

MEETING OF THE PARLIAMENT

Thursday 8 January 2004

Session 2

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Scottish Parliament

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

Youth Justice

The Presiding Officer (Mr George Reid): Good morning. The first item of business this morning is a debate on motion S2M-762, in the name of Cathy Jamieson, on delivering a quick, effective youth justice system.

09:30

The Minister for Justice (Cathy Jamieson): The debate gives me an opportunity to update members on the progress that has been made since we launched our youth crime action plan in the summer of 2002 and since the publication of the Audit Scotland reports into offending by young people. It also gives the Parliament a useful opportunity to discuss our plans for the future. I will be clear: those plans are important to people who live in communities that are blighted by crime, to young people and to the majority of those young people who do not commit crimes and who care about their communities. They are also important for those young people who do get drawn into offending.

It is important to try to prevent young people from getting into trouble in the first place. The vast majority of young people know what the limits of acceptable behaviour are. They set those limits themselves or respect the limits that are set by their families and communities. However, for the minority who do not respect those limits, it is absolutely right and proper that quick and effective action be taken.

Again, I will be clear, as I have been on previous occasions: our approach is not an anti-young person approach—it is far from that. I take such a strong approach because I care passionately about young people and want to see them make the most of their lives rather than see them lose their lives to crime. Therefore, I make no apologies for challenging the actions and attitudes of young people who offend.

I turn to the progress that has been made so far. In the past two years, we have significantly increased investment in youth justice services and have strengthened the role and work of youth justice teams. We have supported the expansion of community-based youth justice services. There are more than 7,000 new places, including 3,000 restorative justice places. We have introduced

pilots for fast-track hearings and youth courts and have focused on speeding up the system. We have launched national standards for youth justice, which are to be in place by 2006 and which should enable every hearing to meet fast-track standards, and we have changed the law to give victims for the first time an appropriate place in the youth justice system.

Those measures are beginning to show results. For example, in the youth court, we are seeing offenders being dealt with more efficiently. When they are faced with all their charges, they are accepting responsibility for their actions and most are pleading guilty at an early stage. As a result of the reduction in the number of trials that are required, witnesses' and victims' valuable time is not being wasted. Moreover, we are seeing the different agencies not only working well, but working well together.

Indeed, we are so encouraged by the early outcomes from Hamilton that we have decided to widen the pilot study. To ensure consistency of approach, the second pilot youth court will employ the same social work, police and procurator fiscal teams as the first one. For that reason, it will be based in Airdrie sheriff court. Airdrie sheriff court is much smaller than the court in Hamilton, which means that the evaluation team will be able to make a useful comparison between two different-sized courts with different sheriffs, different client groups and different working practices.

Most important, we will be able to increase significantly the number of young offenders who are dealt with by the pilot. Hamilton youth court has had 126 referrals in its first six months—which is broadly in line with our expectations—but a second pilot will enable us to involve more young offenders. That will assist the evaluation team and, in turn, will give us the opportunity to make a much more informed decision about the youth court at the end of the pilot period.

The interim evaluation of the fast-track hearings pilots, which the University of Glasgow published earlier this week, suggests that the new arrangements are quicker, that assessment reports have improved and are more comprehensive, in-depth, timely and focused, and that a wider range of appropriate offending-related programmes is in place. It also suggests that there have been improvements in partnership working. Members do not need to take my word for that—panel members, authorities and others on the front line are reporting such improvements in the process.

At this stage, it is too early to predict what the full evaluation will show in 2005. That will enable all of us to examine improvements in outcomes and services, but I want to ensure that every area can benefit from the emerging lessons now. I

know that parliamentary committees have heard from a range of the people who are involved about their enthusiasm for and commitment to fast tracking, and council leaders and senior officials have told me that they would like the opportunity for other areas to become fast tracked.

The national standards that we developed and published last year are the gold standard to which fast-track hearings are already working. We want every hearing to be able to meet those fast-track standards by 2006, which is why I am committing an extra £4 million over the next two years directly to youth justice teams to help to achieve that. In addition, I will write soon to council leaders and chief executives with specific proposals on providing practical assistance to meet their request for help with managing the implementation of national standards.

Fast tracking and the youth court have demonstrated how a multi-agency approach can be effective in dealing with persistent young offenders within the children's hearings system and as young people enter the court system. The right programmes should be in place at the right time to tackle offending behaviour and to reduce the likelihood of reoffending. Where young people have already graduated to crimes that result in a custodial sentence, we will do more to work with them on their release to stop the revolving door which too often ends in their reoffending and in another prison sentence.

To reduce reoffending, we must have a throughcare system that gives priority to the successful resettlement of offenders on their release. That is a major initiative for us. Our first priority has been to improve the arrangements for those who are subject to statutory post-release supervision. Local authorities are working to designate both the supervising authority and the supervising officer from the point of sentence. Our aim is to ensure continuity of service during both the custodial and statutory supervision elements of the sentence. That will continue for as long as it takes the offender to resettle into the community on release.

Stage 2 of our throughcare strategy—for which local authorities are being provided with further additional resources—gives priority to young people within the group of prisoners who are eligible to request voluntary aftercare. Young offenders show the highest rate of reoffending, which is why we are convinced that effective interventions with that group will almost certainly have long-term benefits not just for young people, but for their communities and their victims. As part of stage 2 of the strategy, we have invited local authorities to make innovative proposals on how to engage with that group of young people, whose needs are greater than those of the general prison

population. I expect to receive proposals that take account of the broad range of issues that underpin youth offending and exclusion.

Again, I want to be clear: no one in the Government is complacent about the progress that has been made so far or about the continued effort and focus that will be needed from all organisations to take the next steps to improve the range, speed and effectiveness of our services.

Just before Christmas, I met local authority leaders and chief executives to follow up on the Audit Scotland report. We had a frank, open and positive discussion and I made it clear to them that it was unacceptable to have a disparity in the quality of services that are available. If a children's hearing decides that a young person requires supervision, that supervision should be put in place. Everybody deserves the best and I do not want services to be divided between the best and the rest.

I also asked them what help and support they needed from the Executive to make that a reality throughout Scotland. They told me that resources are important and that a simplified way of providing funding would help to cut down on bureaucracy. They shared our commitment to making communities safer and to cutting reoffending, and they wanted support to develop a full range of the right interventions, including early intervention, restorative justice and intensive support where that is necessary. I listened closely to their views.

On top of existing record levels of investment, we are investing £35 million of new money to help to implement the youth justice measures in the antisocial behaviour strategy. That new money will start to become available from 2004-05 and will enable us to do a number of things. First, we will be able to double the number of restorative justice places by adding £3 million for another 3,000 places. That is important, as it will allow work to be done on making young people face up to the consequences of their behaviour. There have been positive examples of such work, not least in Glasgow.

We will also be able to provide more than £13 million for programmes so that local authorities can deliver the intensive, specialist services for the most hard-to-reach groups of troublesome young people and their families. Those funds will support the services needed in tandem with improved parenting approaches and will complement the use of tagging and assist those on antisocial behaviour orders. Funds will also support the training of panel members and other associated costs.

We have allocated additional finance totalling £3 million from 2004 to support victims of youth

crime, building on the work of the pilot project that began in September 2003. That means that, if someone has been a victim of a young offender, they can be given a clearer understanding about what will happen inside the hearings system and what the implications might be for them and for the young person.

We will provide almost £5 million to support the cost of community reparation orders, the establishment of the second youth court, and the court costs of implementing all the new orders.

We want to learn from other effective local action to deliver real improvements in all local communities, recognising that it is vital to prevent young people from becoming involved in trouble in the first place.

Last summer, an additional £1 million was given to community safety partnerships to offer young people positive alternatives to hanging about the streets. That funding was well received and the response from young people has been encouraging. In East Ayrshire, many young people in my constituency took advantage of the activities on offer, including a golf competition, indoor skateboarding and fit clubs. Impressively, there was a reduction of some 40 per cent in reported incidents of group disorder and disturbance compared with the previous summer break.

As foreseen in the partnership agreement, I can announce that we will give £10 million for local diversionary activity over the next two years. That money is for smaller projects on the ground that have shown that they can offer new or improved facilities to provide positive alternative activities for young people across Scotland.

Tommy Sheridan (Glasgow) (SSP): Will the minister comment on the rising cost to voluntary clubs of hiring schools and other facilities, which is causing serious problems in Glasgow and other parts of the country? Will she encourage the use of some of the money to provide free lets for voluntary clubs to allow them to continue their splendid activities?

Cathy Jamieson: I am aware that, during the summer months, a range of activities were put in place. In some instances, that included young people being given free access to facilities in exactly the areas that Tommy Sheridan is talking about. In other areas, such as rural communities, it included the provision of free transport to get young people to facilities. The important thing about the money that I mentioned is that it is designed to get to the front-line, small organisations that provide services for young people day in, day out, which should ensure that the money directly benefits young people. It will be important to ensure that we take account of local circumstances and that local people are involved. I

am not going to prescribe what each area does with the money, but I see no reason why the sort of activities that were provided during the summer months should not be considered as part of the range.

It is also important to remember that the additional funding relating to antisocial behaviour allows us to deliver in full on the commitment that we made in the partnership agreement and to start that delivery straight away in 2004.

Funding for youth justice and our expectations on delivery have rightly come a long way since 2000. We now have better and more focused local teams directing services at local need and are starting to see the improvements that our targeted pilots to address the most pressing issues can deliver. However, we are not complacent about the need for a fuller range of quality services, delivered more quickly and meeting the needs of victims more directly.

We want the outcomes nationally to match our ambition, enthusiasm and substantial financial commitment. Support for a wider youth court pilot, assistance to allow every hearing to meet the gold standard of the fast-track hearings, and a doubling of the number of restorative justice places represent the sort of commitments that we are happy to make for our forward work programme.

I look to every agency to work in partnership with us to take on the challenges ahead and meet our shared goals. Victims and communities deserve nothing less.

I move,

That the Parliament recognises the importance of dealing quickly, firmly and effectively with the minority of young people who offend; acknowledges that progress has been made by local authorities and partners in the statutory and voluntary sectors to encourage rehabilitation, prevent re-offending and tackle and reduce youth crime, but recognises that further work must be done to ensure that the quality of life in our communities continues to improve.

09:45

Nicola Sturgeon (Glasgow) (SNP): Before I start, I would like to compliment the Deputy Minister for Justice on his new look. My colleague, Michael Matheson, was being uncharitable when he suggested to me that men who grow beards are compensating for a lack of something further up.

There is no doubt that the Scottish Executive has made cutting youth crime and speeding up youth justice a priority. It should in no way be criticised for doing so. Of course, some would say that it has deliberately singled out young people as an easy target, but that is a debate for another day.

Some concern has been expressed about the Executive's approach, not least by the police in response to the Antisocial Behaviour etc (Scotland) Bill. I say to the Scottish Executive that it is important to listen a bit more to those at the sharp end and to lecture a bit less.

The Deputy Minister for Justice (Hugh Henry): Nicola Sturgeon exhorts us to listen to people at the sharp end. Does she accept that the number of visits made by ministers during the summer to constituencies throughout Scotland—including the constituencies of some of her colleagues—was a good example of our listening to people at the sharp end? What people at the sharp end are telling us is that something needs to be done, that the status quo is unacceptable and that we must take decisive action.

Nicola Sturgeon: I accept that. However, the decisive action that is taken must be the right action, and the police are telling the Scottish Executive that they need not more powers but the resources to implement properly the powers that they already have. The Scottish Executive should listen to that message.

Cutting youth crime and speeding up youth justice are important and the high priority that the Scottish Executive has accorded to the area makes it vital that the Executive delivers on its side of the bargain.

Youth offending is a complex problem and none of us would suggest that there are any easy solutions to it. It is clear that it is not enough to talk tough or to act tough by imposing ever more draconian measures on young offenders, although it is worth pointing out that the Scottish Executive is struggling to provide an adequate level of service in relation to enforcement. For example, the shortage of secure unit places is well known and the Executive's assessment of the situation last year exposed the huge shortfall in provision. The commitment to 29 additional places by 2006 is welcome, but it is hardly an adequate response given the fact that 25 extra places are needed to meet existing demand. The secure accommodation advisory group said that children's hearings' decisions are being constrained by the lack of available places. Clearly, that is in the interests neither of the offending child, who might be a danger to themselves or to other people, nor of the public.

On the amendment in the name of Annabel Goldie, I have to say that sending 14 and 15-year-olds to adult courts might make for a good soundbite, but it will make no difference to the problem of youth offending. In fact, if it does anything, it might entrench young people's self-perception as offenders. Ultimately, however, the forum in which cases are heard is not what matters; what is important is what happens to the

young person who is offending and the balance of punishment and support that the young person gets to reduce the chances that they will reoffend.

Miss Annabel Goldie (West of Scotland) (Con): I would like to correct a piece of misinformation. The Tories do not want to send 14 and 15-year-olds to adult courts; we want to send them to youth courts.

Nicola Sturgeon: The children's hearings system is the place in which to deal with young offenders, as it provides the right balance. In the appropriate circumstances, it provides punishment but, more important, it provides the support that will reduce the chances of reoffending.

It is not enough simply to talk tough about youth crime, but it is also not enough simply to speed up the process of administering youth justice and to make it more efficient, although that is an important objective. The interim report on the fast-track hearings system to which the minister referred makes generally positive reading but, as the minister conceded, it highlights some issues that need to be addressed further.

For me, the most important issues are concern about the long-term sustainability of the funding for fast tracking—about which the minister made some comments—and the fact that, notwithstanding the pilot funding, gaps remain in services such as psychiatric and educational support services. Those services are critical to the success of the hearings system. The report also makes important comments about the continued pressure on social workers who work with children and families. However, overall, the report makes reasonably positive reading.

Making a system more efficient does not necessarily make it more effective. The effectiveness of the system—in terms of rehabilitation and of reducing the chances of young offenders reoffending—is the most important thing. Such effectiveness is in the interests of the individuals and communities that are most affected by youth crime. That is an area in which much still has to be done.

I am glad that the minister said that the Scottish Executive is not complacent, because the Audit Scotland report that was published at the tail-end of last year makes worrying reading. If anything should warn against complacency, that report is it. It makes it clear that many children are being seriously let down by the system. Hundreds are not getting the level of service that is required if we are to maximise the chances that they will not reoffend.

Relative to adults, children get a poor service from the system. Hundreds of children on supervision do not receive the services that are prescribed by the children's hearings system,

whereas almost all adults on probation get the level of service that a court has recommended. Although there is a national standard governing the frequency of social work contact for adults on probation, there is no such standard for children on supervision. The result is that around half of all children on supervision see their social worker less than once a month.

It is all very well for the minister to say this morning that that is not good enough and that we cannot have a division between the best and the rest—we all know that and agree with it. However, it is important to acknowledge that words—even if, in this instance, the words are backed by additional resources—may not be enough. The Audit Scotland report makes it clear that at the root of the problem is the continuing shortage of social workers in children's services.

Cathy Jamieson: I hope that Nicola Sturgeon at least welcomes the fact that, this morning, not only have I made a clear statement on the level of service that children on supervision ought to receive, but we have put money into the system to ensure that local authorities are able to carry out the functions that they ought to be fulfilling. We did that as a direct result of listening to the people in local authorities and the voluntary sector who have to deliver the provision.

Nicola Sturgeon: If the minister had listened carefully, she would know that I have welcomed several parts of what she said. However, it is not only money that is needed in the system; it is the people who can provide the services to children—services that children are not getting right now.

The minister made a commitment to double the number of restorative justice places. Again, that is something that I very much welcome. I believe that restorative justice has huge potential for adults and youth offenders. It makes them give something back to the community and, in the process, I hope, encourages them to reassess their place in that community and their relationship with it. That is a good thing, but my fear is that, without the social workers and an adequate level of service, the delivery of the commitment may, in practice, continue to be difficult.

Cathy Jamieson: Will the member take an intervention?

Nicola Sturgeon: I am running out of time and I have been generous in allowing interventions.

The minister asks me to welcome good announcements. I do, but I ask her to acknowledge and accept the constraints in the system that will not be solved simply by throwing money at the problem. Sometimes the solutions are rather more complex—as Labour members are fond of pointing out on occasion.

This topic is an important one for debate. I believe that the challenge remains big. Yes, it involves making the system more efficient and, yes, it involves being tougher on that minority of persistent offenders who make life a misery for other people, but a much bigger challenge is to divert young people away from crime altogether and to prevent those who offend from graduating to a life of crime. There are no easy answers, but I offer a final thought. In addition to dealing with and focusing on the minority who offend, a worthwhile contribution would be to emphasise a bit more often the positive and constructive role that the vast majority of law-abiding young people play in society.

I move amendment S2M-762.2, to leave out from “acknowledges” to end and insert:

“however notes with concern the contents of the Audit Scotland report, *Dealing with offending by young people*, published in November 2003, that too many children placed on supervision for reasons of offending are not receiving the required level of service and considers that efforts to encourage rehabilitation and prevent re-offending are being undermined as a result; further notes that the shortage of places in secure units constrains the ability of children's hearings to make the most appropriate decisions, and considers that the Scottish Executive must guard against complacency and redouble its efforts to provide both the leadership and resources that will enable its partners in local authorities and the voluntary and statutory sectors to make the progress required to deliver an appreciable reduction in youth crime.”

09:55

Miss Annabel Goldie (West of Scotland) (Con): I, too, welcome the spirit of the Executive motion. It is clear from the tone of the motion that the Executive no longer wishes to categorise young people as the villains of the piece, and I pay particular tribute to the minister for her remarks about that. However, in relation to youth justice, two adages come to mind: the road to hell is paved with good intentions; and hard cases make bad law. The Executive would do well to bear those two traditional maxims in mind. Although I draw comfort from the recognition in the Executive's motion that many good procedures, partnerships and initiatives exist—and the minister has spoken expansively about them—I am distinctly uneasy about the Executive's enduring obsession with new law. In the field of justice, the Executive has been producing new measures with a fervour that makes the proverbial sausage machine look like a rusting relic.

It is not for me to pre-empt what the Local Government and Transport Committee, the Justice 2 Committee and the Communities Committee will say in their stage 1 reports on the Antisocial Behaviour etc (Scotland) Bill—a bill that will certainly affect youth justice—but the Executive will be aware that the support for it that witnesses

have expressed to the committees has been less than resounding. Given the recent publicity surrounding the evidence from the police on the proposed power of dispersal, I hope that, somewhere in the recesses of Executive intellect, common sense will be found and will prevail.

Nicola Sturgeon was a little uncharitable to the new, hairy Hugh Henry. I have never impugned his intelligence; I just thought the beard was a disguise. To dwell on one aspect of the bill on antisocial behaviour is to distract attention from an important debate. Delivering a quick and effective youth justice system is the aspiration of everyone, but clarity is required in determining who is doing what and the effectiveness of doing it. There must be adequate resource to underpin the whole structure of delivery. *[Interruption.]*

Ms Wendy Alexander (Paisley North) (Lab): Apologies.

Miss Goldie: I have not often been serenaded during my speeches in this chamber, Presiding Officer. *[Laughter.]* The support is very welcome.

In youth justice, our focus has to be on the children's hearings system. If, as has been demonstrated by evidence from the United States, early intervention is the key to dealing with young offenders—and particularly with persistent young offenders—our children's panels have an immensely important role to play. I should like to pay tribute to the many dedicated men and women who voluntarily contribute to that important task throughout Scotland. In this debate, I want us to consider what we might do to assist them in delivering a quick and effective youth justice system. Not only is that our fundamental obligation to society, but we must ensure that our panel members remain motivated and interested and have the satisfaction of knowing that their contribution is not only vital but valued.

There has to be clarity in the role that we expect our children's hearings to perform. To assist in creating that clarity, I would remove from children's hearings persistent 14 and 15-year-old offenders and would bring them before the youth courts—although I know that that proposition does not meet with the agreement of other members in the chamber. I welcome the extension of the pilot scheme for youth courts to Airdrie, as announced by the minister.

There is a strong argument for retaining adult courts as the forum for 16 and 17-year-olds. If people are, regrettably, law breakers by that age, they are adults and fully aware of their circumstances. Therefore, I would consider the adult court system to be appropriate.

In connection with that, I refer to the issue of secure places. Persistent offenders will require to be placed in secure accommodation. We need

those places now; we have needed them since late in September 2002 when the Scottish Executive promised them. The matter is overdue for consideration. Nicola Sturgeon is correct: many children's hearings are desperately frustrated by their inability to locate a secure place when that is the appropriate destination for a young person before the panel.

Cathy Jamieson: Does the member accept that plans to provide additional secure accommodation places are well under way and that work is already taking place with the providers? Does she also accept that 75 additional intensive support places—some of which are residential and some of which provide a mixture of residential and community-based supervision—have also been put on track to provide services for the most vulnerable young people?

Miss Goldie: That is undoubtedly a positive contribution to what is needed, but “plans” and putting things “on track” are not the delivery of what is required now.

There must also be clarity in the relationship between children's panels and the partnership agencies with which ministers have to work. The minister referred to that issue. One of the most important agencies is local government.

Reference has been made to the Audit Scotland report of 6 November 2003, which was a follow-up to its original report on offending by young people. The findings in the report are troubling. I will not rehearse them in detail, as the minister is familiar with them. The particular issues that were identified show that there are huge deficiencies in the system. It is small wonder that our children's panels become so frustrated in trying to do the very important job with which we have charged them. In short, none of what the Audit Scotland report disclosed will lead to quick, firm and effective youth justice.

I must also pose the question whether it is acceptable that the report, “Children's Hearings Representative Group Report on Children's Hearings Time Intervals 2002-03”, which was published on 16 December 2003, found that only one third of local authorities deliver a service on time. The minister alluded to that, but the report is recent and it is a matter of great concern that the disclosures are coming forth. It is troubling that no agency in Scotland met all of its targets in all areas. The delivery of police force targets invites comment and only one local authority met the target for its assessment of young people. The Scottish Children's Reporter Administration met none of its standards in any area. We cannot just skate over those figures and pretend that the deficiencies do not exist.

Cathy Jamieson rose—

Miss Goldie: I am sorry, but I am a little short of time. I think that the Presiding Officer expects me to make progress.

The Presiding Officer: You have another two or three minutes, Miss Goldie.

Miss Goldie: How charitable.

Cathy Jamieson: I was about to point out to the Deputy Minister for Justice, so that he could pick up the point later, that I did not rise to defend the position. I made it very clear in my meeting with the local authority chief executives and council leaders that the figures are not acceptable. I also made it clear that all of us must work harder and that all of us must ensure that young people get the service that they need.

Miss Goldie: I welcome the minister's comment, which is reassuring.

I urge the Executive to expand the disposals that are available to children's panels and youth courts, including weekend and evening detention, community service, supervised attendance orders and, if necessary, drug treatment and testing orders. Sadly, drug abuse and addiction know no barrier between the ages of 16 and upwards. Unfortunately, as we know, there are also tragic cases of young people below the age of 16 who are addicted to illegal substances. I am heartened that the Executive has come round to the Scottish Conservatives' view that electronic tagging is an appropriate disposal in some cases.

There is also no doubt about the effectiveness of community mediation, which is the reason why I made reference to it in my amendment. Interestingly, community mediation as a phrase is not mentioned in the Antisocial Behaviour etc (Scotland) Bill. However, it offers intervention before an individual is criminalised. It is an important element in youth justice and it should be further explored as a worthwhile resource. Community mediation must be part of what should be an holistic approach. My amendment is deliberately focused on the children's hearings system for that reason. The children's hearings system is the pivot of anything else that we try to achieve in youth justice.

I welcome the debate. Although the minister has gone some way towards explaining where improvements are being sought and endeavour is being discharged in trying to make progress, which is positive, it is clear that a great deal is still to be done.

I move amendment S2M-762.1, to insert at end:

"; in particular considers that at the heart of effective youth justice is the Children's Hearings system; calls, therefore, for the Children's Hearings system to be better resourced with a wider range of disposals in order that hearings can perform a more effective role in relation to

youth justice and assist in the wider function of community mediation, and further calls on the Scottish Executive to alleviate the burden on the Children's Hearings system by sending persistent 14 and 15-year-old offenders to youth courts, while keeping 16 and 17-year-olds in adult courts."

10:03

Margaret Smith (Edinburgh West) (LD): It is good to be back. I wish everybody a happy new year—I hope that members did not indulge in too much antisocial behaviour over the past few weeks. This is a welcome debate to which to return. It reminds us all—not only in the Executive parties but across the chamber—of one of our key priorities in tackling many of the problems that relate to youth justice and antisocial behaviour.

I welcome the minister's positive contribution—both its content and its tone—but I want to echo something that other members have said, which is that we should be very careful not to stigmatise young people in Scotland. The vast majority of young people make a positive contribution to our society: they work hard in their exams, do the very best that they can and are a credit to us all. Only a small minority of young people—less than 1 per cent—are involved in offending. Within that minority, an even smaller group of people is responsible for the vast majority of offences. It is important that that is put into context.

It is also important for us to see that that makes the challenge of tackling youth justice issues even greater. We have to protect the young people who want to make a positive contribution to society. In 2000, the Scottish crime survey found that 50 per cent of 12 to 15-year-olds said that they had been the victim of crime. Whether as a result of having their mobile phone pinched or as a result of being bullied at school, our young people have to deal with the consequences of unacceptable and antisocial behaviour too. The issue is as much about protecting young people as it is about protecting the elderly or other members of the community.

A great deal of what the minister said today has to be welcomed against the background of not being complacent about the important task that is ahead of us. I welcome the fact that we are widening the youth courts pilot study, which seems to have had a positive response in general. It is also good that the fast-track hearings are to be rolled out across the country. If we look at what people want for their communities, we see that they want effective and practical measures to be taken. They also want to know what is happening and they want to see that things are happening fairly, quickly and effectively.

It is important that individuals and communities that are victims of youth crime, including communities in my constituency and in every

constituency represented in the chamber, are aware of what is being done to deal with young offenders. Communities and victims want the police and others to feedback information to let them know what is being done. Very often, communities are completely in the dark. They see the consequences of the young offenders' actions but they do not see the young offenders being dealt with. Fast-track hearings are important in letting young offenders know that within 10 days of being charged they can be in front of a children's panel.

I also welcome what the minister had to say on throughcare. I particularly welcome the doubling of the number of places. Elsewhere—particularly in England, I believe—restorative justice has proved to be a positive approach. It should be encouraged. I want to pick up on my earlier point about holistic support for young people. I welcome the £10 million that is to go into diversionary activity, which is not only positive for the young people involved but will reduce the number of people who are likely to get involved in antisocial behaviour.

The minister mentioned additional secure accommodation places. Although I will not labour that point, I would like to hear from Hugh Henry what is planned for young girls and young women, as that area has caused problems in the past. We need a range of disposals across the board.

Robin Harper (Lothians) (Green): My intervention is on the member's previous point, about diversionary activity. Given that Wester Hailes has an even better record, with a 60 per cent reduction in youth crime as a result of a project that was run in the area last year, perhaps the Executive might consider rearranging its priorities to divert money to diversionary activity to an even greater extent. Such activity is proven to be extremely effective.

Margaret Smith: Increased investment is being made across the board. It is important that that investment not only goes into prevention, including the types of diversionary project that Robin Harper mentioned, but is made across the system. When offenders are caught, they need to be dealt with quickly and effectively at the point of sentencing, a range of disposals needs to be made available to deal with them, and they need to be supported back into the community.

A holistic approach is needed not only for the individual but for families and parents, many of whom are struggling to contain their youngsters. Indeed, many of those families and parents are struggling, as are their youngsters, with issues such as abuse. I do not disagree with Robin Harper, but investment has to be made across the board. The announcements that we have heard today, in addition to some of the work that the

Executive has done in that respect, are to be welcomed. That is the drift of where we are going.

I want to put on the record the Liberal Democrats' appreciation for the work that is done by the 2,000 children's panel members who give of their time to try to support young people in Scotland. I have heard of the frustration of children's panel members from friends who were involved as panel members. It is frustrating for panel members to make a judgment about what is best for a young person only to find, a year down the line, that the disposal has not worked in the way they hoped because the young person has not met a social worker. Panel members are frustrated because they do not have the clout and the support they need. Some of the Executive's announcements on the issue in the past year show that it is starting to accept that.

The minister acknowledged that Audit Scotland's report is worrying. It says that 25 per cent of people do not receive the support they require. However, we should remember that 75 per cent of people are receiving support and that people are working well in multi-agency teams throughout Scotland to do their best by the young people who are involved. Nevertheless, Audit Scotland's report highlights deficiencies in the system that must be addressed.

Against that background, I welcome the national standards. It is important to offer a range of disposals, community orders and support. We must monitor them to ensure that we have value for money and that the measures are effective. National standards will assist with that. Those initiatives are all about investment, not only in monetary terms, but in key personnel. One of the most important steps that the Executive has taken is to recognise the need for more social workers and to start to work towards recruiting them.

About two years ago, I asked children's panel members, council officials, the local police and others in my constituency what the one thing was that I could ask for in the Parliament that would help them in their youth justice work. Without exception, every person to whom I spoke said that they wanted more social workers—not more police or more money. I was taken aback by that, but that shows the importance of the social worker's role.

Much of what the minister said is to be welcomed. We cannot be complacent about the great challenge ahead of ensuring that we allow every young person in Scotland the opportunity to achieve their full potential. Our communities should be allowed to live in peace and we should harness the potential of young people, rather than stigmatise them and always see them as the problem. We should see most of our young people as part of the solution for a more peaceful and prosperous Scotland.

10:12

Karen Whitefield (Airdrie and Shotts) (Lab): Justice issues have been and will continue to be prominent in this parliamentary session. The Antisocial Behaviour etc (Scotland) Bill is an attempt to address many of the concerns that were brought to MSPs' attention during the previous session and the recent Scottish Parliament elections. The bill and other justice initiatives, such as the youth courts, are a direct response to the concerns of men, women and young people in communities throughout Scotland.

Of course antisocial behaviour is not reserved to young people, but we must face up to the reality, which some members fail to understand or accept, that although the vast majority of young people are positive members of their communities, a relatively small number of young people cause havoc on their local streets. That is not a fantasy that constituency MSPs have made up; it is the reality for too many communities throughout Scotland. I for one will not ignore my constituents' pleas for the problem to be tackled.

Ms Rosemary Byrne (South of Scotland) (SSP): Does the member agree that we should invest in more young people's support workers and go back to the days when community workers were attached to vibrant community centres that were part of the community? Would such investment not make a difference to the small number of disillusioned young people? We need such work to start in early-years education and to continue throughout the education system until people come out at the other end when they finish secondary school.

The Deputy Presiding Officer (Murray Tosh): Do come to the point.

Ms Byrne: Does the member agree that through such work and work with young people's families, and with the correct resources, we would not have the problems that we have in our communities today?

The Deputy Presiding Officer: I will compensate Karen Whitefield for that intervention.

Karen Whitefield: The minister made clear the Executive's commitment to financing support for young people. In my community, young people want to access the facilities that Rosemary Byrne described, but other young people prevent them from doing so. The police can claim that more police officers are needed, but in my community, young people are being prevented from accessing facilities, and I am told that the powers to do something about that are insufficient. That situation is the reality for my constituents, and that is exactly what the Antisocial Behaviour etc (Scotland) Bill will address.

We must deal with the situation. In a previous debate, I spoke about the success of the youth court pilot in Hamilton. The youth court is designed to deal with the most persistent young offenders and aims to challenge their offending behaviour as early as possible. It has three central elements. First, the intention is to bring young people before the courts as quickly as possible. Secondly, the aim is to take them through the courts as quickly as possible. Thirdly, the court provides additional programmes that are designed to stop offending.

In a recent article in the *Hamilton Advertiser*, Margaret Mitchell, who is the Tories' deputy justice spokesperson, attacked the youth courts and said that they had to be scrapped. That was not the first time that she has published a press release before checking her facts. She told everybody that Christmas would be banned, which most certainly was not the case. Now she says that we should ban youth courts before we have evaluated whether they are successful. I never thought that I would say it, but we should bring back Lyndsay McIntosh.

Margaret Mitchell (Central Scotland) (Con): Will the member give way?

Karen Whitefield: No. Once I have finished asking my questions, the member can intervene.

I ask Ms Mitchell which of the three elements of the youth court she disagrees with. Does she think that it is bad for young people to be brought before the court in half the time that is taken in normal cases?

Margaret Mitchell: Will the member take an intervention? She has asked a question and she will not let me answer.

Karen Whitefield: If Margaret Mitchell sits down and listens to my questions, she will have an opportunity to answer. Perhaps if she listened before she spoke, her contributions would be more positive.

Margaret Mitchell: Ditto.

Karen Whitefield: The youth court has reduced by half the time that cases take to reach court. Does Margaret Mitchell think that it is bad that cases are dealt with more speedily? The Hamilton court has delivered more speed. Does she think that it is bad that the courts, local authorities and voluntary agencies work in partnership to provide innovative programmes? Those programmes are designed to challenge young people's offending behaviour, prevent them from reoffending and take them out of crime. To which elements does she object?

Margaret Mitchell: I object to adult 16 and 17-year-olds, who could be dealt with in adult courts, taking up precious resources that could be used on early intervention for persistent 14 and 15-year-

old offenders. The policy that the member advocates leaves 16 and 17-year-olds languishing in the hearings system and fails to address their offending behaviour, which escalates. Those are the same young people whom the Executive deprives of resources for the help that would stop them appearing in sheriff courts and, eventually, the High Court.

The Deputy Presiding Officer: Will the member conclude her intervention?

Margaret Mitchell: Those young people's offending behaviour is not being dealt with.

The Deputy Presiding Officer: Karen Whitefield has one more minute.

Karen Whitefield: Funnily enough, I disagree with Ms Mitchell. Sixteen and 17-year-olds are not languishing in Hamilton sheriff court; their needs are being addressed. We challenge their offending behaviour and prevent them from committing further crime. It is interesting that Margaret Mitchell objects to the initiative, when the Conservatives' justice spokesperson, Annabel Goldie, welcomed the extension of the youth court pilot to Airdrie. The Conservatives need to ensure that they all sing from the same hymn sheet.

The principles that underlie the youth court pilots are not flawed. I firmly believe that challenging young people's offending behaviour early benefits not only the communities in which they live, but the young people themselves. I am convinced of the benefits of taking young people through the court process more efficiently. That reduces the likelihood of their reoffending before steps are taken to address their offending. In its briefing to MSPs today, the Law Society of Scotland agrees with the principles of the youth court initiative.

I welcome the Executive's commitment to improving the youth justice system. I am pleased that initiatives such as the youth court aim to improve the lives of those who suffer from the effects of youth crime. The youth court also aims to improve the lives of young people who offend, to ensure that the life of crime is stopped at the earliest stage and to prevent those young people from becoming persistent offenders. I look forward to the extension of that approach to Airdrie sheriff court and I welcome the Executive's commitment to tackling youth justice matters.

10:20

Mr Stewart Maxwell (West of Scotland) (SNP):

The motion commends the work carried out by local authorities, the voluntary sector and others in the area of youth justice and I join in applauding their efforts. I also welcome the additional resources and places in the restorative justice programme that the minister announced today.

It is only right that we should debate the problem of youth justice, but we cannot resolve it without dealing with youth protection at the same time. Children are more likely to be the victims rather than the perpetrators of crime. That is what I will focus on.

In 2001-02, there were 36,820 referrals to the children's hearings system. However, 63 per cent of those children were referred because they needed care and protection; only 37 per cent were referred for allegedly committing an offence. In the past decade, referrals of children who have allegedly committed an offence have risen by 14 per cent. Undoubtedly, there is a rise in youth crime.

During the same period, referrals of children who have been victims of an offence have risen by 27 per cent. The number of children who were referred because of neglect or lack of parental care has risen by a shocking 247 per cent. There is no doubt that the lives of ordinary and decent people are being blighted by a small number of children who are committing offences. That is an outward manifestation of a truly appalling rise in the number of children who are in crisis.

A two-pronged approach is needed to deal with the situation. We must curb the activities of offenders. Curing the symptoms would improve the lot of many decent people, but if we are to cure the disease, we must also tackle the issue of youth protection. It is not enough to wait until a child offends and then issue the parents with a parental order, for example. We must invest money and resources in supporting families from the day that a child is conceived. All children deserve our support; they do not deserve to be regarded as a problem in our society. In a country with a declining population, such as ours, children are our most precious resource. We should nourish them, not demonise them.

Recently, I spoke to a group of young people from Dumbarton who expressed deep concern that they were being targeted and pilloried by the Executive; they felt picked upon. It is not a criminal offence to be over five and under 16, and it is not a criminal offence to stand and chat to a group of friends.

That is not to say that there are not problems with groups of youths. There are, but in this country it is still the case that one is innocent until

proven guilty. The Executive's plans to introduce antisocial behaviour orders for under-16s will lead to the tagging of children, some as young as 10 years of age. Are we really striving to create the kind of society where a small child who is certainly in need of discipline, but who also needs protection, is criminalised and tagged? We have to appreciate that a large number of the children who commit offences have been mistreated first.

More than half the children who are regarded as persistent offenders have previously been referred to the children's hearings system on non-offending grounds. They have already appeared as victims; later, they appear as offenders. That figure is an underestimate because many of the children who come to the children's hearings system as offenders have been maltreated and abused; however, that mistreatment has not been picked up and they have not been referred to the system before.

Scott Barrie (Dunfermline West) (Lab): The member has outlined those children who are deemed to be persistent offenders and have appeared at the children's panel on other grounds. Does he accept that those grounds are more likely to be non-attendance at school rather than care and protection?

Mr Maxwell: Yes. Many of those children went through the children's hearings system as a result of truancy, but that is partly a symptom of the fact that those children are not being cared for and are being neglected at home.

A study written for the youth justice forum in Glasgow in 2001 examined young persistent offenders in Glasgow. It found that the majority of children who persistently offended had first appeared for non-offending reasons at an average age of eight. It also found that virtually all those children came from unstable and violent homes, and that they had been originally referred because of physical abuse, lack of parental care or alleged sexual abuse.

An example of the type of abuse suffered by those children is the case of a child who was being physically assaulted by their carer at the age of six months. Another example is that of a child of 18 months who was left in the care of a three-year-old sibling. That child was fed through the letterbox by worried neighbours. Is it any wonder that children who suffer such abuse often go on to offend? We in Scotland reap what we sow. We cannot address the problem of youth offending without addressing the issue of youth protection.

Scotland needs more secure accommodation places for young people. The Executive's earlier announcement of an additional 29 places was welcome, but that is not sufficient on its own in the short or long term to deal with the shortage of

places that has been identified by the children's hearings system. Protecting all our children is an absolute priority. I want there to be a quick and effective youth justice system, but I also want there to be a quicker and more effective youth protection system.

I conclude with one simple thought. If we in Scotland protected our children properly, we would not have to introduce measure to protect ourselves from our children.

The Deputy Presiding Officer: I call Patrick Harvie, to be followed by Rhona Brankin.

10:25

Patrick Harvie (Glasgow) (Green): I, too, welcome today's debate. Many members have mentioned that there is a great deal to read in the report and a lot to be welcomed in the minister's speech. A great deal is happening in the pipeline and the Executive has not had the arrogance to suggest that it is doing everything. More can be done and will be done in future.

I would like to mention some of the previous speakers' comments, in which the seriousness of the problem of youth crime and young offenders for communities was recognised. It has also been acknowledged that there are no easy answers. However, a couple of times in today's debate we have already heard the old chestnut about the need to be tough. It is always easier to say that word than to define what it means. Giving young offenders the opportunity and motivation to re-evaluate their lives can be a tough process. Challenging behaviour and facing people with the consequences of their behaviour can be tough. Too often, the word is used to indulge the unsavoury attitudes and co-opt the support of people whose instincts are more akin to those of the hang-'em-and-flog-'em brigade.

We should consider the motion and ask ourselves what it says to us. The title mentions a "Quick, Effective Youth Justice System", and no one could disagree that a youth justice system should be quick and effective. The text includes the word "firmly", which reminds me of the word "tough". I am not quite sure what "firmly" means and I wonder whether it has been chosen for the same reasons that "tough" is sometimes chosen.

A more fitting aspiration for our youth justice system is compassion. We in Scotland should be proud to have developed a system that has compassion at its heart and which places the needs of young people at the centre of the process. That is, of course, the strength of the children's hearings system. It has the capacity to be flexible, innovative and responsive to communities, and it involves people who are passionate about protecting the welfare and rights

of children while challenging unacceptable behaviour. Other members have acknowledged that. I echo Margaret Smith's comments and praise for the people who are involved in running the children's hearings system.

Yesterday, the Communities Committee took evidence on the Antisocial Behaviour etc (Scotland) Bill and heard representatives of the children's hearings system speak highly of the fast-track pilot. However, they also asked us to consider why there should be talk of a fast track. Why should there be a slow track? Why should young people who are in need of the compassionate justice that the children's hearings system can provide have to wait months or longer? The minister's earlier comments about increasing the number of cases that go through a fast-track process are therefore welcome. It will be interesting to hear more about how that will be implemented.

A review of the children's hearings system is in the pipeline. The Scottish Children's Reporter Administration has welcomed that review. If it is handled well, the review process could lead to a newly invigorated confidence in the system, a wider awareness of what it does and what its successes are, and a new commitment to the principles of compassionate justice. When I look at the Antisocial Behaviour etc (Scotland) Bill, one of the questions that I have to ask myself is why some of the measures in it are being considered at all. In particular, I ask myself why they are being introduced before the review of the children's hearings system has taken place. Some of those measures include moving children out of the children's hearings system into the court system—I refer to the granting of antisocial behaviour orders for under-16s through the court system rather than through the children's hearings system.

Giving registered social landlords the power to apply for ASBOs against children is another concern. Ministers have repeatedly asserted that ASBOs for under-16s will be used only for a small number of persistent offenders. Those young people are already known, and will be known, to the children's hearings system. Where is the need for another way of identifying them or targeting them through giving RSLs the opportunity to apply for ASBOs against them? I do not intend to criticise registered social landlords or undermine their important role. It is a question of whether the children's hearings system is already the appropriate context.

Christine May (Central Fife) (Lab): Does the member accept that the measure is being introduced because, at present, registered social landlords do not have that power, while local authorities do? The measure aims to address that anomaly and deal with the situation as it exists.

Patrick Harvie: Our approach to the youth justice system should be about the needs of those troubled young people who are persistent offenders. It should not be about saying that a landlord should have a right that it does not have and which a local authority previously had.

There is also cause for concern over the introduction of other measures, such as restriction of liberty orders with electronic monitoring for children, where no substantial evidence exists of the effectiveness of such measures. The Executive's policies on detention and tagging need to be clarified. It appears contradictory to suggest that tagging will be used only as an alternative to detention and at the same time to plan for an increase in secure accommodation places. I note Karen Whitefield's comments at the Justice 2 Committee this week, which I attended as an observer, in which she made it clear that she does not regard tagging as an alternative to detention, and expects it to be used not in that way, but as an additional disposal.

While I am mentioning Karen Whitefield I will respond to her earlier comments about members who do not support the proposals on antisocial behaviour. I have said this before very clearly, I will say it again, and I will say it every time that I criticise the Antisocial Behaviour etc (Scotland) Bill: we recognise that there is a problem. Those of us who challenge the bill do not challenge the idea that action is needed. We challenge the course of action.

The Deputy Presiding Officer: In a change to the advertised programme, I call Christine May, to be followed by Margaret Mitchell.

10:32

Christine May (Central Fife) (Lab): I apologise to the chamber. I think that I got my facts wrong in my intervention on Patrick Harvie.

The efforts to tackle offending behaviour by a small minority of young people more quickly and effectively are welcome, as are the efforts to prevent such behaviour. I particularly welcome the announcement this morning of the £10 million for diversionary activities. That will help, for example, the SNAPPY—social norms alcohol problem prevention for youth—project in Glenrothes and the summer activities schemes in Buckhaven and Methil and other parts of my constituency, as well as small local groups that have been set up to deal with particular issues in local communities.

In Central Fife and everywhere else, speeding up the processing of cases will mean that the outcomes are as close to the time of the offences as possible. That will make it easier to tackle offending behaviour, to examine with offenders the impact of their behaviour on victims and to prevent

the offender's empathy with the victim from decreasing, which happens with the passage of time. In particular, the victim will know that justice is swift, which will make the outcome more credible. Fast-tracking is likely to give relevant agencies greater opportunities to work more closely together, thus focusing minds on achieving positive outcomes. A deadline is great for concentrating the mind.

The development of approaches to restorative justice is also welcome. Such approaches provide clear benefits to the community and the offender, in that they make the offender face up to the consequences of their behaviour and allow the community to see a positive retribution and a link between the offence and the punishment. That should help reintegration and promote social inclusion. Indeed, such a swift approach might have helped in the case that featured in one of my local papers this week of a young person who started his offending behaviour as a teenager stealing from local shops and seven years on is still offending, with no obvious effective deterrent having been put in place. On behalf of my local community, I welcome an approach that speeds up restorative justice, makes the link between the punishment and the crime and stops the behaviour more quickly than it is being stopped at the moment.

On information sharing, the Audit Scotland report "Dealing with offending by young people" shows that the data that are available are patchy, ranging from very good in some areas to quite poor in others. There is a further problem with sharing information. Quite rightly, victims want to know what is happening, but we have to strike a balance between the need of the victim to know and the right of the individual—particularly when they are a child—to confidentiality. Other concerns have been raised with me about the operation of the Data Protection Act 1988 and the Human Rights Act 1998. I have written to the Minister for Justice and the Minister for Communities about that.

Cathy Jamieson: I am aware that the member has written to me and I will reply fully in due course. However, I wish to place on record my concern, which I have discussed with the Minister for Education and Young People, that children and young people should not be put at risk because agencies fail to share information appropriately. The social work services inspectorate is reviewing its guidance, but I make it clear that, where there are concerns about children and young people, agencies should not use the Data Protection Act 1988 as a reason for not taking action.

Christine May: I am grateful for that assurance, because a constituent of mine has written to me pointing out that concerns have been raised

"on two occasions within the last month where guidelines ... seem to give more importance to confidentiality than to the safety of patients/clients or to criminal law ... The problem seems to be that people are treating all aspects of the human rights legislation as if it carries equal weight whereas it is meant that some aspects are supposed to be given more weight than others ... safety comes before confidentiality."

My second concern was raised with me by Families Outside, which supports the families of people who are in prison. There is some evidence that parents who have phoned up about their children in Polmont young offenders institution or in the adult prison system are being denied information because of issues to do with the Data Protection Act 1988. There is also concern that families are being prevented from playing an active part in the rehabilitation of their children.

That runs contrary to the spirit and the intention of what the Executive is trying to do. It is not acceptable for agencies to hide behind the Human Rights Act 1998 and the Data Protection Act 1988 simply because that makes life easier for them. The Parliament has talked about the need to change attitudes and working practices. There is evidence that, in this instance at least, Parliament's wishes are being thwarted. Youth justice and dealing with antisocial and criminal behaviour by young people in communities have to be priorities. Everybody has got to get together to make the system work.

I welcome what is being done. I hope that the concerns that I have raised will be addressed more fully by the Deputy Minister for Justice in his closing remarks.

10.38

Margaret Mitchell (Central Scotland) (Con): I welcome the Scottish Executive's choice of subject for this morning's debate—delivering a quick and effective youth justice system—all the more so because the motion is not of the happy-clappy variety of which the Executive is so fond. The debate is on a subject about which the Scottish Parliament can do something.

As the motion recognises, youth crime is committed by a minority of young people. Nonetheless, their actions impact disproportionately on the wider community. For evidence of that, we need merely skim through local newspapers from all over Scotland, in which stories appear weekly about youths—who generally are under 16—creating chaos in their local communities.

In Hamilton and other parts of Lanarkshire, local people are demanding action against youths who are running riot and terrorising residents. In Kilmarnock, an under-16 set fire to Grange Academy in October causing £1.6 million-worth of

damage. Elsewhere, groups of youths, both boys and girls, are smashing windows and vandalising property. If that kind of behaviour is to be addressed quickly and effectively, as the motion suggests, a zero-tolerance approach to crime must be adopted so that we can prevent low-level crime from escalating into something more serious.

Early intervention is key. We must adopt a multi-agency approach to identify problems as soon as possible and to devise a course of action to deal with them, starting with primary schools, where disruptive pupils who cause a problem in the classroom are the same children who cause chaos in communities.

I recognise that the debate has moved on since I last advocated that approach. I welcome the announcement today by the Minister for Education and Young People of measures to tackle indiscipline, in so far as that is an attempt to do something about the problem. However, I caution against measures that are too prescriptive and that do not sufficiently take account of head teachers' ability to put in place measures to tackle particular problems in their schools.

Hugh Henry: Margaret Mitchell spoke about a zero-tolerance approach. Does she believe that the existing powers that are available to all agencies are sufficient for us to pursue such an approach, or does she believe that there are weaknesses in the system and that, in some cases, additional powers will be required to ensure a more effective approach to justice?

Margaret Mitchell: I am thinking specifically about the Executive's wardens scheme. Questions must be asked about how effective that scheme is, as compared with putting police on the streets, in providing a zero-tolerance approach to crime. That is one area in which powers are not sufficient. Wardens should be replaced by policemen.

Identifying antisocial behaviour is not a task just for the police; it must involve parents, teachers, local authorities and representatives from education services and social work, all working together to get to the root of the problem and to solve it. Early intervention is not just about identifying and addressing offending behaviour at an early age. It also involves intervening early at whatever stage of offending a youth has reached and ensuring that effective action is in place to put young people back on the straight and narrow.

The children's hearings system has a crucial role to play, but the system's potential has not been fully realised, because it has lacked the resources to enable it properly to implement and monitor its decisions and because it is currently overburdened by dealing with 12 to 15-year-old persistent offenders. The extra resources that the

minister has announced today are welcome, but the problem of 12 to 15-year-old persistent offenders who are stuck in the children's hearings system will persist as long as the Scottish Executive continues to spend and target resources on youth courts for 16 and 17-year-olds, who are young adults and should be dealt with in adult courts.

Cathy Jamieson: Does Margaret Mitchell accept that this is not an either-or situation? We must target the appropriate resources at the children's hearings system, youth courts and adult offenders. I ask her to clarify whether she is suggesting that 12-year-olds should be dealt with in the adult court system. That seemed to be what she was saying.

Margaret Mitchell: The issue is about priorities. I am saying clearly that the priority should be to establish youth courts for 14 and 15-year-olds, as a means of providing early intervention.

Mike Rumbles (West Aberdeenshire and Kincardine) (LD): What about 12-year-olds?

Margaret Mitchell: Twelve-year-olds would be dealt with in the children's hearings system, with the additional measures that we are suggesting. This is an opportunity missed and I urge the minister to re-examine the policy, with a view to extending the excellent work that youth courts are doing to 14 and 15-year-olds.

Cathy Jamieson rose—

Margaret Mitchell: I cannot take an intervention, as I am in the last minute of my speech.

Failure to extend the work of youth courts to 14 and 15-year-olds will result in those persistent offenders continuing to offend, as the children's hearings system is not capable of dealing with them. Those are the children who become the adults who appear in the district courts, sheriff courts and the High Court. I hope that the minister will re-examine the policy and I urge the Parliament to support the Conservative amendment.

10:44

Donald Gorrie (Central Scotland) (LD): I welcome the minister's opening speech, which was a model of what such speeches should be. Instead of offering pious platitudes, she spoke about many of the specific things that the Executive is doing or will do. That is extremely welcome.

Mike Pringle (Edinburgh South) (LD): That is high praise.

Donald Gorrie: Criticism can be favourable as well as unfavourable.

The minister also made good pro-youth remarks. We have a serious problem, as the media and some politicians have given young people collectively the view that, in some way, we are all against them. We must correct that perception and the minister was trying to do so. We must get young people on our side, as they are not the problem, but the solution. We must use them in that way.

One issue that concerns me is that the projects and money to which the minister referred may be short-term initiatives and funding. Scotland is awash with schemes that received initial money to start up but then ran out of money. We must give a guarantee that good projects that are continuing to deliver will receive money in future. I know that the minister cannot commit budgets more than a year or two ahead, but it is desperately important that organisations be given an assurance that, as long as they do their stuff and deliver good things in respect of our policy, they will continue to be funded. I suggest that any politician or official who uses the phrase "pump-priming" should receive a fine of £100, to be taken from their salary. It is a ludicrous concept that if we give a project a bit of money at the start somehow God or someone else will keep it going in the future. That does not happen.

I strongly endorse the comments made by Margaret Smith, Annabel Goldie and other members on the importance of funding to provide back-up to children's panels, so that quick and effective action can be taken. At the moment, the public do not see action and think that children's panels are a waste of time. It is important that we use much of the funding to address that problem.

We must also concentrate on earlier intervention. The people who will become real problems can be identified fairly early. At yesterday's meeting of the Communities Committee, we heard from an excellent lady witness who praised strongly a project that had helped to turn around her teenage son. Her only complaint was that the scheme became involved with him only after he had had repeated problems. If the project had become involved earlier, considerable hassle would have been avoided. As other members have said, we can identify people who will present serious problems and sort them out. If investment is made in real one-to-one efforts to do that, many of those people will be sorted out.

We need more youth workers as well as more social workers. We need to build up a youth service that has been dismantled over the past 20 years and we need to give people positive things to do. I take the point that sometimes gangs may discourage young people from visiting youth centres; clearly, that problem must be dealt with.

However, in many areas there are no facilities or no good organisations that help people to use the facilities. In the past, some community centres have excluded young people. We must make good use of our facilities, but that will involve making good use of people, too.

We must learn to co-ordinate schemes better. We need an encyclopaedia of all the projects. As far as I am aware, there is no such list. There is a huge number of good local projects about which we do not hear. We must learn from the successful projects and copy them elsewhere. I do not want us to do what the English seem to be doing, which is to put the Prison Service in charge of alternatives to custody. The thought of the Scottish Prison Service running those schemes fills me with dismay. If it started to run the prisons better, that would be a good step forward.

In much of this debate, there is a non-meeting of minds. We must strike a balance between dealing with the real problems that exist—communities must have genuine peace and freedom from intimidation—and proceeding in a sensible way. We must use children's panels, which are a good system, and resource them adequately. There is more common ground than there appears to be. I have been encouraged by many of the good speeches that have been made.

10:49

Bill Butler (Glasgow Anniesland) (Lab): I am grateful for the opportunity to take part in this important debate. I am genuinely pleased that the Executive's motion acknowledges that Scotland's integrated approach to juvenile care and justice is the correct way forward. I am also happy that there is clear recognition in the motion and among members that the percentage of young people who persistently offend is tiny. Over the long term, offence referrals have decreased by 1,234 since 1974.

As Donald Gorrie said, the problem of the behaviour of a small number of persistent young offenders must be tackled in a balanced way. We must challenge those young people's attitudes and actions and recognise that their personal, social and educational circumstances must be addressed in order to achieve the correct results—both for the young people and for society. Such a balanced approach is rational and humane. It recognises the sometimes severe problems that are caused by a small minority of young people in their communities while acknowledging that the solution lies not in throwing away the key, but in targeting resources towards a small group in order to change behaviour and attitudes.

In her speech, the minister set in its proper context the continuing work that is being

undertaken to create a youth justice service that will be able to deal with the complex social environment of modern Scotland. I was encouraged by what she said when she updated the chamber on the fast-track hearings pilot and the youth court project. I note that 170 young people have now been referred for fast-track hearings and that, since the first youth court sat in June of last year, more than 100 young people have been referred to it. I look forward to the formal evaluations of both initiatives and I hope that, as the minister clearly indicated, the evidence points to success.

I welcome the significant investment in local authority youth justice services, which will increase from £5 million in the current financial year to £15 million by 2005-06, and other moneys that have been invested to improve the range and quality of community-based services via the youth crime prevention fund. Resources targeted in that way can be particularly effective.

I will highlight one community-based service in my local authority, Glasgow City Council. In August 2003, the Glasgow restorative justice service was officially launched. As Nicola Sturgeon said, restorative justice has huge potential. To date, the service has received more than 450 referrals from the children's reporter. The young people, who are aged between eight and 16, have been responsible for a wide range of crimes and offences, such as vandalism, gang fighting and the possession of drugs or offensive weapons. The service is a multi-agency attempt to deal with those problems. Its aim is to reduce rates of offending, reoffending and low-level youth crime in Glasgow by targeting young people and re-engaging them with services that are available across the city. I am pleased to report that, according to Mr Alan Spiers, the manager of the service, early evidence

"clearly indicates that the restorative justice process is impacting upon young people and their families, in instances where previously no formal action would have been taken."

The attempt to re-engage with those young people is an imaginative and worthwhile programme to involve all those affected by crimes, including the local community, and to encourage young people to apologise and to take responsibility for their actions. That is a sensible way of proceeding.

The deputy leader of Glasgow City Council, Councillor Jim Coleman, who is a former colleague of mine, is on record as saying that the restorative justice service and other restorative initiatives have

"the potential to reduce crime and re-offending levels across the city."

I agree with him.

I will give members an example of a young person who was involved in a breach of the peace and who was referred by the children's reporter to the restorative justice service. The young person had been involved in a gang fight in which stones were thrown at a rival group. On receiving a letter from the restorative justice service before a caution was given, the parents and the young person involved wrote a letter to Mr Alan Spiers, the manager of the service. The young person's letter stated:

"My name is ... and I have been involved in an incident and was charged with a breach of the peace on the 29th of August ... As I did wrong and have to take responsibility for my own actions I would like to say that I am sorry I disobeyed my parents and was going around with someone I was not allowed to ... I did not swear but I was involved in the crowd who were and that makes me just as guilty as them and I have to take responsibility for my involvement and I will agree with whatever you decide is my punishment".

That is a good and positive letter.

In the vast majority of cases, we help to develop safer communities by engaging constructively with young people who have offended in order to help them to develop a sense of social responsibility and self-discipline. I say to Patrick Harvie that we do that by being firm, but not draconian. Properly planned and structured community-based programmes such as the one in Glasgow can in many cases be more effective than custody. Initiatives such as the Glasgow restorative justice service are designed to promote community safety and order. There can be no doubt that youth disorder and offending is a genuine problem, which can blight our communities, but a large part of the solution lies in working together and in the co-operation of agencies, young people and their families. The Glasgow example is rational, bold and imaginative and it accords with the main thrust of the Executive's strategy as set out in the motion, which I commend to the chamber.

10:56

Stewart Stevenson (Banff and Buchan (SNP): Today, I am struggling with a disadvantage, as I have forgotten to bring my bifocals, so I can see either my notes or the clock. In some ways, that is like the issue that we are discussing: we have to look out to the community at large and we have to look in closely at the detail. I do not envy the ministers their job in tackling what is a complex issue, in which we can only glimpse some of the issues some of the time—trying to see the whole view all of the time is difficult.

I say to ministers that the Audit Scotland report was valuable. Bill Butler referred to a decline in the number of referrals to children's panels since 1974. That is correct. However, the minister's

update makes it clear that, between 1995 and 2000-01, the number of persistent offenders with 10 or more offences rose by 5 per cent. That increase drives the debate and the public's perception of the impact of youth crime. Bill Butler's speech was interesting and well worth hearing.

In his follow-up report, the Auditor General makes some interesting points on the subject of complexity. He also praises the Executive for accepting 35 of his 38 recommendations, which I, too, welcome. A table in the report shows that, of 19 agencies that are involved with youth justice teams, 11 are funded by the Scottish Executive and eight are funded by other sources. That gives us an immediate handle on the kind of complexities that exist.

Social workers are vital to an effective youth justice system. The Auditor General highlights the worrying rise in social work vacancies. In 2000, the figure was about 6 per cent, but by 2002 it had risen to 15 per cent. I recognise that that is partly because we are trying to have more social workers and I do not say that the Executive has failed, because it has created more social worker jobs. However, the figures highlight the issues that we must address if we are to make good progress.

There are other worrying statistics about social workers. For example, the Auditor General's follow-up report says that

"half (50%) of children on supervision are seen by social workers less than once a month."

That begins to open up an understanding of the issues in the debate. The question is not whether the kids go to the children's panel, to the youth courts, to the juvenile courts, which have disappeared for some reason, or to the adult courts. There are important discussions around that, but the really important thing is that the disposals are available and resourced, whichever way through the system the young people who have become offenders have arrived at those disposals. The fact that 50 per cent do not see a social worker more than once a month is particularly worrying in that regard.

The problem is also geographic. In January 2003, the Auditor General highlighted the fact that there were 220 unallocated cases in Glasgow. There were others across Scotland, but there is clearly a specific geographic problem that needs to be addressed. Of course, he also said that social workers see some children frequently, so the system is working well in some places. However, I am not as complacent as Margaret Smith is about the fact that 75 per cent of young people on statutory supervision are receiving support; I do not think that that is good enough.

Margaret Smith: I hope that Stewart Stevenson will acknowledge that the first thing that I

mentioned was the 25 per cent of young people who are not getting the services that they require, which is unacceptable. I made the comment about the other 75 per cent simply because I do not believe that we should lose sight of the fact that a lot of people are working hard. As he has just said, some people are getting a good service from social work departments, but I agree that the 25 per cent figure is absolutely unacceptable.

Stewart Stevenson: We have got that message and we must focus on the young people who are not getting the support that they need. People are working very hard; nobody is denying that. However, we must work cleverer rather than harder, because it is probably not possible to work harder to any great extent.

We need a quick and effective youth justice system. Such a system would be to the benefit of victims, communities, witnesses and, of course, offenders. I welcome the fact that my colleague Stewart Maxwell reminded us that the children's panels system is not about offenders, but about the welfare of children. One thing that divides most of us in the chamber from the Tory members is that we believe that good welfare support for children is in the interests of the community as a whole and will deliver social justice for all.

It is worth remembering that our friends who praise us merely reinforce us in our habits. Our critics are, in reality, our dearest friends, because they show us how to improve. The Auditor General is the ministers' dearest friend and I hope that, in the summing-up speech, we shall hear some responses to his comments.

11:03

Colin Fox (Lothians) (SSP): Initially, I was fearful when I heard that this debate had been timetabled. The words of Bill Murray, "Well, it's groundhog day again," echoed in my mind. I thought that we would be debating and dealing with the issue of young offenders much as we have done in the past, when we often seem to have discussed little else. However, today's debate has been much more measured, considered and sensible.

I remind the minister of the criticisms that I have made in previous discussions on the issue. I felt that there was a danger that the Executive was exaggerating the scale of the problem without addressing the underlying causes, and that it was in danger of stigmatising Scotland's youngsters, especially some of those who are most vulnerable and damaged. At least the Executive seems to have accepted that a minority of young people offend and that the vast majority of our young people in Scotland are a credit to the country, to their families and, most of all, to themselves.

Cathy Jamieson: Will Colin Fox give way?

Colin Fox: I would like to give way, but I have only six minutes to speak and six pages to read, so they are timed at a minute each.

On Monday, *The Guardian* highlighted the fact that juvenile offending rates have, according to a Government report—the Carter report, which is yet to be published—fallen since 1992. There has also been an overall drop in crime during that period. I shall return to the Carter report in a moment, but there we have it in context—ammunition for those who wish to counter the fear of crime that has engulfed us and is all too easily fanned by debates in this chamber that are sometimes not as sensible as the one that we are having today.

As Safeguarding Communities-Reducing Offending has said repeatedly, young people are no worse now than they were 20 years ago, there is no more youth crime now than there was 20 years ago, 3 per cent of young people get into trouble and 0.17 per cent reoffend. The same figures are backed up by Lothian and Borders police, and it is good to see the ministers' sense of proportion now gaining the upper hand on previous debates.

Although we all welcome the progress that has been made in helping that small minority of young people to see a way forward that does not involve offending or ignoring the rights of their community, I do not agree with Nicola Sturgeon's view that the Executive needs to listen more to the experts. I think that there is clear evidence that the Scottish Executive has been stung by the criticisms that have been made in previous debates and has listened, at last, to front-line service providers. I welcome that.

However, I see that the Scottish children's hearings system lacks professional social workers.

Nicola Sturgeon: Will Colin Fox give way?

Colin Fox: I am sorry, but I do not have time to take an intervention.

I have sat in on children's hearings in the past few months. More often than not, the children who are in front of those hearings do not have an accredited social worker dedicated to their case. By not providing a dedicated social worker to meet their needs, the Scottish Executive is letting down the youngsters who get into trouble and are desperate to get back on the straight and narrow. A fully resourced children's hearings system is the place to deal with young offenders—not more youth courts.

Rehabilitation, preventing reoffending and reducing crime means investing in young people. That means investing in some of the most vulnerable and abused young people and in some of the people who, quite frankly, are more likely

than any of us here to be the victims of crimes themselves. That point was reinforced in evidence that was given recently to the Justice 2 Committee by Professor David Smith and Dr Lesley McAra of the University of Edinburgh. They have shown that what is needed is an holistic approach in which young people feel that they have a part to play in society and a stake in the society in which they live.

I was glad to hear Annabel Goldie, Donald Gorrie and other members make the same point that SACRO has highlighted. Once we start writing off young people, as the Executive might have given the impression of doing in the past, we find that we have a much bigger problem on our hands. The need to stop reoffending must be linked to the knowledge that, once young people enter the criminal justice system, it becomes much more difficult to get them to change their behaviour.

The motion refers to investing in our communities, and that means addressing why access to education is often denied to offenders on release from prison. Eighty-four per cent of people reoffend within two years of release, and criminologists say that one of the key reasons for that is that they have difficulty getting access to the education that was afforded to them in prison. That has to be examined, as does the right to leisure facilities.

I am encouraged by the minister's reference to initiatives in East Ayrshire. She cited the welcome example of the difference that the additional money had made to local diversionary activities that are provided by East Ayrshire Council, and I am sure that that initiative will be welcomed by members in all parts of the chamber. Increased access to sport and leisure activities makes a difference, and I would like there to be free access to such facilities for all youngsters in Scotland. The minister mentioned free travel for youngsters in rural areas and extending such provision across Scotland, and I would welcome that. Young people need a right to youth workers, youth associations and drug treatment programmes, and all that costs money.

The Carter report, which was presented jointly by the Home Office, Downing Street and the Treasury, recommends major investment in community programmes as an alternative to youth custody, but the Government has delayed responding to its findings for 18 months. That is the reality of the current situation. The reports are being published but the required money is not forthcoming.

The tone of today's debate has been in sharp contrast to the hang-'em-and-flog-'em views that we heard at the outset of our discussions on the matter, and the debate is all the more welcome for

that. The quality of life in our communities, to which the motion refers, certainly needs improvement, especially in those poor communities that suffer higher levels of crime than their richer counterparts.

11:09

Rhona Brankin (Midlothian) (Lab): I welcome the opportunity to debate youth justice, which is such an important issue that we need to return to it regularly.

As a member of the Audit Committee, I want to raise some of the issues that the committee discussed as a result of the joint report between Audit Scotland and the Accounts Commission for Scotland. First, it is important that we have such joint reports, because that recognises the cross-cutting nature of the services that are involved. "Dealing with offending by young people" is the first such jointly produced report to come before the Audit Committee; that it is important, because it enables performance audit to be conducted in a holistic manner. I shall return to that issue later.

Previous speakers have demonstrated the need for a quick and effective youth justice system. I would be surprised if any members of the Parliament had not had the experience of distressed constituents who are victims of youth crime coming to their surgeries. Such crime happens and it can make people's lives miserable. We all know, and we have all recognised, that a minority of young people offend; we must also recognise that the main victims of youth crime are often young people themselves. I was glad to hear Colin Fox recognise that, because it is one of the principal reasons for tackling the problem. Youth crime can make young people's lives a misery.

I very much welcome the Scottish Executive's commitment to tackle youth offending; that commitment is bringing forward substantial new investment. In particular, I welcome the Executive's commitment to develop community-based programmes. The courts must deal with more serious offences but, as is recognised by the Audit Scotland report, properly planned and structured community-based programmes can be more effective than custody.

The evidence base for community programmes demonstrates that those services can be effective in both reducing offending and providing value for money. However, the services must be well managed and they must be run by skilled staff. It is important that the services are subject to sustained monitoring and evaluation—I know that the Executive recognises that. When projects are established, it is essential that a robust and systematic system for evaluation is put in place at the outset, and funding for such systems must be made available.

Systematic inspection of community services is essential and such inspection must be conducted on a multi-agency and multidisciplinary basis. The Audit Committee had some concerns on that issue and I would welcome reassurance from the minister that the Executive is developing consistent approaches to inspection across the Education Department and the Justice Department.

The Audit Committee welcomes the establishment of youth justice teams, but there is concern that support from the statutory services at a senior level is not always forthcoming. Again, I seek reassurance from the minister that support at a senior level from the Crown Office and Procurator Fiscal Service and the Scottish Children's Reporter Administration will be required and will be delivered in every youth justice team throughout Scotland.

The Audit Committee welcomes the steps that have been taken to boost social work recruitment—we have heard a lot about that in the debate—and I am cognisant of the steps that the Executive has taken to do that. However, we must be careful about making an assumption that the more social workers there are, the better the service will become. As the Auditor General pointed out, some local authorities in Scotland have significant shortages of social workers but still produce a reasonable level of service, so we have to beware of making simplistic deductions about a lack of social workers. However, we must examine fundamentally the issue of social work provision in Scotland. I would like a response—although, obviously, the matter is not the responsibility of the Minister for Justice—as I believe that social work services need to be overhauled if we are to deliver genuine interagency, multidisciplinary work and deliver youth justice. We must consider the social work services inspectorate and its role. I would welcome a response from the minister on the importance of that issue.

The Parliament has a responsibility to secure communities in which our young people, our families and our older people feel safe and are confident about their communities. The Executive's plans for youth justice, which have been outlined today, will make a major contribution towards doing that. I welcome those plans and I know that my constituents in Midlothian welcome them. At meetings that I have held throughout my constituency to discuss the issues, I have outlined the importance that the Executive attaches to youth justice and safe communities. Those meetings have shown that the Executive's steps are welcomed by my constituents, and I know that they are welcomed by constituents throughout Scotland.

11:15

Fiona Hyslop (Lothians) (SNP): I welcome the tone of the Minister for Justice's speech and I welcome her announcements, particularly in relation to children's panels.

I will focus on children's panels and children's hearings and, in particular, on the interim report on the pilot programmes that are being conducted on the fast tracking of children's panels. The report was published yesterday on the Executive's website.

I hope that the Minister for Justice will reflect on the debate that the Parliament had at the end of October on Scott Barrie's motion on the membership of children's panels. It was a very good debate, in which some very interesting points were made.

In recent debates, there has been a danger that the Executive might confuse concern about serious antisocial behaviour with enthusiasm for its proposals to tackle the problem: those are not one and the same thing. I wonder whether the Executive is conducting a good-cop, bad-cop operation; Margaret Curran is the latter, while the Minister for Justice's comments about supporting existing initiatives—particularly in the children's hearings system—put her in the former category. Being tough with one's use of language does not always mean being effective in action. I much prefer the content of the proposals and reflections in the Minister for Justice's speech today to the creation of new laws—when existing laws are not being used effectively—in the Antisocial Behaviour etc (Scotland) Bill.

The pilot programmes that have fast tracked persistent young offenders through the children's hearings system have been very interesting. The pilots have taken place in Dundee City Council; Scottish Borders Council and East Lothian Council; and in East Ayrshire Council, North Ayrshire Council and South Ayrshire Council. The interim report shows who is going through the system, the effectiveness of the operation of the system and the input of the different agencies that are involved. However, the report states that

"the main data about outcomes will be gathered in the second half of the research."

The report shows that 71 per cent of those who go through the system as persistent offenders come back into the system. That is a high percentage of re-referral, but the report states that it will take some time for fast tracking to produce end results.

The report states:

"Panel members in particular were pleased that fast track should improve the quality of the information on which decisions are based and strengthen their capacity to ensure that young people access the resources that hearings decide are needed."

Breach of the peace accounts for 21 per cent of the offences that are covered by the interim report, assault for 20 per cent, vandalism and malicious mischief for 15 per cent and road traffic offences for 8 per cent. Those are all existing criminal offences and I wonder whether redefining them as antisocial behaviour would make a difference. As a number of members have said, surely it is the disposal that matters.

Another significant aspect of the interim report is its statement that

"A significant minority of pilot area persistent offenders were also referred on non-offence grounds".

That is where my concern about the concentration on youth courts as opposed to the children's hearings system comes from.

The report also states:

"Compared with other young people referred on offence grounds, the persistent offenders included a much higher proportion living in a residential establishment at the point of referral (28% against 3%) and far fewer were living at home with both parents".

The Minister for Justice's points about the emphasis on what happens in relation to looked-after children are vital when we see the information that is emerging about persistent offenders.

The report raises another important issue, which touches on a comment that was made by Christine May. It states:

"central guidance may be helpful on the sharing of police information, within the context of communication among all other relevant agencies and data protection considerations".

There are concerns about the experiences relating to Soham. We know that the experience in Scotland is different, but that important point about the exchange of information must be reflected on.

One of the strongest messages that has come forward concerns social work recruitment and retention—retirement is also an important issue. When we consider the age profile of social workers and the work force planning that is taking place, our concern must be to ensure that there are social workers in the here and now and in five or 10 years' time, when the majority of social workers will start to retire.

We should reflect on the report "For Scotland's children". As a result of the severe pressure on local authorities, a number of social workers are leaving to join the voluntary sector; they are then lost to the system that we want to support. It is essential that we examine the work pressures on existing social workers and recognise that the Executive and the Parliament, in generating legislation, are creating bigger demand and more work for social workers. Yes, the Executive is

recruiting more social workers but, at the same time, it is creating demand that outstrips that supply. That must be addressed.

I welcome the fact that the Executive is exhorting local authorities to comply with the children's hearings system to ensure that the reports are there in time. However, unless we address the vital issues of recruitment, retention and work force planning, we will create a rod for our own backs that will cause difficulties in the future.

The Executive must ensure that social work training, provision and recruitment happen outwith the central belt. It is quite clear that social workers want to work in the areas in which they live, and that issue must be addressed in the Highlands and the north-east of Scotland.

This debate is quite different from any of the other youth justice debates that we have had; I welcome that. If there is one message that we can take away from the debate, it is that the care and protection of children is a vital aspect of crime prevention.

11:21

Scott Barrie (Dunfermline West) (Lab): I will pick up a couple of points that Nicola Sturgeon touched on. She was right to highlight the improvement that has been made in adult criminal justice work following the introduction of national standards in 1990. In that regard, I repeat what I have told the chamber before. When I did my first placement as a social work student, in the Broxburn area office in 1984, all probation orders were kept in a filing cabinet and were pulled out periodically for a letter to be sent out. That was a very perfunctory contact with someone who was on what was supposed to be a high-intensity disposal from the court.

Although I am sure that Broxburn was among the worst examples, such practice was probably prevalent throughout large parts of Scotland. Such things led to the introduction of national standards to ensure that both the courts and our communities could have greater faith in probation as an appropriate disposal. National standards have made a considerable difference, and Nicola Sturgeon was right to suggest that perhaps we need to consider something similar for disposals from children's hearings if we are to have the same sort of faith in those disposals.

Nicola Sturgeon talked about the shortage of child and family social workers, as did Fiona Hyslop. We have discussed that extensively in the past and members will know that I spent the whole of my social work practice in the child and family division. Nevertheless, I remind members that supervision requirements are not laid on the social

work department in isolation; they are laid on the local authority. Local authorities sometimes need to be more imaginative—Rhona Brankin touched on that issue. Some of the evidence that was led by the Auditor General shows some interesting examples of supervision requirements being enacted by the local authority in total, not by the social work service in isolation. Although social work plays a key part in statutory supervision, it is not the only part. Donald Gorrie talked about youth work and community services playing their part, and we should view the issue in that context, not just in the context of the difficulties in social work.

I am glad to hear that Fiona Hyslop and other members think that the debate that we had on the children's hearings system a few months ago was useful. Several valuable contributions were made in that debate. I ask those members who have been critical of some parts of the children's hearings system—either explicitly or implicitly—to read the speeches that were made in that debate. The mantra is often heard that there is a problem with our children's hearings system and that if, somehow, we could get persistent young offenders into court—which is what Margaret Mitchell seems to want—the whole system would be much better. However, we need look only south of the border to see what that means. The juvenile court system in England and Wales is hardly a resounding success. In fact, practitioners in England and Wales look enviously at the children's hearings system that we have in Scotland, which deals with young offenders in a much more holistic way than the juvenile court system allows south of the border. When we talk about the children's hearings system, we should talk more about its successes, over the past 30 years, than about the present difficulties.

One of the problems that are highlighted in the updated report from the Auditor General concerns supervision case files containing evidence of the delivery of required services. The seven authorities in which all the files that were examined showed an adequate level of services should be commended. At the other end of the scale, there were seven authorities in which less than 50 per cent of the files showed that, which gives us great cause for concern.

The minister will be well aware of the fact that, in the statutory guidance that accompanied the Children (Scotland) Act 1995, care plans were to be introduced for all looked-after children—not just those who were accommodated away from home, but those who were on home supervision. As the lead officer for Fife Council at the time, I had to introduce that measure—members can imagine how popular it was. There was a great deal of anxiety that it was simply a paper exercise; however, it is not just a paper exercise. If a local authority does not have a care plan for a young

person who is on supervision, there is absolutely no way of measuring whether the service that needs to be delivered is being delivered. It is vital, therefore, that we ensure that all local authorities are complying with that statutory requirement. Only by doing that will we guarantee the services that many of our young people require.

Several members have talked about the importance of early intervention. Of course, early intervention is vital in this process; however, we should not kid ourselves that it is an easy task. If it were as easy as sitting down, looking at a few predisposing factors and concluding who requires a service and who does not, we would be able to solve the problem, but it does not work like that. In my day, "Offending Behaviour: Skills and Stratagems for Going Straight" by Philip Priestley and James McGuire was the Bible for criminal justice social work—I do not know whether it still is—but even Priestley and McGuire could not come up with a table that said who required a service and who did not. Early intervention is important, but let us not kid ourselves that it is the answer to all our prayers.

The motion talks about the progress that

"has been made by local authorities and partners in the statutory and voluntary sectors to encourage rehabilitation"

and prevent reoffending. The SACRO young offender mediation project in Fife is a great example of that, and I am sure that that project will be replicated throughout Scotland. We should look at what works and ensure that it can be extended, so that we can have effective services throughout Scotland.

11:27

Robert Brown (Glasgow) (LD): This is a very important debate and I am pleased that, as other members have remarked, the quality of the speeches has been excellent—especially those by the minister and Nicola Sturgeon, who introduced the debate. Particularly important has been the support and increasing recognition by members of all parties of the role of the children's panels. I am not entirely persuaded that the Conservatives have the same notion of what the children's panels are supposed to do, or of their awareness of the Kilbrandon principles that underlie the panels, but their recognition of the panels is welcome. Stewart Stevenson's comment that good welfare is in the interest of the community generally was an important touchstone that we should bear in mind on this matter.

It is easy to state what a successful policy requires. That includes effective police action to deter crime, protect the public and catch offenders; speedy and fair justice systems to establish the facts; disposals that will reduce the

likelihood of repeat offending; and, more important, early intervention to reduce the risk factors that lead to offending, to which Scott Barrie referred, and to encourage young people into more positive lifestyles and behaviour. Communities want action. They want offenders to be caught, but they would prefer them not to offend in the first place.

The Parliament inherited a youth justice system that was grossly under-resourced; children's hearings that, in too many cases, could not get social work reports or make effective supervision orders; a reporter's department whose statistics were not available on computer and in which far too little research had been done on what worked and did not work; a serious lack of effective disposal options to direct young people away from crime; a lack of priority for serial offenders; and, above all, a failure to provide early intervention. Many of those things have been addressed, and the minister's statement showed the continuing progress that the Executive and the Parliament are making on those matters.

However—to echo what Stewart Maxwell said—I have been struck forcibly by the high number of young people who appear before the courts or the children's hearings at 16 and 17 for offending and who previously appeared before the hearings at the age of six because they were in need of care and protection. They are the same children, but they are less cuddly and more obnoxious. In addition, high numbers of offending young people have mental health problems, suffer from substance abuse, have learning difficulties, or have a background of being brought up in care. Fiona Hyslop referred to that.

The Scottish Executive has invested many millions of pounds in initiatives such as the action programme to reduce youth crime. Such investment will not produce quick dividends or fixes, nor should it be expected to. However, the investment will bear dividends in the longer term. I emphasise to the minister that the proper growth areas should be early intervention, rehabilitative justice—which has been shown to be effective—and positive diversions.

Young people who get into trouble should not necessarily be regarded as a tribe apart. Their problems may require intensive and specialist work for a time, but it is much more satisfactory to ensure that they are fully involved in school, youth organisations and sport. Therefore, investment in increasing the capacity of uniformed and non-uniformed youth organisations to handle more young people, help instil value systems and do positive things to widen opportunity is a major aspect of the situation. For example, the cadets, as the Education Committee heard recently, have a special scheme that involves young people who

are at risk of offending, which has had great success.

Donald Gorrie made a point about social workers, but the issue of youth workers getting involved in the youth justice area is at least as important. The Parliament has done good things in that area, but there is much more to be done. Let us put the emphasis as much as possible on effective early intervention to break the vicious cycle of offending, which damages so much opportunity and so many communities. I support the motion.

11:31

Mike Pringle (Edinburgh South) (LD): There has been much talk about young people's antisocial behaviour and the problems that they cause—a considerable number of members have referred to young people in such terms. However, as Margaret Smith pointed out, 50 per cent of young people are victims themselves. One of our problems is that many young people, as some members said, believe that all that the Executive wants to do is to come down on children. I suggest that we need occasionally to tell children and children's groups how good they are. Several members, including Colin Fox and Rhona Brankin, pointed out that most young people are good law-abiding citizens who are trying to pass exams or to get jobs or careers.

Therefore, it is important to put the problem in perspective. In 2000-01, only 0.4 per cent of young people were referred to the children's hearings system because they had offended. However, the problem is that the number of persistent offenders has increased considerably over the past eight years, perhaps by as much as 5 or 6 per cent. We must take action against those offenders and we must tell the rest of the young people that they are good kids who are doing well.

We must also stress that the majority of the young people who come before children's panels do not reoffend, which shows how successful the system is. I am sorry that Stewart Maxwell has left, because I wanted to tell him that his speech was excellent. He highlighted the main function of the children's hearings system, which is to help young people in all sorts of ways. He outlined many of those ways.

I welcome the minister's announcement of £10 million for small organisations that work with young people. Donald Gorrie made a good point, which is that we do not have a register of such organisations. Perhaps someone should take that on board and consider how a register could be produced, which would allow MSPs to refer to the organisations in their own areas.

A huge prize awaits us if the problem of youth offending can be cracked, which is why the

Executive is pursuing that important topic. Youth offending has been the biggest issue in my constituency of Edinburgh South since I was elected last May—I get more letters about it than about almost anything else.

It is worth highlighting that people under 21 account for 66 per cent of those who are prosecuted for car theft; 56 per cent of those who are prosecuted for theft from locked places; 45 per cent of those who are prosecuted for housebreaking and 44 per cent of those who are prosecuted for vandalism. The peak age for crime is between 14 and 16. However, I do not agree with Annabel Goldie and Margaret Mitchell that youth courts are the right place for such young people. The right place for them is in the children's hearings system.

What can we do to speed up the system and ensure that persistent offenders get the help that they need and that the victims, who have too often been ignored in the process, get the justice that they deserve? There has been much criticism of the speed with which people are treated in the system, which can be frustrating for all involved. In addition, such a situation is of no benefit to the victims.

As others have highlighted, one reason for the backlogs is the lack of social workers. Not long after I was elected, I visited a reporter's office. I had never been involved in the children's hearings system previously and I wanted to learn what reporters and panel members do. I must admit that I could never be a panel member. I talked to a group of them in Edinburgh: they are highly dedicated people who work for nothing and I admire their dedication to their work. They said that they did not feel that they got the required back-up and that there was a perception that there was a lack of social workers. It does not help when local authorities throughout Scotland bid against other local authorities for social workers. Perhaps that needs to be examined. We are achieving a satisfactory level of social workers in some areas, but there is no doubt that we are not doing so in some urban areas. Margaret Smith referred to that.

The children's reporter and the panel members told me that they do not get information, such as police referrals and social inquiry reports, quickly enough. To help the reporters and panel members to do their job, we should try to address that problem. Nationally agreed time standards for referrals are not being met, and only five councils in Scotland met the target for 75 per cent of social inquiry reports to be delivered within three weeks.

I welcome the minister's announcement, in reference to her meeting with local authorities and chief executives, of the commitment of new money. More money will be made available to

tackle the problems, but councils must ensure that the new money is used effectively. As an ex-councillor, I have a jaundiced view because money that is given to local councils for specific uses tends to be sidelined for other things. We must ensure that the money that we give to local councils will be used for front-line services with children's panels.

The improvement in our communities' quality of life will come about only when persistent offenders are dealt with effectively and when we can further reduce the level of offending. The Scottish Liberal Democrats are committed to a balanced approach to deal with young people's problems. Positive directions to take include retention of playing fields and parks, and initiatives such as the Go4it campaign, which encourages young people to get off the streets. I believe that that is the way forward. We must also support a locally based and well-resourced system for dealing speedily with persistent offenders.

11:38

Murdo Fraser (Mid Scotland and Fife) (Con): Debates on youth justice are always worth participating in, partly because we always have the enjoyable sight of the usual spat on youth justice issues between the Labour Party and the Scottish Socialist Party. Apparently, this is one of the rare occasions when, compared with some of the speeches from the Labour side, I and my Conservative colleagues look like a bunch of pinko liberals, which I am pleased to say does not happen often.

Margaret Smith: We are not having that.

Murdo Fraser: Swift denials from my left, I see.

I want to comment on a number of points that were made in the debate. First, I will touch on the issue of diversionary activities for young people, which was raised by a number of members, including Donald Gorrie and Robert Brown. I recently visited in Blairgowrie in Mid Scotland and Fife an initiative called thrillseekers, which was set up to provide an alternative for young people who hang about street corners, and which encourages participation in a wide range of activities. The project was launched in 2001 and has gone from strength to strength. It involves police officers, youth workers and volunteers from local youth organisations.

The project was set up following concerns about the volume of youth-related calls to the police at weekends. As in any rural community in Scotland, the police in Blairgowrie received calls about under-age drinking, antisocial behaviour and vandalism. Specific groups of young people were identified as being most likely to be involved in those problems and it was agreed to develop

activities that would keep them otherwise engaged on Friday evenings and at weekends.

What has been encouraging about the experience of the thrillseekers project is that there has been an impact on crime figures, with a dramatic reduction in youth-related calls at the weekends. When I visited the project recently, I saw for myself some of the activities that it runs, which include sports, dancing, disc-jockeying and trampolining. I was impressed by the commitment of all those who are involved in the project and by the range of activities. The thrillseekers project has been successful in addressing the problems of young people's boredom in the rural communities in Strathmore; it has led to a reduction in residents' calls to the police about antisocial behaviour and vandalism involving young people and, importantly, it has improved relations between the police and young people in the area. I understand that the project has been shortlisted for an award in the crime and disorder reduction category of the UK Tilley award scheme, and I wish it well with that.

I was pleased to hear the minister announce cash for diversionary activities and I hope that projects such as the one that I have outlined will be given the support that they need to continue and encourage more young people to get involved. Robert Brown mentioned voluntary and uniformed organisations and the difficulties that many of them have in operating. The problem for many such organisations is not one of resources as such, but of getting adult volunteers to support the organisations.

Robert Brown: Does Murdo Fraser agree that the problem is not so much one of getting volunteers as of having the resources in place to train them? Does he agree that such organisations could deal with an awful lot more children if greater training support was given?

Murdo Fraser: Robert Brown makes a fair point; that is certainly part of the situation, but there is still a problem with getting people to volunteer in the first place because of the way that society has changed. For a start, adults have less free time than they once had and there is also a fear among some adults that, if they work with children, they might expose themselves to certain risks, of which we are well aware.

I will pick up on some of the other points that have been made. Colin Fox and a number of others said that it is important not to stigmatise young people. I agree with that absolutely; only a very small minority of young people are involved in crime. Nevertheless, we must acknowledge that young offenders create a problem for many people in our communities—members of all parties have referred to that—and it is important to note that many people have lost confidence in the youth

justice system because they see persistent offenders committing offences time and again and either do not see action being taken or do not see it being taken quickly enough.

That is why the fast-track children's hearing that the Executive announced previously and an extension of that pilot are so welcome. The fast-track hearing will help to speed up the process, but there is a need for matters to be dealt with not only quickly, but effectively. My colleague Annabel Goldie referred to the report that was published in December on some of the delays that have been encountered in the children's hearings system throughout Scotland. I am sure that the minister agrees that many of those delays are unacceptable and I appreciate her comments that she realises that they are.

We need more consistency, but we also need a wider range of disposals for children's hearings, such as electronic tagging. We also need youth courts—my Conservative colleagues have already referred to them—not only for 16 and 17-year-olds, but for 14 and 15-year-olds. The young people who persistently reoffend, whose behaviour the children's hearings system is not addressing properly and who seem to cock a snook at the justice system and children's hearings system, should be sent to youth courts. The children's hearings system is not working for them, which is why we need youth courts.

We must restore public confidence in the youth justice system. As far as they go, many of the Executive's proposals are welcome, but the Executive must acknowledge the centrality of the children's hearings system. We need to speed up justice, deal more effectively with offenders and deal very effectively with persistent offenders. That will mean setting up new youth courts for 14 and 15-year-olds who are at the core of the problem. Those measures would make a real difference to reducing youth crime and would restore public confidence in the justice system.

I am pleased to support the amendment in the name of my colleague Annabel Goldie.

11:44

Michael Matheson (Central Scotland) (SNP): I will begin my speech by doing something rather unusual for me: congratulating a Conservative member on her speech. Annabel Goldie deserves to be congratulated because it is the first time in a while that she has come along to a justice debate with a speech that is vaguely relevant to the topic under consideration. It is clearly an example of a new speech for a new year.

As is ever the case in debates on youth justice, the variety of speeches that have been made demonstrates the issue's complexity. As a number

of members outlined and highlighted, to tackle youth offending is a big challenge. It is a challenge that many of our communities want to be met effectively because of the problems that they encounter as a result of youth offending. Given the announcements that the Executive has made and the proposals in the Antisocial Behaviour etc (Scotland) Bill, which is being considered now, expectations in communities are high: they expect changes to be made as a result of the Executive's proposals and the legislative changes.

However, despite all the new resources and the legislative proposals, the cornerstone of our youth justice system will remain our children's hearings system. Much has been said about the merits of the system: as Scott Barrie pointed out, it is often held up as an example of the way in which things can be done and it is a system of which other countries are envious. However, as I have said in Parliament on a number of occasions, that does not mean that the system cannot be improved. That is a challenge that I believe is still to be taken up.

Stewart Maxwell said that our children's hearings system is about dealing holistically with children and addressing their welfare needs in a variety of ways. Any member who has met children's panel members or who has sat through a children's hearing will have witnessed the frustration that members of a panel can have because of problems in accessing resources, whether the resource is a social worker, an appropriate programme or a place in secure accommodation. There is therefore one thing that we must ensure that our children's panel system can do. There are often times when, to deal with a child's welfare, we have to deal with that child's parents. Panel members often become frustrated because when they see sitting before them a child who has a history of offending behaviour, one of the main ways in which they could tackle the offending behaviour would be to address some of the issues that the child's parents must address. That needs to be considered.

Patrick Harvie: Does Michael Matheson agree that to bring that issue into the review of the children's hearings system would be a more appropriate way in which to deal with it than would the proposal on parenting orders in the Antisocial Behaviour etc (Scotland) Bill?

Michael Matheson: I would like to ensure that we preserve the role of the children's hearings system, which is to deal with children's welfare. However, I also want to acknowledge that the way in which we have to address the matter is complex and might mean that we have to address it through parents. For example, one or both parents might have an alcohol problem, so we might want to address that rather than to deal with only the

child. It is important that the children's hearings system be given the resources and that it be able to direct such changes.

I welcome particularly the minister's announcement of new funding for restorative justice schemes, but as several members, including Nicola Sturgeon and a number of other Scottish National Party members have highlighted, the shortage of social workers who work in children and families services is a continuing problem. Social workers have a key role in delivering many of the programmes that will probably be provided under the new funding and, as Stewart Stevenson highlighted, there are areas where considerable numbers of cases remain unallocated because of the shortage of children and families social workers. I therefore hope that, when we provide new funding, which is often for local authorities to provide the new schemes, we will ensure that we match those resources with the necessary staff, whether they be social workers, community workers or youth workers. We must ensure that whoever is supposed to deliver the programmes has the resources to ensure that the staff are in place to deliver them.

Rhona Brankin made a good point when she stated that a number of local authorities have staff shortages in their children and families services, but are able to continue to provide quality services. That is an example of the dedication of staff who work in those departments, and of their determination to deliver quality services, although they often operate under extreme pressure. Recently, a colleague who works in the Govan social work office pointed out that that office operates with a 50 per cent vacancy rate in its children and families division. I was told about that only a couple of weeks ago, so I presume that it is still the case. How can we expect that office to deliver what is expected of it when it operates with such a high vacancy rate?

Although we welcome the new resources and the new provisions that will be made, we must recognise that they will place greater public expectation on the local authority services that are meant to deliver the programmes. If we do not ensure that those services have the resources to do that, they will continue to struggle to meet public expectation.

Bill Butler hit the nail on the head when he said that we must ensure that we have a balanced approach to the problem. Such an approach should tackle and challenge the offending behaviour of young people while recognising the social circumstances from which many of those young people come. We must not underestimate those social circumstances and the impact that they can have on an individual's behaviour in future years. If we ensure that we have a youth

justice agenda that addresses the problem holistically, we will start to tackle the problem more effectively.

As several members highlighted, only a small minority of our young people get involved in criminality, but there is a greater challenge that must still be faced: we must ensure that we give young people opportunities so that they do not get involved in crime in the first place. The Executive still has some way to go in addressing that challenge.

11:52

The Deputy Minister for Justice (Hugh Henry): This has been an exceptionally good debate, with several thoughtful and measured speeches. In general, there has been wide support for what is happening, albeit with some differences in emphasis, pace and investment. I will come back to those differences.

Colin Fox made a good speech; he had clearly put a lot of thought into it and I will come back to some of the points that he raised. However, I will get this point out of the way: he said that he could not take any interventions because he had only six minutes. That is the same length of time that Karen Whitefield had, and she was expected to take an intervention from Colin Fox's colleague. If the Scottish Socialist Party wants debate and wants others to take interventions from them, the same courtesy should be extended in return.

In the debate, everyone recognised that there is a problem in the country, but that it comes from a very small number of people. By and large, our young people are a credit to themselves, to their families, to their communities and to the country. We recognise that it is only a minority that cause the problems. In welcoming the minister's speech, Colin Fox said that we now recognise that it is only a minority and that it is good that the ministers now have a sense of proportion in the debate. However, if Colin Fox and others had listened to what has been said about young people, not only by Cathy Jamieson but consistently by other ministers, they would know that we take every opportunity to pay tribute to the vast majority who are decent, well-behaved and responsible young people. We have been consistent in what we have said. We recognise that the majority of young people are a credit to the country, but we have to consider what needs to be done about the minority.

Colin Fox and others are right to say that it is not just a question of responding to young people when they behave badly. We must try to change their behaviour and prevent problems, but we must also articulate our determination to act when bad behaviour manifests itself.

The Executive has taken a joined-up approach because we want to change attitudes and prevent bad behaviour. That is why we are investing so heavily in early-years education and in programmes such as sure start. That is why we are spending so much more to put support into primary and secondary schools. We believe that if we give young people a chance, they can respond and we recognise that sometimes families can be under pressure and need support. It is not just about reacting to problems; it is about preventing them, while saying clearly that we will take action when people's behaviour demands it.

A number of specific points were raised in the debate. Nicola Sturgeon again mentioned secure places. We are providing more secure places, but we cannot simply say, "This number of extra places will appear overnight." Planning is required, which takes time. However, the extra places will be provided—we can argue about the numbers, but we believe that our approach is sensible and balanced. Of course, Nicola Sturgeon may continue to think that the solution is more investment and more places—I suppose that that would be consistent with the rest of Scottish National Party policy, which is to allocate more money to every problem in Scotland, irrespective of the available budget.

Margaret Smith asked about secure places that are provided specifically for girls. For the first time, we are now providing a secure facility for girls at the Good Shepherd Centre. That work is being developed and other places will be provided for girls.

A number of members mentioned the need for more social workers. The Executive has recognised that need and is investing more money in social work through local authorities as well as helping to recruit and retain social workers and consider their training. Stewart Stevenson made the valid point that that additional investment represents part of the reason why there have been so many vacancies. We published data in June 2003 that showed that, nationally, there were 144 more social workers in children and families services than there were in 2002. We are fast-tracking social work trainees and anticipate that 469 new social workers will enter the work force this year.

I think that Mike Pringle made the valid point that, as we try to address problems in recruitment and retention of social workers, it is not helpful to have bidding wars between areas, in which one area simply steals social workers from another. A balance must be struck. That is a matter for the Convention of Scottish Local Authorities and we have raised it there.

I said that consensus has largely been reached in the debate, but the only fundamental area of

difference relates to the Conservatives' bizarre notion about the extension of youth courts to deal with 14 and 15-year-olds—indeed, at one point in the debate I wondered whether they would suggest that we send 12-year-olds to the youth courts. I do not think that Nicola Sturgeon's question to the Conservative members received a proper answer. However, leaving that aside, members have broadly welcomed the work of the youth courts and their extension to Airdrie. Karen Whitefield graphically outlined the benefits that that extension will bring to communities in her constituency.

Annabel Goldie asked about time intervals. We should acknowledge that the report that she mentioned contained a description of a new regime to secure improved performance by all agencies. We will be looking to have a regime that has a higher level of reporting because we are determined to ensure that there is proper continued and adequate scrutiny. In the course of her speech, Miss Goldie mentioned community mediation in Ayrshire. The Executive has said in a number of debates that mediation performs a valuable role and has a significant contribution to make. We will consider the matter carefully.

Patrick Harvie: Will the minister give way?

Hugh Henry: Unfortunately, the Presiding Officer has indicated that I should move towards summing up.

On information to communities, which Margaret Smith mentioned, our initiative in the Forth valley is about ensuring that victims and communities are informed of what is happening so that they feel that the justice system is not ignoring them completely. On sharing information, the minister answered Christine May's question, but we will continue to consider the matter. We will also consider the question that she asked about prisons.

In conclusion, I will dwell on the points that Rhona Brankin made. She is absolutely right that it is not just a matter of putting more and more investment into the system; we must ask what we are getting for that investment. As she said, we need sustained monitoring and evaluation and, as she suggested, we will consider what the inspection units are doing throughout the Executive. We will consider the role of the social work services inspectorate, because Rhona Brankin is absolutely right that we need consistency, but we also need evidence that what we are investing is having an effect. It is not just a matter of there being more money. This has been a good debate and one that gives us great encouragement in making progress on youth justice. I look forward to the consensus that has been shown continuing throughout the year.

First Minister's Question Time

12:02

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. (S2F-487)

The First Minister (Mr Jack McConnell): I wish the leader of the Opposition, the Presiding Officer and all other members a very happy new year. I have no formal meetings with the Prime Minister planned for this month.

Mr Swinney: I reciprocate the First Minister's good wishes at new year. I welcome his new year message, in which he said:

"I want Scotland to share ideas with, and learn from other cultures. I want us to be a country that welcomes others to come and live and work here".

What assistance has the First Minister had from the Home Office in implementing that laudable ambition?

The First Minister: So far I have received considerable assistance. Just yesterday, officials from my office were in London discussing with the Home Office some of the details of the proposals that we will bring before the Parliament before the Easter recess.

Mr Swinney: I will add an issue for the First Minister's officials to reflect on and to take to the Home Office when they next meet its officials. I refer to the case of a Russian woman who wanted to come to Scotland to study English for 10 weeks. Her case was refused by the Home Office and this was one of the reasons:

"given that you state you will need to re-sit your English exam in November, you cannot satisfactorily explain why you have chosen to attend an English course in Scotland rather than your other options of Oxford or Cambridge where you should face less difficulty understanding a regional accent."

The United Kingdom Government is saying that it doubts the sincerity of that woman, because she will have difficulty understanding a Scottish accent. What does the First Minister make of that case and does he think that the attitude displayed supports his objective of bringing more people to Scotland?

The First Minister: If Mr Swinney passes me the correspondence, I will be happy to raise the matter with the Home Secretary.

Mr Swinney: I am grateful that the First Minister is prepared to consider the correspondence, which is a refusal form from the Home Office under the Immigration Act 1971 and the Immigration and

Asylum Act 1999. However, on the point of principle, will the First Minister today say that such an attitude of institutional discrimination in the Home Office is unhelpful to his objective of bringing more people to live and work in Scotland in the 21st century? Will he condemn such an attitude today?

The First Minister: If Mr Swinney is ever in a position of responsibility, he will know that it would be unwise to comment on any correspondence on the basis of such information as he has given.

At the start of a new year, I should say that many issues will divide us in the chamber in the next 12 months. However, reversing Scotland's population decline, attracting fresh talent, including from within the United Kingdom, to live and work here and encouraging more Scots to stay in their own country or to return to it are issues that should cross party divides. They should certainly cross individual issues that might be raised by cases that I, Mr Swinney and many other members will see on our desks from time to time. I hope that members will unite in the Scottish Parliament, get behind the campaign to reverse Scotland's population decline and support the proposals that we will bring forward in the coming weeks. Over the next decade, we will consequently see a change in Scotland's fortunes.

Mr Swinney: The First Minister knows that we absolutely support his objective of bringing people to Scotland, but the problem is that the Home Office acts as a brake on his objective—I hope that similar unity will be shown in the chamber about that. Does he recognise that the Home Office puts obstacles in the way and that he must do something about that?

The First Minister: The Home Office has greatly encouraged the strategy that we have outlined. David Blunkett in particular has been extremely helpful and committed in respect of our desire to move forward on that issue in Scotland, with specific proposals that will help our campaign for fresh talent.

In my experience, the Home Office has been extremely helpful whenever issues relating to students have been raised. A Scottish university raised one such issue this week. It has been extremely helpful with, for example, issues relating to access to this country for potential students and providing the appropriate documentation. It has been extremely helpful directly with Scottish universities in ensuring that such applications are successful and that the process is speedily moved forward. Therefore, I have no doubt that if the case that Mr Swinney has asked about is genuine and that he has accurately portrayed it, the Home Office will give a supportive response. I hope that that is what he is seeking.

Cabinet (Meetings)

2. David McLetchie (Edinburgh Pentlands)
(Con): To ask the First Minister what issues will be discussed—in their totality—at the next meeting of the Scottish Executive's Cabinet. (S2F-493)

The First Minister (Mr Jack McConnell): The next meeting of the Cabinet will discuss our progress towards implementing the partnership agreement to build a better Scotland—in its totality.

David McLetchie: I hope that, having discussed such matters in their totality, the First Minister will take the opportunity to explain to the Cabinet why he chose to launch a personal attack on Douglas Keil, who is the highly respected general secretary of the Scottish Police Federation. To say, as the First Minister did, that

“never was a trade union leader so out of touch with his own members”

and to put Mr Keil in the same category as Arthur Scargill is insulting and ridiculously over the top. It also ignores the fact that not just the Scottish Police Federation, but Safeguarding Communities-Reducing Offending, NCH Scotland, Children 1st, Apex Scotland and our chief constables think that the proposed new powers to disperse groups of young people are unnecessary and unworkable. Whom should we believe? Who knows best—Douglas Keil, who is a police officer with 28 years' experience, or a Johnny-come-lately First Minister? Will the First Minister apologise to Mr Keil for his intemperate and unjustified outburst?

The First Minister: I want to be clear. In advance of the Parliament's second session and the election last May and in all the local discussions that I have had in different corners of Scotland in the past few months on antisocial behaviour and crime, I have not met a police constable anywhere in Scotland who does not support further powers to help to disperse groups of youngsters who are causing trouble in communities. The coalition partnership has recognised the importance of taking on board the views of those who submit their comments in consultation and it amended the proposals that were in the original consultation paper before the Antisocial Behaviour etc (Scotland) Bill was introduced to the Parliament in October.

The bill gives a clear role for a very limited power for chief constables to disperse groups in particular circumstances. That should be widely welcomed by the police force and I know for a fact that it will be widely welcomed in communities across Scotland. If Mr McLetchie's party opposes that power, it shows that its words on crime are hollow and that we are the people who stand for the people of Scotland who want action on crime and antisocial behaviour.

David McLetchie: The trouble with the First Minister and the Scottish Executive is that they believe that window-dressing and passing more laws are more important than enforcing the laws that we have at present and giving the police the resources to do so. We have still to hear a word of apology from the First Minister for his disgraceful insult. He and his colleagues keep talking about having genuine debates. They pride themselves on the number of consultations that they conduct yet anyone who raises a voice in opposition is subjected to vitriolic personal abuse. That is no way for an Executive to behave.

Is it not about time that, in relation to this measure, the First Minister was a lot less precious and petulant and was prepared to take on board valid criticisms from a range of organisations so that we produce a bill that works rather than one that is designed for window-dressing and a few cheap headlines?

The First Minister: Never was a Tory party leader so out of touch with his own voters. There will be people who voted Tory last May thinking that they were voting for a party that was tough on crime who will now know an awful lot better.

Our proposal is not window-dressing. I assure Mr McLetchie that if he were an 80-year-old pensioner in Cardonald in Johann Lamont's constituency who looked out of his window at groups of 150 youths parading in the streets, causing trouble night after night, he would not consider the proposal to be window-dressing if he wanted action from the police when he telephoned them. Our package of measures involves changes throughout the system including improvements in our children's hearings system; improvements in rehabilitation programmes and community programmes for youngsters that will keep them away from crime and prevent them from reoffending; improvements in our efforts to tackle antisocial behaviour; improvements in the court system; and getting more police officers back on the beat by reducing the bureaucracy of the Tory years and getting police officers back to doing what they want to do, which is to be on operational duty on the street. I am convinced that those measures will tackle crime and antisocial behaviour in Scotland and I will defend them against anyone who is resistant to change because they have a vested interest in the current system. That change will happen because this Parliament is going to act for the people of Scotland.

David McLetchie: The First Minister has just demonstrated his appalling ignorance of the law of Scotland. Has he never heard of breach of the peace, disorderly conduct or causing an affray? If there are 150 young people standing outside someone's door in Mrs Lamont's constituency, as

he suggested, Strathclyde police already have more than enough powers to disperse the crowd, arrest the troublemakers and see that they are suitably prosecuted for their offences. That is the view of the Scottish Police Federation and the chief constables of Scotland. Who knows best: the people who are dealing with the problem on the front line or the First Minister, who is grandstanding?

The First Minister: I refer Mr McLetchie to a high-profile visit that I undertook in Livingston in September to launch our review of off-licensing provisions. In front of television cameras, I met the local community police constables and the first thing that they raised with me was the need to have more powers to disperse groups of young people—that is on camera and on the record. Individual police officers across Scotland cannot turn up at parliamentary committees and make representations, nor can they speak out in the media, but I know what they say to us privately and I believe that Mr McLetchie knows that as well. He might want to score a political point here today, but I do not believe that the voters whom he represents or the position that he has—until now—advocated in the chamber support his opposition to this fundamental proposal, which was, quite rightly, amended by us following representations that were made over the summer months.

Colleagues in the Liberal Democrats and the Labour Party came together to agree a position that took account of the consultation. That allowed us to move forward in a way that is limited and sensible but which will allow people across Scotland to hear no more from police officers in their communities, “We wish we had the powers. We do not have them. When will we be given them?” We will give the powers and we will do so soon.

The Presiding Officer (Mr George Reid): There is one open question, from Fiona Hyslop.

Fiona Hyslop (Lothians) (SNP): Will the Cabinet reflect on the recent earthquake in Iran? I am sure that the chamber would wish to send its condolences on the devastation and loss of life there. Is the First Minister aware that the Iranian Government has asked the United Nations to set up a flash appeal? I understand that it will be launched in Tehran today. What support has the Executive already offered, or what support does it intend to offer, to the people of Iran at this time?

The First Minister: On the day of the Iranian earthquake, I was immensely proud that the first people from the United Kingdom who were on the move to go and help were, I think, from Grangemouth, and certainly from Scotland. They were proud to be encouraging others to do the same thing. Scots have a tremendous record, right throughout history, of helping in such

circumstances, and Scots moved quickly again in this situation. If we can provide any assistance that we are required to, to encourage other public bodies to provide assistance at this time, then clearly everyone would want us to do that.

Fertility (Environmental Factors)

3. Robin Harper (Lothians) (Green): I return the compliments of the season to the First Minister.

To ask the First Minister what the Scottish Executive's response is to the research released this week by the Aberdeen fertility centre showing that sperm counts of men have fallen by almost a third since 1989; whether the Executive is aware of any linkage between toxic chemicals in the environment and such health effects, and what action it intends to take in light of its commitment to environmental justice. (S2F-500)

The First Minister (Mr Jack McConnell): A number of plausible lifestyle and environmental factors have been suggested, but so far the studies do not identify the cause or causes of this apparent trend. The Scottish Executive, the Medical Research Council and other bodies are currently looking into the wider issues of infertility and will consider any findings with interest.

Robin Harper: I thank the First Minister for that partial answer. Does he agree that the opinion that next year's review of European Union legislation and proposals to strengthen that legislation will decimate the United Kingdom chemicals industry has been exposed as self-interested scaremongering? Does he agree that Scotland, which has a lead in biological, chemical and medical research, should be leading the research in this area? Will he commit the Executive to making a serious contribution to the UK consultation on forthcoming EU legislation on toxic chemicals, to ensure that such chemicals are phased out as soon as possible?

The First Minister: We have been contributing already to the UK input to the preparation of the new European provisions. With the UK Government, we plan to have a very full and wide UK consultation—which clearly will involve us here in Scotland—when the European proposals are published later this year. We are very conscious of the importance of this issue; of the continuing importance of research to ensure that we are dealing with facts rather than speculation from any side; and of the critical importance of ensuring that, where hazardous, dangerous, toxic or, indeed, simply damaging chemicals or other substances may be causing difficulties in our society, we will find new ways to tackle them—both at European level and at Scottish level. We continue to have a very strong interest in the subject.

Sarah Boyack (Edinburgh Central) (Lab): I welcome the First Minister's commitment to full and proper consultation on this matter. The First Minister may be aware that I and others took part in blood testing for toxic chemicals last year. In the light of public health concerns, would he support a much wider programme of public information and research to test for toxins in our blood, so that we can get more accurate information on the long-term and cumulative impact of chemicals in our blood? In his discussions with the UK Government, will he commit to pushing the precautionary principle so that, when the new European legislation on chemicals comes in, we will have proper and effective regulations that will protect public health and our environment?

The First Minister: As I said, we are making an input into the discussions on the draft regulations. We take a strong view of the fact that we should look after the public interest in these matters. That said, I agree with Sarah Boyack and Robin Harper that further research is required. I encourage the many Scots scientists who can be at the forefront of the research to pursue their research. I am sure that, as a Government, we will want to look at the research that they produce with great care and take it on board in our policy decisions.

Hogmanay Celebrations

4. Susan Deacon (Edinburgh East and Musselburgh) (Lab): To ask the First Minister what assistance the Scottish Executive will provide to ensure that Scotland is the best place in the world to celebrate hogmanay. (S2F-497)

The First Minister (Mr Jack McConnell): I believe, and I hope that there is no opposition in the chamber to this belief, that Scotland is already the best place in the world to celebrate hogmanay.

Members: Hear, hear.

The First Minister: We provide financial support to city councils through the cities growth fund and some of those resources have indeed been allocated to hogmanay celebrations in Edinburgh and Aberdeen.

Susan Deacon: I thank the First Minister for his answer and wish him a good new year. Does he agree that Edinburgh's hogmanay celebrations make an enormous contribution to the promotion of Scotland across the globe? I hope that he also agrees that the economic and tourism benefits to Scotland are significant. Will he ensure that the Executive continues to work actively with the City of Edinburgh Council to build on the success of Edinburgh's hogmanay?

In particular, will he explore with the council how the Executive might support the redevelopment of the Ross bandstand in Princes Street gardens? I am thinking of funding and the overcoming of

legislative constraints. To do so would ensure that the capital and the country have a first-class facility for a first-class hogmanay and for other major events right through the year.

The First Minister: I congratulate the City of Edinburgh Council and its partners on their identification over a number of years of Edinburgh as one of the main locations in the world for a successful hogmanay celebration. The effect of that long-term success was noticeable in the reaction of visitors from other countries who were interviewed on television after the events of last Wednesday night. If I remember accurately, each of them said that, regardless of what happened this year, they would be back again next year. We look forward to enjoying Edinburgh's hogmanay in future years. We should build on that success.

I am keen that EventScotland should be willing to co-operate with the partners in Edinburgh to ensure that its expertise is made available to promote and develop Edinburgh and the other centres in Scotland that now organise successful hogmanay celebrations. I am sure that the discussions on the Ross bandstand will continue. It would be wrong of me to go into detail, but I recognise the points that Susan Deacon made.

However, I am sure that all of us want to record our congratulations to the organisers in Scotland who managed to go ahead with events last Wednesday night. I am thinking of Glasgow and Inverness, where particularly successful celebrations took place, albeit in not quite such bad weather as was seen in Aberdeen or Edinburgh. Glasgow and Inverness certainly flew the flag for Scotland that evening.

Margaret Smith (Edinburgh West) (LD): It was disappointing for all of us in Edinburgh to see the cancellation of the hogmanay celebrations last week. I was only glad that the weather cleared up in time for me to do a loony dook at South Queensferry on new year's day. What is the Executive doing to support all the different organisations that are involved in developing hogmanay celebrations on an on-going basis? Those events generate an awful lot of money for commercial operations such as hotels. However, although we are seeing money being generated in Edinburgh, we are not seeing the investment that is needed in the Ross bandstand and other infrastructure projects. What can the Executive do to assist Edinburgh and other cities that get involved in hogmanay celebrations? How can some of the money that is generated by those events be recycled into our infrastructure?

The First Minister: Clearly, the cities growth fund is a major factor in the development of that sort of infrastructure. In some cities, the funding is allocated to transport—to roads projects and other schemes. In many other cities, an allocation has

gone toward events such as hogmanay celebrations. The infrastructure that backs up those celebrations can also be used at other times of the year for other festivities. We want to continue with that and ensure that each of our cities can compete internationally and attract visitors from around the globe.

Civil Service (Private Sector Expertise)

5. Mr Jamie Stone (Caithness, Sutherland and Easter Ross) (LD): To ask the First Minister what benefits will result from his plans regarding the use of private sector expertise in the civil service in Scotland. (S2F-501)

The First Minister (Mr Jack McConnell): People in Scotland need and deserve the very best public services that are designed and delivered to meet the needs of the people who use them. That is why we place such a high priority on modernising the civil service and securing the benefit of external expertise. We have announced today the appointment of Nick Parker, a former senior partner with PricewaterhouseCoopers, who is to head our performance and innovation unit. He will play a key role in improving the delivery of services throughout the public sector.

Mr Stone: That announcement is very welcome. I am sure that the First Minister agrees that by working together, the public and private sectors can feed into and learn a great deal from each other, but both sectors are reticent about getting together. Will he assure me that he will use every means at his disposal to ensure a meeting of minds and to roll out this welcome programme further?

The First Minister: In my experience, the programme of change that is well under way in the civil service and in wider public services has the enthusiastic support of civil servants and of public servants more generally. We need to work closely in partnership with the people who work in those services to ensure that the improvements in efficiency, organisation, delivery and performance are followed through. That is done best by working in partnership with the voluntary sector, other parts of the public sector and the private sector to share expertise and good practice and to progress the ultimate focus of all of us, which is the delivery of the best services to patients, parents and pupils, victims of crime, transport passengers and the many others who need our public services.

Alex Neil (Central Scotland) (SNP): I welcome the First Minister's intention to modernise the civil service. I hope that one side benefit of that will be real answers to parliamentary questions rather than the Sir Humphrey answers that have become the Executive's habit. Does he agree with his Deputy Minister for Finance and Public Services, Tavish Scott, who wrote in *Holyrood* magazine in

October that the time had come to make the civil service a devolved matter for Scotland and that Scotland should have its own civil service whose loyalty was to the Scottish Parliament and the Executive, rather than ministers in Whitehall?

The First Minister: Mr Scott will confirm that he said that in February, not October. He fully supports the partnership Government's position that we work effectively with the existing civil service arrangements. I will make clear those arrangements to the chamber. It is right that all members of the civil service in Scotland are members of the home civil service for the whole United Kingdom, because that allows interchange and exchange that are helpful for us in the devolved Government. However, all members of the civil service in Scotland who deal with devolved responsibilities report directly to the permanent secretary, who reports to me, not to anybody in London, and I am accountable to the Parliament. The civil service in Scotland is accountable through me to the Parliament and not to anybody in London. That is the right arrangement.

Fishing Communities

6. Richard Lochhead (North East Scotland) (SNP): To ask the First Minister what steps will be taken to ensure the prosperity of fishing communities following the outcome of the agriculture and fisheries council in Brussels in December 2003. (S2F-490)

The First Minister (Mr Jack McConnell): The agreement that was reached is a balanced package that is aimed at supporting fishing communities' long-term sustainability. It provides significant increases in haddock and prawn quotas alongside stricter control and enforcement.

Richard Lochhead: Does the First Minister agree that it is unreasonable and unjust that, thanks to the deal that was signed in December, in Scotland's traditional fishing grounds fewer than 40 miles from our coastline, for every one box of haddock that Scots can catch, foreign boats can catch three boxes of haddock? Does he also agree that it is unjust that the new restrictions apply only to Scottish white-fish vessels in the North sea and not to the white-fish fleets from other states that fish the same waters for the same stocks? Does he accept that it is absurd to give the Scottish fleet a larger quota but not the time or space at sea to catch it?

The Presiding Officer: I call the First Minister.

Richard Lochhead: Once the First Minister has—

The Presiding Officer: That is enough, Mr Lochhead.

Richard Lochhead: Will he renegotiate the deal and give us an aid package that will ensure the industry's survival?

The Presiding Officer: That is enough.

The First Minister: As Mr Finnie explained yesterday, the analysis is that sufficient days at sea have been allocated to ensure the take-up of the quota and the catches that have been agreed. I recognise Mr Lochhead's disappointment at the good deal that Ross Finnie secured, because it has given him less to criticise this new year. The reality is that, as he demanded one month ago, we have achieved significant increases in quotas and allowable catches, and that is good news for the Scottish fishing industry. However, those increases come against a backdrop of a challenge to the fishing stocks in the North sea and waters round Scotland. We have a responsibility to meet that challenge as much as anyone else has.

Mr Lochhead's point about Scottish boats and foreign boats is simply not true. The restrictions that apply to the additional quotas for haddock apply to—[*Interruption.*] It is difficult to answer Mr Lochhead when he is shouting at me and not listening. His behaviour in the chamber could be improved. I will make my point again so that he understands it very clearly. The additional restrictions that apply to the additional quotas for catching haddock in the North sea apply only to Scottish boats because only Scottish boats have that additional quota. Mr Finnie was successful in achieving that provision for the Scottish industry. We should be congratulating him for that rather than criticising him.

The Presiding Officer: We started late, so I will allow two further questions.

Mr Alasdair Morrison (Western Isles) (Lab): Does the First Minister agree that it is essential that we maintain a momentum for the regional control of fisheries? It is a measure that is supported particularly by conservation-minded fishermen and processors.

The First Minister: Yes, I strongly believe that we have to have more regional management of fisheries within the common fisheries policy. That is a far more sensible approach than pulling out of the CFP and having no influence whatsoever. Regional management of the CFP would be right and, despite all the negative predictions that come from certain parts of the chamber from time to time, I welcome the support that the British Government gave to that approach this week. With the Government's support, I am sure that we can develop the argument with more success in future European discussions.

Mr Ted Brocklebank (Mid Scotland and Fife) (Con): According to press reports, some of the thousands of Scottish fishermen who have been

forced away from the sea are emigrating to places such as the Faeroes and Iceland where there are still thriving fishing industries. Can the First Minister offer any hope that there will not be a further exodus of Scottish fishermen as a result of the Brussels settlement? Does he believe that his new advertising campaign to reverse population drift will do anything to attract back those fishing families who have already been forced to vote with their feet and move elsewhere?

The First Minister: I sincerely hope that the policies that we are pursuing will ensure that, although the fishing communities of Scotland might have a difficult time over the next period, the industry can survive and be sustainable during that period and well into the future. Mr Brocklebank's and the Conservatives' position is that there should be a free-for-all in the North sea. That is the last thing Scottish fishing communities need: Scottish fishing communities need a sustainable future, a balance between the right to catch fish and the right to preserve the stock for the long term. That is our position, which is the right one for Scotland and for our fishing communities.

The Presiding Officer: My apologies to George Lyon, who has been beaten by the bell.

12:33

Meeting suspended.

14:30

On resuming—

Question Time

SCOTTISH EXECUTIVE

The Presiding Officer (Mr George Reid): Question 1 is withdrawn.

Energy Bill (Consultation)

2. Chris Ballance (South of Scotland) (Green): To ask the Scottish Executive what consultation it will undertake in respect of the provisions for nuclear waste handling and renewable energy developments in the United Kingdom Energy Bill before it makes any submission to the Parliament's committees regarding the Sewel motion on the bill. (S2O-1032)

The Deputy Minister for Enterprise and Lifelong Learning (Lewis Macdonald): Our memorandum on the Energy Bill will lay out the consultation that has been undertaken so far on the major elements of the bill, which includes the Department of Trade and Industry's white paper in 2002, the draft bill that was published last year on nuclear waste, and the white paper proposals on renewable energy, which were published in February last year. We do not intend to duplicate those consultation processes.

Chris Ballance: Is the minister aware that the bill gives a blank cheque to the nuclear industry to continue to produce nuclear waste regardless of environmental or financial cost? Is he aware that the bill has no overarching environmental objectives, although the Trade and Industry Select Committee in the House of Commons called for such objectives? There have been stakeholder consultation meetings throughout England, but none in Scotland, even though Chapelcross and Dounreay will be at the vanguard of the process. Will there be an opportunity to present Scottish amendments to the bill and how can a Sewel motion possibly be considered adequate for that?

Lewis Macdonald: Any bill that is going through the House of Commons is open to amendment in the usual way. I do not recognise Mr Ballance's characterisation of the bill as providing a blank cheque to the nuclear industry. The bill is not concerned with the generation of electricity. Among other things, it is concerned with the safe disposal of waste, the proper provision of security at nuclear installations and matters that relate to renewable energy. The bill is not at all to do with generation from nuclear sources.

Mr John Home Robertson (East Lothian) (Lab): I am sure that we all support the Executive's objective of producing 40 per cent of energy from renewable sources, although it is worth mentioning that 47 per cent of Scotland's electricity already comes from non-carbon facilities. Will the minister confirm that, even if the ambitious target on renewable energy is achieved, the remaining 60 per cent of our electricity will still have to come from nuclear and fossil-fuel power stations? Does he accept that, if our kettles, fridges and DVD players are to keep working and if we are serious about reducing greenhouse gas emissions, we must start the process of planning the next generation of nuclear power stations on sites in Scotland without further delay?

Lewis Macdonald: I simply repeat my reply to Mr Ballance, which is that the Energy Bill is not concerned with the promotion of nuclear energy. I am happy to provide that answer, which applies equally to both sides of the debate on nuclear energy. The Scottish Executive's focus will rightly remain on achieving our targets for renewable energy by 2020. I know that we will have support from members of all parties in that.

Alasdair Morgan (South of Scotland) (SNP): To pick up the point about the blank cheque, will the minister confirm that, as the bill stands, the designation of a high-level waste site by the proposed nuclear decommissioning authority will be subject in Scotland to the approval of the Scottish ministers? If that is the case, will he set many people's minds at rest by giving a commitment to rule out the use of underground facilities in Scotland for such a purpose?

Lewis Macdonald: This would not be an appropriate time to prejudge what will happen following the passage of the Energy Bill. However, in response to Mr Morgan's first point, I confirm that designations will be subject to approval by the Scottish ministers and that the present regulatory functions of the Scottish Environment Protection Agency will be unchanged following the passage of the bill.

Breath Test Equipment

3. Stewart Stevenson (Banff and Buchan) (SNP): To ask the Scottish Executive whether portable breath testing equipment used by police forces is calibrated to detect 9 micrograms or more of alcohol in 100ml of breath as well as being able to detect 35 micrograms or more in 100ml. (S2O-1045)

The Minister for Justice (Cathy Jamieson): There is no current requirement for equipment to have that capability. However, steps are being taken to ensure that equipment is calibrated and test approved in time for the implementation of new United Kingdom legislation later this year.

Stewart Stevenson: The minister will be aware of the Railways and Transport Safety Act 2003, which introduces breath testing for pilots. I am sure that she shares my distress that there have been a number of instances where pilots have been unfit for duty because of alcohol. When will the police stationed at Scotland's airports have the necessary equipment to test at 9 micrograms and thus be in a position to enforce the valuable new legislation?

Cathy Jamieson: I share the member's concern. I am aware of the provisions of the 2003 act; although it is on a reserved subject, it relates to a number of issues in Scotland. I am told that all our airports, including the smaller rural airfields, will have access to hand-held, portable breath testing equipment. It should be on site and available in time for when the legislation comes into force. That will mean that people will not be required to be taken away from the premises. Were they to fail the test, that would of course have to be followed up. I am sure that the member will also be interested to know that the 2003 act applies to private as well as commercial aviation personnel.

Maureen Macmillan (Highlands and Islands) (Lab): Does the minister share my concern about the increase in drink-driving figures over the Christmas and new year period? I am ashamed to say that the worst part of the country in this regard seems to have been the Northern constabulary area, where the increase was well over 50 per cent. Has she any plans to research why there is a continuing increase in drink-driving cases? Is she considering increasing penalties for drink-driving or employing some other sanction, so that we can stop this worrying upward trend?

Cathy Jamieson: Again, I share the member's concern. It is vital that we continue to adopt a very high profile on drink-driving so as to ensure the safety of people in our communities. I am sure that other members will, like me, have received letters from families whose lives have been devastated because of the consequences of drink-driving. I would want to work with the police, the Minister for Transport and others to consider how we make progress on the matter.

There is a very clear message here: to drink and drive is simply not acceptable. It is far too dangerous, it is far too serious and, tragically, far too many lives have been lost.

Railway Professionals (Training)

4. Robert Brown (Glasgow) (LD): To ask the Scottish Executive whether it has considered supporting the establishment of a centre of excellence for training railway professionals. (S2O-1024)

The Deputy Minister for Enterprise and Lifelong Learning (Lewis Macdonald): Yes, we have, and we continue to take part in discussions on an appropriate sector skills council for the rail industry across the United Kingdom. The lead body in those discussions is the UK Sector Skills Development Agency.

Robert Brown: The minister will be aware that one of the biggest problems in delivering rail infrastructure projects in the UK in general—not just in Scotland—is the dire shortage of railway engineers and planners. Given the pressures following the Hatfield accident south of the border and the additional emphasis on rail infrastructure for Scotland's future, and against the background of the setting up of transport Scotland and of our engineering traditions—thinking in particular of Springburn in Glasgow—does he not think that extra impetus should be given to resolving that shortage? Will he undertake to hold further discussions with the Minister for Transport and suitable professionals to ascertain whether that could be advanced?

Lewis Macdonald: I will ensure that our officials continue to engage with their UK counterparts and with the Sector Skills Development Agency in order to take that forward. We recognise the importance of engineering and other skills in the rail industry, which is why we welcome and support the continuing discussions. Those discussions involve Skills for Logistics, which is the body that will be delivering sector skills for the freight industry. A further sector skills council is involved with the passenger transport industry. In combining those interests, we are seeking to address the points that Robert Brown raises. I can tell Mr Brown that the first UK centre for the delivery of skills specifically for the rail industry is already set up at Network Rail's office in Glasgow, and is supported by Clackmannan College of Further Education. We will continue to back that initiative.

Primary Schools (Staffing)

5. Ms Rosemary Byrne (South of Scotland) (SSP): To ask the Scottish Executive what the impact will be on the staffing of primary schools if significant numbers of primary teachers move to secondary schools to teach. (S2O-1030)

The Minister for Education and Young People (Peter Peacock): There will be no impact on staffing levels at primary schools.

Ms Byrne: Will the minister agree that, instead of diverting staff across sectors, we should be looking to recruit and retain more teachers in order to reduce class sizes significantly, and that we should be looking at the models in Denmark and Finland, where most class sizes are around 20? That would make a significant difference to our

young people. I am not talking about tinkering around the edges; I am talking about across-the-board measures at all stages, in both primary and secondary schools.

Peter Peacock: We are doing both those things. We are properly looking for extra flexibility to allow primary teachers to teach young people who are in secondary education so that those teachers can use the skills that they already have for dealing with the five-to-14 age group in the school. We are looking to repeal the provisions in the schools code to allow us to get that extra flexibility.

We are also increasing teacher numbers. The Executive has made a commitment to have 53,000 teachers by August 2007, to reduce class sizes to 25 in primary 1 and to 20 in secondary 1 and secondary 2 maths and English. That is a major step forward. We are the only parties in the Parliament that have made progress on those things by making such commitments. We will continue to drive them forward.

Fiona Hyslop (Lothians) (SNP): Will the minister confirm that, for the purposes of his party's election promise of 3,000 new teachers primarily for English and maths in S1 and S2, the transfer of primary teachers into secondary is not an addition of new teachers but a transfer? Will he also confirm that there may be some difficulty in primary teachers teaching in both primary and secondary, particularly given the reduction in class-contact time expected after McCrone? Given the other pressures, we have to ensure that primary school pupils are given the benefit of primary school teachers.

Peter Peacock: Unlike the SNP, we look for opportunities in education rather than problems, which some people like to manufacture. The fact is that we have made a clear commitment to 53,000 teachers by 2007. The SNP never had that idea, yet its members now claim that we have not gone far enough, as they do with everything because they are completely bereft of any policy ideas of their own. While the SNP is pontificating about school standards, we are improving them.

Lord James Douglas-Hamilton (Lothians) (Con): Given that primary teachers are to be allowed to teach S1 and S2, will secondary teachers of S1 and S2 be allowed to move to primary education if there is a considerable demand?

Peter Peacock: The existing code allows for the transfer of teachers from secondary down into primary, but it does not allow for the corresponding transfer of primary teachers up to secondary. We genuinely seek to get more sensible flexibility around the boundaries of primary and secondary education to meet some of the challenges that we have.

Former Prisoners (Employment)

6. Scott Barrie (Dunfermline West) (Lab): To ask the Scottish Executive how it assists former prisoners in gaining employment. (S2O-1020)

The Minister for Justice (Cathy Jamieson): A number of measures are in place to assist former prisoners. Those include the provision of prison-based employment advisory services in partnership with Jobcentre Plus and other organisations; the funding of throughcare services to help offenders gain employment or employment-related skills on their release; and funding Apex Scotland to deliver employment-related guidance and training for offenders and ex-offenders.

Scott Barrie: The minister will be aware that services are co-ordinated for prisoners who are subject to statutory throughcare and aftercare. What measures can be put in place to assist prisoners who are serving short sentences, for whom there is no statutory aftercare?

Cathy Jamieson: As I indicated during this morning's debate on youth justice, we see it as very important to ensure that aftercare is provided to offenders, and to young offenders in particular, who are not subject to statutory aftercare. We have therefore earmarked a further £1.5 million for future years to allow local authorities to provide an improved throughcare service to such prisoners. That will include work on securing employment.

Michael Matheson (Central Scotland) (SNP): The minister will be aware that a number of organisations work in assisting prisoners to prepare for liberation so that they can gain employment once they leave prison and resettle into the community. However, only Apex Scotland has been successful in securing funding under section 10 of the Social Work (Scotland) Act 1968 for that type of work. A number of smaller organisations that do a lot of work in the field are struggling to secure core funding. Will she therefore publish the criteria that are applied to applications for section 10 funding? Will she also consider what further assistance she can provide to organisations that work in that field so that they can secure core funding?

Cathy Jamieson: I thank the member for repeating the question that he put in a letter, which I received just the other day and to which I will respond in due course.

It is worth noting that other organisations are already involved, including Momentum in Edinburgh prison, Apex Scotland, which has already been mentioned, and Global Highland Management in Low Moss. I was also pleased to be able recently to open the new throughcare centre that will provide support at Kilmarnock prison. I hope that the member will welcome that.

It is open to organisations that provide other than just a localised service to apply for section 10 funding. There is no secret about the application process.

Margaret Mitchell (Central Scotland) (Con): Does the minister agree that ending automatic early release would give prisoners a much better opportunity of completing the meaningful programmes that are designed to prepare them to gain employment when they complete their sentence?

Cathy Jamieson: I do not think that those two things necessarily tie up. The important thing is that the right programmes are in place in our prisons and that suitable opportunities are identified to ensure that, when a person is released—at whatever stage—they have a secure place to go to. They need a home in the community, the right kind of support and employment or training opportunities. The important thing is not the point at which people are released, but for the right provision to be identified early in the prison system and for that provision to be made on a throughcare basis.

Donald Gorrie (Central Scotland) (LD): Will the minister consider an examination of the different way in which things are done in England, where more realistic work is given to prisoners in order for them to qualify for work outside? In Scotland, the tradition has been that that sort of work should not be encouraged in prisons because of conflicts with commercial organisations outwith the prison system. In this instance, perhaps the English have an idea.

Cathy Jamieson: I am always open to looking south of the border and offender services are no different from any other issue. I recently visited Reading prison where I was interested to see the work that was being done in co-operation between Transco and the prison service. A number of initiatives are taking place in our Scottish prisons. They will ensure that prisoners gain skills, particularly in relation to the construction industry. Those are things that I want to continue.

Sustainable Scottish Marine Environment Initiative

7. Eleanor Scott (Highlands and Islands) (Green): To ask the Scottish Executive what progress is being made in implementing the sustainable Scottish marine environment initiative. (S2O-1035)

The Deputy Minister for Environment and Rural Development (Allan Wilson): Good progress. This major initiative was launched in October 2002 to look at the special value of Scotland's marine environment and to examine how it can be managed more sustainably. The first

phase of the initiative, which has the sustainable development of fragile coastal communities at its heart, has been completed and the second phase is under way at present.

Eleanor Scott: Can the minister tell me where the pilot locations will be for the third phase and whether there will be a moratorium on new aquaculture in those areas? Can he also tell me if and how the local community will be properly consulted about the management of their coastal resources?

Allan Wilson: I have no plans to introduce a moratorium on new aquaculture development. Given that aquaculture represents 40 per cent of our food exports, I see it as critical to the development of Scotland's economy.

On the second phase, we will be looking at pilots in the areas that we have identified, such as voluntary management of the coastal areas. I cannot remember what the member's third point was. I will get back to her on it.

Eleanor Scott: Consultation with local people.

Allan Wilson: There is a stakeholder forum on which I think Highland Council has direct representation in respect of the Highland interest. There will be full local consultation.

West Edinburgh Planning Framework (Consultation)

8. Margaret Smith (Edinburgh West) (LD): To ask the Scottish Executive what consultation it will undertake with local communities in its review of the west Edinburgh planning framework. (S2O-1015)

The Deputy Minister for Communities (Mrs Mary Mulligan): Preparation of the current west Edinburgh planning framework included meetings with community groups and other local interests as well as publication of the framework in draft. I envisage that the review will adopt a similar process in future.

Margaret Smith: What is the timetable for the consultation exercise? What measures has the Executive put in place to deal with relevant planning applications during the review period?

Mrs Mulligan: We intend to commence the review of the framework as soon as possible with a view to publishing a consultation draft at some time during 2004. I will endeavour to ensure that the member is kept fully up to date with that. In the meantime, the local authority will be required to notify the Executive of on-going planning applications. We will take a view on whether the approval of the planning application would prejudice any future development.

Digital Terrestrial Television

9. Jeremy Purvis (Tweeddale, Ettrick and Lauderdale) (LD): To ask the Scottish Executive what recent discussions it has had with Her Majesty's Government regarding digital terrestrial television reception. (S2O-1016)

The Minister for Tourism, Culture and Sport (Mr Frank McAveety): Officials hold regular meetings with the joint Department for Culture, Media and Sport/Department of Trade and Industry digital television project team, and ministers are kept aware of developments.

Jeremy Purvis: The minister knows of my interest in the subject and also the interest of my constituents who are unable to receive digital terrestrial television. My constituents in Penicuik and Midlothian have been told that it will be five years before an antenna will be developed and my constituents in Clovenfords have not even been given an indication. Does the Executive have a view on the UK Government's work on the potential switch-over to digital broadcasting? If not, how will my constituents' fears best be communicated?

Mr McAveety: As Mr Purvis knows, we are in the process of arranging a meeting with a number of MSPs who raised this matter during the members' business debate on this subject in November. Indeed, I know that he will participate in that meeting. As a result, it would be best to determine matters at that meeting and we can certainly raise with the DCMS any of the issues that members highlight.

Mr Jamie McGrigor (Highlands and Islands) (Con): On 9 December, I wrote to the BBC's Greg Dyke to ask when the digital TV masts would be fitted in the mid-Argyll area. To date, I have not received even a holding reply to that letter. Has the minister had any more success in getting answers out of the BBC on this subject? Moreover, does he know when digital TV masts will come to Argyll and other remote parts of the Highlands and Islands?

Mr McAveety: Given that the BBC is a reserved matter, the member will have to raise the issue directly with Greg Dyke. I can say that, as we have not written directly to Mr Dyke, we cannot make a judgment on the quality of response nor on any time scale for the installation of masts.

That said, I think that I can guarantee that the issues that will be raised in discussions with members on this matter will parallel Mr McGrigor's concerns. I hope that, as a result of those discussions, we will be able to raise those issues with the DTI and DCMS in due course.

Schools (Performance Information)

10. Dennis Canavan (Falkirk West) (Ind): To ask the Scottish Executive what feedback it has received regarding the additional information that it now provides in respect of performance of schools. (S2O-1043)

The Minister for Education and Young People (Peter Peacock): Responses so far have been very positive indeed. We will listen to what parents, pupils and professionals have to say as we develop that information further.

Dennis Canavan: Although the additional information that is provided on the Executive website is welcome, does the minister accept that the information is still inadequate? Will he ensure that every school has its own website and displays that website address on the Executive's website? Moreover, will the Executive fulfil the First Minister's commitment given on 13 November in reply to my parliamentary question that it would publish added-value information to provide a more accurate assessment of schools' performance in increasing pupils' attainment?

Peter Peacock: The latter of Dennis Canavan's two points illustrates the difficulty of the previous approach of publishing simplistic league tables that did not put school performance in the context of a school's particular community or social background. In fact, only today, I have been reading international evidence that shows a very strong correlation between social background and school performance. That is partly why we have included all the additional information on the Executive's website, which now provides data such as attendance and absence data; free school meals entitlement data; an indication of the background of the community; and leaver destination data.

That said, we intend to develop and add further value to the website by, in particular, looking at schools in their family groups, by which I mean the other schools in Scotland that are similar to the school under consideration. Such an approach will ensure that any comparative data will be provided on a like-for-like basis and will make clear the genuine value that schools add to their communities. As a result, people will not have to rely on simple statistics.

As for Mr Canavan's question about schools' websites, it is very much our intention to provide links to websites where they exist. We are encouraging more schools to have their own websites. Indeed, a significant number of schools already do, and the links can be found on our own website. If the member has not visited that website, I encourage him to do so—it can be found at www.parentzonescotland.gov.uk.

Borders Railway

11. David Mundell (South of Scotland) (Con):

To ask the Scottish Executive what progress it has made in assessing the business case for the Borders railway. (S2O-1037)

The Deputy Minister for Finance and Public Services (Tavish Scott): The initial business case was received on 4 November 2003. Following an initial analysis, further information was requested from the Waverley railway partnership. That information was received on 2 December 2003 and is now being considered.

David Mundell: I thank Mr Stephen's substitute for his response.

Is the minister aware that Mr Stephen recently said that

"the whole Scottish transport appraisal guidance process is about more than simply the NPV".—[*Official Report, Stirling-Alloa-Kincardine Railway and Linked Improvements Bill Committee*, 10 November 2003; c 116.]

Will he confirm that the rail link will be funded whether or not it achieves a positive or negative net present value?

Tavish Scott: I am always happy to reflect on Mr Stephen's comments and certainly will do so in relation to the member's particular point.

I am sure that the member will be aware that determination of the funding requirements and the preparation of a funding package are matters for the Waverley railway partnership. The Scottish Executive is considering that business case and any announcement on funding will be made once that consideration is complete. I very much welcome Mr Mundell's belated interest in this matter.

Rhona Brankin (Midlothian) (Lab): The minister may not be aware of this—Mr Stephen certainly is, as he has visited Midlothian—but currently my constituents in Midlothian have no access to rail travel, despite the fact that 55 per cent of the population travels into Edinburgh to work and there is a very low level of car ownership in the area. Does he agree that the development of the Waverley line is essential for the Midlothian economy? Can he reassure me that the line is still on track for completion by 2008?

Tavish Scott: Rhona Brankin is quite right about the expected time scale for the project. She also makes an entirely sensible point about the importance of the line in securing improved transport links for her constituents. Those matters are being taken care of and thought through carefully during consideration of the business case.

Jeremy Purvis (Tweeddale, Ettrick and Lauderdale) (LD): Will the minister speak to the

Minister for Transport on his return to follow up the point that Rhona Brankin has made? Will he ask the Minister for Transport's officials to discuss with the officials of the Waverley railway partnership the potential procurement models for the construction of the railway well before the Parliament concludes its consideration of the Waverley Railway (Scotland) Bill?

Tavish Scott: I would not profess to be an expert on procurement models in relation to major capital projects, but during the next month I will bring the matter to the attention of the Minister for Transport and his officials.

Christine Grahame (South of Scotland) (SNP): I refer the minister to an e-mail of 24 October 2003, issued by Mr Bruce Rutherford, chair of the Waverley railway working party, which states:

"Tomorrow ... I'm through at the Scottish Executive ... and I'll again be asking the Scottish Executive reps to increase their contribution, but we've been stuck on these levels of funding for a while now, so I'm not hopeful of reducing the LA contribution any further"—

that is, from £15 million. Will the minister pass to the Minister for Transport my concerns about that and deliver at some point an explanation of whether there have been more such meetings? If the £15 million funding gap remains, will the Executive plug it?

Tavish Scott: As I indicated in earlier responses to other members, the funding package is being considered in the context of the business case. That is how the matter will be progressed. I am sure that Christine Grahame will make representations to the Tory-controlled Scottish Borders Council on the argument about the local authority contribution. However, I suspect that even if we announced today that we would lay the railway between Edinburgh and Carlisle and make it out of gold, she would still find something to grieve about.

Environmental Priorities

12. Nora Radcliffe (Gordon) (LD): To ask the Scottish Executive what its environmental priorities are for 2004. (S2O-1040)

The Minister for Environment and Rural Development (Ross Finnie): The Executive has set out its priorities for Scotland's environment in the partnership agreement. In 2004 we will proceed with those. Yesterday the stage 1 debate on the Nature Conservation (Scotland) Bill took place. We will then lay regulations on strategic environmental assessment. In the spring we will consult on new regulations under the Water Environment and Water Services (Scotland) Act 2003 to improve further Scotland's rivers, lochs and coastal waters. We will implement part 1 of

the Land Reform (Scotland) Act 2003, which establishes rights of responsible access to the countryside. We will make further progress on implementing the national waste plan and play our part in the review of the UK sustainable development strategy.

Nora Radcliffe: I see that we will be very busy. In the near future Scotland will have to fulfil a number of obligations under European environmental legislation. Does the minister agree that we do not want a car mountain or an electrical goods mountain in the way that we had a fridge mountain, because of inadequate preparation? What work are the Environment and Rural Affairs Department, other Scottish Executive departments and relevant Westminster departments doing in advance of having to comply with the waste electrical and electronic equipment directive?

Ross Finnie: I am grateful to Nora Radcliffe for the points that she makes. The major problem in respect of fridges was a serious misinterpretation of the requirements under EU legislation. In conjunction with UK departments, the Environment and Rural Affairs Department is making clear that there are no misunderstandings in relation to both the WEEE directive and other directives. The more important point about the WEEE directive is that it places serious obligations on producers. At the UK level, where the Scottish Executive is fully engaged, we are in active discussions with producers to ensure not only that they understand the range and scope of the directive but that measures are being taken to ensure that it is timeously put in place.

Des McNulty (Clydebank and Milngavie) (Lab): The minister will be aware that the quality and standards 3 consultation will begin in the course of the year. I am sure that he is also aware that many local authorities are concerned about development blight on brownfield sites because of difficulties in getting access to water and sewerage systems. Will he please recognise that part of improving the environment means bringing those brownfield sites into effective use and ensuring that there is no barrier to investment, which will lead to real economic returns?

Ross Finnie: Yes. As Des McNulty will be aware, I asked Scottish Water to reassess completely the provision for underinvestment and development constraints. That report will come before me and will form part of our consideration of how to deal with the development constraint issue, which I recognise is widespread throughout Scotland, is causing concern and, as Des McNulty rightly points out, has quite serious environmental considerations. I hope to be in a position to make an announcement on that matter fairly shortly.

The Presiding Officer: Question 13 is withdrawn.

Aid Initiative

14. Colin Fox (Lothians) (SSP): To ask the Scottish Executive whether it will liaise with the City of Edinburgh Council in support of the initiative of the people of Oxfams to transport fixtures and fittings from three soon-to-be-demolished tower blocks in the area to Nigeria, where they will be used to help build a village for orphans. (S2O-1029)

The Minister for Communities (Ms Margaret Curran): The Executive is financially supporting the demolition of the three tower blocks and is maintaining close contact with the City of Edinburgh Council as it takes forward its plans to transport the fixtures and fittings to Nigeria.

Colin Fox: Will the minister join me in welcoming the news that work is soon to begin on sending those fixtures to west African orphanages? Will she give her support to the Oxfams community representatives—some of whom are in the public gallery—who exhibit a true spirit of internationalism and co-operation between the Scottish and African peoples, and ensure that their initiative comes to fruition and perhaps is rolled out across Scotland?

Ms Curran: Yes, I am pleased to welcome the community representatives from Oxfams, whom I presume I have met, because representatives met me to lobby for resources to be given to Oxfams. I met them in the company of Iain Gray, who was then the MSP for the area. While we are thinking about transporting things out of Oxfams, perhaps we could think about transporting other people out of Oxfams, such as the current representative.

More seriously, I have great sympathy with the principle that we should recycle goods and maximise all resources. A number of Executive people have been engaged in conversations on these matters. We cannot directly provide grant aid because of the rules, but due to the nature of the area we want to be as constructive and supportive as possible.

Sarah Boyack (Edinburgh Central) (Lab): I welcome the minister's positive response to the question, which raises the wider issue of the use of construction materials in building. Given the massive programme of investment that she is overseeing, will she examine the issue in a wider context, as part of Executive policy on making better use of materials that otherwise would go to landfill, be of no use to anybody and create an eyesore somewhere else? The project contains some exciting ideas. Will she consider the wider benefits that could be achieved by the Executive taking it on board?

Ms Curran: Sarah Boyack makes an excellent point, with which I agree and which should command a greater priority, because a number of

demolitions are taking place throughout Scotland as a result of our investment programme and the housing policies that we have developed. I am happy to give a commitment to Sarah Boyack that we will examine the issue as a matter of priority, feed it into our planning in the department, and report regularly to Parliament on how we do that.

Landfill Tax Credit Scheme (Transitional Arrangements)

15. Patrick Harvie (Glasgow) (Green): To ask the Scottish Executive whether it is satisfied with the transitional funding arrangements for organisations previously receiving money from the landfill tax credit scheme. (S2O-1044)

The Minister for Environment and Rural Development (Ross Finnie): Yes. Entrust is working on behalf of the Scottish Executive to administer the interim funding arrangements for sustainable waste management projects. As the member is aware, I have already announced £5 million of financial support for the community recycling sector over the next two financial years, and today I announced a further £1 million of temporary support for 2004-05 to safeguard existing projects.

Patrick Harvie: Is the minister aware of the impact on some recipient organisations of the transitional arrangements, and the short-term financial situation that those arrangements create? Is he aware that that is hampering the ability of those organisations to plan strategically, to develop and to access funding from other sources and guarantee the continuation of their operations? Will he agree to write to recipient organisations as a matter of urgency, and to their local authorities, to try to identify a solution to the current problems before some of the organisations experience financial crisis?

Ross Finnie: With respect, it almost has to be the other way round. I am aware of two or three organisations that have suffered cash-flow problems, largely on account of the way in which they were submitting their claims and the way in which those claims were being processed. In the specific circumstances where my department or I have been made aware of that, we have been able to deal with it. If Mr Harvie is aware of organisations that are experiencing specific difficulties I ask him to encourage them to get in touch with the Executive. I cannot deal speculatively with situations or problems of which I am unaware. I am, however, aware of two or three organisations experiencing difficulties and I believe that those problems have been resolved.

Pauline McNeill (Glasgow Kelvin) (Lab): The issue that Mr Harvie raises is a problem that faces an organisation in my constituency, the Coach House Trust, which may be one of the

organisations to which the minister refers. The trust is experiencing a funding gap that may result in short-term redundancies. I would be grateful if the minister would confirm whether the Coach House Trust is one of the organisations of which he is aware that are seeking contingency arrangements from the Scottish Executive to address the problem. Would he agree that organisations such as the trust, which fulfil a social function as well as an environmental one, are crucial to work relating to the environment?

Ross Finnie: I am aware of the problems facing that organisation, but it was not one of the organisations to which I referred. Patrick Harvie was referring to organisations that are experiencing difficulties in the way in which their applications for funding are being processed. There is a separate issue of underfunding, and the organisation to which Ms McNeill refers is one of those that led me to announce the additional £1 million today. That organisation will be eligible for support from that fund.

Organic Action Plan

16. Mr Mark Ruskell (Mid Scotland and Fife) (Green): To ask the Scottish Executive what progress it has made towards meeting the organic targets identified in its "Organic Action Plan". (S2O-1034)

The Deputy Minister for Environment and Rural Development (Allan Wilson): This is more good progress. *[Laughter.]* The Scottish Executive is working closely with the organic stakeholders group on meeting the targets identified in the organic action plan. I am pleased to confirm that the proposed changes to the organic aid scheme have received a favourable opinion from the European Commission this week. I look forward to laying the necessary regulations before Parliament very soon in order to accelerate the conversion of even more agricultural land to organic produce.

Mr Ruskell: I thank the minister for that jolly answer. It was more of a statement really—that is great. However, even the revised rates are still well below those being offered in other European Union countries. What is he doing to ensure that a strategy for public procurement of organic food is being developed in line with the organic action plan, not only within the Environment and Rural Affairs Department canteen but throughout all departments of the Executive that have a hefty demand for healthy food?

Allan Wilson: I accept that although much has been done there is still more to do. Our marketing of organic produce is a case in point. We have quadrupled the resources that are available, from about £1 million, which we inherited from the Conservatives, to about £4 million, and we are working with the Soil Association on the "Hungry

for Success" campaign, which represents the Scottish Executive's approach to increasing organic produce. We have accepted the "Hungry for Success" report in full in respect of school meals and we are making an additional £63.5 million available over the next three years to help to implement the programme in schools. That will have the beneficial effect of creating extra demand for organic produce in our schools.

Planning (Football Clubs)

17. Mike Pringle (Edinburgh South) (LD): To ask the Scottish Executive what role its national planning policy guidelines will play in decisions about the relocation of football clubs. (S2O-1021)

The Deputy Minister for Communities (Mrs Mary Mulligan): National planning policy guidelines and Scottish planning policies inform development planning and may be material considerations to be taken into account in development control decisions.

Mike Pringle: The potential relocation of many football clubs throughout Scotland has major implications for supporters and the wider communities involved. NPPG 11 states that the redevelopment of existing ground would be a preferred option to a green-belt stadium. Given that Health and Safety Executive rules are restricting redevelopment of existing sites, such as the site at Tynecastle for Heart of Midlothian Football Club, does the minister agree that anomalies between the Scottish planning guidelines and HSE policy should be examined and that a football club is almost always the centre of the community it occupies?

Mrs Mulligan: I have been aware for many years of Mike Pringle's interest in Heart of Midlothian Football Club. Although I can offer him no comfort as far as his team is concerned, it is our intention to review NPPG 11, possibly by 2005. During that process, we will take the opportunity to discuss with the HSE the implications for ground developments.

Wind Farm Developments

18. Roseanna Cunningham (Perth) (SNP): To ask the Scottish Executive what information is provided to local communities regarding proposed wind farm developments. (S2O-1027)

The Deputy Minister for Enterprise and Lifelong Learning (Lewis Macdonald): Developers must publish a description of the proposed development, details of how to access the environmental statement and details of how to make representations for or against a development. That must be done by way of a public notice in the local and national press, both for applications for consent under section 36 of the

Electricity Act 1989 and for applications for planning consent from local authorities.

Roseanna Cunningham: The minister will know of the considerable concerns that are being expressed by communities throughout Scotland about proposals that are being made, many of which we know are not likely to be approved. He will know also about the difficulties that such communities have in dealing with proposals when all the weight of money and research is on the developers' side and not on the side of the community. Will he consider providing a guidance pack for communities to allow them to find their way through the thicket of regulations so that they can make more appropriate representations in respect of such proposals?

Lewis Macdonald: We encourage local authorities to take seriously their responsibility for enabling communities to make representations. Local authorities already consult with community councils as a matter of course, whether on reaching a decision on applications that have been made or on making representations to us on matters that come to ministers for approval.

Point of Order

15:13

Richard Lochhead (North East Scotland) (SNP): On a point of order, Presiding Officer. Have you had notification from the First Minister to correct an inaccurate statement that he made in response to my question during First Minister's question time on the matter of the December meeting of the fisheries council?

As you will be aware, Presiding Officer, paragraph 1.1(c) of the Scottish ministerial code states:

"It is of paramount importance that Ministers give accurate and truthful information to the Parliament, correcting any inadvertent error at the earliest opportunity."

Although I have received a written apology from the First Minister in the past 30 minutes, do you agree that it would be in order for him to deliver a statement to Parliament, given that his statement was inaccurate? Indeed, his letter of apology further muddies the waters by stating that the reason why Scottish vessels have more restrictions than other nations that fish the same waters for the same stocks is that we were the only nation that asked for more haddock quota. That is plainly wrong.

The Presiding Officer (Mr George Reid): To err from time to time is human. In my judgment, the First Minister has acted entirely honourably and expeditiously in this case by issuing a letter not only to me, but to Mr Swinney and to you. He did so at the first possible moment and I regard the matter as closed.

Housing

The Presiding Officer (Mr George Reid): The next item of business is a debate on motion S2M-761, in the name of Margaret Curran, on improving Scotland's homes. There are three amendments to the motion.

15:14

The Minister for Communities (Ms Margaret Curran): I am pleased to speak on such a critically important topic and I am sure that that feeling is shared throughout the chamber.

In "A Partnership for a Better Scotland", we committed ourselves to working for a Scotland in which everyone has a decent quality of life. I am sure that no one would disagree with that. Fundamental to that is good-quality housing, which is so important for family life, the quality of the environment and the promotion of public health. That is why the partnership agreement made it clear that we want everyone to have a decent home and that we will aim to deliver good-quality, sustainable and affordable housing for all.

Much of the emphasis to date has, quite rightly, been on the social rented sector. We introduced major changes through the community ownership programme and the Housing (Scotland) Act 2001, and we are building on those initiatives with the further reforms proposed in our recent consultation, "Modernising Scotland's Social Housing".

We must also recognise that some 70 per cent of housing in Scotland is now privately owned, the great majority by owner-occupiers. The number of home owners has increased rapidly in recent years and may expand further if more people achieve their aspirations to home ownership. Therefore, the condition of privately owned housing and the arrangements for its long-term maintenance are of critical importance and are, rightly, the focus of this afternoon's debate.

Members who were in Parliament in the previous session will recall the establishment of the housing improvement task force to investigate the problems of private housing in Scotland and to make suitable recommendations for us to take forward housing into the 21st century. The task force and its sub-groups included a wide range of members from outside government with specialist knowledge and expertise in private sector housing, so the task force represents a good example of evidence-based policy making, developed with the close involvement of relevant stakeholders.

I thank the members of the task force and co-opted members for their hard work and for giving up their time. They worked extremely well and did

the Parliament and the Executive a great service. We have considered carefully all of the task force's recommendations and we have made it clear in our partnership agreement that we will build on them.

As I said, the task force has been with us for a wee while and its first factual report, in spring 2002, was the subject of a debate in Parliament. Since then, we have also had the benefit of the 2002 Scottish house condition survey, which largely confirmed the earlier analysis. Much of the privately owned housing in Scotland is in good condition, but around a third of private sector homes suffer from what is classified as urgent disrepair. That does not mean that a third of private sector homes in Scotland are falling down, but that the nature of the disrepair is such that, if the problems were not tackled, they would cause the fabric of the building to deteriorate further or place the health and safety of the occupiers at risk, or both. Examples of such disrepair include damage to the flashings on a roof or missing tiles, which if not repaired, because of their location might lead to much greater problems in the future, such as extensive wet and dry rot in the roof timbers. Disrepair of that nature need not be expensive to rectify, but it is vital that the work is tackled as soon as possible.

We share the view of the task force that responsibility for the upkeep of houses in the private sector lies first and foremost with the owners. Many home owners in Scotland are first-generation owners and may have little experience of organising repairs for themselves. Many home owners may be thinking of moving on or trading up as soon as possible. Whatever their background and aspirations, there is a need for awareness among and acceptance by owners of their responsibility for maintaining the fabric of the building, particularly in shared properties.

Tricia Marwick (Mid Scotland and Fife) (SNP): I take Margaret Curran's point about the need for owner-occupiers to repair their houses, but surely part of the problem is in our council stock, as local authorities no longer carry out planned maintenance programmes and instead respond only to repairs, which is exactly the same attitude that we find among owner-occupiers.

Ms Curran: I will not get into an argument with Tricia Marwick about the precise figures or the balance between maintenance and repairs, and I am sure that what she says is not true on all occasions. She will know that we have a comprehensive policy for delivering and improving standards in the social rented sector. I am about to say more about standards in general across the sectors, which I think is part of the answer.

As we move towards ensuring that we think proactively about the need to tackle repairs at the

earliest opportunity, there must be a culture of property maintenance in both the private sector and the social rented sector. Indeed, the task force said that we needed to change the culture of home ownership so that owners place more importance on maintaining and improving the fabric of their homes. We agree with the need to change the culture and that must start with the buying and selling process.

Buying a house is usually the single biggest investment that people make in their lives, yet too often the purchase is made with only limited information about the condition of the property. Currently, only 10 per cent of buyers in Scotland have a fuller survey done when buying their home. Most of the other 90 per cent rely on what is, in effect, a valuation report, which is a brief report designed to help a lender decide how much it is prepared to lend the buyer and which identifies whether the property is structurally sound and points out only major defects. It does not give detailed information about the condition of the property.

We would like to move to a situation in which more buyers have a greater awareness of and more information about the condition of their future house. That would encourage a market premium for well-maintained houses and a market penalty for houses in poor condition, which would act as an incentive to keep property in good condition, because people would be rewarded for that.

As I am sure many members know, the task force recommended that the Executive should pilot a single-survey system, whereby a comprehensive survey and valuation would be commissioned by the seller and paid for by the successful buyer. That would provide much more detailed information about the condition of the house to both buyers and sellers than is usually available at present.

Jeremy Purvis (Tweeddale, Ettrick and Lauderdale) (LD): It is not too long since the Parliament debated fuel poverty. I hope that insulation levels and other matters that impact on fuel poverty will be issues that the Executive explores with regard to the condition of properties.

Ms Curran: Yes. A great deal could be said about that across the work of the task force in general. On the single survey specifically, the pilot that I will talk about soon will include a basic assessment of energy efficiency, which will assist buyers in taking that issue into account when considering whether to buy a particular property. We will consider those issues when we have the opportunity to debate the standards.

We also want to help to tackle the long-standing Scottish problem of multiple surveys and valuations. I am sure that members have all had

experience of the frustrations caused by that process. The partnership agreement contained a commitment to introduce a single seller's survey, and I announced last November that we plan to implement later this year in four areas of Scotland the pilot that the task force proposed. We have also appointed a project management team to oversee the work and we will take that work forward. I want also to make it clear that we intend to legislate to take reserve powers so that we can require the use of single surveys if the pilot shows that that is required.

Where poor housing conditions impact on the wider community, there is a case for targeted public intervention and I recognise that local authorities will have a key role to play in that. Each local authority is now required to prepare and keep under review a local housing strategy for its area. We look to local authorities when they next draw up their local housing strategies to include plans to address problems with private sector housing stock in their areas.

To assist local authorities in carrying out their strategic role, I intend to introduce a private sector housing bill during this session of Parliament. The bill will include new powers of intervention to encourage, and where necessary compel, owners to maintain their properties. However, there is no question of encouraging the nanny state—before anyone suggests that, which David Davidson might do—with local authority officials telling all private owners how to look after their homes. Any compulsory powers would be used only as a last resort where there is a clear public interest. I have no doubt that there are circumstances—

Mr David Davidson (North East Scotland) (Con): Will the minister give way?

Ms Curran: Yes. I tempted that intervention, although I am running out of time desperately.

Mr Davidson: If the minister is going to take those powers and intervene, does that mean that she will purchase the property—taking it away from the private individual who owns it for rental—and reinvest in it, or will she offer a grant system?

The Presiding Officer: The minister has about another five minutes.

Ms Curran: I am just about to explain what I intend to do. It does not need to be as absurd as David Davidson suggests—there are other options.

I should explain to colleagues who have not witnessed Mr Davidson and me debating together that we like to be quite rude to each other because we think that that is more entertaining.

There are circumstances in which powers are required: when dwellings are a threat to public safety; when owners cannot progress with

common repairs because they are being blocked by a minority; when tenants are living in poor conditions because landlords do not keep their houses in satisfactory repair; and when neighbourhoods are in need of renewal and some owners are unco-operative.

There is also a need to provide help to owners with very limited resources. We provide private sector housing grant to local authorities to help with the costs of such assistance. We are increasing the resources available to local authorities through private sector housing grant from £50 million in 2003-04 to £60 million in 2004-05. However, policy in this area can never be simply about providing indiscriminate financial assistance to owners—that would be inappropriate. There are too many other priorities and we know, from past experience, that simply providing grants to owners does not work.

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

Ms Curran: No, I had better press on.

Such money as local authorities have available to assist owners will need to be carefully targeted at those owners who are most in need and to the right types of work. Building on the task force recommendations, we intend to work with local authorities to develop a wider and more cost-effective range of tools for them to assist owners in carrying out repairs and maintenance on their homes. In particular, we note the task force's view that many owners—even those on modest incomes—may have significant equity in their houses which, with the right advice and funding mechanisms, could be used to help to fund repairs. Therefore, we would like to see greater promotion of such equity loans and we will encourage local authorities to extend the range and scope of their care and repair schemes, which target the elderly and disabled people in particular.

A range of other things can be done. In some cases, owners may have both the money and the will to maintain their homes, yet they are inhibited by difficulties in securing reliable contractors or in knowing enough about how to organise repairs and keep other owners involved. We recognise the need to introduce a range of information for people.

As well as recognising the need to develop better means for local authorities to assist home owners, the task force identified the need to modernise the powers that are available to local authorities to encourage and, where necessary, oblige owners to maintain their properties. It recognised that the current powers date from well back into the past century and that they were designed to tackle a slum housing problem that does not exist now as it did then. We accept the

need to modernise the powers that are available to local authorities.

There are many recommendations in the task force report and many constructive ideas, and we will want to consider how we take those forward. The task force has also pointed out that the current mandatory entitlement to grant for owners who are subject to statutory notices cannot be justified. We agree with that. There is no reason why owners who neglect their properties or have the resources to carry out the necessary works should automatically get grant assistance.

We will shortly introduce the tenements bill, which will modernise the law relating to the responsibilities and rights of owners in tenements in relation to the upkeep of communal property. The tenements bill will make it easier for owners to undertake common repairs and maintenance of their shared properties. We intend to build on that legislation and further assist owners in meeting their repairing obligations. We recognise the value of owners associations and we will work to support them. We are also developing a national accreditation scheme for property managers to help owners to choose a suitable property manager or factor, should they need one.

The current tolerable standard was introduced following the last major review of the private housing sector by the Cullingworth committee in the 1960s. The tolerable standard is intended to identify properties in the worst condition and where action is required to ensure appropriate standards of public health and safety. I accept the task force's recommendation that we should update the tolerable standard so that it is relevant for the 21st century. Accordingly, we will update the tolerable standard to include two new elements: a basic provision of thermal insulation and electrical systems that are adequate and safe in use and an improved specification of the existing provisions relating to dampness and a wholesome water supply.

As the task force pointed out, in the past, houses that failed to reach the tolerable standard usually required rehabilitation or demolition. In the future, there might be a need for more targeted action to deal with specific failures. As well as amending the legislation in relation to the tolerable standard, I intend to set up an expert working group to draw up detailed technical guidance to ensure that the interpretation of the new standard is uniform and transparent.

I wanted to discuss a range of other issues in relation to private landlords, but I am sure that Mary Mulligan will pick them up at the end of the debate. The task force's report was comprehensive, so our response is comprehensive and I have not covered it all.

I conclude by thanking the task force for its work, by committing ourselves to legislating in this field and by welcoming the debate.

I move,

That the Parliament welcomes the report of the Housing Improvement Task Force and believes that its adoption will make a major contribution to the delivery of good quality, sustainable and affordable housing for all in Scotland.

15:28

Shona Robison (Dundee East) (SNP): I welcome the report of the housing improvement task force, which was published last March. I have some concerns about the time that it has taken for us to get to this point, given the fact that the task force was established back in January 2000 and that its draft report was available in January last year. Although I accept that some progress has been made with the single seller's survey, it seems to have taken an awfully long time for us to have this debate on the report.

Nevertheless, we are where we are and today we are here. There is a lot to commend in the housing improvement task force's recommendations. They are certainly badly needed, given the challenges that Scotland faces in ensuring that adequate, affordable housing is available; in radically improving standards in the private rented sector; and in resolving the many problems that are faced by owner-occupiers and private tenants. As the minister said, more than 70 per cent of Scotland's housing is privately owned, yet the sector contains some of the poorest-quality and worst-managed housing in Scotland.

I say in a spirit of co-operation that I am slightly disappointed that the amendments from the Tories and the Scottish Socialist Party seem to miss the point of today's debate. The private rented sector and the private sector generally are important areas for the Scottish Parliament to discuss. It is not too much to expect that we should focus our attention on those areas in the debate.

The third Scottish house condition survey, which was published last year, reaffirmed the fact that many of Scotland's homes are in a poor condition. The Executive should be concerned about the fact that, in this day and age, 360,000 homes in Scotland are affected by dampness or condensation and 34 per cent of all houses have at least one problem with urgent disrepair. The problems are mainly concentrated in the private sector. Shelter estimates the total repair and improvement bill for Scottish housing to be in excess of £10 billion, so there is a big challenge ahead of us. The impact of poor housing conditions on our nation's health is well documented. If damp is present in a dwelling, there is a greater chance of at least one member of the household having respiratory problems.

The Scottish National Party supports the main thrust of the task force's report. However, we want to highlight areas in which we believe the Executive should go further. It is right to encourage home owners and private landlords to maintain and repair their properties. However, where they do not, local authorities should have powers to oblige them to do so. Only then will we see the improvement that we require.

We are pleased to support the updating of the tolerable standard to improve further housing conditions. We agree that the introduction of statutory guidance is important to ensure a consistent approach to the interpretation of that standard. However, we have sympathy for the Chartered Institute of Housing in Scotland's view that serious disrepair should also be included in the updated tolerable standard. We urge the Executive to consider that.

We also welcome the introduction of the cross-tenure Scottish housing quality standard to help raise the overall quality of the stock. The question is whether that should be extended to involve the passing or failing of individual properties within the private sector. I understand the difficulties in doing that, but it could be done at the point of sale. It would certainly encourage owners to take responsibility for the upkeep of their property. Again, that is something for further consideration.

As the minister said, improving the information that is available to buyers and sellers is important, particularly information about the condition of a property and the associated responsibilities for common or shared maintenance. The single seller's survey will be important in achieving that. As the minister said, people have had to rely on a valuation report in the past. I am pleased that Dundee will be one of the pilot areas for the single seller's survey.

A key issue that the task force addressed was how to get agreement among owners about what work requires to be done. Owners associations are a good forum for making decisions on common maintenance and management issues. However, such associations will not happen by themselves. Local authorities have a key role in supporting and encouraging the establishment of owners associations.

The tenements bill, which was first mooted back in 1999, should focus on establishing majority voting on repairs and maintenance and giving more effective powers to co-owners to pursue costs against owners who refuse to contribute towards repairs or property management. I look forward to the introduction of the tenements bill as soon as possible. We agree with the task force's view that there is a case for public intervention to compel owners to undertake works and to provide assistance to them in doing so. My colleague

Tricia Marwick will focus on what form such assistance should take.

The role of local authorities is crucial and we support the recommendations for additional powers to address the physical disrepair of houses within their area, including powers to tackle problems arising from abandoned properties or absent owners. We also welcome the proposal to establish a new private rented housing tribunal to support tenants in enforcing their landlords' repair and maintenance obligations and, where necessary, to apply sanctions to landlords who do not maintain their properties. We should remember that there are many good private landlords, who carry out regular repairs to maintain their properties. However, there are a significant number of bad landlords who do not do so and who are responsible for giving the private rented sector its poor image. Therefore, we support the proposal for a new statutory repairing standard that will set out private landlords' obligations.

On the important subject of private rented sector regulation, we feel that the task force does not go as far as it should. We welcome the work to develop a national framework for local accreditation schemes for landlords, but we believe that there is a strong case for going further by introducing mandatory regulation through a national self-certification scheme for all private landlords, to tackle bad landlords, to help the good landlords to follow best practice and to ensure that tenants' rights are upheld. The ultimate sanction that would be available to deal with landlords who failed to meet a minimum operating standard would be their not being permitted to continue trading.

In conclusion, we need to know how and when the recommendations are to be implemented and what level of resources is to be committed to ensure that that happens. The Executive has said that it will publish a private sector housing bill in the current parliamentary session, but we need more detail on the time scale for that—we do not want to wait another two or three years for the bill. Shelter has called on the Executive to publish immediately an implementation plan for the task force's recommendations to ensure that there is no further slippage in the time scales. The Scottish National Party supports Shelter's call for an implementation plan, and that is the purpose of the SNP amendment.

If the recommendations are implemented and enhanced, that could result in a thriving and well-managed private housing sector, and we hope that there will be no delay in introducing the measures to improve the state of Scotland's housing.

I move amendment S2M-761.3, to insert at end:

"and calls on the Scottish Executive to bring forward a timetable for the implementation of the task force recommendations and to ensure that the necessary resources are made available for their implementation."

15:36

Mary Scanlon (Highlands and Islands) (Con):

I welcome the debate on improving Scotland's homes. The Conservatives will support the Executive motion on the ground that the housing improvement task force's report is an excellent basis for debate and discussion, and we will also support the SNP amendment that calls for a timetable and resources.

No member could deny the transformation of council estates throughout Scotland that have benefited from the tenants' right to buy, which gave council tenants the opportunity to own their homes, which many could not afford to buy at the market price, and to move to private housing, which many could not do because they were locked into paying high rents. The aspirations of 360,000 people in Scotland have been fulfilled, and we look to the Liberal Democrat-Labour coalition to continue to encourage, support and work with councils to extend stock transfer to give tenants greater rights and responsibilities.

Cathie Craigie: I accept that the right to buy is popular and that people exercise it, but does Mary Scanlon accept that, because of the Tories' rush to sell and the lack of schemes that encouraged people to take up their responsibilities for repair and maintenance as well as their rights, we are now left with a real and serious problem within the private sector?

Mary Scanlon: After that lengthy intervention, I must say that, instead of the Tories' rush to sell being the problem, it was the tenants' rush to buy—we cannot have a market unless there is a buyer and a seller.

Linda Fabiani (Central Scotland) (SNP): Will Mary Scanlon give way?

Mary Scanlon: No. I apologise to Linda Fabiani, but I must cover quite a few points.

Recent figures from Highland Council showed that it has the highest council house debt in mainland Scotland—at around £11,000 per house—with 47p in every pound of housing revenue going to service that debt. That raises the point that Tricia Marwick raised. The problems of care, maintenance and investment in the housing stock become serious issues. I hope that Highland Council and councils throughout Scotland will vigorously pursue the transfer of housing stock to local associations.

I ask the minister to commit to keeping in touch with the Ministry of Defence regarding properties throughout Scotland. It is important that the Scottish Executive be informed of the proposals

for military bases in Scotland. In Inverness and Ardersier a considerable number of MOD properties are linked to Fort George. Any changes in personnel at and the use of Fort George would have an enormous impact on the need for local housing and it would be senseless to allow good homes to become empty and fall into disrepair when they are desperately needed for rent.

My next point concerns the confusion in councils about the selling of homes to pay for care of the elderly, although I realise that the issue is a health matter as well as a housing one. I was recently approached by a middle-aged lady who had lived with her mother all her life and who received a letter from Highland Council saying that their home would have to be sold to pay for care. When I looked at the regulations, I found that the home could have been passed on if the lady was over 60, under 16 or a carer, but instead she was faced with having to take out a mortgage for half the value of the property. We must re-examine the guidelines on such cases, because that was not my understanding of the legislation when it went through the Health and Community Care Committee. I ask that the appropriate ministers give local authorities clear and consistent guidance on the issue to save people from the trauma of losing their homes.

The Scottish Conservative party welcomes initiatives to improve the housing stock and to give people the freedom, choice and opportunity to own or rent the property of their choice.

The housing improvement task force report seems to concentrate on common repairs to and maintenance of flats. It does not seem to acknowledge the problems that are faced by owners in private housing estates throughout Scotland, and I have spoken to the minister about that. Recommendation 58 states:

"The Scottish Executive in consultation with the Law Society ... should prepare good practice guidance on the inclusion of common repair and maintenance burdens in title deeds for new developments".

I live in Inshes Park in Inverness, where I set up a local residents association and, more recently, a community council to try to sort out the common factoring and ground maintenance of the large open spaces. I say to the minister that the problem is still not resolved. Owners have not received a bill for ground maintenance for two years and those who refuse to pay are not being pursued. Those who pay end up paying for the non-payers, and people who buy a house on the estate will be faced with a bill for ground maintenance for the two years before they moved in. In addition, the house's title deeds might not specify an obligation to pay for ground maintenance, as that depends on the phase of development in which the house was built. I am pleased to pass that information to the minister again and to ask for her advice.

I ask the minister to meet Andrew Bradford, the chairman of the Scottish Landowners Federation's rural housing committee, who has said that savings of up to 25 per cent on current subsidy levels could be made by including the landowning sector in the provision of affordable housing in rural areas, given that that sector receives less than 2 per cent of public funding.

We look forward to the outcome of the pilot study for the single survey, which will be conducted on a voluntary basis. We also look forward to receiving further information about surveyors' duty of care and professional indemnity insurance. We entirely agree with point 165 of the report, on page 39, which says:

"it would be advantageous for single surveys to be developed as a market-led, voluntary initiative".

Finally, although we welcome the chapter about strengthening the rights of private tenants, we want those rights to be balanced with a responsibility to keep houses in good repair and to have common respect for the peace and privacy of neighbours.

I move amendment S2M-761.1, to leave out from "welcomes" to end and insert:

"notes the report of the Housing Improvement Task Force; recognises that housing stock transfer to community-based housing associations gives tenants far more say in the way their housing is run, giving tenants greater rights and responsibilities, and therefore believes that, to improve the standard of housing for everyone in Scotland, it is necessary to step up the process of devolving control of housing from local authorities to community-based housing associations, housing co-operatives or a range of other providers to give tenants a real choice of landlord and a real say in the management of their homes."

15:42

Tommy Sheridan (Glasgow) (SSP): I rise to speak to the amendment in the name of Frances Curran. Today's debate is about the housing improvement task force's report. As the report contains some valuable and important recommendations, I will support the Executive motion even if that amendment is not agreed to. The debate is, however, also about sustainable and affordable good-quality housing for all. I make no apology for the fact that Frances Curran's amendment attempts to fill a major gap in the debate in relation to the social rented sector.

The task force's report contains a number of radical and important measures. We need the Executive to give a commitment on time scales and resources. I hope that the minister will accept that and, although I welcome her comments on the need to update the tolerable standard, improvements could have been introduced several years ago when we debated the matter in relation

to the Housing (Scotland) Bill. We should have raised the tolerable standard then but, unfortunately, the Executive rejected that option.

Cathie Craigie: Does the member remember that at the time of that debate, the majority of people felt that it was important to allow the housing experts to consider all the issues that related to the private sector, rather than just the tolerable standard? The issue is much wider and it is better to have all the facts in front of us before we make decisions.

Tommy Sheridan: The housing experts who at that time were calling for improvements to the tolerable standard were people who were living in homes that were below tolerable standard; for example, homes that had no insulation, double glazing or central heating. Unfortunately, the updating that the minister announced today may not be sufficient to determine that such people are living in homes that are below the tolerable standard.

The tolerable standard for the 21st century has to be much higher than that which was developed in the 1960s. What the minister has developed so far does not meet that. The point about the Scottish Executive's failure in the past four and a half years is borne out—in that period we have had a loss of some 128,000 social rented homes. That is a net figure that takes into account the extra housing association homes that have been built in that period. The truth is that 132,000 local authority homes have been sold off but have not been replaced. Between 1997 and 2002, when those homes were sold off, only 668 homes were built across 32 local authority areas in Scotland to try to tackle the loss of 132,000 homes. Even if we take into account the 29,000 homes that have been built by housing associations over that period, there has still been a net loss of 103,000 homes.

Robert Brown (Glasgow) (LD): We must be clear about the terms that we use, if I may put it that way. We are not talking about a loss of homes, but a transfer of homes from one sector to another. There is an issue about affordable housing, which it is proper to deal with, but it is wrong to suggest that we have lost all those homes from the housing stock, because we have not; people continue to live in them.

Tommy Sheridan: The point that I made in my opening remarks was that I want to concentrate on the social rented sector. The homes that I mentioned have been lost to that sector. That point must be emphasised. In 2001-02, 17,984 homes were lost and 51 new ones were built. The problem is that we are losing those homes from the social rented sector.

According to Shelter Scotland's website, in the last quarter there was a drop of 28 per cent in new

housing starts in the social rented sector, including the housing association sector, compared to the figures of a year ago. We are not addressing, as we should, the woefully inadequate supply of good-quality homes for rent.

The Scottish Federation of Housing Associations has condemned the figure that has been revealed in the survey that 66,000 homes are still unfit for human habitation. The federation makes the point in its material that the greatest threat to the supply of good-quality affordable housing is the right to buy, because it is leading to a massive haemorrhaging of homes from the social rented sector when there is no ability to replace them.

Frances Curran's amendment makes a couple of serious suggestions that the Executive should take on board. Let us replace the right to buy with a right-to-rent discount scheme.

Johann Lamont (Glasgow Pollok) (Lab): Will the member take an intervention?

Tommy Sheridan: I am sorry, but I am in my final few seconds. I hope that the Deputy Presiding Officer will take into account the interventions that I have taken.

Homes that were built with public money for public use are disappearing into the private sector. Would not it be better to have a rental discount scheme that rewards long-term tenants—particularly pensioners—and which makes it more affordable for them to live in the rented sector while protecting the public sector stock for the long term?

Finally, we also argue in Frances Curran's amendment for the SFHA's target of 10,000 new homes a year to be built. Presiding Officer, in the 1920s one of your heroes, John Wheatley, presided over a target of 50,000 new homes a year being built in Scotland.

The Deputy Presiding Officer (Trish Godman): He might be one of my heroes, but he stopped in time. You have to stop now, Mr Sheridan.

Tommy Sheridan: Surely, almost 100 years later, it is not too much to ask for 10,000 new homes a year to be built.

I move amendment S2M-761.2, to leave out from "will" to end and insert:

"and implementation will make a contribution to the delivery of good quality, sustainable and affordable housing for all in Scotland; notes, however, the net loss of 103,000 homes from local authority housing stock since 1997; believes that such ongoing loss is unsustainable, and calls for a replacement of the right to buy scheme with a right to rent discount scheme to reward long-term tenants while protecting local authority and housing association stock and for the implementation of a programme of sustained investment in local authority housebuilding to build at least 10,000 new units a year to reverse the disastrous decline in the availability of affordable social housing."

15:49

Donald Gorrie (Central Scotland) (LD): My first involvement in Scottish housing was in 1972 when, as an enthusiastic newish councillor I, along with my Liberal colleagues, voted for Robin Cook, instead of a Conservative, to become chairman of housing in Edinburgh. I do not know how much I contributed to his subsequent career, but he did not do badly.

The report is, in general, welcome. The only criticisms that I—along with other members, no doubt—have received are from groups that think that the bill will not go quite far enough. I have also heard from people who would like speedy action to implement the report. I hope that the promised bill will come as soon as possible.

For many years, what we might call the David Davidson doctrine obtained, whereby private owners had the right to neglect their property in any way. Like other members who have been councillors, when people complained to me that their house was being seriously disadvantaged because the person next door was neglecting their house, I used to tell them that they had to see a rat because the health people from the council would then do something about the situation. Latterly, even people who saw rats got no action, so that panacea failed. However, the idea that people have a right totally to neglect their property has changed gradually, and I am glad that the report takes us further away from it.

We must get the balance right: individuals have rights that must be observed, but they do not have the right to foul up life for other people. The report contains good ideas; for example, owners associations, equity-based loans, the single-survey system and the bringing of houses up to a tolerable standard. On that issue, the minister said that there is a way forward without going from one extreme to another. It will be interesting to see what is proposed, because it will be difficult to lay down precise rules under which neglectful owners must bring their houses up to a tolerable standard. One issue that my friend Robert Brown is enthusiastic about—I support him, but I will leave him to explain the issue in more detail—is that of building reserve funds, of which he is a great champion.

We must sort out the minority of bad landlords and not discourage good landlords. Many housing bodies think that the report does not go quite far enough on accreditation: they think that we should have a mandatory national certification scheme. Such a scheme should be light-touch regulation, but it should have teeth and it should cover not only buildings, but management standards. In the end, people are more important in life than things are. Management standards and the quality of the people are key issues. It is worth exploring

whether management standards might be introduced through the Antisocial Behaviour etc (Scotland) Bill. A lack of good management standards can lead to a lot of trouble.

I welcome the idea of private rented housing tribunals, which could consider more than simply rent, unlike the rent assessment committees. We must also consider building quality. To return to antisocial behaviour, better noise insulation would help on that problem. There is a better prospect of work being done on noise insulation than there is of councils buying more expensive noise measuring machines and enforcing the rules on people not making too much noise. Greater noise insulation, along with other improvements, would remove a great deal of hostility between neighbours.

If we introduced more thermal insulation at the same time, we would improve health and people would save money on their heating bills. Housing is a key factor in health issues, which is why more money should go from the health budget into housing, for example to tackle dampness. The Executive has made some efforts on insulation and so on, but we should take improvement of housing more seriously. I know things are not the same now but, in the Victorian period, improvements in housing did far more than anything else to improve public health.

The task force's report is welcome and I hope that one or two bits of it can be taken further. The Executive must produce a bill as soon as possible. I might not have heard properly: I am not sure whether we are to have two bills—a tenements bill and a private housing bill.

Ms Curran: Yes.

Donald Gorrie: Thank you very much. I was going to ask a question about that later, but I do not need to now. I welcome what is being done, but let us have real action.

The Deputy Presiding Officer: We now come to the open debate. I have to be very strict with time. I give members a tight five minutes each.

15:55

Robin Harper (Lothians) (Green): We very much welcome today's debate and the proposals that have been made so far. The minister might recall that, three years ago, I devoted a debate in my name to warm homes, and she may be aware that I am having some proposed legislation developed at the moment. If the Executive's legislation is adequate for the purpose, I will—hopefully—not have to pursue my own legislation. That remains to be seen.

Introducing quality standards for private housing and modernising the tolerable standard by

extending it to include thermal insulation are extremely welcome. The proposal to provide in a single survey information on the condition of a house, on its accessibility and on the extent to which it is energy efficient is equally welcome. However, simply to give a national home energy rating to a house, for example NHER 7, would not necessarily mean an awful lot to a buyer or tenant. I hope that more detailed information will be given in the single survey, when that is required. That information could allow the tenant or buyer to see exactly how much it would cost to keep the house heated to a tolerable standard—say 65° Fahrenheit throughout the year.

The new single survey should also make recommendations for improvements, but I would not like the provisions in this area to be set as the general standard for housing in Scotland. As the minister is well aware, we have the lowest building standards in northern Europe. It is not enough for us to sit back complacently and say that we have better building standards than those that exist south of the border; we have the lowest thermal efficiency standards in northern Europe, even at present. Everything must be done, even in the forthcoming housing legislation, to drive up standards. That is why I would like energy efficiency surveys to become very much more detailed than just one line. Perhaps they could be issued as separate certificates, rather than as a paragraph at the end of a single survey.

The task force's recommendations contained a point about time scales for the eradication of housing that fails the tolerable standard. That is positive, in that it includes powers to carry out works to bring houses up to the tolerable standard without acquiring them, which is excellent. To go back to an observation that was made by Sarah Boyack earlier today, we need to think across the board. If the effect of the new legislation is to be that certain houses will have to be demolished, then we should be thinking about how we will dispose of their materials.

I draw the minister's attention to the mention in the report that

"Significant numbers of houses have problems such as lead in the water supply (9% total) and poor energy efficiency (15%)".

That is probably a serious underestimate of the number of houses in private occupation with poor energy efficiency. The estimate depends on the standards that we use. If we were to use northern European standards, I suggest that it might be 30 to 40 per cent of houses that have poor energy efficiency, which we need to bear in mind.

I would also like to draw the minister's attention to the fact that, despite the Executive's efforts so far, there is a view that an increasing proportion of people in fuel poverty are single pensioners, a

proportion of whom live in rented accommodation. I do not have detailed suggestions to make on how the minister should address that problem, but I refer her to the proceedings of the Edinburgh affordable warmth summit, which was a conference that took place in November last year and which began to address those problems. I recommend that the minister request a copy of those proceedings because they contain quite a few ideas.

I would have liked to have given the minister a longer list, but I am afraid that I am required to finish there.

16:00

Cathie Craigie (Cumbernauld and Kilsyth) (Lab): I, too, welcome the opportunity to speak in this afternoon's debate. Members of the housing improvement task force have given a great deal of their time to the subject in examining all aspects of private housing. I acknowledge the scale and volume of their work. It is pleasing that we have got this far, given the reminder in the report that it is the first such review of private sector housing since the Cullingworth report back in 1967.

I must make one negative comment about the Shelter Scotland paper, which was one of the many briefings that we received from organisations. Shelter said that housing was not high on the Government's policy agenda because the Executive had taken a few months to get round to debating the report. I just do not believe that. Those of us who have been involved in housing issues in the previous session of Parliament and in this one know that housing is taking its rightful place on the political agenda.

Although I broadly support the task force's report, I believe that in a few areas its recommendations are soft and do not go far enough. We have not the time this afternoon to discuss all of them, but I am sure that the Communities Committee will have the opportunity to give detailed consideration to the Executive's response to the report. *[Interruption.]*

The Deputy Presiding Officer: I must stop you for a minute while I ask everyone to check that their mobile phones are switched off.

Cathie Craigie: I hope that I get extra time for that, Presiding Officer.

I welcome the minister's commitment to introduce a private sector housing bill, but I note that the commitment was that she would do so within the lifetime of the current Parliament, which has another three years to run. I hope that that bill will be introduced sooner rather than later, because I know that local authorities certainly need increased powers to tackle some of the

chronic housing conditions within the private sector.

I have a particular constituency interest in the regulation of private sector landlords, so I want measures to be introduced now that would require landlords to be licensed and to register all properties that are for rent. I would like such legislation to be introduced as soon as possible. Although the vast majority of private landlords take proper responsibility for their properties and for the behaviour of their tenants, there is a growing problem of antisocial behaviour in the private rented sector. That is a problem for neighbours who suffer and for local authorities and the police who try to track down and identify who the private landlords are.

Irresponsible landlords are making life a misery for people in Cumbernauld as, I suspect, they are in constituencies throughout Scotland. I believe that we have an opportunity now to license and regulate the private rented sector. It is obvious that the Scottish Executive believes that too, given the measures that are contained in part 7 of the Antisocial Behaviour etc (Scotland) Bill, which will provide a means of ensuring that landlords take reasonable steps to manage or alleviate antisocial behaviour in the properties that they let. I strongly support that proposal, which shows that the Labour-led Executive is committed to listening to what communities throughout Scotland are saying. That part of the bill is very welcome.

However, the Executive's proposals in part 8 of the Antisocial Behaviour etc (Scotland) Bill, which would introduce designated areas for registration, will not help. In fact, they might even make the problem worse. Good and responsible landlords will register, but the rogue landlord who takes no responsibility now will not take any responsibility then. He will simply move outwith the registration area. That will just take the problem "to another street near you", as I suppose we might say. I discussed the matter with residents in the Cumbernauld and Kilsyth area who told me that the legislation does not go far enough. As things stand at the moment, they are right. The minister knows how strongly I feel about the matter and I urge her to reconsider the Executive's position.

I also give notice that, if need be, I am prepared to lodge amendments to the Antisocial Behaviour etc (Scotland) Bill to ensure that all landlords are properly licensed and that all properties are properly registered. The idea of self-certification that was proposed by the Chartered Institute of Housing in Scotland, which was supported by the SNP today, simply will not work. Again, the good landlords will certify their properties but the rogue landlords will not.

I will move on quickly to address repair, maintenance and general upkeep of private sector

properties. I agree with the minister that responsibility lies with owners, but we must consider the introduction of measures, perhaps in the proposed law of the tenement bill. I hope that Robert Brown will be able to speak a bit longer on that subject. He and I agree that measures are required to ensure that owner-occupiers take responsibility for repair and maintenance of their properties. Responsible owner-occupiers, who are unable to maintain their properties because a neighbour does not want to get involved, have asked us for that measure.

16:06

Rob Gibson (Highlands and Islands) (SNP): I welcome the debate on improving Scotland's homes. A speedy improvement of our homes would have an impact on the confidence of Scots in the work of the Scottish Parliament. It would also be a measure of the effectiveness of the Government that has made the proposals that are under debate today.

I can say bluntly that in my part of Scotland the availability of affordable and warm housing can make the difference between families and single persons staying in the area to make a contribution to community life and our local economy, or emigrating. Progress must be measured regularly and carefully in order to sweep away the constraints on improvement and on provision of 21st century homes. Although 70 per cent of Scots are owner-occupiers and owner occupancy is the aspiration of the majority, we must ensure that the development of mixed tenure and various types and densities of housing are enabled by the Government's plans.

I participated recently in the local structure plan process in Easter Ross. It is clear to me that encouragement of owners to undertake regular maintenance of their homes is critical. That is especially the case given our aging population. Older people are sometimes unable to deal with the rapids of the house improvement process. I hope that the Government will make it possible for local authorities to create one-stop shops that could help to reduce the bewilderment and fear that some older people have of the house improvement process. Closer scrutiny needs to be given to that issue.

Many of the materials that were used in the 1970s and 1980s for building houses were of poorer quality than those that are used today. Many of the materials that were used in private homes were of poorer quality than those that were used in building council housing stock. Any election canvasser can see the difference in quality between council houses that have been maintained, and private houses that have not. The report highlights that matter; it is an issue on which we are keen to see progress.

The recommendations of the housing improvement task force in respect of the responsibility for the upkeep of houses are most welcome. If we look at the guidelines for improvements, extensions and new build, we see that there is an urgent need for national guidance to encourage positively the use of local materials, high insulation factors and new designs that are fit for this century. I am delighted that planning advice note 67 on housing quality concentrates on those areas.

When one visits places like Shetland, however, it is possible to see the Scandinavian-style houses that were built for public housing needs. We could do with a Viking invasion of the mainland, which would ensure that we get that quality of insulation in the houses that are built in our areas. Unfortunately, in the Highland Council area, we are faced with planners who state in planning policy guidelines about housing in the countryside:

"Design, siting and material finishes must respect the traditional vernacular architecture and adhere to the objectives of national guidance."

We need national guidance that encourages the use of materials such as timber, which is readily available. Timber construction has become a major issue in many rural areas because planners are turning down time and again the kind of innovative designs that would provide houses with the high insulation value that we require in this century.

The availability of land for creating modern settlements and appropriate housing for families, the disabled, single parents and pensioners is a major equal opportunities issue. Moreover, given that access to a wholesome water supply is the second largest category in the below-tolerable-standard surveys, we must ask the minister to ensure that Scottish Water and the Scottish Environment Protection Agency are both fully on board in the drive to modernise our housing stock. In many rural areas, those agencies currently have a veto over new house building, over solutions to the obvious need to minimise the costs of supplying wholesome water and over the best means of removing and treating sewage. Housing is very much tied up with those issues and the private sector is as much involved as the public sector.

My final point links to my previous remarks about Scandinavian levels of insulation. The biggest group of homes in the below-tolerable-standard survey are those with poor standards of thermal insulation. The 1920s stone-built council houses in the Caithness area of Highland Council are being reclad to include cavity walls and roof insulation. Moreover, the council will ensure that, by the end of the year, many of those houses will also have double glazing. However, we really

need a lead from the Government to improve quality and make our homes in the north the envy of the country, rather than their being its tail-end. That is why the time scale and the necessary resources that the SNP amendment calls for are expected by the public and should be welcomed by the minister.

16:11

Murray Tosh (West of Scotland) (Con): I am pleased to have this opportunity to support Margaret Curran yet again in her policy objectives. In particular, I want to thank her for the last phrase of her motion, which refers to

“the delivery of good quality, sustainable and affordable housing for all in Scotland.”

I might be wrong, but I think that this is the first Executive debate that has expressed that objective. It gives the chamber the very rare opportunity—which Rob Gibson, Tommy Sheridan and I are delighted to have—to debate the question of housing supply.

The Executive’s record on housing supply is respectable. For example, figures that the Executive released this week in its social justice indicators show that between 5,000 and 5,500 new houses have been completed in each of the past four years in the housing association and public sectors. Moreover, the Executive’s objective is to build 6,000 houses a year over the next three years.

However, I recently asked the minister about the basis for her confidence that those objectives were sufficient to provide for housing need in Scotland in the early 21st century. She very kindly referred me to research by Professor Glen Bramley of Heriot-Watt University, which I have now found on the Communities Scotland website and on which I will base a few points this afternoon. In fact, Professor Bramley’s research is highly qualified. He identifies a need in Scotland for an annual building figure of 7,500—not 6,000—units and makes it very clear that that element of undersupply relates only to the need that is emerging in a number of councils because of household formation. He also makes it clear that his figure does not include any need anywhere else for the refurbishment of empty homes, nor does it allow for the development of houses to meet specific shortfalls in individual communities, categories of special needs or imbalances in house sizes across Scotland in the light of the rapidly reducing size of average households.

Professor Bramley clearly admits that his figure of 7,500 units significantly underestimates what he believes to be the real level of housing demand in Scotland. Indeed, there are substantial needs even in councils that, in crude terms, show that

they have a surplus of houses. Bramley does not only acknowledge that his figure represents a crude beginning; he puts it in heavy print in his paper and repeats the point on several occasions.

Tommy Sheridan: My intervention will be brief, because I know that time is very limited. Does the member agree that the SFHA’s demand for 10,000 units a year is based precisely on that type of research and unmet need?

Murray Tosh: I do not think that that demand is statistically as well founded as Professor Bramley’s figure, but it is in the same line of country.

Although I cannot agree with much of Mr Sheridan’s earlier analysis, I am happy to indicate in broad terms that I think there needs to be a revision of the target. Ten thousand may be the figure that is needed. Bramley’s research produced some stunning figures. East Dunbartonshire Council needs 725 new houses per year in the next five years. City of Edinburgh Council needs 1,205 new houses, East Renfrewshire Council needs 400, East Lothian Council needs 700, Moray Council needs 450 and South Ayrshire Council needs 400. Those figures are significantly in excess of current or projected building levels.

Bramley showed something else. I refer to research that he did for the Executive in 2001, as well as his most recent document, in which he identified a number of council areas in which local members will think that there are serious shortfalls, such as Scottish Borders Council and Dumfries and Galloway Council. David Davidson, who gave way for me to speak in this debate, picked out Aberdeenshire. Those are areas that Bramley’s previous research showed as having significant housing shortfalls. His current research shows that they have surpluses, which he admits is startling.

The point that I am making—basically, I am agreeing with Mr Sheridan—is that there is a need for much more statistical work. There is a clear presumption, which I share, that the targets and resources are insufficient and that we need to get to grips with the quite significant shortfalls in housing that exist, perhaps on a patchy basis, in parts of Scotland.

In the time that is available to me, I do not have the opportunity to touch on some of the planning matters that are highly germane to this issue or on the infrastructure issues that are equally relevant. However, if we are to fulfil the objective in the Executive motion—which I share entirely—of achieving affordable housing for all in Scotland, we must recognise that more work needs to be done, greater resources need to be committed and further progress needs to be made, building on the

excellent work about which the minister has spoken this afternoon.

16:16

Pauline McNeill (Glasgow Kelvin) (Lab): The recommendations of the housing improvement task force are an excellent piece of work on the part of the Executive. I have no concerns about the delay in implementing those recommendations, because I recognise that the work that is needed, including changes to civil law, and the resources that are required will take a long time to put together. As Cathie Craigie said, this is the first report of its kind since the 1960s.

As Shona Robison pointed out, this debate is about the private sector, although I have much to say about demands that I would like to be made on the social rented sector. I am not sure why the Conservative and SSP amendments have been accepted for debate, but I will concentrate on issues in the private sector, especially in my constituency of Glasgow Kelvin, as it tends to buck some national trends but draws out some of the important issues for the housing improvement task force.

Nineteen per cent of tenants in Glasgow Kelvin are in the private rented sector, compared with the national average of 7 per cent. Fewer than half of residents are owner-occupiers, compared with the national average of about 63 per cent. Historically, that is a result of the high need for student accommodation close to universities and colleges. However, it presents us with particular issues to address. Crucially, there is a large number of single parents and unemployed adults in the constituency who have not been able to secure social housing and cannot afford to be owner-occupiers, but who have particular problems in the private rented sector.

I will talk about some of the positive recommendations of the housing improvement task force, starting with the single sellers survey. That must be welcomed, although I see from the report that it is not as easy to construct as it might first have seemed. I welcome the fact that the west end of Glasgow is one of the pilot areas for the single sellers survey. Many members will know that people have suffered because of market trends in the west end. Many first-time buyers have paid 50 or 60 per cent over the asking price or have made several bids to secure a property. They have had to pay for a survey two, three or four times and have been put off the housing market by their experiences in the west end. For that reason, this is a very important piece of work.

As Margaret Curran said, surveys are often for valuation and provide very limited information on the condition of a property. That raises some serious issues. People who have purchased

houses on the basis of valuation surveys are sitting on properties that are in disrepair that they do not know about and cannot face up to addressing. I am worried about what will happen to those people if we move to a new system. That is why it is important to point out that the funds that used to be available for repair grants and which people used to access dried up in the 1990s. Now hardly anyone addresses the maintenance of their properties. In my constituency of Glasgow Kelvin, 89 per cent of people live in tenements and maisonettes. This is a big issue for my constituents.

One issue that I want to bring to the attention of ministers is that I get the impression that most people do not have enough technical information about their properties and do not like to face up to the issue. They do not see their roofs, so they do not think about them. We have got to change the culture and get people to realise that, when they take on a property, other things go with that. That is why it is right that the Government is concerned about people in the private sector. Although ministers are right to say that the buck stops with the owner, if we leave it to owners alone massive amounts of accommodation will be in a serious state of disrepair, and somebody somewhere will pay the price of that. It is a social responsibility.

I am a student of feudal tenure and leasehold casualties, and I look forward to the bill on the law of the tenement when it comes along.

To address a point that Cathie Craigie made, I mention that constituents of mine in Anderston who rushed to buy their houses in the 1980s have found that the banks will now not lend on their properties. They are casualties of the rush to buy homes. Some of them find themselves in blocks of four homes, perhaps half of which are occupied by Glasgow Housing Association tenants, and they are outvoted on issues and forced to come up with money that some of them cannot afford. That is why I welcome the outcome of the report—for the first time in nearly 15 years, money will be available for those home owners to tackle such problems.

In my last minute I will mention houses in multiple occupation, a matter that relates to private sector accommodation. For years I have exchanged letters with ministers on HMO legislation, which I have supported from the outset, but there are unintended consequences that need to be addressed. Landlords are facing onerous fees in Glasgow, and the good landlords who opt to pay are paying the price for those who do not. Students are reporting that with the licensing reduction to a threshold of three tenants, a fourth student either has to lie and say that they are not living in a place or they are evicted. We have to re-examine how the legislation is being

interpreted. I know that implementing the legislation is a matter for local authorities, but we must ensure that there are no unintended consequences of remarkably good legislation.

16:22

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

I welcome Margaret Curran's announcement that the tolerable standard will be updated. I recall that during the passage of the Housing (Scotland) Bill last session, I moved to include the tolerable standard and I was disappointed that the minister did not accept my amendments. Now, a few years later, we are moving towards that position and it is important that we do that as quickly as possible.

There is no dispute that Scottish housing is in bad condition. The very worst of the housing stock is in the private sector. That is why I welcome the report of the housing improvement task force, and the opportunity to debate that report today. Tommy Sheridan and Murray Tosh are right that there needs to be a debate in Scotland about the supply side and the need for new housing. That will be an important debate when it happens, but it is not the debate that we should be having today; it is a debate for the future.

I will deal first with owner-occupiers. No one denies that some owners spend money on new bathrooms and kitchens, and not enough on repairs and maintenance. Of course that is true, but what is needed—as Pauline McNeill rightly said—is a culture change. If owner-occupiers are to be cajoled and encouraged to carry out regular repairs and maintenance, we must ensure that local authorities do the same. I recall that Glenrothes Development Corporation had planned maintenance programmes, under which the windows of houses were painted regularly—perhaps every three years. Few local authorities do that now. We should ensure that as well as expecting owner-occupiers to do such maintenance, we expect the same from landlords in other sectors.

At the extreme end of the scale of disrepair are houses that are dilapidated and which are nuisances in neighbourhoods. Local authorities must take action on such houses far more quickly than they are doing at present. I am not convinced that that is a matter for legislation. It is possible that local authorities could use the power of well-being, which was introduced by the Local Government in Scotland Act 2003, to ensure that dilapidated and dangerous houses are dealt with under existing legislation. The minister may wish to consider that and issue some guidelines.

Pauline McNeill raised the issue of grants to private owners. Before 1996, the Government told local authorities how much they were allowed to

borrow to spend on private sector repair and maintenance grants. Until then, local authorities routinely spent more than £100 million a year on such grants. In 1996, that ring fencing was removed at the behest of the local authorities and the amount of money that was available for repair and improvement grants plummeted to as low as £29 million in 2000-01. Twenty years ago, £167 million was available in grants for private sector repairs and improvements, but in 2000-01 only £29 million was available.

Shelter estimates that, if local authority spending on repair and maintenance grants for private houses had remained at the level that it was set at before the ring fencing was removed in 1995-96 and had increased in line with inflation, £667 million more than has actually been spent would have been spent on private housing by now.

I accept that, as the minister said, money should not be used indiscriminately, but we should, at the very least, ensure that the care and repairs scheme, which is such a success, is funded and expanded to ensure that elderly people in particular have access to it, regardless of where in Scotland they live.

The worst housing conditions are in the private rented sector, which houses some of the most vulnerable people in Scotland. I welcome the Executive's intention to explore a national registration scheme, which it announced in December. Like Cathie Craigie, I am firmly of the view that the condition of a property must be of a certain quality before any registration is permitted and that private landlords must take responsibility for dealing with tenants who indulge in antisocial behaviour. Many communities are being damaged by unregulated and unprincipled landlords; action is needed and it is needed quickly.

16:27

John Swinburne (Central Scotland) (SSCUP):

Tommy Sheridan and, to a lesser extent, Murray Tosh called for sustained investment in local authority house building, which would enable 10,000 new homes to be built per annum. That laudable scheme could be completely self-financing, after an initial input by the Scottish Executive. We are looking at a win-win situation.

The 32 councils in Scotland should be challenged to produce slightly more than 300 new homes each year—that would amount to 10,000 units in total. That could be done by enlisting the help, on a part-time basis, of some of the thousands of retired tradesmen from all the various disciplines that are involved in house building—bricklayers, joiners, electricians, plasterers, tilers, plumbers and so on. With the help of full-time council tradesmen, those senior

citizens would undertake to train apprentices in all the disciplines that I have mentioned. They would train them not in the manner in which they are trained in college, but in a hands-on manner, whereby they would build houses from start to finish.

Ideally, those houses would be detached two-bedroom bungalows. Fifty per cent of every 10 houses completed could be sold on the private market; the rest could go towards alleviating the social housing problem. That would make the whole scheme self-financing. Out of 300 homes, the selling of 150 at an average price of £80,000 would bring in an income of £12 million.

The overall benefits for the whole country are so obvious that I am amazed that such a scheme has not been undertaken in recent years. The peripheral benefits would be a boost to the economy; an on-going supply of well-trained apprentices in all the disciplines throughout the country, which would meet growing demand; the chance for fit and able senior citizens to augment their meagre pensions and pass on their traditional skills before they are lost for ever; and the provision of new, affordable housing units all over Scotland. Such a scheme would produce a self-financing win-win situation.

The Deputy Presiding Officer: We move to wind-up speeches. Tommy Sheridan has six minutes.

16:29

Tommy Sheridan: I hope that the fact that I will not need six minutes will provide more time for other members; it was mentioned that Robert Brown might want to sum up on an issue that Cathie Craigie referred to.

As I indicated in my opening speech, today's debate is about not just the private sector or the housing improvement task force's report; as Murray Tosh said, the motion makes it clear that the debate is about

"the delivery of good quality, sustainable and affordable housing for all in Scotland".

Therefore, it is perfectly understandable and laudable that amendments have been lodged to beef up the Executive motion and to try to address the absolute crisis that is developing in the supply of good-quality, affordable housing in the social rented sector.

I am a bit worried that when we leave the chamber today the sky might have fallen in, because it is not often that Murray Tosh and I agree on anything. However, we have agreed today on the basic fact that we have a crisis in the supply of social rented accommodation. We cannot deny that basic fact.

Johann Lamont: I accept that the social rented sector is important, but does the member not agree that the matter is more complex than that? People's attitudes have changed and young people who we all know do not see social rented houses—no matter how good their quality—as their first choice. They aspire to own their homes and the housing sector has to reflect that.

We also have to confront the fact that, in cities such as Glasgow, we have housing in the social rented sector that people do not want. The figures that the member presents do not represent the substance of the debate and they cannot help us to address the difficulties that we have to deal with when developing housing policy.

Tommy Sheridan: Johann Lamont was in danger of taking advantage of my good nature with the length of that intervention. I hope that she accepts that her point can be turned back on her. We are in danger of restricting the choice for young families. We are restricting the choice for those who wish to get involved in housing because they have no choice of good-quality, affordable rented accommodation. Rents in many Scottish local authority areas are so high that it is cheaper to have a mortgage. As a result of the progressive withdrawal of housing association and other grants, we are forcing young couples to get involved in the ownership of housing, even before they have started—

Murray Tosh: I support people's aspirations for owner occupation, but it is clear that, for many people, although ownership is an aspiration, it is not one that they can achieve realistically. It is therefore essential that we analyse need and that we look at income levels and household information within those quartiles or deciles—whatever the expression is—of the population who cannot meet their aspirations. That is the justification for looking at the numbers that are needed for the construction of social housing.

Tommy Sheridan: That is one of the points that must be emphasised when we address the situation. We are not just talking about producing a nation in which everybody owns their own house. If everybody wants to own their own house, they are perfectly at will to purchase a house from the private sector. We are talking about providing a choice for those who want to live in a good-quality, socially rented home.

While we retain the right to buy—this is where Murray Tosh and I will disagree—we are constantly losing the public supply of housing and not replenishing it. That is what the Scottish Federation of Housing Associations and Shelter are telling us.

Elaine Smith (Coatbridge and Chryston) (Lab): The right to buy has been mentioned a lot.

Does the member agree that it is a specific tool of housing policy and not a right?

Tommy Sheridan: I could not agree more. I do not accept that it is a right in the sense of the human right to freedom or a decent income. I do not accept that someone should have an inalienable right to purchase a home that was built with public money. That is why I want the policy rescinded and replaced with a scheme that rewards those who are long-term tenants.

If we look at the figures in the Help the Aged report, we will see that more than a third of pensioners live in local authority homes. Interestingly, however, 47 per cent of people between the ages of 60 and 74, and 51 per cent of people who are 75 years and older have lived in their local authority home for 20 years or more. They are not the ones who are benefiting from the right to purchase their home, because they do not have the wherewithal to do so, but they would benefit from a right-to-rent discount scheme that would reward long-term tenancy but secure and maintain the public housing stock. In the longer term, the revenue that was generated from retaining that stock would make such a scheme self-financing. If we accept the target of 10,000 units a year, such a scheme would address the absolute crisis that exists, but which the Executive is ignoring, in the supply of social rented housing.

As well as supporting and encouraging the quickest possible implementation of the housing improvement task force's recommendations, particularly in relation to the private sector, it is perfectly acceptable for us to make the point that the problem will remain on the same side of the overall equation if we do not get the public social rented supply of housing sorted out too. That has to be sorted out, or else the whole of Scotland's housing will remain in crisis.

16:36

Robert Brown (Glasgow) (LD): I feel slightly tentative following the outbreak of fellow feeling between the Conservatives and the SSP. However, I think that we should return to the housing improvement task force's report, which is really what the debate is about.

It is to the credit of the Scottish Parliament and the Scottish Executive that during the first session of the Parliament there were major, radical and effective strides to improve Scotland's housing and the rights of home owners and tenants—the Housing (Scotland) Act 2001, the Mortgage Rights (Scotland) Act 2001, the Homelessness etc (Scotland) Act 2003, the feudal reform legislation, the ground-breaking free central heating scheme and the moves to community ownership. Those examples of legislative and administrative action

are bearing more fruit as we move into the Parliament's second session.

As members have said, the emphasis in the first session was rightly on public sector stock, but the work of the housing improvement task force brings private housing, both owned and rented, to the fore. Many issues have been raised, but I want to concentrate on tenemental housing in particular. I am bound to say that this is the first debate in which the contents of my speech have been anticipated by three members before I have got to my feet. That is very gratifying.

We will be completing the legal reforms with the tenement and private sector bills that have been announced, but we will still not, in my view, have workable mechanisms to encourage or require private owners to bring sufficient resources to the basic maintenance of their houses to eat into the £10 billion backlog of repairs that the housing improvement task force has identified. Margaret Curran had better be saving up the pennies in her piggy-bank if we are to meet the requirements in that area; the issue is as huge as the red sandstone redevelopment and rehabilitation that took place in the 1970s and 1980s.

The situation has been made worse by the right-to-buy difficulties, because people have been encouraged to buy houses at the limit of affordability, without any requirement for or interest in the question of whether they can afford the maintenance costs thereafter.

Robin Harper: Will Robert Brown address the problems caused when people in mixed-tenancy buildings wish to introduce community heating schemes?

Robert Brown: No, I will not. We have only a short debate today and I want to speak specifically about mechanisms for dealing with disrepair in tenement buildings.

We will require more public money and I do not think that what has been announced today, welcome though it is, should be the end of the story. The problem is not solvable unless owners, particularly tenement owners, spend more on their houses. The key to that is the encouragement of owner groups. I have been battering on about that theme for a long time and, although I was pleased to see proposals on the matter contained in the task force's recommendations, I have some concerns about the emphasis on new housing. It is, of course, important to get the arrangements for new housing schemes right at the outset, so that people know where they stand when they move in.

However, the key problem is with older properties, where maintenance issues are more immediate and more intractable. The housing improvement task force might perhaps have been a little more radical in that direction. I do not think

that we need to go as far as imposing compulsion across the board, but we can lead by example, set standards and do pilots. There is much that we can do to make progress.

Mary Scanlon: I have been in receipt of a statutory repairs notice and a bill from the City of Edinburgh Council for a statutory repair to my Edinburgh flat. As a lawyer, does Robert Brown agree that such statutory measures are already in place and that we should perhaps examine the definition of what constitutes a statutory repair?

Robert Brown: Those measures are in place, but the problem lies in the routine situation where decay sets in over time. I have long argued that long-term maintenance funds built up by monthly payments along with the mortgage, for example—with the owner's share saleable as an asset to new purchasers—have a lot of potential. However, such arrangements would need encouragement and support and incentives would probably have to be provided, because it is difficult to move from current budgets to larger ones. An opportunity was perhaps lost when interest rates and mortgages were going down and budgets were therefore going down; a similar opportunity will not occur if there is an increase in interest rates and therefore mortgage payments.

The proposal for local authorities to have power to require the institution of maintenance schemes is good as a last resort, but it is much more important to get effective and innovative tenement owner groups up and running. Those groups should perhaps be the equivalent of housing associations, from which they could learn many lessons. They should build up and introduce over time proper maintenance standards for roofs, guttering and roughcast. They should develop a list of reputable builders and other trade firms who can do a job in the area and involve people in improving their building and the local environment. They should also develop mechanisms, perhaps in association with a building society, for the proper investment of the maintenance fund.

The Scottish Executive has an exceedingly good record on capacity building in the voluntary sector since 1999. It will reap dividends if it supports tenement owners in a similar way, not primarily by imposing duties, but by helping to release their dynamic. A mechanism is also required to spread good practice—perhaps a Scottish home owners trust could be created, although various mechanisms could be used.

I would like the minister to give a commitment to move forward with vigour and to provide capacity building and support. She should back that over time with increased resources for private sector improvement grants, which will definitely also be needed. The longer the Executive takes to grasp the nettle, the more a time bomb will await the

public purse—the funding required would dwarf the funding requirement for the tenement rehabilitation of the 1970s and 1980s.

Finally, I make a plea to our friends in the press gallery—I think that only the representative of the *Sunday Post* has been with us throughout the debate. Let us hear no more of the idea that the Parliament lacks vision or radical ideas and does not take action to improve the well-being of the nation. This has been a high-quality debate about important issues, but it will probably barely merit a peep in tomorrow's press although it is far more significant than the trivia and scandal stories that so often dominate the media. I challenge the media corps to tell Scotland what the Parliament is really doing and how we are acting to improve Scotland's homes and contributing thereby to the health, education and opportunity of our people. I welcome the HITF report.

Tricia Marwick: On a point of order, Presiding Officer. I am sure that we also recognise that the Press Association is represented in the press gallery.

The Deputy Presiding Officer: That is obviously not a point of order.

16:43

Mrs Nanette Milne (North East Scotland) (Con): Like other members, I welcome the housing improvement task force's report and the wide-ranging debate today about improving Scotland's housing. There is clearly a consensus on the report in the chamber.

Who would have thought in the late 1970s that within 25 years home ownership in Scotland would have almost doubled from 35 per cent to nearly 70 per cent, satisfying the aspirations of many Scottish households who had previously only dreamed of owning their own homes? The increase in home ownership has led to the upgrading of many properties that were previously in the public sector, but there is still considerable room for improvement, particularly in private rented properties and in the communal areas of privately owned tenements—there are many extremely attractive and well-maintained flats within buildings whose maintenance leaves a lot to be desired. I welcome the private housing and tenements bills that the Minister for Communities proposed earlier in the debate.

The task force's report is timely in identifying the responsibilities of owners and the standards that they should be striving to achieve. It offers a challenge to all those who have an interest in private sector housing.

Owner-occupiers, private landlords and housing professionals all have a role to play in encouraging

and achieving investment in private sector properties. One particularly welcome proposal, which Shona Robison and other members have highlighted, is for the provision of better information to buyers and sellers through a single detailed survey.

Local authorities have a responsibility to engage with the private sector at a local level to achieve better housing quality. The Scottish Executive must provide a statutory framework to encourage good stewardship of the private sector housing stock and support it with effective funding mechanisms to help owners to achieve the desired standards.

I was pleased to hear of the Executive's practical response to the recommendations in the report and I was pleased to hear the minister detail the measures that are being taken. However, I have two specific areas of concern. The first is our aging population and the difficulties that many older people face—both financially and practically—in maintaining their properties to an acceptable standard on a reduced income. That will become an increasing problem as the Scottish population continues to age and more people remain in their homes into their 80s and 90s and sometimes even into their 100s. I hope that suitable grant funding will be put in place to help those people with such problems.

The second area of concern is rural housing, which Mary Scanlon touched on. In rural areas, the private sector accounts for 56 per cent of the rented stock. The current issue of *Landowning in Scotland*—the journal of the Scottish Landowners Federation—contains an interesting interview with Andrew Bradford, the chairman of the federation's housing committee, who goes into significant detail about the barriers to the provision of affordable housing in rural areas. Nearly all of Communities Scotland's budget goes to housing associations, but a mere 2 per cent of rural rented properties are provided by housing associations. Indeed, Mr Bradford points out that Kincardine Estate, which he manages in the heart of rural Aberdeenshire, provides as many rented houses as all the housing associations in the three local settlements of Aboyne, Ballater and Braemar.

Many estates are ideally placed to provide housing and, with a little financial assistance from the Government, they could cost-effectively deliver affordable rural housing where it is not currently available. I ask the minister to meet Mr Bradford and to consider the vital part that landowners play in providing affordable housing in rural Scotland and the further action that they could take to help people in their areas with just a little assistance from the Executive.

Tommy Sheridan and Murray Tosh outlined the researched need for housing, which is, at present,

substantially unmet across Scotland. I hope that, as Murray Tosh suggested, further work will be done on that and that targets will be put in place so that demand can be satisfied at the earliest possible opportunity.

The task force's report makes some important recommendations, but its impact will depend on how those recommendations are implemented by the Executive. I look forward to hearing how the proposals are progressing in the months ahead. I am happy to support the SNP amendment, which calls for a timetable for the implementation of the recommendations, and I also support the amendment in the name of Mary Scanlon.

16:47

Linda Fabiani (Central Scotland) (SNP): I declare an interest in the subject as a fellow of the Chartered Institute of Housing in Scotland. The report of the—excuse me; I have got new glasses and I cannot read with them on, but I keep forgetting to take them off. My colleagues all look a lot clearer when I have them on.

The report of the task force is excellent. I was very pleased when I read it. The recommendations that it contains are those that many of us have called for over the years, before and after the establishment of the Parliament, especially during the passage of the Housing (Scotland) Bill. However, I have concerns about one thing that the minister said—the fact that we are to have yet another working group on the tolerable standard. I would be glad of some clarification on that when the deputy minister responds.

The private sector has been a huge issue for decades and I am pleased that the task force has given it such a level of attention and that the report is of such a high standard. In fact, the issue goes back a couple of centuries, but a particular milestone was the creation of the housing action areas during the 1970s, with local authorities in the driving seat, particularly in Glasgow. That measure dealt with landlords in the private rented sector and owner-occupiers in areas where houses were falling into disrepair.

The minister spent much of her speech talking about the home ownership aspect of the private sector. She said that the level of home ownership is increasing because of people's aspiration to own their homes. That cannot be denied, but I suggest that that aspiration has, over the past few decades, been forced by a lack of decent housing in the private rented sector and a lack of houses in the social rented sector—it has really been forced by the lack of choice. Somebody—perhaps Tommy Sheridan—mentioned the fact that young couples have no choice any more except to get on to the owner-occupation ladder.

Mary Scanlon spoke about the wonderful right to buy and the rush to purchase. I suggest that that was more about the huge discounts that were given to promote the aspiration to home ownership than it was about people fundamentally wishing to get on to the property ladder. I was a bit surprised that a Labour member—I cannot remember who it was—defended that position. Indeed, Labour extended the right to buy in the previous session to housing associations. Therefore, Labour has not helped in that area.

Cathie Craigie: I am interested to know what the SNP policy is on the right to buy. Does Linda Fabiani acknowledge that, during the passage of the Housing (Scotland) Bill in 2001, the Labour-led Executive, by accepting amendments proposed by the Social Justice Committee, radically changed the right to buy and the discounts that were available?

Linda Fabiani: I welcomed the changes and the cut in the discounts. However, I did not welcome the extension of the right to buy to the housing association sector, which—morally—should be a sector for affordable, social rented housing; it should not be a step on the property ladder.

The private rented sector requires a general housing standard. I was glad to hear the minister acknowledge that the report's recommendation on that would be accepted. Will she clarify whether that will cover individual properties in the private rented sector and whether the Executive will actively promote such a move?

That brings us back to the role of the local authorities. Earlier, I mentioned housing action areas and I notice that the task force's report recommends the introduction of housing renewal areas to equip local authorities with the ability to plan and promote better housing quality. Local authorities have, as an Executive publication noted, little systematic information on the private rented sector in their areas and tend not to concentrate on that sector, apart from in relation to revenue and housing benefit. Local authorities do not have a written strategy for the private rented sector. I want such strategies to be actively promoted. We should equip local authorities with the ability to deal properly and globally with all houses in their areas.

The minister also referred to encouraging and compelling owners. That must cover all owners, including owner-occupiers, private landlords and absentee owners, who are an important element of the private sector. Huge problems are often caused because absentee owners have either left their house vacant or rented it out to someone who just pays their rent every month but does not know who or where the landlord is. We must have firm processes in place and it is essential that local authority powers are beefed up for that.

We sympathise with Cathie Craigie's point about private landlords and the different elements of antisocial behaviour. Shona Robison said that she would like some aspects of the issue to be taken further. We look forward to the Communities Committee's proposals in that regard and we will monitor the situation closely.

Robin Harper and Rob Gibson firmly expressed their belief, which I share, that housing standards should be considered across the board. We should look at materials and specifications. We must stop saying—I am always going on about this—that the initial capital cost is what it cost to build a house. We must move away from an attitude that says that we can get 40 houses if we go down the cheapest route; we should say, instead, that we will have 36 properly equipped houses, because we have beefed up and implemented the standards. We must consider whole-life costs. Again, we should look at the example of Scandinavia.

Rob Gibson and Nanette Milne referred to planning and statutory agencies and the barriers that prevent the promotion of housing development in rural areas. That is a huge issue; people are not working together for the benefit of those who need the houses.

Tricia Marwick referred to the reduction in housing repair grants over the years. There is a big discussion about whether those grants should be means tested and whether they should be for the benefit of the individual or for the benefit of the greater good and of good housing stock for the future.

A couple of members referred to the elderly. It is sad that so many elderly people live in private sector properties that they cannot afford to keep up properly. That is where the great care and repair initiative comes in. Again, I hope that we look at that in the round.

We must be ambitious about the tolerable standard. The report contains some marvellous recommendations and an integrated approach is required on all fronts. There is an opportunity to be grasped, and we should grasp it with both hands. However, we need a timetable and a commitment of resources, so, although the SNP supports the Executive motion, we also ask that members support the SNP amendment.

16:55

The Deputy Minister for Communities (Mrs Mary Mulligan): I thank everybody who has taken part in the debate, because we have heard some thoughtful and positive speeches, which confirms that housing is an important area of policy. The debate has also demonstrated that the issues are complex, with many interwoven strands. The task

force has had to disentangle the issues and consider how they can be influenced, and it has managed to produce a coherent package of proposals that balances differing views and competing interests. That is the value of the task-force approach and we owe a debt of gratitude to the members of the task force and its sub-groups for carrying out a substantial and, at times, difficult task.

We have not accepted all the task force's recommendations in every detail. We consulted widely on the recommendations and some stakeholders felt on reflection that a different approach would be more appropriate in some instances. We have also taken account of other policy considerations. Nevertheless, I am pleased to say that we have concluded that we should accept the majority of the task force's proposals without modification, which is a tribute to the quality of the work that it has done. During the debate, a number of areas that I would like to try to cover have been raised. My colleague Margaret Curran discussed the tolerable standard and I will try to clarify how far the tolerable standard will go, because I think that there was some misunderstanding. The current tolerable standard was introduced during—*[Interruption.]*

The Deputy Presiding Officer: Order. There is far too much noise in this room. Please continue, minister.

Mrs Mulligan: The current tolerable standard is intended to identify those properties that are in the worst condition and on which action is required to ensure appropriate standards of public health and safety. We will update the tolerable standard to include two new elements—a basic provision of thermal insulation and electrical systems that are adequate and safe to use—and improve the specification of the existing provisions on dampness and a wholesome water supply.

Linda Fabiani: Will the minister give way?

Mrs Mulligan: I will finish on the tolerable standard and then I will answer Linda Fabiani's earlier question.

As well as amending the legislation on the tolerable standard, I intend to set up an expert working group to draw up detailed technical guidance to ensure that the interpretation of the new standard is uniform and transparent. That answers the question that Linda Fabiani raised earlier. The working group will work to ensure that what is carried out is appropriate.

Tommy Sheridan: Will the minister also consider consulting on whether other areas in the tolerable standard should be beefed up?

Linda Fabiani: I have a similar question. I am worried about the use of the term "basic" for the thermal insulation. Will the minister consider going

further than that? Would it not be better if we had a far higher standard than basic?

Mrs Mulligan: I will not say that we will continue to consult on the tolerable standard, because we had a thorough consultation process, which is how we arrived at this stage. In addition to updating the tolerable standard, we will bring in a cross-tenure Scottish housing quality standard, as recommended by the task force and in line with our partnership agreement to introduce a decent-homes standard. Whereas the tolerable standard identifies properties with major failings, the quality standard will set out benchmarks for monitoring standards in the private sector, to help the Scottish Executive and local authorities to define objectives for intervention. The detail of that standard is still to be finalised, but I hope that we will be able to announce further details shortly.

Many members have continued to make comments about private landlords. The private rented sector plays a relatively small part, but it is nevertheless crucial in meeting housing needs. Indeed, with the expansion of various buy-to-let schemes, its importance has been growing. We know that the poorest conditions are found in the private rented sector, although the sector is diverse and there are many good-quality houses available for let. I am therefore giving detailed consideration to how best to manage the sector. We are already developing a national framework for local accreditation schemes, in line with our partnership agreement commitment. The framework will provide quality assurance by setting out specified standards for private landlords and their properties. In addition, we will explore the possibility of a national scheme for registration of all private landlords, which Cathie Craigie referred to.

We accept the task force's recommendations on the need to revise and extend the statutory repairing obligations on private landlords. To complement that, we will explore the scope of adapting the current rent assessment committee to become a type of tribunal to handle complaints about landlords who do not meet their repairing obligations.

Further work that we anticipate on the private rented sector includes building on the current legislative framework for houses in multiple occupation and developing a model tenancy agreement. I hope that that work will respond to some of the points that were made by members, particularly Cathie Craigie, on the private rented sector. Again, the matter will be picked up in the housing bill. For the benefit of Donald Gorrie and the others who asked about bills, it is our intention to progress with both a tenements bill and a private sector housing bill.

Although this afternoon's debate was specifically on private sector housing, it was obvious that

housing supply would be brought up. Murray Tosh was the first to raise that issue, but other members raised it later. As I announced at the Scottish Federation of Housing Associations conference in November, the Executive intends to have further discussions with housing stakeholders and with planners—I am sure that Murray Tosh will be pleased to hear that—to ensure that we consider the varied interests in housing supply. We need to consider what the specific housing needs are and the kind of housing that needs to be provided. We should not think that every house will suit every person. Also, we need to consider where the housing is, because statistics tell us that 17 of the 32 local authorities have surpluses. We need to decide what we mean by “affordable”—does that refer to property to rent or to property that is affordable to buy?

Murray Tosh: Will the member take an intervention?

Mrs Mulligan: I am sorry; I am in my final minute so I am unable to take the member's intervention.

We recognise that the issue is complex and that we need to take it further. We are in the process of doing that.

This has been a good-quality debate, despite Mr Sheridan and Murray Tosh wanting to form some kind of alliance in the chamber this afternoon. Unfortunately, we were faced with amendments that we do not accept because they refer back to ideology. The Conservatives want to support only people who buy their houses—only they are worth considering. We have tried that approach before and, as Cathie Craigie said, it left people in inadequate, poor-quality housing without the knowledge or the means to maintain their homes, so we will not support the Conservatives' amendment. Nor will we support the amendment from the Scottish Socialist Party—at the other end of the spectrum, it wants to concentrate solely on the public rented sector. The Executive will defend people's rights to good-quality rented accommodation. However, we must also recognise the situation as it is: 70 per cent of people are owner-occupiers and we need to consider their rights, too.

We will continue to respond to people's desires. The Executive is concerned with the provision of housing across all sectors that responds to people's individual needs and is of the highest quality. The Executive will ensure that the people of Scotland have choice and quality, even if the Conservatives and the SSP do not do so.

Decision Time

17:04

The Presiding Officer (Mr George Reid):

There are seven questions to be put as a result of today's business. The first question is, that amendment S2M-762.2, in the name of Nicola Sturgeon, which seeks to amend motion S2M-762, in the name of Cathy Jamieson, on delivering a quick, effective youth justice system, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Adam, Brian (Aberdeen North) (SNP)
 Ballance, Chris (South of Scotland) (Green)
 Ballard, Mark (Lothians) (Green)
 Byrne, Ms Rosemary (South of Scotland) (SSP)
 Canavan, Dennis (Falkirk West) (Ind)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Curran, Frances (West of Scotland) (SSP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Fox, Colin (Lothians) (SSP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Grahame, Christine (South of Scotland) (SNP)
 Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Leckie, Carolyn (Central Scotland) (SSP)
 Lochhead, Richard (North East Scotland) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 Martin, Campbell (West of Scotland) (SNP)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Mather, Jim (Highlands and Islands) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 Maxwell, Mr Stewart (West of Scotland) (SNP)
 McFee, Mr Bruce (West of Scotland) (SNP)
 Morgan, Alasdair (South of Scotland) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 Robison, Shona (Dundee East) (SNP)
 Scott, Eleanor (Highlands and Islands) (Green)
 Sheridan, Tommy (Glasgow) (SSP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinburne, John (Central Scotland) (SSCUP)
 Swinney, Mr John (North Tayside) (SNP)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)

AGAINST

Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Davidson, Mr David (North East Scotland) (Con)

Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Glen, Marlyn (North East Scotland) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Gorrie, Donald (Central Scotland) (LD)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Johnstone, Alex (North East Scotland) (Con)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lyon, George (Argyll and Bute) (LD)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 Maclean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 May, Christine (Central Fife) (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)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Milne, Mrs Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Mundell, David (South of Scotland) (Con)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Radcliffe, Nora (Gordon) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland) (LD)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Tosh, Murray (West of Scotland) (Con)
 Wallace, Mr Jim (Orkney) (LD)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

ABSTENTIONS

Turner, Dr Jean (Strathkelvin and Bearsden) (Ind)

The Presiding Officer: The result of the division is: For 37, Against 77, Abstentions 1.

Amendment disagreed to.

The Presiding Officer: The second question is, that amendment S2M-762.1, in the name of Annabel Goldie, which seeks to amend motion S2M-762, in the name of Cathy Jamieson, on delivering a quick, effective youth justice system be agreed to. Are we all agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

Davidson, Mr David (North East Scotland) (Con)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Johnstone, Alex (North East Scotland) (Con)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 Milne, Mrs Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Mundell, David (South of Scotland) (Con)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Tosh, Murray (West of Scotland) (Con)

AGAINST

Adam, Brian (Aberdeen North) (SNP)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Ballance, Chris (South of Scotland) (Green)
 Ballard, Mark (Lothians) (Green)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Byrne, Ms Rosemary (South of Scotland) (SSP)
 Canavan, Dennis (Falkirk West) (Ind)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Curran, Frances (West of Scotland) (SSP)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Fox, Colin (Lothians) (SSP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Glen, Marlyn (North East Scotland) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Grahame, Christine (South of Scotland) (SNP)
 Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)

Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Leckie, Carolyn (Central Scotland) (SSP)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lochhead, Richard (North East Scotland) (SNP)
 Lyon, George (Argyll and Bute) (LD)
 MacAskill, Mr Kenny (Lothians) (SNP)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 Maclean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Campbell (West of Scotland) (SNP)
 Martin, Paul (Glasgow Springburn) (Lab)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Mather, Jim (Highlands and Islands) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 Maxwell, Mr Stewart (West of Scotland) (SNP)
 May, Christine (Central Fife) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McFee, Mr Bruce (West of Scotland) (SNP)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Morgan, Alasdair (South of Scotland) (SNP)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Dr Elaine (Dumfries) (Lab)
 Neil, Alex (Central Scotland) (SNP)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Radcliffe, Nora (Gordon) (LD)
 Robison, Shona (Dundee East) (SNP)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Scott, Eleanor (Highlands and Islands) (Green)
 Scott, Tavish (Shetland) (LD)
 Sheridan, Tommy (Glasgow) (SSP)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinburne, John (Central Scotland) (SSCUP)
 Swinney, Mr John (North Tayside) (SNP)
 Turner, Dr Jean (Strathkelvin and Bearsden) (Ind)
 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)

The Presiding Officer: The result of the division is: For 13, Against 101, Abstentions 0.

Amendment disagreed to.

The Presiding Officer: The third question is, that motion S2M-762, in the name of Cathy

Jamieson, on delivering a quick, effective youth justice system be agreed to. Are we all agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Byrne, Ms Rosemary (South of Scotland) (SSP)
 Canavan, Dennis (Falkirk West) (Ind)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Frances (West of Scotland) (SSP)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Davidson, Mr David (North East Scotland) (Con)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Fox, Colin (Lothians) (SSP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Glen, Marlyn (North East Scotland) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Gorrie, Donald (Central Scotland) (LD)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Johnstone, Alex (North East Scotland) (Con)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Leckie, Carolyn (Central Scotland) (SSP)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lyon, George (Argyll and Bute) (LD)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 Maclean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 May, Christine (Central Fife) (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)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Milne, Mrs Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Mundell, David (South of Scotland) (Con)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)

Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Radcliffe, Nora (Gordon) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland) (LD)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Swinburne, John (Central Scotland) (SSCUP)
 Tosh, Murray (West of Scotland) (Con)
 Turner, Dr Jean (Strathkelvin and Bearsden) (Ind)
 Wallace, Mr Jim (Orkney) (LD)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

ABSTENTIONS

Adam, Brian (Aberdeen North) (SNP)
 Ballance, Chris (South of Scotland) (Green)
 Ballard, Mark (Lothians) (Green)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Grahame, Christine (South of Scotland) (SNP)
 Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Lochhead, Richard (North East Scotland) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 Martin, Campbell (West of Scotland) (SNP)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Mather, Jim (Highlands and Islands) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 Maxwell, Mr Stewart (West of Scotland) (SNP)
 McFee, Mr Bruce (West of Scotland) (SNP)
 Morgan, Alasdair (South of Scotland) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 Robison, Shona (Dundee East) (SNP)
 Scott, Eleanor (Highlands and Islands) (Green)
 Sheridan, Tommy (Glasgow) (SSP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)

The Presiding Officer: The result of the division is: For 84, Against 0, Abstentions 31.

Motion agreed to.

That the Parliament recognises the importance of dealing quickly, firmly and effectively with the minority of young people who offend; acknowledges that progress has been made by local authorities and partners in the statutory and voluntary sectors to encourage rehabilitation, prevent reoffending and tackle and reduce youth crime, but recognises that further work must be done to ensure that the quality of life in our communities continues to improve.

The Presiding Officer: The fourth question is, that amendment S2M-761.3, in the name of Shona

Robison, which seeks to amend motion S2M-761, in the name of Margaret Curran, on improving Scotland's homes, be agreed to. Are we all agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

Adam, Brian (Aberdeen North) (SNP)
 Ballance, Chris (South of Scotland) (Green)
 Ballard, Mark (Lothians) (Green)
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)
 Byrne, Ms Rosemary (South of Scotland) (SSP)
 Canavan, Dennis (Falkirk West) (Ind)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Curran, Frances (West of Scotland) (SSP)
 Davidson, Mr David (North East Scotland) (Con)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Fox, Colin (Lothians) (SSP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gibson, Rob (Highlands and Islands) (SNP)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Grahame, Christine (South of Scotland) (SNP)
 Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Johnstone, Alex (North East Scotland) (Con)
 Leckie, Carolyn (Central Scotland) (SSP)
 Lochhead, Richard (North East Scotland) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 Martin, Campbell (West of Scotland) (SNP)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Mather, Jim (Highlands and Islands) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 Maxwell, Mr Stewart (West of Scotland) (SNP)
 McFee, Mr Bruce (West of Scotland) (SNP)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 Milne, Mrs Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Morgan, Alasdair (South of Scotland) (SNP)
 Mundell, David (South of Scotland) (Con)
 Neil, Alex (Central Scotland) (SNP)
 Robison, Shona (Dundee East) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, Eleanor (Highlands and Islands) (Green)
 Scott, John (Ayr) (Con)
 Sheridan, Tommy (Glasgow) (SSP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Tosh, Murray (West of Scotland) (Con)
 Turner, Dr Jean (Strathkelvin and Bearsden) (Ind)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)

AGAINST

Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)

Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Glen, Marlyn (North East Scotland) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lyon, George (Argyll and Bute) (LD)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 Maclean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 May, Christine (Central Fife) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Radcliffe, Nora (Gordon) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Scott, Tavish (Shetland) (LD)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Wallace, Mr Jim (Orkney) (LD)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

ABSTENTIONS

Swinburne, John (Central Scotland) (SSCUP)

The Presiding Officer: The result of the division is: For 51, Against 63, Abstentions 1.

Amendment disagreed to.

The Presiding Officer: The fifth question is, that amendment S2M-761.1, in the name of Mary Scanlon, which seeks to amend motion S2M-761, in the name of Margaret Curran, on improving Scotland's homes, be agreed to. Are we all agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)
 Davidson, Mr David (North East Scotland) (Con)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Johnstone, Alex (North East Scotland) (Con)
 McGregor, Mr Jamie (Highlands and Islands) (Con)
 Milne, Mrs Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Mundell, David (South of Scotland) (Con)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Tosh, Murray (West of Scotland) (Con)
 Turner, Dr Jean (Strathkelvin and Bearsden) (Ind)

AGAINST

Adam, Brian (Aberdeen North) (SNP)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Ballance, Chris (South of Scotland) (Green)
 Ballard, Mark (Lothians) (Green)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Byrne, Ms Rosemary (South of Scotland) (SSP)
 Canavan, Dennis (Falkirk West) (Ind)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Curran, Frances (West of Scotland) (SSP)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Fox, Colin (Lothians) (SSP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Glen, Marlyn (North East Scotland) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Grahame, Christine (South of Scotland) (SNP)
 Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Leckie, Carolyn (Central Scotland) (SSP)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lochhead, Richard (North East Scotland) (SNP)
 Lyon, George (Argyll and Bute) (LD)
 MacAskill, Mr Kenny (Lothians) (SNP)
 Macdonald, Lewis (Aberdeen Central) (Lab)

Macintosh, Mr Kenneth (Eastwood) (Lab)
 Maclean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Campbell (West of Scotland) (SNP)
 Martin, Paul (Glasgow Springburn) (Lab)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Mather, Jim (Highlands and Islands) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 Maxwell, Mr Stewart (West of Scotland) (SNP)
 May, Christine (Central Fife) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McFee, Mr Bruce (West of Scotland) (SNP)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Morgan, Alasdair (South of Scotland) (SNP)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Dr Elaine (Dumfries) (Lab)
 Neil, Alex (Central Scotland) (SNP)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Radcliffe, Nora (Gordon) (LD)
 Robison, Shona (Dundee East) (SNP)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Scott, Eleanor (Highlands and Islands) (Green)
 Scott, Tavish (Shetland) (LD)
 Sheridan, Tommy (Glasgow) (SSP)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinburne, John (Central Scotland) (SSCUP)
 Swinney, Mr John (North Tayside) (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)

The Presiding Officer: The result of the division is: For 15, Against 100, Abstentions 0.

Amendment disagreed to.

The Presiding Officer: The sixth question is, that amendment S2M-761.2, in the name of Frances Curran, which seeks to amend motion S2M-761, in the name of Margaret Curran, on improving Scotland's homes, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

Ballance, Chris (South of Scotland) (Green)
 Ballard, Mark (Lothians) (Green)

Byrne, Ms Rosemary (South of Scotland) (SSP)
 Curran, Frances (West of Scotland) (SSP)
 Fox, Colin (Lothians) (SSP)
 Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Leckie, Carolyn (Central Scotland) (SSP)
 Scott, Eleanor (Highlands and Islands) (Green)
 Sheridan, Tommy (Glasgow) (SSP)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Swinburne, John (Central Scotland) (SSCUP)
 Turner, Dr Jean (Strathkelvin and Bearsden) (Ind)

AGAINST

Adam, Brian (Aberdeen North) (SNP)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Canavan, Dennis (Falkirk West) (Ind)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Davidson, Mr David (North East Scotland) (Con)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Eadie, Helen (Dunfermline East) (Lab)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gibson, Rob (Highlands and Islands) (SNP)
 Glen, Marlyn (North East Scotland) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Gorrie, Donald (Central Scotland) (LD)
 Grahame, Christine (South of Scotland) (SNP)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Johnstone, Alex (North East Scotland) (Con)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lochhead, Richard (North East Scotland) (SNP)
 Lyon, George (Argyll and Bute) (LD)
 MacAskill, Mr Kenny (Lothians) (SNP)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 Maclean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Campbell (West of Scotland) (SNP)
 Martin, Paul (Glasgow Springburn) (Lab)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Mather, Jim (Highlands and Islands) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 Maxwell, Mr Stewart (West of Scotland) (SNP)
 May, Christine (Central Fife) (Lab)

McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McFee, Mr Bruce (West of Scotland) (SNP)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Milne, Mrs Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Morgan, Alasdair (South of Scotland) (SNP)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Mundell, David (South of Scotland) (Con)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Dr Elaine (Dumfries) (Lab)
 Neil, Alex (Central Scotland) (SNP)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Radcliffe, Nora (Gordon) (LD)
 Robison, Shona (Dundee East) (SNP)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland) (LD)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (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)
 Tosh, Murray (West of Scotland) (Con)
 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)

The Presiding Officer: The result of the division is: For 13, Against 102, Abstentions 0.

Amendment disagreed to.

The Presiding Officer: The seventh and final question is, that motion S2M-761, in the name of Margaret Curran, on improving Scotland's homes, be agreed to.

Motion agreed to.

That the Parliament welcomes the report of the Housing Improvement Task Force and believes that its adoption will make a major contribution to the delivery of good quality, sustainable and affordable housing for all in Scotland.

Horse Racing Industry

The Deputy Presiding Officer (Trish Godman): The final item of business is a members' business debate on motion S2M-474, in the name of Susan Deacon, on the horse racing industry in Scotland.

Motion debated,

That the Parliament recognises the significant contribution that the horse racing industry makes to the economy, generating up to £125 million annually and providing the equivalent of 1,700 full-time jobs; commends the success of the racing industry in continuing to expand and develop, recognising its contribution to local economies and tourism; notes that there is widespread concern regarding the potential implications of the proposed Office of Fair Trading (OFT) rule 14 notice on the deregulation of the British horse racing industry and, in particular, on its likely impact on Scotland's five racecourses, Ayr, Hamilton Park, Kelso, Musselburgh and Perth, each of which is independently owned and managed with profits generated ploughed back into the sport for long-term growth, and considers that the Scottish Executive should work with representatives of the racing industry to identify opportunities to promote and develop the industry and to explore the possible implications of the OFT ruling.

17:13

Susan Deacon (Edinburgh East and Musselburgh) (Lab): I am sure that some members, when they were recovering from their mince pies and turkey, might have settled down at Christmas time to watch "The Great Escape"—again. If they did, they might remember the seminal scene in which wee Archie Ives, the Scottish flight officer, is stuck in the cooler with the American army captain played by Steve McQueen. The two reflect on their pre-war lives and wee Archie reveals that when he was back in Scotland he was a jockey. He utters the immortal words:

"These were the days. Aye—some of those Saturday nights in towns like Musselburgh and Hamilton."

I am not sure what Steve McQueen made of that, but I note that Scottish horse racing clearly established its place in Hollywood history. I hope that today, in this first ever debate on horse racing in the Scottish Parliament, we can establish the rightful place of Scottish horse racing in Holyrood's history. Westminster also discussed horse racing today; I hope that we can build on that synergy between the two Parliaments.

Scottish horse racing is a great industry and a great sport and it deserves our attention and support.

Horse racing has come a long way from its genesis as the sport of kings, there simply to entertain the aristocracy. However, it is not, as is sometimes thought, the preserve of the so-called serious punter. Racing is now the third-biggest

sport in Scotland. People who go to racing come from all walks of life. Some of them are avid followers of fixtures, form and the *Racing Post*. Others—I readily confess to being in this second category—simply have an occasional flutter or go to the racing because they recognise that it is a great day out. More than 250,000 people went to racing in Scotland last year, which is a record. It is worth noting that, although attendance at racing has grown throughout the United Kingdom in recent years, its growth in Scotland has outstripped that in other parts of the UK. In short, Scottish horse racing is thriving.

Each of the five Scottish racecourses—Ayr, Hamilton park, Kelso, Musselburgh and Perth—is on the up, and we must build on that. Improvements constantly take place. More than £8 million has been invested in facilities at Scottish racecourses over the past few years, and there are more plans for development investment in the pipeline. I have seen at first hand the transformation that has taken place at Musselburgh racecourse over the last decade. The course has gone from being a pretty run-down home for occasional fixtures to a stylish, vibrant facility. It now hosts two dozen fixtures each year; it attracts more than 60,000 visitors; and it is worth around £3 million to the local economy.

It was not so long ago that the course was attended by a relatively small band of committed racegoers, who could get little more than a pie and a pint from a pretty unappealing watering hole there. Now, the course has high-quality bars, restaurants and conference facilities. It plays host to a range of corporate hospitality and corporate sponsorship packages. On family days, bouncy castles and sideshows are the norm. I pay tribute to all who have contributed to the success of Musselburgh racecourse, in particular East Lothian Council. I recognise that the other four Scottish racecourses have great stories to tell, too, and I look forward to hearing some of those from colleagues.

It is not just those who go to the races who reap the benefits of racing's success. Scottish horse racing is a major contributor to the economy and to tourism. A report on the economic impact of Scottish horse racing, commissioned by Scottish Racing and representing the five Scottish racecourses, was published in 2002 with Scottish Enterprise's support. It found that the five Scottish racecourses contribute £125 million a year to their local economies, and that the industry employs around 1,700 full-time-equivalent jobs. I must stress that those figures exclude the betting industry.

Race meetings generate huge benefits for local areas. Jockeys, trainers, owners, stable staff and racegoers account for tens of thousands of bed

nights in hotels and bed and breakfasts. Millions of pounds are spent in the local shops and restaurants, in taxis and in so many other places besides. It is estimated that around 10 per cent of all those who attend race meetings come from outwith Scotland, which shows how widespread horse racing's tourism benefits are.

Successful though it has been, there is still a great deal more that can be done to build on the success of Scottish horse racing. That must be one of the key messages from tonight's debate. The time is now right for all those with an interest in Scottish horse racing to pull together to exploit its full potential. Bodies such as Scottish Enterprise, VisitScotland and sportscotland, as well as the Executive, have a key role to play, as do local authorities and the various local economic development and tourism networks.

The report to which I referred earlier identifies many of the key opportunities that exist, of which I will mention a few. There is scope for greater promotion of products from local suppliers to the horse racing industry; for the development of short break packages including race meetings for tourists; for the forging of closer links between racecourses, riding schools and other equine interests; and for the strengthening of links in the wider sports and leisure sector, so that there can be more joint exhibitions, activities and events. There is a whole host of ways in which education and learning activities in schools and colleges can be linked to the many strands of activity in the horse racing industry. The planned Scottish racing academy in East Lothian is a particularly important and exciting development, which deserves support. My colleague John Home Robertson will say more about that later.

Scottish racing is going from strength to strength, but we are not at the finishing post yet. There is now a real threat to the future of Scottish horse racing, in the form of the Office of Fair Trading rule 14 notice, which has attracted widespread opposition across the UK. If implemented, there would be a deregulation of horse racing and, essentially, a fixture free-for-all. All the interests in horse racing, and politicians from across the spectrum, have united against the proposal.

The proposal would cause particular concerns for Scotland, as all our racecourses are relatively small, and independently owned and managed. They pay no dividends and plough profits back into the racetracks. They are not part of some big racing group. In short, Scottish racecourses would be especially vulnerable in a fixture free-for-all.

Let me be clear that the vast majority of people who are involved in horse racing believe that there is a need for change. Indeed, in Scotland we want more fixtures and more control over dates.

However, a free-for-all is not the answer. It would be plain daft. Every sport needs a degree of planning, co-ordination and control. Racing is no different. There is a crying need now for common sense to prevail and for a sensible way forward to be developed. The current uncertainty must end.

While recognising that the matters are for decision at a United Kingdom level, I urge the minister to take up the specific Scottish concerns with his UK counterpart who, I note, recently indicated in the House of Commons that he would be happy to have such discussions.

Scottish racing is going from strength to strength. There is so much to be built upon. I urge the minister in his reply to commit to working with the industry and with other agencies to build on that potential. I hope that we can see off some of the current threats. The Parliament and the Executive could make a real difference in this very important area.

The Deputy Presiding Officer: A significant number of members want to take part in the debate, so I am moving the time for speeches to four minutes.

17:21

John Scott (Ayr) (Con): I congratulate Susan Deacon on securing today's important debate. It is important that the issues surrounding racing are debated here in the Parliament because racing is currently at a crossroads.

Like Susan Deacon, I want first to express my enthusiasm for racing and for Ayr racecourse in particular. As one of Scotland's five racecourses, Ayr plays a vital role in Ayrshire's local economy. In my view, it is the jewel in the crown of Scottish racing—although I would say that, wouldn't I?

The first meeting at Ayr took place in 1777. The Ayr gold cup was first run in 1804. The year 1824 saw the formation of the Western Meeting Club, which then moved lock, stock and barrel to its current site in 1907. National hunt racing began at Ayr in 1950. Ayr is now the home of the Scottish grand national, which is a spring event not to be missed in the Scottish racing calendar.

Recently, Ayr racecourse has been taken over by Richard Johnstone and Alan Macdonald. The new management team will redevelop the racecourse. They aim to take it on to the next stage and put it on a par with York or even Ascot. I share the welcome enthusiasm of the new owners. I see a positive future for racing at Ayr, which I enjoy particularly.

In addition, I foresee the low-cost airline Ryanair flying many thousands of racegoers into Ayrshire's Prestwick airport. They may come not just from the UK and Ireland but potentially from all over

Europe as the new facilities at Ayr take shape. Racing fixture breaks and weekend breaks have enormous potential for the Ayrshire tourist economy. We could confidently expect to attract more than our fair share of those tourists through the use of low-cost air fares.

However, all the current enthusiasm and excitement around Ayr's racecourse could be put at risk by the Office of Fair Trading inquiry into British horse racing that Susan Deacon mentioned. If implemented, the OFT proposals could, in my view, be the death-knell of Scottish racing. A racing fixture free-for-all must not happen. If it does, Scotland and the north of England will lose out. Racing fixtures, prize money and television will move south to the centres of population, while peripheral courses in the north wither on the vine.

The current structured system works well. The 97 annual fixtures in Scotland generate £125 million annually for the Scottish economy. Indeed, Scotland punches marginally above its weight, with 11 per cent of British betting turnover taking place in Scotland. Some 29,000 tourists a year visit the Scottish racecourses. Today, I tell the OFT to back off and rethink its position. The wrong decision could destroy our industry and the potential that exists for its expansion, not least in Ayrshire.

Once again, I congratulate Susan Deacon on securing this debate. I hope that the minister will reflect on what he hears today and that in due course he will argue the Scottish racing industry's corner. Susan Deacon urged him to do that and I too urge him to do so. On a personal note, I would be delighted to welcome the minister to Ayr racecourse so that he can see for himself the quality of racing and entertainment that is on offer there. I look forward to the minister's closing remarks.

17:25

Michael McMahon (Hamilton North and Bellshill) (Lab): I join John Scott in congratulating Susan Deacon on securing this evening's debate. Members' business debates are of vital importance to the work of MSPs in raising matters of a specific nature in respect of wider issues. Given that Hamilton park, which is one of the five racecourses in Scotland, is in my constituency, the debate gives me the opportunity to do that.

In general, Lanarkshire is historically synonymous with heavy industry, especially coal and steel. My constituency consists of communities that were built up around those two previously large sources of betting revenue. What is less well known is that my constituency also has

other historical significance and that it has some very beautiful areas of natural heritage.

The battle of Bothwell bridge was of great significance in respect of the involvement of the covenanters. No doubt, the battle involved many horses. That battle is not to be confused with the battle of the Bothwell Bridge Hotel, which involved Barry Ferguson, some Celtic supporters and a kebab.

My constituency also contains Strathclyde country park and is an integral part of the Clyde valley tourist area. This is the picturesque setting that is home to Hamilton park racecourse. Hamilton park is independently owned and holds 18 race meetings a year. As Susan Deacon said, along with the other courses in Scotland, it has experienced a growth in popularity. Success in recent years has seen it outperform national averages. There has also been a pleasing increase in the number of senior jockeys attending race meetings at Hamilton park in recent years, including the champion jockey Kieron Fallon.

Since 2000, racegoers' attendance has increased by 26 per cent, with 58,866 visitors attracted to the course in 2003. Since 2000, prize money has increased by 50 per cent to over £1 million in 2003. Over £3 million of racecourse income has been invested since the year 2000.

Hamilton park has been proud to win two awards this year. The first was for ground staff of the year for flat racing. The second—no matter what John Scott says—was for the best racecourse in Scotland and the north-east. The course was recently described in *The Times* by Alan Lee as

“a course heading for the heights”.

The OFT has concluded that the orders and rules of racing limit the capacity for the racing industry to comply with competition law. The conclusion might result in a fixture free-for-all. It could also result in a reduction in the value of racecourse betting income and in the picture and data rights that total more than half of racecourse annual income.

Like those who run Hamilton park, I welcome the opportunity for more freedom to run more races and to have more of a say on race dates. I am told that another three or four fixtures a year could be added at Hamilton. Currently, only one-day events are held there, eight of which are held in the evening. Although that is of benefit to local hotels, Hamilton park is looking for growth. It wants to appeal to corporate business, attract additional local racegoers and host other events.

As Susan Deacon said, a fixture free-for-all is envisaged as a result of the OFT decision. That could pose certain downsides for Hamilton park.

Like other courses in Scotland, the course is small, independent and at a geographical disadvantage in respect of accessibility. Although those factors do not undermine its achievements or its potential for further growth, there is the possibility that groups of racecourses in England could use their power to force smaller independent courses out of the good slots. Ultimately, that could reduce the attractiveness and viability of Scottish racing.

I urge the OFT to ensure that the racing industry can continue to operate within a structured framework that will allow successful independent racecourses to thrive. I am encouraged by the comments of the minister with responsibility for tourism and sport at Westminster that the Government wants to ensure that there are comprehensive arrangements for racing across the country.

Scotland's racecourses are looking for the support and backing of the Scottish Parliament for their continued growth. They also want an increase in the number of fixtures; the introduction of an all-weather racetrack; and the prospect of further economic development, investment and training. We need a self-sustaining Scottish racing industry that attracts breeders, owners and trainers. All of that would lead to an expansion of the industry, which, in turn, would lead to the industry making a greater contribution to the economy and to increased employment.

It is important that we have fair trading, but the OFT must not prevent good trading. There is justifiable concern that its efforts will do just that in respect of horse racing. The Scottish Executive should make every effort to ensure that the OFT addresses the industry's concerns.

17:29

Alex Neil (Central Scotland) (SNP): First of all, I want to join in the chorus of appreciation to Susan Deacon for securing this afternoon's debate and for her eloquent introductory speech. The fact that we have cross-party support for saving the horse racing industry in Scotland is very encouraging. Indeed, it was a treat to hear a Tory stand up and defend the need for continued regulation to save one of our industries. I have no doubt that that is the end of John Scott's career in the Tory party, but it was worth while.

At this point, I must declare an interest. I live in Ayr and one of the constituencies that I cover as a list member is Hamilton North and Bellshill. The courses in both those areas are equally supreme in the service that they provide to Scotland.

John Scott and Michael McMahon have already referred to the investment that is being made in those two racecourses and Susan Deacon

mentioned the investment that is being made in others. At this stage, it would be wholly inappropriate for any government organisation to do anything that would endanger the level and quality of investment that is being made in this industry north and south of the border.

If we include today's House of Commons debate, this members' business debate is the third on this issue since the Office of Fair Trading's stupid report and recommendation. The House of Commons also debated the matter on 18 September 2003 and, as I understand it from that debate, it very much shares our opinion that the Office of Fair Trading's report and recommendation should be consigned to the dustbin.

This is not the first time that we have had problems with the Office of Fair Trading. This time last year, we were talking about the need to defend our pharmacies against its recommendations. We eventually won that battle; we must win this battle too.

Members have already mentioned the economic impact report of the horse racing industry in Scotland. As the figures have already been quoted, I will not repeat them—after all, I received the same briefing as everyone else—but I should point out that the issue does not just centre on the economic impact of this recommendation. Horse racing is as much a social and cultural activity as it is an industry. It might not be as highfalutin' as Scottish Opera or Scottish Ballet, but it is much more culturally important to those of us from a working-class background than those other aspects of our cultural life, important as they are. A day at the races is not just for punters, it is a family affair. For many families, it is a day out for maw, paw and the weans. It would be a great tragedy if we had to accept the recommendations of the OFT—or the office of foolish trading—and destroy a good industry that is expanding in Scotland.

As a result, I hope that the minister will join us in sending a loud and clear message to his colleagues in the UK Government that, as far as Scotland is concerned, the OFT's recommendation is wholly unacceptable and that we want it to be consigned to the dustbin. In fact, if I was going to make a bet now, I would bet that the minister will agree to that and join us in putting the pressure on down south to ensure that that happens.

17:34

Mr John Home Robertson (East Lothian) (Lab): I join colleagues from all parties in congratulating Susan Deacon on securing this very important debate. Indeed, the debate must be

important, because this is the first time I have ever seen a reporter from the *East Lothian Courier* in the press gallery.

Musselburgh racecourse crosses the boundary between Susan Deacon's constituency and my constituency. My only complaint is that the winning post is in her constituency, but we cannot have everything. I want to take this opportunity to reflect on the racecourse's recent spectacular development and to pay tribute to East Lothian Council—particularly to Provost Pat O'Brien, who is present this evening—for its foresight and courage in redeveloping what was a sadly neglected and rundown facility.

Over the past eight years, East Lothian Council has promoted the investment of £4 million in the course, buildings and services at Musselburgh. What a wonderful achievement that has produced. Rightly, the rebranding of the racecourse included the correction of the anomalous title of what used to be called Edinburgh racecourse. Those of us who know the honest toon well understand that Musselburgh is the senior burgh in its part of Scotland, so it is right that we now have Musselburgh racecourse.

The racecourse is a tremendous asset for East Lothian and the whole area. It stages 24 meetings each year and employs nine full-time staff plus up to 230 part-timers on race days. It attracts tens of thousands of visitors and is worth about £3 million to the local economy. However, I agree with Susan Deacon that the industry could do even more for Scotland, given the right policies from the Scottish Executive and our friends at Westminster. I join Susan Deacon and colleagues from all parties in expressing very serious concern about the threat of damaging interference arising from recommendations by the OFT. That must not be allowed to happen.

I want to flag up an exciting initiative that is being worked up in the Lothian area to develop the potential of the industry. At present, Scotland's racecourses depend heavily on people, skills and horses that come from other parts of the British isles. That is the case because Scotland does not have an institution for training and career development in this very specialised area. That situation is about to change, because we will have a Scottish racing academy here in the Lothians to develop skills, vocational excellence and careers for people in horse racing. We have received valuable help from the Northern Racing College in Doncaster. The plan is for students to start a Scottish vocational qualification course at Oatridge College in West Lothian, followed by practical training at Tony Dicken's racing stable at Dunbar and at Musselburgh racecourse in East Lothian. I hope that the minister will be able to confirm today that this exciting initiative will receive support from

Scottish Enterprise, because we want Scottish students to start their training at the new Scottish racing academy next month.

I know that the First Minister and the Minister for Tourism, Culture and Sport have already visited Musselburgh racecourse and have seen what has been achieved there. I hope that the new Scottish racing academy will make it possible to develop even further the tremendous potential of the industry. Specifically, I hope to see more Scotland-bred and Scotland-trained horses, ridden by Scottish jockeys and supported by Scottish specialist staff at racecourses in Scotland, the United Kingdom and further afield.

I have left one group off the list of those who need further education—the bookies do not need any further training, because they are already taking quite enough money off people such as me. However, I must press the minister to confirm that Scottish Enterprise will back the Scottish racing academy initiative.

17:38

Colin Fox (Lothians) (SSP): Like other members, I welcome the debate and congratulate Susan Deacon on her motion. I knew that a day would come when spending my teenage years in the bookies would come in handy—that day has arrived. I confess that I have a love-hate relationship with Scottish horse racing; I love winning and hate losing.

I have fond memories of going as a child first to Lanark racecourse, before it was closed, and more recently to Hamilton park with my mum, dad and sister, and of the fine times that we had. Alex Neil reminded me of a few of those. I even remember bunking off school and being lifted over the turnstiles into the racing. I do not know whether Susan Deacon had a similar joy at Musselburgh.

In recent years—rather than in recent months—I have had the opportunity and great joy of visiting all five Scottish racecourses. I remember going as a toddler to see the silver bell being run at Lanark. If I had to choose one sporting event to attend in the whole year—apart from perhaps to see Motherwell Football Club in the cup final—it would be the Cheltenham festival in March.

I share Susan Deacon's concerns about the rule that the Office of Fair Trading is suggesting. I pledge whatever support I can give to the Scottish racing industry to protect it from the market free-for-all to which Susan referred. I support the industry's future development, which involves ensuring that the big tracks do not get all the riches while the smaller tracks are forced to the wall, which appears to be the aim of the rule that has been proposed by the Office of Fair Trading.

In the last two minutes of my speech, I offer some sincerely felt suggestions to the Scottish racing industry. If—as I am sure it does—the industry wants to have the biggest possible constituency of Scots behind it, there are other matters that it must address. There are some things about the Scottish horse racing industry that I have difficulty with. For example, there is no doubt that the welfare of the animals is sometimes not given the consideration that it needs, especially when their racing days are over, and especially when we consider that two thirds of horses never win a single race.

I also have difficulty with what happens to the people who support the Scottish racing industry. I look at the Scottish racing industry and the British racing industry and, with regard to industrial relations, I see that the owners and trainers often treat their staff like serfs. A pecking order is strictly enforced. There is the doffing of caps, and the use of the terms “sir” and “lads”—even the stable girls are called lads. All that belongs to a time long ago and needs to be improved.

The Jockey Club often gives the impression that it is running the sport as it would run an army, with petty hierarchies, rules, nepotism and archaic procedures. In the betting shops that I go to, those are laughed at by ordinary punters, as are the silver rings, the Tattersalls and the grandstands. I am happy to say that I have been to racing in Ireland, France, America and Australia, and in race meetings in those places they do not have a class system with three different grades. There, people pay their money and they are all the same. I look forward to that situation arriving in Scotland.

The vast majority of jockeys in this country earn a pittance for putting their lives in jeopardy up to six times a day. Too much of the industry is based on the widespread use of cheap labour. A national minimum wage that was set at two thirds of the average would transform the lives of many in the industry, who pay a high price for their love of horses.

It is clear that the lifeblood of the racing industry is bookmaking and gambling. A great deal could be gained from examining France, where the gambling system—the pari-mutuel system—has been taken into public hands. I pay credit to Musselburgh, where I go regularly. It is great that the course is owned by East Lothian Council. I pay it credit for the enormous transformation that it has undergone in recent years. Improvements have also been made at Hamilton park. I welcome the reinvestment of profits in those racecourses, but I would like the enormous profits that the bookmaking firms make in this country to be ploughed back into racing and I would like to see a pari-mutuel or tote system.

17:37

Euan Robson (Roxburgh and Berwickshire) (LD): I add to those of other members my congratulations to Susan Deacon on securing this debate. I express my appreciation to the minister for allowing me to say a few words as a constituency member.

I live about a mile from Kelso racecourse, which is featured in the motion. There has been a racecourse in Kelso since 1777, and it moved to its present position—north of the centre of the town—in 1822. It is a valuable local asset that provides a lot of sport, entertainment and employment for the local community. There are five to six full-time employees on the course and I understand that on race days 170 casual employees come to ensure that visitors have a grand day out, and that 25 employees are on the course on the day before and the day after each race day.

The racecourse attracts 40,000 visitors each year, which is of tremendous benefit to the local economy. Indeed, the television coverage is a good way of putting the Borders and Kelso—my home town—in the shop window, as it were. Not only do we get 40,000 visitors to the racecourse, but the added recognition that Kelso gets as a result of the racecourse's being there brings other visitors in, which is of immense benefit to the town.

The racecourse has done an awful lot recently. About £1.5 million has gone into two new grandstands, which are fine additions to the course. There are still some problems, however—access is not good and it would be helpful if there was a landing strip for small fixed-wing aircraft to come to the course. Those additions would be valuable locally, and would stimulate greater development on the course.

The catchment area, which includes the Borders and north Northumberland, comprises about 200,000 racegoers. In fact, the business is run from Wooler in north Northumberland, which is just a few miles from Kelso.

There is no doubt that the racecourse has a significant positive economic impact on Kelso. We are grateful for the efforts that the racecourse company puts into delivering those benefits, and for the recreational sporting opportunities that it ensures. It is also relevant to say that the racecourse is part of what might be described as the Borders' equine culture, in which we have point-to-points, summer festivals and common ridings.

Along with other members, I think that the free-for-all that the OFT report suggests would not be a good idea; indeed, it would be particularly damaging for the smallest courses, such as Kelso. Therefore, I hope that the minister will take on

board members' views and use them in discussions with his colleagues in Westminster.

Many years ago, I made my first on-course bet at Kelso, on a horse with the unlikely name of Dobbin, which came in some 20 lengths ahead of the rest of the field. I sincerely hope that, for generations to come, people will be able to watch a Dobbin or a Nijinsky—or their heirs and successors—at the Kelso course, which is of immense benefit to the local community.

17:46

Dr Elaine Murray (Dumfries) (Lab): I do not have a direct constituency interest in horse racing—although there are many horses in my constituency, including some extremely successful racehorses, we do not have any courses for horses.

Euan Robson mentioned his first bet and I can recall my first bet on a horse—his name was Red Rum. My boyfriend at the time laughed at me for putting money on Red Rum, but he went on to win the grand national in question, as well as several subsequent grand nationals. I have felt some affection for horse racing ever since.

Like other members, I have general concerns about the OFT's rule 14 proposals, because I think that they run against the Scottish Executive's aspirations. Last year, the Executive created a new non-departmental public body, EventScotland, the intention of which was to bring major sporting and cultural events to Scotland. EventScotland was set up because we recognised the importance of major cultural and sporting events to the country's economy. The OFT's proposals threaten a sporting and cultural industry—as Alex Neil said, sport is culture in Scotland—that benefits greatly local economies and, in the case of major events, Scotland's national economy.

Fifteen years ago, I lived almost next door to Ayr racecourse. From outside the course, one got a very strange view of the track—one would see the horses thunder round, then disappear and then come thundering back round. During the decade or so for which I lived in Ayrshire, I observed directly the great benefit that accrued to the retail industry and to the hospitality businesses when the races—particularly races such as the Ayr gold cup and the Scottish grand national—were on. Eighteen months ago, I attended a presentation at Hamilton park racecourse and was struck by the evidence that was cited of its success in attracting families and young people to events at the course. That belies racing's image as being only for toffs or for men in macs who are dedicated gamblers.

Horse racing is predominantly a spectator sport and those people, such as Colin Fox and Susan

Deacon, who have had a great interest in it over the years have not grown up to become jockeys. However, I think that there is a case for spectators to be able to watch a wide diversity of sporting activity, to stimulate their interest in sport and physical activity. Although the successes of a Scottish horse, a Scottish jockey or a Scottish trainer or owner are perhaps not as much the cause for national pride and celebration as the successes of an athlete or a football team, it is important that young people are exposed to different forms of physical activity for enjoyment as spectators, because that might encourage them to try out different sports and find the one that suits them.

Stewart Stevenson (Banff and Buchan) (SNP): Does the member agree that George Orwell was right when he said in "Animal Farm",

"Four legs good, two legs bad"?

Dr Murray: I think that that depends on the two legs.

At present, equestrian sports and physical activities face some significant barriers. Although this evening's debate might not be the appropriate occasion on which to discuss them, I would appreciate a future opportunity to discuss with ministers the grave concerns that I have about the future of equestrian activity and some of the problems that are faced in the teaching of such activity.

Some of those matters are not within the capacity of government to address, such as the problems that are associated with insurance. However, it is within the capacity of government to rectify the OFT rule 14 recommendations. Therefore I, like others, urge the Executive to work with the industry to explore ways of further developing it and to ensure that actions that arise from the OFT report do not damage the potential of the industry to contribute even more significantly than it already does. We have already heard how significant the industry's contribution is to tourism and the economy in Scotland.

17:50

Murdo Fraser (Mid Scotland and Fife) (Con): I commend Susan Deacon for her motion, which I was happy to sign, and I congratulate her on securing the debate.

Four of the five Scottish racecourses have been mentioned this evening and the remaining one is Perth, for which I am delighted to speak up as I drive past it every day on my way to Parliament. The recent success of the racecourse in Perth is something of which the city of Perth and the whole of Scotland can be proud. It was recently voted the best small course in Scotland and the north-east

by members of the Racegoers Club and annual turnover has climbed from £100,000 to £1 million in the past 10 years. The focus on attracting sponsors and providing high levels of prize money has seen Perth climb to 14th place on the British Horseracing Board merit table.

In addition, the racecourse plays an important role in the civic and economic life of Perth and the surrounding area. It manages to draw average crowds of 3,000 people per race day, which is the highest at any of the Scottish racecourses. It is also a popular local tourist attraction. Families in particular enjoy the Perth gold cup day in June—Scotland's biggest family race day, which attracts more than 10,000 visitors. Families also enjoy the family fun race meeting in August, which has a range of activities for all. In light of its recent successes, the racecourse was recently awarded two new race days—2 and 3 July—which coincide with the Game Conservancy Scottish fair at Scone, which gives a massive boost to the local economy.

The Perth gold cup has been supported for the past few years by a grant from the partnership administration on Perth and Kinross Council. Far be it from me to introduce a partisan note to proceedings, but it is rather regrettable that the SNP opposition on Perth and Kinross Council has consistently opposed that grant. I say as gently as I can to SNP members that, in the interests of consistency, they might wish to have a word with their party colleagues on that council to suggest that they reconsider their opposition and support the horse racing industry.

The racecourse in Perth has also been successful in reaching out to the business community. Its excellent private facilities ensure that the racecourse remains high on the list of corporate opportunities. It provides a corporate outing for more than 200 companies, with more than 4,000 guests every year. Furthermore, the new owners and trainers suite, which is regarded as one of the best in Britain, provides excellent facilities for exhibitions and conferences on non-race days.

Perth racecourse is a model of success that shows what can be done and it matches other members' experiences of racecourses throughout Scotland.

Members have referred to the OFT ruling, which is a concern for the Scottish racing industry. However, it is not the only concern and other problems face the industry. A constituent who wrote to me recently identified the small number of Scottish thoroughbred horses that are racing. He wrote that our racing is almost totally dependent on horses coming from England and Ireland to keep it going. On the day of the Scottish grand

national meeting at Ayr last April, the six jumping races featured just four Scottish-trained horses.

Much more must be done to promote the industry—it is not simply a matter of the OFT ruling. The Executive should work with the industry to identify opportunities to promote and develop the industry right across the board. For that reason I welcome the debate and I commend Susan Deacon for her motion.

17:54

The Minister for Tourism, Culture and Sport (Mr Frank McAveety): As other members have done, I welcome the debate and congratulate Susan Deacon on bringing it to the chamber. The debate springs from a discussion that we had at Musselburgh races about how we could utilise the Parliament effectively to focus on matters on which we did not have the chance to focus in previous political structures. We also felt that a debate would allow us consider the particularities of the industry in Scotland, some of which are unique and could therefore be more adversely affected by the OFT report.

It is interesting that members from across the political divide—Conservative, SSP, SNP, Liberal Democrat and Labour—have contributed to the debate. The Tory contribution is probably based on the noble philosophy that racing is the sport of kings and that it is therefore quite right and proper for the Conservatives to stick up for the sport. We also heard from one of the members of the further left parties, which indicates that the sport is also for the common man. It is a unique all-party coalition. Even the free-marketeers among the Conservatives, such as Brian Monteith and Murdo Fraser, have done nothing other than to agree with the broad consensus on the potential implications of the OFT report.

Alex Neil, who was here earlier, mentioned a day at the races. Given my all-encompassing portfolio, which includes culture, I initially thought that he was referring to the film by the Marx brothers. I never thought that Marx and the OFT would be mentioned in the same sentence.

I have a sense of *déjà vu*, because we are debating an issue that is partly reserved but which has an impact on Scotland because of the OFT implications. In a previous ministerial post, when I dealt with the health portfolio, I had to deal with the issue of pharmacies. I hope that we can have reasonable success with the issue that we are debating tonight, just as we did with pharmacies. As Susan Deacon and other members have said, more than just the technicalities of competition law must be taken into account.

I visited Musselburgh, but I will not confess to having led a dissolute lifestyle such as Colin Fox

says he had, traipsing round racecourses across Scotland. I was a very quiet, shy and unassuming child, as one can imagine from the contributions that I have made in the chamber as an adult. However, the work that has been done over the past 10 years, and which I have seen in Musselburgh, has resulted in a fine establishment at the racecourse there.

That has been achieved thanks to the vision of East Lothian Council, and I see Norman Murray from the council in the public gallery this evening, along with Pat O'Brien and many others who took the brave decision to use the council's role as a key investor to bring that work to fruition, when perhaps it would have been easier to make other decisions. What they saw is what many members have acknowledged as important this evening—that it is not just about racing per se, but about the economic and wider social benefits that racing brings to the broader communities that racecourses serve, not just in their own localities but across Scotland. Many members, quite rightly, have identified the ways in which we need to use that economic case powerfully as part of the debate that we wish to hold with the OFT.

I recognise the work that John Home Robertson highlighted with regard to the planned Scottish horse racing academy. Where I can, I shall give support to the development of an economic infrastructure to develop that and, if he can furnish me with further details, I shall raise the issue with the local enterprise company and with Scottish Enterprise to see whether we can open up some avenues to allow substantial developments to take place.

Stewart Stevenson rose—

Mr McAveety: I see Stewart Stevenson rising to intervene. I shall accept his intervention, but I hope that it will not be about the George Orwell book that has now been called “The Caterpillar Diaries”, just in case he refers to his previous quotation.

Stewart Stevenson: I am probably the member who has least connection with racing, but I have a powerful advocate of racing as one of my constituents and he used to speak here occasionally.

Does the minister believe that the logic of the OFT's recommendation in relation to racing would naturally lead, for example, to football clubs being unable to agree their fixture lists, which would cause widespread discontent and unhappiness throughout Scotland and elsewhere?

Mr McAveety: Funnily enough, I was just coming to the ghost of Christmas past. I am reminded of a discussion that I had at Musselburgh with Alex Salmond. We were discussing which horses to put money on, but

when I asked him who would be the likely leader of the SNP three years from now, he would not give me that bet. That was an interesting discussion.

One of the key definitions in sport is the Nice declaration, which recognises that sporting bodies must have some authority to establish what is appropriate for those sports, taking into account existing legislation and competition law. Over the next short period, we must try to identify how there can be compatibility between having the capacity to organise the racing calendar in an appropriate way and recognising the impact on competition.

Those issues have been thrown up dramatically by the OFT report. The British Horseracing Board has taken that into account and may modify some of its practices to address the concerns. However, we do not want to lose sight of the long-term strategy, which is about the economic infrastructure and the quality of the racing card. There can be a proliferation of races, but the races will not necessarily have long-term sustainability if there is no real interest in the quality of horses that are involved. Many members have touched on those matters.

At the level of the Department for Culture, Media and Sport, my colleague Tessa Jowell has written to the Office of Fair Trading in the context of the ruling. I take on board some of the key comments that she made in that letter, some of which relate to points that have been made in the chamber this evening. If the Parliament feels that it is appropriate, I would be happy to raise those points directly with the Office of Fair Trading. We want to strike a balance between achieving a more market-orientated approach and ensuring that the ability of the BHB to manage the overall good of the sport is not compromised. I am happy to take on board those issues and to reflect some of the discussions that Dick Caborn had on the matter earlier this month.

Members have mentioned many other local interests in the debate. I noted with interest that Michael McMahon mentioned the battle of Bothwell bridge, which involved the covenanter on horses. There is no truth in the rumour that the escape strategy for the battle of the Bothwell Bridge Hotel involved Barry Ferguson escaping on a white horse. I will leave that to members' imagination.

We must recognise that we can grow the sector. When racecourses—I spoke earlier today to the general manager of Musselburgh racecourse—were asked about the issue by the OFT, many suggested in their submissions that they could grow and stated they would like to have a wider race card. However, I do not think that their conclusions would have been what the OFT has recommended. We have to find a way of matching

the aspiration of the racecourses with competition law. That is an important issue that we can address.

We must try to develop much more effectively the quality and range of facilities. A number of members have raised that issue competently in the debate. I will not echo what they have said, but I will say that there is an inextricable link between the quality of the infrastructure and the quality of the race output. I am happy to enter discussions with my colleagues within horse racing in Scotland to ensure that we develop the infrastructure more effectively.

These matters are reserved, so we must tread carefully with regard to some elements of the debate, but I will be happy to take on board some of the points that members have raised. Dick Caborn has offered to hear the views that have been expressed in the Scottish Parliament.

More important, I hope that the people who are in the public gallery recognise that this is an opportunity for the Scottish Parliament to do things in a small way to showcase and identify issues that perhaps would not have had the chance to be raised under any previous political structure. I hope that that will enable us to achieve a result—if we want to use a metaphor related to racing—that is sustainable in the long term and genuinely makes a difference.

I am happy to conclude with those remarks. I recognise the value of the contribution that has been made by members and, in particular, I congratulate Susan Deacon on raising the matter. I hope that we can take up the issues and achieve an outcome that respects the integrity of competition law, but, more important, respects and sustains the Scottish racing industry for the future so that we can grow that industry for our communities throughout Scotland.

Meeting closed at 18:03.

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