

# **MEETING OF THE PARLIAMENT**

Wednesday 21 April 2004  
(*Afternoon*)

Session 2

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## **SCOTTISH MINISTERS AND DEPUTY MINISTERS**

FIRST MINISTER—Right hon Jack McConnell MSP  
DEPUTY FIRST MINISTER—Right hon Jim Wallace QC MSP

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MINISTER FOR JUSTICE—Cathy Jamieson MSP  
DEPUTY MINISTER FOR JUSTICE—Hugh Henry MSP

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DEPUTY MINISTER FOR EDUCATION AND YOUNG PEOPLE—Euan Robson MSP

### **Enterprise and Lifelong Learning**

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DEPUTY MINISTER FOR ENTERPRISE AND LIFELONG LEARNING—Lewis Macdonald MSP

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MINISTER FOR ENVIRONMENT AND RURAL DEVELOPMENT—Ross Finnie MSP  
DEPUTY MINISTER FOR ENVIRONMENT AND RURAL DEVELOPMENT—Allan Wilson MSP

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MINISTER FOR FINANCE AND PUBLIC SERVICES—Mr Andy Kerr MSP  
DEPUTY MINISTER FOR FINANCE AND PUBLIC SERVICES—Tavish Scott MSP

### **Health and Community Care**

MINISTER FOR HEALTH AND COMMUNITY CARE—Malcolm Chisholm MSP  
DEPUTY MINISTER FOR HEALTH AND COMMUNITY CARE—Mr Tom McCabe MSP

### **Parliamentary Business**

MINISTER FOR PARLIAMENTARY BUSINESS—Patricia Ferguson MSP  
DEPUTY MINISTER FOR PARLIAMENTARY BUSINESS—Tavish Scott MSP

### **Communities**

MINISTER FOR COMMUNITIES—Ms Margaret Curran MSP  
DEPUTY MINISTER FOR COMMUNITIES—Mrs Mary Mulligan MSP

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SOLICITOR GENERAL FOR SCOTLAND—Mrs Elish Angiolini QC

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DEPUTY PRESIDING OFFICERS—Trish Godman MSP, Murray Tosh MSP

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Procedures	Iain Smith	Karen Gillon
Public Petitions	Michael McMahon	John Scott
Standards	Brian Adam	Mr Kenneth Macintosh
Subordinate Legislation	Dr Sylvia Jackson	Gordon Jackson

21 April 2004

## Scottish Parliament

*Wednesday 21 April 2004*

*(Afternoon)*

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

### Time for Reflection

**The Deputy Presiding Officer (Trish Godman):** Our leader for time for reflection today is Sandra Holt, national assessor for the Church of Scotland's ministry selection process.

**Sandra Holt (National Assessor for the Church of Scotland's Ministry Selection Process):** The decisions that we make, as individuals or communities, do not just say something about the kind of people we are: the decisions that we make, make us.

My three teenagers measure their freedom by the number of decisions that they make for themselves, but experience teaches us all that there is more to it than that. Freedom, it turns out, is about the quality of our choices as much as it is about their quantity or scope, and making good decisions—the kind that go on delivering what they promise—is a complex business. Young and old, we want to be decent people who contribute to a just society, but we want other things too, and it can be difficult to make sense of the multitude of powerful motives that are charging around inside us.

Christian discernment suggests three guidelines to help us sift our desires. First, do your homework—good decisions are informed decisions. Freedom requires knowledge and openness to all the possibilities. Secondly, stay balanced, inclining neither this way nor that, while you consider all the options. Identify the weightier arguments and allow the best option to emerge from honest and rigorous reflection on those priorities. Thirdly, know your goal. For Christians, that goal is God's greater glory, but the God whom many know is a demanding dictator. Measuring up to the demands, real or imaginary, that religious folk think God makes on them can spell disaster.

Whatever your ultimate goal, do not give in to the demands that it seems to make; respond only to the demands of your own integrity. The end never justifies the means and no legitimate end needs to try. To strive to give more to a task than we have the passion for eventually leads us to feel guilty or resentful. Far from increasing our energy for the cause, uneasy obedience makes it diminish.

Applying those guidelines in a Parliament may mean working to identify the common cause that unites all, giving it priority over group interests. That sounds like a new way of doing politics to me. We should beware, however. Often the problem is not in knowing the right thing to do, but in having the courage to do it. When we lie on our death bed, courage will not be our problem, but regret may be, so a useful way to cut through prejudice, fear and fantasy is to imagine yourself there already and to ponder what decision you would want to have made, then make it—and God bless.

## Business Motion

14:33

**The Deputy Presiding Officer (Trish Godman):** The next item of business is consideration of business motion S2M-1181, in the name of Patricia Ferguson, on behalf of the Parliamentary Bureau, setting out a revised programme for this afternoon's business.

*Motion moved,*

That the Parliament agrees the following revisions to the programme of business agreed on 31 March 2004—

(a) Wednesday 21 April 2004

after,

2.30 pm                      Time for Reflection

*followed by*                Parliamentary Bureau Motions

insert,

*followed by*                Ministerial Statement on Prisoner Escort and Court Custody Services Contract

(b) Thursday 22 April 2004

delete,

9.30 am                      Executive Debate

and insert,

9.30 am                      Ministerial Statement on Cultural Review

*followed by*                Executive Debate on Mental Health.—[Patricia Ferguson.]

*Motion agreed to.*

## Prisoner Escort and Court Custody Services Contract

**The Deputy Presiding Officer (Trish Godman):** The next item of business is a statement by Cathy Jamieson, Minister for Justice, on the prisoner escort and court custody services contract. The minister will take questions at the end of her statement and there should be no interventions.

14:34

**The Minister for Justice (Cathy Jamieson):** I am grateful for this early opportunity to make a statement on prisoner escorts. Many in Parliament and beyond will share my anger and concern at the events of the past two weeks.

In this statement I will inform Parliament on three matters: first, I will outline the chronology of the prisoner escort and court custody contract and explain why that reform is, and remains, necessary; secondly, I will say what measures are now in place to ensure that public safety is maximised and that the courts receive the service that they need; and thirdly, I will deal with some wider points on which I have instructed further action.

The new prisoner escort and court custody service is essential for modernising the criminal justice service, but the new service needs to deliver. Its introduction in Glasgow has been poor; public confidence has been damaged and the company has rightly apologised.

There are about 150,000 movements of prisoners between courts, prisons and police cells each year in Scotland. For many years, those have been handled separately by the eight Scottish police forces and the Scottish Prison Service. That has tied up hundreds of police and prison officers and takes them away from other front-line duties that are focused on tackling crime and reducing reoffending, and it is also not the best use of public money. Sometimes half-empty police and prison service vans pass each other on the way in and out of court buildings.

Let me be clear: the current service that we are renewing and modernising is far from error-free and there are inconsistencies and gaps in the way in which information is recorded. Many members will know of the frustration that that causes for police and prison officers.

Colleagues on the Justice 1 Committee were told by staff from Glenochil prison in May 2002 that

"escorting prisoners to court takes valuable resources away from the core work of the prison."

That concern was shared by the then chief inspector of constabulary for Scotland, who stated in his annual report for 2000-01:

"The escorting of persons in custody between police stations, courts and prison, coupled with court security duties is a significant use of police resources. HMIC consider this is not core business for police forces."

My predecessor as Minister for Justice responded to those concerns on 21 January 2002. He announced that ministers had instructed the Scottish Prison Service to lead a multi-agency team to put in place a central contract for prisoner escort and court custody services in Scotland.

The SPS-led team put the work out to tender in September 2002 and received responses from bidders in December of that year. The timetable was extended to allow a more detailed and thorough comparison of bidders' responses with the costs of providing the then current system. Reliance Secure Task Management Ltd became the preferred bidder based on its proposals, which complied with the operational and commercial requirements, and its track record in providing escort services in the south-west of England.

In his statement to Parliament on the budget on 11 September 2003, the Minister for Finance and Public Services made it clear that ministers were willing to invest to secure the benefits of the new contract, which include the freeing up of police officers for other front-line duties. Contract negotiations were concluded and a contract was signed on 3 November between the SPS, on behalf of the criminal justice agencies, and Reliance.

There have been calls for the contract between the SPS and Reliance to be published. I want to make it clear that it will be published as soon as is practicable and consistent with the principles of freedom of information and contract law. Those principles include safeguards that cover information relating to law enforcement, prisoner security and commercial interests.

The Association of Chief Police Officers in Scotland was represented on the multi-agency team which put the new contract in place. It has since re-emphasised the importance that it attaches to the new contract. ACPOS recently stated:

"Once established, the new arrangements will provide, for the first time, a tailor-made, coordinated service for all prisoner movements across Scotland, reducing duplication and providing savings for the police and prison service to utilise in their core functions.

ACPOS wholeheartedly welcomes this move, particularly since, once the transitional period is over and the new arrangements have settled in, it is anticipated that up to 300 police officers will in due course be released from these duties for re-deployment to core policing duties. The

police will of course continue to provide a presence in court buildings to maintain public order."

Reliance had been working on its implementation plan for some time before contract signature, drawing on lessons that it learned from its experience of providing escort services in other parts of the United Kingdom. Reliance itself proposed that the service should be phased in, starting with the courts in west-central Scotland. Reliance saw that area as offering a comprehensive test of its policies and procedures in a relatively compact geographical area. The timing, at the beginning of the new operational year and during the relatively quiet Easter break, was also part of Reliance's proposal. Reliance's proposed implementation plan was subsequently included in the contract.

It was always part of the implementation plan to retain police officers on escort and custody duties to shadow the Reliance officers for about four to six weeks. That was a lesson that was learned from the experience of introducing such services in England and Wales. That shadowing will now continue until the SPS, on my behalf, and Strathclyde police are absolutely satisfied that Reliance is providing a secure and efficient operation in all the courts. As I will make clear later in my statement, the separate question of maintaining public order and safety in the courts is and remains the responsibility of the police.

I turn to the events of the first two weeks of the new service. It is now abundantly clear that Reliance seriously underestimated the challenge that it would face in bringing in phase 1 of the new service. Reliance accepts that. Courts that were covered by the first phase were affected on the first morning by the late arrival of vans and the late delivery of prisoners to the courts. Glasgow sheriff court was particularly badly affected. The Glasgow summary custody courts ran more slowly than usual and sat late into the evening.

The late arrival of prisoners continued to impact on the running of those criminal courts throughout the first week. One reason for that is that Reliance has, compared with the previous service, adopted more robust arrangements for loading and unloading vans and for transferring prisoners into court buildings. The system whereby prisoners are transported in cell units within vans and transferred one prisoner to one Reliance officer at a time is very secure, but has proved to be slow, so it is currently taking longer than expected to process prisoners. That has contributed to early time pressures in the courts.

Problems have also resulted from failures to transfer information effectively from one agency to another. That problem does not result directly from the Reliance contract or from our drive to modernise the criminal justice service. Indeed, it is

yet another argument in support of the reform programme that I lead.

Individuals who should have been held to answer other charges have walked free from court. A number of documented cases have come to light because of the scrutiny that is being focused on the operation of the contract with Reliance. For example, earlier this week a woman who had been on remand in Cornton Vale prison was liberated in error after appearing on a minor shoplifting charge. Like other incidents that involved outstanding charges during the past week, that should not have happened. That case and others like it require further investigation and action. The lessons of the past two weeks must be learned in order to ensure a better service in the weeks and months to come.

As soon as those operational problems became evident, the Scottish Prison Service took action to ensure that Reliance improved its service delivery. That was the right way in which to proceed. The responsibility for delivering the service to the standards that are set out in the contract rests with Reliance and responsibility for ensuring that Reliance meets its contractual commitments in full rests with the Scottish Prison Service, which is answerable to me for its discharge of that responsibility. When problems in delivering the contract affect the operation of the wider criminal justice system, that becomes a matter for ministers and goes beyond operation of the contract. That is why I acted quickly and decisively. In the past 15 days, I have gone out to see the problems on the ground for myself by visiting the affected courts, convening two top-level meetings involving the SPS, Reliance and others and speaking to front-line staff, managers, the chief constable of Strathclyde police, Sheriff Principal Bowen and the Sheriffs Association. Most important, I have ensured that action followed each of those meetings.

I would like to deal now with the events of Thursday 8 April. Those events went well beyond early teething problems in the operation of the contract. A convicted murderer, James McCormick, was ordered to appear in Hamilton sheriff court for breach of a probation order, but was mistakenly released. That was inexcusable: it put the safety of the public at risk, added to the suffering of his victim's family and undermined the credibility of the criminal justice service.

James McCormick should have been transported from Hamilton sheriff court back to HM Young Offenders Institution Polmont. Members will be aware that reports have suggested that an element of collusion and an exchange of identities with another prisoner feature in why he was released. Those matters are now the subject of police investigations—clearly, those investigations

will deal with all the circumstances of the case. It is, however, quite clear that Reliance was at fault and the company has accepted that.

Immediately it became clear that McCormick had been released, the SPS and Reliance took action to review and strengthen identification procedures. Specifically, action has been taken to ensure that all information sources, including photo identification, are checked at each stage of the escort process, with checks being signed off by a senior custody officer.

That, however, provides little comfort to the family of McCormick's victim. The Loughery family have acted with great dignity throughout. They have already suffered at McCormick's hands and I am sure that everyone in Parliament has sympathy with what they have had to endure. The incident has added to their grief and I want today to express my deep regret to them for that. Their present ordeal will end only when McCormick is back where he belongs, which is behind bars.

I turn now to the other immediate actions that have been taken to tighten security arrangements, to speed up delivery of prisoners and to improve handling arrangements within the courts. It was made clear to me by Sheriff Principal Bowen, among others, that there were not enough Reliance staff on the ground. Reliance has responded by bringing in a number of experienced managers and staff from its escorting services elsewhere in the United Kingdom. They will remain here. That has made significant improvements in operations.

In addition, in the course of the week, extra staff have been deployed. Reliance has now deployed about 150 staff and a further 50 staff are in training at present. Also, in response to comments by sheriffs and others, Reliance will enhance its training to ensure that escorting staff are given a better grounding in court procedures as well as in security, where the more obvious emphasis is. Reliance has brought in an additional experienced manager to take overall charge of scheduling in order to ensure efficient deployment and movement of its vehicles.

Those measures have begun to produce improvements. For example, by last Wednesday, at Glasgow sheriff court the majority of the transport vans from the prisons and from the police stations were arriving by 10.30 am. On 15 April, Glasgow sheriff court completed its business just after 4 o'clock. By the end of the week, most courts were reporting improvements.

I am very aware that others—the police, and court and prison service staff—have all done their bit, and more, over the past two weeks to ensure that no cases have fallen during the transitional period. I am grateful that sheriffs, procurators

fiscal and defence agents have shown patience and understanding as the new processes bed in.

I turn now to three further matters on which I have instructed action in the light of recent events. First, I have made it clear to the SPS that roll-out of phase 2 of the contract should be delayed. It will not take place unless and until the SPS is satisfied that Reliance is ready to deliver a satisfactory service day in and day out. The SPS is answerable to me for that judgment and knows that I want it to be made based on evidence and in the best interests of public safety and the criminal justice service. Reliance has accepted that that is the right way forward. I will also ensure that there is continuing dialogue with those who are most involved, including the sheriffs principal.

Secondly, it is clear that we need to look urgently at the effectiveness of communication within the system in relation to outstanding warrants. It is not acceptable that persons with outstanding warrants are released in error, but it is right that those who are responsible within the justice service should be given responsibility for advising me on improvements that need to be taken—improvements to meet my objective that there be an integrated and effective criminal justice service that puts public safety first. Therefore, today I am asking ACPOS to head a multi-agency investigation into the problems in the current system, and to come back within 12 weeks with a report on possible solutions. I expect the recommendations to result in fewer unnecessary repeat appearances in court, especially for serious offenders and, therefore, fewer opportunities for liberations in error.

Sheriff Principal McInnes's report on the summary justice system stresses the importance of reforming the system to reduce the risk of delay and opportunities for error. We are currently consulting on those proposals and we will take action quickly where there is consensus on commonsense proposals for improvements.

Thirdly, we need to ensure that people appear in court only when necessary. We need to end once and for all the practice whereby a sentenced offender is escorted from prison to court, unless it is absolutely necessary in the interests of justice. The Scottish Court Service and the Scottish Prison Service have trialled a closed-circuit television link between HM Prison Barlinnie and Glasgow sheriff court. I announce today that that will be rolled out to cover Hamilton, Paisley and Airdrie sheriff courts. That will increase public safety by ensuring that offenders—especially serious offenders—have to travel to court only when it is necessary that they appear in person.

I want to offer members reassurances on two more points. First, some people have expressed to me concerns about vetting of Reliance staff. I

reassure Parliament that enhanced vetting checks on new staff must be completed before they can take up their duties, and that those are also double-checked by Scottish Prison Service management. The contract requires that. It is happening already and will continue to happen. Disclosure Scotland is continuing to process new cases quickly but rigorously. That is important, because we will not compromise on safety in speeding up the recruitment process.

Secondly, I know that there has been concern in recent days about public order and safety in courtrooms. Those are understandable concerns, but I make it clear that the contract for prisoner escort and court custody does not cover public order in the courts. That is now, and will remain, a matter for the police and the courts themselves. I discussed that point with the chief constable of Strathclyde police, who has responded with a statement that I believe will allay concerns on that point: He said:

"Public order and public reassurance within the environs of the Courts remain the responsibility of Strathclyde Police. The introduction of this contract will not see court security compromised."

I began my statement by saying that members will share my anger and concern about the events of the past few days. The new escort service is an important and necessary improvement, but its introduction has been marred by real problems of delay and confusion in our courts. Worse than the delays and confusion, there has been an inexcusable lapse in security—one that has appalled every single one of us working in the justice service.

There is no doubt that those events have undermined confidence in the new arrangements. I will work tirelessly to rebuild that confidence. Everyone who is involved in that work knows what I expect and what requires to be done. Some people, in the face of problems, may be tempted to step back from reform while others step forward and tackle the challenge head-on. I am certain that the reform programme that Scottish ministers are leading is the right programme to build a safer and stronger Scotland with a criminal justice service that puts public safety first. I assure members that I will continue to take the necessary steps to deliver a criminal justice service that is worthy of the public's trust.

**The Deputy Presiding Officer:** The minister will now take questions on issues that have been raised in her statement. I intend to allow 25 minutes for questions, after which we will move to the next item of business. It would be helpful if members pressed their request-to-speak buttons. Most of you have done that already, but I say now that you will certainly not all be called.

**Nicola Sturgeon (Glasgow) (SNP):** I say at the outset how comforted I was to hear from the minister today that Reliance had been working on its implementation plan for some time. Goodness only knows what might have happened had that not been the case. This on-going fiasco is further proof that running public services for private profit is a recipe for disaster.

The minister has said a great deal in recent days about the Scottish Prison Service's responsibility, but I remind her of her responsibility. Paragraph 1.2 of the SPS framework document states:

"the Scottish Ministers are responsible for the SPS."

In the light of that responsibility, will the minister explain why the assurances that she has rightly been demanding since the release of James McCormick—which amounts to closing the cell door after the prisoner has bolted—were not demanded before the commencement of the Reliance contract on 5 April? Why did she fail to ensure that Reliance did not, as she put it, underestimate the challenges that it faced?

Will the minister outline what involvement she had in the negotiation and sign-off of the contract, which, given that it is worth £126 million of public money, should be in the public domain now? What steps did she take in the lead-up to privatisation to ensure that public safety would be protected? What obligations does the contract impose on Reliance with respect to staff numbers, staff training and the penalties that are payable by Reliance for the breaches of contract to date, and what options does the minister have to terminate the contract in the case of further breaches of security? Lastly, and above all else, will the minister guarantee the Scottish people that, from here on in, her guiding principle will be public safety, not privatisation?

**Cathy Jamieson:** I will start by answering that last comment. I have made it clear that the guiding principle of everything that the Scottish Executive does is to improve the quality of services that we provide. Ensuring public safety and improving the criminal justice service are a vital part of that.

Presiding Officer, I would have to seek a considerable amount of indulgence from you if I were to try to answer every point that Nicola Sturgeon raised and I probably would not get it. However, I want to be clear that the responsibility for negotiating the Reliance contract and ensuring that the correct procedures were in place lay with the Scottish Prison Service. Of course, it is the minister's job to be responsible. When things are not going well and there are problems that affect the wider criminal justice system, it is the minister's responsibility to step in, to show leadership, to act and to ensure that things happen, which is what I have done in the past two

weeks. However, the Scottish Prison Service, Reliance and other agencies also have responsibilities. I expect them to fulfil those responsibilities and I believe that they will do so.

I have made it clear that we will publish the contract in due course, but for the avoidance of doubt, I say that I will not put anything into the public domain that would further compromise public safety. The contract contains operational matters and I am simply not prepared to publish on a website or elsewhere anything that would be tantamount to a charter for criminals who wanted to use the information for their own ends. I will not do that.

**Miss Annabel Goldie (West of Scotland) (Con):** I thank the minister for providing a copy of her statement.

Recent events have dented public confidence in our justice system and gravely prejudiced public safety, which is a matter of profound regret. I see from page 9 of the minister's statement that she does not dispute the concept of ministerial responsibility. That may not be comfortable for her, but it is certainly helpful for the rest of us.

The part of the minister's statement to which I was drawn is headed "Immediate remedial action", which is on page 11. The minister lists four specific issues on which she considers intervention on her part was appropriate and necessary. If it was necessary in the past 14 days to listen to the concerns of Sheriff Principal Bowen and for Reliance to employ 200 extra staff—if we include the 50 staff in training—and if it was necessary for Reliance to enhance its training and to introduce additional experienced managerial support, why did the minister not attend to, or at least observe, those matters before placement of the contract? It is regrettable that the minister decided to act only when disaster descended.

I have a reason for that question. On 7 October, approximately a month before the contract was signed, I convened a joint meeting of the Justice 1 Committee and the Justice 2 Committee. At that meeting I was asked, on behalf of committee members who had visited Glasgow sheriff court and listened to Sheriff Principal Bowen, to raise with the minister, at the first opportunity, concerns about security in the criminal courts. I said to the minister at that meeting that we—committee members—had confirmed that we would put the matter to her, and highlight the real concern that exists, certainly in Glasgow sheriff court, about whether the necessary security for the criminal courts would be prejudiced by the new arrangements. Given the minister's response to Nicola Sturgeon, I ask her whether she had any discussions with Reliance during, or prior to, the placement of that contract.

**Cathy Jamieson:** I thank Annabel Goldie for raising a number of useful points. The contract negotiations with Reliance are, quite rightly, carried out by the Scottish Prison Service. However, as Annabel Goldie has reminded Parliament, she and I have discussed the matter. At that point, I responded to her that, following a visit to Glasgow sheriff court, I had been made aware of a number of concerns. Those matters were raised, which is why I made it very clear in my statement that the police continue to have overall responsibility for court security. That particular issue was raised at the time by the Sheriffs Association and the sheriff principal. That has not changed and it will not change. I have made that very clear today.

**The Deputy Presiding Officer:** I remind members that many members wish to speak, and request that they stick to a question.

**Pauline McNeill (Glasgow Kelvin) (Lab):** I agree with the direct, hands-on approach that the Minister for Justice has taken so far in this serious situation. Will she confirm that the objective in this case, rather than being one of profit, was one of public policy and that that policy was to free up officers for the front line? In her investigation, will she examine why Reliance, a company that boasted experience about what it could produce under the contract, failed properly to prepare for the Scottish courts? Why did it think that Scotland would be so different? Will the minister assure Parliament that she will continue her tough stance in her approach to restoring public confidence, even if it means, in extremity, that she has to use her powers to consider cancelling the contract, if that is necessary? Does she envisage a role for HM inspectorate of prisons in relation to the contract?

**Cathy Jamieson:** I hope that I have indicated today that I have no intention of shifting from what has been a tough stance. I intend to continue that, and I intend to ensure that people who are responsible, in various agencies, do their jobs. They are accountable to me for that, and I am accountable to the Parliament. I am perfectly prepared to take on that responsibility.

Pauline McNeill's first point was absolutely right. The purpose of the exercise was to ensure that we had an efficient system that allowed police officers to return to front-line duty. That is the result that the Executive wants; in the context of retaining police officers in the courts, that is very important.

Pauline McNeill asked whether we will continue investigations into why Reliance was not adequately prepared. The important point is that Reliance gets its act together, as it has been beginning to do over the past two weeks. It has taken a very direct approach to ensure that that happens; I am not particularly happy about that—I

do not think that anyone is happy about that—but, nonetheless, when action has to be taken, and someone has to take that action, I am prepared to do it. Let no one be in any doubt that that action will include, if the delivery is not appropriate, that the contract will not roll out. There is an option to cancel the contract if Reliance does not deliver.

Pauline McNeill's final point related to the role of the prison inspector. Although the inspector would not have responsibility for reviewing the contract, he would certainly have an interest in the management of prisoners while they are being escorted to and from the courts.

**Margaret Smith (Edinburgh West) (LD):** I thank the minister for a comprehensive statement. The Liberal Democrats continue to offer their support for the ethos behind relieving pressure on police officers, but it is clear that the standard must be improved or the contract must be cancelled.

In her statement, the minister touched on the question of vetting. My understanding is that, following legislation that was passed in 2001, guards who escort prisoners in England and Wales face tough licensing and vetting procedures by the Security Industry Authority and that the Scottish Executive has said in the past that it would undertake to get a legislative slot at Westminster to ensure that the SIA would cover Scotland, too. Obviously, that has not happened.

**The Deputy Presiding Officer:** Do we have a question, Miss Smith?

**Margaret Smith:** Can the minister tell us when, or if, that will be done? In the interim, can she do anything to speed up the Disclosure Scotland delays of about nine or 10 weeks?

**Cathy Jamieson:** I reassure Margaret Smith that when I checked with the police service at the weekend, my understanding was that no outstanding or delayed applications in relation to people who wish to work for Reliance were sitting with Disclosure Scotland. Clearly, as the company moves to recruit additional staff, additional requests will be made. As I said in my statement, it is important to recognise that that is the enhanced disclosure and that the SPS has an oversight of that. It is also worth remembering that a training programme is in place. I want that to improve, because I believe that it can be better. However, that training programme is accredited by the SPS. Of course we can make improvements. As Margaret Smith pointed out, rightly, people will support the policy if they believe that they will get the delivery. I am now firmly focused on the delivery.

**Michael Matheson (Central Scotland) (SNP):** The minister stated that Reliance seriously underestimated the challenge of delivering its

service. Given that a number of public agencies are now having to assist Reliance in delivering its service, will the minister confirm whether Reliance will be held financially accountable for the additional resources that the public agencies are having to deploy? Will she also confirm whether the SPS has had to sanction overtime payments for prison officer staff in prisons such as Barlinnie because of the delay in the transfer of prisoners from prisons to courts and from courts back to prisons? If the SPS is having to sanction such overtime payments, will the minister ensure that Reliance is held financially accountable for that and pays up for the public purse?

**Cathy Jamieson:** So that people are absolutely clear, it is important to state again that there was always an expectation—it was part of the process—that there would be a cross-over period during which the police and others would be able to support the introduction of the new contract and would have contingency plans.

One of the reasons why it was felt appropriate for the west central Scotland area, including Glasgow, to be a suitable place to begin the contract was that, in the event of difficulties, that is the area in which we would most easily be able to draw on prison officers or police officers, if that action was required. Further, there are provisions in the contract to enable costs to be recouped, in certain circumstances, if the SPS or the police have to step in. Again, let me be clear: I expect the SPS, which is monitoring the contract, to look at every detail and to ensure that, at every stage at which financial penalties ought to be taken against Reliance, they will be taken. I am in no doubt about that.

**Mr Duncan McNeil (Greenock and Inverclyde) (Lab):** I welcome the minister's statement and agree that we cannot excuse the fact that Reliance was unprepared to comply with its contract. However, does the fact that a prisoner was accidentally released from Greenock sheriff court on Friday as the result of an administrative mix-up, rather than because of Reliance, not undermine the argument that everything in the criminal justice garden was rosy until Reliance became involved? Of course, two wrongs do not make a right. However, will the minister assure me that the poor performance of one company will not be allowed to derail the broader objective of getting police officers patrolling our streets instead of sitting in the back of vans with shoplifters?

**Cathy Jamieson:** Like most MSPs, I am very aware of the desire of people in local communities to see police officers on front-line duties. As I have said time and again, our policy is about ensuring that police officers can be freed up for duties other than those that they previously undertook in relation to prisoners.

Duncan McNeil is right. As I said in my statement, the previous system was not error-free. What has happened over the past couple of weeks is that, as a result of the much closer scrutiny of the new system, a number of areas have emerged—they have been clearly highlighted in the public domain—in which I believe there are gaps, which I intend to close. As I outlined earlier, that is why I have instructed that solutions be brought forward quickly by a working group.

**Dennis Canavan (Falkirk West) (Ind):** How would it threaten public safety to reveal the terms of the contract now, but not at a later date? If the minister is insistent on not disclosing to us now the full terms of the contract, will she tell us what penalties have already been imposed on Reliance for wrongly releasing prisoners? How many prisoners have to escape before the contract is cancelled?

**Cathy Jamieson:** It is not a matter of how many prisoners have to escape before the contract is cancelled; we are talking about delivery of the whole contract. Any amount of failure to deliver would allow the SPS to impose penalties at various stages. For that reason, I cannot and will not say today how many penalties have already been accrued because the SPS will be examining work on delays and a range of other issues.

I am happy to put into the public domain under the terms of the Freedom of Information (Scotland) Act 2002 the details of the contract that can safely be in the public domain. However, I will not put into the public domain an entire contract that includes operational duties until the SPS, the police and I are absolutely sure that it will in no way give rise to security breaches.

**Bill Aitken (Glasgow) (Con):** The minister will recall that, when the Parliament was dealing with the relevant enabling legislation, namely the Criminal Justice (Scotland) Act 2003, her deputy gave assurances that the new system would not be implemented until it was "secure and efficient."

What steps did the minister take and what system checks were put in place prior to the implementation of the contract to ensure that the new contract would be secure and efficient?

**Cathy Jamieson:** In advance of the signing of the contract and since then, a number of groups, including the Scottish Court Service, the police, Reliance and all the agencies involved, have worked to try to put in place a plan that would ensure that everything would work on the day. However, that is simply not what happened and there is no point in my pretending otherwise. We need to resolve the problems and move on. We need to ensure that the performance improves and, if it does not, I have the power, which we can exercise, to terminate the contract.

We should be absolutely clear what the policy was intended to achieve. I know that Bill Aitken supports the policy intention, because he has told me so often enough. The policy is about ensuring that police officers are carrying out duties on the front line rather than escorting people to prison. The policy is correct but the delivery has, so far, not been anywhere near good enough; it will have to improve or there will be further consequences.

**Karen Whitefield (Airdrie and Shotts) (Lab):** The minister will be aware that Her Majesty's chief inspector of prisons for Scotland has raised concerns about the welfare of prisoners being escorted from prisons to court. Can she give us an outline of any role or responsibility that the chief inspector of prisons should have to ensure that the highest standards are met and that any difficulties are identified early on and steps taken to ensure that they do not continue to occur?

**Cathy Jamieson:** I indicated earlier that it is clear that the chief inspector of prisons has a role to play in relation to looking after the welfare of prisoners during their time in prison and during the process by which they are escorted to and from the courts. During the normal course of his work, he inspects various services. I have every confidence that he will comment appropriately and will listen to the views of prisoners, prison officers and others involved as he goes about his normal business of inspecting and reporting to us.

**Fergus Ewing (Inverness East, Nairn and Lochaber) (SNP):** I have received information that, from October of this year, Reliance will assume responsibility for the transfer of prisoners who have a psychiatric disorder. Can the minister confirm that? If that is the case, how can its staff conceivably be given the appropriate training to do that task in that timescale?

With regard to the minister's comments that the negotiations between SPS and Reliance were nothing to do with her, is she suggesting that she did not approve the terms of the contract with Reliance? Assuming that she approved the contract, does it contain a clause that entitles Reliance to protect its commercial interests—that is the phrase that was used in the statement—and to refuse publication of that contract? If so, how can that be consistent with the need to ensure that there is proper public scrutiny where public money and public safety are concerned?

**Cathy Jamieson:** Again, let me be clear. At no time have I tried to suggest that matters that are my responsibility are not my responsibility—far from it. I have stepped towards the problems, taken that responsibility and, frankly, ensured that others accept their responsibilities. I have made it clear today that the contract will be published, in accordance with the Freedom of Information (Scotland) Act 2002, to ensure that there is

nothing in it that further compromises public safety.

Fergus Ewing asked a specific question. I have made it clear today that there will be no roll-out of the contract unless and until the Scottish Prison Service can give me a categorical assurance that Reliance is fit and able to deliver it. The member is shaking his head, but I make it clear that that includes the point that he raised about prisoners with a psychiatric problem.

**Carolyn Leckie (Central Scotland) (SSP):** I wonder whether the minister is aware that it is possible to get a Reliance job advert from the jobcentre on the web. The problems do not seem much of a mystery when we see that jobs are being advertised at £6.70 to £7.00 per hour, that the person specification includes a 10-year work history—

**Members:** Question.

**Carolyn Leckie:** This is a question.

All that an applicant needs is to be good with people and to have a D1 or public service vehicle driving licence. Given that only six weeks' training is available—

**The Deputy Presiding Officer:** Can we have a question please, Ms Leckie?

**Carolyn Leckie:** Is it any wonder that having those people in charge of convicted murderers leads to convicted murderers being on the loose? Does the minister agree that this privatisation debacle is similar to the one in the health service, in which cleaning has been privatised and we have superbugs on the loose?

**The Deputy Presiding Officer:** Ms Leckie, will you stick to your question please?

**Carolyn Leckie:** Now we have convicted murderers on the loose. If the minister is not prepared to distance herself from this privatisation debacle, will she resign if she cannot persuade the Executive to cancel the contract now?

**Cathy Jamieson:** During my visits to the courts and prisons last week, I met a number of the front-line staff who work for Reliance. I met people who come from all walks of life; I met ex-police officers and people who have worked in the prison service, in a range of industries, in other parts of the public sector and in the private sector. The one thing that came across to me from all those people at the front line is that they were mortally embarrassed by what had happened because they, as workers, want to do a good job. If Carolyn Leckie is seriously saying to me that I should, at the stroke of a pen, put 150 workers out of a job, I am frankly astonished.

**The Deputy Presiding Officer:** I am afraid that I must move to the next item of business. I apologise to those members who were not called.

## European Union (Enlargement)

**The Deputy Presiding Officer (Trish Godman):** The next item of business is a debate on motion S2M-1098, in the name of Richard Lochhead, on behalf of the European and External Relations Committee, on the enlargement of the European Union, and one amendment to that motion.

15:19

**Richard Lochhead (North East Scotland) (SNP):** It gives me great pleasure to open this debate on behalf of the European and External Relations Committee in my role as convener.

On 1 May, the European Union will fundamentally change when its membership increases from 15 to 25 states and its population increases to 450 million citizens. The centre of Europe will move east and, for the first time, parts of the former Soviet Union will be within the European Union's borders. I know that the Parliament and Scotland as a whole look forward to welcoming Estonia, Latvia, Lithuania, Poland, the Czech Republic, Slovakia, Slovenia, Hungary, Malta and Cyprus into the European fold. Of course, that is not the end of the story, because Bulgaria and Romania are online to join the EU, which it is hoped will happen by 2007. A decision will be taken in December on whether Turkey's application to join should proceed, if its human rights record has improved. Croatia has also applied to join the EU.

The European and External Relations Committee is keen to debate the issue because we are just a few days away from EU enlargement, which is an historic event, and because we want the Parliament to discuss the opportunities and challenges that EU enlargement presents for Scotland.

The wave of entrants to the EU on 1 May is different from previous waves. It is momentous for two reasons. First, we will welcome former communist states from eastern and central Europe into the EU. They will be able finally to put the dark years of dictatorship behind them. Of course, they are still struggling to make the transition from communism to capitalism and to meet the conditions of EU accession. The states that are joining the EU are also different because they are poorer than those of previous waves of enlargement. Although 100 million extra citizens will join the EU, enlargement will add only 4.5 per cent to the EU's gross domestic product.

After experiencing war and turmoil in much of the 20<sup>th</sup> century, those countries look for stability and prosperity as part of the EU in the 21<sup>st</sup> century. The EU was formed in 1957 to rebuild

continental Europe after the second world war and it is incredible to think that, in fewer than 10 days from today, some of the countries that were most affected by that war will join the EU nearly 50 years after its formation.

Scotland has many historical, social and economic links with the countries that are joining the EU. The biggest new member will be Poland, whose population of 38 million is virtually the same as the total of the other accession states' populations. We have a long historical link with Poland. Few Scots are aware that in the early 17<sup>th</sup> century Poland was the biggest recipient of Scots emigrants, when many pedlars and merchants emigrated to Gdańsk, as well as to Kraków and Warsaw.

Scotland's influence lives on today, because many Polish place names relate to Scotland and many Scots names that have been polonised can be seen in Polish phone books. Those links continue, as Scotland has a Polish community. In the second world war, the Polish army was stationed here and the Scots were protected by 70,000 Polish soldiers. After the war, 100,000 Poles decided to stay on.

Scotland also has links with other states, in particular the Baltic states, with which we know that the tartan army has built many connections. Many fans have gone to those states to watch the football and not returned. That was not just because of the drink; those people have built families in those states.

The accession states are on the brink of modernisation, which raises two issues for Scotland. First, Scotland will have more economic competition from the accession states and, secondly, that modernisation will offer business opportunities for Scottish businesses. The accession states will spend billions of euros in the coming years on modernising their transport and information technology infrastructure. They are spending hundreds of millions of euros on adapting to EU legislation such as environmental legislation.

Last week, I was lucky enough to join colleagues from other parties—Mike Pringle and Des McNulty—on a three-day visit to Poland, at the Polish Government's invitation, which perhaps shows the links between Poland and Scotland. We visited many ministers, members of Parliament and organisations that are based in that country to discuss the impact of EU enlargement on Poland.

We visited the British-Polish Chamber of Commerce, which told us that, unfortunately, only one of its members is a Scottish company and that only one Scottish company will attend a conference that it has organised to take place in the next few weeks to discuss potential business

opportunities for the United Kingdom. Clearly, that is not good enough. Some of the English-language publications in Warsaw say that Spanish, United States, Danish and German companies are lining up to invest in Poland, but no mention is made of any Scottish companies. Of course, Scottish companies are investing in Poland, but they are few and far between and the emphasis seems to be on other countries. It is clear that there is a challenge in raising awareness among Scottish businesses about the opportunities that are available in Poland and the other accession countries.

There are some general challenges for Scotland. First, there is the threat of the outsourcing of jobs. In Poland, the average wage is £315 a month, which is 13 per cent of the German average, and the minimum wage in Poland is £1.25 an hour, compared with £4.50 an hour in this country. We must be aware of the danger that, as has been discussed in business circles, jobs will be outsourced from Scotland to the accession countries.

The accession states will enjoy a geographical advantage over us, as they are more accessible for European markets. The centre of Europe is shifting east and Scotland is on the north-west periphery. That might have implications for direct investment into Europe, which, in past years, might otherwise have come to Scotland.

The report by Bradley Dunbar Associates Ltd that was commissioned by Scottish Enterprise indicated that one of the Baltic states—Latvia—has one of the best credit ratings in Europe. Estonia is one of the most business-friendly countries in Europe and is more business friendly than many of the current EU members. It is also clear that the accession states will receive the lion's share of regional funding to help to build up their infrastructures. Scotland will have to compete against those countries, which are modernising their infrastructures and have rapidly growing economies and low inflation in many cases.

**Murdo Fraser (Mid Scotland and Fife) (Con):** I am interested in what the member says about Estonia. He will be aware that Estonia has a flat rate of tax. Does he think that there is a lesson in that for Scotland?

**Richard Lochhead:** There are many lessons for Scotland to learn from the accession states and I hope that the ministers will tell us during the debate what we are doing to learn such lessons.

There are many opportunities for Scottish companies. R B Farquhar Ltd, which has one factory in Scotland—in Huntly in my constituency of North East Scotland—has just opened its second factory. It chose the Czech Republic as a

location for its new factory in order to access European markets.

The Poles told us that €70 billion are ready in private accounts in Poland for investment. People are waiting for confidence to invest that cash in new businesses and contracts. The Poles will receive €11.6 billion from the EU over the next three years. Again, contracts will be up for grabs.

Another advantage for Scotland is that English is increasingly the business language for the EU. Scotland is well poised to take advantage of that situation. Moreover, as we discovered during our visit to Poland, there is enormous good will towards Scotland. That good will exists not just in Poland. Last summer, I was lucky enough to visit the Czech Republic and Hungary, where the good will towards Scotland is palpable. We must take advantage of that good will to build links, particularly economic and cultural links.

Some people think that the fresh talent initiative may benefit from accession countries entering the EU. Of course, we want to explore that, but the message that we received in Poland was that the level of migration from those countries that is being predicted in the current EU member states is exaggerated. That is a cause for concern and a matter that the Executive and others will have to take on board.

The issue is not only about Scotland getting advantages from the accession countries; we must also offer something back to them. What can Scotland offer them? First, many partnerships exist. We have a lot of experience of using regional funding in this country and we must share that experience with the accession countries. I know that partnerships between the Czech Republic and Scotland exist to achieve that.

Secondly, Scotland is well placed to help to build civic society in the accession states. Those states have suffered from decades of communism and are just beginning to build their civic societies. Scotland's voluntary sector should be recruited by the Executive and the Parliament to play a role in achieving that.

Finally, the Parliament can make a specific contribution to the accession countries. Those countries are still trying to adopt and develop a democratic culture. The Parliament is new—it is only five years old—and we have learned from tough experiences over the past few years. I hope that we can share those experiences with the accession countries in future years.

What action is needed from the Scottish Executive? It would be helpful if the Executive could produce a strategy that outlines how we are making the most of opportunities in the accession states and recognising the challenges. The

committee welcomes the reports that it has received so far.

Direct air links are crucial for building economic links with the accession states. Currently, there is no direct air link from Scotland to Poland, which is the biggest accession state by far. The link between the Czech Republic and Scotland has been a phenomenal success. I hope that we can learn from that and build on those links. We must investigate new air links with the accession countries. In addition, we should encourage our towns and cities to twin with their counterparts in the accession countries and build more links in that way as well.

Enlargement will produce political challenges for Scotland. It will raise the issue of how an EU of 25 or 27 members will work efficiently. Given that the EU constitution is back in the news, that will be a big question in the coming months, because every member of this Parliament will need to address how Scotland's voice can be heard. The centre of Europe will shift further east and will be further away from Scotland than ever before, so the question facing this Parliament is how we can continue to play a role at the heart of Europe.

On 1 May, enlargement day will be celebrated throughout Europe. I congratulate the City of Edinburgh Council on organising several months of celebrations. The Parliament should celebrate enlargement, too. Scotland is an old European country, so let us welcome with open arms the other European countries that will join the EU and let us prepare for enlargement as well.

I move,

That the Parliament welcomes the enlargement of the European Union that will see 10 new member states join on 1 May 2004; recognises that this provides both challenges and opportunities to Scotland, and encourages the Scottish Executive to promote actively the benefits of enlargement across Scotland.

15:31

**Margo MacDonald (Lothians) (Ind):** The intention behind my amendment is not merely to remove some shockingly poor syntax from the motion that Richard Lochhead presumably either wrote or approved. There are at least four substantive reasons why his anodyne motion should be amended.

First, a motion should encapsulate a proposal that is either accepted or rejected by Parliament, but it should also be understandable by the people in whose interests it is debated. The motion asserts that enlargement of the EU

"provides both challenges and opportunities to Scotland"—

the preposition is the motion's, not mine—

"and encourages the Scottish Executive to promote actively the benefits of enlargement across Scotland."

I think that the latter reference is to a vigorous information campaign that would promote only the benefits of enlargement.

However, if enlargement presents challenges that we could fail to meet, enlargement could presumably result in Scotland experiencing disbenefit. The motion implies that that possible outcome should either be ignored or covered up by the Executive. Should not Scots be informed about the possible pitfalls of enlargement, so that defences can be planned and put in place now by Scottish Enterprise, local authorities and the private sector to combat the migration of jobs from Scotland to new member states that have lower-waged but skilled work forces? The accession countries may have lower GDPs than Scotland has, but some of them have pretty skilled work forces.

Before coming to the opportunities that are presented by enlargement, let us probe the possibility that enlargement will pose a threat to what is left of Scottish manufacturing industry. That such a calamity might befall Scotland does not come simply from the feverish fears of Eurosceptics—although I am sure that we have none of them in this Parliament. Volvo has already left Irvine for Poland. Polestar printing company considered going to Hungary as well as to the north of England. No doubt members will be aware of similar movements and discussions among manufacturing and service industries in their areas.

We are not the only peripheral maritime region to be at some economic risk from EU enlargement. Last week in Portugal, my friends were telling me about the companies that had transferred their operations to the new EU area that was formerly part of the Soviet bloc. The same fears are being voiced in Ireland, Spain and Greece.

Without a report from the European and External Relations Committee on the predicted consequences for Scotland of EU enlargement, the motion amounts to mere rhetoric. We should consider the conclusions that can be drawn from the pattern of employment migration that is emerging in Scotland and elsewhere. The amendment provides the opportunity for a serious analysis to be done on the effects of enlargement on employment.

If the EU fans who produced the motion are correct in their guess that the benefits of enlargement will outweigh the pitfalls, my amendment would provide the Executive with an opportunity to identify which sectors of our manufacturing and service industries are best

placed to expand into the 10 new markets. When Richard Lochhead spoke to the motion, he referred to business in general, but he did not specify which manufacturing and services sectors would benefit. If the Executive were to undertake the analysis that I propose, it might be able to assist the companies that are best placed to take advantage of enlargement—provided, of course, that the EU rules would allow that. I am not sure that they would, but the issue is worth thinking about.

My amendment refers to the social as well as the economic consequences of enlargement. The motion does not indicate whether enlargement enables or impedes the Executive's strategy of growing Scotland's population, which the First Minister has described as essential. Has the European and External Relations Committee considered the possibility that the sort of skilled young people whom the Executive would like to attract to Scotland will prefer to stay in their countries, to which jobs are migrating from Scotland and elsewhere?

Richard Lochhead mentioned that the groundless fears of being overrun by Romanians and so on are proving just that—such people need only stay where they are, as industry will move to them. Has the committee considered the morality and the consequences for new EU members of causing an exodus of trained, poorly paid, medically qualified workers from countries where they are needed even more than they are needed here? At the moment, health appears to be the only sector in which we are confident that people will be attracted to Scotland, because there are plenty of jobs over here for them to do and they will receive higher wages than they receive in their own countries. Should not Scots be given the opportunity to state their opinions on such a development? What do we bring to the new Europe if we ignore the effect of our comparative wealth on even poorer countries? Under the United Kingdom constitution, we cannot as a nation determine or act on decisions that are reached in such matters, even though the Parliament is supposed to determine policy and priorities for health and economic development in Scotland.

That brings me to the second reason for amending the motion: the proposed new EU constitution. How can we assume benefits for Scotland from enlargement separately from the proposed new structures and powers that are planned for the Commission, the Council of Ministers and the European Parliament, which will result in Estonia, Latvia and Lithuania having more direct power over EU energy or fishing policy than Scotland has? Enlargement will impact on the referendum on the EU constitution, but this mouse of a motion makes assumptions that appear to

disregard any linkage between the disquiet that is felt across Europe about the proposed constitution's centralising tendency and the transfer of sovereign powers from national Parliaments.

**The Deputy Presiding Officer:** Wind up, please.

**Margo MacDonald:** I have not finished making all four of the points that I intended to make. I assume that I will have time later to summarise.

**The Deputy Presiding Officer:** Time is allocated to the member for a summary.

**Margo MacDonald:** I will make the other two points then.

I move amendment S2M-1098.1, to leave out from "encourages" to end and insert:

"calls on the Scottish Executive to produce a balanced assessment of the economic and social impact of enlargement."

15:37

**The Minister for Finance and Public Services**

**(Mr Andy Kerr):** I disagree with some of the points that Margo MacDonald has made in relation to her amendment. My view was reflected yesterday by the Prime Minister when he discussed the need to hold a referendum on the proposed constitution. People are saying a lot of things about Europe and the constitution that, bluntly, are not true. We will have plenty of time to discuss those matters in due course.

Today, I am delighted to have the opportunity to respond to a positive motion from the European and External Relations Committee. The motion gives us a chance to debate issues relating to enlargement, acknowledges that there are opportunities and challenges in the new Europe and calls on the Executive and me, in particular, to ensure that we continue to promote awareness of the new Europe as it develops.

Again, I disagree with Margo MacDonald's approach. Enlargement is not an event, but a process. For many years, the Executive has been working on the enlargement of the European Union that we knew would happen 10 days from now. A one-off study of the impact of a particular moment in time is valueless when compared with what we are doing—ensuring that we continue to monitor the situation, to assess the impact of enlargement and to determine the validity of our assessments over a period of time.

The Executive welcomes the forthcoming enlargement of the EU, which will be the biggest enlargement since the foundation of the Union. Ten new member states and 70 million new citizens and consumers will enter the EU and the

single market. As the convener of the European and External Relations Committee indicated, having those states join the new Europe will close what may be described as a fault line of history.

Let us cast our minds back to 1984. In the context of the Orwellian predictions that were then being made, such a reunion would have been unimaginable, as many of the new member states were still in the thrall of communist ideologies and contact between them and the rest of Europe was at best sporadic, if it took place at all. Europe has come a long way since then. When we discuss the European Union and its enlargement, we need to remember the bigger picture—the change that has happened and the gateway that has opened to a new road of opportunity that stretches beyond us. That is the direction in which the Executive wants the new Europe to move.

I argue that, put in those terms, enlargement is exciting, although in some ways it is daunting. It implies change—it challenges the status quo—and change is unsettling for many. Therefore, I appreciate some of the comments about different aspects of the debate that have been made outside the chamber.

However, enlargement is a movement for good. It is good for Europe, where it will provide increased stability and might serve as a catalyst for reform. It is good for new member states, whose citizens will acquire new freedoms, rights and advantages that we take for granted every day. It is good for existing member states, which will benefit from the developing economic potential of the new states, and I argue that it will be good for Scotland's economy.

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

Will the minister join me in expressing the strong hope that, in the simultaneous referendums on Saturday 24 April in the northern and southern parts of Cyprus—which have been so painfully divided during the past 30 years—people will vote for a united Cyprus to join the European Union a week later?

**Mr Kerr:** Absolutely. That is another measure of how far Europe has come and how far the new nation states have come in the direction of travel.

We must return to the bigger picture of peace, security and co-operation throughout Europe, which we need and deserve to achieve for our families and future generations. We need to tackle the question why we think Scotland will benefit from enlargement. Some will argue about a reduction in structural funding and increased competition. However, Scotland will share in the benefits that will be common to all member states.

In incorporating the *acquis communautaire*—the body of existing European Community law—new member states will adhere to the higher standards

that apply throughout the existing European Union. Pollution will be reduced. EU food directives will ensure the protection of consumers. Single market conditions will create the largest single market in the world and enable companies investing in new member states to operate more securely and in a familiar environment.

Increased prosperity and economic stability of the new member states will benefit Europe as a whole. Perhaps more significant is the closer co-operation in justice and home affairs, which should help in the fight against crime and terrorism. Those are high-level benefits for Scotland as for every other nation in Europe.

More specifically, enlargement is good for Scotland because it extends our scope of opportunity. To focus simply on reductions in structural funding, which do not necessarily follow as a direct result of enlargement, and increased competition, which is a global consideration and not merely a European matter, misplaces the emphasis of what enlargement is all about. It is about providing the opportunity to revitalise Scotland's existing ties, such as those arising from the Polish and Lithuanian populations in Scotland, as Richard Lochhead eloquently pointed out. Enlargement will also tap into the latent desire in other countries to work with Scotland and with Scottish people, who are received with warmth when they visit the new member states, as I have experienced.

**Richard Lochhead:** On tapping into the good will towards Scotland in the accession states, is the minister considering increasing the presence of any Scottish agencies or Government departments in those countries?

**Mr Kerr:** We are considering that but, as I have pointed out to the European and External Relations Committee in the past, we need to make our interventions in a strategic manner to ensure that we can support such an effort. I will address that point further in a moment and I hope to satisfy some of Richard Lochhead's concerns.

We cannot forget some of the good work that has been done already. Scottish universities, such as the University of Glasgow, are at the forefront of research on central and eastern Europe.

Although we are proud of Scotland and its people, we must not forget that the vibrant new democracies that are coming into the new Europe have produced great thinkers, scientists and artists in the past and present. We have much to learn from other nations as the process goes on.

In recent months, ministerial colleagues and I have exchanged information with ministers from various nations, including Hungary, Poland, Bulgaria and Estonia, and we continue to welcome delegations of officials from new member states

that are keen to share ideas and expertise with Scotland.

Enlargement brings opportunities to Scottish business, as Richard Lochhead pointed out. However, the combined GDP of the new states will be 4 per cent of the total EU GDP. Although that is a growth in the market and will bring opportunities for Scotland, we must put it in context. Our expertise in public sector infrastructure and the management of structural funding as well as our financial services industry all provide opportunities.

We want to provide a single front-door approach to business in Scotland. In the past 12 months, we have had and continue to have many successful trade missions to new member states. Again, we are developing the knowledge-out aspects of our economy.

I am delighted to announce that only shortly after enlargement—from 17 to 20 May—the Deputy First Minister will lead a trade mission to Slovenia and the Czech Republic, which will provide an excellent opportunity for him to raise the profile of Scottish strengths and fly the flag for Scottish business. That might satisfy some of Richard Lochhead's concerns.

In response to points that have been made about the fresh talent initiative, I have to say that we do not want to take the best talent from the new member states at a critical point in their development. However, if people come to Scotland, we want first to welcome them and then to upskill them to ensure that when they return to their home nations they can contribute more effectively to their local and national economies.

We must ensure that, as Scotland develops in its own way, its voice is not drowned out by the clamour around enlargement. I am confident that that will not be the case and that we will continue to push Scotland to the best benefit of our economy, our people and our culture and arts. However, we must not be complacent. We must engage proactively with partners from all member states, new and old, to raise Scotland's profile in the enlarged Europe.

15:46

**Nicola Sturgeon (Glasgow) (SNP):** I welcome the debate and congratulate the committee on making it possible. The accession of 10 new states on 1 May—many of which were, just 10 years ago, still part of the Soviet bloc—is without doubt the most significant development since the European Economic Community was founded back in the 1950s. Indeed, this fifth—and most ambitious—enlargement is the one most likely to change fundamentally the way in which the EU goes about its business. That is why I agree that

this debate and the debate on the EU constitution are closely linked and cannot be held in isolation.

In that regard, I welcome Tony Blair's U-turn yesterday on the referendum. However, he should be aware that, if he expects people in Scotland to support the constitution, he still has to do a great deal of work in the final negotiations to ensure that the constitution's final draft does not run counter to Scotland's national interests. My party is and will continue to be proudly pro-European. However, we are also passionately pro-Scottish and, like the members of any other proud nation in the EU, we will not stand by while our interests and industries are used as bargaining chips by a UK Government whose priorities frequently lie elsewhere.

**Margo MacDonald:** The member has just mentioned how a proud country such as Scotland—in this case, as represented by the SNP—would not stand by while her national interests were overrun. Is the SNP proposing to do anything different from what it has done with respect to the fishing industry?

**Nicola Sturgeon:** Perhaps not for the first time, I am not quite sure that I understand the train of Margo MacDonald's thought. The SNP has made it abundantly clear that we will measure and judge the draft constitution against the standard of our national interest and that, if the clause on fishing remains, we cannot support it in that form.

I say to the minister right now that the ball is in the Government's court. He should get on the phone to Tony Blair, get him to make fishing a red-line issue in the remaining negotiations and get the clause out of the constitution. If that happens, we will join him in campaigning for a yes vote.

**Mr Raffan rose—**

**Margo MacDonald:** Will the member give way?

**Nicola Sturgeon:** No, I have to make some progress. I might give way later, if I have time. However, I will come back to some of the points that Margo MacDonald raised in her speech.

The EU constitution is just one of the consequences of enlargement. For every existing member state, enlargement offers opportunities and poses challenges and we in Scotland must ask ourselves whether we are doing enough to face up to those opportunities and challenges.

As it happens, I will support Margo MacDonald's amendment. However, I genuinely ask her to reflect on the fact that some of the economic challenges that she illustrated when she cited the example of Volvo going to Poland are a result not just of EU enlargement, but of globalisation. The Parliament must bear that wider point in mind.

Although the Executive makes great play of working with the UK to Scotland's advantage, the

list of achievements in that respect is not long. It will not surprise anyone to hear that I think that, even within the limited powers of devolution, the Executive could and should be doing much more. For example, we must maximise our trade potential by setting up trade offices in each of the new member states, albeit employing the targeted sectoral approach that Margo MacDonald highlighted. We must get out there and start building political alliances that will benefit Scotland. For example, Estonia's interests in the North sea could conflict with ours, although Estonia has expressed an interest in the regional management of fisheries. Let us get out there and work with the Estonians to turn a potential adversary into an ally. We should be doing all those things, but I do not think that even that would be enough.

Margo MacDonald asked how we can envisage an EU in which Latvia has more direct power than Scotland has. That is a fair question, but I do not need to remind her that Scotland has no direct influence and power in the EU right now. That is why there is no substitute for a seat at the top table. There is no substitute for independence. Andy Kerr may laugh at that, but he should turn his sights to Ireland. In political and economic terms, Ireland is leading the European Union right now. It holds the EU presidency and its economy has been growing faster than that of any existing or new member state. It is now second only to Luxembourg in wealth per head of population, while the UK is in sixth place. Those are the things that we should be looking at and learning from. There is a direct link between Ireland's clout as an independent state and its economic success.

Scotland needs the powers and the equality of independence in Europe if we are not to fall further behind and lose out and I believe that now is the time to stake our claim. Post enlargement, the European Union will be, even more than it is now, a union of small states. Seventy per cent of all member states will have populations of fewer than 10 million people. Seven out of 10 of the new countries poised to join have populations similar to or smaller than Scotland's. Malta is smaller than Edinburgh, yet it will be there and we will not. If all those countries can and will have seats at the top table, why not Scotland? That is the question that the Executive cannot answer. Why should we alone among the nations of Europe be content with second-class status? I shall give the answer: there is no reason, other than the limited ambitions and narrow horizons of the unionist members. It is time for Scotland to take its place.

15:52

**Phil Gallie (South of Scotland) (Con):** In agreeing the wording of the committee motion, I

gave an assurance that I would not seek to amend it on this occasion. I did so for the simple reason that the objectives of the European expansion fall precisely into line with those of the Conservative party under various leaders—Margaret Thatcher, John Major, William Hague, Iain Duncan Smith and now Michael Howard—so we fully approve of the motion.

If we were to step back in time to the first of Margaret Thatcher's three-in-a-row election successes, it would be difficult to envisage the current expansion of the European Community. If we consider the expansion that we celebrate today, when we welcome into the European Union countries from the most eastern boundaries of Europe, it can only be a source of wonderment that it has been achieved without bloodshed of massive proportions. If we think back to the early 1980s, the cold war, the Berlin wall and what was known as the iron curtain, we are reminded that one could have foreseen such an event coming about only through military conflict. One ought perhaps to be grateful for the fact that there existed on both sides of that curtain weapons of such potentially horrific effect that none dared use them. The only solution to ending the stand-off was through international discussion and agreement.

I earnestly believe that three politicians stand out beyond all others in the great change that has brought about the peaceful expansion of the European Union. They are Ronald Reagan, Mikhail Gorbachev and Margaret Thatcher, and I particularly underline the courage of Mr Gorbachev, who brought about such momentous change in the former Union of Soviet Socialist Republics and its satellite countries.

Enough of the past, for the expansion of the European Union brings hope of potential prosperity for many, particularly in eastern Europe, along with opportunity and advantage for those countries forming the European 15. The original goal of forming a partnership that would secure peace among European nations has, in the main, been achieved. The expansion extends that benefit and adds further to the goals of the common market—with our home market extended by 67 million people, for example.

There will be sharing of assets. Already there is recognition that the benefits of structural funds—from which the United Kingdom has benefited in the past, albeit paid for by us as a net contributor—will be passed on to others in the new accession countries. Those benefits have been enjoyed in the past by countries such as Ireland, Spain and Portugal and are one reason why Ireland and its economy have—as Nicola Sturgeon pointed out—benefited so greatly in recent times from the European Community.

Although there are benefits along those lines, there will also be difficulties. Margo MacDonald pointed out some of those, particularly in relation to skilled labour being taken from the accession countries and brought into this country. That cannot be allowed to happen. There is an opportunity for Scotland to use its knowledge in construction and technology, as Richard Lochhead suggested, in assisting those countries to use the structural funds to greater advantage.

**Mr Kenny MacAskill (Lothians) (SNP):** Is the member aware that the latest studies from Finland show that more people are likely to move from Finland to Estonia than from Estonia to Finland? Rather than concentrate on alarmist scaremongering about Slovakian Gypsies, we should see that we will benefit from in-bound skilled labour and that as many people are as likely to move elsewhere. The alarmist scaremongering is absolute nonsense.

**Phil Gallie:** It is not a case of being alarmist; it is a case of being aware and acknowledging that those things may or may not happen. I am, at the same time, emphasising the positive element whereby Scotland can benefit by having Scots going to the accession countries to assist in relation to how structural funding can be used.

An essential element of enlargement was the reform of the common agricultural policy. That has been, to my mind, a major requirement for at least the last 30 years and recent changes are welcome. I underline that those changes have been achieved within the existing European Union framework; I make the point that there was no need for new rules and added EU powers.

Looking back once again, although I personally retain misgivings over the evolving implications of the 1986 Single European Act and elements of the Maastricht and Nice agreements, I recognise that elements of all of those play a part in enabling the enlargement that we welcome today. It seems obvious to me, however, that one aspect of change that is unnecessary is signing up to the European constitution. We have been told in recent times that the constitution is nothing but a vehicle that tinkers with existing legislation to facilitate the accession of the 10, but in other nation states that myth is not propagated—their leaders acknowledge that the constitution goes far further than was ever envisaged. In the words of the Italian ambassador when he addressed the European and External Relations Committee, the constitution provides for the birth of a nation.

I welcome the fact that Tony Blair has done a massive U-turn on the referendum and I point out that many members in the chamber—among them Tavish Scott—seemed to believe that no such referendum was necessary. I have to say that I look forward to Tavish Scott's comments later in

the debate when he will have to eat some of the words that he has used.

I trust that some of the Labour members who are currently absent, such as Helen Eadie and Irene Oldfather, will reconsider their original concerns—

**Helen Eadie (Dunfermline East) (Lab):** I am in the chamber.

**Phil Gallie:** I apologise.

I look forward to Helen Eadie's speech later. I presume that she has done an about turn and now supports the referendum.

15:58

**Mr Keith Raffan (Mid Scotland and Fife) (LD):** We will take no lessons from the Tories on referendums. They did not have one on Maastricht and they have only converted to the idea as a political ploy; they are currently full of political ploys, whether on tuition fees or on Europe. Mr Gallie should get off his self-righteous podium and remember the past. He took nearly half of his speech just to list the Tory leaders of the past 15 years.

At the time of the signing of the entente cordiale, 100 years ago, Henry Wickham Steed—the future editor of *The Times*—had a conversation with Edward VII. That was an unusual occurrence in those days. He later recorded that the King

“Had an ever present sense that though Britain was the heart and head of the Empire,”

which we were then,

“she was, and must increasingly be, an essential part of Europe.”

There has long been an awareness that Britain cannot remain in splendid isolation from Europe. The stability of the continent is a fundamental British interest. The primary objective of the original European Coal and Steel Community was to bring to an end, once and for all, the age-old enmity between France and Germany, which had resulted in three wars in fewer than 100 years. Enlargement marks a further step—indeed, a giant step—towards consolidating and ensuring stability in Europe. It brings to an end, after nearly 60 years, the historic post-war division of Europe.

Scotland has long-standing historic links with several of the countries that will join us in the European family on 1 May. Like Richard Lochhead, I have read Professor Tom Devine's excellent book. Richard Lochhead rightly referred to the large number of Scots who emigrated to Poland in the early 17<sup>th</sup> century. Of course, in those days there were strong Scottish mercantile communities in many continental ports, including Danzig—now Gdańsk—in Poland and Klaipėda in

Lithuania. There was not just migration outwards; there was also immigration. Richard Lochhead missed this statistic, but by 1914, 8,000 Lithuanians were settled in Lanarkshire, Ayrshire, Fife and West Lothian—so many, in fact, that the Miners Federation of Great Britain decided to print its rules in Lithuanian and the Lithuanians even had two weekly newspapers of their own. Richard Lochhead rightly referred to the tremendous contribution of Polish troops to the defence of our eastern seaboard. The commander of the Polish army in exile, General Sikorsky, had a headquarters not just in London, but in Perthshire. When Poland became part of the Soviet bloc, after Yalta, many Poles chose to remain in Scotland.

Those strong, long-standing ties give us a head start in facilitating the creation of business, commercial and academic connections with the accession countries. The Executive must make the most of that head start. When I was briefly in Lithuania last September, our ambassador told me that during the next five years in Lithuania alone there would be €3 billion-worth of infrastructure projects—those are projects for which Scottish companies can tender. That is the figure for a country that has a population of only 3.6 million, so how much more of an opportunity will there be in Poland, which has a population that is ten times the size of that of Lithuania?

I know that there were several trade missions to accession countries last year and that there will be further such missions in the coming months. The minister mentioned one of those. I would have liked ministers to have led more of those missions, but I am glad that the Deputy First Minister will lead the mission to Slovenia. It is important that we conduct such missions with drive, energy and enthusiasm. We are up against stiff competition: President Mary McAleese of Ireland has already—earlier than us—personally led trade delegations to several accession countries.

Of course, the minister is right to say that the fresh talent initiative comes into play. During the next year, many people from the accession countries will come to live and work in the United Kingdom. We should encourage them to come to Scotland. We should consider extending twinning beyond the civic arena to include, for example, universities, further education colleges and hospitals. We do not want to deprive the accession countries of some of their best people, but we can help them and make a contribution through training and education, which can only strengthen the links between ourselves and those countries, in particular the countries across the North sea.

In conclusion, let me speak briefly about the constitution. I am disturbed by Ms Sturgeon's backtracking today. I will not give way to her, as

she did not give way to me, but I hope that she will clarify the Scottish National Party's position on the constitution, because it is very important that she should. If the SNP is backtracking on its long-standing position of Scotland in Europe and is not going to fight the referendum alongside us—

**Nicola Sturgeon** rose—

**Mr Raffan:** I will not give way to the member. She can state her position when she winds up. If she intends to backtrack and not stand with us, with Labour and with the pro-European parties in fighting that referendum, she ought to say so clearly now, rather than be ambivalent about it.

**Nicola Sturgeon:** If Keith Raffan had been listening, not just this afternoon, but over the past few months, he would know exactly what the SNP's position is. We are pro-European. It is not a question of being in or out of Europe; it is a question of standing up for Scotland's interests. If the constitution, which is not yet finalised, continues to run counter to Scotland's national interest, we will not support it. The shame is that Keith Raffan would support it in those circumstances.

**Mr Raffan:** That is exactly what I thought.

The constitution is fundamental to Europe—it is exactly that. It not only draws together all the treaties, from the treaty of Rome to the treaty of Nice; it not only establishes the powers of the member states and those of Brussels—what Europe can and cannot do; it reforms the structures of the EU to take into account the 10 accession countries, so that the Commission's working arrangements, which are already overstretched, do not break down. If Nicola Sturgeon is trying to say now that the constitution is not fundamental to the future of Europe, she does not have a leg to stand on. No one will agree with her. It is fundamental. If the SNP is now coming out against Europe—if it is following the line of Alex Neil and the others on the Eurosceptic, fundamentalist wing of the SNP—it should have the honesty and the guts to say so.

I welcome the Prime Minister's conversion to a referendum. After seven wasted years of failing to argue the case for Europe, I am glad that he is at last going to roll up his sleeves and come out fighting. When he does, he will find us campaigning right by his side.

**The Deputy Presiding Officer:** We move now to the open debate, with four-minute speeches.

16:05

**Mr Kenny MacAskill (Lothians) (SNP):** This debate is about EU enlargement, not about the EU constitution. We are in danger of being sidetracked. The criticisms regarding the

nomenclature of the debate are rather unfair. This is, after all, a committee debate. It is part of the terrain that we try to achieve a broad consensus. In some aspects, it is important to try to maximise the consensus, especially when we are talking about the national interest and not a narrow party interest. In this case, very little has been said about EU enlargement by the minister, or by my colleagues, with which I would disagree. I think that such consensus is a good thing.

Putting the emphasis on the EU constitution is detracting from the debate. That issue will be decided on, and voted on, as it should be. I personally disagree with the emphasis of Chirac and Fischler and with where they would like to take us; I much prefer the position of the Finns and others on levels of responsibility. Such issues will be discussed in the months and perhaps even the years to come.

At the moment, we are talking about EU enlargement, which will happen within a matter of days. I believe that enlargement is a good thing. We should view it as an opportunity and not as an obstacle. There are two reasons for that. One is the broad effect that enlargement will have on Europe; the other is the internal opportunities that we will have. One is external and one is internal. The external issues have been touched on by others. It is good that we are expanding the borders of Europe—not only bringing in the former Soviet states that are now liberated rather than occupied, but bringing in other places in the Mediterranean and elsewhere.

For too long, Europe suffered from an iron curtain; we cannot allow the iron curtain to become an economic curtain. I believe that Jean Monnet and the others who wanted to enhance Europe and see it as a bulwark against war are quite correct. The continent was scarred by two world wars in the previous century; indeed, it has been scarred since the days of Charlemagne by conflict stretching over the millennia. That must cease. The best way of ensuring peace and stability for not only our generation but future generations is to enlarge and enhance the European Union.

Simply moving the border from the Oder and Neisse to the Elbe would be fundamentally wrong if we kept things as a cosy economic club for only those members that were fortunate enough to enter it originally. If we did so, we would simply be turning the River Elbe, and indeed any other such natural barrier, into a European version of the Rio Grande and would end up throwing back our equivalent of wetbacks. We would be trying to keep out economic migrants trying to do better for themselves. Europe would simply be an economic cartel.

Going forward will be beneficial for Europe and for Scotland. Of course there are risks but, as Nicola Sturgeon correctly pointed out, the real problems in economic movement, jobs and outsourcing come as a result of globalisation and not as a result of the enlargement of the European Union. Companies are outsourcing not only from countries such as Scotland, but from countries such as the Czech Republic, Bulgaria and Romania. The way to address that is for us to view Europe as an opportunity. Europe does not need to mimic the United States. It can be not just an economic union but a social union.

For too long, Europe has been viewed with hostility by the left when, in fact, it offers an opportunity for those who sign up to social democracy—whether from a north European perspective or a broader European perspective. We must regard Europe not just as an opportunity to ensure that we address questions of security and stability in case of war, but as an economic opportunity. We must ensure that we can compete with the United States and south-east Asia. More important, in competition with the United States we must not simply allow ourselves to replicate their devil-take-the-hindmost attitude. We can balance economic prosperity with the social provisions that are necessary in a democratic, fair and just society. We must see enlargement as an opportunity for a better Europe. We should go in willingly, not grudgingly. We should see enlargement as an opportunity, not an obstacle.

16:10

**Mr Jamie McGrigor (Highlands and Islands) (Con):** While Conservatives welcome the accession of the new member states, we urge caution over the result that the incoming wave will have on our economy.

It was interesting to hear the Canadian Professor Robert Mundell—no relation to David—who is the father of the euro, saying recently that Europe now has serious problems to deal with, for two reasons. First, the accession of 10 countries that have one third of the per capita income of western Europe will cause an increasing influx of labour into the rest of Europe, which will create considerable adjustment problems. Secondly, the huge rise in the euro, following its original meteoric fall, will make overall growth in the euro area much lower. Robert Mundell said:

“I would think it is going to be very serious ... there is going to be almost no job growth in Europe with rates at this level”.

This fanatically pro-European man, who invented the concept of the euro, is now advocating a global currency nicknamed the globo—far-fetched members might think, but do not forget that when Professor Mundell laid the

intellectual foundation for the euro, few people thought that European countries would ever give up their francs, pesetas or marks. Many are now regretting that they ever did. Let us be under no illusions—the rules for the new countries are quite different from those that cover us, as they will be legally bound to join the euro when their budget deficits are below 3 per cent of their gross domestic product. In other words, they will be forced to join the euro by Brussels.

The new Europe will stretch to the Black sea, and possibly eventually via Russia to the Pacific. It is far too diverse a unit to survive as a centrally governed federation, because its interests differ so much. A glaring example of that is left-wing Sweden's refusal to join the euro. It is much more likely that a patchwork of intersecting alliances will emerge. I see nothing wrong with that. It is healthier than the present European model, which has caused so many problems to this country's structure, decimated our fishing industry, and now threatens to ruin our farmers with modulation tax. Our businesses cannot afford oppressive EU regulatory burdens, which make them uncompetitive.

It is likely that some of the 25 member countries will fail to ratify the new constitution. Anyone who suggests that those countries will be expelled from the EU is talking rubbish, as there is no provision for expulsion of that sort in any EU treaty. It is becoming abundantly clear that many people in eastern Europe, Scandinavia and the Mediterranean share the view of the majority in this country who do not want to be herded over a precipice into a united states of Europe, headed by a president of Europe. The eastern European countries have only recently emerged from the iron grip of totalitarian communism, and they wish to regain their cultures and identities, rather than be immediately covered by the soggy blanket of Brussels bureaucracy.

If the EU and its member states are going to prosper, we will need new partnerships acting within a flexible regime. It will have to offer a selection of policies from which member states can choose those that suit them best. What is needed are slimmed-down EU powers concentrating on the efficient administration of the essential freedoms of the single market, namely the free movement of people, the free movement of capital, and the free movement of goods, with the minimum of interference in the internal affairs of member states.

Mr Blair's dream of putting Britain at the heart of a Europe—that outworn cliché—dominated by France, Germany and Belgium, like some modern-day holy Roman empire, with himself at the head of it, will do nothing to help the people of the UK or the new entrants to live freer, happier and more

prosperous lives. A far better approach would be for us—a nation that in general has prospered in close proximity to landlocked Europe and which has always been outward looking to areas beyond our European backyard—to make alliances within the larger framework of European countries that deliver the limited objectives on which we can collectively agree. We do not need a constitution to deliver that aim, nor do we need a president.

How can a British Prime Minister describe the constitution as a tidying up exercise when, instead of making the present Europe work better, it is set to build more institutions? The Prime Minister recently said that it is not always possible to know the nature of the outcome of certain actions. We believe that the result of this action will be federalism by the back door.

16:14

**Mike Pringle (Edinburgh South) (LD):** I welcome the opportunity to debate this historic moment in the European Union's history. I congratulate the European and External Relations Committee on lodging the motion.

EU enlargement is an historic moment that will continue to peacefully unite Europe after generations of conflict and division. The present round of enlargement, like previous ones, will add to the European Union's strength, cohesion and influence in the world and will put behind us the divisions of the cold war. However, enlargement is not just about the past; it is very much about the future. It will extend the stability and prosperity that we enjoy in the west to the new member countries in the east. Enlargement will also allow the European Union to take up the challenge of globalisation and international terrorism.

Last week, I was fortunate to join at the last minute a visit by MSPs to Poland, where I saw first hand the preparations that that country is making for 1 May. Even the process of preparation has made improvements to Poland's economy and its democratic structures. A new constitution was passed in 1997 and the developing private sector is now responsible for 70 per cent of the country's economic activities. Poland is crying out for economic links with other European countries.

As the motion rightly emphasises, enlargement is not just about advantages for the new members, but about opportunities for Scotland. Poland, with 39 million inhabitants, is the largest of the applicant countries. It offers great opportunities for Scottish investors. The country's agriculture remains on an almost subsistence level and needs a lot of modernisation. There are also untapped resources of copper, zinc, oil and natural gas. The large warhorse industries of steelworking, shipbuilding and textile production are giving way

to a high-technology service sector which offers major opportunities to Scottish investors. Perhaps one of the most moving moments of our three days was when we stood at the gates of the shipyard where communism started to fall. Sadly, that shipyard is now closed and the cranes are idle.

There appeared to me to be a lack of Scottish input in investment in Poland. I was disappointed that our ambassador in Warsaw could not give the time to meet our delegation of MSPs. I wonder whether a group of MPs would have received the same treatment—I doubt it. Obviously the answer is not to replicate the entire embassy function for an independent Scotland, given that the UK punches above its weight in the country, but I wonder whether the Executive has considered a request for key embassies to have a Scottish trade liaison officer who can ensure that Scottish companies are encouraged to participate in foreign investment.

Another opportunity for the Scottish Executive would be to establish close links with the British Polish Chamber of Commerce. While in Warsaw, we met Mr Leszek Wiecech and Barbara Stachowiak-Kowalska, who are directors of the chamber. They are keen to establish closer links with Scotland and for us to pass on their enthusiasm for closer links. I hope that the Executive will at least take up the challenge and make contact with the British Polish Chamber of Commerce.

Richard Lochhead talked about flights. I wish there had been a direct flight to Warsaw, as we were delayed for nine hours in Prague on our way home.

The first of May will be a wonderful day for Scotland, as our potential free trade market increases to 370 million people. I am glad that Edinburgh will be celebrating the day with a party in Princes Street gardens and I encourage the Executive to ensure that everyone in Scotland knows of the benefits of the European Union and enlargement ahead of the European Parliament elections. I support the motion.

16:18

**Gordon Jackson (Glasgow Govan) (Lab):** Like Mike Pringle and Richard Lochhead, I went walkabout last week. Mark you, I did not go to work; I went on my own to Prague for a few days just to walk around, which I thoroughly enjoyed. I was excited by what I saw. I thought that becoming a part of that rich culture was something to look forward to. However, I wondered a wee bit about our attitudes in Scotland. I spoke to a number of local people about joining the European Union. The people whom I spoke to knew about

the move and for them it was a positive step. However, I am not sure how true that is here. If we asked people on the street what was happening and what we are discussing, they might not have much idea about it. I am conscious that this is a generalisation, but even among what we might call the chattering classes, there is not nearly as much enthusiasm for Europe as might be thought appropriate. Put shortly, I do not think that, as a whole, we are terribly good Europeans. We are certainly not nearly as good as we should be.

That provokes the question why. I suspect that there are lots of reasons, and some of them are simplistic. There is geography: we are an island, and that has affected our sense of separation. There is also history: the last century has sometimes given our culture a negative view of the European experience, which is still there. There is possibly even a touch of arrogance.

I suspect that we in Scotland do better on this than other parts of the UK. Even here, however, there is an almost subconscious attitude of superiority at times. The old attitudes have tainted us, whether we like it or not, and we have a tendency to undervalue or under-appreciate other people. That is sometimes the result of ignorance about the richness of other countries—perhaps a half-hour in Prague might sort that out.

The real question is how we, as politicians and as a Parliament, help change that attitude. I have just a couple of suggestions for making Europe and being European more important. All of us from all parties need to stop using the European debate as a political football and as a way of making cheap political points. I appreciate that that might, at times, be asking for the impossible—I am asking for a fundamental change of attitude.

Members of the European and External Relations Committee had lunch with the French ambassador one day. We were discussing the fact that the French fight their own national corner as much as any other nation in Europe, and the ambassador accepted that. For him, however, there was a fundamental difference between the debate in France and that in the UK. He said that, in France, the argument is always from a starting point of being committed to Europe, and there is never any suggestion of anything else. To him, there was a different emphasis in the UK. Sometimes, it seems to be too much about them and us. That mindset needs to change if we are to be good Europeans. Sometimes in the debate, we have seen the error of that attitude.

This is just a thought, but I think that we perhaps need to have a slight change within the Executive. I say that with hesitation, because I know that Executive ministers, and the First Minister in particular, are very committed and proactive in Europe. I am not at all sure that the minister who

is responsible for all the finances that come under the power of the Scottish Parliament should also be the minister responsible for Europe. That is in no way a personal criticism of the Minister for Finance and Public Services—as Andy Kerr knows. It is inevitable, however, that a minister with that enormous responsibility must be limited in the leadership that he can give to broader European issues.

This is a really exciting time for Scotland in Europe. We are going to be, and need to be, proactive with regard to the economic and cultural links that we have with all the existing and new EU members. That will need drive and leadership. Maybe, just maybe, we want a minister for Europe who, on some level, has that clear and single responsibility.

**The Deputy Presiding Officer:** I apologise to those whom I have not been able to call. As I am sure you will appreciate, there was a very important ministerial statement earlier, which has meant that, as well as not being able to call some members, I have had to change the length of the winding-up speeches to four minutes. I now call Margo MacDonald. Ms MacDonald, can you give me four minutes?

16:23

**Margo MacDonald:** I will do my best.

I will start by commenting on Gordon Jackson's final remarks. He is absolutely right, and particularly so at this time. Only with a minister who is focused on Europe—its benefits, challenges, opportunities and whatever—will we get through the period leading up to the referendum on the constitution. I heartily applaud his suggestion that there should be a Scottish minister with responsibility for Europe.

I said earlier that there were four good reasons for backing my amendment, and it seems that nobody has said that there is a good reason for not backing it. I have listened carefully to all the speeches, but nobody has mentioned it—maybe it is not worth mentioning.

I finished my opening speech by saying that the motion appears to make assumptions that disregard any linkage between the disquiet across Europe about the proposed constitution's centralising tendency and the transfer of sovereign powers from national Parliaments. Some members addressed that point, but the motion does not and that is what is on the record. Even if we consider public reaction only in this country, France and Italy to the question of border security and immigration policies being decided by a Commission and Council of Ministers that will incorporate the 10 new members, it is not hard to imagine how that particular effect of enlargement

will influence how people vote in the referendum on the EU constitution. There is a definite linkage in that policy area. Now that we know that there is to be a referendum on the EU constitution, the motion is inadequate.

That brings me to the third reason for using my amendment to try to make the best of a bad job, which is the impossibility of absorbing the 10 new EU countries effortlessly into the euro zone. The single currency and enlargement are indivisible from the powers that the planned EU constitution would transfer to Brussels. Some members hinted at that during the debate. Let us suppose that the euro does not strengthen against the pound after enlargement—which seems likely. What implication would that have for regional funds in Scotland? Further, what if Prime Minister Brown continues to prefer the Bank of England's management of interest rates to that of the European Central Bank? Is there no linkage, therefore, between enlargement, EU regional policy, the economic performance of countries in the euro zone and a new EU constitution?

The fourth reason against passing the motion unamended is its inadequacy. It fails to address the consequences of enlargement and to relate those to the realpolitik of the UK referendum on the EU constitution or the effect of enlargement on the euro and the consequent potential effects on the Scottish economy. The amendment would at least provide the Executive with the opportunity to produce information that would better inform Scots of the issues surrounding enlargement and the questions that must now be addressed on its effect on the referendum on the EU constitution, the euro and perhaps even the EU itself, as was reported on "Newsnight" last night.

I have a few seconds left in which to address other remarks that were made during the debate. I was glad to hear Mike Pringle and Gordon Jackson introducing a note of common sense into the analysis of how others see us. People from other countries do not say, "You are wonderful, Scotland. We want to do business with you immediately." They say, "Scotland—is that the same as England?" When it is pointed out that we are not the same as England and that we are the ones who make the whisky, they say, "Ah! We like the whisky." We have a huge job of work to do in that area and I hope that the minister takes that on board. I know that the Executive is trying, but it should not underestimate the size of the job that it must do.

I, too, was in Poland just after that country freed itself from the Soviet yoke. At that time, only five companies were listed on the Polish stock exchange. I know how far Poland has travelled since then and I know how far it still must travel in order to regard Scotland as a partner. Poland

must go for the big stakes and that is not Scotland. We should not get our own importance in the new Europe out of proportion.

It was stated during the debate that we had very successful trade missions. However, how do we measure their success? Do we assess the number of companies that agree to go abroad and set up in partnerships or joint ventures? How do we evaluate trade missions? What is their priority and strategic thrust?

We discussed briefly in the debate the potential tyranny of the small states. Ireland was mentioned in that respect. However, that notion is absolute rubbish. Chirac and Fischler will have much more clout than will Barosso from Portugal, the Irish Prime Minister or any of the other small states. The big states will rule and that is what the EU constitution is about. That is why Parliament must consider enlargement and its effect on what the constitution will do.

I am sorry that I cannot go on, but I thank you for bearing with me, Presiding Officer. I urge all members to support the amendment.

16:29

**Mike Watson (Glasgow Cathcart) (Lab):** The first of May will be a big day in the calendar. It is always a big day for me because it is my birthday. It is also a big day for me because it is international workers day and there are usually events associated with that. This year, 1 May will also be the day on which the accession states at last become a part of the European Union. That has been clearly acknowledged not only by the European and External Relations Committee, but by the debate that we have had this afternoon. It is noticeable that, compared with previous debates in the chamber, there has been an almost unprecedented level of agreement during this debate. One party is obviously an exception to that, but we should not be surprised by that. I will say a bit more about that in a minute.

Labour welcomes all the opportunities that enlargement will bring to Scotland's people and economy. With more than a quarter of a million jobs already tied up in the member states of the European Union, our welcome is from both a pro-Scotland and a pro-Europe stance. I did not pick up that sentiment in the remarks of Nicola Sturgeon, although I have to say that they differed substantially from those in Kenny MacAskill's speech, with which I whole-heartedly agreed. Labour wants to look at the world away from a narrow nationalist viewpoint and to be outgoing and outward looking instead.

**Nicola Sturgeon:** Would Mike Watson describe all the countries in the EU, such as Germany, Spain and Ireland, and those that are about to

enter the EU, such as Poland, that are currently protecting their national interests in the context of the negotiations as having a narrow nationalist viewpoint?

**Mike Watson:** I would not, but I am talking about the way in which the SNP frames the debate. I expect every member of the European Union to look after its own interests. What is important is the way in which that is done and the way in which countries work with other countries to strengthen their positions.

We would need a long debate to go into the blind alleys that the Tories led us down but it is important to state that the Tories are blinded to the benefits of Europe. We will not convince them of our view in this debate or in the run-up to the referendum. I do not think that there is any point in trying to do so.

With the exception of the Tories, everyone who has spoken today has recognised EU enlargement as being good for Scotland. It will be good for Scottish citizens, consumers and businesses as they will have direct access to what will be, with 450 million consumers, the world's largest single market.

I echo the points of those who had the opportunity—which I did not have, incidentally—to strengthen European links during the recess. That is important at all levels of society in Scotland, from school-age upwards. I want the many valuable schools links that exist to be developed further.

The EU already accounts for 55 per cent of Scotland's manufactured exports and almost half of our service sector exports. I agree with Kenny MacAskill's point that enlargement must be seen not only as an economic union but as a social union. Many aspects of living and working conditions will flow to the new member states, as can be seen clearly if we examine the benefits that have come to Greece, Ireland, Spain and Portugal since they joined some years ago.

**Margo MacDonald:** Will the member take an intervention?

**Mike Watson:** I do not have time to take another intervention.

There will be opportunities to build on the links that Scotland already has with Europe and that is the regard in which I mentioned the schools links.

Scotland has an opportunity to grow into one of the most dynamic regions of the new Europe. Before the SNP members get up on their feet, I am not suggesting that we are a region of the UK. Of course we are not, but we are a region—and a strong one—of the European Union. We need to strengthen further the cultural and educational links with Europe that have already been

developed by community groups, academic research departments and so on.

For some years, the Executive has strongly urged aspects of Scottish business to become involved in the accession states. Already, Scottish Enterprise and Scotland Europa have ensured that there is a strong Scottish presence in many of the accession countries. After 1 May, that will become much more of a two-way street.

The Executive has also given clear evidence of the need to build links between the Scottish Executive and the Scottish Parliament and the existing regions of the EU. We already have formal concordats with Catalonia, Tuscany and North Rhine-Westphalia and many more will follow. Those links will be perfectly clear. As I said, a devolved Scotland is outward looking and is becoming increasingly confident of its identity. We can surely share the benefits of our membership of the European Union with the accession states.

The referendum is not the subject of today's debate, but there is a clear link between enlargement and the debate on the new constitution. I find it difficult to become convinced of the need for a referendum. My view is that, being part of Europe, we should go with the flow in the way in which many of the other countries seem able to do much more easily than we can. I echo Gordon Jackson's points on that.

We need to be much more proactive. Without trying to push the "wha's like us" line, I notice that the attitude to Europeanism in Scotland is different from that in, particularly, the south and south-east of England. As Scots, we have traditionally been outward-looking internationalists, and we should look to build on that in our relationships in the enlarged European Union.

The events of 1 May will be some of the most important in the development of the European Union. They will not be the last developments, but they are positive and we in Scotland must play as full a part as possible in the enlarged Europe.

16:35

**Murdo Fraser (Mid Scotland and Fife) (Con):**

As my colleague Phil Gallie said when he opened the debate for the Conservative party, we welcome the expansion eastwards of the European Union and the potential benefits that it will bring. The opportunity is there for higher economic growth; we will have a new single market of 500 million citizens; we will see increased stability and security in the eastern part of Europe; we hope to level up economic conditions throughout Europe; and we hope to ease the pressure of economic migration.

We hope that the new countries that will come into Europe will be prepared to stand with us and seek reform of EU institutions, many of which are sadly in need of reform. As my colleague Jamie McGrigor said, we are dealing mainly with countries that were, not so long ago, under the jackboot of communist dictatorship. Having so recently thrown that off and experienced freedom and democracy, I do not think that they will move quickly to fall under the imposition of European institutions. They will want to retain their independence, integrity and freedom to act. I envisage opportunities for the UK because we will have alliances.

I listened with great interest to Margo MacDonald speaking to her amendment. Much of what she said was interesting and many of her points were well made—I agreed with some, but not all, of them. I do not want to be ungracious, but it seemed to me that the opening of her speech was more about kicking her erstwhile colleagues in the SNP than about making positive points. However, she made a number of important points highlighting the fact that enlargement is not just about opportunities for Scotland and that there are threats too. She was right to comment on the potential loss of jobs to countries such as Poland. At the same time, we should not forget that we are losing jobs to Bangalore and Mumbai in India. Jobs will move not just within Europe but right across the globe. My hope is that by bringing other countries into our economic sphere, we will increase salaries and wealth in those countries, and that will benefit us. If we can break down some of the restrictive trade practices of which the EU is so fond and which penalise people in the third world, we can help people in Bangalore to increase their salaries and so remove the threat of jobs migrating away from us.

**Margo MacDonald:** Does the member agree that there is no contradiction between the effects of globalisation on the economy, particularly manufacturing industries, and the new countries' move into the European Union because they will be helped by regional grants for the first few years, as Portugal was. Companies are leaving Portugal to go to the newer member states in Europe and when they lose the benefit of the initial grant system there, they will move to Bangalore.

**Murdo Fraser:** That is indeed a point to be addressed. It is important for us not to have a closed-shop Europe but to seek to build free trade across the globe—that is the way in which we will drive up standards in places such as Bangalore.

I will pick up on a few other points that were made. I listened with great interest to Nicola Sturgeon's contribution about the Scottish National Party positioning itself as possibly for and possibly against the new EU constitution. It is interesting

that the SNP remains firmly in favour of the euro; I am surprised that it takes that view, which is out of tune with the Scottish people. If I were to offer some friendly advice to the Scottish National Party, I would say that it should be more Eurosceptic. When I meet SNP voters, I find that they are among the most Eurosceptic people I could meet, yet their party seeks to promote a policy of so-called independence in Europe. I offer that advice to the Scottish nationalists with great confidence that they will not accept it, which delights me. If we had joined the euro as the SNP, and indeed other parties, proposed at the time of its launch, it would have been a disaster for our economy, given the growth rates in the euro zone during the past four or five years.

I need to move on to deal with other points. Mike Watson and several others mentioned the referendum on the EU constitution. Strictly speaking, that is not a topic for the debate, but several members mentioned it. The Prime Minister has performed the most remarkable U-turn. A few weeks ago, he described the constitution as a minor tidying-up exercise, yet now we are to have a referendum on something that is trivial and irrelevant. He is wrong in two respects. We should not delay a referendum until 2005. If the matter is so important that we need a referendum, we should hold that referendum no later than this autumn.

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

**Murdo Fraser:** I will do so in a second.

It is entirely wrong to paint the debate about a referendum as a debate between those who are pro and those who are anti our involvement in Europe. Saying that we are in favour of Britain being involved in the European Union but against an EU constitution that could—we do not yet know precisely what it will say—be a further centralising force is a perfectly legitimate position. Different views are held on how Europe should develop. Saying that to oppose the EU constitution is to oppose Europe per se is wrong and false.

When Mr Scott winds up the debate, I will be interested to hear whether his views have changed since we last debated Europe, when he said:

"There is a huge difference between having an informed debate on the future of Europe and having a referendum ... In a referendum, the debate would be polarised and the issues would be narrowed and squeezed so that they could be projected in black and white."—[*Official Report*, 25 September 2003; c 2063.]

We have heard from Mr Raffan that the Liberal Democrats welcome the referendum, so we should hear whether his ministerial colleague agrees with him.

We have a clear and positive vision of the EU's future as a partnership of nation states that work together for their mutual benefit. That will be enhanced by Europe's expansion. Going ahead with the constitution would be to Europe's detriment.

16:42

**Mrs Margaret Ewing (Moray) (SNP):** The debate has been interesting and I will take a general view of it. Many members welcome the opportunity to discuss issues European. It is sad that we do not have enough such debates in the parliamentary session. I have pleaded for that before. I echo Gordon Jackson's comments about having a minister who is directly responsible for Europe, because under our new procedures, we could occasionally put a minister on the spot on all matters European. There is not a single member who does not recognise the importance of European issues to our constituents' lives. European issues have a daily impact on them, so we should have more opportunities to discuss those matters.

I say to the small band of people in our press gallery that I wish that we had sensible media coverage on all European issues. I have just returned from a session in Ireland of the British-Irish Inter-Parliamentary Body, on which I and other members represent this Parliament. Irish newspapers each contain about three pages of positive reportage about what is happening in European institutions. That is not all uncritical, but it gives the public an opportunity to understand how Europe works. RTE presents a different version of Europe from that which we see back here.

**Phil Gallie:** Did that reporting play a part in the initial rejection by the Irish of the Treaty of Nice?

**Mrs Ewing:** We discussed that treaty and its rejection and the implications of a variety of matters, such as EU enlargement. The Irish had the opportunity to have a referendum. My colleague Nicola Sturgeon has lodged a member's bill on a referendum about the constitution and I hope that the Conservatives will support that.

For the interest of Michael Pringle, who complained about not meeting the British ambassador when he was in Warsaw, I say that on our next trip with a committee of the BIIPB to discuss a common European defence policy, one of the first places that we will visit is Warsaw, for obvious reasons. The British ambassador has agreed to give us dinner on a Sunday night—I suspect that that might be because a few Westminster members are on the delegation.

In the debate, we have heard that there are issues that must be addressed as we consider

European enlargement, but addressing issues should not lead to opposition to enlargement. The Scottish Parliament and the nation must have the confidence to consider the challenges. That there will be an enlarged Europe is great.

**Rosie Kane (Glasgow) (SSP):** We have heard much about the economy, jobs, manufacturing and enterprise. As we have heard nothing about human rights, what is the lowest level of democracy in the accession states that the member would accept?

**Mrs Ewing:** The abuse of human rights in Turkey provides an example and I am glad that that country is now further down the line. A great deal of work has been done in other areas to try to ensure that human rights standards that we would like are reached.

One problem that we have with debates in the Scottish Parliament is the lack of power that resides in the Executive. It is almost as though there is a magnetic compass pointing to London. Instead of looking across the border, we should look outwards across Europe and out into the world. A professor of European studies in Poland has said that Scotland suffers from a visibility problem in Europe, which is interesting, but he has also said:

"I can easily imagine a Scottish candidate for the office of EU president getting massive support in Polish society and in many other countries".

I am conscious of the time, but I want to say in closing that, despite Margo MacDonald's acerbic opening comments, we will support her amendment. The Scottish Executive must take the bull by the horns and produce the kind of studies that have been carried out in Ireland, Northern Ireland and Wales. It has not tackled that matter at all and that is a great difficulty for us.

On the constitutional referendum, in case I was the only person who watched Prime Minister's question time at lunch time, I must say that he made it clear that the referendum will relate not to the question of being in or out of Europe but to the constitution itself.

16:47

**The Deputy Minister for Finance and Public Services (Tavish Scott):** I do not know whether I am allowed to do this, but I would like to welcome back among us my friend and colleague Ross Finnie. [Applause.] I knew how much he appreciated being back when I saw the look on his face at the group meeting last night.

The debate has been good. I thank the convener of the European and External Relations Committee for that and for the motion that he lodged on behalf of the committee. I agree with

Richard Lochhead's general analysis of the momentous nature of enlargement and what it means for the European Union. Most—indeed, in fairness, all—members welcomed enlargement, but Mr MacAskill's speech was the most persuasive and perceptive on the matter. I agreed with practically every word that he said and hope that he can convince his colleagues to see sense on such issues and to progress such an approach, because the issues will be important over the coming year. Those of us who believe strongly in these matters will have to say such things loudly.

Gordon Jackson also made a telling contribution in questioning this country's role. I bring to his attention the late Hugo Young's "This Blessed Plot: Britain and Europe from Churchill to Blair"—I am sure that he has read it—which has an interesting political and historical analysis of Britain's relationship with Europe. Gordon Jackson was absolutely right in what he said about the desire to avoid Europe becoming the political football that it has often been. He will also be aware that the Executive has brought forward a European strategy. Andy Kerr, of course, appeared before the committee to discuss and debate such issues with members.

On what Margaret Ewing said about more European debates, I suspect that we will have more of them over the coming year simply because of the nature of the political times in this country. I slightly disagree with what she said about the press. In fairness, the *Sunday Herald* and others do a reasonable job in presenting the objective arguments about Europe. Perhaps what we on this side of the argument should worry about is the strength of the extreme right-wing press, which does no good at all and does not provide a balanced debate.

I will deal briefly with Margo MacDonald's amendment, which I suggest may be unnecessary. I am not convinced that producing a formal impact assessment at one fixed point in time would be the best way in which to move forward, not least because Scottish ministers mainstream European activity across all our portfolios in the Scottish Executive. Indeed, every minister is responsible for a forward look at the incoming European Union presidency. That gives an immense focus for each minister and allows them to concentrate on these matters in his or her portfolio. Therefore, I suggest that one snapshot in time would simply be unnecessary. On the basis of that assurance, I hope that Margo MacDonald will consider withdrawing her amendment.

**Margo MacDonald:** I will press my amendment, which I believe would provide a more constructive approach to the next 18 months' activity on the European political front. I never suggested that we should have one snapshot in time. We should

have a process, for which the Executive should take responsibility.

**Tavish Scott:** I hear what Margo MacDonald says, but I simply repeat that the process that she seeks is exactly what we are doing. Given the forward looks that we carry out, the fact that Andy Kerr and other ministers appear before the European and External Relations Committee to give evidence on all those issues and the fact that the Parliament engages with the ambassadors of the incoming European Union presidencies, the issues that Margo MacDonald highlighted are very much being taken forward.

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

**Tavish Scott:** I must make progress, but I will come to Mr Gallie in a minute.

Keith Raffan, Richard Lochhead and others highlighted the need to raise awareness. The Executive very much takes the point that ministers can play a role in doing that through trade missions. In some senses, it would be highly desirable if we could be involved in more of those, but Keith Raffan will appreciate that the tightness of parliamentary business at the moment creates some limitations.

I agree with Richard Lochhead's comments about the good will in Europe towards Scotland, especially in the accession countries. That is an eminently fair point. We will continue to try to build on that.

As Mike Watson rightly pointed out, the European Union is about compromise and building alliances. That is why the Scottish Parliament and devolved Government support and invest in Scotland House and try to use all the advantages that that brings. That is also why Parliament and ministers engage actively with visiting Europeans and pursue a Scottish agenda across Europe. Because British Eurosceptics oppose all that compromise, they have no one with whom they can build alliances. No other major political party in Europe—except Jean-Marie Le Pen's National Front—supports the Tory position that Europe should not have any constitution. The Tory policy represents withdrawal from the European Union through the back door.

It was very polite of Mr Gallie to pre-release his speech, which I was able to read a couple of hours ago. That was very decent of him. Unfortunately, he is just wrong. For the avoidance of doubt, let me quote my own words from 25 September, which he was so keen to use:

"I have no difficulty with holding a referendum on the treaty. However, this is not the place in which to debate such matters, as they will be decided at Westminster."—*[Official Report, 25 September 2003; c 2043.]*

That is what I said. Perhaps Mr Gallie should accept that for what it is worth.

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

**Tavish Scott:** No, I want to continue my point. Mr Gallie mentioned Gorbachev, Reagan and Thatcher. Some of us remember Teresa Gorman, Bill Cash and Phil Gallie. Therefore, let us have no lectures from the Tories on that matter.

Jamie McGrigor was just wrong on the growth and stability pact. As I am sure he is aware, the French and Germans have made their position on the growth and stability pact abundantly clear. How the pact is reformed and changed will have implications for the accession countries as they move forward.

This is an important time for Europe as we move towards enlargement. It is a matter of astonishment to me that right-wing Conservatives and their media backers foam at the mouth at European co-operation on all fronts. When the UK is an engaged partner in Europe, our work in building economic cohesion and civilised civic and political values is seen as a betrayal of national sovereignty. By contrast, signing up to an American foreign policy into which we have no direct input and that not only lacks popular support among the British electorate but serves an agenda that is at odds with Europe is hailed as an act of patriotism. The Scottish writer Iain Banks summed it up:

"Last time I checked I did have an MEP to whom I could complain about any abuses within the European system, and who I could, along with my fellow voters, remove from office: I am yet to be informed of the identity of my Congressional representative."

16:55

**Mr Alasdair Morrison (Western Isles) (Lab):** I am very happy to sum up on behalf of the European and External Relations Committee. If time permits, I will throw in a few personal observations.

As a number of members have stated, the enlargement of the European Union in a few days' time will herald the beginning of an era and will help to spread peace, democracy, the rule of law and the common rules of Europe. Sadly, as we all know, for decades many of the countries that are joining the EU lived under the yoke of dictatorship. Their inclusion in the wider European family is certainly welcome. In welcoming those countries, we should recognise the courage of their Governments, many of which have had to reform their economies and politics. Now membership of the world's strongest political union and greatest economic market is within touching distance—a matter of days away. That is why I agree so readily with the words yesterday of the Prime

Minister, during a statement in which Government policy was slightly realigned. In his excellent speech, he rightly said that Britain should be at the heart of that great market and political union. I do not want to upset any of my colleagues on the committee, but I believe that if Britain is at the heart of Europe the same is necessarily true of Scotland.

I turn to some of the specific points that colleagues have made. I begin with the committee convener, Richard Lochhead. One fact that he cited was the addition of 100 million new citizens to the EU. Obviously, that is welcome, but contrasting the figure of 100 million with a rise in GDP of only 4 per cent helps to crystallise and focus the challenge that the EU and the accession countries will face in the years to come. He was right to mention the age-old historic links between Scotland and the Baltic states, which continue to flourish. However, he failed to mention the links with one Baltic state of one of his colleagues, Kenny MacAskill, who managed to marry his love for football and his love for beer to establish a business opportunity in, I think, the city of Tallinn—I am open to correction about that. Unusually, I agreed with the thrust of Kenny MacAskill's speech, which was uncharacteristically statesmanlike and was almost as welcome as the enlargement of the European Union.

A number of smaller but important issues were raised. One was the development of air links between Scotland and the accession countries. All parties can work together to support the development of such links. The exception, I am sure, is the Scottish Green Party, which would have us back using Viking longships. That might be good for Tavish Scott's constituency, but it would do nothing for the future prospects of Scotland's economy and for cultural links with our European cousins. The development of reliable, cheap, safe air travel must be encouraged. There are already examples of that in Scotland. One need only look at what has happened in recent years in the Western Isles and at Inverness airport. There are now links between the Highlands and Islands and some EU countries.

**Phil Gallie:** As spokesman for the European and External Relations Committee, Alasdair Morrison will accept that there seems to be great unity in the chamber about enlargement. Will he urge his ministerial colleagues to accept Margo MacDonald's amendment, which would not detract from efforts that they are already making and which I acknowledge, but would consolidate the feeling of unity in the chamber and the celebratory motion that we are debating?

**Mr Morrison:** The committee's motion recognises all the issues that have been raised. It was refreshing, if not alarming, to hear Phil

Gallie—the new European—embracing the new Europe. He was right to mention the hope and potential prosperity following enlargement. His speech was a marked and significant improvement on his position in recent times. Obviously, as fellow members of the European and External Relations Committee, we are having a positive effect on his mindset and on the views that he expresses in the chamber.

A number of members mentioned the excellent work that our universities and development agencies are doing throughout the European Union, which we should recognise. In some quarters, there is an obsession with the development of bricks and mortar and with opening offices in various accession countries. It is far more important that we deploy and execute properly strategies to take advantage of the opportunities that enlargement will provide.

I turn to comments that other colleagues made. Mike Watson highlighted the cordial links that exist, which I mentioned also, and noted the success of Scotland Europa in the accession countries. Margaret Ewing has mentioned consistently the obvious lack of comprehensive newspaper coverage of European matters, which she was right to mention again today. Gordon Jackson was correct to highlight our deficiency in Scotland and the UK in appreciating the benefits of being European. I am sure that his suggestion that the Executive refine the way that it engages with Europe will be considered in due course as enlargement beds down.

I think that Jamie McGrigor was the only Conservative member who engaged in scaremongering and the perpetuation of myths in relation to the new treaty. Mr McGrigor should appreciate that the treaty is designed to meet the challenge of enlargement and to bring together in one treaty what is presently found in two treaties. The new treaty will allow for the first time national Parliaments to object to the Commission's proposals.

Finally, I refer to the warm and cuddly words of Nicola Sturgeon, who presented herself today as pro-European. However, what she said came over as empty rhetoric—how can she reconcile her warm words with her leader's exhortation that Scottish fishermen should go out and break the law? How does she reconcile her party's alleged pro-Europe stance with the great deceit that she and many others in the party perpetuate—

**Mrs Ewing:** On a point of order, Presiding Officer. It was my understanding that Mr Morrison was called to respond on behalf of the European and External Relations Committee.

**The Presiding Officer (Mr George Reid):** Yes. You should draw your remarks to a conclusion, Mr Morrison.

**Mr Morrison:** I will draw my remarks to a conclusion. I am indeed responding on behalf of the committee to comments uttered in the chamber. The perpetuation of the myth that Scotland or the UK could withdraw from the common fisheries policy is a great deceit. With those positive words, I urge everyone to support the committee's motion.

## Business Motion

17:02

**The Presiding Officer (Mr George Reid):** The next item of business is consideration of business motion S2M-1180, in the name of Patricia Ferguson, on behalf of the Parliamentary Bureau, setting out a business programme.

*Motion moved,*

That the Parliament agrees—

(a) the following programme of business—

Wednesday 28 April 2004

2.30 pm Time for Reflection

*followed by* Parliamentary Bureau Motions

*followed by* Stage 3 of the Criminal Procedure (Amendment) (Scotland) Bill

*followed by* Business Motion

*followed by* Parliamentary Bureau Motions

5.00 pm Decision Time

*followed by* Members' Business

Thursday 29 April 2004

9.30 am Scottish National Party Business

12 noon First Minister's Question Time

2.00 pm Question Time—  
Environment and Rural  
Development;  
Health and Community Care;  
General Questions

3.00 pm Executive Debate on Reducing  
Reoffending – Improving the  
Effectiveness of Custodial and Non-  
Custodial Sentences

*followed by* Parliamentary Bureau Motions

5.00 pm Decision Time

*followed by* Members' Business

Wednesday 5 May 2004

2.30 pm Time for Reflection

*followed by* Parliamentary Bureau Motions

*followed by* Stage 3 of the Nature Conservation (Scotland) Bill

*followed by* Business Motion

*followed by* Parliamentary Bureau Motions

5.00 pm Decision Time

*followed by* Members' Business

Thursday 6 May 2004

9.30 am Stage 3 of the National Health  
Service Reform (Scotland) Bill

12 noon First Minister's Question Time

2.00 pm Question Time—

Enterprise, Lifelong Learning and Transport;  
Justice and Law Officers;  
General Questions

3.00 pm

Executive Business

*followed by*

Nomination of Commissioner for Public Appointments in Scotland

*followed by*

Parliamentary Bureau Motions

5.00 pm

Decision Time

*followed by*

Members' Business

and (b) that consideration of the Emergency Workers (Scotland) Bill at Stage 1 be completed by 10 September 2004.—[*Patricia Ferguson.*]

*Motion agreed to.*

## Decision Time

17:02

**The Presiding Officer (Mr George Reid):**

There are two questions to be put as a result of today's business. The first question is, that amendment S2M-1098.1, in the name of Margo MacDonald, which seeks to amend motion S2M-1098, in the name of Richard Lochhead, on enlargement of the European Union, be agreed to. Are we agreed?

**Members:** No.

**The Presiding Officer:** There will be a division.

**For**

Adam, Brian (Aberdeen North) (SNP)  
Aitken, Bill (Glasgow) (Con)  
Baird, Shiona (North East Scotland) (Green)  
Ballance, Chris (South of Scotland) (Green)  
Ballard, Mark (Lothians) (Green)  
Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)  
Crawford, Bruce (Mid Scotland and Fife) (SNP)  
Davidson, Mr David (North East Scotland) (Con)  
Douglas-Hamilton, Lord James (Lothians) (Con)  
Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)  
Ewing, Mrs Margaret (Moray) (SNP)  
Fabiani, Linda (Central Scotland) (SNP)  
Fergusson, Alex (Galloway and Upper Nithsdale) (Con)  
Fraser, Murdo (Mid Scotland and Fife) (Con)  
Gallie, Phil (South of Scotland) (Con)  
Gibson, Rob (Highlands and Islands) (SNP)  
Goldie, Miss Annabel (West of Scotland) (Con)  
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)  
MacAskill, Mr Kenny (Lothians) (SNP)  
MacDonald, Margo (Lothians) (Ind)  
Martin, Campbell (West of Scotland) (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)  
Ruskell, Mr Mark (Mid Scotland and Fife) (Green)  
Scanlon, Mary (Highlands and Islands) (Con)  
Scott, Eleanor (Highlands and Islands) (Green)  
Scott, John (Ayr) (Con)  
Stevenson, Stewart (Banff and Buchan) (SNP)  
Sturgeon, Nicola (Glasgow) (SNP)  
Swinburne, John (Central Scotland) (SSCUP)  
Tosh, Murray (West of Scotland) (Con)  
Turner, Dr Jean (Strathkelvin and Bearsden) (Ind)  
Welsh, Mr Andrew (Angus) (SNP)  
White, Ms Sandra (Glasgow) (SNP)

**AGAINST**

Baillie, Jackie (Dumbarton) (Lab)  
Baker, Richard (North East Scotland) (Lab)

Barrie, Scott (Dunfermline West) (Lab)  
 Boyack, Sarah (Edinburgh Central) (Lab)  
 Brankin, Rhona (Midlothian) (Lab)  
 Butler, Bill (Glasgow Anniesland) (Lab)  
 Canavan, Dennis (Falkirk West) (Ind)  
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)  
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)  
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)  
 Eadie, Helen (Dunfermline East) (Lab)  
 Ferguson, Patricia (Glasgow Maryhill) (Lab)  
 Finnie, Ross (West of Scotland) (LD)  
 Gillon, Karen (Clydesdale) (Lab)  
 Glen, Marilyn (North East Scotland) (Lab)  
 Godman, Trish (West Renfrewshire) (Lab)  
 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)  
 Lyon, George (Argyll and Bute) (LD)  
 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)  
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)  
 McNeill, Pauline (Glasgow Kelvin) (Lab)  
 McNulty, Des (Clydebank and Milngavie) (Lab)  
 Morrison, Mr Alasdair (Western Isles) (Lab)  
 Muldoon, Bristow (Livingston) (Lab)  
 Mulligan, Mrs Mary (Linlithgow) (Lab)  
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)  
 Murray, Dr Elaine (Dumfries) (Lab)  
 Peacock, Peter (Highlands and Islands) (Lab)  
 Peattie, Cathy (Falkirk East) (Lab)  
 Pringle, Mike (Edinburgh South) (LD)  
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)  
 Radcliffe, Nora (Gordon) (LD)  
 Raffan, Mr Keith (Mid Scotland and Fife) (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)  
 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

Byrne, Ms Rosemary (South of Scotland) (SSP)  
 Curran, Frances (West of Scotland) (SSP)  
 Fox, Colin (Lothians) (SSP)  
 Kane, Rosie (Glasgow) (SSP)  
 Leckie, Carolyn (Central Scotland) (SSP)  
 Lochhead, Richard (North East Scotland) (SNP)

**The Presiding Officer:** The result of the division is: For 48, Against 58, Abstentions 6.

*Amendment disagreed to.*

**The Presiding Officer:** The second and final question is, that motion S2M-1098, in the name of Richard Lochhead, on enlargement of the European Union, be agreed to.

*Motion agreed to.*

That the Parliament welcomes the enlargement of the European Union that will see 10 new member states join on 1 May 2004; recognises that this provides both challenges and opportunities to Scotland, and encourages the Scottish Executive to promote actively the benefits of enlargement across Scotland.

## Glasgow (Green Space and Leisure Facilities)

### **The Deputy Presiding Officer (Murray Tosh):**

The final item of business is a members' business debate on motion S2M-1172, in the name of Robert Brown, on the loss of green space and leisure facilities in Glasgow. The debate will be concluded without any question being put. I ask members who are leaving the chamber to do so very quickly.

I hope, Mr Brown, that your words fall on less stony ground than mine just have.

### *Motion debated,*

That the Parliament notes with concern the continuing loss of green space in Glasgow and other areas due to planning encroachment and, in particular, the threat to the future of bowling greens, tennis courts, football fields, allotments and similar facilities and believes that the Scottish Executive and local authorities should review land use policies, strengthen the protection of green space and leisure facilities, enforce local planning policies, conservation and other planning protections stringently and halt the development for other purposes of green space and leisure areas in pressurised urban communities.

17:05

**Robert Brown (Glasgow) (LD):** It gives me great pleasure to have secured the first members' business debate of the summer term, especially on the important issue of green space. I am glad that members from different parties have stayed for the debate.

The Scottish Executive's document "Scottish planning policy: SPP1. The Planning System" states that the aim of the planning system is to guide

"the future development and use of land in cities, towns and rural areas in the long term public interest ...";

"to ensure that development and changes in land use occur in suitable locations and are sustainable ...";

to

"provide protection from inappropriate development ...";

and

"to maintain and enhance the quality of the natural heritage and built environment."

Moreover, it says:

"Involving local communities, business interests, amenity organisations and others is essential to help shape a sustainable Scotland."

Although those aims are superb, a presumption in favour of development lies behind them. After all, the document goes on to say:

"Planning policies and decisions should not prevent or inhibit development unless there are sound reasons for doing so."

When she launched Scotland's first national planning framework on 1 April, the minister—Margaret Curran—said:

"Get things right in planning and we make real progress on the country's economic competitiveness, environmental protection and social justice. Get things wrong and we will fail to deliver our commitment to sustainable development."

I say to Parliament that, on protecting green space and leisure facilities in Scotland, we are getting it wrong. Indeed, we are getting it especially wrong in Glasgow.

Like other members, I am increasingly worried about the continued threat to, and loss of, Glasgow's green spaces. Developers are targeting football playing fields, bowling greens and tennis courts, as well as smaller grassed areas and gap sites across the city. In fact, the phenomenon is common to many towns and cities in Scotland. In the west end of Glasgow, there is hardly a postage-stamp sized piece of ground that has not been built on. An editorial in the *Glasgow Evening Times* said recently:

"Unless a better balance is struck between preservation and ... progress, the west end will have no open spaces left."

**Pauline McNeill (Glasgow Kelvin) (Lab):** I am grateful to the member for giving way and I congratulate him on securing this important debate. As an MSP who represents part of the west end of Glasgow, I want to make a point that the member might agree with, which is that having more green and open spaces instead of more buildings in the west end may represent a positive step towards retaining more families who currently live in tenement properties and who do not have gardens. We need more families in that part of the city.

**Robert Brown:** Pauline McNeill has made a valid point that I have no doubt other members will build on during the debate. The issue of green space cuts across a range of social and community matters. Slowly and steadily, green space in Glasgow is disappearing before our very eyes, largely to provide residential accommodation, although not necessarily the kind of accommodation that Pauline McNeill was talking about.

Ground that is zoned for residential development can be worth many times the value of ground that is zoned for leisure or recreational use, and councils are told to maximise capital receipts by selling off surplus land. There is also an insidious process by which developers help to pay for community facilities on the understanding that they can build on the rest of the site. That is not always a bad thing, but we need to watch such moves carefully.

Scottish Executive and Glasgow City Council policy documents by the tonne go on about the importance of green space—the “green lungs” of the city—for exercise and recreation, for the environment and for children and old people. They wax lyrical, as they should, about the enormous assets of the city parks, which we inherited from our Victorian ancestors. However, the National Playing Fields Association lists 12 major sites of recreational use in Glasgow that are known to be under threat. That list does not include bowling club sites that have been reported in recent weeks to be the subject of attractive offers. In one case, the incentive to club members was said to be as high as £100,000.

Without trying too hard, I have compiled a list of 15 green area sites that I know of, or which have been reported in the press in recent months, in respect of which planning permission for housing has been granted, or where there is a serious threat that that will happen. The list includes, in one capacity or another, Hillhead bowling and tennis club in Newlands, where planning permission for 15 flats has been granted to Cala Homes, and threatened developments at Partickhill tennis courts, Dowanhill tennis club, Woodend bowling club, Novar Drive scout hall, small sites in Great George Street and Hindland Street, Cathcart Road back park, Holmlea Road back park, Croftfoot playing fields and the former North Kelvinside Secondary School playing fields.

**Johann Lamont (Glasgow Pollok) (Lab):** Does Robert Brown accept that one of the pressures on Glasgow City Council is the need to hold council tax payers inside the city boundaries, and that part of the problem is the level of council tax in Glasgow that results from pressures and demands in the city? Does he recognise that another way of dealing with the problem would be to support, through an independent review of local government finance, a more appropriate funding distribution of moneys from the centre, which would properly acknowledge deprivation and release at least some of the pressure that is currently on Glasgow City Council when it considers proposals that will encourage council tax payers to stay inside the city boundaries?

**Robert Brown:** I accept Johann Lamont's point as far as it goes, but it is on a slightly different issue to that which we are debating today. The matter of the local government funding formula involves all sorts of complications. Nevertheless, she is right to say that the fact that council tax is higher in Glasgow is a relevant consideration.

Nobody is against building much-needed new houses, but they should be built on brownfield sites wherever possible. Almost 9 per cent of Glasgow's land is vacant or derelict and half of it has been vacant since 1985 or earlier. That land

should be the first port of call for new housing—we cannot go on indefinitely cramming more houses into popular areas to the detriment of the quality of the life of a community.

What can we do about the situation? The presumption in favour of development should be abolished in respect of green areas in pressured urban locations.

**Robin Harper (Lothians) (Green):** Will Robert Brown take an intervention?

**Robert Brown:** I have taken enough interventions.

Councils should not be required to dispose of land—indeed, there are strong arguments in favour of their developing land banks. Councils are, however, in the front line and there are differences in policy and practice where that is appropriate. For example, Edinburgh local plan's protection of the city's green space is far more robust—on paper, at least—than Glasgow's city plan. There is a practice of letting football fields and other recreational or green areas decay—not necessarily those that are in the hands of the council, but such areas that are in the hands of owners generally—to the point at which they are a nuisance to local residents. Their condition is then used as an argument for getting rid of them for housing.

The issue of third party or community rights of appeal against unsuitable planning decisions will not go away, despite the orchestrated campaign from some parts of the business community, which have failed to recognise that the job of the planning system is to provide a proper balance between different interests, not to process development applications willy-nilly, regardless of their effects on communities. That is why the Executive has a commitment to consult on the issue of new rights of appeal in narrowly defined circumstances. I hope that, in due course, the Deputy Minister for Communities will speed up the planning system, but I also hope that she will stand firm on the protection of communities.

It seems that council planning committees in Glasgow are not as rigorous as they should be in enforcing planning and conservation protections that are designed to safeguard communities. Indeed, a coach and horses has sometimes been driven through those planning protections. I want to hear from the minister today that she will take that on board in the planning review. It is time to call a halt—the reform of planning law must strike a better balance between housing development and protection of leisure and green areas, and existing national and council policies should be more rigorously enforced. The trouble is that land, once built on, is gone for ever.

17:14

**Ms Sandra White (Glasgow) (SNP):** I congratulate Robert Brown on securing this evening's debate, which is the first members' business debate in the new term.

I want to pick up on a couple of things that he mentioned, especially with regard to the consultation process and the third party right of appeal. If we go forward with the third party right of appeal, I believe that that will go some way towards addressing the concerns of the public at large, who will welcome the fact that the Executive is listening to them on that matter. I look forward to the end of the consultation process on the current planning document, but I remind the minister and members that my bill for such a right of appeal can be resurrected if there is not an overwhelming response in favour of a third party right of appeal.

Like Robert Brown, I am worried by press reports that the Confederation of British Industry Scotland and others are very much against the third party right of appeal, as if the only democratic right is for developers, but not for the public. I regret that such organisations use the newspapers and cross-party groups in Parliament to put forward those views. I hope that the *Official Report* of the debate can be sent to the Scottish Parliament cross-party group for construction. I received an e-mail from one of the members of that group—he is not an MSP—who said that the third party right of appeal had been discussed at a cross-party group meeting and that it was called a “meddlers charter”. If the report of this debate would not automatically be passed to it, I would like it to be passed to the cross-party group on construction. I had always thought that cross-party groups did not have political back-up; I hope to tell the convener of the group that in person.

I will get on to the matter in hand. Robert Brown and Johann Lamont mentioned greenfield sites. Johann Lamont made a point about council tax; I agree with what she said about the small pocket of council tax payers. However, we should look towards affordable housing, which is where brownfield sites—as Robert Brown mentioned—come into play. We should promote brownfield sites more vigorously than we do greenfield sites. I know that there is special dispensation to bring forward brownfield sites so that people can build on them, particularly if there are chemicals and so on there, but I would like to see more emphasis being placed on councils promoting brownfield sites rather than greenfield sites.

I do not want to name all the areas that Robert Brown named—I am sure that other members will also name some of them. An area that has not been mentioned is St Augustine playing fields in the Milton area, where lots of people train to play in football teams and so on. Those playing fields

still languish after the community fought hard to save them after a public inquiry, but nothing has been done to the land and it is earmarked for housing. I think that Robert Brown mentioned Thornwood park. A vigorous campaign was run by residents there—Robert Brown, Pauline McNeill, myself and others were at the public meetings on Thornwood park—but once again developers won and housing has been built there. Yorkhill park is another area where there was a right of way, but developers took no notice of that and housing will be built there.

We must be concerned about the issue not only in the city centre but in other areas. Greenfield sites are a bonus for people who live near them because their kids can go out to play there and they can walk their dogs there. Some folk do not particularly want to belong to a club, but they want to play football or whatever in a field. We should consider particularly the situation in the west end of Glasgow where land is at a premium—any tiny site there gets built upon. That is sad not only for people who live in the area but for people who pass through it. The buildings are so crammed in that it is unbelievable and the traffic and so on causes concern for everyone.

I was amazed to read about Kit Campbell's recent report in the newspaper. We should bear it in mind that Kit Campbell is an adviser to the Westminster Government and to the Executive on improving public green spaces. His idea for improving public green spaces is to sell off poorly maintained and under-used football pitches, as he puts it, for housing development and land for homes. That is what an adviser to the Executive and to the Westminster Government has to say, so we should ask some questions about that. If we are to sell off land—as Kit Campbell suggests—what is there to prevent people from saying that amenities are surplus to requirement without having a public inquiry?

This is a very good debate; I welcome it and thank Robert Brown for securing it.

17:18

**Mr Duncan McNeil (Greenock and Inverclyde) (Lab):** I congratulate Robert Brown on raising this important issue and for making an excellent speech.

Robert Brown is absolutely right to say that axing green spaces and leisure facilities—such as bowling greens, libraries and the like—is counterproductive and flies in the face of most Scottish Executive policies, such as lifelong learning, reading together, healthy living and so on. In fact, his speech was so good that I will send it to every one of his Liberal Democrat council colleagues on Inverclyde Council who, as we

speak, are axing leisure facilities such as bowling greens and libraries. That flies in the face of a host of Executive policies: lifelong learning, reading together, healthy living and so on.

The fact that Robert Brown so roundly condemns actions such as those of his Liberal Democrat colleagues on Inverclyde Council—the same colleagues whom he defended gallantly in the chamber on 22 January—might force those councillors finally to see sense.

**Robert Brown:** Will the member give way?

**Mr McNeil:** No, thank you.

I am sure that Robert Brown agrees that those councillors' actions have been impetuous, to say the least. They have closed libraries in the most deprived areas of my community, thereby denying underprivileged children access to books, to a safe place to study and to information technology. Those kids do not have the luxury of being able to buy the books that they want or the luxury of a bedroom of their own, equipped with a personal computer, where they can study.

Fresh from that decision, Robert Brown's colleagues moved on to take bowling greens away from those kids' parents and grandparents. In areas such as Inverclyde, where public health is poor, it is vital that we help people to keep active—especially people who are in their middle and later years. Bowling is an ideal way of keeping active, so to take away bowling greens undermines a key plank of the Executive's healthy living strategy.

**Rosie Kane (Glasgow) (SSP):** Labour closed swimming pools.

**Mr McNeil:** I see that I am causing some irritation among members, but I will press on.

Residents are up in arms about planning development on the beautiful Inverclyde green belt near Inverkip, but the allegedly cash-strapped Inverclyde Council has found up to £60,000 of ratepayers' money to pay a specialist planning lawyer to help to force through its plan in the teeth of fierce local opposition. I am delighted that Robert Brown has given us a chance to air such vital matters this evening.

**Patrick Harvie (Glasgow) (Green):** Will the member give way?

**Mr McNeil:** No, thank you. I am about to finish.

As a man of principle, Robert Brown rightly speaks out when he disagrees with decisions in Glasgow and he bravely sets aside parliamentary protocol when he wants to praise Inverclyde Council for decisions with which he agrees. He is a Liberal in the best traditions of that party and a man of note and influence in those circles—

**Robert Brown:** On a point of order—

**Mr McNeil:** I am therefore sure that he will accept my invitation to come to Inverclyde and explain—

**Robert Brown:** On a point of order, Presiding Officer. The member made a personal accusation against me when he said that I have set aside parliamentary protocol. Mr McNeil should either specify what he is getting at or withdraw the allegation. It is very unfortunate that a members' business debate should be used for such a tirade.

**The Deputy Presiding Officer:** The member is being very thin-skinned. Mr McNeil is expounding the parliamentary protocol of vigorous debate and he should be allowed to conclude his remarks. No doubt there will be opportunities in the future for Mr Brown to get back at him for what he said.

**Mr McNeil:** I am happy to conclude at this point.

17:22

**Bill Aitken (Glasgow) (Con):** Perhaps I can, uncharacteristically, return the debate to a more consensual basis.

I congratulate Robert Brown on bringing this important debate to the chamber. However, I suggest to him that certain aspects of the matter might not be quite as simple as he perhaps made out. He was certainly correct to highlight the difficulties that have arisen, in particular in the west end of Glasgow. There can be absolutely no doubt that there have been instances in which open spaces in the west end have been lost—Robert Brown narrated quite a few examples. I speak with some degree of bias, as my home overlooks one of the few open spaces that are left in the west end, but the impact of the loss of open space in the west end has undoubtedly been considerable and has detracted from the lifestyles of many people. That is unfortunate.

However, one is of course required to consider the circumstances in which some of that land has been lost. There can be no doubt that local authorities have taken some extraordinary planning decisions. If people are to have a reasonable quality of life, they should not live with one another cheek by jowl. As a result of one recent successful planning application in the Partick area of Glasgow, a series of town houses has been constructed in an area that those of us who come from Glasgow would call a back court. I shudder to think of the sort of outlook those houses have. I find it odd that open space should be lost in Glasgow through the granting of such limited planning applications.

Perhaps the most important point that Robert Brown made was about the failure to use brownfield sites. Local authorities should be

encouraged to use such sites. As has been said, the west end of Glasgow has become overloaded, but what about the east end, which has suffered a dramatic population loss for probably 30 or 40 years? East of Glasgow Cross, all the way along to Bridgeton, there are large open spaces that could be built on, returning a community to that area and bringing in commerce and activity, thus restoring the area and making it one in which people would want to live.

Robert Brown and Sandra White highlighted the loss of open space for recreational purposes—football pitches, for example. That is true but, unfortunately, in many instances those pitches were not terribly well utilised. Mind you, the argument could well be advanced, and it would have some validity, that kids nowadays are not prepared to do what I and probably Duncan McNeil did in our youth—playing on red blaes pitches and facing the excruciating agony of wiping soda ash off one's knees at the end of the game. It is because those football pitches are in such a disgraceful state that they are not used, are lost and are built on.

It will be very interesting to see what the Executive comes up with in the review of planning legislation. The utilisation of brownfield sites should be encouraged and it should be acknowledged that some areas—not only those in the west end of Glasgow—have become far too overdeveloped. It will be interesting to see whether the Executive has proposals that will mitigate the damage that has already been caused.

17:26

**Mr Jamie Stone (Caithness, Sutherland and Easter Ross) (LD):** I congratulate Robert Brown on bringing the motion to the chamber. In supporting the remarks of Robert Brown and others regarding Glasgow, I would like to stress that the problem goes wider. Even in small Highland towns and communities, gap sites are disappearing; worse than that, we see houses going up in gardens. I always think that it is very sad when a new house appears in the middle of an old garden of an old town house. As a keen gardener, I believe that human contentment is much related to having green space or even to having space to plant flowers, vegetables or whatever. Even if that space is as small as a window box, a patio or a roof garden, it can make a tremendous difference.

I want to highlight for the minister a good example of this problem in the Highlands. It is not from my constituency, but John Farquhar Munro will vouch for it. In Dingwall, the county town of Ross and Cromarty, the Highland Council has rewarded the requests and the aspirations of the community by deciding to build a new secondary

school—a new Dingwall Academy. The trouble is, under the rules of public-private partnerships, the council cannot build the new school on the exact location of the present building, which is in a shocking state. Instead, the council is going to build the school in some playing fields adjacent to the old school. The hue and cry in the royal burgh of Dingwall is something to be heard. The issue is massive. It may be across the constituency boundary from me but, my gosh, people feel awfully strongly about it. The *Ross-shire Journal* goes on and on about it. It is maddening that a technicality on PPP rules means that we have to go down a route that causes a lot of upset. It would be so much better if we could build the new school on the exact location of the present school, which is in a high and prominent position, overlooking the burgh.

I will conclude this very brief speech by saying that the problem that Robert Brown has raised is a wide problem. It hits small communities such as my home town of Tain similarly to the way in which it hits Glasgow, as described by Robert Brown and others. We should take a Scotland-wide audit of this issue, considering planning law and PPP or whatever rules. One thing is for certain: when we lose a green space—a green lung that is so important to human beings—it is generally lost for ever.

17:29

**Patrick Harvie (Glasgow) (Green):** I, too, thank Robert Brown for bringing the debate to the chamber and I greatly appreciate the chance to speak in it. Our thanks are due also to Glasgow's media. The letters page of *The Herald* has helped to keep the issue to the fore over the past few weeks and months.

Over the past year, since the election, many cases relating to the issue have come up in my mailbag and in my e-mail inbox. I am sure that that is true for other members as well. Even before the election, I was involved briefly in the Thornwood park campaign, which Sandra White mentioned. In fact, that might have been the first time that she and I met. I did not wear suits much in those days, so I do not know whether she recognises me from then. I was astonished and appalled by the arrogant way in which a vibrant, active group of local campaigners was treated. They made good use of their park, but their views were ignored. The developers showed virtually no willingness to engage with them. Why should they? They have a profit motive to consider. However, I heard deeply offensive comments from the developers about the local residents, which I suspect is typical of what happens in many cases.

Hogganfield, which is on the border with North Lanarkshire and is within Glasgow City Council's

area, has been described as a rich

"natural habitat for a ... variety of wildlife with the wooded area being home to deer, rabbits, foxes and endangered small bird species."

According to the environmental impact assessment for Hogganfield, the loss of the wildlife resource

"is a direct, irreversible impact but although the impact on the deer is high, the overall significance in terms of nature conservation is low as ... deer are not considered to be a valued resource for conservation."

It seems that quality of life for human beings in Glasgow is not particularly highly valued either.

Robert Brown mentioned the situation with Cathcart back park, which typifies what happens in a lot of places. A group of local people have ideas about what to use their park for and want to improve it so that it becomes a valued local asset. They have been hassling the council for a long time—years, in some cases—because their area has been neglected and has been allowed to fall steadily into a state of disrepair. At times, it seems almost as though there is a conspiracy. The worse we treat a piece of land and the more neglected it becomes, the less concerned and anxious people are to protect it, so that when a development is planned people have less enthusiasm to object.

What are the causes of the problem? According to Charlie Gordon, Glasgow needs a bigger middle class. He once explained that to me as his diagnosis of the only and most significant economic problem facing Glasgow. It is amazing how people speak to one differently when one does not wear a suit; put a suit on and they become more circumspect all of a sudden. As a result of the idea that Glasgow simply needs a bigger middle class, any postage-stamp sized piece of land is sold off to build the housing to attract them, but there is not the environment to keep them there once they move in.

There is a pressing need for social housing. If that was what was being built, I would have to accept the need to free up land, although I would want brownfield and derelict land to be used. However, a lot of the luxury houses that are being built are out of even my price range as an MSP, as I found a few months ago when I was flat hunting. It is simply ridiculous that building luxury houses is our priority.

The loss of green space has consequences for health and physical activity. Duncan McNeil mentioned the health impact, especially in the context of the increasing obesity problem. He valiantly neglected to condemn Glasgow councillors in the same way as he condemned his own councillors.

**Mr McNeil:** I do not live in Glasgow.

**Patrick Harvie:** Another time, perhaps.

Stress is also an issue. We live in a society in which people are being made to work ever longer hours, often in ever more boring jobs. It is well documented that even a few minutes spent in green space on a daily basis markedly reduces stress.

There is also a traffic impact. In Glasgow, we are looking at a 40 per cent increase in traffic. All the luxury developments come with ample car park spaces. Why not have some car-free developments and promote the idea of reducing Glasgow's traffic levels?

The loss of green space also leads to the loss of community cohesion. People want to have somewhere to take the kids to play and to walk the dog. They want to have somewhere to meet the neighbours. When they move to an area, they want a community space other than a pub in which to meet the people with whom they live and share a city. We should do as the wiser generations before us did and leave a richer and greener Glasgow for the Glaswegians who come after us.

17:34

**Rosie Kane (Glasgow) (SSP):** I, too, congratulate Robert Brown on bringing this debate to the chamber. Thank you, Presiding Officer—I mean Deputy Presiding Officer. I have been away for too long. I cannot remember who anybody is.

I came to politics—or maybe politics came to me—in a park. I was not sitting having a picnic and reading Marx and Engels; I was standing against a bulldozer or staying up a tree for as long as I could. That was in Pollok park, when the M77 was being ploughed through the area. When we tried to protect that valuable park, we were told that the road would go through only a small area of it. However small the area was, it was right on the periphery of the built-up area of Pollok where I grew up. The park was valuable to us for some of the reasons that Patrick Harvie mentioned. We could go there to experience peace and quiet. As children, we were not sure that that was what happened but, looking back, I am sure that it was. Now the children in the area where I grew up cannot go to the park and experience the peace and beauty without having to find their way across an extremely dangerous, fast and noisy motorway.

The wild proposal to construct the M74 northern extension, which might happen depending on the result of the inquiry in Glasgow—I hope that the report will be negative—is indicative of the Executive's attitude to green spaces in a city that is quickly losing such spaces. Since the Executive came to power in 1999, how many roads have been built and how many parks and green spaces have been lost? If the M74 extension is eventually

constructed, it will cost at least £500 million, and possibly £1 billion. How will we justify that to the people of Glasgow and Scotland?

Pollution knows no boundaries. The rate of asthma in Scotland in children aged 13 or 14 is the worst in the world. More than 37 per cent of Scottish youngsters who are 13 or 14 experience asthma symptoms. I have developed asthma in the past two years. More than 1,200 people in Scotland died from asthma between 1990 and 1999. Those figures are appalling and worrying.

Let me return to Pollok park. Ambient noise is a huge problem, as Jamie Stone said earlier. When we lose green spaces and replace them with huge roads such as the M74 northern extension, which will carry 110,000 cars per day through built-up communities, we inflict on young people who play or live near the area a great deal of stress because they need to shout louder to communicate with one another in the playground or street. That stress makes things more difficult for children and gets them into a cycle of stress from an early age. We should consider how to create peaceful green spaces in which people can de-stress and be at one with nature so that they do not have to get up a tree—

**Mr Stone:** I am glad that Rosie Kane mentioned being up a tree. She has de-stressed by climbing a tree; good luck to her—I am sure that I could not do that in my physical state.

Rosie Kane talks about traffic noise from motorways. Does she agree that planting trees can go a long way towards getting rid of the noise? I do not want to wax eloquent about trees, but they are beautiful things. Could not some city authorities consider the grants that are available from the forestry authorities?

**Rosie Kane:** Is Jamie Stone suggesting that we should plant trees next to motorways?

**Mr Stone:** Yes. Grants are available from statutory authorities to plant trees next to motorways or on the edges of parks. We should consider that.

**Rosie Kane:** It would be a great idea not to cut trees down in the first place, and then we would not need such grants at all. Some people have said recently that I am oot ma tree, but that is another stigma that I will deal with during the next four years. I do not agree that we should cut down trees and then borrow money to replace them, but we often find ourselves in such bizarre situations.

We can always trust Jamie Stone to bring a giggle to the Parliament—good on you, mate. It is important that we have a giggle in debates, but it is also important that we take good care of Glasgow. Glasgow, our dear green place, is fast becoming a grey, hard health hazard. The

Parliament and the Executive have the power, if they have the will, to do something about the bulldozing of Glasgow and the replacing of green spaces with posh flats that have two parking spaces. Such measures do not help the city or Scotland and they certainly do not help the world. I do not want to end up back up a tree, so I ask the Executive to stop the M74 extension and do something sensible in Glasgow.

17:40

**The Deputy Minister for Communities (Mrs Mary Mulligan):** I congratulate Robert Brown on securing the debate and thank him for stimulating discussion on an issue that clearly has a great deal of resonance with many members. The choice of debate comes as no surprise, as correspondence on open spaces, particularly playing fields, features regularly in MSPs', and indeed in ministers', mailboxes.

Too many detailed, specific points were raised in the debate for me to cover them all, but I will attempt to cover the issues that were raised. I say to Jamie Stone that I am not sure that the specific subject of trees is in there, but we will see.

The planning system performs two key functions in relation to open space. First, it protects areas that are valuable and valued. Secondly, it ensures the provision of an appropriate quality of open space in, or within easy reach of, new developments. Through the planning system, the Executive is fully committed to the protection and enhancement of the land and water resources that are required for Scotland's sport and physical recreation. However, primary responsibility for such protection lies with local authorities. The Executive's role is to provide the legislative framework, plus guidance and advice to local authorities on how to fulfil their commitments. Robust planning policies are required to safeguard established open spaces, playing fields and access routes that contribute to local community needs and enjoyment.

National planning policy guideline 11, "Sport, Physical Recreation and Open Space", was published in 1996. It recognised that Scotland has a wealth of long-established public parks, and that councils should be mindful of their responsibility to pass them on to successive generations. NPPG 11 addresses the land use implications of sport and physical recreation and encompasses aspects of the informal recreation that takes place in urban open spaces as well as in large areas of countryside. The underlying aim of NPPG 11 is to safeguard playing fields and sports pitches by discouraging development where it is likely to conflict with local needs, either now or in future.

**Patrick Harvie:** I entirely understand the words that the minister is saying, which sound good, but

if that is not what is actually happening—if land is being sold and is being built on—then it does not matter what NPPG 11 says, does it?

**Mrs Mulligan:** It very much matters what NPPG 11 says, because that is the framework within which development will take place.

The Executive's planning advice note 65, "Planning and Open Space", which was published early in 2003, goes further on the matter. It gives advice on the role of the planning system in delivering high quality open space and in bringing about the practicalities of what I think Patrick Harvie is looking for. It sets out a method for local authorities to adopt and adapt in preparing open-space strategies. It also gives examples of good practice in providing, managing and maintaining the open-space resource.

Open-space strategies help local authorities to analyse the different types and uses of space in their areas, to set out locally derived standards for the provision of new spaces and to establish appropriate management arrangements for existing spaces. At least half the local authorities in Scotland are now working on open-space strategies, and they are working with Scottish Natural Heritage and Greenspace Scotland on those exercises. SNH has made some funding available to councils for that.

Scottish planning policy 3, "Planning for Housing", which was published last year, notes:

"New housing development should not be located on open space which contributes to local community needs and enjoyment."

Land disposal decisions by planning authorities should be based on a wider assessment of local provision and need. All of that gives Scottish ministers the opportunity to decide whether to call in an application for their determination or to allow the planning authority to determine the application itself.

**Robert Brown:** I was interested in what the minister said about calling in applications, because I am not aware of Scottish ministers calling in any local applications. Indeed, I understand that it is not the practice of officials or ministers to call in applications for a purely local issue, as opposed to doing so for something like a big shopping centre development. Is that not the problem here?

**Mrs Mulligan:** It is correct that the Executive supports a planning system that requires local authorities to make the most appropriate decisions for their local areas. The Executive involves itself where there is a national issue. Between 1997 and 2004, 11 such cases were notified and two planning applications affecting playing fields were called in. That figure might appear to be low, but it reflects the fact that sportscotland will often enter into negotiations for the provision of alternative

sports pitches for an area. When that is achieved to sportscotland's satisfaction, it withdraws its objection, thereby removing the need for planning notification to ministers.

I believe that I have demonstrated that the Executive has in place a robust framework for the protection and enhancement of green spaces, playing fields and sports pitches. That is essential if we are to have sufficient facilities in place to support our efforts to meet the targets in "Sport 21", which is the national strategy for sport in Scotland. Sportscotland plays a vital role in the delivery of that strategy. My ministerial colleague, Frank McAveety—the Minister for Tourism, Culture and Sport—and I have every confidence that sportscotland fulfils its role in line with the Executive's policy on playing fields and sports pitches.

I am well aware of the many claims, some of which were highlighted during the debate, that huge numbers of playing fields are being lost to developers. Some playing fields have been lost, but in many cases—even in Glasgow—that relates to the replacement of old mineral and blaes pitches. Those have had a long and useful life, but few would disagree that their day has gone and that they are not appropriate for modern-day use.

**Rosie Kane:** Will the minister take an intervention?

**Mrs Mulligan:** I am sorry, but I am winding up.

It can also be the case that disposal of all or part of a playing field of limited value can release funds for the enhancement of remaining fields and facilities. The key is to ensure that replacement fields are of at least equal quality and accessibility to those that are being lost.

The partnership agreement states that the Executive will review planning guidance to set strong minimum standards for including public open space in new developments. That reinforces our prior commitment to review planning policy on open space. We expect to commence work on that commitment soon. That further strengthens the policy and guidance framework that I have already outlined.

Scotland's open spaces are an invaluable asset that is fundamental to our quality of life, as has been said throughout the debate. Through the planning system, the Executive is fully committed to the protection and enhancement of Scotland's valuable and valued open space and to ensuring the provision of appropriate quality in, or within easy reach of, new developments. Again, I congratulate Robert Brown and I am sure that many of us will continue to take an interest in the issue that we have debated.

*Meeting closed at 17:48.*



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