responsible for enforcing the 1991 act, but others who are listening to the recording or looking at the *Official Report* of the debate might want to take some action in respect of that case.

That aside, I welcome the bill that is in front of the Parliament today. It is an essential part of what will be a magnificent addition to the cultural fabric of Edinburgh and, indeed, the whole of Scotland.

10:31

Mr Brian Monteith (Mid Scotland and Fife) (Con): On behalf of the Conservatives, I am pleased to welcome the bill. As a member of the Education, Culture and Sport Committee, I have taken a keen interest in the bill and have read the *Official Reports* of the committee meetings.

It is particularly important that we recognise the impact that the buildings on the Mound create in Edinburgh's townscape; many members said that in their speeches. Those buildings are famous all over the world from shortbread tins, postcards and all sorts of photographs. We owe a debt to William Henry Playfair for designing those buildings and giving them to Edinburgh and the Scottish nation. Playfair was one of Scotland's greatest architects. It would have been fitting if the Parliament had been sited in the Donaldson's school building, but sadly that was not to be, even though it would have been a more appropriate choice.

It is important that the bill is seen in the context of yesterday's news about Titian's "Venus" being acquired by the National Galleries of Scotland in an agreement with the late Duke of Sutherland's estate. As the minister said, there is absolutely no doubt that the National Gallery of Scotland is a world-class gallery. We owe a debt of gratitude to Sir Timothy Clifford, Michael Clarke and their team for their work over the years to get the galleries into that position. They have driven up visitor numbers as a result of some terrific exhibitions and great acquisitions. The Playfair project is ambitious and will take the growth of the gallery further.

Quite properly, concern has been expressed about the project with regard to its intrusion, if we can call it that, into Princes Street gardens. Indeed, in respect of the provision of toilets for the gallery, one could call the project Edinburgh's own Clochemerle. The *Official Report* of the committee's evidence taking makes it clear that committee members pressed the promoters of the bill about those difficulties.

The promoters were asked whether it would be possible for the design to be changed to accommodate the extra facilities for visitors without intrusion into the gardens. The answer was that, although it could be done, that would restrict the use of daylight and the space available to gallery visitors by about a third. Those are important considerations. A number of members said that the project will not set a precedent. I accept the assurances that we have been given in that respect and I believe that the bill is worthy of support.

It should be noted that the development started even before the bill came before the Parliament. The National Galleries of Scotland already have a footprint on the Mound. As a result, they were able to start the building works on the Mound, but, as has been explained, the development has not progressed into the area that is the subject of the bill.

Those concerns are quite different from others that have been expressed by many people, including myself, about the proposed subterranean shopping mall in east Princes Street gardens, which the City of Edinburgh Council through its development arm, the EDI Group, is keen to see. I have no doubt that, were any works to begin on that development, a bill would have to come before the Parliament before a sod could be cut.

I agree with the committee that the project does not set a dangerous precedent. The bill is necessary to allow the gallery to grow in a way that helps to keep Scotland's cultural heritage at the forefront. I look forward to the Playfair project being completed and the gallery going from strength to strength. That will mean that we will be able to see works such as Rutherford's "Fountain of Salmacis" and Gabriel's "Last Supper" along with the Titians and the Turners.

10:36

Mrs Margaret Smith (Edinburgh West) (LD): I welcome the opportunity to speak in the debate as the Liberal Democrat member of National Galleries of Scotland Bill Committee. Because of family circumstances, I have not done as much work on the bill as my colleagues on the committee did, and I thank them.

The committee agrees that a statutory power is required by the promoters, the National Galleries

of Scotland, to remove a small piece of land from Princes Street gardens. The promoters also require statutory authority to supply a restriction on the construction of buildings in the gardens.

All of us who live or work in the city agree that Princes Street gardens are a unique landscape. I know that the word “unique” is overused, but I can say, having travelled around the world, that it applies in this case. It is beholden on us all to ensure that any work that impinges on the gardens is done only because we have given the project the fullest and best scrutiny to ensure that the landscape is not affected. The project must be for the positive common good of the people not only of Edinburgh, but of Scotland and of the many thousands of visitors who come to the gardens every year.

Alasdair Morgan said, rightly, that Edinburgh is a city with a long tradition not only of conserving the best in its landscape and cityscape but of moving with the times, albeit that it moves more slowly than other cities. When we see a real need for an improvement that will achieve a benefit for the common good of the people of the city and the wider country, we should seize it.

I am pleased to support the efforts to complete the Playfair project, which will improve the National Gallery of Scotland and the Royal Scottish Academy, both of which have a long tradition of presenting and conserving art, not only to and for the people of Edinburgh and Scotland, but internationally. Mention has been made of that today, most notably by Brian Monteith and the minister.

If we are serious about improving our cultural life, we should be supportive of the promoters' attempts to deliver a world-class exhibition facility. Crucially, the project will improve access for disabled visitors to the galleries. We must appreciate that the National Galleries of Scotland are competing not only for the time of the people in Edinburgh, but with world-class facilities elsewhere in the world.

Other members have touched on the main concerns about the project. Those include the fact that work had gone ahead before statutory approval was granted and the spilling out of commercial activity into the gardens, which the committee was assured will not happen.

Most important, concerns were raised in evidence by the Cockburn Association, the Edinburgh World Heritage Trust, the Scottish Civic Trust and the Architectural Heritage Society of Scotland that the project would set a precedent for future building in the gardens. However, the City of Edinburgh Council made it clear that the project is a one-off. Planning legislation makes it clear that the council would examine any other applications

on their own merit; all of us have the proposed Princes Street galleries plans in mind. Such applications would have to go to the council, and because the plan is being promoted partially by EDI—an arm's length council company—it would also be called in by the Executive.

We are all keen to ensure that any development that impinges on the gardens is sympathetic to their unique world-famous location, and enhances the attractiveness not only of the galleries, but of the city as a whole. I am happy to give my support to the bill.

10:40

Maureen Macmillan (Highlands and Islands)

(Lab): It is difficult to know what to add to what has been said. There were some initial concerns at the start of the planning process that any lifting of restrictions on development in Princess Street gardens would create a precedent for something less desirable than an entrance to the National Gallery of Scotland. However, those fears have been allayed to the satisfaction of the committee. We have before us a project that will enhance the gardens and the city of Edinburgh.

As other members have said, the National Gallery of Scotland and the Royal Scottish Academy are magnificent landmarks in the city, but they are in need of repair and modernisation. The underground facilities that are being created—a restaurant, a lecture theatre, an information centre and more exhibition space—will be enhanced by an entrance from the gardens. The new entrance will encourage greater numbers of different people to visit the galleries—people who might not yet have braved the magnificent Grecian porticos at the foot of the Mound.

I remember being totally overawed the first time that I entered the Royal Scottish Academy building. That was in the early 1960s, when I was a student and my husband-to-be was a law apprentice in the firm of solicitors, Morton Fraser, which was secretary to the Society of Scottish Artists. Before the exhibition, the apprentices had to carry the entries, some of which were heavy, across the floor, while the judges looked at each one for about three seconds, and dismissed most with a flick of the eye. Because of my husband-to-be's sterling work, we were invited to the first night of the exhibition. I remember thinking that the RSA was the poshest place that I had ever been to. I regret to say that I do not remember any of the pictures, but I remember one point in the evening when I was standing next to a renowned artist, the late Anne Redpath. I can remember exactly what she was wearing: a black dress and a colourful shawl. That obviously made a greater impression on me than anything hanging on the walls.

It is important that art is accessible, not only physically, in terms of wheelchair and other users, but culturally. The proposals to have the entrance to the gallery from Princes Street gardens will make a great difference to the numbers of people, and, I hope, to the class of people—if I may use that phrase—who come to see the pictures. I hope that the numbers will grow and grow.

10:43

Lord James Douglas-Hamilton (Lothians) (Con): I should mention that I have been a patron of the National Gallery of Scotland—my wife is a patron currently. Local MSPs were not allowed to serve on the National Galleries of Scotland Bill Committee under new procedures, but that does not mean that local MSPs cannot support the project, which we believe to be very much in Edinburgh's interest and that of Scotland.

The National Galleries are some of the best in the world, and under the inspirational leadership of Tim Clifford, supported by Michael Clarke, a considerable number of unknown masterpieces have been discovered. The Conservatives believe that creating 2,500 sq m of space with ready access will make a tremendous difference to Scotland's art and culture, and to those who appreciate the great treasures of the nation. It will also make a tremendous difference for education.

The galleries give enormous stimulation to children. I remember some years ago hearing Tim Clifford, in his enthusiasm, describe one picture as defying all criticism but being beyond all praise. When somebody can impart such enthusiasm to young people through the medium of great art, which is being made much more widely accessible, great treasures of the nation will be more greatly appreciated. The works will be appreciated not just by tourists and citizens, but by young people who want to take part in the expression of great art and contribute through their own work.

The Deputy Presiding Officer (Mr Murray Tosh): Technically, the members who opened the debate have the right to make a winding-up speech, but if they want to speak they must be brief. Does Margaret Smith, Mr Monteith or Mr Morgan want to add any comments?

Mrs Smith: No.

Mr Monteith: No.

Alasdair Morgan: No.

10:45

Mike Watson: I should like to reinforce some of the comments of others. It is important that the issue of refurbishment is fully appreciated, and the

speeches that I have heard suggest that it is. There will be obvious benefits to a wide range of groups that will make increased use of the galleries—for example, schools, students studying art, tourists from home or abroad, and, let us not forget, auld reekie's citizens themselves, who have this magnificent facility on their doorstep. I reiterate the congratulations to Tim Clifford and Michael Clarke for their foresight in the plans that they have overseen.

Parts of this debate form a link with this afternoon's debate on the European year of disabled people, in which Margaret Curran and I will participate. There is a clear sports, arts and cultural input to both debates, and that is why we are talking about the benefits of accessibility to the new facilities, which will primarily be from Princes Street gardens. That is important, as it will enable greater numbers to enjoy what the National Gallery of Scotland and the Royal Scottish Academy have to offer.

There is also the commercial aspect of the project—I thought that Alasdair Morgan would mention that, as he did when the committee questioned my colleague Elaine Murray. The question whether commercial facilities should be provided is important to the modern visitor's experience. Four days ago, I was fortunate enough to visit the Musée d'Orsay in Paris. The facilities and galleries there bear comparison with anywhere in the world. I want the National Galleries of Scotland to be able to bear similar comparison. The Museum of Scotland, for example, has the new Tower restaurant—many members will have experienced it—and we should consider having such facilities elsewhere. The current facilities of the National Galleries hardly do them justice and the new restaurant facilities will be important.

The Executive supports the bill. I hope that it makes speedy progress through the parliamentary stages and that it receives royal assent.

10:48

John Young (West of Scotland) (Con): How does one follow that? We have heard some brilliant speeches in the past half an hour. I thank everyone who spoke, including the committee's convener who, as usual, gave a lucid presentation.

The subsequent speeches were also interesting. We heard Mike Watson telling us where all the money was to come from; I welcome all the various millions of pounds. I found Alasdair Morgan's speech entertaining and informative. He referred to the fact that we were waiting for trains to get into Waverley in the 1890s, and that we are still waiting more than 100 years later. He also mentioned a kiosk that was designed as a

bandstand. If only we could bring back the people who, in thinking that up, displayed brilliance at getting around rules and regulations and get them into Parliament. Brian Monteith talked about shortbread tins, postcards, Titian's "Venus" and Clochemerle. It was a colourful speech that was nevertheless full of necessary information.

Margaret Smith mentioned disabled visitors and very correctly pointed out that the bill was not to be taken as a precedent. Maureen Macmillan talked about Anne Redpath's wardrobe, among other things, and Lord James Douglas-Hamilton quoted Timothy Clifford's statement about a particular work of art defying all criticism but being beyond all praise. Sir Timothy is wasting his time down at the galleries; we should get him into the Parliament. After all, he sounds exactly like a politician.

As convener of the committee, Rhona Brankin deserves every thanks. She conducted the proceedings in a proper manner and kept us all in order, as she usually does. I think that being a former schoolteacher must have helped her in that respect. All the other committee members and officials were also helpful.

I will not mention all the organisations that submitted written evidence. However, I should point out that we heard from five major parties and various other consultations were carried out. Of course, the Deputy Minister for Tourism, Culture and Sport, Elaine Murray, appeared before the committee and was helpful.

It is interesting to note that a detailed pamphlet entitled "Information for objectors to private bills" was approved. Although that seems an unusual step, it shows that we are being very democratic.

We all agree that, although a bill to remove land from the gardens is necessary in this case, it is not to be taken as a precedent. The City of Edinburgh District Council Order Confirmation Act 1991 provides adequate protection and the bill's promoter has made adequate contingency plans.

I think that Brian Monteith just whispered in my ear that I should mention the issue of the £20 fee, which was also raised by Dr Richard Simpson. Some anonymous person has sent me a note about how the fee came about. It seems that I must be party to the measure, because the Scottish Parliamentary Corporate Body approved it some time ago. Apparently, the fee was set under powers in the standing orders and is identical to the fee that is charged at Westminster under the equivalent procedure. All fees and procedures are under constant review, which probably means that the fee will be increased at some point. One must also remember that a fee is set not just for monetary reasons; it might stop facetious objections, which can happen in such matters.

I thank all members who took part in this informative debate, which has been one of the best that I have heard in the Parliament. It is just a shame that we did not have a larger audience of MSPs. I thank everyone who has been involved in this matter and wish them all success, as I am sure the Parliament does.

The Deputy Presiding Officer: I invite the author of the anonymous note to explain later to Mr Young how the whole process works.

Prostitution Tolerance Zones (Scotland) Bill: Stage 1

The Deputy Presiding Officer (Mr Murray Tosh): The next item of business is a debate on motion S1M-3939, in the name of Margo MacDonald, on the Prostitution Tolerance Zones (Scotland) Bill.

10:53

Margo MacDonald (Lothians) (Ind): It is with great pleasure that I invite Parliament's approval for the principles of the Prostitution Tolerance Zones (Scotland) Bill.

Members will be pleased to hear that the bill is a short one and has only eight sections. It is an enabling measure, which would empower a local authority, if it so decided, to designate an area forming part of the authority's area as a prostitution tolerance zone. By that, I mean a zone

"within which loitering, soliciting or importuning by prostitutes is not an offence under section 46(1) of the Civic Government (Scotland) Act 1982".

The bill seeks to exercise a duty of care towards prostitutes and to minimise annoyance, inconvenience and embarrassment to the general community. It does not seek to condone or promote prostitution; instead, it seeks to minimise the criminality that is associated with prostitution and to enable health and social services to be delivered more easily to a group of very vulnerable people.

I introduce the bill because for some years now I have been associated with the Scottish prostitutes education project—or SCOT-PEP—which is the voluntary organisation in Edinburgh that supports prostitutes. I was asked by officers in Lothian and Borders police to convene a steering group to investigate how best to build on the successful tolerance, or non-harassment, zone that had operated in Edinburgh for the best part of 20 years. The steering group became necessary after the area around Coburg Street in Leith, which had been the original tolerance zone, was redeveloped and residents complained of nuisance and embarrassment caused by the women who solicited there.

After discussions with SCOT-PEP, which represented the prostitutes, the police moved the zone to a strictly defined part of Salamander Street in Leith. As members will see from the evidence that was submitted to the Local Government Committee, such a solution might have proved possible if the police had had enough time to consult local people in the area before a very unfortunate spate of mass media reporting made any calm assessment of the matter well nigh

impossible. The Salamander Street tolerance zone was discontinued on 30 November 2001 and a new solution was sought, which is how the steering group came about. In fact, I should point out that the group has greatly influenced the production of the bill.

Therefore, as members will appreciate, the bill is not ideologically based. Instead, it is a pragmatic, workable and legal way of managing the problems that can arise from street prostitution and of exercising a duty of care to prostitutes and the wider community. I dare to suggest that such a duty will be needed for as long as there are street prostitutes. In their evidence to the Local Government Committee, even the bill's opponents conceded that street prostitution is likely to remain a part of life in Scotland's four big cities for the foreseeable future.

At this stage, I should assure members that we are talking only about the four big cities. To the best of my knowledge, no other area has street prostitutes. There might well be women who work indoors as prostitutes elsewhere, but the problems and challenges that are presented by street prostitution are to be found only in Aberdeen, Dundee, Edinburgh and Glasgow. I will explain the differences among the cities later.

Because street prostitution in those cities is a fact of life, even though we might not wish that to be so, local councils, health authorities, community drugs action workers and the police in Aberdeen and Edinburgh have indicated their support for the bill's intentions and principles. Both cities have operated acknowledged informal tolerance zones. Moreover, having heard evidence on Glasgow's red-light area, the Local Government Committee has concluded that it, too, is a tolerance zone by any other name.

Because the pattern of prostitution is different in those three cities, the bill itself is non-prescriptive. However, Dundee is something else. I can say that because Kate Maclean is not here this morning. Dundee has a very small number of women who work as prostitutes and who are known to the police. That system works, and if it ain't broke, I would not be so presumptuous as to say that it should be mended. However, representatives of Tayside police attended meetings of the steering group, contributed to our discussions and did not raise any objections to the bill's principles.

Grampian police and Lothian and Borders police noted that the benefits of operating a non-harassment policy within an agreed area include the very low levels of criminality within such a zone. Attacks on women are much less frequent and underage women are not tolerated either by the women who work there as prostitutes or by the police who patrol the area. Pimps, managers or

other exploitative people who live off the women's earnings are also not tolerated. Some people who enjoy dancing on the head of a pin would say that there are no such things as pimps in Scotland. I have used the word "pimp" to describe someone who lives off the earnings of a woman who works as a prostitute. Such people certainly exist.

Grampian and Lothian and Borders police officers cited the intelligence gained by the police as the most effective way of preventing or minimising alcohol and drugs offences and other crime. Obviously, as the law stands, soliciting is a crime. However, no other crime is tolerated within the zones that have been, or are, non-harassment zones.

One of the most urgent reasons for reinstating an agreed tolerance zone in Edinburgh centres on police officers' concern that, without knowing where prostitutes are working at any given time, they are finding it more difficult to prevent developments that are worrying municipal authorities all over Europe, including—as some members might know—those in English cities.

The new Mafias from eastern Europe and Albania are trafficking women from there and from elsewhere. Some of those women were discovered in Glasgow, not in its de facto street tolerance zone but working indoors, where it is much more difficult for them to be noticed by regular policing and the intelligence that builds up, as I described a few minutes ago.

Police in Edinburgh are concerned that, with the tolerance zone suspended, trafficked women might be working as street prostitutes. That would be an entirely new development and one that we should fear and attempt to meet as quickly as possible.

The ending of the tolerance zone has made it easier for drug dealers to infiltrate prostitution. During the time in which the Coburg Street zone was operational, it was estimated that about 20 per cent of the street prostitutes in Edinburgh were injecting drugs. In the 15 months since the zone was suspended, that percentage has grown to more than 50 per cent.

Aberdeen and Glasgow adopted their sensitive or tolerant policing policies later than Edinburgh, which might go some way to explaining why there should be such a difference between the 90 per cent plus drug injectors among prostitutes in Aberdeen and Glasgow and the much lower percentage in Edinburgh. To take members back almost 20 years—I can do that because I was there—when heavy drugs such as heroin first came on to the streets in Edinburgh, there was a fear that the HIV virus—and the hepatitis virus before that—could be spread through the prostitution route via drug dealers and drug

trafficking. The drug scene gave rise to the management of prostitution. That did not happen until a few years later in Glasgow, which might explain some of the differences between the cities.

When the bill reaches stage 2, I want to lodge an amendment to include in the list of persons to be consulted under section 2(4) community councils and drugs action groups. I want to do that before a tolerance zone has been established, even when the zone has been triggered by the local authority.

The bill makes provision in section 2 for voluntary and statutory agencies to consult residents, business people and prostitutes. There must be a partnership to effect the bill's provisions in order to maximise the benefits to public health, security and good order in the entire community.

Members will note that health boards are listed. The director of public health of Lothian NHS Board gave evidence to the Local Government Committee in support of the bill because of the perceived benefits to public health in a tolerance zone. The zone makes it easier to deliver preventive measures such as condoms or medical examinations for sexually transmitted infections. In support of that, during the time that the tolerance zone was operational in Leith, there was not a single recorded case of the HIV virus being transmitted via a prostitute. That is a record that no one else can lay claim to, certainly not among the people whom I have consulted when introducing the bill.

If there are measurable benefits from having a tolerance zone policy—even an informal one—why do we need legislation? The Local Government Committee recommends that Aberdeen, Edinburgh and presumably Glasgow—as it has a de facto zone—could apply the well-being provision of the new Local Government in Scotland Act 2003 and install whichever facilities those cities think necessary in a suitable area to deliver health services, support to get out of prostitution and security to prostitutes. Soliciting would remain a criminal offence. At this stage, I say that those are precisely the services that are being delivered via SCOT-PEP in Edinburgh. Aberdeen would like to replicate the delivery of those services to its street prostitutes. Aberdeen would deliver the services via Drugs Action.

Under the scheme suggested by the Local Government Committee, soliciting would remain a criminal offence. I might have been tempted to accept that but, unfortunately, I have had legal advice from local authority solicitors and others who doubt that councils would have the necessary legal basis to instigate that informal style of tolerance zone. Local councillors in Edinburgh have told me that they are not confident that they could proceed on that basis after the breakdown of

the previous policy and the ensuing publicity. Perhaps the convener of the Local Government Committee or the Executive could help to allay councillors' fears about that matter and I sincerely hope that they will be able to do so.

For a successful tolerance zone policy, there must be compliance from prostitutes, such as there was in Edinburgh, even when the tolerance zone was relocated. The women knew that if they observed the code of conduct agreed by SCOT-PEP and the police, they would not be prosecuted for soliciting. There was a strong argument for them to operate inside the zone and to respect business hours of opening and so on.

The suggestion from the Local Government Committee is that soliciting should remain a criminal offence. As evidence to the Local Government Committee has shown, there can be different views among procurators fiscal and police as to how rigorously the law against soliciting should be enforced, which might not induce an easy system of partnership among the relevant agencies. In time-honoured tradition, I have got my retaliation in first.

Finally, I record my thanks to the men who did such a professional job of producing the bill—Neil Brailsford and Kenneth Campbell from the Faculty of Advocates. I am also greatly obliged to the Parliament's draftsperson who gave advice, dotted the i's and crossed the t's, and to the Parliament's non-Executive bills unit. The clerks to the Local Government Committee, its committee members and the distinguished members of the superb Subordinate Legislation Committee are all to be thanked for their consideration and help with the bill. I also thank my advisers and SCOT-PEP, the researchers in my office who put up with me and all those who took part in the consultation and gave evidence to the committees. Thanks to their efforts, I am now able to ask Parliament to agree to the general principles of the bill.

I move,

That the Parliament agrees to the general principles of the Prostitution Tolerance Zones (Scotland) Bill.

11:06

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

I start by thanking the clerks to the Local Government Committee and the Scottish Parliament information centre for the considerable efforts that they have made with regard to the bill.

Let us be clear about one thing: prostitution is not a career choice, nor is it a service that women provide for men. Prostitution is an abuse of women. The effect of the proposed legislation will be to allow local authorities to manage and legalise an activity associated with the abuse of women. The Scottish National Party will oppose the bill.

The Prostitution Tolerance Zones (Scotland) Bill is essentially a bill of two parts. The first part allows local authorities to set up and manage facilities in a particular designated area and to provide, for example, closed-circuit television, cleansing and other services. The other part of the bill seeks to decriminalise soliciting in the designated area.

As Margo MacDonald has rightly said, hers is an enabling bill. No local authority is obliged to set up such zones and, of the 32 Scottish local authorities, 31 are either opposed to the bill or have not responded to it.

Margo MacDonald: Some 133 organisations and agencies were approached in the consultation process and only Glasgow City Council and South Ayrshire Council objected to the bill. The others either did not object to the bill or supported it.

Tricia Marwick: I repeat what I have just said: of the 32 local authorities in Scotland that the bill seeks to enable to set up tolerance zones, 31 either are opposed to the bill or have not responded to it. Glasgow City Council is opposed to the bill and the City of Edinburgh Council is in favour of it. Dundee Council did not respond and Aberdeen City Council has taken no decision on the matter.

During the evidence sessions, I asked repeatedly—I have not yet had a satisfactory answer—why the bill is needed, if there have been two informal tolerance zones in Edinburgh during past years and a tolerance zone currently operates in Aberdeen. What more can be done though the bill that present legislation does not allow? The answer is simple: nothing. Aberdeen City Council, which has an informal zone, recognises that

"From a purely practical point of view, if the bill were not passed, that would not make too much difference in Aberdeen because the arrangements that we have do not rely on the bill."—[*Official Report, Local Government Committee*, 7 January 2003; c 3790.]

Therefore, Aberdeen, which already has an informal tolerance zone, does not believe that the passing of the bill will allow it to do anything more than it does at present.

Current local authority powers and the additional power of well-being that is included in the Local Government in Scotland Act 2003 give sufficient powers to local authorities to designate an area and to provide the infrastructure and other services designed to protect the health and safety of prostitutes and the communities in which they operate. The problem exists in Edinburgh—this is a problem only in Edinburgh—not because there is no tolerance zones act, but because there is no public agreement about where a tolerance zone should be located.

Margo MacDonald: The member will recall that as part of the evidence given to the Local Government Committee, the deputy leader of Glasgow City Council admitted that the city's tolerance zone arrangements were likely to break down, exactly as they had in Edinburgh, and that there would be a problem in relocating the women. How does she envisage that could be done without any legal basis?

Tricia Marwick: Certainly, every local authority must look at its own arrangements. I am confident that Glasgow will manage the situation. This is a problem purely for Edinburgh. It is not a matter for legislation; it is a matter of location. If the Salamander Street tolerance zone were still in operation, we would not be seeing this bill today. Public opinion forced the closure of that zone and, even if the bill were enacted, it would not allow for a zone to be set up if the public did not wish it to be there.

I am concerned that the general public have not been fully consulted on the bill. Prostitutes and pimps travel to existing zones from elsewhere in Scotland and England. We have heard some evidence of nuisance in the surrounding community to do with condoms being dumped, but most of us in the Local Government Committee would agree that the community view has not been put to us. It is a matter for procurators fiscal and policing policy whether they prosecute for soliciting. It is they who make the judgment in the public interest whether to prosecute—just as they did when an informal tolerance zone operated in Edinburgh. Although that approach is not perfect, it is more pragmatic, and preferable to decriminalising an activity in one area while retaining the legislation everywhere else. As the submission from the Scottish Police Federation made clear, the Government should challenge the notion that prostitution is acceptable and inevitable rather than provide for its decriminalisation in defined geographical areas.

The debate that we should be having is not about tolerance zones but about prostitution. That is why I fully support the Local Government Committee's recommendation that further investigation is needed by way of a ministerial committee. Prostitution may be the oldest profession in the world, but in Scotland it deserves a considered response. The bill has been useful in that it has highlighted an issue that many would prefer remained hidden. However, the bill is neither needed nor practicable, and it should be opposed.

11:13

John Young (West of Scotland) (Con): A very full consultation took place on this matter. Senior police officers were consulted, as were major local

authorities, health boards, social work groups, drug addiction teams, and the Deputy Minister for Finance and Local Government. Various responses came in; of particular interest were those from the Crown Office and Procurator Fiscal Service, but there were also observations from drug and HIV groups, churches and even the Scottish Young Fabians.

The deputy minister, Peter Peacock, responded to Trish Godman, who initiated the consideration as convener of the Local Government Committee. His letter stated:

"Your specific question was about whether the power could be used to provide community safety infrastructure to enhance the safety of prostitutes operating in an area, even though it could be seen as action in support of illegal activities. The power could not be used in a way that was promoting illegal activity so a council acting in a way that was encouraging soliciting or importuning for the purposes of prostitution in a particular area would be acting outwith the power to advance well-being, and would also be acting in an unlawful and possibly criminal manner."

I am not a lawyer, but I get the impression that there are blurred, grey areas regarding the legality—

Tricia Marwick: Does John Young accept that the power of well-being will not allow local authorities to decriminalise soliciting, but that it will allow local authorities to work with other people, organisations and agencies? The power of well-being will give local authorities the right to provide infrastructure such as CCTV and for the servicing of such zones, because it is for the betterment of sections of their communities.

John Young: I accept a large part of what Tricia Marwick has said, but I still think that responses from the Crown Office and others show that there are legal grey areas.

The point was made that prostitution is the oldest profession in the world, and that is probably true. Most of us have great sorrow for women who are driven into prostitution. It must be one of the most dangerous activities to pursue, as they just do not know what they are coming up against. The cardinal thing is that prostitution will probably be with us as far as we can look into the future. It was here in the past and it will be here in the future. Margo MacDonald is trying to propose something that would perhaps make it safer for women, but there were problems in Salamander Street and Coburg Street, where residents were concerned about the area deteriorating. If they owned their own houses, they were concerned that the values of those houses might go down.

Margo MacDonald: As I have already conceded, there was obviously great concern among business people and residents who own property in Salamander Street. However, after the zone had been operational and after there had

been a level of consultation and information supplied to people, the number of complaints to the police dropped drastically. What we have now in Leith is a much greater level of hazard for the security of the prostitutes, and also annoyance to residents. Because there is no tolerance zone, the police cannot operate in the way in which they operated before, which minimised the level of associated criminality and annoyance.

John Young: I thank Margo MacDonald for that information.

There is a point that I feel I should make, which may be relevant in some ways but may not be relevant in others. Some years ago, Glasgow City Council had a visit from an Australian woman who was an international expert in the field of prostitution. She said that prostitution, of course, existed in Melbourne and that there was harassment from the authorities. The people who owned the brothels in Melbourne then tried to go respectable, and indeed they formed a company, which they floated on the Melbourne stock exchange. It became so lucrative that women—and, sadly, children also—are now being flown in from south-east Asia for such ventures, and the Russian Mafia appears to have moved in. I am not suggesting that that could happen here, but who knows? In Melbourne, they did not think that it could happen there, and there are major problems.

I still have a problem with the unlawful and possible criminal activity that can take place. In some ways, one could argue in favour of tolerance zones, but what worries me is that the clients often take the women elsewhere by car. They may take them to some isolated site on the outskirts of the city, and those poor women are not only abused but may also be violently attacked or even murdered.

Margo MacDonald: Will John Young accept an intervention?

John Young: I do not know how it works, but perhaps Margo MacDonald will be able to answer my question.

Margo MacDonald: Certainly, if John Young will accept an intervention from me.

John Young: Margo MacDonald may well have spoken to a number of the women. Does she find that those women themselves are happy about that arrangement? Are they concerned about being uplifted by a client and taken elsewhere?

Margo MacDonald: I am glad that that point has arisen, because there seems to be some misunderstanding as to the details of how prostitution operates, particularly in Glasgow and Edinburgh. The tolerance zones were, in effect, what was described at the Local Government

Committee as pick-up zones. That was where clients engaged with prostitutes. They then went to another part of Glasgow, usually the lanes, which I think are well known to former Councillor Anderson, in a professional capacity, of course. In Edinburgh, they usually go in cars.

I am sorry. I should have said former Councillor Young, not Anderson. I was thinking about someone else whom we both know.

The Deputy Presiding Officer: I think that we had better change the subject and move on.

Margo MacDonald: We are going to. It is an interesting subject, but we can go into it later.

What happens is that—

The Deputy Presiding Officer: The member's intervention is very long.

Ms MacDonald: It is indeed, but I was giving information that is pertinent to the debate, Presiding Officer, and crave your indulgence.

The Deputy Presiding Officer: You should give that information quickly, please.

Ms MacDonald: The police have intelligence about who uses such zones and know whether women are there. Women can look out for one another. SCOT-PEP had an ugly-mug system. If a client abused somebody, a record of that was kept by SCOT-PEP and shared with the police, so there was a much greater flow of information as to what happened in prostitution. That is why women like to work in tolerance zones.

The Deputy Presiding Officer: I will give you one more minute, Mr Young. You should not take any more interventions.

John Young: That was probably the longest intervention in the Parliament so far.

I am not the only former Glasgow councillor in the chamber—indeed, Trish Godman was a prominent Glasgow councillor. One cannot equate Glasgow to places such as Edinburgh, as Glasgow city centre's geography is entirely different. Prostitutes can operate at the end of each lane. I believe that there was an idea whereby a prostitute would operate at one end of a lane to try to keep an eye on her colleague who was at the other end—that was their only safety.

It is difficult—almost impossible—to establish tolerance zones in a city such as Glasgow. I am not an expert on prostitution or prostitutes—I must say that, as it might sound as though I wander around the streets of Glasgow like Gladstone or his father used to do in the streets of Leith. However, there are too many unanswered questions. I appreciate what Margo MacDonald is trying to do, but I think that we would end up in a legal quagmire or nightmare.

11:21

Iain Smith (North-East Fife) (LD): The topic that is being debated is not easy. The Liberal Democrats do not believe that the issue should be a party-political one. Individual MSPs should consider all the evidence and reach their own conclusions.

The Local Government Committee took a considerable amount of evidence at stage 1, as our report shows. We took evidence from many people, there were long evidence sessions and we took a long time to deliberate on the careful wording of our report.

I have considerable sympathy for the case that Margo MacDonald has put in support of the bill. No one should be in any doubt about her commitment to promoting the welfare of women who find themselves trapped in street prostitution, or her genuine belief that the bill provides a real route for dealing with some of the many issues that surround street prostitution.

We considered carefully all the evidence that was presented to the Local Government Committee. Strong views were expressed both by those who were in favour of the bill and by those who were against it. Those who were in favour of the bill saw it as a pragmatic approach to a real and existing problem that would allow the effective targeting of services to a very vulnerable group. Those who opposed the bill did so from a principled standpoint and said that if the bill were passed, it would constitute a legitimisation of prostitution. I echo what Margo MacDonald said and what the committee said in its report—that was not her intention in the bill.

I have no doubt that street prostitutes are victims rather than criminals. Routes into prostitution include sexual and physical abuse, poverty and drugs. Almost all street prostitutes have a drugs habit and are involved in prostitution to fund that habit or that of a male partner, which Margo MacDonald mentioned. Routes out of prostitution must involve dealing with those fundamental causes. It would be preferable to prevent women from going into prostitution in the first place, but the bill deals with how best to support women who are in prostitution to get out.

There are health and safety benefits not only for prostitutes, but for the wider community in having clearly defined zones in which street prostitutes can operate. The evidence from Edinburgh is compelling—particularly the worrying rise in violence against prostitutes since the loss of the non-harassment zones. It is clear that there are benefits in being able to target services at women who work in defined geographical areas rather than attempting to provide services to women who may be scattered over a wide area and are difficult

to identify. The safety of women cannot be guaranteed—particularly as the sexual acts will be conducted elsewhere—but there is no doubt that the provision of adequate lighting and CCTV, sensitive policing and mutual support help to improve the security of women who are involved in prostitution. Voluntary groups and health services can target their services more effectively, from the provision of condoms, needle exchanges and health clinics to services such as drugs counselling and routes out of prostitution programmes. The police can develop effective liaison with prostitutes, which helps to combat problems with pimps, drug dealers and underage girls and helps to identify possibly violent clients. Councils can also target cleansing services to deal with the inevitable debris that results from street prostitution, which has benefits for the wider community.

One reason for the bill is the concern that local authorities that attempt to assume a duty of care towards prostitutes by installing or providing safety features such as CCTV or other services could lay themselves open to accusations of aiding and abetting an illegal activity. The Local Government Committee considered that matter carefully, along with whether local authorities already have sufficient powers to provide services in specific areas where there is street prostitution, particularly in the context of the new power of well-being.

The key paragraph of the Local Government Committee's report is paragraph 90. The committee concluded:

"Whilst the power to advance well being cannot be used to create Prostitution Tolerance Zones as proposed under the Bill, the Committee considers that existing powers available to local authorities and the additional powers available under the Local Government in Scotland Act 2003, are sufficient to enable local authorities to provide infrastructure and services designed to protect the health and safety of prostitutes and the general public whether generally or within defined areas. Policies regarding arrest or prosecution within a defined area would be matters for the police and the prosecuting authorities."

That is the crucial paragraph in the report and is the reason why I do not believe that the bill is necessary to achieve its aims. Powers are available to local authorities to work in partnership with health services and the police to develop the best solutions for their areas. Indeed, the additional powers under the community planning provisions might provide even more powers to develop such solutions.

One of the committee's particular concerns was the variation in prosecution policies throughout Scotland. The committee took the firm view that fining prostitutes for soliciting and jailing them for non-payment of fines was not the way forward or in the public interest. Indeed, as most prostitutes are in prostitution to fund a drugs habit, fining a

prostitute is more likely to lead them to increase rather than reduce their activity to allow them to pay the fine and finance their drugs habit. We believe that a more appropriate route would be to consider using drugs courts and drug testing and treatment orders, for example.

For those reasons, the committee concluded that we should not support the general principles of the bill, although we recognised that the existing legislative framework is far from satisfactory. That is why we have urged the Scottish Executive to establish a cross-party working group with a ministerial chair to examine issues surrounding prostitution in Scotland, including the effects of drug abuse, and to recommend appropriate primary and secondary intervention measures. I hope that the minister will respond positively to our suggestions.

I commend our recommendations to the Parliament and urge members to reject the general principles of the bill.

The Deputy Presiding Officer: We now reach the open part of the debate. As Trish Godman is the convener of the Local Government Committee, I will allow her a little extra time.

11:27

Trish Godman (West Renfrewshire) (Lab): I, too, thank members of the Local Government Committee for all their hard work on the report, and the committee's staff. I am keen for the *Official Report* to record the fact that the committee has every sympathy with the bill's aims and Margo MacDonald's motivations and intentions—I want to make that clear.

The committee had to address the duty of care towards and the safety of prostitutes, and whether tolerance zones would or should be part of that duty of care. We considered the reasons why women become prostitutes. There is no doubt that we are talking about a very vulnerable group of women. Most have suffered emotional, physical or sexual abuse—indeed, some have suffered emotional, physical and sexual abuse. Many have children who are in care. They find it difficult to establish routines, particularly those who have a drugs habit—I will speak about them later. Some of them are in a vicious circle, because, as Iain Smith said, they have to pay fines, so they solicit to pay them or to feed a drugs habit.

What is to be done? Some people genuinely believe that tolerance zones make it safer for prostitutes to work and for statutory services to deliver the necessary support systems—that was a clear position. Other people do not believe that tolerance zones are necessary. To say that we heard conflicting evidence is to put things mildly. There was conflicting evidence from parts of

Scotland and England. Some people said that tolerance zones would be safer for women, but others said that they would not, as violence takes place outwith zones. Zones are for soliciting, but the business takes place elsewhere.

There is a gender imbalance in respect of offences. Soliciting is an offence, but kerb crawling is not. Should we consider making kerb crawling an offence? There was conflicting evidence on that. Some evidence suggested that if kerb crawling became an offence, it would become less safe for the prostitute, because she would not have time to assess who is in the car, whether she knows them and whether it is someone with whom she would not want to do the business.

We have evidence from a project in Middlesbrough, which supported the arrest of kerb crawlers. However, in its evidence, it agreed that the initial impetus of the campaign would be lost if it did not continue to receive serious media support—that is, after people have been arrested and prosecuted, their names, addresses and car numbers should be prominently placed in the local press. We need further investigation of the matter because there is an imbalance.

We were surprised and extremely concerned by the percentage of the women who are intravenous drug users. Of 1,200 prostitutes in Glasgow, 97 per cent are drug users. As I said, women who are fined for soliciting go on the streets again to pay the fine or—as Iain Smith said—to feed a partner's habit or their own. The question that I asked and which Iain Smith mentioned is: should we send prostitutes to the drugs courts instead, or to the kind of time-out centre that there is in Glasgow? That would be one way of ensuring that the drugs issue, which is the big issue, is dealt with right at the beginning. However, that is a question for another day.

We had to consider routes out of prostitution. That was the most important part of our deliberations. There is no doubt that it is easier for statutory agencies to deliver work to a prostitute when there is a defined area. However, services should be geared towards individuals and not necessarily to a geographical area. The Deputy Minister for Justice stated:

“such work is not dependent on legalities”.—[*Official Report, Local Government Committee*, 21 January 2003; c 3860.]

Agencies must work together, wherever the prostitutes are.

Margo MacDonald: I have great sympathy with the idea of women being treated as individuals and services being geared to their individual needs, but the business of prostitution is not the same as a nine-to-five job. Women go in and out of prostitution. In some periods of their life they act

as prostitutes, and in others they do not. Therefore, location is central to the delivery of services.

Trish Godman: I accept that there is an argument that it is easier for services to be delivered in that way, but that does not mean that it cannot be done in other ways. We did it with young kids in respect of drugs. We went to where they were and brought in other young kids who talked to them. There are ways of providing services, although they might take more time.

My feeling is that we must take a huge step back. I was impressed by some of the examples that we were told about, including projects that go into schools. I have to say that young boys of 12 who were asked, "Why do you think women are prostitutes?" responded, "Because they like sex," or, "Because they want to buy a new frock." That threw me right back to the zero tolerance campaigns that we had for Women's Aid, when boys of the same age said that it was all right for a man to slap a woman if their tea was not ready or if she was not doing what she was told. We have changed those attitudes—not as much as I would like, but we have changed them—and we must also change attitudes to prostitution.

We aim to stop women entering prostitution but, as John Young said, it is the oldest profession in the world. We will not change that, but we have to give the women a choice.

This may sound strange, as I am recommending that we do not agree to the general principles of the bill, but Margo MacDonald has to be thanked for bringing this serious problem, with all its attendant difficulties, before the Parliament.

I do not agree to the general principles of the bill, but the Local Government Committee will leave a legacy report, and I will ensure that the matter is central to it, and that we have a working group with a minister in the chair. We will ask the incoming Executive to pursue that.

Much more needs to be done, and it needs to be done thoroughly. These women deserve no less.

11:34

Bill Aitken (Glasgow) (Con): Margo MacDonald is to be congratulated on having the courage to bring a matter of this type to the chamber. She has done so with some well-thought-out and reasoned arguments.

The whole question of prostitution and its management raises a number of practical and moral issues. We should not be judgmental about those who seek to make a living out of prostitution. Some have made a life choice, but most are victims. As Trish Godman said, many are drug abusers. They should attract our sympathy rather

than our criticism. As a Glasgow justice, I frequently had to deal with cases of prostitution, and I have to agree with the committee report that the existing system of dealing with prostitutes is an exercise in futility. What is the point of fining them when the only way that they can get the money is to go out on the streets and commit further offences? That is why I am strongly of the view that the cases should be taken to the drugs courts to enable the women to get the assistance that they need. Unfortunately, when I made that proposal in an amendment to the Criminal Justice (Scotland) Bill last week there was rather less than unanimous support for my idea.

My main concern about Margo MacDonald's bill is not about legality or morality; it is about practicality. The obvious problem, which all members who have spoken so far have identified, is where the tolerance zones would be situated. That issue is clearly problematical. The fact is that nobody wants to have a tolerance zone in the area in which they live or in which they conduct business. It must be recognised—and this is evidenced in Salamander Street—

Margo MacDonald: I agree that no one wants to have a prostitution tolerance zone in their street, and the bill seeks to ensure that that would not happen. However, the committee received evidence from Annie Rhodes, who owns commercial premises in Salamander Yards, who said that if the zone were operational in the way in which it would have been operational had there been time to put the plans into operation in Edinburgh, there would be no great hazard to businesses in some areas.

Bill Aitken: I accept that. There is clearly evidence to justify that.

One of the problems in respect of commercial areas that arose in Glasgow, where there was a quasi-tolerance zone, was that women leaving premises where shift working took place—in particular, call centres—late in the evening were approached. They understandably found that offensive. The obvious solution is to take tolerance zones out to industrial estates, away from everybody, but evidence suggests that the women would not find that acceptable.

In Glasgow, there have been six murders of prostitutes in recent times.

Margo MacDonald: Eight.

Bill Aitken: The figure is eight. I stand corrected. As Assistant Chief Constable McLean said in his evidence, much of the violence perpetrated against prostitutes takes place outwith tolerance zones. The remains of two of the prostitutes were found a long way from the pick-up point.

Those are some of the difficulties. What happens, for example, when the nature of an area changes? That is what happened in Leith, where a former dockland area became gentrified and private dwellings were built. What was acceptable at one stage was no longer acceptable.

It must be recognised that the issue is difficult. The Local Government Committee has made a genuine effort to deal with it as sympathetically and constructively as possible. I accept that there is no easy answer. Prostitution is the oldest profession, and much as we all wish that it did not exist, sadly it will almost certainly always exist. I accept that we must seek a way of managing it, but I honestly do not think that the bill is the tool that we need to do so.

11:39

Pauline McNeill (Glasgow Kelvin) (Lab): I declare my membership of the Routes Out of Prostitution social inclusion partnership in Glasgow, which aims to support women in finding routes out of prostitution.

I commend Margo MacDonald for introducing the member's bill. Her approach has been very thorough. It is a brave proposal and I think that, so far, we have had a mature debate. I must also commend the Local Government Committee for its excellent work. Iain Smith pointed us to paragraph 90 of the committee's report. I think that the proposal in that paragraph is an ingenious way forward.

I represent an area in Glasgow city centre that is often referred to as the drag. In my role as an MSP, I regularly discuss the problems of managing prostitution activity, which include women who go missing from the zone and complaints from local businesses and residents. That is a very active part of my duties as an MSP.

Police in Glasgow must also be commended, because they take seriously the protection of those vulnerable women. As we have discovered, the area is to all intents and purposes a tolerance zone. The police managed the problem for 20 years before any Parliament got round to discussing the problems involved.

It is important to note that we are talking about street prostitution activity, which is not to be confused with indoor brothels and so on.

Dr Richard Simpson (Ochil) (Lab): Does Pauline McNeill agree that prostitution takes place not only in the area that she represents? Glasgow green is currently experiencing the phenomenon of daytime prostitution, which is causing considerable offence to young girls coming home from school, men collecting their children and others. Does she agree that such changes are

some of the most worrying elements of the new situation?

Pauline McNeill: Dr Simpson is correct; the problem is far more serious in Glasgow green than it is in my constituency.

The police have raised with me concerns that the new luxury development that is planned for the zone in my constituency will inevitably lead to the break-up of the zone and will increase the difficulties that they have in managing the problem.

Women leaving work in Glasgow are already being approached by men asking whether they are available for business. An uproar is being caused, and it is right that the Parliament should discuss what might be a solution.

We must start with an understanding that women enter prostitution because they are desperate. They have poor health and many of their children are already under supervision orders. Women are harmed by this activity. They face danger, are exploited by men and their lives are at risk. The issue is partly one of violence. The Glasgow stick men are so called because they carry sticks as offensive weapons.

A tolerance zone, official or otherwise, would provide only a measure of protection in relation to soliciting. As others have said, the place where the private sex act takes place is where the women are likely to be harmed. The fundamental issue is that a tolerance zone will not protect women from that harm. Eight prostitutes have been murdered in eight years—we know that the activity is not safe. Although street prostitution in Glasgow is not organised in the way in which it is organised in London, the London police have already warned us that Glasgow could become a focus for human trafficking and organised crime.

This is probably the most complex issue that Parliament has dealt with, and we know that it will not go away. As I have said, there is a view among the experts that we should take account of the impact on tolerance zones if human trafficking or organised crime were to become more prevalent.

Margo MacDonald: The only activity that would be legal in the zone that is currently illegal outwith the zone would be soliciting. Therefore, the trafficking of people and any breach of the peace would be treated in exactly the same way as they are now: they would be criminal offences.

Pauline McNeill: I understand that, but I also think that there would be more activity if there were an official tolerance zone. I am only asking people to think about what might lie ahead.

Tricia Marwick is right about the precedent that would be set by allowing local authorities to decide

that something is a crime in one area but not in another. That has to be thought through because I cannot think of another example where that would be the case.

What is the solution? First and foremost, there is a drug problem in Glasgow. It is a mystery to me why prostitution has not been tackled as a drug addiction problem. Bill Aitken is right to point out that drugs courts are one way forward and I would like to hear from the minister whether he thinks that we should use that route.

The Routes Out of Prostitution social inclusion partnership is important. It has the hardest job of any SIP, but it is beginning to make progress. I do not underestimate how difficult its job is.

Issues of rehabilitation and unemployment are important. We know about the cycle in which unemployed people get caught up when they are unable to find jobs whose salary matches the benefits that they get. That is also a problem for women involved in prostitution. The Routes Out of Prostitution social inclusion partnership is trying to tackle that. A woman must be given a viable alternative to prostitution in the form of employment that matches her previous financial circumstances.

We know that there is gender discrimination in the law. What we do about that is important. Women cannot be targeted while men are not.

We all recognise that prostitution is harmful to women. We have achieved a lot in today's debate. I thank Margo MacDonald and the committee for their work and urge the Parliament to think about the issue further and not simply to ignore the problem.

11:45

Mrs Margaret Smith (Edinburgh West) (LD):

In a perfect world we would be debating not the Prostitution Tolerance Zones (Scotland) Bill but an eradication of prostitution bill. However, I do not live in a perfect world; I live in Edinburgh.

When I consider the issue, I mostly think about the concerns that have been raised by our local police. The tolerance zone in the city became established during the 1980s as a reaction to the city's problems with HIV and drug addiction. Since then, the debate has evolved. We accept that one size does not fit all and that we must consider the issues that relate to particular locations.

I am sympathetic to Margo MacDonald's bill and appreciate the tremendous work that she has done to make it an effective piece of enabling legislation. It would allow councils to take forward plans for zones in their areas that would have to be consulted on in the widest possible way.

The local police have told me that, since the end of the tolerance zone, street prostitutes have drifted to areas as far away as Lothian Road and Bruntsfield links. I was driving home from East Lothian the other evening and saw prostitutes in four locations in Leith. The impact on the wider community is greater than it was when there was a tolerance zone.

The local police have also told me that they are concerned that they have less control over the situation and that their intelligence regarding associated criminal activities has been considerably reduced. They say that much of the good work that has been done in the past 20 years is being eroded quickly. They are also concerned about the possibility of trafficking and believe that some of the prostitutes have come from eastern Europe. A further concern that the police expressed in that regard is that some women might start to arrive via the African route, with all the problems that that could bring in relation to HIV.

I have listened to my colleagues and agree that the issue is difficult. It might come down simply to a balance between pragmatism and principle, and this might be one of the occasions on which we have to be pragmatic. We have to listen to what our police tell us—I make no apology for listening to my local police—and to what our health service tells us.

As Bill Aitken and others have said, these women have to be supported. We are more likely to be able to support them if we establish a geographic area in which they can be accepted, dealt with, treated and provided with services that will help with sexually transmitted diseases and drug abuse. I stress that sexually transmitted diseases do not stop at the edges of a tolerance zone but go home to the living rooms of Morningside and the bedrooms of Cramond, as do the problems of drug abuse. Those problems affect every one of us.

Sometimes, we have to be brave. We should say that we agree with much of what is contained in the committee's report and applaud the work that the committee has done. We should also say that we support what the committee has to say about the need to examine the wider issues. However, we must also say that in Edinburgh, we need action right now. Therefore, I will support Margo MacDonald at this stage. I will also support the committee's call for a ministerial commission, because we have to move towards a situation in which we can debate an eradication of prostitution bill in the chamber. The wider issues have to be examined in that context.

Tricia Marwick: Does Margaret Smith accept that, even if the bill were passed, locating a tolerance zone in Edinburgh would still be a problem? The problem is location, not legislation.

Mrs Smith: I do not know whether Tricia Marwick heard what I said at the beginning of my remarks. I said that the bill is an enabling bill, which would require councils to consult fully not only local communities but the different services that are available in those communities. If the bill were to impose a tolerance zone on anybody, I would be opposed to it. However, we have a problem that I can see with my own eyes is spreading throughout Edinburgh, part of which I represent.

Pauline McNeill: I am not unsympathetic to Margaret Smith's argument, but she has not addressed the harm done to the women and the fact that that harm is generally done where the private sex act takes place, which is outwith the tolerance zone. Does that not concern her?

Mrs Smith: There will have to be a combination of CCTV and controlled policing, for example. However, because of what has happened since the ending of the tolerance zone, the local Edinburgh police tell us that they have less control over what is going on in the prostitution industry and over the criminal acts that go on round it than they had when the zone existed. SCOT-PEP, which has worked on the tolerance zone, also tells us that there have been five times as many assaults on sex-trade street workers in Edinburgh since the zone was ended than when it existed.

I have a certain amount of sympathy for the point that Pauline McNeill raised, but on the evidence that I have been given, I have to accept that a zone is safer for women. They can look out for one another; the wee kids up an alley off Bread Street about whom I have been told will not have that extra level of protection.

11:51

Susan Deacon (Edinburgh East and Musselburgh) (Lab): I congratulate Margo MacDonald on introducing the bill and putting the issue so firmly on the Parliament's agenda. I also thank the Local Government Committee for the work that it has done to develop the debate.

Members have spoken honestly and openly about the dilemmas that we have all had when dealing with the issue, whether in committee work or as local MSPs. There is no question but that there are very different but equally deeply held views on the issue or that there is conflicting evidence.

All that any of us can do in reaching a view is look to our own experiences, and although I do not tend to sit on fences, I have struggled to know what to do on the bill. From my experience in my constituency, I am in no doubt that, since the ending of the tolerance zone in Coburg Street and the subsequent failed attempt to set up a tolerance

zone in Salamander Street, the situation has worsened for local residents and for the women themselves. Margaret Smith has spoken eloquently about the information that many of us have heard from local police and other agencies.

One of the consequences of the ending of the informal zone has been that prostitutes have dispersed to many parts of Edinburgh. Many have moved into the Leith links area, most of which is in my constituency. Residents in that area have experienced many problems as a result. As well as the general discomfort caused by soliciting and kerb-crawling taking place close to residents' homes, there have been a number of confrontations—largely, I am pleased to say, verbal—between residents and prostitutes and, indeed, pimps. The strength of feeling on the issue in the Leith links area is palpable. It is demonstrated most clearly by the local community's decision to establish nightly patrols, which are due to start within the next couple of weeks.

Like other members, I have spent a great deal of time on the issue with residents, representatives of prostitutes in the area and the police, and I am struck by the problem's complexity and apparent intractability. Street prostitution is a reality, and, as the Local Government Committee's report states, it is the

"manifestation of deeply rooted, interlinked and complex social, psychological and medical problems with a range of causes and effects."

Given all that, we will not resolve the issue through one bill or in this debate.

I also note that the committee

"acknowledges the challenges facing local authorities and police forces in Scotland in balancing the needs of women in prostitution with those of the wider community and considers that shared objectives and multi-agency working are imperative to enable these challenges to be faced."

We can all agree with that, but we know how difficult it is to do.

I am struck that the local residents who have been affected by the issue in my constituency are not simply anti-prostitute. They are realistic about the fact that street prostitution takes place and are generally sympathetic to the needs of the women, whose health and well-being they are keen to see properly protected. Nonetheless, they do not want their street, homes and families to be exposed to the realities of street prostitution daily. Only yesterday, I spoke to a local resident who was somewhat confused and perplexed when he was approached at 10 o'clock in the morning on his way to buy a newspaper by a man who said "Where are the prostitutes, then? They're here, aren't they?"

Everybody is grappling with the issue. I have detected willingness from people from all quarters

to come together and try to make progress. I note, as Margaret Smith did, the efforts that Lothian and Borders police have made to implement practical measures. However, more could be done on a multi-agency basis, and I use this opportunity to appeal directly to Lothian and Borders police, Lothian NHS Board and the City of Edinburgh Council to step up their efforts to work together to address the issues that we face in Edinburgh, which have particular characteristics that need to be addressed in ways that suit the area.

Whatever the outcome of the vote, I hope that the Executive will implement actively and enthusiastically in the next parliamentary session the expert group that the committee proposed. I hope that, through that group, we will be able to address some of the apparent inequities in the law. Many of us are concerned that the law appears to focus more on the women who supply the service than on the men who demand it, and the women are criminalised more than the men are.

I know that deep issues are involved. My time is up, so I cannot begin to address them, but I hope that the Parliament will, and I congratulate those who have started to do so.

11:57

Elaine Thomson (Aberdeen North) (Lab): Prostitution has been with us for a long time, but that is not to say that we should not acknowledge and tackle some of the underlying causes that lead women to enter prostitution. Those causes are, as Trish Godman eloquently said, physical, sexual and emotional abuse, together with poverty and drugs. Drugs in particular, as many have said, are driving the current increase in prostitution.

Margo MacDonald's bill has much to recommend it and I have great sympathy with many of the issues that she raises. However, I do not support the bill in its current form. Given the evidence that it received, the Local Government Committee has come to the correct view, which is that we should take a longer and wider look at the issue in the form of a ministerial review, which would allow an examination of the different factors and an update of the legislative underpinnings.

Several witnesses from Aberdeen, which operates a tolerance zone, gave evidence to the committee. Aberdeen is a seaport, and there has always been some prostitution associated with the harbour. The current tolerance zone is within the traditional red-light area. It has grown out of what was already there, which would continue to be there under any circumstances. Moreover, the zone is in an entirely industrial and commercial area.

During the 1970s and 1980s, prostitution in Aberdeen grew due to the oil industry. As I

recently heard from Grampian police, it attracted women from England—from one or two cities in particular. That route now acts as a conduit for drugs, which can be sold on the street in Aberdeen for four times the price for which they can be sold down south.

During the 1990s, the drugs problem in Aberdeen escalated. That is what drives the number of women who are involved in street prostitution in Aberdeen. Almost all of them support a drug habit or support somebody else who also has a drug habit. It has been suggested to me that as many women in Aberdeen as in Edinburgh—a city twice the size—are involved in street prostitution.

It has been recognised that the establishment of the tolerance zone in Aberdeen has had some beneficial effects. It undoubtedly allows the police to build better relationships with the women involved in the sex trade. By helping the police to maintain public order, it also allows better relationships to be built with businesses in the area.

I argue that Aberdeen urgently requires the development of further links between various agencies, in particular between Aberdeen Drugs Action, which is the voluntary sector group that provides most of the needle exchange and other drug-related services, those involved in health promotion and the police.

Some outreach work is already taking place, but Grampian police's main objective is to get a drop-in centre set up in the harbour area, as that would support further action. That proposal is supported by other agencies, too. Work is progressing, and I hope that the drop-in centre will open later this year. The establishment of such a centre could start to provide better routes out of prostitution, especially by addressing the drugs problem.

Drug treatment and testing orders have recently been introduced in Aberdeen, and they are really effective. When I asked whether they could be applied to women involved in prostitution in Aberdeen, I got negative replies. Nevertheless, I would like the minister to consider how a drugs court could operate in relation to the women who come into contact with the criminal justice system, as it could provide an alternative route for women involved in prostitution. At present, they go to the district court where they are fined, which does not address the underlying drugs problem.

We require straight alternatives to existing sanctions under the criminal justice system, which perhaps does not assist and support the women in the most appropriate way. Such alternatives could include non-custodial sentences, in which the establishment of the drop-in centre could have a role.

In order to make progress on services and work in this area, we do not absolutely require legislation on tolerance zones—certainly not in Aberdeen. However, it would be useful to consider tolerance zones in the wider context of a ministerial review. I look forward to that and to the many issues associated with prostitution being addressed effectively.

12:02

Donald Gorrie (Central Scotland) (LD): This has been an excellent debate. Members have been wrestling with their consciences and with the problems involved. This is a personal matter, and I think that people should vote in a personal capacity. I would greatly regret it if any party—as seems to have been indicated—were to have a party line on the issue.

The Local Government Committee has produced a very good report. Although I happen to disagree with one or two points in it, it is a fair and serious attempt to address what is obviously a difficult issue.

I support the bill, because it gives councils the opportunity to put in place tolerance zones if they so wish. The local community and the council have to agree with the police in working out how the zones would operate, so the bill involves a local democratic measure.

It has been argued that this is a matter not of legislation but of location. However, if the legislation does not exist, it is not possible to do anything, even if a location is found. If the legislation exists and a location can be found, something may be done; if a location is not found, nothing will be done. That is fairly straightforward and democratic—I thought that that is what we were here for.

Trish Godman: Donald Gorrie said that if the legislation does not exist, it is not possible to do anything, but there is an unofficial tolerance zone in Glasgow despite the absence of legislation.

Donald Gorrie: There seem to be indications that that zone could unravel at some stage in the future. If a zone already exists, it would better to legislate rather than to keep it operating unofficially.

The Local Government Committee called for a working party to be set up and I hope that the minister will agree that one should be established. It would be disappointing if the minister proposes not to implement that important recommendation, whether or not Margo MacDonald's bill is passed.

We have to tackle kerb-crawling and the male contribution to prostitution. I have always felt unhappy with the current situation. Perhaps we should be dealing with kerb-crawling—I do not

know. Morally, it is just as bad for men to go to prostitutes as it is for prostitutes to offer the service, but we are still in the Victorian position of dealing with the women but not with the men.

Dr Sylvia Jackson (Stirling) (Lab): Will Donald Gorrie comment on Iain Smith's remarks that we might use community planning and the power of well-being to make a start on tackling the issue? Is there anything wrong with that proposal?

Donald Gorrie: What is wrong with that is the innate caution of local government officials and, especially, of their lawyers. If there is any doubt as to whether a power exists, they will not use it. It is much better to make such powers specific. With all due respect, I think that that is a false argument.

It is also a false argument to say that the violence takes place outside the tolerance zone. As Margo MacDonald has repeatedly said, and as the evidence has shown, the intelligence that is gathered from the tolerance zone and the co-operation of the prostitutes—who have a very effective network—help to identify people who are violent. That violence takes place outwith the areas concerned is not a strong argument.

It is a question of local choice. A little while ago, we passed a bill—now the Transport (Scotland) Act 2001—under which councils could, if they wished, introduce congestion charging. Whether or not they do so it is up to them, but they have the option. Likewise, under the Prostitution Tolerance Zones (Scotland) Bill, councils could have the option of setting up tolerance zones. It would help in many cases and authorities should have the chance to introduce zones if the local communities concerned agree.

12:06

Lord James Douglas-Hamilton (Lothians) (Con): Susan Deacon was absolutely right to talk about the intractability of the problem. The most contentious aspect of the bill is the location of the zones. Should they be placed in industrial or business areas, for example? The reason behind the zones' creation could be contradicted, as such areas are often isolated or scarcely policed, and it is possible that the threat of danger to the prostitutes could be increased if zones were located in those areas.

The creation of tolerance zones in residential areas could give rise to many objections from local residents. The zones might make children and young people in those areas witness actions that people would rather they did not see. The possible increase in kerb-crawling might intimidate women residents, and the large amount of debris left behind, including syringes, presents obvious health hazards. Zones in residential areas could lead to conflict between the public and the police,

with the public becoming tired or irritated by the police's non-action. Edinburgh's unofficial tolerance zone, which was in operation for 20 years in the Coburg Street area of Leith, was eventually ended because of complaints from residents following the considerable renovation of that area.

Margo MacDonald: As Donald Gorrie said, the measures enabled under the bill would be a matter for local democracy. No local democratically elected council would place a tolerance zone in a residential area. As regards the cleansing of business areas, that is part and parcel of the policy. It is not just a question of geographical location; a set of services would be delivered in partnership inside designated areas.

Lord James Douglas-Hamilton: I applaud Margo MacDonald's courage but, if I may say so, she speaks entirely for herself. When I put the point to Deputy Chief Constable Tom Wood at the Justice 1 Committee, he agreed that it would be virtually impossible to re-establish in the same location the tolerance zone that has now been removed if there were strong objections from residents. That presents a real problem in the choice of location for a tolerance zone in Edinburgh. It is indisputable that the police evidence to the Justice 1 Committee was strongly divided on the issue.

We believe in a zero-tolerance approach to crime and we take an extremely hard line against underage prostitution and the criminal exploitation of children. We also believe that there should be high health standards for the women concerned. In that regard, we want to choose the option that is the least objectionable to the community as a whole—and the community as a whole is entitled to have its view taken into account.

We do not want legislation in this area to be rushed through. The Justice 1 Committee was able to dedicate only one evidence-taking session to the bill, which in our view was not sufficient. Prostitution in Scotland requires further study, with particular attention given to the high level of drug dependency among the women concerned. In an e-mail to me, Jan Macleod of the Women's Support Project (Glasgow) urged a full review of prostitution in Scotland. Like her, I believe that the whole issue, including the health, law-and-order and practical implications, must be properly addressed. That does not mean that consideration should be given only to possible tolerance areas.

Margo MacDonald had the courage to raise one aspect of the issue, but I remind her that as great a person as Prime Minister Gladstone was confronted with the reality that no easy cure can be found on the issue. In my view, her case for prostitution tolerance zones, as stated in the bill, remains unproven.

12:11

Ms Sandra White (Glasgow) (SNP): I thank the clerks and committee members for their work and, although I will not support the bill, I also thank Margo MacDonald for raising the subject and for giving us the opportunity to debate it.

My colleagues Tricia Marwick and Iain Smith mentioned the legal and practical powers that local authorities now have and those that they have always had. They rightly pointed out that legislation on the matter is not required and I support that stance. If we consider honestly and carefully what has been said, we will find that the bill is really about the management of prostitution. We must ask whether we want to manage prostitution or help women to get out of it—that is the crux of the matter.

Various facts have been mentioned, including that 95 per cent of prostitutes are drug abusers, that most prostitutes have a history of abuse and, as Trish Godman eloquently said, that most of them do not enter prostitution through choice. We must remember that.

In Trish Godman's excellent speech, she explained the difficulties that the Local Government Committee had in discussing and reaching a decision on the bill. I think that we reached the right and proper decision, which is to have further debate on the matter. I hope that the Deputy Minister for Justice will say whether he intends to set up a working party.

Elaine Smith (Coatbridge and Chryston) (Lab): I am curious about something Sandra White said and I ask her to clarify it. Why cannot we manage prostitution and at the same time help women to get out of it?

Ms White: Prostitution can be managed to the extent that we can have outreach workers, and prostitutes can get to health centres and so forth. Some members, including Lord James Douglas-Hamilton, Donald Gorrie and others, made strong points about areas with residential properties. Prostitution can be managed for the benefit of the women's health, but not for the benefit of such areas.

I greatly object to some things that Donald Gorrie, in particular, said. He said that it is not an argument to say that the violence occurs outwith the tolerance zone, and I would like to challenge him on that. That is the crux of the whole argument. What is the point of having a tolerance zone, which Margo MacDonald recently said was part of a "duty of care" to prostitutes? That is part of what the bill is supposed to be about. How can that be a duty of care to prostitutes when violence happens outwith the tolerance zone?

Donald Gorrie: Will the member give way?

Ms White: I am sorry. I do not have much time, but I may take up the issue with Mr Gorrie privately after the debate.

I would like to return to what Trish Godman and Bill Aitken said regarding the drugs courts. We must look very carefully at that. Trish Godman also mentioned that legislation must be implemented to deal with the user, or as I call them the abuser or buyer, of those services. We must consider introducing criminal legislation so that the men involved are brought to justice. That will mean that the women get justice. It is wrong that the woman and not the man is always seen as the criminal.

Concentrating on the zones, Margo MacDonald said that they are not pick-up points. They are, and I have already mentioned that the violence happens outwith those zones. That is why I cannot possibly support the bill. However, we must look at that point carefully.

Lord James Douglas-Hamilton and a few members mentioned residential areas. However, they never mentioned the fact that women are being abused. Residents may complain that their area is being used as a tolerance zone. However, are those women supposed to be shipped out to an industrial area? How will they get there? There is absolutely no sense in that proposal. Those people are basically saying that the tolerance zones are an annoyance. Margo MacDonald said that the bill aims to minimise annoyance and embarrassment to the public. What about the annoyance, embarrassment and violence that the women suffer? That is what we should be looking at. I cannot support the bill for those reasons.

12:15

The Deputy Minister for Justice (Hugh Henry): This is a welcome opportunity to discuss a complex, often controversial, but socially very important issue, which affects many individuals and, as we have heard today, many communities. It is a problem that, all too often, we try to forget about despite the length of time that it has been with us.

In introducing the bill, Margo MacDonald has enabled us—through the excellent work of the Local Government Committee and her own excellent work—to give wider and more detailed consideration to the way in which we should tackle the problem. We have heard legitimate concerns about the women who are involved in prostitution and about the need to offer them routes out of it. We have heard legitimate concerns about the violence that they may face and their drug habits. We have also heard concerns about residents in certain communities. All those concerns are worthy of careful consideration.

We have also heard, in the work of the committee and again today, that there are clear differences of opinion within the Parliament and outwith it, not just among different groups, but concerning the different experiences in Edinburgh and Glasgow. The committee heard that those who were involved with the tolerance zone that existed in Edinburgh would welcome the measures in the bill and see them as the way forward. However, a number of contributors to the committee's work and several members today, including Pauline McNeill, mentioned the need for support services to help the women who are involved. Those services must be at the heart of anything that we do.

We know that Glasgow has a different opinion and does not favour a tolerance zone. However, Glasgow has a long record of well-structured support to help people out of prostitution. Pauline McNeill mentioned one of the organisations that does that, which is funded by the Executive. We must give careful consideration to all the different opinions. As I said to the committee, we should not make hasty decisions. Although the committee has done a commendable job and has spent a lot of time on the bill, there are still many questions to be answered and issues to be addressed. The committee recognises that, and that fact has been acknowledged again in the debate.

As members have said, we do not want women to be forced into prostitution to earn a living or, in some cases, to feed a drug habit. That point has been made consistently in what members have said.

The Executive's view was that it would wait to see the committee's report. We have done that. We welcome the general thrust of that report and agree with the committee's recommendation to reject the call for immediate legislation to enable the setting up of tolerance zones. We think that that is the right conclusion in the present circumstances. The issues are not clear, and it would be premature to rush to legislation on the subject.

We understand the arguments that have been presented by Margo MacDonald and others who are in favour of tolerance zones. However, it is clear that there is, as yet, no consensus as to whether tolerance zones would improve or worsen the overall safety of the women who are involved in prostitution or of the communities in which they operate. Another key goal for public policy should be the provision of more effective support to help women out of prostitution. At the moment, however, there is no evidence to suggest that tolerance zones would assist in that.

Margo MacDonald: I refer the minister to SCOT-PEP's experience of successfully operating a pre-employment training scheme to help women out of prostitution.

Hugh Henry: There is evidence of good work in both Edinburgh and Glasgow in helping women out of prostitution. However, there is no evidence yet that tolerance zones would assist that process. The Local Government Committee recommended that an expert group should be set up. Members will recall that in recent years several high-profile groups, including the ministerial working group on women offending, examined prostitution but were unable to agree on a way forward. Nevertheless, we agree with the committee that an expert group would be a sensible way forward. We think that such a group, which would be taken out of the political framework, would be able to do objective, expert analysis and investigation, and could help to inform views. I think that it could present a productive set of proposals to the Parliament and to the Administration.

Trish Godman: In case the minister is not going to mention it, there has been much discussion about the power of well-being and whether we or local authorities could use that power in relation to prostitutes. If the minister thinks that local authorities could not use that power, can he give an undertaking today that he will revisit the issue to ascertain whether changes could be made that would allow local authorities to use the power of well-being?

Hugh Henry: The Deputy Minister for Finance and Public Services in his reply to the Local Government Committee articulated some of the concerns about how the power of well-being would and could be used. The power of well-being cannot be used for illegal activities, but it can be used to promote the well-being of different groups in different areas within local communities. The power of well-being is flexible, but there must be constraints on how it operates.

I return to the question of the proposed expert group. I propose that, given the expertise that Margo MacDonald assembled through her work and brought to the debate, she should be invited to participate in the work of the expert group, to consider issues such as health, social justice, poverty and re-offending. However, I make it clear that, given the time constraints, it would be difficult for this Parliament to move forward on the expert group proposal. The next Parliament and the next Administration would have to take that forward. However, an expert group that was supported by and involved Margo MacDonald would be of considerable benefit.

I will quickly address the issue of the drugs courts. As I said to the Local Government Committee, there is nothing to prevent women from being referred to drugs courts. It is obvious that there are concerns in some quarters about the fact that that is not happening. We will consider that further.

Margo MacDonald has done an excellent job in helping to bring the issue of prostitution tolerance zones to the attention both of the public and of the Parliament. She and the Local Government Committee must be commended for their work. I hope that the rejection of the Prostitution Tolerance Zones (Scotland) Bill as premature and the creation of an expert group will help to ensure that in the coming period we will be able to have a reasoned, sensible and sensitive discussion on a difficult problem. I thank Margo MacDonald for enabling us to look forward to doing that.

12:19

Margo MacDonald: In winding up the debate on the Prostitution Tolerance Zones (Scotland) Bill, I thank all the members who have taken part. I not only enjoyed the contributions, but learned from them, which surprises me because I thought that I had heard it all. I should also mention absent friends of the bill who, for various reasons, are not present. Tommy Sheridan, Mary Scanlon and Kate Maclean indicated to me that they would have taken part in the debate if they had been able to be present.

I turn to the points that members made during the debate. Tricia Marwick said that legislation was not needed. I wonder whether I can draw her attention to a letter that was sent to Councillor Donald Anderson, who is the leader of the City of Edinburgh Council. He has been advised by the council's solicitors that, although the power to advance well-being that is provided for in the Local Government in Scotland Act 2003

"is indeed a quite deliberately worded ... provision, it is still nonetheless a statutory provision which, like other statutory provisions, is exposed to judicial challenge."

Given that the council's solicitor immediately raised a doubt about that provision, which, as an enabling measure, depends on the council acting in what it considers to be the best interests of its constituents, the likelihood is that the council would choose not to act.

Tricia Marwick: We heard the minister say that, under the power to advance well-being, local authorities have the duty to put in place services that will help individuals or groups of people within their communities. The provision of infrastructure and facilities for a tolerance zone could therefore be covered by that power. If it is not covered, I am sure that the Parliament will introduce legislation to make that clearer. In my view, and in that of the committee and the minister, that power could be used. However, the power to advance well-being cannot tackle soliciting. That is absolutely the right thing.

Margo MacDonald: Let me reiterate the views of the solicitor to the City of Edinburgh Council. He

continues by saying that any such zone could be subject to a potential challenge by local residents. Such a challenge could be based

“on it being legally unreasonable for the local authority to connive at breach of the criminal law and/or to be action which was not expressly sanctioned by statute and involved a contravention of the rights of local residents to their right to respect of private and family life in the terms of Article 8 of the European Convention on Human Rights.”

I prefer to go with the expert opinion. I also prefer to go with my own knowledge of the situation in Edinburgh when we come to the difficult business of finding a location for the tolerance zone that my proposed policy would enable. I have never said that setting up such a zone would be easy, but it would be possible if the will was there.

John Young said that we would enter a legal quagmire if we adopted the bill. However, as he knows, the Local Government Committee said that the present law is unsatisfactory. We need to weigh the balance of evidence by weighing the benefits that may be gained from this imperfect measure against the detrimental effects of continuing with the current, imperfect law.

Iain Smith said that, for him, paragraph 90 of the Local Government Committee's report was the most important paragraph. I welcomed his speech, which I found interesting, but I disagree with him. The most important paragraph in the committee's report is paragraph 92, which states:

“the new power to advance well being, for provision of support services to prostitutes, should be monitored and kept under review by the Executive.”

Of course, I agree with that point. The paragraph continues:

“Should experience or changing circumstances show, in due course, that the powers available to local authorities are not adequate, it would be a matter for the Executive of the day to decide whether it was necessary to bring forward further legislation.”

The committee already admits that its idea is not watertight, so let me try to persuade members of my case. Now, I hear the convener saying that she has never claimed that the current law is perfect. I do not claim that my solution is perfect either, but I do not believe that the one position contradicts the other.

Trish Godman's speech was excellent. Indeed, I must thank her for the care and attention that she and her committee gave to the issue. In her speech, she stressed the need to change attitudes. I could not agree more, but changing attitudes takes time. As we heard from Margaret Smith, we may not have time, given what is happening in Edinburgh just now. I appreciate that the situation may be different in other cities, but the bill is an enabling measure that would allow each city to adopt a pragmatic policy of management to suit the conditions that exist now.

Local authorities would not be precluded from adopting a longer-term strategy for dealing with prostitution, which is what the committee favoured.

Bill Aitken asked what the police would do about drug users. He said that drug usage drives prostitution. He is right that it drives prostitution in many instances and drug use is most certainly allied to the growth of underage prostitution in Glasgow. As I pointed out, in Edinburgh—even with the deterioration over the past 15 months, since there has not been a tolerance zone—only 50 per cent of the prostitutes are estimated to be intravenous drug users. What are the police to do with them? Are they to be treated differently from other prostitutes?

I turn briefly to the differences in the record as regards violence and the number of murders committed. I certainly do not want to do a head count. In Edinburgh, which had the tolerance zone, there have been two murders in the past 12 years, both of which were solved and the culprits found and charged within 48 hours because, the police assure me, of the intelligence that had been built up. In Glasgow, there have been eight murders, but none has ever been solved and no one has ever been brought to court for them.

Tricia Marwick: Will the member give way?

The Deputy Presiding Officer (Mr George Reid): We are very tight for time, I am afraid.

Margo MacDonald: I am very tight for time and I have already given way to the member. I will come back to one of the other issues that she mentioned.

I stress that the Routes Out of Prostitution approach described by Pauline McNeill is not at variance with the tolerance zone that was operated in Edinburgh, because SCOT-PEP played the same sort of role in helping women come out of prostitution and supporting them while they were in it. The police in Edinburgh have also said that they think that the preferable way of policing involves having a tolerance zone.

I took everything that Margaret Smith said very seriously, because, like her and Susan Deacon, I represent Edinburgh and I am concerned that we must deal with the matter urgently.

Elaine Thomson suggested that the drugs courts might be used as a method of disposal. Yes, but that is not the whole answer—certainly not in Edinburgh.

Donald Gorrie reminded us that this is a matter of local democracy—I could not agree more. However, he also said that he regretted the fact that there appeared to be some whipping in at least one party in the chamber. I regret that also, but that might be because the SNP's policy was to decriminalise prostitution per se, which this bill

does not seek to do. If the SNP has changed its policy, I would be glad to hear about it.

I feel that there was a lack of understanding in what Lord James Douglas-Hamilton said—I hope that he does not mind my saying that—but I will talk to him afterwards and explain how the services and location are indivisible. It is unfortunate that I do not have time to go into that just now.

The Deputy Presiding Officer: No, you must wind up I am afraid.

Margo MacDonald: I welcome and greatly appreciate what the minister said and the intention to properly investigate the whole situation, particularly as it affects street prostitutes and residents affected by their activities. The situation has assumed urgency in Edinburgh. I wonder whether it would be possible, should the bill not pass at stage 1—there is just a chance of that—to institute a pilot scheme, perhaps in Edinburgh, to test the propositions in the bill so that any review would have the fullest possible information available to it. I believe that any review could proceed alongside implementation of the Prostitution Tolerance Zones (Scotland) Bill. The bill could be amended in any way that the Parliament wanted to amend it at stage 2. For example, the bill could be a renewable piece of legislation that is up for approval every year.

The Deputy Presiding Officer: I am afraid that you must close.

Margo MacDonald: The longer-term process of eliminating prostitution is not compromised by a duty of care to prostitutes and the pragmatic management of the social and health problems associated with prostitution.

The Deputy Presiding Officer: I remind members that Pat Cox, the President of the European Parliament, will address members in the chamber at 1.45 pm today. Clerks and staff should be in their seats by 1.30 pm.

12:34

Meeting suspended until 14:30.

14:30

On resuming—

The Presiding Officer (Sir David Steel): Before we begin question time this afternoon, I invite members to give a very warm welcome to two distinguished European politicians who are with us in the gallery today: the president of the European Parliament, Pat Cox; and the Netherlands member of the European Commission, Frits Bolkestein. *[Applause.]*

Question Time

SCOTTISH EXECUTIVE

Child Protection

1. Rhona Brankin (Midlothian) (Lab): To ask the Scottish Executive what measures it is taking to improve child protection. (S1O-6551)

The Minister for Education and Young People (Cathy Jamieson): Improving child protection and preventing abuse and neglect are key priorities for the Scottish Executive. In response to the recent child protection review, we are engaged in a three-year programme of sustained activity to reform child protection throughout Scotland, which will include the setting up of an expert team to oversee reforms.

Rhona Brankin: Can the minister assure me that all the agencies that are involved in child protection are committed to effective joint working to ensure that there is no repeat of recent tragic incidents?

Cathy Jamieson: I assure Rhona Brankin that all the agencies were brought together at the recent child protection summit, which the First Minister and I held. At that summit, I made it clear that we will seek to ensure that any gaps in current provision are closed. We recognise that agencies must work together, although each has unique responsibilities. We will continue to pursue that joined-up agenda.

Mr Gil Paterson (Central Scotland) (SNP): I appreciate that the minister might not at the moment be able to comment on the issue that I intend to raise. If that is the case, I would like her to write to me with an answer to my question.

Concerns have been expressed about the exclusion of smaller voluntary organisations from the work of the child protection committees. Has that issue been raised with the minister? If so, how does she think the problem can be rectified?

Cathy Jamieson: There has already been some discussion of the future role of the child protection

committees. I am keen that that role should be expanded to ensure that the committees have the status that they require to do their job effectively. I have committed myself to considering whether the committees should be placed on a statutory footing, but I am not aware of representations having been made in connection with the points that the member raised. However, I will look into the matter and write to him about it.

Dennis Canavan (Falkirk West): Will the minister ensure greater protection of children's right to pre-school education in the light of recent reports that nearly 9,000 three-year-olds are being denied that right?

Cathy Jamieson: Let me put the record straight: 9,000 children are not being denied pre-school education. The take-up rate for pre-school education is now 96 per cent for four-year-olds and 85 per cent for three-year-olds. It is simply not the case that 9,000 children are being denied that right and I want to put that very clearly on the record.

Pharmacy Services (Office of Fair Trading Report)

2. Mr David Davidson (North-East Scotland) (Con): To ask the Scottish Executive what meetings it has had with stakeholders following the Office of Fair Trading report on pharmacy services. (S1O-6512)

The Deputy Minister for Health and Community Care (Mr Frank McAveety): The health department hosted a forum on 6 February at which representatives of key stakeholder groups exchanged views about the report.

I also met the chairs and the vice-chairs of the Scottish Pharmaceutical General Council—SPGC—and the Scottish department of the Royal Pharmaceutical Society on 20 February. Yesterday, health department officials also met the corporate members of the Company Chemists Association. In addition, we have encouraged all interested parties to send to the department their views in writing by the end of February.

Mr Davidson: Following those meetings, is the minister convinced that the provision of the national health service primary care prescription-dispensing service in the community is not a matter for competition law, and that access to pharmacy dispensing services must remain available in all communities, especially those in rural and suburban areas? Does he further agree that it is not in the public interest to reverse the planned service approach that was introduced in 1987 under the previous Conservative Government?

Mr McAveety: The department is still collating information, so it would be inappropriate for me to

take a firm view. However, I said at a meeting of the Health and Community Care Committee on Tuesday afternoon that we are adapting our approach by looking at what we have already accepted in our report "The Right Medicine: A Strategy for Pharmaceutical Care in Scotland". The Scottish Executive makes a decision on access to the lists and will take all those points into consideration before it arrives at a decision. It is to be hoped that that will happen sooner rather than later.

Christine Grahame (South of Scotland) (SNP): The deputy minister may be aware that one aspect of "The Right Medicine", which was the department's review of the care strategy of the pharmaceutical services, was about improving community pharmacy services. Is the deputy minister aware that community pharmacists, such as the 25 throughout the Scottish Borders, provide invaluable local knowledge and services? For instance, at Duns and Newtown St Boswells, pharmacists have recently extended their premises to include the privacy of a consulting room. Will the deputy minister confirm that the OFT proposals fly in the face of the minister's own strategy, and that they will be resisted accordingly?

Mr McAveety: I welcome the partnership approach that we have adopted with the pharmacy industry throughout Scotland. As part of our primary care modernisation, we have released funds to facilitate examples such as that which Christine Grahame mentioned. As I said, we are utterly committed to "The Right Medicine", and any assessment that we make of the OFT report will be predicated on what is contained in the principle agreement that we have adopted on partnership on this issue through "The Right Medicine".

Janis Hughes (Glasgow Rutherglen) (Lab): Can the minister assure me that he will do everything in his power to ensure that the views of the 12,000 constituents of Glasgow Rutherglen who signed petitions against the OFT report will be taken on board; that he recognises the potentially detrimental effect on our growing elderly population if the community pharmacy set-up that exists ceases; and that the Executive will do what it feels is right in Scotland, irrespective of the outcome of the OFT report?

Mr McAveety: In line with what the First Minister said last Thursday, and also with the submission that I made to the Health and Community Care Committee on Tuesday, we are absolutely committed to the role that community pharmacies play in communities throughout Scotland. We believe that "The Right Medicine" is an appropriate assessment in understanding how best to take forward the process. As I said, it is important that we take note of the deliberations that were

submitted to us. I hope that we will arrive at a decision, and I hope to respond to Janis Hughes and other members, sooner rather than later.

Dundee City Council (Public Sector Housing)

3. Mr John McAllion (Dundee East) (Lab): To ask the Scottish Executive what discussions it has held with Dundee City Council about proposals for investment in public sector housing. (S1O-6517)

The Minister for Social Justice (Ms Margaret Curran): There were extensive discussions with Dundee City Council leading to the successful transfer in December 2001 of nearly 1,500 council houses on the Ardler estate. That will result in 1,000 new houses being built. Discussions continue about progress on the comprehensive study that the council is currently undertaking of the condition of, and future options for, the rest of its housing stock.

Mr McAllion: Does the minister accept that the council and the Dundee Federation of Tenants Associations want to keep council housing in Dundee through the mechanism of arm's-length organisations, which are being pioneered by John Prescott in England? Does she also accept that they are unable to do so because the level of residual housing debt and the poor condition of the stock are such that Executive assistance with debt write-off is required—assistance that has been denied them unless they go for whole-stock transfer and they close down council housing? Why will the Executive empower tenants to do what the Executive wants, but not to do what the tenants want?

Ms Curran: That really is quite wrong and misguided on two points. First, central Government answers the debt issue and clears the debt, not the Scottish Executive. Secondly, why would we propose a ballot of tenants if we were not prepared to hear what tenants have to say? John McAllion and I disagree fundamentally, because I say listen to all the tenants, not just to a small clique of them.

Shona Robison (North-East Scotland) (SNP): Can the minister confirm whether Dundee City Council will be entitled to apply for prudential borrowing—an question that was also asked by Dundee Federation of Tenants Associations? Does she acknowledge that the level of investment that is needed in Dundee, and the high rents, might bar the council from being able to take that route?

Ms Curran: As I am sure many members are aware, I announced a major development in housing policy on 7 November, with the introduction of the prudential borrowing regime in relation to housing, to allow local authorities to examine strategies that they wish to develop. I

have always made it clear—it is abundantly apparent to anyone who gives a cursory glance to housing in Scotland—that given the level of investment that is required, we need to consider other means to lever in investment in order to ensure that we drive up standards in housing. Part of my announcement in November was about housing standards, because we will not tolerate a situation in which standards are poor. We are considering a variety of strategies, including the prudential borrowing regime, but it might still be the case that local authorities will have to lever in extra investment.

However, we have made it clear that we will work in partnership with local authorities and other housing organisations to ensure that we maximise the opportunities that are available, to ensure that we discuss them with tenants, but also—critically—to ensure that we get the required investment in housing.

Glasgow Airport Rail Link

4. Robert Brown (Glasgow) (LD): To ask the Scottish Executive what action it will take to advance plans for a Glasgow airport rail link. (S10-6529)

The Minister for Enterprise, Transport and Lifelong Learning (Iain Gray): We have recently received the consultants' final report on the provision of rail links to Glasgow and Edinburgh airports. That report is being considered and we will in due course make an announcement on the way forward.

Robert Brown: I remind the minister that on several previous occasions feelings of frustration have been expressed about the on-going consultants' reports and recommendations. In light of the production of the final report, I invite him to commit to a time scale to show that the Executive remains committed to the construction of the Glasgow airport rail link. What time scales will be involved?

Iain Gray: I have made it clear on a number of occasions that the Executive is committed to rail links to both Glasgow and Edinburgh airports. As Mr Brown will know, the final stage of the consultants' work was to consider the short-listed options. It was only on Tuesday that my deputy, Lewis Macdonald, and I were presented with the consultants' full findings on that. Although it will take slightly more than 48 hours to decide the way forward, it will be only a matter of days or weeks before we make that decision.

Ms Sandra White (Glasgow) (SNP): The minister will be aware of the British Airports Authority's announcement about bringing forward plans to upgrade Glasgow and Edinburgh airports five years early. Will the minister assure us that

the link to Glasgow airport and the crossrail scheme will coincide with the plan that BAA has just announced?

Iain Gray: There is a real synergy between the potential for providing rail links and the potential for expansion at Glasgow and Edinburgh airports. The development of that work involves a wide group of stakeholders and a steering group. As the BAA is very much part of that, it is aware of the work on the rail links. The answer to the member's question must be yes.

Miss Annabel Goldie (West of Scotland) (Con): Will the minister confirm that a heavy rail link might not be the only option for Glasgow and that there might be merit in considering the alternative of a monorail link, which has far less expensive capital-cost implications and which would make land acquisition far simpler?

Iain Gray: It would be hard to convince me that a light rail system provided solely as a link to the airport, or any of the other options that have been mooted, would work as stand-alone developments. I know that there has been talk about potential light rail options in Glasgow and, indeed, in Edinburgh and the potential of extending such developments out to the airports has been discussed. The consultants examined light rail options, but their shortlist of four consists of heavy rail options for both airports. On previous occasions, other members have indicated that there is an appetite to proceed on the issue as quickly as possible. Along with value for money, that is probably the overriding consideration.

Public Transport Spending

5. Robin Harper (Lothians) (Green): To ask the Scottish Executive how much of its committed spending on public transport projects will be spent directly on public transport infrastructure and how much will be spent on public transport feasibility studies. (S10-6537)

The Minister for Enterprise, Transport and Lifelong Learning (Iain Gray): Of the sum of about £300 million that has been committed from the public transport fund and the integrated transport fund, about £274 million will be spent directly on public transport infrastructure, about £3 million will be spent on a range of public transport feasibility studies and nearly £23 million will be spent on preparatory work on various public transport projects.

Robin Harper: January's ministerial announcement on the central Scotland transport corridor studies committed the Executive to reopening the Bathgate to Airdrie railway. Will the minister make a commitment that, rather than shifting responsibility for delivering that key project on to local authorities, the Executive will lead on

its delivery, so that it does not end up being just another feasibility study of a feasibility study?

Iain Gray: There has been some speculation in this week's press about what an engineering study is. An engineering study for a rail link that we are committed to opening is not a feasibility study—it represents stage 1 in the construction of the Airdrie to Bathgate rail link. Anyone who thinks that a railway can be built without first doing an engineering study has little idea of how a rail network operates.

David Mundell (South of Scotland) (Con): Does the minister share my concern that, in spite of a significant and welcome investment in the public transport infrastructure at Lockerbie station, Virgin Trains intends to reduce the number of services that it operates from that station and has gone back on a commitment to provide an early-morning service to Glasgow and Edinburgh?

The Presiding Officer: Order. That has nothing to do with feasibility studies.

David Mundell: It does, because a feasibility study was carried out.

Members: Ooh.

The Presiding Officer: Order. Bring your question to order.

David Mundell: I am asking the minister about public transport infrastructure investment and the feasibility studies that have previously been carried out in relation to providing an early-morning service between Lockerbie and Glasgow and Edinburgh, and the fact that Virgin Trains has now gone back on its commitment to provide that service, despite the Scottish Executive's welcome investment in the station.

Iain Gray: Mr Mundell will be aware that the Scottish Executive does not have responsibility for cross-border links. We have said before that it is disappointing to see a reduction in services, although more reliability would be welcome. I am happy to accept Mr Mundell's endorsement for the Executive's investment in Lockerbie station.

Bristow Muldoon (Livingston) (Lab): I welcome the minister's endorsement of the reopening of the Bathgate to Airdrie line, which was the subject of some doubt among the nationalists in West Lothian. What will be the impact of the investment in public transport infrastructure, such as the expansion of the existing Bathgate to Airdrie line that was announced earlier this week by the minister's deputy, Lewis Macdonald?

Iain Gray: The extension to the platform at Bathgate means that when the new rolling stock begins to arrive later in the year, rail users from Bathgate will have the advantage of far less

overcrowding in the trains that they use; indeed, overcrowding should be eliminated.

Yet again, we made a good-news announcement of £100 million for new rolling stock and an attempt was made to undermine it by suggesting that it had not occurred to us that we had to extend the platforms—of course, it had. Later in the year, the benefits will be seen by passengers in Bathgate and elsewhere.

Census 2001

6. Shona Robison (North-East Scotland) (SNP): To ask the Scottish Executive what concerns it has about the key statistics contained in the 2001 census. (S10-6545)

The Deputy First Minister and Minister for Justice (Mr Jim Wallace): Detailed results from the 2001 census were released by the Registrar General for Scotland in two reports on 13 February 2003.

The census contains a large amount of detailed and useful information that will form a vital part of the evidence base for future Executive policies. As the reports have just been released, it would be premature to comment until more detailed analysis has been undertaken.

Shona Robison: I point the minister to a key statistic that will be of particular concern to him. Does he agree that it is concerning that more than 40 per cent of Dundee men of working age are regarded as long-term unemployed, which means that they have not worked since 1999 or earlier? That is the highest figure in Scotland.

Does the minister agree that that is more evidence of the failure of the Labour-Liberal Government, and the failure of the Labour council in Dundee to tackle the core economic problems that face the city?

Mr Wallace: It will come as no surprise to Shona Robison when I say that I do not agree. The Executive has taken a range of economic and industrial initiatives to address unemployment. The fact that unemployment in Scotland is below 100,000 for the first time in a generation should not be minimised.

To be fair, Shona Robison makes an important point in as much as it shows the importance of the census data, and it shows that we can get detailed breakdowns. That allows us to identify where there is most need and where our policies should be directed when we develop future policies.

John Young (West of Scotland) (Con): Is the Deputy First Minister aware that in "Scotland's Census 2001: The Registrar General's Report to the Scottish Parliament" there are seven different categories of person set out on page 10? One category that does not appear to be included is

potential asylum seekers who have not yet been processed. Can the Deputy First Minister help me out with that matter because, in essence, those people do not come under any of the categories that are included; for example, people who have “another usual address” on census day, or people who live

“in a special establishment or residential home”—

The Presiding Officer: Order. We do not need to hear the list.

John Young: Could the Deputy First Minister assist me on that question, please?

Mr Wallace: No, with regret, I cannot. However, I will look into the matter and if I can help, I will.

Robert Burns

7. Phil Gallie (South of Scotland) (Con): To ask the Scottish Executive what assessment has been made of the importance of the birthplace and artefacts of Robert Burns to the Ayrshire and Scotland economy and heritage. (S10-6518)

The Minister for Tourism, Culture and Sport (Mike Watson): The Scottish Executive has not carried out an assessment of the economic impact of Burns's birthplace and artefacts. However, I understand that an analysis of figures from Scottish Enterprise, Ayrshire and Arran Tourist Board and industry bodies was undertaken recently by the World Bank on behalf of BBC Radio Scotland. That produced a figure of £157 million as annual income that is generated for the Scottish economy through the celebration of Burns and his legacy.

Phil Gallie: I go along with the figures to which the minister referred. Does the minister accept that many of those earnings come from the central attraction of Burns's birthplace itself—the cottage—and the museum that stands alongside the cottage? Does he acknowledge that the museum is not perhaps up to the standards that we should expect? Manuscripts of Burns's writing and other artefacts are leaving the museum to come to Edinburgh; does the minister acknowledge that that is wrong and that it should not happen? For the sake of Ayrshire's economy and Burns's heritage, will the minister say what he could do to help the situation?

Mike Watson: It is interesting that Phil Gallie, a representative of a party whose leader, Iain Duncan Smith, has advocated a 20 per cent cut in public expenditure, should be asking me to spend more. The Burns cottage museum is part of the Burns National Heritage Park, which has submitted an application to the Heritage Lottery Fund, which is being considered, for the upkeep and various other aspects of the museum.

We are aware that the 250th anniversary of Burns's birth is approaching; that is why we are

putting money into a number of social inclusion areas to encourage young people to get involved in actively studying Burns. We will continue to do that and we will continue to put money into the Burns festival, the first of which was very successful last year. We will continue with that; we feel that that is, at this stage, the best way to ensure that access to Burns's legacy is as wide as possible for people in Scotland and people coming to Scotland.

Mr Adam Ingram (South of Scotland) (SNP): Whatever happened to Allan Wilson's pledge some two years ago to put Burns at the heart of the Executive's efforts to boost cultural tourism? Does not the total lack of support from the Executive for the Burns museum in Alloway expose the hollowness of its rhetoric on this, as on so many other issues?

Mike Watson: No it does not, because I have just outlined the resources that we are putting into Burns. We are putting in £300,000 to the projects that I mentioned and last year we put £100,000 into the Burns festival, which will play a major part in attracting people to Ayrshire. The Burns Heritage Trust is an independent organisation that is not funded directly by the Executive, which is why it has gone to the Heritage Lottery Fund for the funding that it believes it needs. It has raised about half of the money that it needs through other means. The idea that the trust is somehow being ignored is not the case; the trust is an independent organisation and we happen to be putting our money into other aspects of celebrating Burns and his legacy.

Cathy Peattie (Falkirk East) (Lab): Does the minister think that VisitScotland is doing enough to promote Burns to tourists in Scotland and overseas?

Mike Watson: The “Burns and a' that” festival that I mentioned is being taken forward with the assistance of VisitScotland. Could we do more? Yes, I suppose that we could always do more; that is what we are trying to do. VisitScotland is directly involved, as are local enterprise companies and Scottish Enterprise, in taking forward our marketing of Burns. I will continue to ensure that VisitScotland has an important input to that in the years ahead.

Dental Services (Caithness)

8. Mr Jamie Stone (Caithness, Sutherland and Easter Ross) (LD): To ask the Scottish Executive how the £107,000 funding package for Highland NHS Board will help the provision of dental services in Caithness. (S10-6522)

The Deputy Minister for Health and Community Care (Mrs Mary Mulligan): The £107,000 allocated to NHS Highland is to support

improvements in primary care dental services. It is for the primary care trust in conjunction with the dental profession locally to agree how best to target the funding.

Mr Stone: The minister will appreciate that, although £107,000 sounds like a lot, it does not fund an enormous number of dentists. As I have said in previous questions, many—perhaps thousands—of my constituents do not receive NHS dental services. Does the minister agree that, if we ignore the problem, we are merely storing up a bigger and much more expensive problem for the years to come?

Mrs Mulligan: I assure the member that we are in no way ignoring the problems that people who cannot access dental services locally face. We are totally committed to ensuring that, as far as is possible, people can find dentists who are accessible. For that reason, I have announced several measures—including access grants, golden hellos and support for practice improvements—that are aimed at ensuring that every person in Scotland who wishes to can access a dentist under the NHS.

Rhoda Grant (Highlands and Islands) (Lab): The minister is aware of my concern about dentists who provide NHS services in remote rural areas. Will she examine the mechanisms that trigger support for dentists who provide NHS services in remote rural areas? We must ensure that those mechanisms do not in fact act against such dentists. Will she examine the remote and rural areas support package for those dentists to ensure that we can offer them further help?

Mrs Mulligan: I am grateful to Rhoda Grant for her contribution to the suggestions that have been made, such as to improve the amount that we pay dentists under the rural initiative. We intend to examine that. At present, rural dentists receive £1,500 to assist them in delivering their service. We will consider trying to increase that to ensure that people who provide such a service face no financial penalties.

Climate Change

9. Nora Radcliffe (Gordon) (LD): To ask the Scottish Executive what action it is taking to combat climate change. (S10-6528)

The Minister for Environment and Rural Development (Ross Finnie): We work in partnership with the United Kingdom Government to deliver an equitable contribution to the UK's Kyoto target of reducing greenhouse gas emissions and to its domestic goal of reducing carbon dioxide emissions. Our Scottish climate change programme sets out the policies and measures for devolved matters through which we can deliver our contribution. We are also taking

action to adapt to the predicted impact of climate change. For example, capital resources for flood prevention and coast protection schemes are proposed to increase to £40 million over the next three years.

Nora Radcliffe: In targeting energy waste and unnecessary greenhouse gas emissions from poorly insulated buildings, will the Executive continue to extend the effective use of building standards regulations to improve new build and pursue vigorously ways of ensuring that existing buildings are progressively brought up to higher energy efficiency standards?

Ross Finnie: The member might be aware that the improved Scottish building standards, which the Executive introduced, set the highest standards for thermal insulation and energy efficiency in the UK. Those standards came into force last year and projections suggest that an energy saving of 25 per cent will be achieved for a typical new dwelling.

The member asked how we would extend that. The Building (Scotland) Bill, which the Parliament has passed, will be enacted this year. It identifies the achievement of sustainable development as the central aim of the building standards system. That will make it possible for us to create a more efficient and flexible system that is better able to deliver the objectives to which the member referred.

Alasdair Morgan (Galloway and Upper Nithsdale) (SNP): The use of renewable energy is important in relation to climate change. The minister said some time ago that the Executive was having discussions with the Ministry of Defence on the ministry's veto on wind farm development in Dumfries and Galloway. What were the results of those negotiations?

Ross Finnie: The Executive is consulting on many matters, including the impediments to the development of renewable energy policy, following our suggestion that we should set the more ambitious target of generating 40 per cent of our electricity from renewable sources by 2020. We are in the closing stages of finalising that consultation, so it would be inappropriate to give details. I will respond shortly with a balanced answer about all the matters that have been raised.

John Scott (Ayr) (Con): In the stage 3 debate on the Water Environment and Water Services (Scotland) Bill, the minister spoke of an ad hoc ministerial group that would examine and report on flooding. Has that group reported yet? If so, what were its conclusions? If it has not produced conclusions, when will it do so?

Ross Finnie: The ad hoc group, which my colleague the Deputy First Minister chaired, has

concluded its work and will report shortly. It examined a wide range of issues that encompass the work of departments other than my department to ensure that we make a collective response that covers the various agencies that are required to tackle the implications of flooding.

Child Care

10. Irene Oldfather (Cunninghame South) (Lab): To ask the Scottish Executive what progress is being made in providing affordable child care. (S1O-6549)

The Minister for Education and Young People (Cathy Jamieson): Our child care strategy funding helps local authorities to secure affordable child care for pre-school and school-age children. We will increase those resources from the present £17 million to more than £40 million in 2005-06. New social justice child care funding of £20 million will also be available from next year to help people in deprived areas into work or training.

Irene Oldfather: Will the minister join me in welcoming the progress that has been made in my constituency, where every parent who wishes access to after-school care for their child has such access? Have discussions taken place with, for example, new opportunities fund officials to ensure that the important progress that has been made in my area will be sustainable in future?

Cathy Jamieson: I welcome the improvements that have been made in Irene Oldfather's area. I know that North Ayrshire Council has worked hard on the issue and I would like to hear more about some of the innovative ideas that are being pursued. We have had discussions with new opportunities fund officials, who have decided to increase the flexibility of the fund's programmes, especially in relation to out-of-school care. All applicants can now apply for three-year funding, which should help to secure sustainability of provision.

Alex Neil (Central Scotland) (SNP): Will the minister change the rules so that, on the day on which a child becomes three, they are entitled to free nursery education? Surely it should not be the case, as it is in the North Lanarkshire Council area, that poor parents have to pay £22.50 a week for their child to receive nursery education until the beginning of the new school term. Surely that defeats the purpose of getting people off welfare and into work.

Cathy Jamieson: Alex Neil has written to me on the subject and has raised the issue before. I responded to clarify the current rules and to set out the discretion that local authorities have in respect of charges. I also point out that the forthcoming changes in relation to the children's tax credit will make it easier for parents who are

going out to work or back into training to claim additional financial support to assist with such costs. We are also pursuing other ways in which to support parents through the provision of child care in the home.

Mrs Lyndsay McIntosh (Central Scotland) (Con): Child care costs have become an issue, even in the Parliament. Does the minister agree that we should ensure that those most in need are targeted and given help with child care costs? Surely that should be the minister's aim.

Cathy Jamieson: I am delighted that Lyndsay McIntosh is converted to what has been Executive policy for many years.

Cannabis Users (Prosecution)

11. Tommy Sheridan (Glasgow) (SSP): To ask the Scottish Executive whether the prosecution of cannabis users represents an effective use of police time and resources. (S1O-6530)

The Deputy Minister for Justice (Hugh Henry): Procurators fiscal are responsible for the prosecution of crime in Scotland. The police have a clear duty to uphold the law in relation to illegal drugs, but the deployment of police resources to tackle drugs is entirely an operational matter for individual chief constables.

Tommy Sheridan: Does the minister agree that the most damaging illegal drug in Scotland is heroin? Heroin claims hundreds of young lives and is the root cause of the majority of crime in Scotland, yet the Executive's figures on the possession of illegal drugs show that, over the past four years, 78 per cent of convictions relate to cannabis and not to heroin. Is it not about time that we changed the law to remove cannabis from the equation and concentrated instead on heroin?

Hugh Henry: Press reports yesterday indicated the serious concerns about the medical problems that are caused by cannabis. The report said that, in cannabis users,

"the air sacs in the lung which permit the transfer of oxygen into the blood ... have been displaced by big cysts ... cutting the lung's function by up to a third and crowding the chest cavity. Sometimes the effect is a collapsed lung."

It is surprising that Mr Sheridan wants to make it easier for more young people in Scotland to be exposed to such conditions. He wants to make it easier for more of our young people to suffer the psychiatric effects of marijuana or the increased danger of lung cancer, schizophrenia and impotence. In his drug strategy, he also seems to want to legitimise the criminals who cause so much havoc in our communities. As far as drugs are concerned, Mr Sheridan seems to have more in common with the libertarian right.

Mr Kenneth Gibson (Glasgow) (SNP): I agree with everything that the minister has said. People who smoke cannabis are 17 times more likely to suffer from throat cancer than are people who smoke cigarettes. This is not the time to take the steps that Mr Sheridan suggests, without further and extensive research.

Hugh Henry: I agree entirely.

Fresh Fruit and Vegetables (Deprived Areas)

12. Iain Smith (North-East Fife) (LD): To ask the Scottish Executive what action it is taking to ensure the availability of fresh fruit and vegetables in deprived areas. (S1O-6541)

The Minister for Health and Community Care (Malcolm Chisholm): As part of the implementation of the Scottish diet action plan, wide-ranging initiatives are on-going at national and local level to improve access to and availability of fruit and vegetables in deprived communities. The Scottish community diet project has a specific remit to work with low-income communities to address the practical obstacles to healthy eating. On 19 February, we announced the introduction of nutritional standards for school meals and additional free fruit in school for all primary 1 and 2 children.

Iain Smith: Is the minister aware of a recent study of a town in England that revealed that 90 per cent of households were within 0.5km of a shop selling crisps and Coca-Cola, whereas only 20 per cent were within 0.5km of a shop selling fruit or vegetables? What effort is the Scottish Executive making to increase the availability of healthy food in such areas? For example, has it considered schemes such as the one that is run by a local medical centre in Liverpool, in which pieces of fruit are sold at 10p because of the lack of local shops selling fresh fruit?

Malcolm Chisholm: Access to fruit and vegetables and other healthy food is of great importance. That is why the Scottish community diet project initiatives are so important—I am sure that members know of and support those projects in their constituencies, for which funding has increased. The Scottish food and health co-ordinator is active in spreading information about the ways in which the problem can be dealt with and is working with manufacturers and retailers. That is fundamental to our healthy living campaign, which the First Minister launched in January, and it is another important way of increasing the consumption of fruit and vegetables in Scotland.

Care Homes (New Entrants)

13. Mrs Margaret Smith (Edinburgh West) (LD): To ask the Scottish Executive what action it is taking to ensure that care homes for elderly

people do not refuse new entrants. (S1O-6554)

The Deputy Minister for Health and Community Care (Mr Frank McAveety): The Scottish Executive and the Convention of Scottish Local Authorities have made an offer of almost £80 million to the independent care home sector to increase care home fees for older people from 1 April. The offer implements the recommendations of the national review group and has been accepted by the Church of Scotland and the Salvation Army, although we await a formal response from the private sector. Those significant extra resources will bring about a stable future for the care home sector and a choice of good-quality care home services for Scotland's older people.

Mrs Smith: Does the minister acknowledge that there is considerable concern about aspects of the care home sector? Although voluntary sector organisations have accepted the offer of £406 a week, the private care home sector has not. Will the minister give us an idea of when we can expect a conclusion to the on-going negotiations? Does he agree that, as press reports have said, the Executive has adopted a take-it-or-leave-it stance?

Mr McAveety: We made it clear that we wanted to adopt the principle to which all the participants in the national review group, which included representatives of the independent care home sector, signed up. The independent sector is currently consulting its members. It would not be appropriate to issue threats to withdraw new places that should be allocated. We have made a substantial offer—a 20 per cent increase for nursing care homes—and there has been a 30 per cent increase since we began considering the issue. That is a substantial contribution.

We recognise that there are broad issues about capacity and other aspects of the care home sector. We have been enlightened enough to want to engage in that discussion. However, we have made a fair and reasonable offer, which we believe private care home owners should accept.

Mr John Home Robertson (East Lothian) (Lab): I have already raised with the minister the subject of the uncertainty about the future of Cockenzie House nursing home. Will he acknowledge the concerns of residents and their relatives—and of staff—that the future of the nursing home seems uncertain? Can he assure the chamber that public authorities have the powers and resources to intervene to ensure that the vital work of a nursing home is not interrupted and that patients who need care are admitted?

Mr McAveety: I acknowledge John Home Robertson's contribution on this matter. As the constituency member, he has pressed me on a number of occasions to ensure that we can assist

in the process. The local authority provider is identifying the ways in which it can address the needs of Cockenzie House in particular. I recognise that any move from a residential or nursing care home is traumatic for individuals who live in that home. The local planning agreement between the health board and the local authority will try to address that issue. I know that the member has raised these issues before and I would be happy to meet him to discuss them if he feels that that would be appropriate.

First Minister's Question Time

SCOTTISH EXECUTIVE

Prime Minister (Meetings)

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

To ask the First Minister when he next plans to meet the Prime Minister and what issues he intends to raise. (S1F-2536)

The First Minister (Mr Jack McConnell): I expect to speak regularly with the Prime Minister over the coming weeks. We will discuss a wide range of issues.

Mr Swinney: On 14 January, the First Minister said:

"I don't make promises I can't keep".

Four years ago, the people of Scotland were promised that the Labour party would

"bring down waiting lists by at least 10,000 ... and then drive them down further".

Today, four years on, waiting lists have not fallen by 10,000; instead, they have increased by 10,000. How does the First Minister reconcile his statement,

"I don't make promises I can't keep",

with that shocking record on hospital waiting lists?

The First Minister: Because I am also very honest about when we need to change the policies and the targets that we have set out. It is absolutely right and proper that our health service policies and priorities focus on what matters most to patients, which is the time that they have to wait. As a result, we have focused step by step on real improvements to tackle key killer diseases such as heart disease, cancer and strokes. We have also focused on those who have had to wait the longest for their in-patient appointments, and between September and December last year managed to bring those figures down by a huge proportion. We will now move on to tackle out-patient appointments, because there is no point in bringing down in-patient waiting times if out-patient waiting times are still far too long. That is the next step and, step by step, we will ensure that the national health service gets better.

Mr Swinney: That was undoubtedly an admission of failure on waiting lists by the First Minister.

As the First Minister has moved the ground on to waiting times, we should now address that issue. Four years ago, the people were promised that the Labour party would

"bring down the time that patients have to wait to see a hospital consultant".

There were no ifs, no buts and no concentration on those who wait the longest. Instead, there was a simple promise to bring down the time that people wait to see a consultant. Four years ago, it took 46 days to see a hospital consultant. Today, after four years of this Administration and after all the money that has been spent, the waiting time to see a hospital consultant is not 46 days, but 57 days.

The First Minister *indicated disagreement.*

Mr Swinney: The First Minister shakes his head. However, the information is from the Government statistics database and was published this morning. If the First Minister cannot read the statistics, how can he hope to get in charge of the problem? That is the issue. Once again, I ask the First Minister how he can reconcile his statement,

"I don't make promises I can't keep",

with his failure to cut waiting times.

The First Minister: Apparently, because I can count. As I have tried to explain to Mr Swinney before, a median is not a mean or an average. The median is the mid-point; if we bring down the longest waiting times in the health service—which we are doing—the median will move upwards. I am happy to explain that basic mathematical fact to Mr Swinney in writing any day of the week.

We must deal with the most important issues in our health service. Since I became First Minister and Malcolm Chisholm became the Minister for Health and Community Care, we have focused firmly on waiting times. What has happened? The waiting times for heart disease, stroke and cancer and for those who are waiting longest in our health service have come right down. What will happen next? I assure Mr Swinney that the waiting times for out-patients will also come down. That way we will get the better health service that Scotland wants and needs.

Mr Swinney: The only promise that the First Minister keeps is that he will keep on changing the goalposts as far as his promises to the people are concerned.

Let us look at the First Minister's record on waiting times. We should be fair to him: waiting times have come down in Lothian University Hospitals NHS Trust. However, that is only one trust. In Yorkhill NHS Trust—a children's hospital—waiting times have risen from 62 to 100 days. In Ayrshire and Arran Acute Hospitals NHS Trust, the times are up; in West Lothian Healthcare NHS Trust, they are up; in Tayside University Hospitals NHS Trust, they are up; in South Glasgow University Hospitals NHS Trust, they are up; in North Glasgow University Hospitals NHS Trust, they are up; in Grampian University

Hospitals NHS Trust, they are up; in Forth Valley Acute Hospitals NHS Trust, they are up; in Fife Acute Hospitals NHS Trust, they are up; in Dumfries and Galloway Acute and Maternity Hospitals NHS Trust, they are up; in the Borders General Hospitals NHS Trust, they are up; and they are up in Argyll and Clyde Acute Hospitals NHS Trust.

Finally, let us get to Lanarkshire Acute Hospitals NHS Trust—in the constituency and community that the First Minister represents. Waiting times there have gone up from 51 days to a shocking 80 days as a result of the current Administration. Is it not time that he started being honest with the people about his failure to deliver on the health service and made way for a Government that will get waiting times down?

The First Minister: I will not waste your time, Presiding Officer, by trying to explain "median" to Mr Swinney again. I will do that happily on another occasion. I am happy to quote some statistics. I visited Mr Swinney's area of Tayside very recently and I studied carefully what has happened there. Tayside Health Board was the health board that was in the most serious difficulties in the country just two short years ago.

On 31 December 2000, 415 people were waiting more than nine months for in-patient or day-case treatment in NHS Tayside. By December 2002, that was down to 13 people. The number of Tayside residents with a guarantee waiting for more than six months for in-patient day-case treatment was 198 a year ago and 136 today. Real people are being treated by real doctors and real nurses in NHS Tayside and that is making a real difference. That is not all in NHS Tayside. I referred only to the people who are being treated by consultants. What about the 78 one-stop clinics in NHS Tayside where people are being treated by nurses rather than doctors for all kinds of conditions? What about the new paramedics in Angus who are managing to deal on the spot with heart attacks with clot-busting drugs at the scene? Those are the changes that are taking place in our health service.

When I travel throughout Scotland to Tayside, to Edinburgh—where I visited Edinburgh royal infirmary two weeks ago—to my local brand new hospital, Wishaw general hospital, to Crosshouse hospital in Ayrshire and to many other places in Scotland, I see good doctors and good nurses doing new things that they have never done before, using new technology and new procedures. They are proud of what they are doing and they wish that people in this Parliament would back them up instead of trying to run them down. That is what we should be doing, that is what Malcolm Chisholm will be doing and that is what we will be doing in the months ahead.

Secretary of State for Scotland (Meetings)

2. David McLetchie (Lothians) (Con): To ask the—

Mr Duncan McNeil (Greenock and Inverclyde) (Lab): Own goal again, Mr Swinney.

David McLetchie: Thank you, Mr McNeil.

To ask the First Minister when he last met the Secretary of State—*[Interruption.]*

The Presiding Officer (Sir David Steel): Order. We are on question 2 now.

David McLetchie: Yes, thank you. We are coming to the good bit.

To ask the First Minister when he last met the Secretary of State for Scotland and what issues were discussed. (S1F-2533)

The First Minister (Mr Jack McConnell): I last spoke to the Secretary of State for Scotland earlier this week and we discussed a very interesting range of issues.

David McLetchie: Good. I hope that one of the interesting issues that they discussed was the fact that, since 1997, taxes have increased by the equivalent of £1,900 a year for every man, woman and child in Scotland. From April, the average worker will be paying another £200 a year out of his pay packet as a result of the national insurance increase. Despite the extra £1.5 billion of taxpayers' money being spent on health in Scotland, today there are 19,000 more people waiting for treatment than when the Executive came to power in 1999. Never mind the averages or medians that so troubled Mr Swinney and the First Minister, let us consider basic facts about out-patient appointments. In June 1997, 74 per cent of people were seen within nine weeks and that has now fallen to barely 52 per cent. Does the First Minister acknowledge that we have all paid the higher taxes? In which case, where are the better services?

The First Minister: As I was saying in my final answer to Mr Swinney, the evidence of those better services is there for anyone who wishes to visit not only our hospitals, but our clinics, doctors' surgeries and other health facilities throughout Scotland. When I go to Edinburgh royal infirmary, I might meet an old lady who is there for three days for her hip operation, rather than the four or five weeks for which she might have been in hospital in the past. In Tayside, I give not only the example of Angus paramedics, but the example of the accident and emergency unit in Perth sending information to Ninewells hospital in order to get analysis to be able to treat on the spot. All those new procedures are taking place. They might not show up in the statistics, but they show up in the reality of the lives of the people who benefit from

them. People throughout Scotland are being treated more quickly, more effectively and with higher-quality procedures and better equipment than ever before. I am proud of that health service and I wish that more people in the Parliament were too.

David McLetchie: I am very proud of the health service, because one of the improvements effected as a result of the Conservative hospital-building programme is that there are brand new hospitals such as the one in the First Minister's constituency and the Edinburgh royal infirmary, which he initiated. Instead of taking credit all the time for the hospitals that are open, the First Minister might be as gracious as I am, and acknowledge the origins of that programme and the fact that it lies in my party's commitment to the NHS in Scotland.

To return to the central point about the health white paper that was unveiled this morning, spending has gone up a considerable amount since 1997—some 34 per cent. However, the most recent figures show that the number of patients treated off the waiting list has gone down by 6 per cent. In other words, taxes and spending are up, and the number of treatments down. That demonstrates to me—and to anyone else who has observed what has happened in the health service in the past five years—that the Executive's centralising agenda has patently failed. The health plan that we got this morning is more of the same, with the abolition of local hospital trusts. Is it not about time that the First Minister faced the facts of those failings and that, instead of pursuing his current route, he and the Executive devolved real power down to local general practitioners and hospitals and stopped the centralised, bureaucratic meddling?

The First Minister: It is simply not true to say that less treatment is taking place in the health service today than was the case years ago. In reality, there are fewer consultant-led treatments, because more and more treatments—thousands daily, all over Scotland—are led by nurses. Those nurses now have the skills, abilities, and opportunities to carry out those treatments more locally, so that patients get a better service in the local community rather than having to travel elsewhere. That is the benefit of a well-equipped, modern health service whose trained staff work more flexibly than ever before. That benefit is resulting in more treatment, not less, and is felt by patients right across Scotland.

Renewable Energy

3. Nora Radcliffe (Gordon) (LD): To ask the First Minister what impact the United Kingdom energy white paper will have on the Scottish Executive's renewable energy targets. (S1F-2547)

The First Minister (Mr Jack McConnell): The emphasis in the white paper on reducing carbon emissions, increasing energy efficiency and promoting renewable energy will provide a positive context for our efforts in Scotland to increase the generation of renewable energy. In Scotland, we are on course to achieve our current target of generating 18 per cent of Scotland's electricity needs from renewable sources by 2010. We have consulted on increasing that target to 40 per cent by 2020, and we will respond to that consultation in due course.

Nora Radcliffe: Britain was in the vanguard of wind and wave technology in the 1980s, but we blew it on wind technology for a variety of reasons, including pressure from vested interests that did not want renewable energy to develop. Will the First Minister press Westminster colleagues for long-term political commitment to investing in renewable energy and, given that increasing renewable energy depends in part on being able to market it, sorting out trading arrangements and upgrading the national grid?

The First Minister: It is vital that we take a wide range of steps, not only to secure the use and generation of more renewable energy in Scotland but to make that energy accessible, on a basis of equality, to people in urban and rural communities throughout Scotland. We must also secure the economic benefits from seizing the opportunities in renewable energy and exporting that energy, not just south of the border but further afield. That is why renewable energy is not just at the centre of our environmental objectives for Scotland but a key resource to boost Scotland's economy in the future.

Bruce Crawford (Mid Scotland and Fife) (SNP): Does the First Minister agree that one of the biggest barriers to exploiting Scotland's massive potential for marine renewable technology is the weakness in the grid referred to by Nora Radcliffe? Disappointingly, but not surprisingly, the energy white paper that came out this week makes no specific mention of that, even though it is the responsibility of the Department of Trade and Industry.

Countries such as Wales, Spain and Portugal are getting ahead of us in the development of marine renewable technology. Will the First Minister ensure that the United Kingdom Government gets the message that addressing the matter is vital in order to secure a sustainable economic future for Scotland? We cannot miss out on the kind of wealth creation and jobs bonanza that happened in Denmark when it got wind. *[Laughter.]*

The First Minister: I am tempted to say something about that, but I will not. I want to make two points. First, in recent weeks, the UK

Government has made clear its support for and interest in improvements to the national grid. At another time, I think that there will be appropriate announcements that indicate its support for those improvements. We have regular discussions with the UK Government about the matter, and it knows how important the matter is for Scotland and the rest of the UK.

Secondly, Mr Crawford takes a principled stand on such issues but would be unable to implement the necessary policies, as he would not want a UK Government that would pay for such policies in the first place. In Scotland, we need not only the right policies but the right framework that gives us not only access inside Scotland to increased use of renewables, but access across the border and the ability to use the whole UK market as a springboard for sending renewables into Europe.

Sarah Boyack (Edinburgh Central) (Lab): I welcome the First Minister's reply. Does he agree that renewables such as solar heating, photovoltaics and biomass open up new ways of tackling fuel poverty and that our climate change commitments can also be tackled when they are used? Will he commit the Scottish Executive to taking the lead in promoting the use of such renewables by giving encouragement to those who are involved in regenerating and building new housing projects throughout Scotland?

The First Minister: The simple answer is yes. It is vital not just that we have a national strategy, but that we bed that strategy into all that we do. One of our key responsibilities is to support those new housing projects and the policies that are being implemented. We are determined to ensure that our target of a more renewable and sustainable Scotland is at the heart of our policies.

Planning Process (Local Opinion)

4. Karen Whitefield (Airdrie and Shotts) (Lab): To ask the First Minister what steps the Scottish Executive is taking to ensure that the views of local people are properly taken into account during the planning process. (S1F-2540)

The First Minister (Mr Jack McConnell): We firmly believe that public involvement in the planning system must be improved. We have carried out a review of existing arrangements for enabling people to become involved in planning issues and we will shortly publish a white paper.

Karen Whitefield: Is the First Minister aware that my constituents in Morningside in Newmains think that existing regulations fall far short of what is required? In Morningside, a company called H J Banks is blasting at its opencast site, which has resulted in seven properties sustaining damage. Is it acceptable for the company to insist that such damage is unrelated to its activities? Is it

appropriate for the company to hide behind planning regulations, even when its actions are clearly causing damage to properties? Does he agree that H J Banks should cease all blasting until it is clear that the cause of any damage to the properties is completely unrelated to its activities?

The First Minister: I understood that the company had ceased blasting. If it has not, it certainly should do so, if North Lanarkshire Council tells it to do so. It is right and proper that the council should do what I understand it has agreed to do, which is to investigate claims that the blasting is affecting the quality of life in local communities—it would certainly have my full support in doing so. However, the matter is currently one for the local authority to pursue—it is the planning authority and must use its powers to ensure that the company adheres to the strict planning conditions that it was given.

Mr Keith Harding (Mid Scotland and Fife) (Con): Does the First Minister believe that the introduction of third-party rights of appeal would help to build public confidence in the planning process?

The First Minister: There is an important debate about the need for and demands of individuals and local communities to have more say in planning decisions—in particular, whether they should have an equal say with those who currently have the right of appeal. On the other side, those responsible for some of the larger applications do not wish to see the planning system clogged up with too many appeals and delays. That is the fine line on which we must try to travel. I am keen to see improvements in our planning system to give local communities more of a say. The system must also be efficient, quick, effective and well resourced so that businesses, housing developers and individuals can have their planning applications dealt with properly. In due course we will respond to that question in a policy paper.

Fiona Hyslop (Lothians) (SNP): Is the First Minister aware that the village of Fauldhouse potentially faces 15 applications for opencast, landfill and quarrying? The scale of that per head of population is the equivalent of 1,500 applications surrounding Edinburgh. Given that one of the applications is for opencasting in North Lanarkshire and Fauldhouse is in West Lothian, what does the First Minister anticipate will be in the white paper to cover situations in which local people feel disfranchised and do not achieve the environmental justice that they deserve?

The First Minister: I believe strongly that the views of local people should be taken into account in those circumstances. I also believe that, where it is appropriate, a local decision on those matters is the right way ahead. In those circumstances,

where one local authority's decision can impact on the residents of another local authority, I feel that it is appropriate—although I would not wish to tell a local authority exactly how to conduct its business—that local authorities share information, take account of each other's views and at all times have the views of the community uppermost in their minds when they take those balanced decisions.

European Year of Disabled People

The Deputy Presiding Officer (Mr Murray Tosh): The next item of business is a debate on motion S1M-3956, in the name of Margaret Curran.

15:32

The Minister for Social Justice (Ms Margaret Curran): In the European year of disabled people, it is fitting that the Parliament has taken this time to focus on key issues relating to disability.

It is welcome that we are making the connections between disability in the equality context and work that is going on in other portfolios. Given the focus that Mike Watson and I have been trying to bring to disability over recent months, in discussing it in relation to the arts and sports, it is helpful that we have the opportunity this afternoon to give the discussion some focus.

I will talk about the European year of disabled people. I will also discuss disability itself and how, in the broader sense, the Executive is dealing with the matter.

I am sure that many of my colleagues are aware that the European year of disabled people is not only about holding a few events or distributing a few leaflets, but is a programme of systematic activities. It is also about raising awareness of the needs and experiences of disabled people. The year can drive a significant shift in attitudes and practices. It can help us to form a launch pad so that we as a nation can give focus to the complex discriminations that many disabled people face.

The participants in the European congress on disability have outlined a vision for the year, which sees disabled people not as objects of charity but as people with equal rights, and not as patients and dependants but as independent citizens and consumers. The vision emphasises what a person can do and what needs to be done to support active engagement and participation. The vision is not about policies that focus on what a person cannot do; it looks to create a flexible world for the many, not a restricted world for the few. It sees disability issues as part of the mainstream.

More than 50 million disabled people throughout the European Union will look to see the vision become a reality. We all have to play our part in the delivery of that change. I would argue—I am sure that many members would agree—that we have made much progress over many years in tackling disability, but we must be honest and recognise that challenges remain. Sixty-eight per cent of households that include a disabled person have an income of less than £10,000. The

unemployment rate for disabled people is almost double that for non-disabled people. Disabled people are three times more likely than non-disabled people to have no qualifications.

People tell us about their experiences and about trying to live and work in a society that is not structured to enable their participation and how frustrating and soul destroying that is. They tell us about living in a society in which some of the most ordinary events of human life—reading the newspapers, visiting the cinema, getting money from the bank, meeting friends—have to be extraordinary achievements, sometimes against the odds, for far too many disabled people.

If someone is visually impaired, is a wheelchair user, or has a sensory impairment or a learning disability, they will come up against barriers, both physical and attitudinal. Those barriers relate not only to access to buildings but to employment, leisure, information, services and life's widest experiences. Many barriers continue to exist because attitudes, policies and practices have not shifted sufficiently to enable and promote a supportive and accessible environment. Disability is a key issue for the Executive and we are committed to ensuring that the European year of disabled people is a success.

As we reported last week, we are making good progress in the implementation of our equality strategy. Recently, I announced a significant increase in funding to the equality programme budget, from £3 million in the first spending review, to £17 million in the coming three years. The Executive has also undertaken a range of measures to improve the position of disabled people and all ministers have considered that issue seriously.

Last month, the Minister for Enterprise, Transport and Lifelong Learning announced additional funding of £26 million to increase the access of disabled people to higher and further education. New provisions in the Community Care and Health (Scotland) Act 2002 will make direct payment more widely available from June 2003. Local authorities will have a duty to offer direct payment to eligible disabled people. In April, we will introduce our supporting people framework, which is a new integrated policy and funding framework for housing support services. The aim is to allow vulnerable people to live independently in the community in all types of accommodation and tenure. We are funding an access panel steering group to take forward the recommendations of the Scottish Council for Voluntary Organisations review of access panels that was undertaken last year and to develop a structured and sustainable approach to the work of Scottish access panels.

Further, under the Education (Disability Strategies and Pupils' Educational Records)

(Scotland) Act 2002, education authorities and grant-aided, self-governing and independent schools must prepare their first accessibility strategy by 1 April 2003.

We are providing funding of £200,000 for grass-roots, disability-led organisations to develop structures to facilitate the inclusion of everyone who is affected by disability in informed, responsive and effective decision making in policy and practice. Further, in closing this debate, Mike Watson will refer to his announcement yesterday of additional funding being made available to Scottish Disability Sport.

Those activities complement what we plan to do during the European year of disabled people. We will encourage links between Scotland and other countries in Europe. For example, a conference in early March will bring experts from Finland to Scotland to discuss linguistic access for deaf people. The conference, which has been organised by the Scottish Association of Sign Language Interpreters, will enable us to learn from the Finnish approach to linguistic access, including sign language provision.

I thank everyone who has participated in the work of the steering group in the run-up to the European year of disabled people. Their expertise has been of great value and I am sure that it will continue to be so throughout the year. The success of the group is testimony to the good working relationships that we have attempted to foster, but also to the effort of the disability sector to engage with us and apply itself to the significance of this year.

That partnership approach characterises our work in this area. We are working with disability groups to develop our shared agenda across a range of other issues. For example, the British Sign Language linguistic access working group, which was established by the Executive, involves the organisations in Scotland with an interest in BSL. We recognise that there are complex issues to consider and we are determined to make progress.

The group is considering the proposals in the report by the Scottish Association of Sign Language Interpreters and I know that the Parliament, through the Equal Opportunities Committee and other members, has displayed a keen interest in BSL. We hope that the working group will help us to reach a position on BSL shortly.

The motion

"calls upon other organisations to recognise and celebrate the European Year of Disabled People",

and I am pleased that that is happening already. The Scottish Trades Union Congress in April will

debate disability as part of its mainstream agenda. The Scottish Arts Council will celebrate the year with a programme of events and activities to promote the arts for disabled people.

The national institutions are making a strong and positive contribution. For example, the National Galleries of Scotland is initiating a new pilot programme to raise awareness of the positive benefits that art can provide for children with autism. It is also initiating an access and disability audit and a new series of discussion sessions for all gallery visitors led by deaf people. Large-print versions of exhibition texts will be available for people with visual impairments.

A lot of work is being undertaken, but there remains much more to do. One of the biggest challenges for the European year of disabled people is to change the attitudes and break down the barriers that prevent disabled people from participating fully. All too often, the biggest barrier that disabled people face is others' ignorance and prejudice. We can play some part in tackling that. We hope that the activities that we, our cultural agencies and a wide range of other bodies have planned for this year, as well as today's debate, will go some way to breaking down that barrier and tackling the other barriers that disabled people face.

This is the first time in the Parliament that I have made such a speech without an intervention, so I will finish early, as I normally plan for interventions.

I move,

That the Parliament welcomes the European Year of Disabled People and reaffirms our commitment to ensuring equality of opportunity for disabled people; recognises and celebrates the European Year of Disabled People and the contributions that disabled people make to Scottish society at all levels; recognises the role of the arts, culture and sport in promoting social inclusion and equality of opportunity, and calls upon other organisations to recognise and celebrate the European Year of Disabled People.

The Deputy Presiding Officer: I commend the minister's good practice to all speakers in debates.

15:41

Mr Kenneth Gibson (Glasgow) (SNP): I was listening to the minister with due deference.

The Scottish National Party welcomes the debate and the opportunity through the European year of disabled people to assist where possible in promoting and communicating equal opportunities for people with disabilities. At present, consideration of the needs of disabled people in Scotland is unfortunately patchy at best. As our amendment suggests, much more needs to be done to ensure that Scotland is ready to meet the

requirements of the Disability Discrimination Act 1995 over the next few years.

What is disability? The Disability Discrimination Act 1995 defines a disabled person as anyone with

“a physical or mental impairment which has a substantial and long-term adverse effect on his ability to carry out normal day-to-day activities.”

In Scotland, approximately 800,000 people live with disabilities. That represents almost one sixth of Scotland's total population. The definition is broad enough to encompass not only people with physical disabilities, but those with learning disabilities and hidden disabilities, such as epilepsy and cancer, which may not be immediately obvious but can have a dramatic impact on the day-to-day lives of those who are affected by those illnesses.

As we have an increasingly elderly population, it is extremely important that disability be viewed without negativity. Many older people in Scotland put their day-to-day difficulties down to being old and therefore miss out on benefits for which they are eligible, because they do not want to be considered to have a disability.

Of course, as we know, equal opportunities and the Disability Discrimination Act 1995 are reserved matters, but observance and recognition of equal opportunities matters are devolved to the Parliament. The European Commission has declared 2003 to be the European year of people with disabilities, with the following main objectives: to raise awareness of disabled people's rights; to encourage equal opportunities for disabled people; to promote the exchange of best-practice strategies at local, national and European Union level; and to improve joint working between Government, social services and the voluntary sector in helping people with disabilities, while promoting a positive image of people with disabilities.

There are many different disabilities. Children and younger people with disabilities must receive equality in education and be fully integrated in our society. For the purposes of the European year of disabled people, the Executive has provided a steering group, as the minister stated. That steering group involves representatives from many of the voluntary organisations that deal with disabled people in Scotland. However, the real impetus for the year comes from Westminster.

The European Union funding that has been set aside works out at £550,000 for the United Kingdom, plus another £2 million from the UK Government. Twenty-two of the 97 Scottish projects that bid for resources were successful and will receive a share of the £300,000 that has been allocated to Scotland. That works out at

approximately 38p extra to help each disabled person in Scotland.

We must be cautious of what Bert Massie, chair of the Disability Rights Commission, once highlighted:

“Public appeals for greater understanding of disability issues are often well received, but rarely translate into specific action.”

I am heartened by the action that the Executive pledges to take and has taken to date.

In recent years, two pieces of legislation have helped to provide legal rights for people with disabilities. The Disability Rights Commission is an independent organisation that was set up under the Disability Rights Commission Act 1999 to stop discrimination against disabled people, to provide information and advice to disabled people, to investigate cases of discrimination, to provide codes of practice and to advise all Governments in the UK. The commission's annual budget is £11 million.

The Disability Discrimination Act 1995 was passed to protect the rights of those with disabilities and to prevent them from being discriminated against with regard to employment. Part II of the act, which covers employment, will be enforced in 2006. The provisions of part III, on facilities, services and goods, will be enforced in 2004, as will those on the letting, buying, selling and managing of land and premises. Part IV, which requires educational institutions to provide information and to improve physical access for disabled people, will be enforced in 2005. Part V allows the Government to set minimum standards in relation to helping disabled people to use public transport.

Capability Scotland's recent “1 in 4” study found that only

“13% thought the government had done a good job in improving awareness and tackling discrimination”.

Furthermore, only 22 per cent of people were aware of the enforcement in 2004 of part III of the Disability Discrimination Act 1995. Only one in six cases that have been brought to tribunal under the 1995 act have been successful.

According to RNIB Scotland:

“Disabled people are deterred from making claims because the system is so complex and they could face enormous costs if they lose.”

Research that was carried out by the Joseph Rowntree Foundation found that one in six disabled people lose their jobs in the first year following the start of their disability. Employers often find, however, that disabled employees stay in the job longer and have a strong commitment to work, good punctuality and low absenteeism rates. Many disabled people fear losing their benefits

and becoming financially worse off if they take on employment. Some people with disabilities are suspicious that the Department for Work and Pensions' pathways to work scheme, which is designed to help those on incapacity benefit return to work, is merely a way to reduce the number of benefit claimants and save money.

There are a number of issues that the Executive could deal with more directly. The enterprise strategy, "A Smart, Successful Scotland", does not mention disabled people once. Unfortunately, some employers consider it a hassle to have to make reasonable adjustments, such as lowering light switches for wheelchair users or providing people with disabilities with scribes or drivers to help them in their jobs, because they fear that that may cut into their profits.

Disabled people or those who live in a household with a disabled person are more likely to have a lower income than the rest of the population, as the minister stated. They also have extra costs to meet because of their disability. That includes extra heating costs, dog food for guide dogs, stairlifts and car adaptations.

I hope that the Executive will address the issue of access to housing. More needs to be done to match the availability of housing for the disabled with the need for such housing, to ensure that disabled people are not living in unsuitable homes while non-disabled people are living in homes that have been adapted for those with disabilities. Although the homes of only 34 per cent of disabled people have been adapted to accommodate their disability, 60 per cent of wheelchair-accessible homes are occupied by people who do not currently use them.

Mr Jamie Stone (Caithness, Sutherland and Easter Ross) (LD): Will Kenny Gibson give way?

The Deputy Presiding Officer: Mr Gibson is at the end of his time.

Mr Gibson: I am sorry—I am just about to finish; I would have liked to let Jamie Stone intervene.

Many people care for people with disabilities and, according to the carers manifesto that all MSPs received recently, 91 per cent of carers said that caring affected their health; almost half of them said that it affected it greatly.

According to Capability Scotland's "1 in 4" study, only 9 per cent of carers have access to respite care or short breaks; only 15 per cent receive home care; and only 10 per cent receive direct payments. Unfortunately, only 18 per cent of carers who wanted to work were able to do so.

I wanted to raise many other issues, but unfortunately lack of time has prevented me from discussing, in particular, issues around disabled people's difficulty in accessing transport. I agree

with what the minister said at the end of her speech. To paraphrase new Labour, much has been done, but much more has to be done. That is why I hope that everyone will support the Scottish National Party's amendment.

I move amendment S1M-3956.1, to insert at end:

" , accepting that much more needs to be done to ensure that Scotland is fully compliant with the Disability Discrimination Act 1995."

15:49

Mrs Lyndsay McIntosh (Central Scotland) (Con): I welcome the Executive debate on the European year of disabled people, which we support whole-heartedly. The main aim of the year is to raise awareness of the rights of people with disabilities to protection against discrimination and to full and equal enjoyment of their rights. I hope that the year can make a difference to that end for the 800,000 disabled people in Scotland and for all disabled people in the United Kingdom and Europe.

Many barriers, both physical and attitudinal, exist in society and need to be removed to ensure that we can all benefit from the wide range of skills and talents that disabled people have to offer. It is encouraging to note that in a Eurobarometer survey that was conducted in January among a sample of 16,000 Europeans, a huge 93 per cent felt that more money should be spent on dismantling the physical barriers that the disabled face.

Let us be honest about the fact that even the best people—even the Scottish Parliament—make mistakes. When the Parliament met in Aberdeen last year, one of the committees hosted an event for interested parties. It was embarrassing for members of the Equal Opportunities Committee to find that the accommodation for the meeting was not wheelchair accessible. Members had to intervene to carry wheelchairs up stairs and over doorsteps into a theatre-style meeting room where our wheelchair-bound visitors could not see the presentations that were being made. I rest my case.

I hope that the European year of disabled people will have an equally positive impact on the barriers to employment that disabled people currently face in Scotland. In Scotland, the unemployment rate for disabled people is almost double the rate for non-disabled people. Alarming, 68 per cent of households that include a disabled person have an income of less than £10,000. If the statistic sounds familiar—I have no doubt that members will hear it repeatedly—that serves merely to emphasise how important this issue is.

I urge the Executive to ensure that there is a high level of business participation in the year's events, so that business plays its part in taking down the barriers to which I have referred. I endorse the suggestion by Stuart Duffin of the Scottish Chambers of Commerce to the Equal Opportunities Committee that there should be business representation on the Executive's European year of disabled people steering group. We agree with Mr Duffin that more co-operation is needed to get the message across in a bottom-up rather than a trickle-down fashion. I know that the minister is aware of the problems connected with persuading departments to take responsibility for this matter. Responsibility cannot be allocated to one department or another—it is everyone's responsibility.

I am reluctant to sound a discordant note, but there is a view that the Labour party's policies on incapacity benefit and the new deal are failing to help disabled people gain employment. Labour made two damaging changes to incapacity benefit in the Welfare Reform and Pensions Act 1999. The entitlement rules, to which Kenny Gibson alluded, led to tightening and the introduction of means testing. The contribution conditions have, in practice, discouraged people from leaving their benefits. As a result, the number of people claiming benefit for incapacity has risen, from 1.1 million in 1980 to 2.3 million today. Today's figure shows that 6.6 per cent of the working-age population of Great Britain are claiming incapacity benefit.

Labour's policies for assisting disabled people to find work sometimes fail. The new deal for disabled people—a voluntary scheme in which disabled people refer themselves to a jobs broker—was rolled out nationally in July 2001. However, just 14,000 disabled people found sustained employment through the scheme between July 2001 and September 2002. In short, the programme has had little impact on a total incapacity benefit case load of 2.3 million people. I urge the minister to encourage her colleagues down south to ensure that failing policies are reviewed and that newer and more suitable approaches are introduced.

More could be done in Scotland to improve education and lifelong learning for disabled people. Thirty-five per cent of disabled people of working age have no qualifications. That is yet another familiar statistic; we have heard it before and we will probably hear it again. Disabled people have a limited ability to find employment. The Executive's lifelong learning strategy must be made more inclusive so that disabled people have more opportunity to retrain and work.

More focus could also be given to the education of disabled children in Scotland, to ensure that

they have proper access to the facilities and supplies that they need, which are not always available. For example, while it is beneficial that 70 per cent of Scotland's blind and partially sighted children are educated in their local schools, it is deplorable that one in four of them does not receive text in a format that they can read.

I congratulate the organisations on the Executive's steering group on all their hard work in seeing that this year achieves as much positive change as possible in Scotland, and on all the work that they will do beyond this one year. I agree with the steering group's aim of engaging young people in the events, in order to raise awareness of the difficulties that face disabled children in the education system, and the difficulties that will face them as adults—*[Interruption.]* Do I have one minute, Presiding Officer?

The Deputy Presiding Officer: You are already one minute over time.

Mrs McIntosh: In that case, I have one or two other points that I will bring to members' attention when I sum up.

15:56

Mr Jamie Stone (Caithness, Sutherland and Easter Ross) (LD): I would like to preface my speech with two short thoughts. First, in my experience, although it does not lie directly at the hands of the Scottish Parliament, disability living allowance is quite a difficult beast. I am sure that all MSPs have had to deal with cases—or at least have forwarded cases to Westminster. An awful lot of barriers seem to be put in the way of people who try to access that vital benefit. Secondly, coming from the Highlands, I know that the tackling of disability issues is patchy—I am sure that John Farquhar Munro and other rural members will agree with me. Great efforts are made in some areas, but the approach varies quite a bit. Work lies before us.

I will make a more personal contribution today. I want to bring to the notice of the chamber a particular case, which highlights just how bad things can get. It is the case of Donald Munro, aged 22, who comes from the village of Bettyhill, on the north coast of Sutherland. I spoke to his mother, Linda, today to get permission to tell members what has happened to Donald. He suffers from generalised dystonia. At a fairly early age, it started in one of his wrists. In quick time, it spread to the whole of his body, so that he suffered from permanent convulsions. In fact, the only thing that he could control was his eyelids. He had a wretched style of life.

Donald then had brain surgery, and was given a deep-brain stimulator implant, which has made an

enormous difference. He is now able to get around in a specialised wheelchair. I have a smudgy photograph of it from a piece in Aberdeen's *The Press and Journal*. His further education takes place at Treloar College in Alton, Hampshire. Nothing equivalent is available in Scotland, so he has to go there.

Six times a year Donald makes a return trip—12 trips in all—from Inverness airport to Gatwick. During one of those trips, British Airways dropped his wheelchair, causing £3,000 worth of damage. It paid for the damage, but stipulated that the wheelchair must be crated for it to be carried. That is unworkable, because a carrier would have to go to the house in Bettyhill, which is far from Inverness, crate up the wheelchair, and get it to Inverness. Because of that, the family has no choice but to get the wheelchair lifted by carrier to Gatwick, where it is picked up by the college. That means that on each trip, Donald Munro is without his wheelchair for some days. British Airways is not willing to give an inch.

I will try to read this rather bad copy, so that I can put the issue in Mr Munro's own words. He said:

"Before the operation, I was always on a bed or on a mat. Now I like to go shopping and to the cinema, pubs and 10-pin bowling.

Without my chair I am stuck. I have got no other way of getting around. I can't sit in an ordinary chair. I have to stay inside and just watch the television."

The report stated:

"A spokesman for British Airways CitiExpress said that they had looked at this issue again, but were unable to accommodate the chair."

The spokesman said:

"Very regrettably, we can find no way to resolve the situation and apologise to Mr Munro and his family that we cannot accept the wheelchair for carriage."

The railway cannot help. The family is completely stuck.

Margaret Curran spoke about breaking down barriers, and Kenny Gibson was correct to hint at the issue of transport. I put it to the Parliament that Donald Munro's case is horrific. That young man of 22 is trapped. His case shows that, in spite of all our efforts, there are occasions on which a company such as British Airways just will not help.

Why, out of the goodness of its heart, could not British Airways package up the chair and put it on a cargo aeroplane, so that the lad would have his chair when he reaches the other end? In the name of humanity, that would be the right thing to do. Although it would be perfectly easy to do that, it is not being done. I rest my case.

The example of Donald Munro illustrates a problem that all members will have come across.

Bureaucracy and rules can sometimes wreck someone's life—or at least make it pretty miserable. That is the hydra, the heads of which we must try to cut off.

I deliberately brought the Parliament's attention to the case, to shame British Airways into doing something for poor Donald Munro. We should remember his case and other, similar cases.

The Deputy Presiding Officer: We come to the open part of the debate. Seven members wish to speak and it should be possible to call them all.

16:01

Irene Oldfather (Cunninghame South) (Lab):

It is a privilege to be able to speak in the debate. This is the second time this week that I have participated in debate and discussion on the European year of people with disabilities, as I had the opportunity to speak on that very important initiative in Brussels on Monday. I was able to share experiences with Committee of the Regions colleagues on the Economic and Social Committee. It was useful to hear at first hand what the European Commission's aspirations were for the year and to find out what sort of projects are being introduced across Europe. I was impressed by some of the work that is going on in Ireland.

I was pleased to note that €12 million will be made available for the year, two thirds of which will go to member states. I note from the minister's speech that considerable match funding will be available in the United Kingdom. That is very important. It is also important that, in our local communities, we encourage groups to think about how they can develop projects.

I welcome the work of the steering group. Although Lyndsay McIntosh is right—a great deal of effort has been put in—I did a trawl round my local area yesterday and found that a significant amount of work has not yet permeated down to local level. It is important that that happens, and I hope that today's debate will assist in that process.

The European year of people with disabilities is about moving forward on disability policy and enshrining the fundamental values of equality, respect and diversity in our strategy. Above all, it gives us the opportunity to review whether those core values are reflected in Scotland's communities.

There are 37 million people with disabilities in the European Union—that is one in 10 of us. Every one of those people will have experienced discrimination at some time, in some way. They will have suffered travel restrictions, difficulty with job opportunities, problems with access to education or social rejection. Social rejection is the

worst form of discrimination. Such treatment and barriers have no place in a modern, civilised Scotland. Today's debate must send out the message that, just like the rest of us, disabled people make up a valuable part of our society. They are taxpayers, workers, consumers, parents, neighbours and friends, and they should be given the same opportunities. They must not face discrimination at every turn simply because of disability.

Kenny Gibson discussed what the term "disability" means, and I agree with much of what he said. The term covers a whole spectrum of difficulties that people face during the course of their lives. Such disability can be physical or psychological, permanent or temporary. People can suffer from a stroke that disables them for a period of time—it can be a temporary state of affairs, from which they recover. Disability can be visible or invisible. Invisible disability can be the hardest form of disability to deal with.

The European year of people with disabilities will go some way towards raising general awareness of all aspects of disability that the European Commission is keen to promote. The real measure of the year's success will be whether disabled people feel that they can access their rightful place in society. We all have a role to play in making that a reality, whether as politicians and legislators or simply as individuals.

I congratulate the Executive on the work that it is doing. The European Commission must also be congratulated on its cohesive and inclusive approach to promoting equality for people with disabilities. It has encouraged the member states to take action, as well as the regional and local authorities in those member states.

On Monday, the European year of people with disabilities was spoken about as a year for disabled people by disabled people. It is important to make the point that it should not be about us deciding how things should be done—disabled people should be part of the process.

I realise that I am running out of time, but I would like to take a moment to speak about mental health problems. They are not always visible and mental illness is often forgotten, but a great stigma is attached to it. People who suffer from mental health problems suffer the same discrimination as the physically disabled. In fact, the consequences are often worse.

It is of some concern that, every year, approximately 1,000 young Scots are diagnosed with schizophrenia, about 10 per cent of whom end their own lives through suicide. It is crucial that such people are included in our society. The general public must be educated about conditions of disability. That is also true of professionals.

In one case in my area, someone who had a history of four suicide attempts went to the accident and emergency department and was told by the consultant to pull his socks up. He tried to hang himself 48 hours later. It is important to realise that it is not just the general public who need to be educated about the issues; professionals should also be educated.

I have an awful lot of other things that I wanted to say.

The Deputy Presiding Officer: I am afraid that you are already two minutes over your time.

Irene Oldfather: I understand that, so I will just wish all the groups that are involved in the European year of people with disabilities every success.

I support the motion.

The Deputy Presiding Officer: There is a degree of latitude and I am assuming that people will go a minute over their time. However, if we all overindulge, we will squeeze out the final speaker. Members have roughly four and a half minutes.

16:07

Mr Gil Paterson (Central Scotland) (SNP): "Get on board" is the slogan of the European year of people with disabilities. It is an invitation to us all.

People with disabilities should be at the centre of the year, which is about raising awareness of disabled people's rights to full equality and participation in all areas. It is about tackling the barriers that people with disabilities face, wherever they occur.

The European year is also about raising awareness that disability is an issue of concern to us all. I am confident that the year will provide a strong impetus to set long-term goals and to develop new initiatives through Europe. I encourage everyone to get on board the campaign.

Recently, I was in Greece as the reporter on disability for the Equal Opportunities Committee. At the launch of the European year of disabled people, it was hoped that the awareness raised by a year of events would lead to new legislation, initiatives and alliances that will improve access for all those with disabilities.

The key priorities of the European Commission during the year are to improve access to employment and physical access to buildings. We could do with working on those two areas in Scotland. I was recently informed about a young girl with learning disabilities who was offered a work placement by the college that she attends. She was given the option of working in a charity

shop or collecting shopping trolleys for Tesco. Although charity work is extremely valuable, as is the work carried out by those who work in our supermarkets, I do not believe that either of those options would have made the best use of the young girl's skills.

We have to work on developing employment opportunities for our disabled people. I commend the work of the Moving Into Work project in Edinburgh, which takes a people-centred approach, and I call on the minister to ensure that employment is an area that is developed and resourced. As a business owner, I understand the costs that are involved in upgrading premises to ensure that they are fully accessible. It costs money to make the changes, but that does not mean that it is impossible to do so.

There is no excuse for not ensuring that new-build properties can be accessed by all. It is estimated that ensuring that buildings are accessible to those with physical or non-physical disabilities increases project costs by 1 per cent. That is not too much in my view.

Given the representations that I have received over the past three years, it is essential that the Executive takes action to ensure that our public transport providers improve their performance on disabled access. I would be interested to hear the Executive's response to the Strategic Rail Authority's suggestion that the Executive will be liable for financing improvements to our railways.

All in all, this year should help to increase the focus on issues that affect those of us with disabilities. It remains to be seen whether that will lead to changes. It will be up to us all in the Parliament to lead the charge and get on board.

16:11

John Farquhar Munro (Ross, Skye and Inverness West) (LD): I am sure that we all agree that a disability can prove to be very difficult, but living with a disability in the Highlands can be particularly difficult. The problems for people with disabilities who live in large towns and cities receive national attention. I will use the debate to highlight the fact that a large proportion of people with disabilities live in the more rural parts of the country, and to outline a number of the particular difficulties that they face.

Although disabled individuals in more remote rural areas share many of the frustrations and problems of their counterparts in the larger towns and cities, they face many additional challenges. For instance, there is restricted access to housing—most of which is of poor quality and unsuitable—a fiercely competitive labour market and limited transport options. All those factors have a major impact on the lifestyles of people in the Highlands living with a disability.

The massive expansion of second-home ownership in the Highlands has seen the cost of housing rise such that it is barely possible for able individuals with good jobs to afford homes. It is widely recognised that many disabled people are, unfortunately, in lower-paid jobs and face a number of barriers to employment. In the Highlands, that simply makes it even more difficult for them to afford housing.

To make matters worse, there is a significant amount of old and poor-quality housing in the Highlands, particularly at the lower-priced end of the market. The fact that there was such high uptake of the warm deal central heating programme in rural parts indicates that many homes have inadequate heating, as well as inadequate plumbing, waste disposal, electricity and, in some cases, water sources. Put simply, that means that many people with disabilities who live in rural areas have had and still have no choice but to live in substandard conditions.

The lack of transportation and community infrastructure in rural areas also poses significant problems for people with disabilities, such as isolation and social exclusion. A young man of 40 years of age suffering from severe multiple sclerosis applied to the local health board for assistance to buy a motorised wheelchair and was told that there was a two-year waiting list—that is no comfort at all.

Most rural areas lack adequate public transportation. Without easy access to either public or personal transport, disabled people face major barriers when it comes to accessing front-line services, such as medical and social services, banks, education facilities and leisure and recreational facilities.

I am aware that many of the points that I have made are rather negative in tone. However, I argue that the one strength and advantage that we have in rural areas is a tremendous amount of generous community spirit and a real spirit of helping others in the local area. Many community groups and charities in my constituency do excellent work to fill the gaps in centrally provided services.

However, a clear need remains for more investment and action to help to raise the living standard of many people with disabilities. If we have a challenge, we have a duty to make certain that people with disabilities in rural areas get their fair share. It is vital that the disability community team should learn what resources are available, particularly to meet housing need and to access services. The Scottish Executive must focus on establishing affordable housing programmes that focus exclusively on rural areas, and it must manage those housing programmes to ensure that the distinct housing needs of disabled people are met.

16:15

Trish Godman (West Renfrewshire) (Lab): I was delighted to be at the Renfrewshire launch of the Madrid declaration in January. The declaration is a framework within which all actions for the European year of disabled people should take place. My motion on the Madrid declaration, which has received cross-party support, calls on the Parliament to endorse the Madrid declaration and on the Executive to pledge its support. I ask Margaret Curran whether I have got that right.

Ms Curran *indicated agreement.*

Trish Godman: Good. I ask the minister to pledge her support for the declaration and I ask the Parliament to accept the Executive's motion.

Disability is a human rights issue. We should ensure that disabled people enjoy the full range of human rights—civil, political, social, economic and cultural. Disabled people want equal opportunities, not charity. They want to be allowed to exercise control over their lives. Our aim should be an inclusive society for all. That vision will benefit not only disabled people, but society as a whole.

How do we achieve that vision? I will pose one question that has not been asked today: how many disabled people does the Executive employ? Do they form 2 per cent, 20 per cent or 0 per cent of Executive staff? I do not know, and it would be interesting if the Minister for Tourism, Culture and Sport could give us an idea of the number of people whom we employ who are disabled.

As Gil Paterson said, all employers should increase their efforts to recruit, retain and promote disabled people in their work forces. Employers' organisations should share existing good practice, to encourage others.

The Renfrewshire launch was undertaken in partnership with the local Jobcentre Plus. A scheme has been established to encourage employers to employ more disabled people. It involves a job introduction scheme to help employers to assess a new recruit's potential and whether they are suitable for the job. Employers are given help towards costs. Expert advice is offered on developing good employment practices in relation to disability, recruiting disabled people and retaining employees who become disabled. The Scottish Trades Union Congress is to be congratulated on its campaign to get more disabled people into decent jobs with good terms and conditions.

The Parliament is serious about social inclusion. For me, that means non-discrimination plus positive action. For disabled people, that will mean integration, independence and participation in community life, all of which we take for granted.

We must move away from professionals and others taking decisions on behalf of disabled people and towards independence and disabled people taking responsibilities. We must move away from labelling and towards an emphasis on ability and away from unnecessary segregation towards integration.

Much has to be done. It is right and proper that we have had motions, questions and debates in the Parliament about disabled people, but now it is time for action.

I will finish with a quotation from Henry Ford, of all people. He said:

"Coming together is a beginning, staying together is progress, working together is success."

We must work together to ensure that all disabled people have the opportunities that they so rightly deserve.

16:19

Michael Matheson (Central Scotland) (SNP): I welcome the debate and the minister's opening speech.

I confess that I have become a little cynical about special awareness days and weeks and their potential to create change. However, when this year is seen alongside the Madrid declaration, there is a real chance to make it one that delivers real change for disabled people and for it not to be yet another example of tokenism. We do not want the year to heighten awareness but deliver little by way of change. Its success is largely dependent on everyone—MSPs, non-MSPs and the Government—taking a role in ensuring that we promote the needs of disabled people.

If there is one thing that I hope happens as a result of the year, it is that we end the talk of "special provision". There is no need for special provision for disabled people. Disabled people are different because of their disability. Being different, however, is normal; it does not mean that someone should be marginalised within our society.

Too often, our debates about disabled people focus on their limitations rather than on the faults in our society. Why should some 37 million people across Europe find themselves dependent upon special provision in order to lead their lives? The real challenge for us and for our society this year is to live up to the standards that have been set down by the United Nations in article 1 of the universal declaration on human rights:

"All human beings are born free and equal in right and dignity."

We are talking about an issue that affects the human rights of 37 million people across Europe.

It would be a mistake for us to allow the year to become one that focuses upon the physical barriers that disabled people often experience or the problems that they have with the present systems that support them as disabled people. In saying that, I mean no disrespect to members who highlighted problems with the benefits system. However, I hope that the year will focus more on the need to ensure that disabled people have control over their own lives.

I am talking about providing opportunities for employment and education. If someone is disabled, they are twice as likely to be unemployed and less likely to have a qualification. If we give disabled people an opportunity to receive education, attain qualifications and so gain the right to employment, they will be able to take control of their lives. That would mean that they would no longer have to be dependent on special provision or on the benefits system, which creates so many problems for them.

I am sure that it is not lost on members that not only is this year the European year of disabled people but it is an election year. I am sure that the irony is not lost on members that we are espousing warm words in the chamber about the needs of disabled people when many of them have difficulty in participating in our electoral process. I hope that the May elections do not act as a repeat of the previous election in which some 60 per cent of our polling stations presented difficulties for disabled people who wanted to participate. In the European year of disabled people, we need to ensure that we set the benchmarks that will ensure that disabled people can participate effectively in the electoral process.

I know that a considerable amount of work is being done on that issue by the vote2003 project, which is being run by Capability Scotland with the involvement of the Executive. Unfortunately, I suspect that disabled people will continue to have their human rights infringed in the election, as they will not be able to access polling stations on an equal footing or without considerable difficulty. The real challenge for us this year is to ensure that this is the last time that that happens.

We must also ensure that we do not infringe the human rights of disabled people in future. We need to allow disabled people to participate effectively and on an equal footing with everyone else in our democratic system.

16:24

Dorothy-Grace Elder (Glasgow) (Ind): I apologise to members, as I have to nip out after my speech to see someone urgently, but I will return.

I want to express my gratitude to the European Committee for its strong backing for the initiative.

Indeed, I also want to express gratitude to the European Community for taking the initiative to have a European year of people with disabilities. I share some of Michael Matheson's cynicism about years for this and that, but they can sometimes produce positive results. I hope that this year will be one of them.

It is exactly a year ago to the day that many people with disabilities told this Parliament what they most wanted. They wanted their pain relieved—most people with physical disabilities suffer physical pain, whatever the condition. There were 130,000 hits on that issue on the Parliament's website—the highest previous response on any issue was just 3,000 hits—from people suffering pain and from relatives who live with them. They all said that they wanted their pain relieved, which meant that more pain clinics were needed. However, we do not have those clinics yet. It is essential that Mrs Curran has a word with her colleague, the Minister for Health and Community Care, to see what is happening.

We have heard that there are 37 million people with disabilities in Europe. If we could survey them, the largest proportion of them would probably say that the biggest problem with their disability is pain, not the condition itself. Those people are brave enough to accept that their condition may not be cured, yet they know that their pain could be, but is not being, relieved.

Jamie Stone and John Farquhar Munro were correct to refer to the plight of people living in the Highlands. Constituents in that area no doubt feel that they are being geographically, and unnecessarily, discriminated against. The worst cases that I have seen have come from the Highlands, Lanarkshire and Glasgow. However, I must pay tribute to Greater Glasgow NHS Board for being the only health board that has returned the Health and Community Care Committee's questionnaire so far with mention of improvements to services—it is trying to stop crinicity setting in through lower back pain clinics.

I am haunted by the e-mail from a young woman—a-20-year-old—living in the Nairn area who does not have a terminal condition but must be referred to a hospice for pain relief every other week, simply because there is nowhere else to send her in the Highlands. It is dreadful that the Highlands is a completely blank area.

People who are in pain, some of whom have severe disabilities, are being shunted round Scotland as if they were displaced persons or refugees from the national health service. They are sent from one area to another to try to find pain relief. People from the Highlands are crowding out the clinics in Dundee and the centres of excellence in Glasgow and Edinburgh. Those centres have doctors, nurses and physiotherapists

who are becoming stressed out from coping, out of the goodness of their hearts, with patients from other areas, and the waiting lists in those areas are increasing.

The Health and Community Care Committee—which I thank so much for its backing—has received returned questionnaires from health boards in Scotland that point out that most health boards send patients in pain almost anywhere—for example, to Manchester and London. A patient who suffers from a particular condition could be sent some distance to a centre of excellence, but a patient in pain should not. They return from centres in England and elsewhere having received good treatment that is largely negated by the long journey back to Scotland. We should not do that to people with disabilities. The Executive can help us to create more pain clinics.

Westminster has taken up one of the Parliament's ideas. During its many years, Westminster never had a cross-party chronic pain group, but it now has one. Our group is proud that we may have inspired Westminster.

Let us involve the European Parliament and see whether we can spread the campaign throughout Europe. The information system in the European Parliament is marvellous and that Parliament would be willing to help all the way. After our campaign was launched, I received responses from 17 different countries, most of which were member states.

We are delighted that Mr Cox was here today. Through such events, we can move forward in unity with the European Parliament.

16:29

Helen Eadie (Dunfermline East) (Lab): I am glad that the Parliament is giving the European year of disabled people serious consideration. All too often in our lives, we leave the issue on the sidelines. That sort of attitude is wrong. We should congratulate the disabled people who came together just over a year ago at the European congress of people with disabilities and decided to produce the Madrid declaration to focus our attention on the subject.

The congress suggested that organisations should take particular actions, such as reviewing “legal frameworks” aimed at

“combating discriminatory practices in ... education, employment and access to goods and services”.

Furthermore, organisations should investigate barriers to disabled people's freedom to participate fully in society, take action to remedy that situation and review services

“to ensure that these policies assist and encourage disabled people to remain and/or become an integral part of the society wherein they live”.

Finally, the congress said that organisations should investigate

“violence and abuse committed against disabled people”,

particularly those in “large institutions”, and strengthen accessibility legislation for

“all public and social facilities”.

Last night in the chamber, Linda Fabiani, John Home Robertson and other colleagues cited an example of good practice in relation to the new Holyrood Parliament building, which we all hope will be opened later this year. *[Interruption.]* Perhaps we should not go into that subject. However, as I understand it, Linda Fabiani and her colleagues have set up a specific working group of disabled people, and no architect's or builder's proposals will be put forward unless the group has sanctioned them. It would be really good news for disabled people across the land if local authorities, police authorities and all other organisations that make spending decisions on the construction of buildings were to follow such good practice.

At this point, I must plug Fife Council and the work that I used to carry out for it on this issue. The Labour-led administration introduced a policy that no council buildings would be constructed unless the proposals were passed by a particular review group. That group ensured that the proposals were proofed against any subsequent claims that the council had not addressed issues in relation to disabled people.

After all, we should remind ourselves that any one of us—from the highest to the lowest position in the land—could leave our homes in the morning and be grossly disabled by the end of the day. At a church reception that I attended along with colleagues just before the Christmas recess, I met a lady who was a member of the social responsibility committee. She said that, after feeling a trickle down the back of her neck, she ended up on her back and was able to communicate only by blinking her eyes. I am glad to say that that lady is now back on her feet and is playing an active part in society. Indeed, she can walk unimpeded.

However, that is not the case for all of us. I have had two hip replacements and know what it is like to be in a wheelchair for a period of time and totally dependent on colleagues. We must remember that society makes us disabled: it is not that we are disabled, but that certain barriers are put in our way.

Because of that life experience, I went to a village called Kelty—I believe that some famous footballers come from there—and helped to set up a project that could be emulated throughout Scotland. Through that project, people could adopt shops in the village as a way towards securing

disabled access in all of them. Although the project is nowhere near completion, it demonstrates the commitment of local people, many of whom are disabled. They cannot even get into the chemist shop in the village because of a step; instead, they have to ask someone to go into shops and buy the products that they need. The Parliament really needs to address such issues.

I realise that I am abusing the chair now. I will sit down, Presiding Officer, but I feel very passionate about the issue and I strongly believe that we need to move it much higher up the agenda. If I were in my colleagues' shoes in the Executive, I would not allow past my desk a spending proposal that would guarantee provision for disabled people and bring other considerations to the fore. I plead with the Executive to do that for disabled people and not to allow a penny of spending for their care to go by.

16:35

Mr Stone: I appear to be alone on the Liberal benches. I am indeed the alpha and the omega of the debate. It has been a good debate and I have taken enormous interest in it. I compliment all the speakers and I will mention one or two in particular.

The minister, Margaret Curran, was absolutely correct when she said that we should not regard the disabled as being objects of charity. She said that ours should be a "flexible world for the many", rather than the opposite. I take heed of her warning that disablement is an issue for the poor and unemployed. Sadly, that is a fact of this world. She also mentioned the Scottish Executive's important work with disability groups.

In his generous remarks, Kenny Gibson mentioned the £300,000 for Scotland. He also flagged up the positive attitude of the disabled towards work, although he added the caveat that there might be a slightly blacker reason behind that, which we should remember. Both he and John Farquhar Munro mentioned the important issue of housing, to which I will return in my concluding remarks.

Lyndsay McIntosh wittily and elegantly pointed out exactly how we can all—including the Scottish Parliament—get it wrong. She was quite correct to mention that day in the Equal Opportunities Committee, which I remember well. It was a complete embarrassment, but was not the fault of anyone in particular. However, that shows how we can collectively go in completely the wrong direction without knowing it and how such situations can become extremely embarrassing. In fairness to her party, Lyndsay McIntosh was perhaps being critical of the action taken by the Executive, but that is for others to consider.

Irene Oldfather is not in the chamber, but I felt that in her contribution about the potential of

getting the disabled back to work, she was really telling us that the disabled represent a resource for the country that we can use. Returning to work would benefit the disabled as well as each and every one of us—disabled or not—by allowing us to give our best for the good of others.

Dorothy-Grace Elder properly referred to a subject that is close to my heart—chronic pain and the problem of trying to get a suitable number of pain clinics set up in Scotland.

I thank Helen Eadie for mentioning the Holyrood project—I was not sure that I had the courage to do so. Her points were well made and noted by all of us. It is a project that Linda Fabiani, John Home Robertson and I are proud to say is disabled-friendly. We are showing the way, and that is right and proper. Helen Eadie's second point about no one knowing what is waiting round the corner for them is so true. It could be anyone—it could be me next.

I am sorry if this is slightly boring for members who were councillors, but I have always believed that the decision that was taken some years ago to un-ring fence block B of capital—a chunk of capital that was put aside for private housing—may have been a mistake. Many local authorities were understandably tempted to lay hands on that capital and put it into general services. That means that the pool of money that could be used for disabled adaptations has shrunk. That remains a problem for Scotland's 32 local authorities, but perhaps it is an issue for another day.

In my opening speech, I told a story about Donald Munro from Bettyhill and how the railway could not help him. I am going to abuse the chair and take a last moment to add to that story:

"The family explored the possibility of going by rail. The chair is too big to go in the wheelchair place in Scotrail's coaches. Their insurance will not cover Donald travelling in the chair in the guard's van. He cannot travel in a normal seat and put his chair in the guard's van as the chair then becomes unaccompanied baggage."

Is not that symptomatic of the drivel that we hear about the dangers out there for the disabled?

I thank members for listening to me. I support the motion.

The Deputy Presiding Officer (Mr George Reid): Lindsay McIntosh will have four minutes—perhaps a bit more—for her winding-up speech for the Scottish Conservatives.

16:40

Mrs McIntosh: Oh, thank you, senior Deputy Presiding Officer. I am convinced that the man who was sitting in your chair earlier was winding the clock forward during my speech.

The Deputy Presiding Officer: You have six minutes.

Mrs McIntosh: I am glad that you are back.

I will continue where I left off. I agree with the steering group's aim to engage young people in the events in order to raise awareness of the difficulties that disabled children face within the education system and those that they will face as adults. I hope that they will be made aware of all of the events, and that perceptions towards disabled people change.

There are concerns about whether the message is getting across to young people. Irene Oldfather picked up on that point, and I want to respond to what she said. In her evidence to the Equal Opportunities Committee, Janet Allan of Donaldson's College said that news of the year had not reached her fifth-formers. That little surprises me, in light of the news that the consultation paper forwarded to Donaldson's College about the national debate on education was not in a format that was accessible to all students and staff. When that issue was raised with the Executive, it said that the college had its own subtitling and captioning equipment, and asked whether the college could deal with the matter. That example encapsulates the problem of access.

The Scottish Conservatives fully support Janet Allan's suggestion that young people should be given the power to help themselves in the organisation of events for the European year of disabled people, as they will know better the issues faced by disabled children. It is equally important to ensure that they can contribute to the national organisations that campaign on behalf of disabled people. Work needs to be done to ensure that the theme of the European year of disabled people—nothing about us without us—is extended to include disabled children in Scotland.

I wish the European year of disabled people, its organisers and the participants every success, and I truly hope that many of its objectives are reached to the benefit of disabled people throughout Europe.

I will quote from the Madrid statement of the European congress on disability, which warns:

"A society that shuts out a number of its members is an impoverished society."

We should all bear that in mind.

Having said that, I have to say something about British Sign Language. People who have not come into contact with the minister, Margaret Curran, may not be aware of just how quickly she can talk. I have seen people signing like windmills trying to keep up with the speed of Mrs Curran's speech. I pay tribute to our signer in the gallery today, with sincere apologies—perhaps that is why I slowed my speech earlier and did not quite get to the end of it.

Margaret Curran spoke about a shared agenda, and she is quite right: imposition will not work. Kenny Gibson mentioned hidden disabilities, and he is also quite right. Many people do not want to confess that they have something that may single them out or exclude them, and it is right that we should pay attention to that. The Disability Rights Commission should be a powerful voice when transgressions are found.

Jamie Stone is the alpha-omega man. I am sure that, for Flora, he is the first, the last and her everything. The story that he told about Donald Munro and the wheelchair highlights for everyone just how much exclusion people with disabilities can face. Being confined in one place is almost as bad as being walled in. Heaven forbid that disabled people should have only the television to watch—they might even watch us.

I was touched that Irene Oldfather mentioned suicide. I would have given her half my time if I had thought that she was going to do that. What she said is true: we should recognise exactly how deeply such problems affect people. Some people have made four suicide attempts before finally getting assistance—sometimes, they do not get assistance, because their suicide attempt succeeds. That must be the worst thing that could possibly happen.

I was intrigued by Mr Paterson's comments. It was good to have information from a businessman's point of view, and there is no doubt that we should pay tribute to his work as a disability reporter. There may be a 1 per cent additional cost on new buildings, but adaptations to existing buildings can also be very expensive.

John Farquhar Munro mentioned transport, housing and heating costs and, particularly in rural areas, isolation and social exclusion. Trish Godman said that all people want is a fair chance. She has made two powerful speeches today, particularly the speech that she made this morning. She mentioned the Madrid declaration and spoke about working and staying together, which is the key. She gave a wonderful quotation at the end of her speech.

As a result of Michael Matheson's previous career, he knows exactly what he is talking about. He quoted the universal declaration on human rights, which says:

"All human beings are born free and equal in right and dignity."

That should be emblazoned on all our minds as we think about the year.

Is there an election this year? My goodness me. However, Michael Matheson is right to say that many people are kept out of the system and embarrassed by the fact that somebody has to

bring a voting paper to them. I am reminded of the question, "Does he take sugar in his tea?" Such things are hugely embarrassing and we should disown them.

Unfortunately, Dorothy-Grace Elder is not in the chamber. She mentioned pain clinics. What is the point in sending people for treatment in a pain clinic, then—

The Deputy Presiding Officer: The member should wind up.

Mrs McIntosh: Indeed.

I will mention Helen Eadie last, as she was the last to speak of the members whom I have mentioned. She was right to mention accessibility in the new Parliament. I have seen people stuck in doors, too. Even in this chamber, we do not make things easy for anybody with disabilities.

16:46

Linda Fabiani (Central Scotland) (SNP): I thank Helen Eadie—it was a pleasure to hear a member willingly standing up in the Parliament and saying something nice about the Holyrood project without being forced to do so. I am most proud of the accessibility of the building—I know that Jamie Stone, John Farquhar Munro and others are proud of it, too. The building has been judged to be the best public building in Europe, which is a major achievement.

The other day, I was in another new building at the bottom of Holyrood road. I had to get through a heavy door, and I could not see the buttons to press when I got into the lift. I thought that that was appalling. As far as I could see, the building had taken no account of accessibility issues.

It is day 57 of the European year of the disabled and it is right that we should debate the subject. The minister started by giving some facts and a vision of what we should be trying to achieve this year and afterwards. That leads me to the Madrid declaration, which members such as Helen Eadie, Michael Matheson and Trish Godman have mentioned. Between them, Trish Godman and Michael Matheson said everything that I wanted to say—they covered the issue exceptionally well.

I have enough time to deal with only some of the Madrid declaration's vision, which is huge. I urge everybody to go to the appropriate website and register their names to sign up to the declaration. The vision is about moving

"Away from disabled people as objects of charity ... and Towards disabled people as rights holders"

and

"Away from people with disabilities as patients ... and Towards people with disabilities as independent citizens and consumers."

Irene Oldfather mentioned that the matter is about moving

"Away from professionals taking decisions on behalf of disabled people ... and Towards independent decision making and taking responsibilities by disabled people and their organisations on issues which concern them."

Benefits have been mentioned. Benefits should be looked at and we should push people to consider further use of the disability living allowance, for example, to help towards that vision.

Another important part of the vision is moving

"Away from a focus on merely individual impairments ... and Towards removing barriers, revising social norms, policies, cultures and promoting a supportive and accessible environment."

That proposal, particularly the need for "revising social norms" has twice struck home to me recently. The first time was during a television programme called "Operatunity". The name and occupation of each contestant was flashed up on the screen and read out as people came on to sing. For one particular contestant, the line stated "Mother of three—registered blind". I thought that that was an appalling thing to do on national television—to state that that woman, who was taking part along with everybody else, was no more than a mother of three and registered blind.

The other thing that made me think of that proposal was a comment on a BBC messageboard on the web, called "ouch!" As part of his answer to the question whether he minded being called disabled, a chap called Bob Williams-Findlay explained:

"I believe society disables me, not my impairment."

That ties in very much with what members have said today.

The underpinning principle for all of us must be that people with an impairment should not be regarded as objects of charity or as patients—they should be independent citizens who are fully integrated into society. That is what the Disability Rights Commission is forcing into the public arena and trying to get us all to take mind of. It is, as many members have said, a human rights issue.

We must start to see equality as more than warm words. Michael Matheson expressed the worry that we are very good at having the year for this and the day for that, but it goes no further. We must take action to ensure that there is equality of opportunity.

I am thankful that the opinion that people with disabilities can neither speak nor act for themselves is diminishing. However, to a large extent the attitude of charity remains. We must get over that.

I could talk for ever about the matter, but the Presiding Officer will be glad to know that I will not.

I will now address the SNP's amendment. It is lodged as a marker, forcing us all to consider what must be done. The Disability Discrimination Act 1995 is coming into force. We must push to ensure that we comply with it and must put measures in place to ensure that we comply. I asked some parliamentary questions a while ago about what the Executive was doing to raise awareness of the matter. I ask the minister in his summing up to confirm for us what has been done today and what will be done throughout the rest of the year.

16:52

The Minister for Tourism, Culture and Sport (Mike Watson): I have enjoyed very much the contributions that members have made to the debate. I have to say that I am disappointed that nobody appears to have read the third clause of the motion. With the exception of my colleague Margaret Curran in her opening remarks, no one has mentioned either sport or culture and their role in assisting people with disabilities to move from being disabled to being enabled. That is unfortunate, but I will do my best to make up for it in the next seven and a half minutes.

I understand the sentiment behind the SNP amendment and we are sympathetic to the need to comply with the Disability Discrimination Act 1995—we want there to be compliance with that act. However, I have to say that responsibility for that—as Kenny Gibson acknowledged—lies with the United Kingdom Government. We have a role in encouraging equal opportunities in general and in relation to disability in particular, and we will work with the UK Government to do that and to raise awareness of the act, but it is not the Executive's responsibility to ensure compliance with it. That is why we ask Parliament to vote against the amendment.

I will deal with two other points that I was asked to get information on. One is from Trish Godman on the extent to which the Executive employs people with disabilities.

Mr Gibson: Will Mike Watson take an intervention?

Mike Watson: I am sorry, I have no time for interventions because I have many points to make.

That information is in "Making Progress: Equality Annual Report", which was published last month. In the Executive, 4.2 per cent of employees in band A are registered disabled; 2.3 per cent in band B are registered disabled; and 1.3 per cent in band C are registered disabled. The target is 3 per

cent, but nonetheless that represents an improvement over the past two years and that improvement will continue.

Helen Eadie asked about disability proofing of Executive spending. We are already engaged in gender proofing and we are seeing how that can be achieved effectively across the departments. There may be lessons to be learned from that in relation to disability. I will ask the Scottish Executive equality unit to advise what can be done in that respect.

I welcome the fact that Margaret Curran and I are combining in this debate. That is a practical example of the cross cutting that is a central tenet of Executive policy implementation. Those who suggest that cross cutting is merely a slogan should note that the debate draws from three of our strategies in the Executive: the social justice department's closing the gap and my portfolio's national cultural strategy and sport 21—our sports strategy. All those strategies involve promoting participation and access. The European year of disabled people is an important initiative in bringing equality and inclusion to prominence.

Sport and culture have a clear and key role to play in advancing both. In many other European countries, culture occupies a special place in the hearts and minds of the people. I want more Scots to embrace that notion and to see culture as part of the fabric of their daily life.

The right to take part in any form of sporting or cultural activity belongs to everyone and the European year of disabled people gives us the opportunity to highlight the solid work that is already under way in various parts of the country.

As a particularly notable example of arts and disability good practice I would cite Project Ability, which was established as far back as 1984. It is a Glasgow-based arts company specialising in creating opportunities for disabled people to gain access to the visual arts. Its workshop practice enables people to participate in a long-term programme of local, national and international artistic and cultural events and exhibitions. *[Interruption.]*

The Deputy Presiding Officer: Order. There is far too much prattling going on in the chamber. I ask members to be reasonably quiet for the next few minutes.

Mike Watson: Another notable example is Sense Scotland's Helen Keller awards, which were launched in 1992. They form part of a development of art-based projects for people who are deaf-blind. That initiative offers compelling evidence that art and creativity can make a real difference to our quality of life, enabling creativity and self-expression in challenging circumstances.

To those who have a tendency to take cheap shots at our national cultural strategy—probably because they have never bothered to read it or our annual progress reports on it—I commend the tremendous work of Project Ability and Sense Scotland in promoting a central priority of our national cultural strategy, which is that the arts should be accessible to all. That is why more than £10 million of the new Scottish budget is invested in widening participation and increasing quality in cultural activities across Scotland.

I am pleased to be able to say that the public sector cultural agencies have responded positively and creatively to my request that they should celebrate the European year of disabled people. The Scottish Arts Council has developed an arts and disability action plan that aims to overcome the physical and attitudinal barriers that limit the involvement of disabled artists and audience members in the artistic interests and pursuits of their choice.

The National Museums of Scotland is running a gallery of the month initiative with tours adapted for deaf, hard of hearing and visually impaired visitors and is already implementing a two-year action plan responding to a physical access audit that was carried out in 2001.

Many of us tend to take for granted our enjoyment of Scotland's monuments, castles and listed buildings. Those national treasures should be accessible to everyone and the steps that Historic Scotland has taken towards achieving that have not been given the publicity that they deserve. For instance, a superb example of an initiative that is contributing to inner-city regeneration—and which I expect that no one realises that Historic Scotland was involved in—is the recently refurbished 120-year-old building that houses the St Francis Centre in the Gorbals area of south Glasgow, at which, appropriately, last year's Scottish Arts Council's "Arts for All" conference was held. That is part of Historic Scotland's long-term programme to improve access—both physical and intellectual—to the built heritage. During this year, it will spend £200,000 on making its properties equally welcoming for all visitors, irrespective of their physical abilities; issue a revised version of the brochure for visitors with disabilities that will explain the levels of access points; and revise its technical advice note on access for the disabled to historic buildings. Those plans are important and more people should know about them.

No less than arts for all, the Executive is committed to a philosophy of sport for all and already Scotland has established a reputation as a model of good practice in developing sport for people with disabilities. This week, I announced the allocation of £600,000 to sportscotland to

establish a fund that will allow Scottish Disability Sport to provide specialist support to children and young people with special needs. That will form part of the extension of the active schools programme for primary schools and the provision of school sport development officers. Indeed, a number of school sport development officers are already in post with a specific remit for children with special educational needs. As would be expected, sportscotland works closely with Scottish Disability Sport, which organises and co-ordinates sport for people with disabilities in Scotland.

Sportscotland is currently developing a comprehensive equality strategy to address issues such as disability sport and inclusion. That will be distributed to all sport governing bodies and filtered down to club level for implementation. Some of those who aspire to compete at the top level have told me that they draw great inspiration from the recent successes of our special needs athletes and the medals that they brought back from the paralympic games in Sydney in 2000, and last year's Commonwealth games.

I hope that that demonstrates that there is a considerable amount of excellent work going on throughout the country to promote access for people with disabilities. The challenge is to ensure that it continues and that we root out discrimination and remove barriers wherever they exist. The Executive and its agencies are committed to, and will continue to promote, best practice and inclusiveness for the people of Scotland—we will do so not just during the European year of disabled people. Ours is an enduring commitment and the effective cross-cutting approach adopted by Margaret Curran, myself, other Cabinet members and our officials will ensure that.

I commend the motion to the Parliament and urge members to reject the amendment.

Parliamentary Bureau Motions

17:00

The Presiding Officer (Sir David Steel): The next item of business is consideration of Parliamentary Bureau motions S1M-3947, S1M-3948, S1M-3949, S1M-3950 and S1M-3951, in the name of Patricia Ferguson on behalf of the Parliamentary Bureau, on the approval of Scottish statutory instruments.

Motions moved,

That the Parliament agrees that the draft Housing Support Grant (Scotland) Order 2003 be approved.

That the Parliament agrees that the Nitrate Vulnerable Zones (Grants) (Scotland) Scheme 2003 (SSI 2003/52) be approved.

That the Parliament agrees that the draft Members of the Parole Board (Removal Tribunal) Regulations 2003 be approved.

That the Parliament agrees that the draft Regulation of Investigatory Powers (Covert Human Intelligence Sources—Code of Practice) (Scotland) Order 2003 be approved.

That the Parliament agrees that the draft Regulation of Investigatory Powers (Covert Surveillance—Code of Practice) (Scotland) Order 2003 be approved.—[*Patricia Ferguson.*]

Decision Time

17:01

The Presiding Officer (Sir David Steel): There are nine questions to be put as a result of today's business.

The first question is, that motion S1M-3935, in the name of Rhona Brankin, on the general principles of the National Galleries of Scotland Bill, be agreed to.

Motion agreed to.

That the Parliament agrees to the general principles of the National Galleries of Scotland Bill and that the Bill should proceed as a private Bill.

The Presiding Officer: The next question is, that motion S1M-3939, in the name of Margo MacDonald, on the general principles of the Prostitution Tolerance Zones (Scotland) Bill, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

Canavan, Dennis (Falkirk West)
Gorrie, Donald (Central Scotland) (LD)
Harper, Robin (Lothians) (Grn)
Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)
MacDonald, Margo (Lothians) (Ind)
McAllion, Mr John (Dundee East) (Lab)
Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
Radcliffe, Nora (Gordon) (LD)
Raffan, Mr Keith (Mid Scotland and Fife) (LD)
Sheridan, Tommy (Glasgow) (SSP)
Smith, Mrs Margaret (Edinburgh West) (LD)

AGAINST

Adam, Brian (North-East Scotland) (SNP)
Aitken, Bill (Glasgow) (Con)
Alexander, Ms Wendy (Paisley North) (Lab)
Baillie, Jackie (Dumbarton) (Lab)
Barrie, Scott (Dunfermline West) (Lab)
Boyack, Sarah (Edinburgh Central) (Lab)
Brankin, Rhona (Midlothian) (Lab)
Butler, Bill (Glasgow Anniesland) (Lab)
Campbell, Colin (West of Scotland) (SNP)
Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
Crawford, Bruce (Mid Scotland and Fife) (SNP)
Curran, Ms Margaret (Glasgow Baillieston) (Lab)
Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
Douglas-Hamilton, Lord James (Lothians) (Con)
Eadie, Helen (Dunfermline East) (Lab)
Fabiani, Linda (Central Scotland) (SNP)
Ferguson, Patricia (Glasgow Maryhill) (Lab)
Fergusson, Alex (South of Scotland) (Con)
Fitzpatrick, Brian (Strathkelvin and Bearsden) (Lab)
Gallie, Phil (South of Scotland) (Con)
Gibson, Mr Kenneth (Glasgow) (SNP)
Gillon, Karen (Clydesdale) (Lab)
Godman, Trish (West Renfrewshire) (Lab)
Goldie, Miss Annabel (West of Scotland) (Con)
Grahame, Christine (South of Scotland) (SNP)
Grant, Rhoda (Highlands and Islands) (Lab)

Gray, Iain (Edinburgh Pentlands) (Lab)
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)
 Harding, Mr Keith (Mid Scotland and Fife) (Con)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 MacAskill, Mr Kenny (Lothians) (SNP)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 MacKay, Angus (Edinburgh South) (Lab)
 Maclean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)
 McLeod, Fiona (West of Scotland) (SNP)
 McLetchie, David (Lothians) (Con)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Mundell, David (South of Scotland) (Con)
 Neil, Alex (Central Scotland) (SNP)
 Oldfather, Irene (Cunninghame South) (Lab)
 Paterson, Mr Gil (Central Scotland) (SNP)
 Peattie, Cathy (Falkirk East) (Lab)
 Reid, Mr George (Mid Scotland and Fife) (SNP)
 Robison, Shona (North-East Scotland) (SNP)
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
 Russell, Michael (South of Scotland) (SNP)
 Scott, John (Ayr) (Con)
 Simpson, Dr Richard (Ochil) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Stephen, Nicol (Aberdeen South) (LD)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Thomson, Elaine (Aberdeen North) (Lab)
 Tosh, Mr Murray (South of Scotland) (Con)
 Ullrich, Kay (West of Scotland) (SNP)
 Wallace, Mr Jim (Orkney) (LD)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)
 Wilson, Andrew (Central Scotland) (SNP)
 Young, John (West of Scotland) (Con)

The Presiding Officer: The result of the division is: For 11, Against 86, Abstentions 0.

Motion disagreed to.

The Presiding Officer: The next question is, that amendment S1M-3956.1, in the name of Kenneth Gibson, which seeks to amend motion

S1M-3956, in the name of Ms Margaret Curran, on the European year of disabled people, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

Adam, Brian (North-East Scotland) (SNP)
 Campbell, Colin (West of Scotland) (SNP)
 Canavan, Dennis (Falkirk West)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Gibson, Mr Kenneth (Glasgow) (SNP)
 Grahame, Christine (South of Scotland) (SNP)
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)
 Harper, Robin (Lothians) (Grn)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 McLeod, Fiona (West of Scotland) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 Paterson, Mr Gil (Central Scotland) (SNP)
 Reid, Mr George (Mid Scotland and Fife) (SNP)
 Robison, Shona (North-East Scotland) (SNP)
 Russell, Michael (South of Scotland) (SNP)
 Sheridan, Tommy (Glasgow) (SSP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Ullrich, Kay (West of Scotland) (SNP)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)
 Wilson, Andrew (Central Scotland) (SNP)

AGAINST

Aitken, Bill (Glasgow) (Con)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Fergusson, Alex (South of Scotland) (Con)
 Fitzpatrick, Brian (Strathkelvin and Bearsden) (Lab)
 Gallie, Phil (South of Scotland) (Con)
 Gillon, Karen (Clydesdale) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Gorrie, Donald (Central Scotland) (LD)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Harding, Mr Keith (Mid Scotland and Fife) (Con)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 MacDonald, Margo (Lothians) (Ind)

Macintosh, Mr Kenneth (Eastwood) (Lab)
 MacKay, Angus (Edinburgh South) (Lab)
 Maclean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McAllion, Mr John (Dundee East) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)
 McLetchie, David (Lothians) (Con)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Mundell, David (South of Scotland) (Con)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
 Scott, John (Ayr) (Con)
 Simpson, Dr Richard (Ochil) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Mrs Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Thomson, Elaine (Aberdeen North) (Lab)
 Tosh, Mr Murray (South of Scotland) (Con)
 Wallace, Mr Jim (Orkney) (LD)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)
 Young, John (West of Scotland) (Con)

The Presiding Officer: The result of the division is: For 28, Against 70, Abstentions 0.

Amendment disagreed to.

The Presiding Officer: The next question is, that motion S1M-3956, in the name of Ms Margaret Curran, on the European year of disabled people, be agreed to.

Motion agreed to.

That the Parliament welcomes the European Year of Disabled People and reaffirms our commitment to ensuring equality of opportunity for disabled people; recognises and celebrates the European Year of Disabled People and the contributions that disabled people make to Scottish society at all levels; recognises the role of the arts, culture and sport in promoting social inclusion and equality of opportunity, and calls upon other organisations to recognise and celebrate the European Year of Disabled People.

The Presiding Officer: Do members object if I put the question on the approval of the Scottish statutory instruments en bloc?

Members: No.

The Presiding Officer: In that case, the question is, that motions S1M-3947, S1M-3948,

S1M-3949, S1M-3950 and S1M-3951, in the name of Patricia Ferguson on behalf of the Parliamentary Bureau, on the approval of Scottish statutory instruments, be agreed to.

Motions agreed to.

That the Parliament agrees that the draft Housing Support Grant (Scotland) Order 2003 be approved.

That the Parliament agrees that the Nitrate Vulnerable Zones (Grants) (Scotland) Scheme 2003 (SSI 2003/52) be approved.

That the Parliament agrees that the draft Members of the Parole Board (Removal Tribunal) Regulations 2003 be approved.

That the Parliament agrees that the draft Regulation of Investigatory Powers (Covert Human Intelligence Sources—Code of Practice) (Scotland) Order 2003 be approved.

That the Parliament agrees that the draft Regulation of Investigatory Powers (Covert Surveillance—Code of Practice) (Scotland) Order 2003 be approved.

Ambulance Service (Wick)

The Deputy Presiding Officer (Mr Murray Tosh): The final item of business is a members' business debate on the Wick ambulance service.

Motion debated,

That the Parliament recognises the vital work of the Wick ambulance service; is concerned at the lack of additional funding that was made available to the Highlands from the £22 million the Scottish Ambulance Service (SAS) received for modernisation; notes the long on-call working regime that means ambulance crews are often on duty for as much as 20 hours at a time and are routinely required to make long journeys of over 200 miles; is further concerned that crews suffer from sleep deprivation, possibly endangering themselves, their passengers and other road users, and asks the Scottish Executive and the SAS to urgently review the on-call working arrangements at Wick Ambulance Station, where staff are paid less than 90p per hour for being on-call, with a view to upgrading it from part-time on-call to full-time.

17:04

Mr Jamie Stone (Caithness, Sutherland and Easter Ross) (LD): When eventually I finish work tonight, after we have concluded a short meeting on the Holyrood project at perhaps 7 o'clock or 8 o'clock, I shall drive home to the Highlands—a journey of 198 miles—and I shall be tired. One knows that that comes with the job. John Farquhar Munro and I make those journeys—we grin and bear it and we get there.

This morning, I spoke to an ambulanceman from Wick, who told me a story. Last Monday he worked from 8 am until 8 pm—a 12-hour shift—in Caithness. He went home at 8 o'clock, but at a quarter past 10 that night he was called out to do a return trip of about 200 miles—about the same as my driving home from here—to take a patient to Raigmore hospital in Inverness. He got back home at 5 am and was exhausted.

The intention behind my motion, which colleagues are being kind enough to debate today, is self-evident, but to flesh it out somewhat, let me quote from the 29 December 2002 edition of that august journal, the *John O'Groat Journal*. The headline reads "Ambulance crews: 'Enough is enough'". It was a big story in Caithness. A gentleman by the name of Mr William McLeod, an ambulance technician who is based at Wick, is quoted frequently in the article. I will quote several pieces of his contribution. Mr McLeod said:

"Most of the crew members have revealed that they occasionally lose concentration, mostly when returning to Wick from Inverness after a call-out. Some have also developed a worrying habit of driving through villages and not realising that they have done so—a common symptom of tiredness and fatigue."

We have all done that—although I hope only once or twice in our lives—and we know how

exceedingly dangerous that is. If someone's eyes start to close they might have a terrible accident.

Despite the fact that the Scottish Ambulance Service was given some £22 million by the Scottish Executive, that money was not used to make the partial out-of-hours coverage at the Wick ambulance depot a 24-hour service. That is the point of the debate and that is what I seek to probe the minister on. I would like to know whether the Executive can put pressure on the Scottish Ambulance Service to consider that possibility.

Of course the service costs money—there are currently 14 staff at Wick, working two shifts, and to put the station on 24-hour coverage would involve more staff and more costs. I lodged a question on the matter for the Minister for Health and Community Care at the end of last year. Speaking on the subject in the *John O'Groat Journal*, he said:

"The Scottish Executive has provided the Scottish Ambulance Service with an allocation of £108.783 million for 2002/03, an increase of 7.4% on last year.

This allocation supports the service's priorities of investment which include improving its operations room functions"

and so on. He also pointed out that the ambulance stations in Fraserburgh, Dunoon and Stranraer have been put on 24-hour coverage. I imagine that the Deputy Minister for Health and Community Care will come back with something similar this evening.

The population of Caithness is quite sizeable by Highland standards—a good number of people live in Wick and Thurso. The ambulance station in Dingwall, the county town of Ross and Cromarty, which is very close to Inverness, is on 24-hour coverage, and the mileage that ambulances have to cover to run people to Raigmore hospital is not great. Despite that, the station in Wick is not covered 24 hours a day. That is despite the fact that the distance from Wick to the main hospital in Inverness—Raigmore hospital, which covers virtually all the Highlands—is much greater. Therefore, because of the greater distance between Wick and Raigmore as compared with that between Dingwall and Raigmore, the community of Caithness is disadvantaged.

The Wick ambulancemen are suffering from sleep deprivation. They are endangering their lives and those of patients, and the 87p per hour rate for out-of-hours cover beyond their shift seems to me to be derisory. I do not know how people can have normal quality social life when they have to work under such conditions. The Wick station should go on to 24-hour coverage. That will, I admit, require more staff and mean more costs, but the Scottish Ambulance Service should address the situation.

Mr William McLeod says that in the past 25 years—ever since he joined the service—he has pushed for that change but has got nowhere. That is what has prompted the staff of Wick ambulance service to adopt such a high profile. Mr McLeod says:

“I have been working 25 years with the Scottish Ambulance Service. When I started the job we were told that the service and the unions were looking for elimination of stand-by but 25 years on we are still at the same spot.”

Ambulance crews say, “Enough is enough.”

I conclude with the following thoughts. Health care is for all, regardless of where in Scotland people live. Road safety is for all, regardless of where people live. For a community to be disadvantaged simply because it is far from Inverness—Wick, rather than Dingwall—is fundamentally unjust. I know that the minister and her colleagues in the Executive do their best to invest real funds—there has been a 7.4 per cent increase—in the Scottish Ambulance Service. However, on this issue it is the old story to which I have referred before. Despite the good intentions of ministers and the Executive, sometimes we do not see delivery at the other end of the delivery mechanism.

I thank colleagues for listening to me on this serious issue. I seem always to be fighting on health fronts in the far north; if not on Thurso accident and emergency services, Wick maternity services or GPs in Helmsdale, I am doing so on behalf of Wick ambulance service. I am grateful for the opportunity to share my problem with members and I look forward to hearing the other speeches; I am sure that members will have similar tales to tell from their parts of the country. I look forward to the minister's response and hope that she can be as helpful as possible.

17:11

Stewart Stevenson (Banff and Buchan) (SNP): I congratulate Jamie Stone on securing the debate on this important issue for his constituency.

As Jamie Stone said, there was when I was elected a similar situation in Fraserburgh. Until recently, Fraserburgh and Peterhead were the two busiest part-time ambulance stations in Scotland. I am delighted that after a long campaign—started by Alex Salmond and supported by local councillors—Fraserburgh became a 24-hour station in December. Peterhead will be upgraded in the coming year. I look forward to visiting Fraserburgh station shortly.

There is absolutely no doubt about the commitment of staff in the Scottish Ambulance Service to doing a quality job. The throughput of work that the Fraserburgh service handles has doubled in 10 years and its staff must be given

huge credit for handling that work load professionally and in an exemplary manner, even though Fraserburgh was a part-time station. While I have the minister's attention, I hope that she will tell me when Peterhead will become a 24-hour station. The commitment has been made, but the timetable has not yet been set.

Jamie Stone made an important point about the remoteness of Wick and the distances involved for the ambulance staff who work there. I have to drive only 171 miles to get home tonight; I am afraid that I cannot beat Jamie Stone on that. I drive 40,000 miles a year, so we might trade numbers on the subject later.

Although Peterhead and Fraserburgh were undoubtedly the busiest part-time stations in Scotland, it is probably important that the metrics dealt with the number of calls. The minister might care to consider that if Wick does not necessarily get as far up the list as Fraserburgh and Peterhead, the quality of calls that are attended to there might give Jamie Stone the right to make a special pleading for the staff. The distances that are involved for Wick staff are quite ferocious; I am sure that Jamie Stone has many cases from his files to which he can refer.

We must consider public service and the health and safety of ambulance staff. It is vital that we do not place staff in the position of working an arduous shift, then being on standby to work, in effect, another shift in areas such as those that are served by Wick, only for them to have to go to work again the following day. That makes Jamie Stone's point particularly relevant and important.

We cannot allow such situations to continue, either for the staff or for the people who live in the areas that part-time ambulance stations serve. Accidents can happen at any time of the day or night. In the far north, the nights in winter are especially long.

I wish Jamie Stone well in his campaign on behalf of his constituents in the far north. I take great pleasure in looking out over the 65 miles to Wick across the Moray firth. I hope that he has as much success with his campaign in Wick as I have been able to achieve in Fraserburgh. Well done, Jamie.

17:15

Mr Jamie McGrigor (Highlands and Islands) (Con): I congratulate Jamie Stone on highlighting the ambulance service in this way, because the service is of the utmost importance to people's lives. In a perfect world, there would be 24-hour rostered working covering all of the Highlands and the Western Isles. However, such expense might not be within the Scottish Executive's budget. In

the Highlands, only Dingwall and Inverness stations are full time at present.

I sympathise deeply with any ambulance crew that is sent out on a long-distance transplacement during call hours, when they have just worked a long roster shift of eight or 12 hours. When I spoke to the manager in Inverness, he highlighted that point and said that everything possible is done to avoid such situations, but they are unpredictable and occur only occasionally.

The nature of ambulance crews' work is that when they are on call, being paid only 90p per hour, they must be immediately reachable; there needs to be a three-minute response time. British Telecom workers, some of whom work along the same sort of lines, have to be reached only within about an hour. That is why any Wick ambulance crew must live within three miles of Wick. Crew members must also notify the Scottish Ambulance Service of any secondary employment that they undertake, and have it approved. Ambulance crews sacrifice a lot. Their job is very important and is undertaken only by individuals who have a vocation for it, because the job most certainly has its drawbacks.

Jamie Stone is asking for an upgrade to full-time cover for Wick. Again, although I sympathise with that, other areas will, I presume, also seek upgrades; for example Thurso, Golspie, Lairg, Lochinver, Kinlochbervie and Bettyhill, all of which have ambulance crews. The ambulance crews in those places surely feel that they, too, deserve more rostered hours. Stewart Stevenson mentioned Peterhead, which has a larger population than Wick and still works part time, but which would, I presume, make a similar call.

One other point that has been put to me is that if Wick station is made full time, it might be necessary to shorten the hours or reduce the crews to keep within the budget, which might weaken the service. At the moment, when on call the crews receive only 90p per hour, but once on a mission they move to the full-time rate. Some ambulance crews do not mind working like that, but others would prefer full-time rostered employment.

The situation calls for constant review of each station, because the Scottish Ambulance Service is a publicly funded body that provides a service that is based on patient demand. The service has come a long way since the days pre-1995, when many small stations were worked by contractors. Now, the staff are better trained and generally work in pairs. Wick has performed brilliantly, and is ahead of all its targets.

Finally, centralisation of health services is increasing the distances that are travelled by ambulance. For example, Caithness to Raigmore

is a 200-mile round trip. Such a journey can be made longer by the need to pick up patients from different addresses in Caithness and Sutherland on the way south, by delays at Raigmore hospital, and by the delivery of patients to different addresses on the return journey. I sympathise very much with the ambulance crews, and I agree that people who live in remote areas should have the best of health care, but centralisation is working against that. More emphasis should be placed on upgrading the use of community hospitals which, in turn, would reduce the length of many ambulance journeys.

17:19

John Farquhar Munro (Ross, Skye and Inverness West) (LD): I am thankful for the opportunity to take part in this debate and I thank Jamie Stone for bringing it before Parliament.

Much of what Jamie Stone has told members applies to my constituency, which has the same sort of terrain and ambulance provision. It is generally accepted that ambulance crews are a vital front-line service. Like those in the fire service, for whom support has been expressed recently, ambulance crews do a difficult and sometimes dangerous job. I suggest that the current on-call working regime for ambulance crews should be reviewed because, as Jamie told us, the crews can be on duty for up to 20 hours, they receive little recompense and they are required frequently to make long journeys at the end of their shifts.

The ambulance service is an excellent front-line service. Its staff are trained to a very high standard and they do an excellent job, but they cannot be everywhere all the time. When an ambulance team has to respond to a call-out, that creates a problem for the neighbouring depot. If a unit is taken away from one depot, it must be replaced in case there is an emergency. If there is much demand on the ambulance service in such areas, the situation spirals out of control very easily.

After years of consultation and debate in the medical profession and the ambulance service, the provision that the local hospital in my area—the MacKinnon memorial hospital on Skye—is able to give the public has been reduced. There is little surgical provision there. I heard recently that a study costing about £100,000 had been commissioned to examine the surgical provision up and down the west coast. That study has come up with the brilliant idea that the Belford hospital in Fort William should not provide surgical services and that such provision should move to Oban's Lorne and Islands District general hospital in Argyllshire. It is understandable that that proposal does not please many people in the Fort William and Lochaber area. It is particularly unsatisfactory

for my constituents, because the Belford hospital attends to their surgical provision.

An argument has developed about where that surgical provision should be provided in future. Staff at the Belford hospital suggest that all such work should be done in Fort William, rather than in Oban. The hospital in Oban has put forward arguments for doing the work there. Whatever happens, surgical provision will be diminished. That will require more ambulances and more travel.

The distance between the MacKinnon memorial hospital and the Belford in Fort William is about 100 miles, whereas the distance from the MacKinnon memorial hospital to Oban is about 140 miles. Driving conditions are not always good because the roads are very twisting and tortuous. That is not good for the ambulance or, more important, the patient. We should remember that the patients as well as the ambulance crews have to travel on those roads.

There is a helicopter service, but it is not always available—for example, it will be away on call in an emergency. In addition, the helicopter does not always fly at night or in adverse weather conditions. A pregnant mother who was being airlifted from a remote area of Skye to Raigmore in Inverness decided that she was going to produce her child in the middle of the flight. Because there was no room in the helicopter's cabin to attend to the lady, the helicopter had to land on one of the highest mountains in Ross-shire and the poor mother had to deliver the child at the top of a mountainous peak in Wester Ross. That is the sort of situation that arises.

We must give the issue careful and serious consideration and we must ensure that we can provide an ambulance service that has, at all times, an active and alert crew. Such provision is necessary not only for the benefit of the crew, but for the benefit of the patients to whom they attend.

17:24

Mr Duncan Hamilton (Highlands and Islands) (SNP): I have two initial points, one of consensus and one of discord. I join other members in welcoming the debate and congratulating Jamie Stone on securing it, but I ask the Presiding Officer to reflect on the fact that not a single Labour member is present, apart from the minister. We are delighted to have her here, but in view of the massed ranks that could have been in the chamber, I make the point that members' business debates matter, and it would be courteous for parties to take that into consideration and ensure that they are properly staffed so that we can have a full debate. Perhaps that is something that the Presiding Officer could discuss

with the business managers. We could have expected some members to show.

We are all in broad agreement about this evening's debate. There are two issues: the first is that of working practices; the second is the nature of the terrain that we are talking about. I associate myself with Jamie Stone's remarks and the examples he gave of the long hours and the distances involved in the job of the ambulance service in Wick and throughout the north-west division. The job is astonishingly difficult and we are right to give credit to the people who do it.

Evidence from the ambulance service gives the average weekly working time of people in the north-west division as 84 hours a week. That is in excess of the European Union working time directive. I am keen for the minister to tell me the Executive's view of that breach of the EU working time directive. What immediate remedial action can we expect?

On the argument about whether there should be an upgrade from part-time to full-time, I support Jamie Stone's call for the move to full-time cover—I believe that most members would. I would welcome it if the minister could clarify what criteria we are using. In his contribution, Stewart Stevenson referred to the fact that one factor is the number of calls, but presumably there is also the question of population. Will the minister give members a fuller understanding of what criteria Wick would have to meet before we could move to a fuller service in that area?

There is another factor that relates to the nature of the area—the seasonal swelling in the population due to the increase in tourist numbers. In the north-west division, it is estimated that the population increases from 240,000 to a figure three times as high at the height of the tourist season. Given the increased burden on the service, is that one of the factors that the Executive takes into account? If it is, what weighting is it given? It strikes me that if there is a part-time service in an area where there is population displacement, there should be a similar movement of service provision. I would welcome information from the Executive as to whether that is taken into account.

The issue is important and we are right to debate it. We are not discussing an ancillary or add-on service; it is a vital core activity. If the Parliament and the Executive are to take it seriously, the terms of the motion are a good place to start.

17:28

The Deputy Minister for Health and Community Care (Mrs Mary Mulligan): I welcome Jamie Stone's motion and am pleased to be able to take the opportunity to discuss the

ambulance service, particularly in relation to the Wick area. If members will bear with me, I will make some general comments about how the ambulance service in Scotland has been developed during recent years.

In response to Duncan Hamilton's statement about members' attendance, I say that the member knows that members' business debates are often fairly thinly attended because of the nature of members' other business. I am sure that members who are interested will look to the *Official Report* of the debate and will take an interest.

I wonder about Duncan Hamilton's position. Only eight SNP members turned up to vote through stage 3 of the Criminal Justice (Scotland) Bill just over a week ago. People should get their priorities in order.

Mr Hamilton: Will the minister take an intervention?

Mrs Mulligan: I will not give way to the member just yet. I may do so later, if I have time, but I have a lot of points to respond to.

As the first session of the new Parliament draws to a close, it is fitting to reflect on an excellent example of how the Parliament has shaped services for the benefit of the people of Scotland. Towards the end of 1999, the Comptroller and Auditor General reported in "The Scottish Ambulance Service: A Service for Life" on the efficiency and effectiveness of emergency ambulance services throughout Scotland. That report in turn informed the first substantive piece of work conducted by the Audit Committee of the new Parliament. Both the Comptroller and the Audit Committee commented favourably on the benefits to Scotland of having one national ambulance service. Management and support costs were minimised and having a national service provided for consistency of operational practice.

The Audit Committee sent a clear steer to the Executive and the service about the need to consider whether to introduce a system of priority-based dispatch as a means of supporting and improving the responsiveness of the emergency service, about how the control room function was provided throughout Scotland and how best to improve it, and about how to remove the variations in performance in different parts of Scotland and to bring the standard of the poorest up to that of the best. It also sent a clear steer on the need to consider how to reduce the overall time spent by ambulances in dealing with incidents and how to develop clinical performance targets and indicators and improved patient care information that would support the monitoring of the health gain achieved from the additional investment.

The service and the Executive supported all the substantive recommendations of the Audit Committee. The Executive has funded them all, and they are now being rolled out throughout Scotland.

The service's budget allocation for 2003-04 is now £119.7 million. All that will be invested in the employment and training of around 200 extra front-line emergency ambulance staff. The service has also developed a range of clinical performance indicators that will enable it to begin to measure whether the faster response times lead to an improved outcome for patients.

Implementation of the improvements to the control rooms began last August in NHS Lothian, followed by the roll-out of priority-based dispatch. Positive progress is being made on the clinical outcome indicators, although further work needs to be done to ensure that the patient experience and outcomes through admission to discharge from hospital are tracked and recorded.

I turn to the situation in our remote and rural areas. The provision of health services in remote and rural parts of Scotland presents challenges that are very different from those in our more populated areas. Difficulties in areas such as recruitment and retention are often magnified in isolated communities. The Executive is committed to providing investment and support in those areas and to tackling the issues affecting them. That is demonstrated by a number of major initiatives to provide additional investment to modernise the infrastructure through improved premises, information technology and transport links, to speed up communications, and to cut the need for patients to make long journeys, partly through the use of telemedicine. The Executive is also committed to attracting health professionals to remote areas through a number of recruitment and retention measures.

Some of the additional resources that the Executive has put into the ambulance service have been used to support the conversion of a number of ambulance stations to full-time working practices. The demands on all 152 ambulance stations in Scotland, particularly the 100 that serve remote and rural areas, are the subject of continuing monitoring and review by service management. Because of that review, this year we are able to move stations in Stranraer, Dundee and Fraserburgh into the full-time category. Stewart Stevenson referred to the situation in Peterhead, which is one of the number of stations that are programmed to move to full time—I do not have an exact date at the moment, but when I do I will let Mr Stevenson know.

Mr McGrigor: I hear what the minister is saying about upgrading, and I agree with that. Wick has Caithness general hospital, yet trips have to be

made all the time to Raigmore. Would it not be better to upgrade the hospital, rather than having to upgrade ambulance services continually?

Mrs Mulligan: Almost all the out-of-hours calls are dealt with locally in Wick. Transfers are the exception, not the rule. We must see the picture as it is.

In addition to performing continuing reviews of demands on ambulance stations, staff and managers in the Highlands operate a system under which any incidence of excessive working hours is identified immediately and staff are stood down until they are fit to resume duty. Managers who cover the Highlands have received no reports that any member of staff has worked 20 hours or more in a 24-hour period. Since last August, only eight out-of-hours transfers of patients from the Wick area have been undertaken, all of which were to hospitals in Inverness. Only twice were staff asked to stand down before completing their shifts. Those incidents were the result of cases in the early hours, and the numbers of hours that were worked in the 24-hour periods were eight hours and 55 minutes and 13 hours and 41 minutes. The situation is rare, but when it happens, action is taken. In the past four months, no out-of-hours transfers have occurred in the Wick area, and in the previous four months, only two transfers took place.

The Scottish Ambulance Service has worked closely with the Health and Safety Executive to ensure compliance with the European working time directive, which Duncan Hamilton described. No breaches of the directive have been recorded.

I hope that members accept that the Executive is committed to a Scottish Ambulance Service that is responsive to the needs of all in our population, wherever they may be—even in our remote and rural areas. People in those areas deserve the service as much as anybody else does and we are working to ensure that they have it.

Meeting closed at 17:36.

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