

MEETING OF THE PARLIAMENT

Thursday 18 November 2004

Session 2

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CONTENTS

Thursday 18 November 2004

Debates

Col.

FIRE (SCOTLAND) BILL: STAGE 1	11985
<i>Motion moved—[Hugh Henry].</i>	
<i>Amendment moved—[Mr Kenny MacAskill].</i>	
<i>Amendment moved—[Miss Annabel Goldie].</i>	
The Deputy Minister for Justice (Hugh Henry)	11985
Mr Kenny MacAskill (Lothians) (SNP)	11991
Miss Annabel Goldie (West of Scotland) (Con)	11995
Mike Pringle (Edinburgh South) (LD)	11998
Maureen Macmillan (Highlands and Islands) (Lab)	12000
Ms Sandra White (Glasgow) (SNP)	12003
Colin Fox (Lothians) (SSP)	12005
Bill Butler (Glasgow Anniesland) (Lab)	12008
John Scott (Ayr) (Con)	12010
Bruce Crawford (Mid Scotland and Fife) (SNP)	12012
John Farquhar Munro (Ross, Skye and Inverness West) (LD)	12015
Jackie Baillie (Dumbarton) (Lab)	12017
John Swinburne (Central Scotland) (SSCUP)	12019
Stewart Stevenson (Banff and Buchan) (SNP)	12021
Margaret Smith (Edinburgh West) (LD)	12023
Margaret Mitchell (Central Scotland) (Con)	12025
Mr Stewart Maxwell (West of Scotland) (SNP)	12027
Hugh Henry	12032
FIRST MINISTER'S QUESTION TIME	12036
QUESTION TIME	12048
BUSINESS MOTION	12072
<i>Motion moved—[Mrs Margaret Curran]—and agreed to.</i>	
BREASTFEEDING ETC (SCOTLAND) BILL: STAGE 3	12073
BREASTFEEDING ETC (SCOTLAND) BILL	12093
<i>Motion moved—[Susan Deacon].</i>	
Susan Deacon (Edinburgh East and Musselburgh) (Lab)	12093
The Minister for Health and Community Care (Mr Andy Kerr)	12096
Fiona Hyslop (Lothians) (SNP)	12099
Mr David Davidson (North East Scotland) (Con)	12100
Mike Rumbles (West Aberdeenshire and Kincardine) (LD)	12102
Dr Jean Turner (Strathkelvin and Bearsden) (Ind)	12103
Janis Hughes (Glasgow Rutherglen) (Lab)	12104
Carolyn Leckie (Central Scotland) (SSP)	12106
Mr Kenneth Macintosh (Eastwood) (Lab)	12107
Eleanor Scott (Highlands and Islands) (Green)	12108
Donald Gorrie (Central Scotland) (LD)	12109
Mrs Nanette Milne (North East Scotland) (Con)	12110
Mr Stewart Maxwell (West of Scotland) (SNP)	12112
Mr Kerr	12114
Elaine Smith (Coatbridge and Chryston) (Lab)	12115
BUSINESS MOTION	12119
<i>Motion moved—[Ms Margaret Curran]—and agreed to.</i>	
FIRE (SCOTLAND) BILL: FINANCIAL RESOLUTION	12120
<i>Motion moved—[Ms Margaret Curran].</i>	
DECISION TIME	12121

DIABETES	12130
<i>Motion debated—[Karen Whitefield].</i>	
Karen Whitefield (Airdrie and Shotts) (Lab).....	12130
Christine Grahame (South of Scotland) (SNP).....	12132
Mr David Davidson (North East Scotland) (Con).....	12134
Colin Boyd (The Lord Advocate)	12135
Mike Pringle (Edinburgh South) (LD)	12136
Shiona Baird (North East Scotland) (Green).....	12138
Stewart Stevenson (Banff and Buchan) (SNP)	12139
Mrs Nanette Milne (North East Scotland) (Con).....	12140
John Swinburne (Central Scotland) (SSCUP).....	12141
Mr Keith Raffan (Mid Scotland and Fife) (LD)	12142
The Minister for Health and Community Care (Mr Andy Kerr)	12144

Oral Answers

	Col.
FIRST MINISTER'S QUESTION TIME	12036
Cabinet (Meetings)	12036
Community Right of Appeal.....	12042
Hospital-acquired Infection	12046
Prime Minister (Meetings).....	12038
Public Water Supplies (Fluoridation)	12044
Secretary of State for Scotland (Meetings)	12040
QUESTION TIME	
SCOTTISH EXECUTIVE	12048
ENVIRONMENT AND RURAL DEVELOPMENT	12048
Dairy Farmers (Meetings).....	12052
Derelict Land and Property.....	12051
Flood Prevention	12050
White-fish Vessels	12048
HEALTH AND COMMUNITY CARE	12054
Bedblocking	12062
Delayed Discharges	12057
Health Authorities (Financial Deficits)	12059
NHS 24	12056
Obesity.....	12054
GENERAL QUESTIONS	12063
Golden Goodbye Payments	12064
Police Response Times (Lothian and Borders).....	12069
Prisoner Programme Requests	12066
Public Appointments System.....	12065
Rural Primary Schools (Closure Guidance)	12067
Schools (Drugs and Alcohol Awareness)	12068
Small Businesses	12063

Scottish Parliament

Thursday 18 November 2004

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

Fire (Scotland) Bill: Stage 1

The Presiding Officer (Mr George Reid): Good morning. The first item of business is a debate on motion S2M-1960, in the name of Cathy Jamieson, that the general principles of the Fire (Scotland) Bill be agreed to, and two amendments to the motion.

09:30

The Deputy Minister for Justice (Hugh Henry): I am delighted to open the debate on the general principles of the Fire (Scotland) Bill on behalf of the Executive. Our partnership agreement gave a commitment to introduce new fire legislation. The bill forms an important part of the Executive's strategy to modernise the fire and rescue service to meet local needs, to increase local decision making and to develop the work force, all with the aim of contributing to a safer Scotland.

Our main priority is to save more lives and to reduce injuries from fire. The bill will help us to achieve that by placing a greater emphasis on fire safety. The number of domestic fire deaths in Scotland, which in 2002 had reduced to 62, is one of the lowest on record but, frankly, it is still too high—proportionately, the figure for Scotland is higher than that for any other part of the United Kingdom. We can and must do better.

The single largest cause of domestic fire deaths is smoking in the home—perhaps in bed or in association with the consumption of alcohol—so the key to making further progress lies in increased and improved fire prevention measures. That is why the bill makes community fire safety a statutory function of fire and rescue authorities. As well as recognising the fire and rescue service's traditional role of firefighting, the bill acknowledges the service's extended role in dealing with road traffic accidents, for example, and in responding to the greater threats that environmental disasters such as flooding and the increased threat of terrorism pose.

The bill underpins our wider strategy for fire and rescue services in Scotland. Our aim is to provide improved fire safety for communities throughout Scotland through the introduction of integrated risk management plans that tailor each service's action to the risks and needs of its area. The publication

of a national framework will set out the Executive's priorities for the fire and rescue service and how we will work with the service to ensure that the modernisation agenda is delivered effectively.

The work force will receive a range of improvements. As well as significant increases in pay, considerable resources have been committed to a new integrated personal development system, which will meet the development needs of all fire and rescue service staff from point of entry to retirement. There will also be a new approach to recruitment, appointments and promotion. We believe that all those improvements and initiatives will mean that fire and rescue services in Scotland are even better placed to make our communities safer.

The bill is the culmination of more than two years of formal consultation, which began in April 2002 with the publication of our first consultation paper, "The Scottish Fire Service of the Future". The paper sought views on a wide range of proposals that were aimed at improving the service and at making the best use of its resources. Its many recommendations received considerable support. The process continued with the publication just over a year ago, on 1 October 2003, of "The Scottish Fire and Rescue Service: Proposals for Legislation". Those proposals were subsequently debated in the Parliament on 8 October 2003.

I am grateful to the Justice 2 Committee and its staff for their careful consideration of the bill and for producing a comprehensive and clear report. I am pleased that the committee has endorsed the principles of the bill and that, in general, the bill and its policy intentions were welcomed by the people who gave evidence. It is particularly encouraging that both the committee and its witnesses were content with the Executive's approach on the provision of a statutory underpinning for the principal functions of the fire and rescue service. The bill provides a flexible means of adding to those functions to reflect change over time. It is good to have some consensus about the way forward in a key public emergency service.

I welcome the constructive recommendations that the committee made. I will of course write to the committee shortly, to respond to its report and to indicate what amendments the Executive intends to lodge at stage 2. There is no doubt that stage 2 will provide an opportunity to examine the issues in more detail and we will continue to listen carefully to members of the committee and to stakeholders.

I turn to some of the main observations that were made in the committee's report. First, I will deal with the comments on the role of chief fire officers. When I gave evidence to the committee, I

made it clear that the fire and rescue service is a local authority service that will continue to be managed locally. I believe that the bill strikes the right balance between local and ministerial powers. However, I am happy to reflect further on what the committee and others have said about the need to clarify in the bill the chief fire officers' responsibilities and their relationship with, and accountability to, the fire and rescue authority or the joint fire and rescue board. The committee also asked whether the bill needs to clarify the role of the senior fire officer in relation to the control of incidents involving fires. We will consider that, too.

I note that some committee members had concerns about the power to amalgamate fire and rescue authorities being used to reduce the number of such authorities in Scotland. However, I remind members that the power in question is not new, as it has been carried forward, in a slightly modified form, from the Fire Services Act 1947.

Mr John Swinney (North Tayside) (SNP): Some of members' unease might be to do with the possibility of that power being used to reduce the number of fire control rooms around Scotland, a proposal to which a number of chief fire officers have expressed their opposition. I represent a predominantly rural area, the vast geography of which is under the control of Tayside fire brigade. Can the minister tell me how the interests and concerns of people who live in rural and disparate communities will be addressed by the Executive's apparent appetite for reducing the number of fire control rooms in Scotland?

Hugh Henry: I will deal with the issue of fire control rooms in a minute; if I may, I will stick to amalgamation.

The power to amalgamate fire authorities has existed since the passing of the 1947 act and it will continue in a modified form. All that we are doing in the bill is confirming that ministers will take any decision to amalgamate rather than authorise or approve it. We think that we should take such significant decisions, although fire authorities will still have the opportunity to put forward proposals for amalgamation if they feel that that is appropriate.

Mr Stewart Maxwell (West of Scotland) (SNP): Does the minister understand that the unease that is shared by members of different parties and by many people outside the Parliament concerns the fact that it appears on the surface that ministers are taking on a power that will allow them to initiate such changes rather than to respond to demands for change from within the service? The concern is that a situation will arise in which, rather than responding to a consensus for change that will improve the service, ministers will be able to rule by diktat on amalgamation.

Hugh Henry: There is no intention to rule by diktat. Any action that the Executive took on any such issues would follow thorough consultation and full discussion. We have no proposals to change the number of fire and rescue authorities. I would expect full consultation to take place on such matters, including any proposals that local boards made. Full consultation would be necessary not only in the area concerned, but nationally, because any such change would have wider ramifications.

I am encouraged that the Justice 2 Committee considers that the proposed powers are appropriate. I reassure the committee that, if any amalgamations are proposed in the future, there will be clear and comprehensive consultation with all the interested parties. Furthermore, we will lodge an amendment that will change the parliamentary procedure for the necessary order so that it will be subject to the affirmative procedure rather than the negative procedure. That will mean that the Parliament will have the opportunity to comment on relevant matters. I hope that that provides the reassurance that members seek, addresses the point that the committee's convener and others have raised and demonstrates our commitment to the Parliament's scrutiny role.

John Swinney mentioned control rooms. That issue has raised a great deal of interest and concern. We note the comments in the committee's report and its invitation to consider carefully the concerns that have been expressed and to address them specifically in a further round of consultation. That is exactly what we intend to do.

I also note the points that John Swinney made about the worries in rural areas and the concerns that others expressed about the financial calculations that were used and the basis of those calculations, as well as concerns about response times and other matters. When I gave evidence to the committee, the consultation period on the consultant's report had only just ended. We received 20 formal responses to the consultation on the report, primarily from the fire authorities, other areas of local government, the trade unions and staff associations. Although two thirds of the responses expressed a desire for no change, a third—including three fire authorities, which represent 23 of the 32 local authorities—were in favour of rationalisation to three control rooms.

However, we take on board the criticisms that have been made and the concerns that have been expressed and we will consider the matter further. Our intention is to do further work to address the issues that have been raised in the responses and the criticisms of the financial aspects of the consultant's report. As the committee

recommended, we will have further discussions with the stakeholders in the coming period.

Bill Butler (Glasgow Anniesland) (Lab): There has been a great deal of interest in, and some controversy about, the discussion on the future number of control rooms. I accept some of the assurances that the minister has given, but would he be willing to consider coming back to the Parliament at an appropriate time to discuss the matter separately and more fully?

Hugh Henry: I would be happy to do that. It is my intention that, after we have reflected on the comments that have been made and done further work on the calculations, we will come back to the Parliament through the appropriate mechanism to notify members of the conclusions that we have drawn from that work.

Shona Robison (Dundee East) (SNP): The minister mentioned that 23 of the 32 local authorities came down on the side of having three control rooms. The question that Mott MacDonald asked was whether there should be three control rooms or one but, if the question had been whether there should be eight, three or one, there might have been a different response. Does the minister acknowledge that the responses were determined by the question that was asked in the first place?

Hugh Henry: No, I do not, because a number of the responses argued for the status quo. The issue now is whether we are prepared to do further work and give the matter further consideration. We are doing that and we will come back to the Parliament on the question. The issue is important and we need to balance local concerns against the case for improved delivery, improved resilience and the significant investment that is required on the new United Kingdom-wide radio communications system for the fire service.

I note what the committee said about the merits of making the water supplier responsible for maintaining water hydrants. We recently consulted on the principles that should underpin water charges and the investment levels that will be required in the water industry for the next eight years. We want to find a solution, but we must ensure that it is consistent with the principles that have been set out. I will therefore discuss the matter with the Minister for Environment and Rural Development and his deputy, who have responsibility for water, and I will let the committee know the outcome as soon as possible.

The fire safety duties that relate to places where people work are also important. The removal of multiple and overlapping fire safety provisions and their replacement with a single fire safety regime based on risk reduction will reduce the burden on businesses and allow more efficient and effective

enforcement. As the committee acknowledges, there are a number of complex technical legal issues in part 3 of the bill. Since I gave evidence to the committee, my officials have met the Fire Brigades Union Scotland to discuss those matters and to offer explanations and clarification where they were required. I hope that that dialogue will continue once the draft regulations are available.

I am concerned that we have perhaps not sufficiently clearly explained to the committee our policy that the fire and rescue authority should be the main enforcing authority for fire safety issues and how that affects properties that are subject to houses in multiple occupation licensing or to registration by the Scottish Commission for the Regulation of Care. I assure the committee that the multi-agency approach will stay intact. For example, HMO properties currently receive a visit from a fire officer; that will continue. The fire officer feeds the outcome of the visit into the HMO licensing process as a whole; that, too, will continue. The process and the interaction will look and feel the same. The only difference will be that, on fire safety—and on fire safety only—the fire and rescue authority will be the enforcing authority. It will have the final say on what is acceptable to secure people's safety in the event of a fire. It is right and proper that the professionals should have that duty and power and I am confident that the public at large and those responsible for the licensing schemes will welcome that approach.

We need to ensure that information and education on the new fire safety regime are available in appropriate forms and at the appropriate time for those who need it. We are considering options for publicity and information. For reasons of time, I will skip over that, but I assure members that we believe that the money will be available and we will continue to consider the matter.

I will touch on a couple of other issues that the committee raised. The first is firefighting at sea. I confirm that we will amend the bill to provide for the necessary duties and powers to enable participation in the sea of change project. Secondly, on assaults on firefighters, I am aware that stage 2 consideration of the Emergency Workers (Scotland) Bill begins next week and that provisions in that bill will protect those acting in that capacity. We will lodge the necessary amendments to meet our commitment to protect all fire and rescue service personnel while they are on duty.

I indicated earlier that the consultation process associated with the bill is still on-going. We recently shared our first draft of the national framework with the committee and key stakeholders as part of a pre-consultation

exercise. Once we have considered their responses, we will issue a full consultation draft to all stakeholders.

At the beginning of next month we will issue three consultation papers. The first will cover charging. I confirm that it will make it clear that fire and rescue authorities will continue to be able to recover full costs for services that they provide for other organisations, such as training. Secondly, we will consult on our additional functions order under section 10 of the bill. Thirdly, we will consult on a replacement body for the Scottish Central Fire Brigades Advisory Council, which the bill will abolish—a move that, I note, the committee supports. The consultation period will last for three months in line with good-practice guidance and we hope that that—together with a first draft of the fire safety regulations, which should be available for stage 2—will contribute to the scrutiny process and provide further clarity and reassurance.

I hope that what I have said will give reassurance on some of the issues that I have addressed and that we have gone some way towards addressing the concerns of the Opposition parties that have lodged amendments to the Executive motion. We will return to many of the issues at stage 2, but it is important that the Parliament should endorse the need for the bill. The bill replaces legislation that is, in some cases, more than 50 years old and it represents a clear opportunity to help to create a modern and efficient fire and rescue service that can meet the challenges of the 21st century. For that reason, I commend the bill to the Parliament.

I move,

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

09:47

Mr Kenny MacAskill (Lothians) (SNP): I thank the minister for his clarification of many points and for the tenor and tone of his speech. The fire service has served Scotland and her communities well over years past and present. I refer not only to the front-line firefighters, but to the backroom staff, because the success of the service is the sum of its parts. Disputes with management, Executive and Government have not deflected them from providing an excellent emergency service to one and all. They have changed with the times and adapted to new requirements. From an increased work load in vehicular accidents to a more varied work load involving chemicals, the nature and extent of the calls on their service have changed and increased, but, without fail, the fire service has addressed the safety of individuals and the security of communities.

The main purpose of the bill, as detailed in the policy memorandum, is ostensibly

“to deliver a modernised Fire and Rescue Service that responds to the particular demands of the 21st Century and contributes to building a ‘Safer Scotland’.”

It is clear that times have changed and that the society in which we live has evolved, but, to its credit, so has the fire service that has served us well throughout the years. There is an adage that the minister and the Executive might care to bear in mind: if it ain't broke, don't fix it.

Reference is made to the need for national resilience. That can be viewed as weasel words. We need to adapt to changing times, but, although it is essential that we address the problems of global terrorism, that requirement must not be used to deliver Executive-desired change under the guise of the defence of freedom when, oftentimes, that is not the case. Our emergency services have coped admirably with incidents as major and varied as those at Lockerbie and Piper Alpha. Of course they need to prepare for other atrocities and tragedies, but that must not be an excuse to railroad through unwanted changes without proper discussion and debate.

The first policy objective of the bill is

“to define the role of the modern Fire and Rescue Service”,

but that is an evolving concept. If the role has changed and adapted since the 1940s and 1950s, will it not, as the minister said, do likewise in the 21st century? If the service coped back then, why should it not cope with future developments?

The second objective is to ensure that the fire and rescue service has clearer national and local priorities and objectives. Who could disagree with that sentiment? However, if that is the case, why are we seeking to undermine the statutory basis that enables priorities and objectives to be discussed and debated rather than simply to be set according to the whim and fancy of a minister—I do not mean to imply anything about the current minister; I am thinking of some future minister—and to be the subject of diktat?

The third objective is to improve the protection offered to communities. We agree with that aim. However, in what way is it an improvement to reduce the input of communities and potentially to centralise the service? That proposal causes concern to members from all parties, not just the Opposition parties.

The fourth objective is to revise fire safety legislation. Clearly, there is unanimity on that and we support the Executive in that regard. Preventing fires from starting in the first place is as important a role and remit as putting them out. Ensuring that actions and steps are taken by responsible parties is part of that work.

We accept that, in a democracy, it is the right of the Executive to legislate. However, it remains the

duty of the Opposition to challenge the intentions and the fine print of legislation. We are only at stage 1—and, of course, we have the benefit of being able to see a published bill—but I appreciate the fact that the minister has today further clarified matters, particularly with regard to the use of the affirmative, rather than the negative, procedure for statutory instruments. However, even with the affirmative procedure, the difficulty is that we are left in a take-it-or-leave-it situation. We will find that, although the instrument contains points that are valid and welcome, the Parliament will be able only to say no to the entire instrument; we will not be able to delete particular parts. That is the difficulty that we have with the minister's concession, welcome though it is.

We cannot prevent the Executive from using its majority to force through its will. However, we can ensure that errors are pointed out and mistakes and pitfalls are avoided. Clearly, many provisions in the bill are perfectly acceptable, not only to the committee but to the Fire Brigades Union. Whether the implementation of such beneficial proposals required a bill to be drafted is open to debate, but the Executive has chosen to deal with the issues in that fashion. However, we are opposed to particular provisions, which we are flagging up at this juncture. We hope that the Executive will reflect on our concerns and ensure that the gains provided are not offset by losses.

We have three main areas of concern. The first is the proposed abolition of the Scottish Central Fire Brigades Advisory Council, which is a statutory body that has worked well—it has adapted to changed times and has delivered to meet them. Replacing the council with a non-statutory body undermines the ethos of the organisation. The body might need to be improved and adapted and we can change its name and even some of its structures—the need for such changes is open to debate, as even the FBU accepts. What is not acceptable and what we will challenge is the decision to move the body to a non-statutory basis, which undermines not just its integrity, but its authority.

Secondly, we are concerned about the fact that, in conjunction with making the SCFBAC a non-statutory body, the bill will enhance ministerial powers. Ministers are entitled to govern; we accept that that is part of living in a democracy. However, in areas such as the one that we are discussing, in which we have operated as a community and with co-operation between all partners, action must not be taken by ministerial fiat or Executive whim. Certainly, no minister should be able to bind his successors. That is our fundamental difficulty with the direction in which the Executive is moving.

Hugh Henry: I hope that Mr MacAskill recognises that, as I explained to the committee,

only one of the powers that he refers to—that of emergency direction—is exercisable by ministerial direction. The remainder are all exercisable by order and, as such, would be subject to full consultation and, more important, full parliamentary scrutiny.

Mr MacAskill: I accept that and welcome the tenor of the minister's words. However, the devil is in the detail and we must ask further questions about the use of ministerial direction. The Executive argues that it is unlikely that such powers would be used. If so, why is it legislating for them? If the Executive does not intend to use them, why have them? Of course, if we remove the democratic forums that previously provided a chamber for debate, we increase the likelihood that we will act by direction rather than after discussion.

If the powers are unlikely to be used, perhaps the minister could tell us the circumstances in which the Executive envisages that they might be used. Moreover, if they are to be exceptional, that should be made clear and the times at and issues on which the Executive would intervene should be specified. If there is no hidden agenda, the Executive should make that clear, detail the situations in which ministerial edict might have reign and let the Parliament decide whether that edict should run.

Our third concern relates to the number of fire control rooms. That issue has been a matter of great concern, as we have heard, and others in my party will comment on it at length. However, it is important that we remember that we are talking about not only a national fire brigade but a local fire service. Part of the strength of that service is that it is for the community and, fundamentally, from the community.

Hugh Henry: Kenny MacAskill has indicated that others in his party will comment on the issue of fire control rooms at some length, but I must point out that the bill is not about fire control rooms—there is much more to it. Indeed, I remind him that, if local authorities want to change the number of fire control rooms, they can do so even before the bill is passed.

Mr MacAskill: The minister's words are factually correct, but many members of the public and many members in this chamber—not just those in my party—are concerned about the direction in which we are heading with regard to fire control rooms. The bill concerns fire control rooms. The question whether the actions that we are discussing could be taken at the moment or after the bill is passed must be addressed.

A central strength of the fire service is local knowledge. Centralisation—reducing the number of fire control centres—will reduce local knowledge

and undermine the local service. It is ironic that one of the drivers for the bill is the troubled times in which we live, which are exemplified by the tragedy of 9/11. However, the lesson that New York city learned led it to increase, not decrease, the number of fire control centres. It is clear to me that, if that is good enough for New York, it is good enough for New Lanark.

There are also concerns, not least to the FBU, about the consequences of the changes in respect of industrial action. The Executive sought at the Justice 2 Committee to address the union's fears. However, it would be useful if the minister could confirm the position for the record. If those fears are allayed, our doubts on that issue will be assuaged to some extent.

Clearly, changes can be made to improve the fire service, but that has always been the case. Is legislation necessary and, if so, does it require to be of the magnitude of this bill? Those are matters that the Executive must consider anew. If it is committed to pressing on, it must at least address the three key points that I have outlined: we require a statutory body in the service; we must not act on ministerial whim or fancy; and there must be no reduction in the number of fire control rooms without proper local debate, discussion and agreement.

I move amendment S2M-1960.2, to insert at end,

"but, in so doing, recognises that the Fire Service has served Scotland and its communities well and has done so with firefighters, management, employers and local authorities working in partnership and therefore expresses concern about the proposed abolition of the Scottish Central Fire Brigade Advisory Council and its replacement with a non-statutory body, in conjunction with increased ministerial powers allowing for Scottish Executive action without a forum for proper debate and discussion, at a time when there is concern over the retention of control rooms and other aspects of the service."

09:58

Miss Annabel Goldie (West of Scotland) (Con): I take this opportunity to thank my fellow committee members, the clerks to the Justice 2 Committee and the witnesses who gave evidence during the stage 1 process. The committee has played a useful scrutiny role and, from the minister's comments, I think that he has understood that there is no acrimony around the bill and that there has been a genuine attempt to be constructive. However, as Mr MacAskill said, we have an obligation to test and probe when there is legitimate doubt about the Executive's ultimate intentions.

The Fire (Scotland) Bill is an important piece of legislation. Our fire service is professional and dedicated and I know that I am not alone in the

chamber in being in a position to say that I have had occasion to rely on that professionalism and dedication. I pay tribute to the men and women throughout Scotland who demonstrate those qualities day in and day out.

In 2004, it is fitting that we should review the legislative framework as, in effect, that was last done in 1947. Since then, times have changed. We are in a different environment and there are new duties, challenges and threats, not the least of which is the unwelcome emergence of global terrorism. The Parliament owes it to the men and women of the Scottish fire service to scrutinise the bill carefully. We also owe it to the Scottish people to ensure that the legislation is clear and sufficient to meet the complexities of today's world.

Much of the new strategy and framework will be set out in the national framework document. Although my committee has seen a draft of that paper, it is private and consultation is to follow. It might have been more satisfactory if the production of the document had been accelerated so that the committee could have fully considered the framework at stage 1. Similarly, the bill depends heavily on secondary legislation and further consultations in relation to control rooms, the firelink project, integrated risk management plans, fire safety regulations, charging and the new advisory structure. Therefore, it is difficult to get a comprehensive or complete view of what the legislation will be like in practice. I simply ask whether that is fair to everyone who will be affected by it. Perhaps it is not. The lesson is that if what has been proposed is worth doing—and it is—more detail at the drafting stage and less haste might be beneficial.

Before I deal with my amendment, I will acknowledge what is positive in the bill. Part 1 contains a clear restatement of the structure of the fire and rescue service, which is clarifying and helpful, and part 2 gives a helpful redefinition of the principal functions of the service. The Executive's intention to lodge an amendment at stage 2 to include offshore firefighting is sensible and welcome. Nowadays, the provisions for emergency direction are—unhappily—necessary and the minister has sought to reassure the committee that they are last-resort powers. We accept that reassurance. The consolidation of fire safety legislation in part 3 is certainly complex and technical, but it is also welcome, as it represents a helpful attempt to codify the law and to achieve a degree of consistency throughout the United Kingdom. I would certainly underline the committee's caveats on aspects of all those provisions, but I welcome the minister's comments on chief fire officers and senior fire officers, for example.

As for my amendment, I supported the general principles of the bill in committee for the reasons

to which I have referred, but I revert to the issue of clarity. The bill will be a powerful and influential measure. That is particularly demonstrated by the creation of a range of ministerial powers. In his evidence, the minister sought to reassure the committee that the exercise of those powers would be highly unusual. I do not impugn his integrity or doubt the sincerity of his remarks—indeed, he repeated them this morning—but I believe that legislation must stand clearly on its own merits.

Let me deal first with the powers that are contained in part 1, in particular the ministerial power to amalgamate fire boards. By any construction, that is a potentially centralising measure, the possible consequence of which could be to reduce the number of boards and brigades. Whatever the nuances in debates about the current situation and what is being proposed, the bill will change existing law. That the pendulum should swing in favour of the Executive is causing unease in Opposition parties.

Hugh Henry: I am baffled and would welcome further discussion with Annabel Goldie about exactly how the situation would change. The power has existed since 1947. All we are doing is recognising that, when matters come to ministers for approval, we are, in effect, taking the decision. What we are proposing and the draftsmen have suggested is simply a tidying-up measure that explicitly says that the reality is that ministers are not simply approving but taking the decision. If we are making a decision, we should be seen to take that responsibility. The bill simply clarifies something that has, in a sense, always been the case.

Miss Goldie: That is the nub of the disagreement between us. My reading of the bill is that it will provide for a ministerial power that could be instigated by the ministerial presence, as distinct from voluntary proposals coming from the authorities with the decision being whether to give those proposals ministerial countenance. That is the nub of the difficulty.

If the Executive's intention is to reduce the number of brigades, that is a new and separate debate and the Executive cannot by stealth deliver that outcome—if that is what the Executive intends, it must be stated in the bill. If the Executive ever intends to bring forward such proposals, it must do so through primary legislation. I know that the minister made a minor concession this morning by allowing that subordinate legislation proposing any change would be subject to the affirmative, rather than the negative, procedure. That is an advance, but it is not enough.

That is why I have lodged my amendment. We need clarity. If the Executive will not support my amendment, the only conclusion that can be

drawn is that there is an intention to reduce the current number of boards. As I said, that is not acceptable unless there is a bill before the Parliament for that purpose. If the Executive does not support my amendment, my party will find it difficult—indeed, I think that it will find it impossible—to support the bill at this stage.

I move amendment S2M-1960.1, to insert at end:

“but, in so doing, seeks assurances from the Scottish Executive that the ministerial powers in part 1 of the Bill will not be used to amalgamate existing fire boards in Scotland.”

10:05

Mike Pringle (Edinburgh South) (LD): I, too, welcome the opportunity to take part in this debate on the stage 1 report on the Fire (Scotland) Bill.

A considerable amount of evidence was given to the committee and I thank all the main players in the fire service for giving up their time to come to the committee. They certainly all agreed that the existing legislation—the 1947 act—needed to be brought up to date. In its policy memorandum, the Executive states that the 1947 legislation is still mostly perfectly adequate, but that it

“would do little to progress the modernisation agenda.”

I believe that the new bill will achieve what the Executive wants, which is to bring the fire and rescue service up to date and to allow it to modernise. No organisation can stand still, and the public expect a modern and efficient fire and rescue service to deliver in a modern society.

Of course, much of the detail of the new framework will be set out in secondary legislation, which has already been referred to, and in a new national framework. There is still considerable consultation to be had, as there has been during the passage of the bill so far. Like Annabel Goldie, I think that it might have been better if that consultation had been at a more complete stage by now. It would then have been easier for the committee to reach more robust conclusions on various parts of the bill—for example, on the national framework, charging and the new advisory structure.

The Chief Fire Officers Association and the Fire Brigades Union expressed concern about control and lines of responsibility. The minister has said something about that already, but I hope that he will do a little more to clarify the exact position.

In considering the overall provisions of the bill, there was real disagreement in the committee only on the future structure of the fire service. I stress that the bill will make no changes to the current structure of the fire services. Some written and oral evidence gave rise to the concern that part 1

of the bill puts the power to amalgamate fire boards into the hands of the minister. Members have already discussed that matter. In evidence, Ian Snedden said:

“the bill’s provisions would allow amalgamation orders to provide for a smaller number of larger joint boards. However, in essence, that part of the bill restates the current arrangements. The current boards are set up through such amalgamation orders.”—[*Official Report, Justice 2 Committee*, 9 September 2004; c 918.]

Therefore, any proposals for amalgamation currently have to be approved by ministers.

Miss Goldie: If that is the member’s understanding of the situation, will he confirm that that is what section 2(1) says?

Mike Pringle: That is my interpretation of it. There was considerable discussion of the matter in the committee, and we must take a view. That is my view of the bill as it stands.

Section 1 has a robust statement on whom the minister must consult before amalgamation. Apart from Annabel Goldie and Stewart Maxwell, the committee was content with the power but sought assurance that

“the consultation will be comprehensive and transparent and will include all interested parties.”

The concern about the section revolves around the number of fire control rooms and whether a reduction would lead to fewer brigades. That is by no means certain. I know that any reduction in local accountability would be contested by all parties in the fire service and would be hotly contested by MSPs.

The Mott MacDonald review concluded that a reduction in control rooms would be advantageous. However, the question is, from eight to what? Members of the committee noted that having one control room was feasible—we had evidence of that—but we all thought that that was not desirable.

I turn to two other areas of the bill: charging and the water supply. I have always believed that fire brigades should charge, when appropriate, and the minister has made reference to that today. It is important that brigades can charge and recover costs for such things as the training and services that they provide to businesses and others. The Finance Committee was concerned about the loss of income from fire certificates and in our report we have asked for any loss of income to be compensated for.

It seems that all bills have to have at least one area that causes some amusement during the taking of evidence. In this case, it was all about water hydrants. The Chief Fire Officers Association enlightened us all by telling us that fire hydrants are used on only a few occasions, and

the evidence to the committee was that the responsibility for the seldom-used hydrants should be passed to the water authority. I am sure that the water authority will not like that, but there is merit in that suggestion. I note what the minister has said on the subject already and I invite him to reflect on the evidence that we have been given.

I want briefly to refer to HMOs. As a councillor, I worked on the regulatory committee of the City of Edinburgh Council for several years, and I always felt that it was right to approach HMOs in a multi-agency way, whereby everybody was able to have an input and reports were received from everybody who was involved. It was often the fire officer who led that discussion. I still think that that is the way forward.

I conclude with a question on which there was some discussion in the committee. When is a police officer not a police officer, and if someone is disguised as a firefighter, should he not be charged for impersonation, as he would be if he were impersonating a police officer? I look forward to the minister clarifying that small but important issue.

I am confident in and content with the Fire (Scotland) Bill at stage 1 and I recommend that the Parliament agree to its general principles.

10:12

Maureen Macmillan (Highlands and Islands) (Lab): The fire and rescue services—especially the local brigades—are held in high regard by the people of Scotland. The area that I represent has only one full-time fire brigade but dozens of local retained or voluntary groups. I thank the minister for the transitional funding that is being made available to address the modernisation of the fire service in the Highlands and Islands.

Nobody will disagree that we also need to modernise the legislation governing the fire service, which dates back to 1947. The bill is a mechanism for making the fire and rescue service responsive to modern needs and for delivering, through a national framework, our national and local priorities. The bill therefore needs to be read in conjunction with the national framework, which is being consulted on contemporaneously with the bill. It was helpful for the Justice 2 Committee to have sight of the framework during the stage 1 consultation although, as Annabel Goldie said, we would have liked to see it a wee bit sooner.

Although the policy intentions of the bill were generally welcomed, the Chief Fire Officers Association, the Fire Brigades Union and the Convention of Scottish Local Authorities felt that there was a lack of clarity—which the minister has recognised—about when the Executive would exercise powers of direction, what the

responsibilities of chief officers would be and how local democratic control would be exercised. Lines of responsibility need to be made clearer, especially regarding who would be in overall operational control in a major fire situation as envisaged in section 11. Although, as the minister has said, section 11 orders would be used rarely, there must be certainty about roles and responsibilities. I am glad to have the assurances that the minister gave in his opening speech.

We recognise that nothing in the bill changes the structures of the fire service. However, the bill lays down how amalgamations of brigades would be decided. Because of the current consultation on the Mott MacDonald report "The Future of Fire Service Control Rooms in Scotland", there has been a perception that the number of brigades will be cut, especially if the number of control rooms is cut. That is not in the bill, but I would be glad to hear the minister give assurances on the matter. I would also like him to give an assurance that if, in the future, there are proposals to amalgamate brigades, there will be wide-ranging consultation, such as he has mentioned, of all parties who might be affected. At the moment, the list of parties to be consulted does not include the recognised trade unions, and I wonder whether the minister has a comment to make on that.

Hugh Henry: Maureen Macmillan's point relates to an issue that was also raised by Kenny MacAskill. Section 45 clearly states that any negotiating body should include representatives of employees. I have no doubt whatever that that would include trade unions. The difficulty with amending the bill to include a reference to recognised trade unions is what the definition of "recognised trade unions" would be. Defining that would cause other complexities. I am happy to give the assurance that, as far as I am concerned, representatives of employees should and would include trade unions.

Maureen Macmillan: I am glad of that assurance, as I hope others will be.

The Mott MacDonald report has, as the minister knows, caused anxiety in most brigade areas. I ask the minister to consider not just the cost savings but the impact of any changes on communities and the complex nature of the work that is carried out in the control rooms. I am glad of his assurance that there will be further consultation. I recently visited the fire service control room in Inverness and was impressed by the sophistication of the logistics that are involved in deploying rescue vehicles, not to mention the way in which continuous communication is maintained with the firefighters and members of the public who are involved or even trapped in a fire situation. We must recognise that control rooms are not just call centres but carry out a great deal of sophisticated work.

In its evidence to the Justice 2 Committee, the FBU raised concerns about the interpretation of definitions of employer-employed relationships and the complexity of the drafting that would be needed to ensure that the bill married with UK legislation on fire safety. The FBU and the Scottish Trades Union Congress also expressed concern about a possible interpretation of section 67, which they felt could mean curtailing workers' rights. The Executive has written to the committee, addressing those concerns and affirming that section 67 does not bear the interpretation that is feared by the trade union movement. However, it is obviously an instance of lawyers eyeballing one another. I urge the Executive to meet the trade unions to discuss the matter further and, if any way can be found to clarify the language that is used in the bill to their mutual satisfaction, to lodge amendments at stage 2.

Two seemingly minor points caused a great deal of discussion, one of which has been raised already. First, could off-duty policemen act as volunteer firefighters? There is a ban on that at the moment and the bill continues that ban. It is an anomaly that an off-duty policeman can be a volunteer in a mountain rescue team or on a lifeboat but cannot turn out for a small, rural fire brigade. It is doubtful that allowing that would make much difference to recruitment figures—we received conflicting evidence on that—but some of the small brigades are having difficulty attracting personnel. Will the minister examine the matter and consider whether the decision to allow an off-duty policeman to volunteer for the local fire brigade could be decided on a case-by-case basis, with the application being made to the appropriate police authority, rather than it being written into law that that can never happen.

Secondly, there is a point of irritation over who should pay for the upkeep of fire hydrants. At present, that is the fire service's responsibility, but it wishes that it was not. It wants the responsibility to be transferred to Scottish Water, although that could have financial implications for water customers. In evidence taking on the Water Services etc (Scotland) Bill, I was told that the vandalism of fire hydrants costs the fire service £1 million a year. It is no wonder that neither the fire service nor Scottish Water wants to foot that bill. Does the Executive take that £1 million cost into account in funding the fire and rescue service? The issue seems to be one of antisocial behaviour and I urge the Executive to consider how it might be dealt with through the Antisocial Behaviour etc (Scotland) Act 2004.

Although this is a time of uncertainty for the fire and rescue service, with some rural brigades in the north awaiting their fate under the integrated risk management plans, I am confident that the bill

will give us the modern fire service that we need for the 21st century.

10:20

Ms Sandra White (Glasgow) (SNP): I know that my colleagues will elaborate on this point, but listening to what the minister had to say about the reduction in the number of control rooms, I should draw his attention to paragraph 31 of the Justice 2 Committee's report on the bill. The report quotes his comment that

"fire boards representing 23 of the 32 local authorities in Scotland have suggested that we should consider having three control rooms".

As Shona Robison has pointed out, that statement is misleading; the detail is all in the question, not in the answer. Only three fire authorities have indicated that, in the event of any reduction, they would prefer the number of control rooms to be reduced to three. COSLA—

Hugh Henry: Will the member tell us how many local authorities are represented by those three brigades?

Ms White: I was just about to say that the three fire brigades or authorities that indicated that three control rooms would be their preferred option represent 23 local authorities. If the minister will let me finish this time, I will also point out that COSLA, which represents all local authorities, has stated that the majority of council leaders are opposed to any reduction, including the leaders of the authorities served by the three brigades that the minister mentioned.

Paragraph 23 of the report states:

"the Minister advised that the immediate driver behind the proposal to reduce the number of control rooms"

was funding. So it is all about money. The Scottish National Party acknowledges that funding is important but believes that it should not compromise people's safety and ultimately their lives. I ask the minister to consider that point as well.

Before I move on, I want to make it clear that my rural colleagues will consider the important issue of the geography of those areas, so I will not dwell on that in my speech. However, although I accept what the minister said on that matter, I should point out that people in those areas are very concerned about the reorganisation of the fire boards. If that reorganisation goes ahead, it might lead to an increase in injuries and deaths. In response to Bill Butler, the minister said that the matter will come before Parliament, and I look forward to hearing what the minister has to say on that.

On the issue of employment, Maureen Macmillan mentioned that one area of concern

was section 45, which basically refers to the rights of trade unions. Maureen said that she accepted the minister's explanation, but I cannot take any comfort from his comments. For example, he said that, although the phrase "recognised trade unions" did not present any difficulties for him, he could not include it in the bill. I would have thought that, given his previous life, the minister, of all people, would recognise trade unions and I ask him to explain why he cannot use that term.

Section 45 gives ministers the power to establish a "statutory negotiating body" that will be made up of representatives of employers and employees. Why can it not mention trade unions? I ask the minister to reconsider the matter; after all, we know that it is usually trade unions that represent employees—it is similar to Mike Pringle's point in his speech that a policeman is a policeman. I cannot see where the difficulty lies. In any case, the rights of trade unions are enshrined in the European convention on human rights and I believe that they must be given legitimacy in the bill. If that does not happen, the unions and I will regard such an approach as an absolute farce.

Maureen Macmillan also raised concerns about the bill's approach to fire safety duties and industrial action. Although the report makes it clear that the minister has given assurances on this matter, I seek clarification on section 67. A civil offence is already set out in section 240 of the Trade Union and Labour Relations (Consolidation) Act 1992, which stipulates the requirements on those who take part in lawful industrial action. However, section 67(2) of the bill would make it a criminal offence for individuals to take part in lawful industrial action. I emphasise the word "individuals", because it does not matter whether we are talking about firefighters, fire control operators or any other individual who is deemed to have a responsibility for fire safety in their workplace. Again, I know that the report says that the minister has already given assurances on this issue, but I seek his assurances about the intention behind section 67(2) and ask him to clarify categorically either through an intervention or in his summing-up that he does not intend to make it a criminal offence for a person to strike.

I thank the members of my party for giving me this opportunity to speak this morning. I am not a member of the Justice 2 Committee, but I have certainly read the report and the other evidence. Strathclyde fire brigade is one of the biggest brigades in the country—indeed, it is one of the three fire authorities that the minister said are in favour of reducing the number of control rooms to three. However, that brigade and the members of the FBU are very concerned about all their colleagues throughout Scotland and would urge the minister and the Parliament to examine

carefully the bill's contentious bits and pieces such as the reduction in the number of control rooms and aspects that relate to trade unions and industrial action. I cannot support the whole bill without examining those issues.

I could highlight the many and varied incidents in which the men and women in the fire brigades have given their all—members have already mentioned Lockerbie and the Maryhill tragedy—but I will not dwell on individual actions. All I will say is that those people would not be telling us that there is something wrong with the bill and that we should look at it properly if there were no reason to do so. I am asking the Parliament not to simply take on board the minister's assurances. That said, if he can give us some assurances on the questions that I have raised, that might go some way towards allowing the SNP to support the bill.

10:26

Colin Fox (Lothians) (SSP): Two years ago today, the first national fire strike in 25 years began. I was on the picket line at Liberton fire station in Edinburgh. Little did I realise that I would mark the second anniversary of that dispute standing here in the Scottish Parliament, debating plans for a radical reorganisation of the fire service. I want first to pay tribute to the firefighters whom I met. Those men and women, who provide an outstanding service to the people of this country and across Britain, stood up for their rights to have a decent wage and dignity in employment. I would like to think that it was the support that the Scottish Socialist Party showed them in their hour of need that persuaded so many of them, their families and their friends to put their faith in this party at the 2003 elections.

I believe that the national fire strike is a driver for the bill, because it represents a complete sea-change in the Executive's attitude to the fire service. It places us in an entirely different direction from the pathfinder report and the Executive's own document, "The Scottish Fire Service of The Future", which was published in 2002. Instead, the bill is an amalgam of the much-criticised Bain report and the report that was issued by the Office of the Deputy Prime Minister immediately after the strike.

What happened to the proposed investments in decentralisation that were set out in the highly respected pathfinder report? What happened to the plans that were laid out in the previous Executive document? The delayed and long-awaited draft of the national framework, which runs in tandem with the bill, makes interesting reading. For a start, it proposes cuts and a further centralisation of powers. It says that

"fire and rescue authorities primarily provide local service"

and local democracy and are

"accountable to ... communities",

but—and here is the rub—change has to be made. The implication is that there will be a lessening in primary provision, local democracy and community control. Furthermore, it counterposes improved services to communities with

"efficiencies linked to the best value agenda".

Local authority and public sector workers across the country know that that is new Labour-speak for cuts.

Perhaps when he sums up, the minister might also tell us whom he means when he says in the pre-consultation draft of the national framework that the service is not to be

"a fiefdom for particular stakeholders".

Who are these chiefs? Whose fiefdom is he talking about?

The Scottish Socialist Party will support the general principle of modernising the fire service, provided that it improves the service to the public. Although we will support the bill today, we believe that it is in need of radical amendment at a later stage. We look forward with keen interest to the outcome of the consultation.

The minister touched on the issue of the control rooms in his opening speech. Many other members who have spoken have highlighted that that plan is one of the serious concerns that I and the other members of the Justice 2 Committee have about the bill. It is the most obviously contentious issue in the bill. The key question is whether the plan represents a better service to the public. To my mind the overwhelming body of evidence that was presented to the committee favoured eight control rooms, one in each fire area. There was unanimity among the employers in the shape of COSLA, the employees in the shape of the FBU and the managers' organisations that the plan represents a diminution of the service to the public, because it means that there will be fewer staff and a poorer service. Fewer people handling the calls means a poorer service, a slower call-handling rate, a longer response time and, consequently, an increased risk to the public of injury and death.

The minister accepted at the committee that amalgamation would mean fewer control room staff. Much was made by Her Majesty's chief inspector of fire services for Scotland—who seems to be the sole supporter of option 1—of the Strathclyde experience, where five control rooms had previously been merged into one. He failed to mention that, unfortunately, Strathclyde is consistently bottom of the table in Scotland on response times and is the slowest of all the

Scottish fire brigades. The chief inspector also talked about the need for the fire service's response time to be brought into line with that of the other emergency services. The fire brigade is rightly proud of the fact that it has the fastest response time of any of our emergency services. The changes will impinge on that proud record.

It was suggested to the committee that the plan is needed because for reasons of national resilience—the fear that there might be a need to respond to terrorist attacks and so on—it is preferable to have fewer, but bigger, control rooms. Yet 9/11 was surely the ultimate test of anyone's national resilience and the New York fire department's response was to move in precisely the opposite direction from that which the minister suggests today—it moved from one fire control room to five. Brigades can work together without amalgamation. The Lockerbie disaster was the biggest test of national resilience that the fire service has dealt with in Scotland. That disaster was faced by the smallest brigade in Britain, which was given great credit and awards for the way in which it responded. As Kenny MacAskill said, if it ain't broke, don't fix it. As far as I am concerned, the evidence is that the amalgamations will lead to a poorer service and will compromise community safety.

I found the evidence offered to us on the Scottish Central Fire Brigades Advisory Council curious and somehow suspicious. The body has been in existence for 55 years, yet neither the minister nor the chief inspector of fire services could provide evidence that it had produced a single piece of work of any value in all those years of meetings. It is suggested that the council will be replaced with something dynamic. We do not know what that will be, but it will not be statutory and the minister need not attend. Again, that is a step back from the current situation.

That brings me to the meetings that the minister will attend. There is a clear centralising emphasis in the bill. The bill includes extra powers for the minister, but those are for unspecified purposes. Will he agree to list in the bill the specific categories under which those powers can be used appropriately? Can he assure the Parliament that those powers will not be used to outlaw a future national fire strike, as was much talked about during the 2002 dispute?

At this stage the bill does not get the balance right between the powers of the minister to direct and the powers of the local professionals to manage the service. This is a centralising bill. Local democracy and decision making are further compromised.

I reiterate that the Scottish Socialist Party will support the general principles of the bill in its attempt to modernise the service and update the

legislation, but we intend to lodge amendments later in its progress through Parliament.

10:34

Bill Butler (Glasgow Anniesland) (Lab): As a new member of the Justice 2 Committee, I did not have the opportunity to take part in any of the evidence sessions, but I nevertheless welcome the opportunity to make a number of general observations about the stage 1 report on the bill.

The committee found that a general welcome had been extended to the principal objective of the bill: the delivery of modernised fire and rescue services that respond to the particular demands of 21st century Scotland. There was general agreement that the current legislation required to be updated to mirror the breadth of the role of the modern fire service, which now has multifarious functions, and to deliver a clear framework of responsibility for fire safety. The Executive should be given credit for recognising that the current legislation that governs the fire service, which dates back to 1947, does not and cannot possibly take proper account of the evolution of the fire service over more than half a century.

Of course, the primary purpose of the fire service is still to tackle fires, but the bill seeks to reflect properly the variety of roles that the fire service now carries out, in particular fire prevention, attending road traffic accidents and undertaking other rescue work.

The FBU's submission to the Justice 2 Committee welcomes

"The inclusion in Sections 7 & 9 of Fire Safety Duties and Road Traffic Accidents as a Statutory Obligation".

The FBU is correct in its assertion that

"These functions have been carried out for many years by Firefighters and it is right & proper that they are finally acknowledged and enshrined in statute."

The inclusion of road traffic accidents as a statutory obligation is a welcome recognition that the number of calls to assist with the rescue of people from wreckage and to protect people from harm from the spillage of hazardous substances has increased dramatically. It is right and fitting that a relevant authority will now be statutorily obliged to make provision for rescuing persons from road traffic accidents and for dealing with the aftermath of such accidents.

Despite the general welcome afforded to the policy intentions of the bill, especially the commonsense reforms to which I have referred, specific concerns have been expressed. Some witnesses also expressed broad concerns about the overall approach taken in the bill. I will touch on a few of those concerns.

First, the balance between central, strategic direction and local accountability, the extent of ministerial powers and the clarity of the provisions on fire service governance were questioned. Among other things, the CFOA wants to see in statute a direct line of reporting responsibility from the firemaster to the fire authority, as pertains in the Fire Services Act 1947. The FBU, along with COSLA, has expressed concern that the proposed legislation does not set out explicitly enough the local democratic and operational control that is seen, rightly, as being central to an effective fire service.

Those are crucial concerns, and I was glad to see that the minister, when attempting to reassure the committee, stressed that

“the fire and rescue service will remain a local government service and that its day-to-day operation and management will take place at local level.”—[*Official Report, Justice 2 Committee*, 28 September 2004; c 1057.]

I also note that he was confident that the firemaster's role could be made clear through either contractual arrangements or a fire board's standing orders, given that the board is the accountable body for the fire service. I was pleased that the minister offered further clarification this morning and reiterated his assurances on those matters, in particular on the CFOA's position. That is to be welcomed.

Many members have spoken about the number of control rooms, which is perhaps one of the more contentious issues and has generated a great deal of interest, not to say controversy. Although the proposal does not require legislation, it appears to be seen by some as an important part of the modernisation programme. Many witnesses, though not all, did not accept that a case for change had been made. A concern expressed by the CFOA, for example, was that the consultant's report is flawed in that it overstates the scope for savings. Other concerns centred on resilience and the potential loss of local knowledge.

I know that the Executive has not yet reached a conclusion, and I note that the minister has reiterated that there will be further consultation with all interested parties before a final decision is made. That is very welcome. I hope that the minister will take careful note of the committee's view that a single control room would be absolutely “undesirable”, to quote the report.

Bruce Crawford (Mid Scotland and Fife) (SNP): I heard what the member said about having a single control room, but what is his view on the prospect of having three control rooms?

Bill Butler: As I remember from the report, which I am sure Bruce Crawford has read, we were not definitive about that; we wanted to hear what the minister said. I note that the minister will, as the committee suggested,

“consider carefully the concerns raised”

and

“address them specifically in the further round of consultation.”

Again, that is vital and necessary.

I welcome, as I hope everyone here does, the minister's assurance, given in response to an earlier question of mine, that he will consider coming back to Parliament to discuss the number of control rooms at an appropriate time. I think that his words were “through the appropriate mechanism”. I view that as the kind of positive assurance that the committee wanted to hear, as I hope all members do.

Notwithstanding some of the concerns to which I have alluded, to which other members have referred and which were expressed in the stage 1 report, the overall policy intention of the bill is both timely and appropriate. I hope that, as the bill progresses, concerns will be met and doubts answered. On that basis, I commend the general principles of the Fire (Scotland) Bill to the chamber.

10:42

John Scott (Ayr) (Con): One thing is clear from the debate today and that is that the bill is generally welcomed. Although I am not a member of the Justice 2 Committee, I welcome the opportunity to speak about the Fire (Scotland) Bill.

It is clear that many people want to talk about the proposed reduction in the number of control rooms from eight to three or one, yet that is not part of the bill. Nonetheless, I, too, feel that it is important to reinforce the committee's misgivings on that matter and to draw to the attention of the committee and the minister petition PE765 by Jim Malone, which urged the Scottish Executive

“to ensure the retention of the current 8 control rooms in Scotland.”

In evidence to the Public Petitions Committee, the firefighters were certainly not happy about the content and tone of and the level of understanding in the Mott MacDonald report and they commented, in particular, on the importance of local knowledge in the control rooms.

Significantly, the petitioners highlighted how crucial quick response times are and how, when individuals are under stress, local dialects emerge that staff in a single control room might not quickly or readily understand. For example, I doubt whether many people in the west of Scotland readily understand the Doric or Gaelic, and vital seconds could be lost in establishing local names and routes to villages in the north-east or north-west if one control centre existed, say, in the west of Scotland.

In addition, the Fire Brigades Union submission pointed out that the largest control room in Scotland currently has the slowest response time, the clear inference being that as control rooms get larger, response times get longer.

As has been mentioned, the FBU's advice that, following the 9/11 tragedy in New York, that city's fire department increased its number of control rooms from one to five, is significant. In all that, the clear message is, as Kenny MacAskill and Colin Fox said, if it ain't broke, don't fix it.

From the firemen's perspective, their response times are faster than those of the police or the ambulance service. I sympathise with their desire to stop ministerial cost cutting, which, in their view and mine, can lead only to a reduction in response times and fire service delivery.

Hugh Henry: John Scott talks about cost cutting. Will he tell me when, since the creation of the Scottish Parliament, we have cut the budget to the fire services? Has the budget increased? In which instances and where, specifically, has the budget been cut?

John Scott: It is my belief that the driver behind the reduction in the number of control rooms is a cost-cutting exercise that I do not welcome.

On the proposed abolition of the present fire certification regime, as members are aware, fire authorities currently carry out inspections and issue prescriptive requirements to ensure the delivery of adequate standards before granting a fire certificate. Presently, the fire certification process applies only to designated premises, for example factories, offices, shops, railway premises, hotels and boarding houses, and only when more than a certain number of people are employed there.

As I understand it, the new proposals will greatly extend the types and number of premises that are subject to fire certification, with only single private dwellings being exempt. That is perfectly laudable, but as the size of the certification task grows, the move towards self-certification gives me ground for concern. A self-compliance regime similar to that employed for health and safety legislation, wherein a "responsible person" would be obliged to ensure that fire certification standards are met, is fraught with pitfalls. Indeed, it might be a road to disaster. If the Executive intends to go down the self-compliance route, it must be aware of its dangers. Industry, businesses and society at large will need to be made much more aware of their responsibilities, and I have the greatest reservations about anyone other than trained fire officers being able to deliver that service.

It is worth noting that when the Fire Precautions (Workplace) Regulations 1997—which were based on self-compliance—were introduced, there was a

dangerous lack of awareness among those who suddenly had responsibility for compliance. If ministers are determined to go down the self-compliance route, they will need to mount a significant campaign to make responsible people aware of their duties and obligations under the new legislation. In fairness to the minister, he undertook to do that this morning.

It is unclear how enforcement will be carried out under a self-compliance regime. That area needs significant further clarification.

A further and final point is the power to charge for attending incidents following the inappropriate activation of a fire alarm system. In South Ayrshire, crews responded to 520 automatic fire alarms in 2003-04. In this financial year, those crews have already responded to 305 such inappropriate activation calls. Those incidents account for more than 20 per cent of call-outs in the Strathclyde area and have apparently replaced malicious calls as the most common type of false alarm.

It is obvious that attending such calls is a significant drain on brigade resources and that it reduces available fire cover elsewhere. It appears that many of those incidents are avoidable, and we have only to consider the example of this Parliament building to understand and be aware of the cost of unnecessary call-outs. A financial penalty or charge for repeat offenders would at least allow brigades to recover some of their costs.

I do not suggest that where genuine concerns and alarms have resulted in calling out the fire brigade to what subsequently proves to be a false alarm, fire brigades should charge. However, where inappropriate calls are repeatedly made that could and should have been avoided, I agree with the principle of charging.

Although I have not spoken to the amendment in Annabel Goldie's name, I nonetheless urge members to consider it carefully and to give it their full support.

10:48

Bruce Crawford (Mid Scotland and Fife) (SNP): We all know that we live in a fast-changing world, and even organisations such as the FBU are realistic enough to realise that change in the fire service is inevitable.

In its briefing of MSPs, the FBU said that it welcomes the renewal of the legislation that governs fire services in Scotland. I welcome it, too, given that it is more than half a century since we had legislation that focused on this area.

I will concentrate most of what I say on control rooms. The FBU argues strongly and coherently that reducing the present number of fire control

rooms from eight to one, two or three would be a huge mistake. I am glad that the minister said that he would bring the matter back to Parliament. He has sought to give us assurances, but given that the matter was given such prominence in the Executive's policy memorandum, he cannot be surprised by the alarm, which, it strikes me, signals a degree of nervousness about the issue.

I am not surprised that that is the case. Genuine concerns about a hidden agenda will remain until the minister states unequivocally that he does not accept the central thrust of the Mott MacDonald report. I hope that the commitment to give the matter further consideration is not simply a mechanism for parking the issue until after the general election. That would be disgraceful.

The proposal to reduce drastically the number of fire control rooms alarms me not only as an MSP but as an ordinary member of the public who one day—God forbid—might have to rely on firefighters to rescue me, my family or my home. The Executive-commissioned Mott MacDonald report, which has been widely mentioned, concludes that Scotland would be well served by a reduction in the number of fire control rooms. However, the report has fatal flaws and does not represent the robust examination of the situation on the ground that is a prerequisite if safe conclusions and recommendations are to be made. The evidence that I have gathered from my visits to the Fife fire and rescue service control centre and from written material leads me to believe passionately that the Executive must listen much more to the experiences of operators on the ground and much less to its consultants.

The Mott MacDonald proposals do not take proper account of the local knowledge of fire operators, which includes knowledge of dialects and of local and informal place names. Local knowledge can mean the difference between a fire crew getting to a road traffic accident or a fire in time to save lives and people's lives being lost. I visited the fire control room in Thornton in Fife and spoke to Margaret, one of the control room operators, who told me that an appliance had gone to investigate an incident in Whimbrel Place in Dunfermline. I am pretty familiar with Dunfermline, but I did not know where Whimbrel Place was. Margaret did not have to look at her computer screen to be able to tell me that the street is close to a cinema and alongside the motorway. There are thousands of little pieces of vital information in every operator's head, which save seconds and, ultimately, lives. Technology can never fill the gap that is left when someone like Margaret is lost.

There is a vital issue of public confidence. A person who reports an incident needs to know that the operator understands the area about which the

caller is talking. If an operator gives the impression of having no idea where an incident is located, the caller will inevitably become frustrated or angry, particularly if they are at the scene of a road accident or major fire. If we go down the road of having one, two or three control rooms for Scotland, local knowledge and public confidence will be lost and there will inevitably be a much greater risk of lives being lost. We should also remember that there are many regional accents in Scotland and consider what misunderstandings might mean in lives lost.

However, regional accents are not the nub of the Mott MacDonald report; the report is about identifying savings. A significant health warning should be attached to such savings. The report fundamentally fails to grasp what really goes on in fire control rooms outside what are regarded as core duties. Page 21 of the report lists only six non-core activities that are carried out by control room staff, and those will not disappear if the control room vanishes. That demonstrates the level of ignorance about what goes on in control rooms. I know that the minister has seen the Fife control room's evidence—it is on the Executive's website. That submission lists 21 non-core duties that fire control room staff perform. Many of those duties must be carried out 24/7, so the proposed savings are, at best, illusory.

If local fire control rooms close, who will carry out the administration, monitoring, staffing, training, maintenance, health and safety and statistical recording tasks that control room staff currently undertake? The Fife fire control room's submission says:

"Whilst it might appear that Best Value could be achieved by merging Fire Controls ... this would totally ignore many of the core functions of a Fire Control ... and misunderstand the back up and support roles which are vital to the operation of an effective and efficient Fire and Rescue Service."

Change can be essential and can lead to improvement, but change for change's sake is never good.

Will the minister give an assurance on the specific nature of the further consideration that he will give to the issue and on what the consultation process will involve? What will the timescale be? Will the consultation take place before the general election? Will the outcome of the consultation be the subject of a full debate in Parliament, so that all members can take part in the decision? I want to understand much better what the minister meant when he said that he would come back to the Parliament "through the appropriate mechanism".

I ask the minister not to go down the road that I have described. That would be a bad, bad idea.

10:55

John Farquhar Munro (Ross, Skye and Inverness West) (LD): Like other members, I welcome the intent of the Fire (Scotland) Bill. It makes sense to revisit legislation that was passed 50 years ago to ensure that it meets modern demands.

Other members have mentioned fears about the future of fire control rooms. I am particularly concerned about the future of the fire control centre in Inverness. As members know, the Highlands and Islands fire brigade already covers a vast geographical area, which is managed by a joint board, the members of which are drawn from the northern isles of Shetland and the Orkneys, the western isles, the small isles of the inner Hebrides and the entire Highland region. That area is larger than Wales, so the service has a huge responsibility. Control centre staff have good local knowledge, which is vital if they are to establish the location of fires and other emergencies. Local knowledge and the comprehension of local dialects are necessary for the safe operation of a fire control centre—that is as true for the Highlands as it is for every other part of Scotland. Therefore, I caution the Executive about trying to cut back control centres too much. A reduction in the number of centres might save money in rates and repairs and maintenance, but a single mistake caused by a breakdown in communication could well cost lives.

Hugh Henry: I take the point that John Farquhar Munro makes very seriously and I give him an assurance that anything that we do in relation to any aspect of the service will be about improving efficiency and saving lives. Nothing will be done that would jeopardise lives.

It is unfortunate that control rooms are dominating the debate, because there are many aspects of the bill that should properly be considered.

There seems to be a contradiction in what John Farquhar Munro and Bruce Crawford have said, which I would be interested in teasing out. I recognise the valuable contribution that the Inverness control room makes and I have received representations from John Farquhar Munro and other members who represent the area. John Farquhar Munro says that the control room covers an area the size of Wales and should be retained because of the local knowledge of staff. However, Bruce Crawford suggests that local knowledge would be lost if a centre were to be moved 10 or 50 miles down the road. He would not countenance a control room of the nature that John Farquhar Munro defends. The members seem to have completely different views about what area is consistent with local knowledge. When we consult on the matter, I would value further clarification on that.

The Deputy Presiding Officer (Murray Tosh):

As that intervention took up one minute and 23 seconds, I will give Mr Munro more time.

John Farquhar Munro: I thank the minister for his qualification. Many views are represented in the Parliament and we must accommodate them all.

At the very least, the number of control rooms should be the same as is the case for the Scottish Ambulance Service, which has three control centres, one of which is located in Inverness.

Our good friend Annabel Goldie raised another concern at the committee. The committee's report claims that a reduction in the number of call centres could lead to a similar reduction in the number of brigades. I very much hope that the Executive is not considering that, because the public reaction would be similar to the recent reaction to proposals to amalgamate our Scottish regiments.

The modernisation of the fire services is to be welcomed, but I am concerned that changes in the overall structure of the services will be used as an excuse to make root-and-branch changes at local level—in particular, to make fundamental changes to the structure of the volunteer fire services in the Highlands. Those small units have been under threat for some years—especially since 2002, when they faced closure because of health and safety concerns resulting from their lack of breathing apparatus and other equipment. Units have already been prevented from attending road accidents because they are not classified as mobile units. Given the national pressure to centralise public services, I fear that the bill might be used by the Highlands and Islands fire brigade and others to close such units.

In my constituency, there is pressure to close some auxiliary fire units—in particular, the unit at Strathpeffer. That is causing a lot of concern. If it happened, the closure would be a waste of a valuable community resource. The loss would never be replaced by the fire services integrated risk management proposals. In simple terms, those proposals mean getting rid of the auxiliary fire units and then asking people not to start fires or create emergencies in their communities—a different concept altogether.

Although I welcome the Fire (Scotland) Bill in general, a few issues of contention need to be resolved before the bill is passed. If we are to retain the fire services that we currently enjoy and appreciate—it has been classed as the A team of the emergency services—we will have to pay particular attention to the decision on call centres.

11:02

Jackie Baillie (Dumbarton) (Lab): It is clear that the overriding priority of the bill is to improve fire safety and to improve prevention of fires. That is welcome when we remember that Scotland has the highest number of fatal and non-fatal casualties per head of population in the United Kingdom.

As has been mentioned, the existing legislation dates back to 1947, but the fire service has not stood still—it has evolved and kept pace with change. It is clear that the duties that the service carries out now go well beyond simply putting out fires. It is therefore appropriate that, more than 50 years on, that fact be given statutory underpinning and recognition.

In the time that is available to me, I want to pick out a few points. I welcome the minister's comments about fire control rooms. Although the matter is not contained in the bill, the committee and Parliament today have noted concerns from brigades, local authorities and trade unions that a reduction in the number of control rooms would not only be undesirable but might have an impact on safety. The test is to decide what is appropriate and what, ultimately, will improve or contribute to improving fire safety. Further discussions with stakeholders will be essential if we are to come to the right solutions. I am therefore pleased that the minister is committed to doing more work on that.

I welcome sections 7 to 10 of the bill, which set out the principal functions of the fire service, including not only firefighting but promotion of fire safety. The flexibility to add to those functions as and when required will be helpful because I do not think that any of us want to wait another 50 years to recognise what the service is doing today. We all know that resources and priorities are largely determined by legislative requirements.

We heard evidence that urban search and rescue and offshore firefighting should have been included in the bill. I confess to a particular interest as I represent a constituency on the west coast of Scotland that has substantial coastal areas. The offshore firefighting situation has long been problematic. The 1947 act does not allow fire authorities to act outside their immediate coastal areas and because local authorities have not been empowered to act at sea, it has been difficult to obtain a clear definition of where each authority's area ends. The UK sea of change project seeks to address that situation. We hope that all offshore firefighting capabilities within the Scottish fire and rescue service can be defined by April of next year. It would be helpful if that could be done in the bill and I welcome the minister's commitment to lodge an amendment at stage 2.

However, I ask the minister to reflect further on urban search and rescue. The Chief Fire Officers

Association and others have emphasised the need for urban search and rescue to be specified in the bill because of the increasing significance of new dimensions work, such as dealing with terrorist attacks. Provision must be made so that existing fire services can make the changes to equipment and training that will be needed to meet the new requirements in urban search and rescue.

I want to talk about the Scottish Central Fire Brigades Advisory Council. At the committee, there was broad consensus that the advisory council should be replaced. Wherever people stood on the matter—whether they thought that the advisory council was a very good thing or a very bad thing—they offered the committee suggestions on alternative structures and models. That suggested to me that there exists an acceptance that the advisory council is perhaps past its sell-by date.

Although I agree that structures should not be defined in the bill—we need flexibility to respond to evolving situations—it would be helpful for ministers to enshrine in principle some kind of advisory body without specifying its form. I ask ministers to reflect further on that. The Justice 2 Committee believed it to be essential that the Executive at the very least consult on the nature of the replacement before the bill completes its passage.

Mr Maxwell: I agree absolutely with Jackie Baillie, but will she will go one step further and agree with me that the new advisory council—in whatever form it takes—must have a statutory underpinning, which is what will give it the authority to do the job that it will need to do?

Jackie Baillie: I listened carefully to what Stewart Maxwell just said, and to Kenny MacAskill's opening comments. The position that they have taken is not the one that Mr Maxwell adopted in committee. I am therefore interested to hear that Mr Maxwell takes that position now. If he considers point 90 in the committee's report, which contains our recommendation on the issue, he will see that the Scottish National Party offered no dissent.

The FBU and the STUC expressed substantial concerns about part 3 of the bill; specifically, section 65, which deals with the Health and Safety at Work etc Act 1974, and section 67, which deals with offences and penalties. Their concerns are based on the fact that the sections might be used against a firefighter who was taking legitimate industrial action. Other committee members touched on those concerns. I and—I suspect—most committee members would have real problems if the genuine concerns that have been expressed to us were not fully addressed. The minister has already provided detailed assurance, but Maureen Macmillan was absolutely right to say

that the issue is about lawyers eyeballing each other over accurate interpretation of particular phrases in legislation. Dialogue must continue until we have a shared understanding. Otherwise, the alternative and less helpful route will involve amendments at stage 2.

I want to make passing reference to Colin Fox. His leadership speech was a tour de force; no one here could doubt his commitment to the fire service. However, it is a shame that he failed to attend many of the committee meetings at which the detailed work was done to represent the interests of the people who work in the fire service. I look forward to his "radical" amendments and hope that he realises the need to come to committee to speak to them.

Colin Fox: Can Jackie Baillie tell the chamber precisely how many meetings I missed during stage 1 of the bill? Is it not the case that, although I was unable to attend the meetings at which the draft report was discussed, I participated fully in scrutiny of the bill and in evidence taking? I am sure that the rest of the committee will agree that that is the case. Does Jackie Baillie agree?

Jackie Baillie: The member protests too much. Again, I say to him that I look forward to his "radical" amendments. I trust that he will appear in Parliament to speak to them.

I join colleagues in paying tribute to the men and women in our fire service who often risk their lives to save ours. The bill recognises what they do each and every day on our behalf in our communities. I commend to Parliament the general principles of the Fire (Scotland) Bill.

11:11

John Swinburne (Central Scotland) (SSCUP): Although I am not a member of the committee that considered the bill, I want to address certain issues that I think are worthy of consideration.

Fire prevention is of paramount importance. Many senior citizens have taken advantage of the fire service and rest more safely in their homes having received reassurances and advice on fire safety. I, too, am suspicious that the bill may be motivated somewhat by retribution after our firemen were forced to take industrial action to try to establish a fairer living wage. A hidden agenda is not acceptable.

Hugh Henry: The comment that John Swinburne has just made is absurd. He talks about the bill's introduction being in retribution for action that was taken. The bill was consulted on and, indeed, the process started before any industrial action took place. Leaving aside that issue, the bill has been welcomed this morning by every party of every colour, including the Scottish

Socialist Party. Everyone recognises the need to advance the bill. Although we might differ on some of the fine detail; it is absurd to try to categorise the bill as John Swinburne has done.

John Swinburne: I hear what the minister is saying. No doubt the outcome of the bill will underline what he has said. I welcome that. As I said, such a hidden agenda is not acceptable at all.

As many speakers said, we have a fire service of which we can all be justifiably proud. Countless lives are saved from fires and motor accidents. Our firemen can and do lay their lives on the line without question and that aspect of their service must never be understated.

As someone whose life has been plagued, and sometimes blighted, by the efficiency experts, time-study professionals and number-crunchers whose combined efforts failed to halt the decimation of industrial Scotland, I feel nothing but suspicion whenever I am faced with allegations that increased efficiencies can be made in one area or another. Many of the aforementioned experts and number-crunchers moved quickly from the private to the public sector, after which industrial Scotland virtually ground to a halt. They descended en masse on our health service and our other public services. The adoption of many of their recommendations has led to countless cost-saving exercises, which have been carried out at the behest of the aforementioned experts. Despite all that, our health service struggles to keep its head above water and, at the same time, the aforementioned experts and number-crunchers' empire continues to grow.

The fire service is now under siege from those experts. I am proud of the record of our fire service, which has moved with the times and has delivered a degree of protection to the public that is praiseworthy and admirable. If the object of the bill is to cut costs by increasing efficiencies, I suggest humbly that the greatest saving could be made by removing the efficiency experts, time-study professionals and number-crunchers. That would allow the fire service experts to modernise and continue to deliver an excellent service.

In the interests of efficiency, I will avoid going over ground that has been discussed and debated this morning. I will settle for having made this brief offering.

11:15

Stewart Stevenson (Banff and Buchan) (SNP): As a loyal member of Amicus, I find myself in the same trade union as four of the members who are sitting on the Labour benches. As a loyal trade unionist, I thought that I should start with a quotation from the Fire Brigades Union's response

to the consultation. It is a quotation with which I suspect there will be universal agreement. The FBU said that it is clearly

"on record and ... is clear that the only societal tolerable rate for all fire deaths that is acceptable to the inhabitants of Scotland is zero".

Whatever else we might disagree about in the debate today, or in the subsequent debates at stages 2 and 3, I am confident that we all want an effective fire service in Scotland that protects public safety and takes responsibility for communities.

My contribution to the debate will be made in a slightly different vein to that which speakers before me have taken. The bill that is before us today has some worrying aspects; they run across measures that the Executive has previously sought to implement and for which it has gained support from the Scottish National Party benches. I speak specifically about the power of well-being. The phrase is, of course, shorthand for saying that we expect more of our councils: we expect them to take more responsibility for what they do for their communities. The expectation that they will do so is reinforced by the steps that are being taken to provide councillors with better support and to give them the opportunity to professionalise. There is a real danger that, if many of the proposals in the bill are brought into force, they will diminish the role of local government in its ability to provide the kind of services that we all wish to see delivered effectively throughout Scotland.

The minister's role in this—as per the roles of ministers who are responsible for other areas that the Executive seeks to promote and has promoted in the past—is to consider whether we are using the opportunity that the bill gives us to re-empower and reinvigorate local government, or using it to say, "We do not trust you. We need to take charge." I will illustrate my concern with one tiny example that came before the Communities Committee, and which was related to a piece of secondary legislation to fix new rates for planning. Why not let councils do that? In the case of the bill, as in the case of the planning instrument, the Executive is placing duties and responsibilities on councils in a uniform way. That is neither consistent with good local democracy nor with the need to trust that the electorate will take account of the successes and failures of its local councils.

I turn to specific responses that the Executive received to its consultation. The Highlands and Islands fire board commented on control rooms—a subject that many members have referred to this morning. The board

"considers the retention of Control in Highland and Islands to be essential ... The Board would urge that the additional specialisms of our control room staff, and the special needs of our diverse communities, are all taken into account."

Another comment that Highlands and Islands fire board made touched on the centralising tendencies of the bill and in particular on the common fire services agency. It expressed considerable scepticism about the benefit of central procurement in respect of intermediate technology, procurement, finance and human resources. All of those are matters that the white paper identified as topics for the common fire services agency; the Highlands and Islands fire board thinks otherwise.

Grampian fire board, which is responsible for the area that I have the privilege to represent, said:

"The Board is not persuaded of the need to take general reserve powers of direction with respect to national service delivery and national resilience ... The Board has, it believes a strong record of supporting the Executive in developing on its national fire priorities. It sees no justification in developing statutory powers to formalise this situation."

Quite properly, Grampian fire board welcomed some aspects of the proposals, but it touched on an important issue when it discussed the role of commercial call centres, which load on to the fire service in Grampian a large number of calls that result from alarms, 95 per cent of which turn out to be spurious. There is a message in that about the disconnection among the people who deal with calls in the commercial sector and effects on the delivery of a public service. That disconnection illustrates the more general point about the difficulties that would exist if we were to disconnect control rooms from communities.

I want to give the minister a test on locality and localisation, which I think might appeal to John Farquhar Munro, who raised the subject. If all the members of a particular control room have read *The Press and Journal* in the morning, they will know what is going on in their communities, because that is the national paper that delivers local news par excellence. If a call comes in from Turriff about an incident in the swimming pool there, how much more effectively will the control room operators respond if they are aware that they must take into account the 30,000 people who are in the park immediately next door for a pipe band contest? Local knowledge is a moving phenomenon; it is not static and cannot be captured forever in a database.

The FBU raised other points. It appears that, yet again, the Executive has decided to take powers to the centre while claiming to improve local accountability and democracy. Section 14 is on training. One point on which national intervention might be really useful is in setting training standards and qualifications which, with local diversity of implementation, would allow fire and rescue workers to work consistently throughout Scotland.

I am happy to support my colleague Kenny MacAskill's amendment.

11:22

Margaret Smith (Edinburgh West) (LD): I welcome the opportunity to speak in what is obviously an evolving debate on the future of the fire and rescue services in Scotland. I echo colleagues' tributes to the men and women who work in the services. As I am not a member of the Justice 2 Committee, I hope that members will understand if I make any mistakes in recalling the views of that committee.

The Liberal Democrats welcome the attempt to modernise the legislation that governs fire and rescue services, which is—as we have heard—grounded in the 1940s. Life for the services has moved on a great deal since then. We have had a long period of consultation, but as Annabel Goldie and Mike Pringle said, much consultation continues, which makes it difficult for the committee to scrutinise the bill properly. The committee does not know exactly what the national framework, the charging regime or the fire safety regulations will be. I tend to welcome consultation, but it is difficult when we have a moving target in front of us.

The bill will rightly expand the statutory duties of fire and rescue services to take into account their wider role, which includes dealing with road traffic accidents and flooding. We are all aware that our fire services, alongside their partners in the police forces and others, are in the front line of any response that we might make to terrorism. Kenny MacAskill made the good point that we should not use that as an excuse to railroad through changes. I agree totally, but we can say clearly that the changes will not have been railroaded through and that a great deal of discussion has taken place. In fact, as I said, it is partly because of the on-going discussion that we lack some clarity on the proposals, as yet.

Maureen Macmillan and others echoed the Justice 2 Committee's concern about the lack of clarity on the key powers of direction and lines of responsibility. The bill will give the minister a greater number of powers—about 27—including the ability to take decisions when major incidents occur. We need clarity about who would be in overall charge in such situations and we must bear it in mind that the Chief Fire Officers Association, the Convention of Scottish Local Authorities and the FBU expressed concern that there should be three clear levels of responsibility: strategic direction from the minister; governance through the fire and rescue authorities; and management through the firemasters. I welcome the minister's intention to keep fire and rescue services as local authority services and his intention to reflect further on the issues.

Two key issues are, first, the minister's power to amalgamate brigades and, secondly—although it is not in the bill—the number of control rooms. Members from all parties are concerned about the impact that a reduction from eight control rooms would have on response times and quality of service.

On the first issue, the minister tells us that the power to amalgamate brigades is not a new one, but the key point is whether ministers currently have the power to initiate such action, rather than simply to respond to a request from local boards. I welcome the minister's statements that there are no plans to reduce the number of brigades, that he has no intention to rule by diktat and that any proposal for amalgamation would be open to full consultation. However, the debate has shown that members of all parties are concerned about the issue, so I hope that the minister will clarify the matter by answering my question. I welcome the minister's commitment to amend the bill so that orders to introduce amalgamations must be considered under the affirmative procedure, which would give Parliament a further chance to scrutinise such matters.

The second issue—the potential reduction in the number of control rooms—has led to the greatest number of comments and concerns and I welcome the minister's decision to consult further on it. As he said, the key point for us all must be public safety, not funding. However, it is notable that the Finance Committee—that august body that was recently recognised at an awards ceremony—highlighted concerns about the financial aspects of the Mott MacDonald report.

Bruce Crawford made an interesting and salient point about the importance of the 21 non-core duties that were not covered properly in the report. John Farquhar Munro suggested having three control rooms that are linked to ambulance control rooms. Work must be done on how we can maximise the potential for efficiencies, not just in funding, but in services, by considering police, ambulance and fire services in a more joined-up way.

Stewart Stevenson, in his own inimitable way, mentioned the importance of local knowledge by talking about swimming pools and pipe bands. I agree that local knowledge cannot always be replaced by technology, whether we are talking about the Lothians, Fife or the Highlands.

SNP members and others mentioned the proposed abolition of the Scottish Central Fire Brigades Advisory Council, which is a snappy title. If the Executive is going to abolish it, I hope that it comes up with a better name for the replacement. The Scottish Executive says that it wants a dynamic replacement, but that it will not be statutory and that it will be enhanced by the

absence of the minister. I find that difficult to believe. How could the new body be dynamic without the minister's attendance? More important, how can the minister keep in touch with views and news from key stakeholders if he does not attend advisory meetings, however they might be constituted in the future?

The Liberal Democrats welcome the bill and its shift towards a greater emphasis on prevention through the creation of a new duty on fire and rescue authorities to promote fire safety. As I said, a number of issues still need to be consulted on and resolved, but we all agree that we need modernised fire and rescue services that are fit for the 21st century. The Liberal Democrats believe that the bill will contribute to that, but it is important that we progress in partnership with the key stakeholders, and with public safety as our priority.

11:28

Margaret Mitchell (Central Scotland) (Con):

The debate has been good and wide ranging and there is consensus on the general principles of the bill. The Scottish Conservatives welcome the bill and support the aim of updating legislation to allow for the delivery of modernised fire and rescue services. I say at the outset that the fire and rescue services do superb work that is often highly dangerous. Bill Butler made the point extremely well that it is important that the role and wide-ranging functions that the services carry out are recognised and fully supported through the bill.

We welcome the way in which local decision making will be promoted within the context of a national strategy. The Conservatives also support the new power that will enable ministers to give direction to authorities in emergencies. That will ensure that any potential emergency will be covered, given how diverse such situations can be. However, we are—with Maureen Macmillan and other members—looking for further consideration by the Executive of the question of the divide between local and ministerial responsibilities; for example, consideration of who would be in overall command and control in a situation involving a major fire. The minister's commitment in section 11 to consider that again is welcome. We look forward to the outcome of further Executive consultation, which will facilitate clearer assessment of the details generally, including the full cost implications, which are currently very sketchy.

I turn to control rooms, which were mentioned by Sandra White, John Farquhar Munro, Colin Fox, Kenny MacAskill and my colleague John Scott. We support the request by the Justice 2 Committee for the minister—notwithstanding the savings that could result from the economies of scale that would be achieved by merging, for

example, eight control rooms into a single unit—to consider the concerns that have been expressed about control rooms and to return to the subject in the next round of consultation.

The Executive has acknowledged that a public awareness campaign will be necessary to raise awareness of the legislation and to increase compliance. I urge the minister to include in that campaign more work to raise awareness of fire prevention. With incidents of fire raising showing a marked increase—72 per cent since 1999—and with Scotland having the highest number of fatal and non-fatal casualties per million population, there is still clearly much more work to be done in that area. Furthermore, the Executive's plan to ban smoking in enclosed public places could have the effect that more people will drink and smoke at home, resulting in a possible increase in the number of potential accidents in the home involving fires. Figures from the 2002-03 report by Her Majesty's chief inspector of fire services for Scotland indicate that the greatest cause of house fires is misuse and careless disposal of smoking materials.

Mike Rumbles (West Aberdeenshire and Kincardine) (LD):

Does the member have any evidence from California, New York and Dublin that suggests that bans on smoking in public places result in more smoking in the home?

Margaret Mitchell: It is self-evident that that will be the result because people will no longer be able to smoke in pubs and clubs. Given that, I ask the minister to consider the possible implications of the smoking ban, and to take account of those implications in any proposed public awareness campaign, such as any campaigns that advocate the installation of fire alarms and, crucially, the requirement to check alarms regularly.

Finally, as has already been said, we have one major concern; namely, the bill's provision of ministerial powers that would allow ministers to reduce the number of fire brigades in Scotland without primary legislation. Although I welcome the minister's shift to a commitment that that will be done by instruments that would be subject to the affirmative procedure as opposed to the negative procedure, it still does not go far enough, hence the Conservatives' reasoned amendment, which we urge the minister to support in order to reassure Parliament that the powers that are set out in part 1 of the bill will not be used to amalgamate the existing fire brigades.

It was interesting to note that there was a kind of divide within the Executive parties, with Bill Butler, John Farquhar Munro and Jackie Baillie all expressing concern about control rooms but, apparently, expressing no concern about the section 2 powers. We hope that the Executive will take cognisance of our concern and ensure that

that power is not used unless primary legislation is introduced to allow the issue to be fully discussed. I have much pleasure in supporting the Conservatives' amendment.

11:34

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

Like many others, I welcome the minister's comment that he will reflect on the issues raised by committee members, other members and people outwith the chamber, on the various problems in the detail of the bill and on the fact that many of the consultations that would have helped the Justice 2 Committee to finalise its report in more detail have either not yet been completed or have not yet been carried out. The earlier comments referring to that are welcome.

The SNP has no argument with the Executive about the importance given to fire safety in the bill; we certainly support that. It is long past the time when the legislation should have been updated; it is welcome that the Parliament is coming to the point at which that will be done. It is welcome that we are giving fire safety the importance that it deserves, but it is extremely important that we now bring road traffic accidents and other duties of the fire service within the scope of legislation. That has been an anomaly since 1947.

I turn to Jackie Baillie's comments on what I said at the Justice 2 Committee in relation to the replacement for the Scottish Central Fire Brigades Advisory Council. Paragraph 90 of the committee's stage 1 report says:

"The committee supports the abolition of the Council but expresses concern that no replacement has yet been proposed by the Minister."

I agree. The report goes on to say:

"The Committee welcomes the Executive's intention to consult shortly on the replacement structure and encourages the Executive to ensure that the results of this consultation are known before the Bill's passage is complete."

I have no problem with that. Why would I dissent from that particular paragraph? It is entirely misleading to suggest that I did not comment on that in the committee. I made it clear that I thought that any replacement body should be statutory. I am sure that members who were present will remember that that is what I said.

Jackie Baillie: Is it also not indeed the case that the member could have reflected that very point in paragraph 90? The fact that he did not dissent from it is not really a defence.

Mr Maxwell: I do not have to defend my position. The committee's position was that, apart from favouring the abolition of the current council, it took no view on a replacement for the council;

therefore, it is clear in the report that that is acceptable. I accepted that at the time, in the spirit of working together with colleagues on the committee. Jackie Baillie's attempt to say that I said something else in committee is nothing more than a cheap shot.

On Margaret Mitchell's point about the smoking ban, and to answer Mike Rumbles's point, Margaret will find, if she considers the evidence, that there has been no increase in fires in the home where smoking bans have been introduced; in fact, the level of smoking in the home goes down where there is a smoking ban. The evidence from Australia is clear on that point.

The issue of control rooms is central. The minister said earlier that control rooms are not specifically mentioned in the bill. There is no paragraph in the bill that says that there will be a cut in the number of control rooms or that anything else will happen to control rooms, but it seems clear from the debate today that members understand that the process that is going on will probably result in a cut in the number of control rooms. The choice of Mott MacDonald as consultant loaded the dice from the start. Given that it recommended a reduction in the number of control rooms in England, there was virtually no chance that it would come up with the opposite conclusion for Scotland—it would have looked ridiculous had it done so. The outcome of its report was inevitable.

As other members have said, Mott MacDonald's report is flawed. The Finance Committee has pointed out that it was not convinced by the claimed potential savings, and neither am I. The committee discovered that the figures are based on a reduction in the number of control rooms in Scotland from eight to one. I understand that that idea is supported by virtually nobody. It is very unlikely—in fact impossible—that those savings could be achieved. The report is based on the number of incidents that are reported to control rooms, but that is misleading, as it should have been based on the number of calls. I am sure that nobody is trying to suggest that some calls should not be answered. Operators must answer all calls; they can ignore none. If an incident occurs and it has one call, one call is answered. If an incident has 100 calls, 100 calls are answered. The report is flawed in that area. It has been evidenced, today and in previous Executive statements, that the drive to reduce the number of control rooms in Scotland is for financial reasons, and not for the purpose of service efficiency or to improve the service to the general public. Cutting the number of control rooms will not make a single person in Scotland safer, but it may make some people a lot less safe.

The minister stated in his evidence to the committee that there is little support for the

retention of eight control rooms in Scotland and that 23 of the 32 local authorities support the number of control rooms being reduced to three. I am sorry to say that such twisting of statistics gets politics and politicians a bad name. The fact is that only three fire authorities support a reduction to three control rooms, while five authorities oppose the idea. It is interesting to note that the three authorities that support the idea are those that are earmarked to keep their control rooms. As Sandra White and many others said, it is dishonest to count all 12 local authorities that lie within the Strathclyde fire brigade area as in favour of a cut just because the fire authority is in favour of it. COSLA states clearly that the majority of council leaders, including council leaders in the Strathclyde area, oppose any reduction. Agreement between the FBU, the Chief Fire Officers Association and COSLA is a pretty rare event, yet on this issue they speak with a single, clear voice and ministers, the Executive and the Parliament should listen to them.

It is clear that if we reduce the number of control rooms, we reduce the robustness and resilience of fire cover—other members have already covered that. A single control room is extremely vulnerable. It is better to have three than one, but that is not as good as eight. We have all witnessed on the evening news—virtually every night, unfortunately—co-ordinated, multiple and simultaneous attacks by terrorists. Why would we make it easier for them by reducing the number of control rooms from the current eight? New York realised its vulnerability after September 11 and I understand that it has decided to increase the number of control rooms in order to create a more robust system. New York is moving in the opposite direction to us and is increasing its ability to survive an attack by having multiple control rooms. Based on its experience, it is increasing the number of control rooms from one to five to build greater robustness into its ability to protect citizens in the event of another attack. We need to pay attention to the lessons that New York has learned.

One of the many problems that Mott MacDonald has ignored is the fact that there will be a loss of local knowledge if we centralise control rooms—many members covered that point. There will be increased problems with local names, slang terms, pronounced local accents and even Gaelic place names. Those problems will slow down response times and will not provide greater security to the public. To give a personal example, about two years ago I was in a remote part of Scotland for the first time in my life. My car broke down and I phoned a national breakdown service whose call centre is located in the south of England. Its staff had no idea where I was and I could not tell them. I knew the rough geographical area but I did not

know the name of the road or any local landmarks. I had no way to tell them exactly how to pinpoint my location so that a breakdown vehicle could attend. In the end I was passed through to a local office in the area, which asked me questions such as, “Did you pass Jimmy’s caravan park? Are you anywhere near the river? Can you see a hill from where you are?” The staff pinpointed exactly where I was using not maps, but local knowledge. A breakdown vehicle was dispatched and it was there within the hour. That is the kind of local knowledge that individuals in control rooms hold in their heads, as Bruce Crawford ably pointed out.

Paragraph 32 of the committee’s report was the subject of much comment in the press at the weekend. It is clear that the Executive has been attempting to spin the idea that the committee supports a cut in the number of control rooms. That is nothing more than an attempt at news manipulation and it bears no relation to the truth. Paragraph 32 is neutral on the appropriate number of control rooms in Scotland as the committee thought that it did not have enough evidence to take a view on the issue. The only exception to that is that the committee completely rejected the lone opinion of Her Majesty’s chief inspector of fire services for Scotland that Scotland could have a single control room. The report is silent on whether there should be eight control rooms or fewer.

The logic that is used to reject a single control room applies equally to any cuts to the current eight control rooms: the same problems would occur to a greater or lesser extent. Although the committee was unable to take a view on the issue based on the evidence that it received, I have 10 years’ experience of working in the fire service and more than 2 years’ experience of working in the largest control room in Scotland, in Johnstone. From that experience, I can tell the Parliament that one size does not fit all. It is necessary to keep the eight control rooms that we have in Scotland, because of geography, efficiency of service, robustness of service and the ability to provide cover and back-up in the event of a major disaster or terrorist attack, and in the interest of saving and safeguarding public safety. No case has been made for a reduction in that number.

I turn to part 1 of the bill, which includes the power for ministers to restructure the fire service as they see fit. I and Annabel Goldie dissented from part of the report because we were concerned about the scope of that power. It seems clear to me that the only reason for a minister to have it is so that they can cut the number of brigades in Scotland; it is unlikely that the minister will use it to increase the number of brigades. The reason why that argument holds good is that there is an unbroken connection between the debate about the number of control rooms in Scotland and the debate about the number of brigades. If the

Executive cuts the number of control rooms, it will come along afterwards and say that it is inconsistent and inefficient to have three control rooms and eight brigades and that it is forced to bring them into line for reasons of service efficiency and clarity in the chain of command. The decision to amalgamate brigades will be made on the back of a cut in the number of control rooms and will not be based on the merits of a proposal for fewer brigades. It is a back-door way to cut the number of brigades in Scotland. The power that the bill gives ministers is part of that process, and that is why I dissented from paragraph 21 of the committee's report. That paragraph was supported only by the Labour and Liberal Democrat members of the committee; the other three parties did not support the power.

The minister said earlier that there is no difference from what we have at the moment, but there is a big difference. The power gives the ability to initiate changes. More important, the loss of the advisory council—a statutory body that acts as a buffer and advises ministers—will mean an enormous change. The SNP amendment expresses concern about the proposal to remove the statutory standing of any body that replaces the SCFBAC. I appreciate the Executive's argument that the council is too big and unwieldy and I do not have any great concern about restructuring it, changing the number of members, changing its name and making it more efficient, but the Executive has failed to make a convincing argument for changing its statutory standing. If the replacement body is to have any authority, it should be statutory and I urge the minister to reconsider the matter.

A number of members mentioned the transfer of responsibility for the maintenance of hydrants from fire brigades to Scottish Water. It is a nonsense that Scottish Water is responsible for everything up to the bottom of the hydrant pit and that brigades are responsible thereafter. If the minister wants to do away with unwieldy and bureaucratic systems, here is a chance to do just that. More often than not hydrant faults are identified by Scottish Water employees, who report them to the brigades, who go out and inspect the hydrant, then write a report about the problem and do the necessary internal paperwork for it to be repaired. That paperwork goes to various people for approval until it eventually goes to a purchasing officer who issues an order for Scottish Water to repair the hydrant. That is a circular process, not a dynamic system. It is an unnecessary and wasteful paper exercise. By transferring responsibility to Scottish Water we would achieve efficiency savings and hydrants would be repaired more speedily.

We should have a modern and efficient fire service in Scotland, but the Executive cannot use

that as an excuse to try to save money by providing the people of Scotland with a poorer service. Our aim must be to improve the service and not to cut it. We have a number of reservations about the detail of the bill and I hope that the Executive will take our concerns on board. In conclusion, I urge members to support our amendment, which expresses that concern.

11:48

Hugh Henry: This has been a good debate. It was dominated by one or two issues, but members touched on a vast range of issues that need due consideration. I assure members that although I might not touch on all those points in my reply, I will look carefully at the individual points that were made.

I say at the outset that I thought that John Scott had a cheek. He has now beetled off, with his brass neck, but for him to tell us that the bill is a cost-cutting exercise—that comes from a Tory who supported cuts in public services for years—is the height of hypocrisy. He accuses us of trying to make cuts in the fire service. We have put more money into pay, pensions, modernisation, improvements in emergency equipment and into the Highlands and Islands, but John Scott sees that as cost cutting. If the Tories ever get back into power—God help us—we will know all about cost cutting and cuts in public services.

Miss Goldie: In defence of the hapless Mr Scott, I will say that he tried to make it clear that he was suspicious of the bill's implications in terms of actions that are driven by cost cuts. He did not refer to past events.

Hugh Henry: I ask members to forgive me if I am suspicious of the implications for public services of the return of a Tory Government.

I will touch on control rooms, but I will not go into much detail, because I covered them in my first speech and in some interventions. I listened carefully to the points that were made and I have given the assurance that we will carefully consider the provisions. Several valid points have been made. We need to consider whether the cost calculations are robust and to examine the locality issues that have been raised. We must consider whether problems occurred when we reduced the number of fire control rooms from 13 to eight.

We need to examine the issues that Bruce Crawford raised, counterposed with the points that John Farquhar Munro made about the need for local knowledge. We need to reflect on what Stewart Maxwell said about being lost in the wilds of Scotland. Incidentally, if he tells us which rescue service was responsible for bringing him back to us, we can avoid joining it.

Several valid points have been made and we will take them into account. I assure members that nothing that would impact on public safety will be done.

Bruce Crawford: Will the minister give way?

Hugh Henry: No. I will move on, because I am pressed for time.

Various speakers touched on the number of brigades and said that the agenda was to move on quickly from control rooms to brigades. That is far from the truth. We have no plans to change the number of brigades. Annabel Goldie talked about the Tories' suspicions of our intention in taking the power. Even if the entire bill were rejected—never mind just parts of it—if the position remains as it is, the Executive has the power to change the number of brigades if it so desires. Rejecting the bill would make not one iota of difference to whether we could act as Annabel Goldie suggests. She implies the existence of another agenda when it does not exist. Current powers allow change at the behest of fire authorities, but also allow ministers to act. All that we will do is refine the wording in the legislation.

Maureen Macmillan, Colin Fox and several other speakers talked about industrial action being made unlawful. I am happy to put it on the record that the Executive has no intention of making industrial action unlawful by introducing the bill. That interpretation of section 67 is incorrect. Nothing that we are doing will provide any opportunity for powers to be used in the suggested way. That is not our intention and would not have our support. What has been suggested is not what the section says. I hope that that assurance removes some doubts. The bill will not make industrial action unlawful.

I hope that I have dealt with trade union recognition. If we need to examine more matters, I am willing to assure speakers that I will reconsider whether there is anything that we can do to make the position absolutely clear. Our intention is that trade unions will represent employees and we are not undermining trade unions' right to do that.

Kenny MacAskill and others talked about emergency powers. In the circumstances, the best that I can do is to repeat the assurances that I gave the Justice 2 Committee. I was asked in what circumstances emergency powers would be used and I said:

"It would be hard to specify all the situations where the powers under"

section 11

"could readily be invoked. If we were able to foresee precisely everything that might happen, we could easily just spell it out in an exhaustive list. Part of the problem in dealing with emergencies is that it is often the unforeseeable and unexpected that causes the problem. In

those situations of unexpected emergency, we need to be able to respond. There could be natural catastrophes that no one could ever have imagined, or there could be terrorist incidents ... I would therefore hesitate before giving a precise definition of those circumstances, other than to say that the situation would be one to which the response would be beyond the normal activities of any of our brigades or ... agencies."—[*Official Report, Justice 2 Committee*, 28 September 2004; c 1062.]

That sums up where we still stand.

Several comments were made about whether the replacement advisory council should be statutory or non-statutory. In general, everyone agrees that the Scottish Central Fire Brigades Advisory Council does not work, is inappropriate and must change. I am not persuaded that determining in the bill what the advisory committee should be, what it should do, how it should operate and whom it should involve is appropriate. Questions also arise. If the advisory committee advises the minister, should that minister chair it? We want to engage with the widest range of stakeholders and we intend to exclude no one. We want an effective and efficient body that has a purpose and will make a difference. I take into account all the points that have been made, but I remain unconvinced that provisions should be in the bill. However, I will give that further thought.

Stewart Stevenson talked about local procurement and questioned why we have chosen the route that we have. One problem that we sometimes face is that local procurement results in different equipment levels, different standards and different specifications. Increasingly, we must rely on co-operation—the Stockline Plastics disaster in Glasgow showed that. When we must bring people from different areas together, the job is made easier if equipment and specifications are consistent. Those are the reasons for our position, which also enables us to consider developing specialist teams more effectively for disasters such as that which I mentioned.

Colin Fox suggested that we had abandoned much of the pathfinder work, but we have not discarded it. We have encompassed many elements of it in the integrated risk management plans. His suggestion was wrong.

I acknowledge and will reflect on what many speakers said about charging for services, particularly when repeat, malicious or inappropriate calls are made. Complex issues are involved, but the points were well made.

On hydrants, I have undertaken to discuss with my ministerial colleagues who are responsible for water services whether more appropriate action can be taken, but we must recognise that however we proceed there will be a cost to the public sector, whether that relates to those who are responsible for water services or those who are

responsible for fire services. We need to work out where appropriate responsibility lies.

John Scott: Will the minister take an intervention?

Hugh Henry: Is it about hydrants?

John Scott: No.

Hugh Henry: In that case I will not take the intervention. Unfortunately, the member spoke and left the chamber. I will not indulge him by picking up a spurious point when he has returned late.

I will examine what Jackie Baillie said about non-fire emergencies and what Mike Pringle said about the loss of income from certification. A small loss might occur, but brigades will be freed up to do other work more effectively and efficiently. That will counterbalance any small loss.

The debate has been good and many points were well made. There is a spirit of consensus. We all want to make progress and to ensure that whatever legislation is passed is fit for purpose and serves best the people whom we represent. Scotland will be a safer place for having proper legislation.

We also seek to ensure that the fire services that we deliver are equipped for the 21st century. We recognise the valuable work that is done by the men and women who work in all aspects of the fire service and do a fantastic job. We need to bring the legislation up to speed to ensure that that continues.

First Minister's Question Time

12:00

Cabinet (Meetings)

1. Nicola Sturgeon (Glasgow) (SNP): To ask the First Minister what issues will be discussed at the next meeting of the Scottish Executive's Cabinet. (S2F-1204)

The First Minister (Mr Jack McConnell): At next week's meeting of the Scottish Cabinet we will discuss our progress towards building a better Scotland.

Nicola Sturgeon: This morning the Parliament debated the Fire (Scotland) Bill. One issue that was discussed but on which the Parliament will not be given the chance to vote is the proposal that the Government is considering to cut the number of emergency fire control rooms in Scotland from eight to three, or possibly to just two or one. The First Minister will be aware that the proposal is opposed by a range of experts, who fear that it could result in fire engines taking longer to get to fires and that lives could be lost. This morning, the Deputy Minister for Justice indicated that the Executive would reflect further on those concerns. Given the views that have already been expressed, will the First Minister take this opportunity to go one step further and rule out the centralisation of yet another vital public service?

The First Minister: As we promised, the Executive will consider the responses to the consultation that we established. We will also consider the expert report that we commissioned, which made the recommendation that Ms Sturgeon has outlined. When we have considered the responses and the report in full, we will make a decision and announce it to Parliament.

Nicola Sturgeon: The expert report to which the First Minister refers was produced by a group that had already recommended centralisation south of the border, so it could hardly be expected to contradict itself north of the border. The Executive has said that before taking a decision it wants to listen to and consult the key stakeholders in the fire service. However, those people have already made their views well known. The majority of fire authorities are opposed to the proposal. The Convention of Scottish Local Authorities, which is made up of the fire service employers, says that the proposal represents centralisation. The chief fire officers—those who manage the fire service—say that it is seriously flawed. The firefighters—those in the front line—say that the loss of local knowledge from local control rooms will result in longer response times, more injuries and more deaths.

If those who run, manage and work in the fire service say that it is wrong to cut the number of control rooms, what on earth makes the First Minister think that he may know better? Why will he not listen to the voices of the experts, stop prevaricating and say no now to cuts and centralisation?

The First Minister: Because it is important that we have the best possible fire service for Scotland. That is why this morning we debated a bill that will modernise fire services in Scotland and ensure that the Scottish fire service is focused on prevention of fire, life rather than property and the best use of resources. For precisely that reason, we need constantly to consider how to ensure the most efficient use of resources and the best possible use of the staff and technology in our fire service. That is precisely what we will do in relation to control rooms, just as we would in relation to the other aspects of the fire service that have received such large increases in additional resources in recent years.

Nicola Sturgeon: It is interesting that, although the experts have made their views abundantly clear, today the First Minister has not offered a single good reason why cutting the number of control rooms should even be on the Scottish Executive's agenda. Could that be explained by the fact that for the First Minister the proposal has nothing to do with improvements in the fire service? In reality, it is all about cutting costs and helping him to meet his efficiency savings target.

I suggest to the First Minister that if he really wants to cut costs he should start by putting his own house in order. While he is contemplating cuts in the fire service, the Executive's office overheads budget—the budget for parties and paper-clips—has gone up by more than £10 million in the past year alone. That is more than three times the amount that he is trying to save by cutting the number of fire control rooms. Why does he not do something about the waste and inefficiency in the Government and, while doing so, say a clear, unequivocal no to cuts in the fire service that would compromise public safety and put lives at risk?

The First Minister: I understand that Miss Sturgeon's point about paper-clips is completely untrue. I will be happy to ensure that she receives a written statement on that in due course.

I make it clear that the investment that we are putting into fire services in Scotland has increased by 40 per cent in the years since devolution. That represents about £70 million of additional investment. The challenge for good government in Scotland is to ensure that that additional money is best used on the front line to prevent fires, to secure and save lives and to ensure that our fire services are as efficient and effective as possible.

The Scottish National Party has consistently opposed the process of modernising our fire services, just as it has opposed every reform that would improve public services in Scotland, because it is not prepared to make the hard decisions that release resources for improvements in front-line services. We see the SNP's true colours week after week. As we proceed to modernise and reform our fire services, just as we should modernise and reform our services in education, health and other areas, we will ensure that resources are increased and redirected to, not taken away from, front-line services to save lives and to maintain the good-quality and efficient fire service that Scotland has had, but will have to an even greater extent in the future.

Prime Minister (Meetings)

2. David McLetchie (Edinburgh Pentlands) (Con): To ask the First Minister when he will next meet the Prime Minister and what issues will be discussed. (S2F-1201)

The First Minister (Mr Jack McConnell): I have no immediate plans to meet the Prime Minister.

David McLetchie: When the First Minister does so, he might like to explain to the Prime Minister why he has grossly exaggerated the level of public support in Scotland for a total ban on smoking in public places, given that the Executive's own—eventually published—market research demonstrates that only one in six Scots supports Mr McConnell's fundamentalist and wholly unreasonable position.

Instead of flaunting the issue like some kind of political virility symbol, will the First Minister listen to the widespread concerns that his proposals will lead to more people smoking at home and exposing their children to that and will cost thousands of jobs in the hospitality industry in Scotland? Will he consider adopting a more balanced and reasonable approach?

The First Minister: I can think of few things that it would be more balanced and reasonable for the Parliament to do than to reduce smoking and the number of deaths from smoking in Scotland.

All the international evidence is that, where a comprehensive ban on smoking in public places is in place, lives are saved, the number of smokers is reduced, the amount that people smoke is reduced and, ultimately, people can enjoy their leisure time without smoke. More and more people enjoy their leisure time without smoke and I believe that the challenge for our hospitality industries in Scotland is to sell the whole idea of smoke-free leisure and smoke-free public places as a positive incentive for the vast majority of Scots who do not go out to the pub or to many

other public places partly because of the atmosphere that exists in those places. A ban on smoking in public places represents both an economic opportunity and a great health opportunity for Scotland. The Parliament should support it for those two reasons.

David McLetchie: Perhaps the First Minister would like to talk about—*[Interruption.]*

The Presiding Officer (Mr George Reid): Order.

David McLetchie: Perhaps the First Minister would like to talk about the economic opportunities that are available to the 2,000 Scots who, according to the analysis by BDO Stoy Hayward that was published this morning, will lose their jobs as a result of his measures. Since his initial statement to Parliament, we have had the opportunity to consider the proposals that have been put forward by his Westminster colleague Dr John Reid, the Secretary of State for Health. Is the First Minister not aware of the fact that the measures that have been proposed down south are a good deal more reasonable and balanced than those that have been proposed up here? Why should there be such a significant difference in treatment?

The First Minister: Part of the reason for devolution was to ensure that Scotland could be ahead of the game, not behind it. We want to be ahead of the game in Scotland. We have a different licensing system and a different legal system and we certainly have more challenging health problems. We all know that and we all talk about it, but it is time that we did something about it, too. I believe that, although a smoking ban on its own will not totally transform Scotland's national health, it can be a really good start and will send a signal, not just here at home but abroad, that this country needs to be a different kind of country in future. Yes, we will need to convince those throughout the country who are not yet convinced that having a comprehensive smoking ban is the right thing to do, but it can be good for not only the health but the economy of Scotland.

David McLetchie: Will the First Minister advise us how what he calls a "comprehensive smoking ban" will be achieved in workplaces in Scotland, given that that clearly involves reserved issues? If he seeks to pursue that aspect of the proposals that he outlined, does he acknowledge that he will have to secure the co-operation of the Government at Westminster and the self-same Mr Reid?

The First Minister: No. When the bill is introduced Mr McLetchie will see that we are talking about a public health measure. Public health legislation is devolved to this Parliament.

We have the full competence and ability to achieve the measure through our own legislation and we intend to do so. On the survey that Mr McLetchie mentioned, which was published this morning, I make the point again that businesses throughout Scotland need to see the ban as an opportunity. They need to seize the opportunity to set up an implementation group, help us to implement the ban and make the most of it for Scotland—not campaign against it, not run scare stories, not exaggerate the impact, but seize that opportunity. That is what modern Scotland should be all about and I hope that they will be part of it.

The Presiding Officer: We have one extra question, from John Swinburne.

John Swinburne (Central Scotland) (SSCUP): In the light of the totally unacceptable figure announced this week that 2,900 elderly people died needlessly of winter cold-related illnesses in 2003—an increase of 400 on the previous year—and the Met Office warning of falling temperatures and widespread frosts as December approaches, what emergency action is the Scottish Executive taking to halt such annual increases and present Scotland with the enviable record of zero deaths from cold-related illnesses in 2004?

The First Minister: Mr Swinburne asks an important question. For precisely the reason that he outlined we will continue with the measures that have been pioneered here in Scotland. Those measures are to ensure that all pensioners have a decent central heating system; that fuel poverty is alleviated; and that the Minister for Communities tackles the fuel companies and asks them to provide specific assistance for pensioners. We will also work with the Westminster Government to ensure that more and more pensioners every year are lifted out of poverty and can afford decent heating and a decent home and we will ensure that we work closely with Age Concern Scotland and other pensioner charities. Those measures will make—and are making—a difference year after year and it is vital that we continue to pursue them.

Secretary of State for Scotland (Meetings)

3. Shiona Baird (North East Scotland) (Green): To ask the First Minister when he will next meet the Secretary of State for Scotland and what issues he intends to discuss. (S2F-1206)

The First Minister (Mr Jack McConnell): I have no immediate plans for a formal meeting with the Secretary of State for Scotland.

Shiona Baird: Page 119 of the Scottish Executive draft budget shows that the road haulage modernisation fund is included in spending on public transport. The document states:

"The Road Haulage Modernisation Fund budget will be used to help modernise and increase the efficiency of the road haulage industry".

How can the Executive justify the spending on the private road haulage sector as part of spending on public transport?

The First Minister: If we are going to improve the transporting of freight on our railways, which is another significant part of our budget plans, we need to ensure that companies can not only get their goods to market but can get their goods to the rail freight pick-up points, which they require to do.

There are a range of reasons for ensuring that we have an integrated transport policy that not only supports improved roads, railways, airports, air routes, trains, train stations and so on but improves the way in which transport moves around and carries goods, particularly on our roads and railways and in the air. That is why we take a comprehensive approach and support all aspects of improvements in transport, including improving and modernising—for what are sometimes very good reasons—the road haulage industry.

Shiona Baird: Will the First Minister please answer the question? Is the private road haulage sector viewed as being public transport?

Alasdair Morgan (South of Scotland) (SNP): The answer is no, Jack.

Mr John Swinney (North Tayside) (SNP): Phone a friend!

Richard Lochhead (North East Scotland) (SNP): Ask the audience!

The Presiding Officer: Order.

The First Minister: I note with great interest those members from rural Scotland who mock the road haulage industry, which is important to those parts of rural Scotland that need to move goods to market. I say to members of the Scottish National Party that the people I meet when I visit parts of the Highlands and Islands, who tell me about the importance of the road haulage industry, do not expect members of the Scottish Parliament to laugh and joke about the road haulage industry. *[Interruption.]*

The Presiding Officer: Order.

The First Minister: Assisting the road haulage industry to modernise and move goods around assists with the overall improvement and use of public transport in Scotland. There are parts of Scotland that are not reached by forms of public transport that move freight to ports, airports or the railway system. Therefore, improvements in the road haulage system are required in order to support the improved use of public transport. That

might be a difficult concept for some parties in this Parliament to grasp, but it is a fact of life for people in large parts of rural Scotland. If we are going to have successful companies in rural Scotland that can get their goods to the markets, they need to use decent, modern road haulage systems in order to access the other forms of public transport.

Community Right of Appeal

4. Christine May (Central Fife) (Lab): To ask the First Minister what effect a community right of appeal would have on new building developments and planning applications to local authorities. (S2F-1208)

The First Minister (Mr Jack McConnell): The impact of wider rights of appeal in planning would depend on the details of any new system. Our objective will be to modernise the planning system so that communities can properly participate and Scotland's long-term economic needs are met.

Christine May: Will the First Minister say whether he believes that the current 13-stage planning process is too long, discourages individuals and communities from effective participation, has been the subject of criticism from community groups and organisations such as the Scottish Retail Consortium, the Confederation of British Industry, the Federation of Small Businesses and others, can damage business and leads to a sense of frustration and unfairness? Further, will he share with the chamber any initial conclusions that he has drawn from the current review relating to ways to shorten the process, increase public participation and trust and accelerate sustainable economic and infrastructure development?

The First Minister: There are two important sides to this debate and both have been reflected in the consultation that has taken place. Businesses and others who are affected have lobbied strongly in support of significant improvements being made with regard to the efficiency of the planning system. Quite rightly, communities have lobbied strongly for improvements in relation to fairness in the planning system and their ability to participate in that system. We need to ensure that we adopt a balanced approach to the proposals that are made.

When the Executive announces its proposals, which I believe will be early next year, we will ensure not only that we improve the way in which communities and individuals participate in the planning system but, significantly, that we improve the efficiency of the system, speed up the system, improve enforcement and ensure a much more effective delivery for those who are making applications and objecting to them.

David Mundell (South of Scotland) (Con):

Does the First Minister accept that the most significant application that many communities can face is one for opencast mining? Although the Scottish Executive's consultation on new guidance for opencast mining is welcome, does he share my concern that, in the period between now and the introduction of that guidance, a number of applications might go through that would otherwise be refused? Will the Scottish Executive therefore consider placing a moratorium on opencast mining applications until the new guidance is in place?

The First Minister: We must be careful about announcing moratoriums on planning applications while consultation takes place on new guidance. It is important that planning authorities are able to implement the current guidance consistently. If there is a problem with the current system, the perception that local communities sometimes have is that the guidance is not implemented consistently and effectively. We must ensure that the current guidance is implemented consistently, but where that guidance requires to be updated—as we believe it does in relation to opencast mining—we will move speedily to update it. However, we will ensure that the views of local communities and others are taken on board in the process.

Ms Rosemary Byrne (South of Scotland) (SSP): In considering the new planning legislation, will the First Minister give a guarantee that he will make provision for communities that are blighted by sewage being dumped on their doorsteps and by landfill where no planning permission is needed because of the past history of those sites? There is no communication with or democracy in those communities. Will he guarantee that things will be changed?

The First Minister: As I said earlier in response to Christine May, in modernising and improving the planning system, it is important that we should have a regime that works more efficiently and which is enforced more effectively, so that the conditions in respect of any successful application are made clear and that such conditions are properly applied and enforced. That is our objective and I hope that it will be clear that we have achieved that objective when the minister announces our plans.

Ms Sandra White (Glasgow) (SNP): I welcome what the First Minister says about having a balanced response. However, does he agree that local communities currently feel alienated in the planning process and that introducing a third-party right of appeal in the coming legislation would go some way towards tackling that feeling of alienation? Will he say whether a third-party right of appeal will be included in the new planning legislation?

The First Minister: I recognise the support on the SNP's front bench for a full third-party right of appeal. However, we believe that we must take a balanced approach to the matter and that we must ensure that local communities have improved rights, as well as ensuring that there is a more efficient and effective system. When we bring forward our proposals, members will see that our approach can be welcomed both by people who need to ensure that development takes place in their community and by people who wish to stop development.

Pauline McNeill (Glasgow Kelvin) (Lab): I strongly welcome the First Minister's open mind while we consider our approach to a community right of appeal. It appears that he recognises not only the strong views of many communities that are frustrated by the unfairness of the system, but that we should go beyond the issue of modernising participation. Does he therefore agree that key to any proposal for a community right of appeal is ensuring that the system deals with applications speedily and on clear and defined grounds that do not impose undue delays? Does he further agree that if such a proposal is on the table, it should be seriously considered by the Scottish Executive?

The First Minister: As I said, the proposals that come forward must have a balance that ensures that communities and individuals not only have, but feel that they have, more opportunities to influence decisions that are made, particularly by local planning authorities, and that local planning authorities operate a system that is more efficient from beginning to end and more effectively enforced afterwards. That is the challenge in modernising Scotland's planning system. Doing so is not an easy task. Strong views have been expressed about the lack of participation by some local communities in the system and their frustration with planning authorities. People who support development and wish to see development where it can be justified and meets local plans have also expressed strong views. Ensuring that we have an improved system that can meet those two objectives is a challenge. The minister will outline our plans in the new year.

Public Water Supplies (Fluoridation)

5. Nora Radcliffe (Gordon) (LD): To ask the First Minister what the Scottish Executive's position is on the fluoridation of public water supplies. (S2F-1212)

The First Minister (Mr Jack McConnell): I confirm that we are currently considering our full response to our consultation on improving the oral health of Scotland's children. Given the public interest in the matter, I can confirm that, having listened to the views that have been expressed,

we will not be changing the current legislation on fluoridation of water supplies in this Parliament. We will, however, introduce a range of other measures to improve the dental health of children, especially in the early years.

Nora Radcliffe: I welcome whole-heartedly the First Minister's response. Scotland's poor oral health is a given. Will he now promote increased action through schools and health visitors to encourage good tooth-brushing technique among children, perhaps backed up with free toothbrushes and free toothpaste?

The First Minister: There are a number of good examples of, for example, school and community breakfast clubs that are assisting with the brushing of young children's teeth early in the morning. That is partly a way of training them in that basic skill, but it is also a way of encouraging them to improve their dental health.

We should not underestimate or play down the importance of the issue. Although, for obvious reasons, we cannot go out there and brush people's teeth for them, we can—[*Interruption.*]

The Presiding Officer: Order.

The First Minister: We can try to create a culture in which young people and their parents take the issue more seriously; in which more parents are encouraged to register their children with dentists; in which there is a greater availability of services; and in which young people are motivated to continue not just brushing their teeth, but looking after their dental hygiene as a whole. That is a real challenge for us. When we outline our proposals for improving oral health in Scotland's children, a comprehensive package will be put in place.

Patrick Harvie (Glasgow) (Green): The Scottish Executive has long professed neutrality on this issue. I welcome the First Minister's confirmation that fluoridation will not be carried out yet, or under the forthcoming bill; however, can he explain why a neutral Scottish Executive has been funding the pro-fluoridation lobby for many years? Those are not impartial experts giving neutral advice, but pro-fluoridation lobbyists giving advice to the Scottish Executive and funded with taxpayers' money. Is it not true that the Scottish Executive has been doing that for far too long, needs to stop doing it and needs to accept that fluoridation has been rejected by the Scottish people as a wasteful, polluting, untargeted move and a distraction from the food issues that affect the Scottish diet?

The First Minister: It might have been better just to say, "We welcome the announcement."

Over the past two months, members of all parties have talked a lot about raising our game in

the Parliament. We are talking about a serious issue that affects the hygiene and health of thousands of young Scottish children every year. First, we need to have a sensible debate about the matter and, when we agree, we should not make up false disagreements. Secondly, we do not need the laughter and the calls of "Whitewash," that have come from the Scottish National Party when we talk about a basic issue of children's health. If the Scottish Parliament is going to do anything for this country, it is going to improve the health of the population. I believe that trying to tackle poor oral hygiene in young children is just as important as trying to tackle smoking.

Hospital-acquired Infection

6. Mr David Davidson (North East Scotland) (Con): To ask the First Minister how many cases of hospital-acquired infection there are and what targets the Scottish Executive has set for its control. (S2F-1215)

The First Minister (Mr Jack McConnell): There are too many cases of hospital-acquired infections. That is why we have established national cleaning specifications, a detailed code of practice and other actions to target the causes of those infections.

Mr Davidson: I thank the First Minister for a partial answer. No doubt, he is aware of the Scottish infections standards and strategy group, which is based in Aberdeen. That group agrees with me that we must start a programme of screening and isolation of new patients who enter hospital. Does the First Minister agree that we must screen not only patients, but staff and regular visitors and give responsibility for infection control and cleaning to sisters who are in charge of wards?

The First Minister: The Minister for Health and Community Care will outline further actions on the matter over the coming weeks. I do not want to pre-empt that announcement, which will be made to Parliament in the proper way. However, I want to make it clear that we need a tough programme not only of setting national standards, but of ensuring that those standards are implemented. We need to publish the performance of hospitals against those standards and to ensure that, throughout Scotland, individuals in wards have a clear responsibility for ensuring that improved cleaning standards are met. However, we also need to ensure that our response is proportionate and that individuals take some responsibility for this matter. A proportionate response is one thing, but the tough top-down regime that will implement those standards and ensure that performance is measured against them and published will be outlined by the minister soon.

Mike Rumbles (West Aberdeenshire and Kincardine) (LD): Does the First Minister agree that the first step towards tackling infections such as MRSA is for our health boards and authorities to be open and transparent when they are having difficulties? Earlier this week, NHS Grampian was not forthcoming when it was asked to acknowledge the number of MRSA cases in its hospitals. In fact, the information had to be prised from it. Does he agree that we really have to open and transparent before we can tackle the problem?

The First Minister: I do not want to comment on an incident when I am not aware of all the facts, but I am happy to ensure that it is looked into if Mr Rumbles so wishes. That said, I believe that openness and transparency will be part of the solution to this issue, because if we put standards in place we must ensure that we know the areas in which they are or are not being met. That is why we will move further towards publishing appropriate information next year.

The Presiding Officer: That concludes First Minister's question time.

12:31

Meeting suspended.

14:00

On resuming—

Question Time

SCOTTISH EXECUTIVE

Environment and Rural Development

White-fish Vessels

1. Mr Ted Brocklebank (Mid Scotland and Fife) (Con): To ask the Scottish Executive how many dedicated white-fish vessels there are in the Scottish fleet. (S20-4118)

The Minister for Environment and Rural Development (Ross Finnie): There is no official definition of a dedicated white-fish vessel. Currently, there are 142 Scottish-based fishing vessels of more than 10m in overall length that fish exclusively with demersal trawl gears or seines with mesh sizes that are generally associated with white-fish activity.

Mr Brocklebank: Does the minister accept the view of the Scottish White Fish Producers Association that only 120 vessels are prosecuting a mixed white fishery, which is approximately one third as many as there were five years ago? Does he stand by his claim earlier this week that he is not in the game of accepting further reductions in the current 17 days at sea a month in the forthcoming Brussels negotiations? Does he accept that 17 days is simply not enough if we are to keep the fleet even at its existing reduced size? Furthermore, does he accept that haddock and prawn stocks are in excellent heart and that the fishermen have proved to the scientists that they can avoid targeting threatened cod stocks? In that case, should he not be thumping the table at Brussels for more days at sea, rather than simply fighting to retain the status quo?

Ross Finnie: I will weave my way through the six or seven supplementary questions.

The Deputy Presiding Officer (Murray Tosh): At least they were questions.

Ross Finnie: I am obliged.

I do not accept Ted Brocklebank's first point. The answer that I gave in good faith is based on the number of vessels that have notified the fisheries department of their exclusive use of category 4(a) gears under the terms of the annex V effort management regime. There is little merit in getting into a great debate about this but, in good faith, those vessels have notified us that they are using that gear exclusively, so it is not unreasonable for us, in good faith, to say to Ted Brocklebank that there are 142 vessels.

On the number of days, I was asked the question to which I responded in the context of whether there should be further cuts. My position on the December negotiations is that I accept the proposition that the science on nephrops and haddock is generally good, and therefore we must be able to improve on last year's situation, when we managed to separate out the previously held view that there was a one-to-one relationship between cod and haddock fisheries. Having effectively established that principle, we must build on it, and therefore we must seek to strike a balance between accepting the need to conserve cod—which clearly remains in a difficult condition—and allowing our fishermen to prosecute the fishery in a way that will give them a viable living.

Richard Lochhead (North East Scotland) (SNP): The minister will be aware that the scientific advice on the white-fish stocks that are caught by the fleet, which was mentioned by Ted Brocklebank, states that the mortality of cod stocks has increased while the mortality of haddock stocks in the same waters has decreased. What conclusion has the minister reached on that advice? Do not the figures show that other factors and fleets other than the Scots fleet are influencing the state of cod stocks, and therefore that the Scots fleet should not bear any more of the pain?

Ross Finnie: The member refers, properly, to the International Council for the Exploration of the Sea advice, which is supported by the raw data. He will be aware that—as is the case every year—the Commission's Scientific and Technical Committee reviews those raw data to arrive at recommendations to the Commission for the purpose of the Commission coming forward with positive proposals. I am always reluctant to draw conclusions before we have been through at least the second process and have had the benefit of the Scientific and Technical Committee's appraisal of those raw data. I am therefore not in a position to draw a conclusion. However, I understand that, in the next day or two, the review of the data will be available to us all, and that is the point at which we will start to formulate a view on how to proceed.

On whether other issues are in play, Fisheries Research Services in Aberdeen is aware that that is the case and that those factors must be taken into account. It is not a question of singling out Scottish fishermen, and I will be anxious to ensure that there are no moves in that direction in the December council.

Robin Harper (Lothians) (Green): Does the minister agree that the total number of boats in the fleet is scarcely relevant and that what is relevant is the fleet's total catching capacity? Does he have

a way of calculating that capacity and, if he does, can he give me a figure for it?

Ross Finnie: There are one or two complicated calculations with which the scientific community calculates the fishing mortality factors in relation to the data. I think that Mr Harper is aware of those calculations, and I would be happy to have my department write to him setting out the bases of them.

Mr Brocklebank's question about the number of vessels was legitimate, but the December council is about achieving a level of effort reduction. At the December council two years ago, it was agreed to seek an overall reduction of 65 per cent in fishing mortality in relation to cod stocks. The reason why we in Scotland are arguing that we have already achieved 35 per cent of that relates to the number of vessels that have been decommissioned multiplied by the formula to which I have just referred, which talks not about vessels, but about fishing effort. I agree that, at its heart, the debate is about fishing effort.

Flood Prevention

2. Lord James Douglas-Hamilton (Lothians) (Con): To ask the Scottish Executive whether the necessary environmental protection has been put in place to prevent flooding and whether it will issue up-to-date guidance to local authorities on the matter. (S2O-4029)

The Deputy Minister for Environment and Rural Development (Lewis Macdonald): The Water Environment and Water Services (Scotland) Act 2003 requires ministers and others to promote sustainable flood management, both to reduce flooding risk and to protect the environment. We are preparing guidance on flooding issues with the assistance of a national technical advisory group, and that guidance will be issued next year.

Lord James Douglas-Hamilton: Is the minister aware that the Executive is delivering the Scottish Environment Protection Agency a resource cut of £20 million over four years? Will he—or can he—guarantee that that will not have an adverse effect on the implementation and monitoring of the water framework directive, which is of substantial concern to the RSPB?

Lewis Macdonald: Lord James Douglas-Hamilton's concern in those areas is well known, as is that of the RSPB. I assure him that the Scottish Environment Protection Agency will be funded and resourced in such a way as to allow it to meet its requirements. It will, of course, have to set priorities for how it does that, identify the areas in which there is the greatest risk and deal with those areas first with a view to full implementation of the water framework directive in due time.

Sarah Boyack (Edinburgh Central) (Lab): I draw to the minister's attention the fact that the City of Edinburgh Council is seeking to progress two essential flood prevention schemes on the Water of Leith and the Braid burn. Will the minister assure me that sufficient funding will be in place to fund all the flood prevention schemes that have been identified and will he confirm that local authorities will be able to fund their proportion of the costs through the prudential framework?

Lewis Macdonald: Sarah Boyack will be aware that the funding that has been made available to local authorities for that purpose has been significantly increased and now runs at the rate of £89 million over the funding review period to 2008, and that the grant rate has been increased to 80 per cent. At this juncture, it would not be appropriate for me to give a guarantee on any specific scheme, because each scheme that is proposed is the responsibility of the relevant local authority and must meet the criteria that have been set. However, we expect that the available funding will allow local authorities to do a significant amount of work on flood prevention.

Christine Grahame (South of Scotland) (SNP): I refer the minister to a severe flooding incident that took place just over a year ago in the Borders, in the Bannerfield area of Selkirk. Many houses, which had been transferred from the local authority to a housing association, were severely damaged. As the minister is aware, the Bellwin scheme, which provides local authorities with finances to help with repairs under those circumstances, is not available to housing associations. Given the stock transfers that have taken place, will the minister consider extending the Bellwin scheme to housing associations, so that they, too, can access its funds?

Lewis Macdonald: I do not think that that is particularly a matter for me, although it is clearly a matter for the Executive to consider generally. The Bellwin scheme is designed for a purpose. The rules exist to ensure that those schemes that meet the criteria for support under the scheme are the ones that are supported. That is the proper way to go forward.

Derelict Land and Property

3. Brian Adam (Aberdeen North) (SNP): To ask the Scottish Executive whether it has any plans to address any negative impact on the environment of derelict land and property. (S20-4073)

The Minister for Environment and Rural Development (Ross Finnie): Scottish planning policy gives priority to the reuse not only of derelict land, but of vacant and underused land and buildings, which are sometimes referred to as brownfield land. The Executive has a number of

funding streams, such as the £20 million vacant and derelict land fund, which aim to tackle the negative environmental impact of such sites.

Brian Adam: I was particularly concerned about the impact of such areas on visitors to Scotland and on their perception of our cities. I refer in particular to the entry into Aberdeen from the airport and the north. Has the minister had any discussions with BEAR Scotland about the state of the roads in that area; with Aberdeen City Council about the actions that it can take on the roads that are under its control; and with the private sector about the state of derelict property and land, particularly along the A96?

Ross Finnie: I am sure that Brian Adam was not referring to the road as derelict land.

Two funds are available. The one to which I referred is the vacant and derelict land fund; there is also the more specialist contaminated land fund. Both funds are of the order of £20 million. In essence, the representations that we receive when we assess the priority for funding allocations come from local authorities; in Brian Adam's case, those representations would come from Aberdeen City Council and Aberdeenshire Council. I am not aware of any specific such requests, but I would be happy to look into the site to which the member has referred.

Des McNulty (Clydebank and Milngavie) (Lab): The minister is perhaps aware that there are similar concerns in relation to West Dunbartonshire, which has an extensive run of vacant and derelict land along the Clyde. In the context of the regeneration of the Clyde and of the whole regeneration process in Clydebank, I would hope that, when vacant and derelict land is being considered this time, West Dunbartonshire will qualify, along with Glasgow and North Lanarkshire, which benefited from the fund on the previous occasion.

Ross Finnie: I am sure that, when we assess the distribution of the funds, we will have to set priorities. There is not an unlimited amount of money; as I said, there is £20 million in each of the two funds that I mentioned. I have no doubt that the points that Des McNulty makes on the connection between Clydebank and the regeneration scheme in Glasgow will be taken into account in assessing those priorities.

Dairy Farmers (Meetings)

4. Alasdair Morgan (South of Scotland) (SNP): To ask the Scottish Executive what recent meetings it has had with representatives of dairy farmers. (S20-4106)

The Minister for Environment and Rural Development (Ross Finnie): I met members of the NFU Scotland milk committee in October, and

Allan Wilson met representatives of the industry on two occasions in April. Officials meet representatives of the sector particularly regularly, normally through the Scottish milk forum.

Alasdair Morgan: In view of that answer, the minister will be well aware of the recurring problem whereby dairy farmers have to sell their product at less than cost—at around 17p to 19p a litre—while other people in the industry make money and the shopper ends up paying around 45p to 50p a litre for the product. Leaving aside the fact that the whole problem stems from the actions of the Tory Government in the mid-1990s, will the minister say what he is doing—either personally or through talking to the Department of Trade and Industry or the Department for Environment, Food and Rural Affairs—to secure some sort of permanent solution to the problem, which keeps coming back?

Ross Finnie: There are two connected points there, the first of which is the voluntary code that was agreed to by the supermarkets and the industry but which has no statutory underpinning. As the member rightly points out, the code was negotiated by the DTI with input from the Office of Fair Trading. There is no doubt that there is an enormous sense of disappointment that the code is not being operated properly. The Scottish Executive is taking up the matter to see whether there is another way of working that in conjunction with the industry.

The second point is permanent solutions. We have a fundamental difficulty with the milk industry in Scotland, in that far too much of it depends on the raw milk price; that would be true even if the 17p to 19p per litre price that was postulated by the member rose by another 2p per litre and got nearer to the Scottish industry's break-even point. That is what we are discussing with the industry.

I do not know how the Government can do it, but moves must be made towards creating more vertical integration so that we are less dependent on the raw milk price. We have said to NFUS and the milk committee that we will do everything we can to encourage those discussions, but the member will appreciate that it is not wholly within my powers to make that happen. The two key issues are the relationship or the chain between the supermarkets and the raw milk producers, and the dependency of those producers on the raw milk price.

Alex Fergusson (Galloway and Upper Nithsdale) (Con): The minister will be aware of the comparatively benign conditions that exist in my constituency for dairy farmers. I am sure that he will therefore share my concern that, in recent weeks, a 200-cow herd and a 300-cow herd have ceased milk production. Those are efficient and modern units that are unable to make ends meet

even in the most favourable conditions for dairy farming. Does the minister understand the anger that dairy farmers feel about the introduction of the national beef envelope because they will be contributing towards it but receiving no benefit from it? Will he consider reviewing the criteria so that beef calves from the dairy herd will qualify for support under the envelope?

Ross Finnie: I understand fully the deep frustration of milk farmers who find themselves going out of business in the present conditions. However, I am bound to say that a 1p change in the price and in profit would have a much more material effect on those businesses than the national beef envelope will. I understand the argument and I am not dismissing it, but the real issue for milk producers is the fact that at the 17p to 19p figure that was quoted by Alasdair Morgan, the majority of our herds are not making money. It is essential for those businesses to bridge the 2p gap either by moving up the supply chain or, in the long term, by changing the relationship or the percentage by which they depend on the raw milk price.

George Lyon (Argyll and Bute) (LD): In the light of some of the answers that the minister has given, I would like to pursue the issue of the code of practice. Could the Government legislate in that area, or does that have to be ruled out because doing so would take the Executive into competition policy? Has the minister discussed the matter with DEFRA and will he clarify whether the statutory underpinning of the code of practice that the farmers sought when they lobbied Parliament is practical? Is it under discussion?

Ross Finnie: The member is correct to say that the issue would take us into the territory of competition law. That is why the DTI was the sponsoring department for the initial agreement, which was overseen by the competition policy directorate.

The discussions that we are having with the industry and DEFRA indicate that it would not be productive for us to get into the area of competition law. Although what we believed to be an agreement was secured, that agreement does not appear to be being acted upon by the supermarket companies. The current discussions are aimed at trying to make that agreement effective.

Health and Community Care

Obesity

1. Shona Robison (Dundee East) (SNP): To ask the Scottish Executive what targets it has set for reducing levels of obesity. (S2O-4080)

The Minister for Health and Community Care (Mr Andy Kerr): Obesity is a pressing concern for the Scottish Executive, with an estimated 21 per cent of adults and 18 per cent of 12-year-olds in Scotland classified as obese. The associated serious health risks—such as cardiovascular disease, type 2 diabetes, stroke and hypertension—identify obesity as a key risk factor for focused action. Experts acknowledge the need for emphasis on prevention and on the relationship between diet, physical activity and obesity.

Our health improvement programme focuses strongly on improving diet and raising physical activity levels. Findings from the recent health education population survey suggest an increased awareness that lifestyle changes are needed to improve health and encouraging signs that more people are achieving the recommended levels of physical activity and eating more healthy foods. However, there is much work still to be done in integrating prevention measures effectively with the management and treatment of overweight and obesity.

Shona Robison: Does the minister agree that it is strange that the Executive has no specific target for reducing levels of obesity, given that one in five 12-year-old children is classed as clinically obese? Given the money that the Executive is rightly investing in improving diet and levels of physical exercise, surely there must be a target on the back of that to measure that improvement. Will the minister commit to setting a clear target for reducing obesity among children and adults?

Mr Kerr: The Executive's strategy is about health improvement and prevention, not cure. No less a body than the World Health Organisation has endorsed our approach as a benchmark for others to follow. The Executive has enough targets, strategies and plans, which include the diet action plan, the physical activity strategy, the healthy living campaign, the work that goes on in our schools and the work that is done all round Scotland by our health service and by our partners who deliver our health improvement strategy. We are focusing on challenging the issue and dealing with the problem. As I said, those messages are now getting through and people are making different lifestyle choices on exercise and diet.

There are targets for individual aspects of our strategy but, collectively, they relate to the improvement in the health of the people of Scotland. As a Government, we try to do our best on those matters, but individuals also have a choice to make. In our debate later today, it will be clear that the health benefits of breastfeeding can contribute significantly to a reduction in obesity levels. The Executive's health improvement strategy contributes significantly to all sorts of targets, including on the issue of obesity. The

connected activity in our overall strategy is working well, as per our reports from the World Health Organisation.

The Deputy Presiding Officer: Before I proceed to the next question, let me place on record an observation. Members who enter or leave the chamber should not do so by way of the well of the chamber. When members move around the chamber, they should attempt never to pass between a questioner and a minister who is giving an answer. I will convey that message specifically to the member who has just left.

NHS 24

2. Murdo Fraser (Mid Scotland and Fife) (Con): To ask the Scottish Executive whether it is satisfied with the performance of NHS 24. (S2O-4078)

The Minister for Health and Community Care (Mr Andy Kerr): NHS 24, which is now available across Scotland, provides round-the-clock access to advice on symptoms from a trained nurse and, where appropriate, direct access to care in one phone call. NHS 24 is providing speedier, consistent and prioritised access to appropriate health care and health information. It plays a central role in local out-of-hours care management arrangements and, in most cases, it is the first point of contact for people who need urgent health care assessment. NHS 24 supports front-line services by providing self-care advice to patients who do not require immediate care from the national health service and it frees up accident and emergency and primary care staff to deal more quickly with those who are in greater need of their professional skills. Patient feedback shows that those who have used the service rate it highly. They value the direct access that it provides to advice and reassurance.

Murdo Fraser: I thank the minister for that fulsome response.

Despite that feedback, the minister should be aware of the widespread concern among my constituents about NHS 24's performance. In particular, there are concerns about the time that it can take to get a call-back response in a difficult medical situation. Those concerns were echoed by one A and E doctor at Ninewells hospital in Dundee, whom *The Courier* of 8 November quoted as saying:

"things have changed and they have not changed for the better at the moment".

Given that the demands on NHS 24 are bound to increase when general practitioner out-of-hours services are withdrawn in six weeks' time, can the minister assure us that NHS 24 will be able to cope?

Mr Kerr: Again, we need to put such matters in the context of our health service here in Scotland. NHS 24 has a 95 per cent satisfaction rate from those who use it. The independent evaluation that was carried out by The University of Edinburgh, if I recollect correctly, indicated increasing satisfaction with the service. If an organisation that deals with more than 1 million calls gets 88 complaints, I would suggest that, although there are individual cases that, quite rightly, cause us some concern, overall service delivery is good. For an organisation that deals with 100,000 calls a month, and 7,000 calls on a Saturday and Sunday, 88 complaints ain't bad.

However, I fully take on board the issue that Murdo Fraser raises with regard to call-back. It is about safety and managing demand. On the clinical assessment of those cases in which call-back was used, the clinical review found that most of the call-backs involved relatively minor considerations and conditions. NHS 24 is quite a sophisticated structure, and it is happy to review those situations. Call-back is constantly kept under review and the calls that are made in the call-back system are constantly being analysed.

With regard to peak demand and the change in the new general medical services contract, the information technology and telephony have recently undergone an MOT to ensure that they are working appropriately. New servers are up and running, more staff are being recruited for weekend working and more staff overall are being recruited to the service, to ensure that the service can be confident in planning how it will deal not only with the additional pressures of providing an out-of-hours service, but with winter peak demand.

I reassure members that the service is working extremely well, and the facts and figures are there to back that up. There are individual cases that are quite clearly unacceptable, but I have to say that—uniquely in the public services—NHS 24 allows the individual access to the telephone conversation, because calls are recorded. That means that people can break down the discussion between the client and the nurse and talk things through with the service user. On the whole, service users are satisfied with the response that they get from the service after raising their complaints.

Delayed Discharges

3. Dennis Canavan (Falkirk West) (Ind): To ask the Scottish Executive what discussions it will have with national health service boards and local authorities in respect of what further action is required to reduce the number of delayed discharges. (S2O-4042)

The Minister for Health and Community Care (Mr Andy Kerr): Tackling delayed discharge is a

big priority for the Executive. Clearly, no one should have to remain in a hospital bed for longer than they need to if more appropriate care is available in the community. That is why we launched our delayed discharge action plan in March 2002, which set out a range of measures to tackle the issue. The plan is now backed with additional resources to the tune of £30 million per annum to help local authorities and their national health service partners to reduce the number of patients who are inappropriately delayed in our hospitals.

Ministers and officials have on-going discussions with NHS boards and local authorities on a range of subjects, including delayed discharge. Since the launch of our action plan, the number of patients delayed in Scotland has reduced by 1,184 and the number of patients delayed for more than six weeks has almost halved. In Forth valley, the total number delayed has reduced over the same period from 166 to 118, and the number delayed for more than six weeks has reduced from 135 to 80.

Dennis Canavan: Is the minister aware that the most recent figures for Forth valley show that six out of the seven targets were not achieved and that about two thirds of the delayed discharges are in the Falkirk area? If the minister is telling us that the Scottish Executive is providing sufficient funds to deal with the problem, will he tell NHS Forth Valley and Falkirk Council to take more urgent action to reduce the number of delayed discharges, which cause a situation whereby many people, especially elderly people, are not getting the care that they deserve, while other patients have to wait far too long for a hospital bed?

Mr Kerr: I sympathise with the direction of travel that Dennis Canavan raises, and I am more than happy to engage with the authorities involved. He is absolutely correct to say that we have people in inappropriate care settings, and we must seek to resolve that. NHS Forth Valley has taken a number of steps to support effective discharge. Those measures include the provision of 24/7 cover; the purchase of additional care home places; increased packages of enhanced home care to allow people to remain at home; additional occupational therapy; A and E treatment options; hospital discharge facilities; co-ordination of the work of our public services; and enhanced rehabilitation services. That package of measures is about not just money, but the way in which different public sector organisations work. I want them to work better, more closely together and in a more timely fashion. I am not satisfied with the numbers and I am more than happy to engage with the relevant authorities to ensure that we meet targets, because the resources are there and they should be used properly.

Mrs Nanette Milne (North East Scotland)

(Con): Is the minister aware that, according to figures supplied by Scottish Care, funding per person per week for residential care is £35 short and that for nursing care is £61 short of the costs of provision? That is largely why there are insufficient care homes to satisfy demand, which results in blocked hospital beds. Is the minister further aware that the problem could be resolved quickly if he agreed to pay care homes for the real costs of care?

Mr Kerr: With all due respect, we have put a huge amount of public money into Scottish care homes to ensure that places are available. If I recollect correctly, we have provided over £140 million in the past three years to deal with the issue of providing care home places in our communities. The negotiations on such matters are tough. It is right for the Executive to ensure that we get value for money from care home providers. As a local MSP, I have probably opened five care homes in the past year, so I suggest that the market is not as dead and buried as Nanette Milne suggests.

I look forward to discussing matters with care home providers on Friday in Glasgow at their conference. I am sure that the Executive is putting its money where its mouth is with regard to the care of our elderly. I am glad to say that Scottish care home providers are with us in that task.

Health Authorities (Financial Deficits)

4. Brian Adam (Aberdeen North) (SNP): To ask the Scottish Executive whether any health authorities are projecting financial deficits for the current year and, if so, which authorities and what the projected deficits are. (S2O-4074)

The Minister for Health and Community Care (Mr Andy Kerr): Excluding the special boards, which do not project any deficits, four of the 15 health boards are forecasting to over-commit. The figures are £60.8 million for Argyll and Clyde NHS Board, which is 11 per cent of its budget; £13.6 million for Grampian NHS Board, which is 2 per cent of its budget; £4.6 million for Greater Glasgow NHS Board, which is 0.3 per cent of its budget; and £20.4 million for Lanarkshire NHS Board, which is 3 per cent of its budget.

My position is clear: I put the interests of patients first. Public organisations must manage their finances and NHS health boards are no different from any other public organisations in that respect—it is unacceptable for health boards to overspend against their budgets. From that fundamental position, Executive officials are working closely with the health boards concerned to ensure that they return to financial balance.

Brian Adam: I share the minister's concern to put patients first. Does he consider that, by

freezing two additional posts for infection-control nurses, Grampian NHS Board is delivering for patients, particularly given the clinical impact of that action, or does he think that that is acceptable in order to balance the books?

Mr Kerr: The member raises an interesting point about balancing the books. Budgets in the NHS in Scotland for the year 2002-03 went up by 7.2 per cent; the following year they went up by 7.8 per cent; and this year they have gone up by 7.25 per cent. The budget will rise from £8.8 billion in 2005-06 to £10.3 billion.

I will not second-guess the decisions of individual boards. Currently, however, 1 per cent of the overall NHS budget is an overspend. I expect as many of our health boards as possible to come into line. Grampian NHS Board is performing to the recovery plan that it published with us and it expects to be in balance by 2006-07.

Given the opportunities that are provided by the new work-force contracts, the redesign and reconfiguration of services and increased regional planning, I expect our health boards to manage their resources effectively. The Executive has provided the resources for our health services to run effectively and we have covered many of the pressures for our health boards. I expect the boards to make their own decisions, but I also expect them to manage their resources effectively in the interests of patients.

Mrs Mary Mulligan (Linlithgow) (Lab): I am in favour of the agenda for change proposals, so the minister will understand that I was concerned at the weekend to hear it said that he and the Executive are "clueless" as to how much the proposals will cost. What is he doing to ensure that health boards have the resources to fund fully the agenda for change?

Mr Kerr: Agenda for change is one of those pressures in the health service for which the Executive seeks to reassure health boards that the money and resources are available to cover the demand. The report to which the member referred was misleading and inaccurate. The new agenda for change system is probably one of the most radical overhauls of the payment systems in the NHS since 1948; it represents a huge undertaking, which has been negotiated over a number of years with several partners, including the four United Kingdom health departments.

It would be better if people reported matters more accurately, based on the information that is given to them. Far from being clueless, we have carried out detailed cost modelling based on a pilot site in West Lothian, in which the member will be interested. That was mapped across more than 25,000 workers in NHS Scotland and was then developed to give an all-Scotland model of the

resources required for agenda for change. We gave details of that in response to the reporter's inquiry, but of course he chose not to mention it.

I reassure members that the Executive is absolutely clear about the impacts of agenda for change in Scotland. We continue to map those impacts and we are working with our health boards at a local level. Agenda for change will bring significant benefits to patients and those who work in the organisation. We are not clueless. In fact, I would argue that, if any public or private sector organisation had the degree of management information that we have in this area, they would be very jealous indeed.

Mr David Davidson (North East Scotland) (Con): I am quite taken aback by the staggering defence of the indefensible. When the Minister for Health and Community Care came to the Health Committee recently and talked about his budget—in which he had some interest in his former role as Minister for Finance and Public Services—he said clearly that he would support and help to bail out Argyll and Clyde NHS Board as part of the package, whereas it seems that the other health boards that are in difficulty will just have to manage their books. Will the minister care to cast his eye once again over the Arbuthnott formula, which disadvantages Grampian immensely, to the point that services are at risk of being cut? Only today I heard about a delay in getting access to breast screening, which was unacceptable to the individual concerned. Those are the strains that Grampian feels. What will the minister do about it?

Mr Kerr: As usual, the member grossly misrepresents the position. I made it clear that no patient would be put in jeopardy in the Argyll and Clyde NHS Board area and that payments would be made in relation to the revenue costs of that health board, but I have not underwritten the ongoing deficit that that board has developed over a number of years. I want to ensure that the board can account for that deficit and that it takes proactive, preventive measures to ensure that it does not happen again.

Far from saying that I will underwrite or bail out anybody, I am saying that patients need not worry in that health board area because the bills will be paid and the staff will be there to provide the service. It is appropriate that the Executive should ensure that that happens. The challenge for the health board is to deal with the financial and organisational mismanagement of past years that has caused the current problem. Not until I am satisfied that that matter is resolved will I sign off any financial relationship with Argyll and Clyde NHS Board.

Let us not misrepresent the situation. I have assured patients that the services are available to them and that the nurses and doctors will be there

for them when they are needed. However, the health board's challenge is to provide me with a plan that gives me the confidence on behalf of the taxpayer and the patient that the board can deliver in the long term.

Jackie Baillie (Dumbarton) (Lab): I welcome the minister's commitment to protect patients' interests in NHS Argyll and Clyde. However, does he agree that, despite efforts to reduce financial deficits, the projected deficit for NHS Argyll and Clyde for 2007 is £100 million? Does he agree that that perhaps points to an underlying structural problem, which could be resolved in part by the break-up of NHS Argyll and Clyde?

Mr Kerr: I am considering those matters just now and I have met the chair and chief executive of that organisation. As members know, in replacing the health board management team in late 2002, the Executive set the health board a difficult task and we should not expect the board to deal with all the problems overnight. However, as I have said on the record previously, if there is a structural problem that suggests to me that the health board cannot meet its service delivery and resource requirements in the future, I need to look at all the options. I do not want to make that decision until all the factual information is available to me and I have had further discussions with those concerned at a local level. The options remain open to me, but it is too early to say which one I will take.

Bedblocking

5. Bill Butler (Glasgow Anniesland) (Lab): To ask the Scottish Executive what action it is taking to reduce bedblocking. (S2O-4128)

The Minister for Health and Community Care (Mr Andy Kerr): As I said to Dennis Canavan, tackling delayed discharge is one of our biggest priorities. No one should have to remain in a hospital bed when they can be more appropriately cared for in the community. Since we published our action plan, the number of patients delayed in Scotland has reduced by 1,184 and the number of patients delayed for more than six weeks has almost halved. In the Greater Glasgow NHS Board area, the number of delayed discharges has reduced over the same period from 464 to 264 and the number of patients delayed for more than six weeks has reduced from 295 to 144.

Bill Butler: I welcome those figures. Will the minister outline to Parliament the specific steps that have been taken and the measures that the Executive intends to promote to enable Greater Glasgow NHS Board more effectively to deal with the problem and further to reduce the figures?

Mr Kerr: Our objective is to ensure that local authorities, care home providers and health

boards work collectively to solve a difficult problem. The Executive has been putting in work and resources to ensure that that happens. There have been considerable reductions in a number of the blockages in the system.

Health boards and local authorities are being much more proactive about the management of the issue. The acute outreach and rapid response teams that have been developed in the greater Glasgow area are helping, as are the purchase of additional care home places, enhanced home care and equipment adaptations—all those factors are reducing the problem. I am still not satisfied, however, and we need to maintain pressure on boards and local authorities to ensure that the matter is addressed. I look forward to continuing that work. We know that there is a problem, but the numbers are falling and we will continue to focus on the matter.

General Questions

Small Businesses

1. Dr Sylvia Jackson (Stirling) (Lab): To ask the Scottish Executive what steps it is taking to support small businesses. (S2O-4102)

The Deputy First Minister and Minister for Enterprise and Lifelong Learning (Mr Jim Wallace): Small businesses are a crucial component of the Scottish economy. The Scottish Executive and its economic development agencies, Scottish Enterprise and Highlands and Islands Enterprise, are committed to improving the support available to new starts and established small businesses. Our strategic priorities are set out in our refreshed smart, successful Scotland enterprise strategy, which I launched on 11 November.

Dr Jackson: I am a fairly regular visitor to the Federation of Small Businesses and I know that local businesses are particularly concerned about disproportionate water charges and training. What progress has the minister made on those two issues? How many meetings has he held with interested groups such as the FSB to consider the issues? A business that employs only one or two people finds it difficult to release staff for a day's training.

Mr Wallace: It is important that we continue to work in partnership and to engage with businesses throughout the Scottish economy and specifically the small-business sector. In addition to the informal contacts that the Deputy Minister for Enterprise and Lifelong Learning, Allan Wilson, and I have, I have met the FSB on formal occasions during the year.

On water, Ross Finnie and I joined the FSB in a forum in Aberdeen at the end of September. We and the FSB instigated the forum specifically to

discuss issues arising from the consultation on the future of water charges and the investment programme beyond 2006.

On training, I accept and emphasise the importance of training and skills development in general in our economy and I recognise the difficulties that small businesses can have in engaging in training if, for example, only one or two people run the business. Members know that the Scottish skills fund was established, following the move towards sector skills councils to replace the national training organisations, to maintain and improve the demand for high-quality in-work training. I am considering how the fund might be adapted to find ways of engaging more with employees in small and medium-sized enterprises and microbusinesses. I accept that there is a particular issue for such employees and I want to think imaginatively about how that issue might be addressed.

Golden Goodbye Payments

2. Murdo Fraser (Mid Scotland and Fife) (Con): To ask the Scottish Executive whether it is considering golden goodbye payments to encourage councillors to stand down at the next election. (S2O-4079)

The Minister for Finance and Public Service Reform (Mr Tom McCabe): The Local Governance (Scotland) Act 2004, which was passed by the Parliament in June, includes a number of measures aimed at widening access to council membership, including the introduction of a severance scheme for councillors who choose to stand down at the next election.

Murdo Fraser: Is the minister aware of the public anger at the suggestion that there will be pay-offs of up to £30,000 for retiring councillors? Is not the proposal a bribe of taxpayers' money for superannuated Labour councillors, to buy off their opposition to the introduction of the single transferable vote?

Mr McCabe: The first thing to stress is that the Parliament has accepted the principle of one-off severance arrangements for councillors as we enter a radically different era for local government. There is a direct link between the principle of one-off severance payments and that of widening access to local government. That is why, early in the new year, we will publish the councillors remuneration progress group's report along with the widening access progress group's report.

It is not for me to comment on any of the exaggerated media reports or even to respond to the exaggerated rhetoric that Mr Fraser chooses to indulge in. I can understand why he would want to indulge in that language here; I seem to recall very similar words in some recent exaggerated

media reports, but that is probably because Mr Fraser and his colleagues were at least in part responsible for them.

A principle is involved. If the Conservatives are so concerned about one-off severance payments, I look forward to hearing an assurance that no Conservative councillor in Scotland will accept any payment.

The Deputy Presiding Officer: Question 3 has been withdrawn.

Public Appointments System

4. Alex Neil (Central Scotland) (SNP): To ask the Scottish Executive what additional measures it intends to take to make the public appointments system fairer and more transparent. (S2O-4034)

The Minister for Finance and Public Service Reform (Mr Tom McCabe): The Executive has introduced a range of measures to make public appointments in Scotland fairer and more transparent. The arrangements are kept under regular review and improvements will be made to the system whenever appropriate.

Alex Neil: Does the minister recognise that, of those appointees declaring a political affiliation, two thirds declared an affiliation to the Labour Party? That is exactly the same percentage as before the Executive's measures were introduced. Will the minister now activate the promise made by Peter Peacock when he was the minister responsible and propose to the Parliament the establishment of a public appointments committee to oversee the entire process before it is brought further into disrepute?

Mr McCabe: I am tempted to suggest that, on two grounds, Mr Neil is attempting to mislead. He forgets to point out to people that the Parliament has an excellent record on public appointments. We passed the Public Appointments and Public Bodies etc (Scotland) Act 2003 and, as of June this year, we have a new commissioner. Our record is first class and we are ahead of many parts of the world.

In Mr Neil's portrayal of the number of people on public bodies in Scotland who have declared a political affinity, there is again distortion. Of the people who sit on public bodies in Scotland, 83 per cent have declared no political activity in the five years prior to their appointment. Of course, the majority of the remaining 17 per cent have declared an affiliation to Labour. That is hardly surprising. Election after election, people in Scotland endorse the Labour Party. They reject the Scottish National Party time after time. It is therefore hardly surprising, since we command the majority of the support in Scotland, that the majority of the small number of people who declare an affiliation will declare an affiliation to

Labour. The reality that Mr Neil and his colleagues absolutely refuse to accept is that the SNP is a tiny political party in Scotland and so will have a tiny proportion of representatives on those bodies.

Prisoner Programme Requests

5. Stewart Stevenson (Banff and Buchan) (SNP): To ask the Scottish Executive what proportion of prisoner programme requests cannot be met due to resource constraints. (S2O-4049)

The Minister for Justice (Cathy Jamieson): All prisoner programme requests require to be assessed for suitability on criteria such as level of need, motivation and whether an appropriate point in sentence has been reached. The Scottish Prison Service has advised me that no prisoner programme requests are currently being turned down due to resource constraints and, indeed, that there was a significant increase in sex offender programme places in 2003-04.

Stewart Stevenson: I welcome the implicit news that programmes are increasing in number. However, during a visit to Glenochil prison last week, I received very different information. Only the people with the greatest need and the people who could derive the greatest benefit were able to go on programmes. The majority of prisoners who applied were not able to do so. Will the minister investigate the difference between the information that I have and the answer that she has given and revert to me when she has done so?

Cathy Jamieson: I am always happy to provide further information to members. It is important to recognise that there may well be instances in which prisoners make requests to attend programmes but an assessment is made that the programme is not the correct one to meet their needs or that the timing, at that point in the sentence, is not the best for the prisoner.

The Executive has made available two new prisoner programmes. As I indicated, one programme deals with sex offenders—in particular, adult male prisoners whose sentences are of less than four years. That is a new programme, which was originally developed by Canadian psychologists. Earlier this year, the Scottish Prison Service introduced it into Peterhead, Edinburgh and Barlinnie prisons.

The Executive is also piloting a new violence-prevention programme of some 200 hours in length. The programme is designed for male prisoners for whom there is a high risk of violent reoffending. Again, it was developed by the Correctional Service of Canada and we have introduced it into the SPS.

Those two new programmes show the Executive's commitment to ensuring that the correct types of programme are in place to deal

with serious and violent offenders. We will evaluate what works and ensure that that type of programme is rolled out in our prisons.

Rural Primary Schools (Closure Guidance)

6. Mr John Home Robertson (East Lothian) (Lab): To ask the Scottish Executive what plans it has for the implementation of its recently published guidance on the closure of rural primary schools. (S2O-4047)

The Minister for Education and Young People (Peter Peacock): The document "Additional Guidance on Local Authority Proposals for the School Estate, Including School Closures" was published on 30 September. All local authorities have to consider proposals for their school estate, including school closures, having regard to the guidance.

Mr Home Robertson: Is the minister aware of evidence from the deep south of Scotland where a council is taking unreasonable and inconsistent decisions to close village schools? It is doing so in spite of educational and social factors, regardless of opportunities for shared community facilities, in the face of overwhelming opposition from parents and the wider community and in flat contradiction to assurances that David Mundell made in the Parliament on behalf of his Conservative colleagues on Scottish Borders Council? Taking into account all those circumstances, will the minister give serious consideration to his power to review Scottish Borders Council's decision to close Hutton Primary School? In doing so, will he pay careful attention to representations from the member for Roxburgh and Berwickshire, who is sitting beside him?

Peter Peacock: Mr Home Robertson cleverly did not, I think, mention the school of which he was thinking. However, I am aware of the situation in the Borders to which he refers and of the recent decisions that were made. He will know that such decisions have to be taken by local authorities. However, authorities require to justify their decisions to their local population, to whom they are accountable.

None of the recent decisions taken by Scottish Borders Council has yet been referred to me, so I cannot prejudge what the particular issues will be. However, I make it clear that the guidance that I mentioned sets out the tests that I will apply in considering how a council has handled a particular proposal, as and when that is referred to me. I will look at issues such as whether the educational case was fully tested, the distance of travel between the new school and the school that the council proposes to close, the pupil projections and whether new housing developments are planned for the area.

In the context of Mr Home Robertson's question, the issue is how the decision fits into the wider rural development policies for the area as a whole. The council cannot base its decision on whether to close a school on financial grounds alone. I assure Mr Home Robertson that I will listen to all the representations that are made to me about the case. When I come to look at it, I will pay particular attention to the council's handling of the matter.

Christine Grahame (South of Scotland) (SNP): As many of us know, we are talking about Burnmouth. When the request from Scottish Borders Council to close the school—in the face of fierce opposition from the entire community—arrives on his desk, will the minister take note of his own objective, which is to put schools

"at the heart of the community – meeting the needs of communities"?

How on earth can the needs of the community be met if the school is closed?

Peter Peacock: As I indicated, one of the requirements in the guidance is for local authorities to be up front and open with their local populations about what they regard as the justifications for their proposals. One of the factors that must be taken into account is rural development: councils need to consider how schools fit into the pattern of their proposals to develop rural Scotland.

Ultimately, the matter is for the local authority. Although Christine Grahame mentioned only one school, I understand that two schools have recently been the subject of a similar decision. I rather suspect that Mr Home Robertson was referring to a different school. As I said, I cannot prejudge those cases because they have not yet come on to my desk.

Schools (Drugs and Alcohol Awareness)

7. Christine May (Central Fife) (Lab): To ask the Scottish Executive what action is being taken in schools to raise awareness of the dangers of abuse of drugs and alcohol and to promote health and welfare. (S2O-4030)

The Deputy Minister for Education and Young People (Euan Robson): Education authorities are encouraged to address all aspects of health education within a comprehensive programme of personal and social education, including awareness of drugs and alcohol and the promotion of health and welfare. The Executive has provided £3 million over three years for work on drugs education and awareness in schools. Since 2002, the Executive has funded the work of the Scottish health promoting schools unit, which aims to support all schools to become health promoting by 2007.

Christine May: I am grateful for that comprehensive response. Two recent events in Glenrothes—B in the park and gigging 4 it—were organised by young people, with the help of community and educational services. The events use music from local groups to highlight the dangers of the abuse of drugs and alcohol and to promote healthy alternatives. Those young people hope to take elements of that approach into schools throughout Scotland, using a local band called Draw. I invite the minister or the deputy minister, if their diaries permit, to come and meet some of the young people to hear about their approach. Will the deputy minister confirm that the Executive supports that approach?

Euan Robson: I am delighted to say that we support that approach and that we are keen to spread best practice throughout Scotland. When good ideas such as the ventures in Fife that the member mentioned are developed anywhere, we want to tell other authorities about their success. The member will be interested to know that the annual survey on drugs education, which reported in September 2003, showed that 99 per cent of schools in Scotland provide drugs education. That is an important statistic. Diaries permitting, either Peter Peacock or I would be pleased to visit Christine May's constituency—I have been there twice recently—to see at first hand the development that she mentioned.

Police Response Times (Lothian and Borders)

8. Margaret Smith (Edinburgh West) (LD): To ask the Scottish Executive what action it is taking to assist Lothian and Borders police to improve their response times. (S2O-4103)

The Minister for Justice (Cathy Jamieson): As the member is aware, decisions on operational policing are a matter for the chief constable. However, we are providing record funding to Lothian and Borders police and have made clear the importance that we attach to the use of those resources to improve service delivery.

Margaret Smith: I thank the minister for her response and for the extra funding for Lothian and Borders police, although the impact of the grant-aided expenditure changes on that force may be less positive than they will be elsewhere. She will be aware that operation capital, changes in call-centre provision and the priority gradings have, anecdotally, had a negative impact on policing in Edinburgh. Only last week, a young pregnant woman was physically assaulted outside my constituency office; when she was brought into the office, my staff telephoned the police three times before they arrived, which was well over an hour later. I receive reports of similar events all the time from my constituents, as I am sure other members do. What is the Executive doing to assist Lothian

and Borders police with the monitoring of their grading system and the delivery of quicker response times, bearing in mind that the target for 999 responses in urban areas is 10 minutes?

Cathy Jamieson: I hope that Margaret Smith will take up the incident that she described directly with Lothian and Borders police. I am sure that she already has that action in hand. Her Majesty's inspectorate of constabulary for Scotland is carrying out an inspection review in relation to Lothian and Borders police. The report of last year's primary inspection of the force stated that a number of issues would be covered in the review, including the impact of operation capital, the operation of the force communication centre and the impact of the force's review of its shift and call-grading systems. The force has undertaken an internal review of a number of issues and is planning changes as a result. I understand that the inspectorate's review-inspection report will probably be published towards the end of this year or at the beginning of next year.

As Margaret Smith mentioned, Lothian and Borders police have received an increase in the GAE figures, although it may not be as big an increase as other forces have received. However, Lothian and Borders police receive an extra £740,000 per annum in addition to the GAE money, in recognition of the capital-city pressures.

Christine Grahame (South of Scotland) (SNP): On a point of order, Presiding Officer. I wonder whether you would be good enough to review the management of question time. In the first section we reached only question 4 and in the second section we reached only question 5. I hesitate to advise the Presiding Officers, but some of the ministers' answers are very long-winded and eat into time. That is reflected in the fact that many members are not attending the chamber for question time and are not even bothering to submit questions. I ask the Presiding Officers, with respect, whether the management of question time could be reviewed.

The Deputy Presiding Officer: I commend the member for deciding that she would not presume to advise the chair on how to conduct its business. One of the additional factors is that, in the first section of questions, I was able to accept seven supplementary questions, which added to the time. In the second section, I accepted four supplementary questions, which also added to the time. In the third section, I accepted one supplementary question, which allowed us to get as far as question 8. Members must appreciate that all those variables are factors.

It is fair to say that we observe different lengths in ministerial answers. There are points in that for ministers. However, those are not points for me to enforce from the chair; they are matters that

concern us all in how we handle this affair. I understand that the Procedures Committee is looking at aspects of the procedure, so the member may well wish to make some representations to that committee.

Business Motion

15:01

The Deputy Presiding Officer (Murray Tosh):

The next item of business is business motion S2M-2028, in the name of Margaret Curran, on behalf of the Parliamentary Bureau, setting out a timetable for consideration of stage 3 of the Breastfeeding etc (Scotland) Bill.

Motion moved,

That the Parliament agrees that, during Stage 3 of the Breastfeeding etc. (Scotland) Bill, debate on each part of the proceedings shall be brought to a conclusion by the time-limits indicated (each time-limit being calculated from when the Stage begins and excluding any periods when other business is under consideration or when the meeting of the Parliament is suspended or otherwise not in progress):

Group 1 – no later than 45 minutes

Group 2 – no later than 1 hour

Motion to pass the Bill – 2 hours—[*Ms Margaret Curran.*]

Motion agreed to.

Breastfeeding etc (Scotland) Bill: Stage 3

15:02

The Deputy Presiding Officer (Trish Godman): The next item of business is stage 3 of the Breastfeeding etc (Scotland) Bill. For the first part of the stage 3 proceedings members should have the bill—that is, SP bill 15—the marshalled list, which contains all amendments selected for debate, and the groupings of amendments. I will allow an extended voting period of two minutes for the first division and thereafter I will allow a voting period of one minute for the first division after a debate on a group. All other divisions will be 30 seconds.

Section 1—Offence of preventing or stopping a child from being fed milk

The Deputy Presiding Officer: Group 1 is on the maximum age of the child. Amendment 1, in the name of Carolyn Leckie, is grouped with amendments 2 to 5. If amendment 1 is agreed to, I cannot call amendments 2 to 5.

Carolyn Leckie (Central Scotland) (SSP): I congratulate Elaine Smith, who has worked fantastically hard to bring the bill to this stage, and I also congratulate all the helpers, supporters and organisations that have helped in that wonderful achievement. The bill will have a very positive impact on the promotion, incidence and continuance of breastfeeding, with its indisputable health and emotional benefits. My amendments are positive and constructive—as they were at stage 2—and are designed to ensure that no child or breastfeeding mother is discriminated against.

My preference is that there should be no definition of a child's age in the bill. I believe that the mother-baby breastfeeding dynamic is exclusively the terrain of the mother and baby and that no one has a right to cast an opinion on when breastfeeding should cease. It would be wrong to dismiss the health benefits of breastfeeding a toddler or older child. Breast milk adapts to the exact needs of the child as it grows. Indeed, the concentration of antibodies and other anti-infective properties in breast milk increases as the amount of milk the child consumes declines. As a child grows and moves about it encounters hazards in the form of bacteria while it is on the floor in the kitchen or outside playing and breast milk adapts to take care of that development.

From an evolutionary perspective, there is no evidence that children should be weaned by a certain age. There are not only health benefits but emotional benefits and comfort for an articulate child who understands what it means to want a

breastfeed. That is not just about fluid or food. By that age, an emotional relationship has been established and it should be up to the mother to decide when and where breastfeeding is necessary. I breastfed two children, one to two years and two months and one to about 16 months and that was their personal relationship with me. By that stage a child can need a breastfeed not just for food or fluid but for emotional comfort. A child might fall and bang its knee or its head and no one should be able to request its mother to stop breastfeeding that child for comfort in a public place, such as a restaurant or pub.

That is why the World Health Organisation, in its "Global Strategy for Infant and Young Child Feeding", which was adopted at the 2002 world health assembly, was careful not to set an upper limit on the duration of breastfeeding. The National Childbirth Trust reports women breastfeeding older children in secret because of society's intolerance—in fact, there is not just intolerance but abject hypocrisy when it comes to the display of breasts and nipples. There are tits all over the newspapers, tits all over newsagents' shelves, tits all over the telly, tits in the cinema, tits on advertising hoardings and, no doubt, tits in the Parliament. Tits for titillation are okay, apparently—

The Deputy Presiding Officer: Ms Leckie, can I just stop for you for a minute? I was prepared to allow one such reference, but I think that we have got the message. Perhaps you could continue your speech without the use of that particular word. Thank you.

Carolyn Leckie: That was the last one. Thank you very much, Presiding Officer.

Prudishness kicks in when it comes to the nutritional and emotional needs of an articulate child, who will still be blissfully unaware of society's double standards. Is the fact that the age has been set at two just pandering to that prejudice? I know that that is not Elaine Smith's intention, but I am worried that that might be the effect. It might pander to prejudice both within the Parliament—I have heard comments in the corridors about my amendments, so I know that there is such prejudice—and without.

If we do not amend the age limit in the bill, mums and children will be discriminated against. There are children in our culture breastfeeding over the age of two. If it is a criminal offence to harass or intimidate a breastfeeding mother of a child under two, surely it should be the same for all. Who decides whether a child is two years, 20 months, or 18 months and quite big? Will a publican who believes that a child is two be free to ask a mother to leave even though the child is 18 months old but looks older? There is potential for

confusion. It is, rightly, against the law to assault someone. We would never countenance a law that meant that it was criminal to hit one person but not another, and we should avoid discrimination here.

My amendments allow members to decide how many breastfeeding toddlers they are prepared to avoid discriminating against. The higher the age, the greater the likelihood that no one will be left out. Prejudice should not be pandered to but needs to be confronted head on. Whose breasts are they anyway?

I move amendment 1.

Mike Rumbles (West Aberdeenshire and Kincardine) (LD): I oppose the amendments in Carolyn Leckie's name. It should not surprise members that no Health Committee member supported similar amendments at stage 2.

Everybody should be clear about what the bill is and is not. The bill does not create a new right to feed milk to a child in a public place. People already have that right in Scots law—that was made clear in the evidence to the Health Committee. If that is not what the bill is about, what is it about? It is about creating the new and appropriate criminal offence of preventing a child from being fed milk in a public place. If we are creating a new criminal offence, it is essential to have clarity. The amendments would fudge that and create difficulties. Amendment 1, which would remove the age limit altogether, would certainly do that.

The committee was impressed by the member who introduced the bill and the work that had been done to settle on the age of two. I have formed the impression from the amendments that Carolyn Leckie has lodged at stages 2 and 3 that she does not mind what age is chosen; if she does not get one age, she will go for another. That is not the way to approach amendments. All the amendments that she has lodged should be opposed for the simple reason that clarity in the criminal law is needed.

Stewart Stevenson (Banff and Buchan) (SNP): I hope that members will accept that I am not a prude, although I would not feel particularly offended if they suggested that I was. I am deeply disappointed that the speech from the member who lodged the amendments was, frankly, no more than a design to appear on tomorrow's front page of the *Daily Mirror*, *The Sun* or some other tabloid. The subject is serious and must be tackled appropriately. Carolyn Leckie's failure to show maturity does the argument that she deploys no good.

I am surprised that such amendments have been lodged at stage 3. An inability to present a coherent argument for a single viewpoint at stage 3 shows a singular lack of intellectual rigour and commitment to a viewpoint.

Carolyn Leckie: Will the member give way?

Stewart Stevenson: The member will be able to sum up.

I wonder whether, in having five amendments, the five Scottish Socialist Party members in the chamber should each have reflected one of the five viewpoints that the party clearly has.

I congratulate Elaine Smith on introducing the bill, which will be a valuable addition when it is passed, as I am sure it will be. I will be happy to support the bill, but the amendments do not show the way to deal with a bill at stage 3.

15:15

Fiona Hyslop (Lothians) (SNP): I, too, remind members that we are at stage 3. The Parliament is a law-making place, so the decisions that we take when making laws must stand up in court. Carolyn Leckie has missed the point, as have the Conservatives in opposing the bill in toto. In many times and in many places, politics and legislation must be about compromise. It is striking that in the bill and in her response to the amendments in committee, the member in charge of the bill took a responsible approach based on compromise, to ensure that we take the country with us. We cannot have arguments such as those made by Carolyn Leckie, which divide people and distract them from the main point about what is needed.

I would have preferred us to take a different route: a position based on rights and antidiscrimination, such as was taken by Queensland in Australia. Had we done that, there would have been no need for Carolyn Leckie's amendments. We cannot take such an approach, because the Parliament does not have the powers to pursue it. Members are sighing, but this is a serious point. The issue is the powers of the Parliament. Because we are not taking the rights-based approach in the bill, we are required to make use of the criminal law, as Mike Rumbles pointed out. In matters of criminal law, it is necessary to be exact, because a criminal case could be pursued. That is the intellectual argument that Carolyn Leckie will have to address when she sums up. At stage 3, members must be responsible in the arguments that they make and must address the points at issue.

There is a strong argument for rejecting the amendments and for accepting that, as a compromise position, it is right that the Parliament should take a view on the age of children who are covered by the bill. In committee Kate Maclean made the important point that at the age of two a child is able to understand that it can be fed later. This is a responsible piece of legislation.

Very few women breastfeed beyond six weeks. Even fewer women breastfeed beyond two years.

The bill is for the 80 per cent or more of women—working-class women—in West Lothian who do not breastfeed at all after six weeks. Let us take a responsible position, follow Elaine Smith's lead and reject the amendments.

Mr Stewart Maxwell (West of Scotland) (SNP): I have a great deal of sympathy for the amendments and for Carolyn Leckie's position. It is slightly strange that we should say to mothers that they can breastfeed their children in public places up to the age of two but can no longer do so and be protected by this legislation after the children reach their second birthday. However, the member did not do her case justice in her opening speech—the argument could have been made better.

The problem with the amendments is that we risk giving the opponents of the bill the opportunity to put in a cheap shot, so that they can undermine the bill and make it a laughing stock. It is extremely important that we do not do that. Although I have a great deal of sympathy with the amendments, which set out the position that we should hold in an ideal world, unfortunately that is not the situation.

Evidence from around the world suggests that many women breastfeed children who are over two years of age. However, Fiona Hyslop has made the point that that is not the situation in our society today. I thought that the purpose of the bill was to ensure that we sent out a strong message to the people of Scotland that we think that children should be breastfed, where possible, as that is good for children and mothers, and that we want to raise the number of children who are breastfed for longer periods. The critical point is that the bill is not about two years, but about six, seven and eight weeks.

The bill is too important to be lost because of attacks by some of our friends in the press and even by some of our friends in the chamber, who will use every possible avenue to attack and undermine the bill and its purpose. Although I sympathise with the amendments, they do not address the current situation. It is more important to pass the bill in its current form, to get it on to the statute book and to send out a strong message to women in Scotland that the Parliament is defending them and that we are doing the right thing by both mothers and children in our society.

Eleanor Scott (Highlands and Islands) (Green): I will support the amendments, because I have re-examined the provisions of the bill, which talks about "feeding milk". That includes bottle feeding. I know that most children over the age of two or three are no longer bottle fed and that they can be told to wait if they demand to be breastfed or bottle fed. However, that is not the case for all children. Some children—especially children with

special needs—are bottle fed milk for much longer and should not be missed out. We are not dealing with a large number of children, but they are a group that can be discriminated against. We should support the amendments, which will not undermine the bill. The amended provision will not be widely used or make a difference to many people, but it should be in the bill for the sake of completeness. I will support the amendments.

Cathie Craigie (Cumbernauld and Kilsyth) (Lab): I congratulate Elaine Smith on introducing the bill and thank her for all the hours of work that she has put in over the past few years.

In opposing amendments 1 to 5 I will repeat some points that were made by colleagues. I have no sympathy for the amendments.

Carolyn Leckie: Fiona Hyslop talked about compromise, which is why the amendments were lodged in their current form. As I stated in my speech, my preference is for there to be no age definition at all, but amendments 1 to 5 allow members to avoid discriminating. Does Cathie Craigie believe that it should not be a criminal offence for a publican or a restaurant owner to ask a mother who is breastfeeding a child over two to stop or leave? Is she saying that she supports that?

Cathie Craigie: No, I am not saying that at all. I am saying that I do not support amendments 1 to 5. The Health Committee made the point that the age of the child is important, because at a certain age it could wait until it got home or went somewhere else.

I understand the situation well. I fed both my children for the first year of their lives, and I would do anything to encourage women to breastfeed their children. People who use bottles do not realise the benefits that they are missing out on, such as the closeness that a mother can experience when she breastfeeds her child, to which Carolyn Leckie referred. We have to get across to the 80 per cent of women who do not breastfeed their children that they do not have to be superwomen.

Breastfeeding is natural, but I am afraid that there are people out there who do not think that it is natural to feed a child aged six. To some people, supporting amendments 1 to 5 would be saying that we will be encouraging them to do that.

The bill takes us a great step forward, and shows that we will not allow women who are breastfeeding to be discriminated against. As other people have said, the amendments are more about publicity seeking than furthering the cause of encouraging women to breastfeed.

The Minister for Health and Community Care (Mr Andy Kerr): As noted at stage 2 by the

Deputy Minister for Health and Community Care, Rhona Brankin, the Executive is committed to giving every child the best possible start in life. Elaine Smith's bill will contribute to that. We also feel that the bill's age limit of two years is appropriate.

In Scotland, our rates of breastfeeding initiation and duration are low and even at the six-week review fewer than 40 per cent of mothers are breastfeeding their babies. The Executive is committed to supporting breastfeeding and driving those rates up, but we must remain realistic. The World Health Organisation refers to feeding for two years and beyond and there will be mothers who continue to breastfeed for longer than two years—and we support them in doing so—but we believe that we must concentrate our support and promotional efforts on the very earliest period of a child's life. In particular, we believe the first six months to be the most important period and we encourage all women who can and choose to breastfeed to do so exclusively for the first six months. It is that early period that we will focus on when developing our national breastfeeding strategy in conjunction with the Scottish breastfeeding group over the coming year.

In choosing the two-year limit, the bill will offer protection to the majority of women who choose to breastfeed in Scotland. We must remember that keeping the age limit at two years in no way makes the act of breastfeeding in public illegal. There is the risk that removing or changing that limit could open up the bill to ill-deserved and ill-informed criticism. Elaine Smith has put in a great deal of work to get the bill to this stage. It would be a great shame if anything happened to jeopardise the bill—our bill—at this stage, and therefore the Executive will resist amendments 1 to 5.

Elaine Smith (Coatbridge and Chryston) (Lab): Similar and identical amendments to those that are being moved by Carolyn Leckie today were rejected unanimously by the Health Committee at stage 2, but I am happy to debate the issues once again, because the more the subject is debated, the better for raising awareness and challenging some of the prejudices and misconceptions about breastfeeding.

I will provide a bit of background. It seems from research that the norm for weaning from the breast around the world is between two and four years, although in some cultures it happens when children are older. For example, custody law in India decrees that any child under six years old must reside with the mother because such children are considered to be of suckling age. Research that compares humans with other primates suggests that humans' natural weaning age is a minimum of two and a half years and a maximum of six to seven years. It should be

entirely up to mothers and babies when they want to stop breastfeeding and there should be no stigma attached to that, because it is their choice.

However, we do not live in a breastfeeding culture in Scotland and there are, of course, cultural issues to address, to which Carolyn Leckie referred. The reality is that even a small baby who is utterly dependent on its mother's milk can be looked at askance when feeding in public and can be segregated or ejected from public places and licensed premises. The bill is intended to offer them protection in law and to promote breastfeeding, thereby—I hope—assisting in changing attitudes and impacting positively over time on how society views all breastfeeding.

I turn to the amendments. When proposed legislation seeks to change existing law it must be clear, unambiguous and precise, as other members have said. To leave the term "child" undefined would not make good law. Without a definition, "child" might include anyone from one day old to 18 years old. Given that the bill will create a criminal offence, "child" must be defined so that everybody knows exactly what the offence entails. Carolyn Leckie's amendment 1 must be rejected based on the basic tenets of good Scots law.

Carolyn Leckie's other amendments relate to a more substantive issue, which the steering group that I set up with professionals discussed in several meetings. The group finally agreed to the age of two as a cut-off point. Given the research on weaning that I mentioned, we could argue that seven years would have been a more legitimate cut-off point; I note that Carolyn Leckie did not include the age of seven in her suggestions. The age limit of two years was inserted in the bill because the World Health Organisation recommends that children be breastfed up to two years and beyond. It does not set an upper limit, but it does mention two years. It does not recommend that children be breastfed up to a year and beyond, three years and beyond or four years and beyond; it mentions two years and beyond. The age is not entirely arbitrary and there is logic to it.

The commonsense point was made to the Health Committee that children under two years cannot understand the concept of waiting for a feed, whereas older children can, and can generally communicate their feelings, wants and needs.

Carolyn Leckie: It is important that we address the point about children waiting for a feed because they can understand the concept. Why should they wait? For whose benefit should they wait, especially if they have an emotional need for a breastfeed? Should they wait because of other people's prejudices?

Elaine Smith: They will still be able to feed. There is a misconception about the bill, which will protect children up to two years old who are being breastfed in public; it will not make it illegal to feed them if they are aged over two years. Over time, we will begin to change the culture, to which Carolyn Leckie rightly referred.

The bill is about safeguarding and protecting the right of young children to feed. It will create a criminal offence that will ensure that babies have the unfettered right to feed in certain public places. After much deliberation, the steering group fixed the age at two years to define the meaning of "child" for the purposes of the bill. That decision is measured and proportionate. In considering the evidence at stage 1, the Health Committee concluded that to define "child" for the purposes of the bill was appropriate. In the vote at stage 2, it unanimously rejected leaving out the age or changing it to a higher age.

As I said in response to Carolyn Leckie's intervention, if the bill is passed, benefits will accrue in changing attitudes, in making breastfeeding more culturally acceptable and in encouraging breastfeeding of children beyond the age of two. I reiterate that the status quo will prevail. It will not be illegal to breastfeed one's child after the child is two years old; that is the misunderstanding.

Although some children are breastfed for longer than two years, the majority are weaned far too early, as is evidenced by the Executive's target of having by next year 50 per cent of children still breastfeeding at six weeks. That target is far from being realised—we are at below 40 per cent at present. Attitudes have to change and I think that they will evolve to embrace all breastfeeding as normal and nurturing maternal behaviour.

We have to consider the realpolitik. It is a bit of a quantum leap in the United Kingdom to introduce legislation on the matter. The provision of legal protection for breastfeeding of children up to two years old is reasonable, sensible and realistic for the reasons that I have outlined. However, if members take a different view and wish to insert an age other than two, that is their prerogative. The bill is in their hands at the moment and I would be relaxed about such a change.

I do not know where members will set the age limit; I do not know which of the options they will pick or what logic they will use. However, I am clear that the term "child" must be defined. Although I think that women and children should make their own choices about weaning from the breast, I must stand by the definition that is set out in the bill, as was agreed at stage 2.

The Deputy Presiding Officer: I call Carolyn Leckie to wind up.

15:30

Carolyn Leckie: I was told that I would not get to wind up, so this is a surprise and I do not have anything written.

I have to challenge—[*Interruption.*] Members are getting all excited. I have to challenge the grossly unfair allegations about my speech, which demonstrate the abject hypocrisy that I described.

Members: They do not.

Carolyn Leckie: They absolutely do. Some—although not all—speeches proved the points that I made about prejudice and pandering to prejudice. [*Interruption.*] I support the bill. I am not going to oppose it. I started off by congratulating Elaine Smith, and I will end by congratulating Elaine Smith. We will support the bill, whether or not it is amended.

Elaine Smith made a substantive point about the logic of determining the age limit. Elaine knows that, at stage 2, I moved amendments for there to be no limit or for the age limit to be five years, which would take the limit to a logical age—the start of a child's school years. The purpose of that was to bring as many children as possible under the definition of "child" in order to avoid discrimination. That is why I lodged amendments; Parliament can choose how many children from whom we want to remove any risk of their being discriminated against.

If members set the limit at the age of three, that will cover almost everybody. If they set the age limit at four, that will cover nearly 100 per cent. To go beyond that would concern very few more. I think that taking the limit to three years would be more logical in respect of the WHO's recommendations about "two years and beyond". The point is worth repeating: in its latest strategy document, the World Health Organisation deliberately avoided providing a definition. In that definition, "beyond" means beyond two. Surely, it would be most logical to insert an age limit of three; Parliament can make that choice.

I was challenged to propose a compromise, which is why my amendments are as they are. They allow the opportunity for compromise and what could be more democratic, inclusive and dynamic than that? At stage 2, Elaine Smith asked why the limit could not be seven, six, five or four. It was legitimate to ask that, but I have still not had a satisfactory answer to the question why the limit should be two. Children are breastfed beyond that age—[*Interruption.*]

Could you stop the interruptions, Presiding Officer? This really is not fair.

The Deputy Presiding Officer: You have a point, Ms Leckie.

I was about to say that, when a member is on their feet making a speech or a statement, it really is rude of you all to be talking, and you are doing a lot of that. Members should listen to what Ms Leckie is saying.

Carolyn Leckie: I do not mind having a conversation about the matter outside the chamber, but I did not think that we were supposed to have such conversations in here.

There are children in the public gallery today. No doubt, there are toddlers beyond the age of two in the gallery, very attentively watching the debate and listening to what is said. They will be disappointed with some of the remarks that have been made and with some of the prejudice that has been conveyed by some people. Instead of acknowledging that a stigma exists and setting the age limit at two because of that stigma, we should be challenging that stigma. I challenge Parliament to consider compromising on the matter, as Fiona Hyslop asked us to do, and at least to adopt “two years and beyond”. To my mind, “two years and beyond” is three. Please support that proposal.

The Deputy Presiding Officer: The question is, that amendment 1 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

FOR

Byrne, Ms Rosemary (South of Scotland) (SSP)
Canavan, Dennis (Falkirk West) (Ind)
Curran, Frances (West of Scotland) (SSP)
Fox, Colin (Lothians) (SSP)
Kane, Rosie (Glasgow) (SSP)
Leckie, Carolyn (Central Scotland) (SSP)
Sheridan, Tommy (Glasgow) (SSP)

AGAINST

Adam, Brian (Aberdeen North) (SNP)
Aitken, Bill (Glasgow) (Con)
Alexander, Ms Wendy (Paisley North) (Lab)
Baillie, Jackie (Dumbarton) (Lab)
Baird, Shiona (North East Scotland) (Green)
Baker, Richard (North East Scotland) (Lab)
Ballance, Chris (South of Scotland) (Green)
Ballard, Mark (Lothians) (Green)
Barrie, Scott (Dunfermline West) (Lab)
Boyack, Sarah (Edinburgh Central) (Lab)
Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)
Butler, Bill (Glasgow Anniesland) (Lab)
Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
Crawford, Bruce (Mid Scotland and Fife) (SNP)
Cunningham, Roseanna (Perth) (SNP)
Curran, Ms Margaret (Glasgow Baillieston) (Lab)
Davidson, Mr David (North East Scotland) (Con)
Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
Eadie, Helen (Dunfermline East) (Lab)
Ewing, Mrs Margaret (Moray) (SNP)
Finnie, Ross (West of Scotland) (LD)
Gallie, Phil (South of Scotland) (Con)
Gibson, Rob (Highlands and Islands) (SNP)
Gillon, Karen (Clydesdale) (Lab)

Glen, Marlyn (North East Scotland) (Lab)
Gorrie, Donald (Central Scotland) (LD)
Grahame, Christine (South of Scotland) (SNP)
Harper, Robin (Lothians) (Green)
Harvie, Patrick (Glasgow) (Green)
Home Robertson, Mr John (East Lothian) (Lab)
Hughes, Janis (Glasgow Rutherglen) (Lab)
Hyslop, Fiona (Lothians) (SNP)
Ingram, Mr Adam (South of Scotland) (SNP)
Jackson, Dr Sylvia (Stirling) (Lab)
Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
Kerr, Mr Andy (East Kilbride) (Lab)
Lamont, Johann (Glasgow Pollok) (Lab)
Livingstone, Marilyn (Kirkcaldy) (Lab)
Lochhead, Richard (North East Scotland) (SNP)
Lyon, George (Argyll and Bute) (LD)
MacAskill, Mr Kenny (Lothians) (SNP)
Macintosh, Mr Kenneth (Eastwood) (Lab)
Maclean, Kate (Dundee West) (Lab)
Macmillan, Maureen (Highlands and Islands) (Lab)
Martin, Paul (Glasgow Springburn) (Lab)
Marwick, Tricia (Mid Scotland and Fife) (SNP)
Mather, Jim (Highlands and Islands) (SNP)
Matheson, Michael (Central Scotland) (SNP)
Maxwell, Mr Stewart (West of Scotland) (SNP)
May, Christine (Central Fife) (Lab)
McAveety, Mr Frank (Glasgow Shettleston) (Lab)
McCabe, Mr Tom (Hamilton South) (Lab)
McFee, Mr Bruce (West of Scotland) (SNP)
McMahon, Michael (Hamilton North and Bellshill) (Lab)
McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
McNeill, Pauline (Glasgow Kelvin) (Lab)
Milne, Mrs Nanette (North East Scotland) (Con)
Mitchell, Margaret (Central Scotland) (Con)
Morgan, Alasdair (South of Scotland) (SNP)
Muldoon, Bristow (Livingston) (Lab)
Mulligan, Mrs Mary (Linlithgow) (Lab)
Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
Murray, Dr Elaine (Dumfries) (Lab)
Oldfather, Irene (Cunninghame South) (Lab)
Peacock, Peter (Highlands and Islands) (Lab)
Peattie, Cathy (Falkirk East) (Lab)
Radcliffe, Nora (Gordon) (LD)
Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
Ruskell, Mr Mark (Mid Scotland and Fife) (Green)
Scanlon, Mary (Highlands and Islands) (Con)
Scott, Eleanor (Highlands and Islands) (Green)
Scott, John (Ayr) (Con)
Smith, Elaine (Coatbridge and Chryston) (Lab)
Smith, Iain (North East Fife) (LD)
Smith, Margaret (Edinburgh West) (LD)
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)
Wallace, Mr Jim (Orkney) (LD)
Welsh, Mr Andrew (Angus) (SNP)
White, Ms Sandra (Glasgow) (SNP)
Whitefield, Karen (Airdrie and Shotts) (Lab)
Wilson, Allan (Cunninghame North) (Lab)

The Deputy Presiding Officer: The result of the division is: For 7, Against 86, Abstentions 0.

Amendment 1 disagreed to.

Amendment 2 moved—[Carolyn Leckie].

The Deputy Presiding Officer: The question is, that amendment 2 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Baird, Shiona (North East Scotland) (Green)
 Ballance, Chris (South of Scotland) (Green)
 Ballard, Mark (Lothians) (Green)
 Byrne, Ms Rosemary (South of Scotland) (SSP)
 Canavan, Dennis (Falkirk West) (Ind)
 Curran, Frances (West of Scotland) (SSP)
 Fox, Colin (Lothians) (SSP)
 Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Kane, Rosie (Glasgow) (SSP)
 Leckie, Carolyn (Central Scotland) (SSP)
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)
 Scott, Eleanor (Highlands and Islands) (Green)
 Sheridan, Tommy (Glasgow) (SSP)

AGAINST

Adam, Brian (Aberdeen North) (SNP)
 Aitken, Bill (Glasgow) (Con)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Davidson, Mr David (North East Scotland) (Con)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ewing, Mrs Margaret (Moray) (SNP)
 Finnie, Ross (West of Scotland) (LD)
 Gallie, Phil (South of Scotland) (Con)
 Gibson, Rob (Highlands and Islands) (SNP)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marlyn (North East Scotland) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Grahame, Christine (South of Scotland) (SNP)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lochhead, Richard (North East Scotland) (SNP)
 Lyon, George (Argyll and Bute) (LD)
 MacAskill, Mr Kenny (Lothians) (SNP)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 Maclean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Mather, Jim (Highlands and Islands) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 Maxwell, Mr Stewart (West of Scotland) (SNP)
 May, Christine (Central Fife) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McFee, Mr Bruce (West of Scotland) (SNP)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)

McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Milne, Mrs Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Morgan, Alasdair (South of Scotland) (SNP)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Radcliffe, Nora (Gordon) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 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)
 Wallace, Mr Jim (Orkney) (LD)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

The Deputy Presiding Officer: The result of the division is: For 14, Against 79, Abstentions 0.

Amendment 2 disagreed to.

Amendment 3 moved—[Carolyn Leckie].

The Deputy Presiding Officer: The question is, that amendment 3 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Baird, Shiona (North East Scotland) (Green)
 Ballance, Chris (South of Scotland) (Green)
 Ballard, Mark (Lothians) (Green)
 Byrne, Ms Rosemary (South of Scotland) (SSP)
 Canavan, Dennis (Falkirk West) (Ind)
 Curran, Frances (West of Scotland) (SSP)
 Fox, Colin (Lothians) (SSP)
 Harvie, Patrick (Glasgow) (Green)
 Kane, Rosie (Glasgow) (SSP)
 Leckie, Carolyn (Central Scotland) (SSP)
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)
 Scott, Eleanor (Highlands and Islands) (Green)
 Sheridan, Tommy (Glasgow) (SSP)

AGAINST

Adam, Brian (Aberdeen North) (SNP)
 Aitken, Bill (Glasgow) (Con)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)

Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Davidson, Mr David (North East Scotland) (Con)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ewing, Mrs Margaret (Moray) (SNP)
 Finnie, Ross (West of Scotland) (LD)
 Gallie, Phil (South of Scotland) (Con)
 Gibson, Rob (Highlands and Islands) (SNP)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marlyn (North East Scotland) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Grahame, Christine (South of Scotland) (SNP)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lochhead, Richard (North East Scotland) (SNP)
 Lyon, George (Argyll and Bute) (LD)
 MacAskill, Mr Kenny (Lothians) (SNP)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 Maclean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Mather, Jim (Highlands and Islands) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 Maxwell, Mr Stewart (West of Scotland) (SNP)
 May, Christine (Central Fife) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McFee, Mr Bruce (West of Scotland) (SNP)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Milne, Mrs Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Morgan, Alasdair (South of Scotland) (SNP)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Radcliffe, Nora (Gordon) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 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)
 Wallace, Mr Jim (Orkney) (LD)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

The Deputy Presiding Officer: The result of the division is: For 13, Against 80, Abstentions 0.

Amendment 3 disagreed to.

Amendment 4 moved—[Carolyn Leckie].

The Deputy Presiding Officer: The question is, that amendment 4 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

FOR

Baird, Shiona (North East Scotland) (Green)
 Ballance, Chris (South of Scotland) (Green)
 Ballard, Mark (Lothians) (Green)
 Byrne, Ms Rosemary (South of Scotland) (SSP)
 Canavan, Dennis (Falkirk West) (Ind)
 Curran, Frances (West of Scotland) (SSP)
 Fox, Colin (Lothians) (SSP)
 Harvie, Patrick (Glasgow) (Green)
 Kane, Rosie (Glasgow) (SSP)
 Leckie, Carolyn (Central Scotland) (SSP)
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)
 Scott, Eleanor (Highlands and Islands) (Green)
 Sheridan, Tommy (Glasgow) (SSP)

AGAINST

Adam, Brian (Aberdeen North) (SNP)
 Aitken, Bill (Glasgow) (Con)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Davidson, Mr David (North East Scotland) (Con)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ewing, Mrs Margaret (Moray) (SNP)
 Finnie, Ross (West of Scotland) (LD)
 Gallie, Phil (South of Scotland) (Con)
 Gibson, Rob (Highlands and Islands) (SNP)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marlyn (North East Scotland) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Grahame, Christine (South of Scotland) (SNP)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lochhead, Richard (North East Scotland) (SNP)
 Lyon, George (Argyll and Bute) (LD)
 MacAskill, Mr Kenny (Lothians) (SNP)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 Maclean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)

Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Mather, Jim (Highlands and Islands) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 Maxwell, Mr Stewart (West of Scotland) (SNP)
 May, Christine (Central Fife) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McFee, Mr Bruce (West of Scotland) (SNP)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Milne, Mrs Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Morgan, Alasdair (South of Scotland) (SNP)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Radcliffe, Nora (Gordon) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Margaret (Edinburgh West) (LD)
 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)
 Wallace, Mr Jim (Orkney) (LD)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

The Deputy Presiding Officer: The result of the division is: For 13, Against 79, Abstentions 0.

Amendment 4 disagreed to.

Amendment 5 moved—[Carolyn Leckie].

The Deputy Presiding Officer: The question is, that amendment 5 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

FOR

Baird, Shiona (North East Scotland) (Green)
 Ballance, Chris (South of Scotland) (Green)
 Ballard, Mark (Lothians) (Green)
 Byrne, Ms Rosemary (South of Scotland) (SSP)
 Curran, Frances (West of Scotland) (SSP)
 Fox, Colin (Lothians) (SSP)
 Harvie, Patrick (Glasgow) (Green)
 Kane, Rosie (Glasgow) (SSP)
 Leckie, Carolyn (Central Scotland) (SSP)
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)
 Scott, Eleanor (Highlands and Islands) (Green)
 Sheridan, Tommy (Glasgow) (SSP)

AGAINST

Adam, Brian (Aberdeen North) (SNP)
 Aitken, Bill (Glasgow) (Con)
 Alexander, Ms Wendy (Paisley North) (Lab)

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Canavan, Dennis (Falkirk West) (Ind)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Davidson, Mr David (North East Scotland) (Con)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Eadie, Helen (Dunfermline East) (Lab)
 Ewing, Mrs Margaret (Moray) (SNP)
 Finnie, Ross (West of Scotland) (LD)
 Gallie, Phil (South of Scotland) (Con)
 Gibson, Rob (Highlands and Islands) (SNP)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marilyn (North East Scotland) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Grahame, Christine (South of Scotland) (SNP)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lochhead, Richard (North East Scotland) (SNP)
 Lyon, George (Argyll and Bute) (LD)
 MacAskill, Mr Kenny (Lothians) (SNP)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 Maclean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Mather, Jim (Highlands and Islands) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 Maxwell, Mr Stewart (West of Scotland) (SNP)
 May, Christine (Central Fife) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McFee, Mr Bruce (West of Scotland) (SNP)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Milne, Mrs Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Morgan, Alasdair (South of Scotland) (SNP)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Radcliffe, Nora (Gordon) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 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)
Wallace, Mr Jim (Orkney) (LD)
Welsh, Mr Andrew (Angus) (SNP)
White, Ms Sandra (Glasgow) (SNP)
Whitefield, Karen (Airdrie and Shotts) (Lab)
Wilson, Allan (Cunninghame North) (Lab)

The Deputy Presiding Officer: That ends the consideration of amendments.

The Deputy Presiding Officer: The result of the division is: For 12, Against 82, Abstentions 0.

Amendment 5 disagreed to.

Long Title

The Deputy Presiding Officer: Amendment 6 is in a group on its own.

Elaine Smith: Amendment 6 is a technical amendment that will merely—

The Deputy Presiding Officer: I am sorry, Ms Smith—members are being very noisy this afternoon. I will not tell you again to be quiet.

Elaine Smith: Amendment 6 will merely help the clarity of the bill on an issue that the Scottish Executive helpfully brought to my attention last week. I apologise to the Health Committee that the amendment was not considered at stage 2, but I hope that Parliament will agree that it is a practical amendment.

As it stands, the long title does not employ the exact wording of section 1. It is imperative that the bill be as precise as possible so that we end up with good law. The main thrust of the amendment is to replace “being fed milk” with “feeding milk” to ensure that there is no ambiguity. I ask Parliament to support the amendment.

I move amendment 6.

Mr Kerr: As Elaine Smith mentioned, the need for amendment 6 arose from the Executive’s final consideration of the bill prior to today’s meeting. The amendment, which is minor, was suggested to ensure consistency between the offence that is described in the long title and that which is described in section 1. The amendment will make no change to any significant aspects of the bill and, as such, the Executive supports it.

The long title currently refers to

“preventing or stopping a child from being fed milk”,

whereas section 1 refers to preventing or stopping

“a person in charge of a child from feeding milk to that child”.

The amendment is simply a tidying-up exercise that will ensure that the bill is as good as it can be. The Executive was happy to help in ensuring that.

Amendment 6 agreed to.

Breastfeeding etc (Scotland) Bill

The Deputy Presiding Officer (Trish Godman): The next item of business is a debate on motion S2M-1968, in the name of Elaine Smith, that the Breastfeeding etc (Scotland) Bill be passed. I call Susan Deacon to speak to and to move the motion.

15:45

Susan Deacon (Edinburgh East and Musselburgh) (Lab): The Breastfeeding etc (Scotland) Bill, if approved by Parliament today, will be a landmark piece of legislation for Scotland. I am delighted to open the debate, and I thank Elaine Smith for giving me the opportunity to do so.

A great many individuals and organisations have contributed to shaping the bill, and I know that Elaine Smith has a very long list of people whom she wants to thank in her closing remarks. I am sure that they all join me, as will colleagues in the chamber, in thanking Elaine for her supreme efforts in introducing the bill and for championing breastfeeding in Parliament. *[Applause.]*

Even before it has reached the statute book, the bill has raised awareness and changed attitudes. It has spawned debate and discussion, given us insight and understanding, and enabled us to get behind some deep-rooted and sensitive cultural issues in our society. It is worth remembering that, when Elaine Smith first mooted the proposal, many people thought that it was at best unnecessary and at worst daft. The usual suspects described it as political correctness gone mad, and even the more measured commentators said that it was just not a real issue. However, as letters appeared in the newspapers and submissions came in during the consultation process, it quickly became apparent that it is a real issue and that the oft-quoted cases of a woman being thrown off a Lothian bus for breastfeeding and of a woman being asked to leave the cafe in a well-known department store and to feed in the baby-changing room instead were not isolated incidents. It became clear that such experiences were real and had been shared by many women throughout Scotland.

It is testament to the efficacy of the workings of Parliament that through consideration of a bill proposal from a back-bench MSP, we were able to bring to the surface those experiences and give a voice to the women who had them. Not only that but, critically, through the personal stories and testimonies that emerged, we were able to identify a strong link between the feeding choices that are made by individual women and the attitudes, or perceived attitudes, of those around them. It is

easy for politicians to sign up to targets and principles, but the key is always to find the complex mix of policy, action, investment and—yes—sometimes legislation that will actually make a difference.

No one in this chamber would dispute the health benefits of breastfeeding to mother and baby. No one would suggest that the Executive or Parliament should do anything other than promote breastfeeding, and I think that everyone across the political spectrum signs up for the national breastfeeding target. Indeed, David Davidson has never missed an opportunity to remind us that it was, in fact, a Conservative Government that set that target. However, setting targets is one thing; achieving them is another. As the bill has been discussed through the parliamentary process, it has become increasingly clear that, if the rates of breastfeeding in Scotland are to continue to increase, we need to do something more and something different.

Education and awareness are vital; so, too, is the tremendous work that is done by midwives and health visitors in our maternity units and in the community. All that work has had, and is having, an impact. We must continue to build on that and I welcome the Executive's commitment to do so. However, all the evidence that was presented to us during the passage of the bill suggests that those efforts will not, in and of themselves, get us there. We need to go a step further in tackling culture and attitudes if Scotland is truly to become more breastfeeding friendly. The bill gives us a tremendous opportunity to do that.

Let me say for the avoidance of doubt that the bill is not about telling anyone what to do, least of all telling a woman how to feed her baby. That is a deeply personal choice and every woman should be respected for, and supported in, the decision that she makes, whether it be to feed from the breast or from the bottle. What the bill will do is provide legal protection for a baby to be fed where and when it needs to be fed, by breast or by bottle.

The detail of the bill has been subject to rigorous parliamentary and external scrutiny and the principles of the bill were overwhelmingly supported by Parliament at stage 1. Today, we need to take the next step and translate those provisions into the law of the land. In doing so, we will send out an important signal that, in a modern Scotland, we cannot allow breastfeeding to be treated as unacceptable or offensive behaviour. A woman should not be moved on from, or chucked out of, a public place for doing that most natural and necessary of things: feeding her baby. A woman should not have to go into a toilet or to sit in her car—if, indeed, she has one—simply to feed her baby. As one mother put it, a woman should not feel that she is under house arrest because

she feels that she is unable to feed her baby outside the privacy of her own home.

It is a fact—as we have heard during the bill's passage—that too many women in Scotland have not breastfed or have stopped breastfeeding earlier than they would have liked, not because they did not want to breastfeed, but because they felt that those around them would not like them to breastfeed. Part of the reason why is that our culture and our law tolerate the practice of excluding women from public places simply because they want to feed their babies. We must tackle that situation and we must all learn to feel more at ease with the sight of a baby at its mother's breast. Change will be gradual; it will not happen overnight. However, the bill will help us to bring about the much needed step-change in the culture and attitudes that I truly believe stand in the way not just of our achieving targets, but of our bringing about a genuine and positive societal shift in respect of breastfeeding in Scotland.

If we pass the bill, we will lead the way in the United Kingdom. However, we will not be in wholly uncharted terrain. Similar measures have been adopted in other countries and they have made a difference. I am in no doubt that we can also achieve such change in Scotland, partly through the range of measures and work that are already under way in the Executive, the health service, our schools and elsewhere but—crucially—we can also do so through the significant step forward of changing the law of our land through the bill. I believe that the bill is not only one of the most innovative measures that have been brought forward in Parliament, but one of the most practical and significant ones. The bill underscores our sincerity in wanting to give all our children the best possible start in life and in working tirelessly to improve the health of Scotland. The bill is an opportunity that we should grasp with both hands and take forward at decision time today.

I will end on a personal note. I genuinely appreciate Elaine Smith's giving me the opportunity to contribute to a debate that, as she knows, has a particular resonance for me. Not a lot of people know this, but about six years ago I sat in front of a Labour Party Scottish Parliament selection panel. One of the standard questions, as many colleagues here will recall, was, "If you had the chance to take a member's bill through the Scottish Parliament, what would it be?" At that time, I was a fairly new, bursting mum. Based on my experiences at that time, I waxed lyrical to the panel about how I would like to introduce a bill that would help to make breastfeeding more acceptable in Scotland, and about how important it was for us to change our culture and attitudes to make Scotland a more breastfeeding-friendly place. I got the knock-back from that particular selection panel and will never know whether my

choice of bill had anything to do with that. However, I do know this: while I merely aspired to doing something, Elaine Smith has done it. For that, she has my heartfelt admiration and thanks, both as a politician and as a mum.

This is, potentially, a landmark occasion for Parliament. To agree to the bill is the right thing to do. It will make a difference, so I am pleased and proud to move the motion in Elaine Smith's name.

I move,

That the Parliament agrees that the Breastfeeding etc. (Scotland) Bill be passed.

15:54

The Minister for Health and Community Care (Mr Andy Kerr): I congratulate Susan Deacon on her opening speech on behalf of Elaine Smith. We owe thanks to Susan for that and to Elaine for bringing the bill before us.

I am grateful for the opportunity to convey the Executive's support for the bill. Although I was appointed to the health remit only recently, members may rest assured that I and my Cabinet colleagues have been following the progress of the bill throughout its time in Parliament.

I have been impressed by the level of support for and interest in the bill among members from across the political spectrum, which is good to see, although Conservative members demur from that. It is a great shame that they have been unable to support a measure that has the potential to have an important and valuable impact on the health and development of our youngest citizens. The rest of the Parliament should be proud of the support that it has offered Elaine Smith in developing such unique legislation. I offer my thanks to Elaine and members of the Health Committee for the scrutiny and hard work that they have undertaken to progress the bill thus far.

The bill has stimulated discussion about breastfeeding throughout the country and has proven to be much more than simply a piece of legislation. In my view, it has been a valuable vehicle for raising the profile of breastfeeding, particularly among groups in our society who might not normally engage in discussion of such topics. The importance of that should not be underestimated; after all, communication is the key to change.

Effective communication is already working. Over the past 10 years, many more of us have learned about the benefits of breastfeeding. We know that breastfeeding is good for our children's health and is also good for mothers' health. I point especially to the evidence from the Dundee infant feeding study, led by Professor Stewart Forsyth and his colleagues, which found that breastfeeding

can reduce health inequalities during childhood and might also alter the relationship between childhood socioeconomic disadvantage and poor adult health. All sorts of different aspects bring benefits for society at large. Therefore, we must do all that we can to improve breastfeeding rates in Scotland. That is why breastfeeding is a key part of the Executive's public health agenda and why we support Elaine Smith's bill.

The bill has not been introduced to curb the activities of licence holders or owners of public premises; it has been introduced to encourage, support and protect our citizens' rights to take part in vital health-promoting behaviour. The future act will create an environment throughout Scotland in which mothers feel free to participate in one of the most natural acts there is without fear of judgment and/or recrimination. It will mean that they can breastfeed where and when is most appropriate for them and their child—and, in future, without being in a smoky atmosphere. That is as it should be, because breast milk is the ultimate convenience food, to which the Executive and Elaine Smith lend their support.

The debate is not only about health, as we have heard from many members; just as important are the emotional and social bonds that are created between mother and child in the early years of infancy. Changes in attitude might not happen overnight, and the bill might not change the views of the most ardent critics, but it represents a major stepping-stone to achieving the behavioural and cultural shift that is needed in our country. It is only disappointing that the bill is required at all.

Last week, I was fortunate to be invited to speak at the United Nations Children's Fund—UNICEF—UK baby-friendly initiative annual conference. It was a fantastic occasion, attended by 800 people from all over the UK who are involved in breastfeeding and breastfeeding promotion, including professionals, mothers, support workers and volunteers. When I spoke about Elaine Smith's bill, the enthusiasm for the steps that we are taking in our Parliament was tangible. I was bolstered and reassured by the delegates' comments about why the bill will be such important legislation.

We also celebrated the UNICEF UK baby-friendly initiative, which is an accreditation programme. Hospitals and, more recently, community settings, such as local health care co-operatives, are encouraged to work to the high standards set by the initiative, with the aim of providing the highest level of infant feeding advice and support to new mothers. It was the first such conference in Scotland and I was happy to be given the chance to inform the conference of our excellent track record in the promotion and support of breastfeeding in Scotland.

Currently, 86 per cent of our maternity units participate in the scheme, which results in 48 per cent of our babies being born in hospitals that operate to the highest standards of care and support. That is a truly impressive record when we compare it with the average of 16 per cent in the rest of the UK.

That does not mean that the other 52 per cent of babies and mothers do not receive a high level of support in other hospital and community settings—14 of our 15 NHS boards are implementing dedicated breastfeeding strategies with the assistance and guidance of our national breastfeeding adviser, Jenny Warren.

Those facts are impressive in their own right and are due in no small part to the highly trained, committed and dedicated midwives, health visitors and infant feeding advisers throughout our country. I commend all those people for their efforts.

I spoke to the conference about the many examples of innovation and exciting practice in NHS boards in Scotland. Lanarkshire NHS Board is reinforcing the value of breastfeeding by displaying the slogan "You can't get fitter than a breastfed nipper" on 32 of its vehicles. Tayside NHS Board has produced a video and training package entitled, "Is she getting enough?", which highlights the influence of partners, friends, extended family and health professionals on the decision whether to breastfeed. I visited stalls at the conference and I was impressed to see that Scottish material was being snapped up by delegates from the rest of the United Kingdom, because Scotland is regarded as the benchmark in the UK for the promotion of breastfeeding. Indeed, Greater Glasgow NHS Board hopes to win the first global UNICEF award for a paediatric unit. I also spoke about our national approach, through the work of the national breastfeeding adviser, the Scottish breastfeeding group and NHS Health Scotland.

Delegates were encouraged to hear about the work that I described, but delegates from the rest of the UK were most impressed by my references to the Breastfeeding etc (Scotland) Bill. I am aware that not just Scotland, but the rest of the UK, is watching the progress of the bill. By introducing the bill, Elaine Smith has put Scotland on the map in relation to infant feeding. We have a real opportunity to show the rest of the world the way by supporting and passing the bill.

The figures for the uptake and duration of breastfeeding might not be as we want them to be, but we are working to drive them up. I commend Elaine Smith for her hard work and urge all members to support the motion.

The Deputy Presiding Officer (Murray Tosh): I call Fiona Hyslop to open for the Scottish National Party.

16:01

Fiona Hyslop (Lothians) (SNP): I pay tribute to Elaine Smith for introducing the bill and, more important, for presenting the bill and arguing the case in a way that has persuaded people who might have been reluctant to support the bill at the start of the process. That is a tribute, because any member can progress a bill on proposals that have people's initial support, but the test is to persuade people during the process. During the debate on the stage 3 amendments, I talked about the compromises that many people have made to make the process work.

I should declare an active interest as a current breastfeeding mum of a five-month-old baby—don't wrinkle your nose, Presiding Officer. That is the point; we must address attitudes. As a breastfeeding mother, I know that my child is at less risk of gastrointestinal infections, respiratory infections, urinary tract infections, ear infections, allergic diseases, eczema, asthma, wheezing and insulin-dependent diabetes. I also know that I am at less risk of breast cancer, ovarian cancer, hip fractures and bone-density problems. I say to anyone who reports the debate that if they think that the issue is frivolous and should not be addressed by the Parliament, they should consider those statements. This is a serious issue.

The solutions for public health are not necessarily easy. We have to consider whether to pass laws that lay us open to accusations of a nanny-state approach. We must also consider whether law can lead public opinion. Elaine Smith has demonstrated that the progress of legislation can lead and persuade public opinion, which is an important point.

I want to talk about life-changing experiences. Not only did I have a baby earlier this year, but I passed a significant birthday. A few weeks after the birth of my baby and after my birthday—*[Interruption.]* It was my 21st birthday. A few weeks after that, I was mightily surprised to be asked to take part in a health promotion exercise for breastfeeding awareness. I was to star in a calendar. Before members start anything, I explain that I am talking about an alternative calendar, which will be launched at Livingston Football Club on 2 December. It shows ordinary women from West Lothian—including me—breastfeeding their children in ordinary situations. The best picture was taken at the club and shows rows and rows of people, including mothers and babies, all of whom are dressed in Livingston colours. The calendar shows that breastfeeding is natural and I commend it to members and the minister as a

Christmas present. I took part in the promotion and was pleased to do so.

We should be relaxed about the issue—that is the whole point; we should not be uptight. That is where Carolyn Leckie misses the point—by getting so uptight. Breastfeeding is normal and natural.

What can we do to make a difference? How can we change perceptions? I have said before that I would prefer it if the legislation had been on the basis of antidiscrimination. The Queensland example is a good example of that, but we are not in that situation. I commend the committee for looking into the issue of criminal legislation and addressing it very seriously.

We have to address workplace situations. I would say to the Deputy Presiding Officer that continued breastfeeding in this place would be enhanced if, rather than the visitors' crèche, we had a workplace nursery. That might allow staff and MSPs to continue breastfeeding for longer than they would otherwise.

I refer the minister to section 4 on the promotion and support of breastfeeding. The UNICEF report was in July. One of the most serious issues that we will have to address—and I hope that the minister will do so—is the minister's powers under section 4. The 70 per cent of women who do not breastfeed after six weeks take that decision in the first few hours. Women are not being allowed to stay in hospital, with the support of midwives, in the early days after the birth of their child. They are not getting the medical provision that they need to continue breastfeeding. I appeal to the minister to examine the rates at which women are discharged from hospitals, because continued support by breastfeeding-supporting midwives would make a crucial difference.

Elaine Smith has done a marvellous job. She has persuaded people and that is the important thing. I hope that, in the days and years to come, we will have health ministers reporting that Scotland is leading the way rather than falling behind. Radical and considered measures are required and Elaine Smith should be congratulated on her proposals.

16:07

Mr David Davidson (North East Scotland) (Con): I, too, congratulate Elaine Smith on her dogged determination over several years—indeed, into her second session of Parliament—in pursuing her right as a back bencher to introduce a member's bill. I congratulate her on how she has gone about it. She has done so in a dignified manner, which does credit to the subject at heart.

We totally support the promotion of breastfeeding. There is no argument about that;

no one in this chamber would be against it. However, I want to hear a bit more from the Executive about how it will support pre-birth mothers in gaining confidence, so that breastfeeding becomes an enjoyable habit, because the health benefits for the child and mother are undoubted.

When Fiona Hyslop declared some of her personal details, she named a number of things that she could avoid in life. One that she did not mention is rheumatoid arthritis. My wife will kill me for saying this but, despite feeding five babies by breast, she has developed rheumatoid arthritis. She may be the exception to the rule.

Mike Rumbles made an important point about the right to feed in law. There is also a right in the common law in Scotland not to be abused, manhandled and so on. The evidence that the committee heard from the police was that they did not think that many criminal charges would be brought if the new legislation goes through. I was speaking to a former policewoman today who had breastfed her child. She said that common-law remedies exist. If the police were invited to deal with an incident, they could do so under current law. If all else failed, they could use the well-rounded breach of the peace legislation. That has been done.

Elaine Smith (Coatbridge and Chryston) (Lab): I recall from the evidence that was given to the committee that the Association of Chief Police Officers in Scotland said that it would not want to use breach of the peace legislation. The witnesses did not think that that was a realistic option.

Mr Davidson: The witnesses might have said that but, as I said, I talked to someone who was on the beat until very recently. They told me that the police were using the existing law. There is confusion on the subject.

As the minister rightly said, the key question is what we are going to do to increase the rates and duration of breastfeeding. Although I am pleased to hear that he wishes to promote both those things, his target of six months is adventurous, albeit that it is realistic. I wish him every success in trying to reach it.

The figures, which I also gave in the first debate on the subject, show that, following the targets that the Conservatives put in place, which have been supported by Government since that time, we reached 40 per cent in 2000. Unfortunately, since that time, the level has dropped to 36.5 per cent. The reasons for the drop in uptake must be examined carefully.

I agree with the comments that members have made about stigma. We need to ensure that legislation is practical, useful and delivers. The bill is supposed to be about encouraging more women

to breastfeed for longer. It is about uptake and duration, not about the creation of a criminal offence that is unlikely ever to be invoked. In fact, where such regulations exist, including in many of the American states, almost no charges have been pressed and no increase in breastfeeding rates has resulted. Although I fully support the ideas behind Elaine Smith's bid to improve breastfeeding rates, I cannot support the introduction of a criminal offence that, in all probability, will never be used.

16:11

Mike Rumbles (West Aberdeenshire and Kincardine) (LD): On behalf of the Liberal Democrat group, I congratulate Elaine Smith on her achievement. It is quite something for a back bencher to change Scots law—subject to the vote this evening, of course.

David Davidson's speech on behalf of the Conservatives was disappointing. Once again, the Conservative party is missing the point on the change from an offence in civil law to one in criminal law. At the moment, the onus is on the individual to fight a civil action through the court. Who would do that? Nobody. The practical objective of changing the offence from a civil offence to a criminal offence is to change attitudes.

Although I speak on behalf of the Liberal Democrats, I warn Elaine Smith that the vote is not a whipped vote. I have recommended that the Liberal Democrat group supports the motion, but that is all I can do—who knows, it might have been counterproductive of me to have done so.

The bill is an inclusive bill; it is not just about making a new criminal offence of preventing a woman from breastfeeding a child, but about making it a criminal offence to prevent a person from feeding milk to a child under two years of age in a public place. The bill is not an exclusive but an inclusive piece of legislation. *[Interruption]* I am glad to hear that one of the babies in the public gallery is supporting me. I hope that the Minister for Parliamentary Business has noticed my comment about the inclusivity of the bill, particularly in view of what I said yesterday.

The bill is not about making a change in the law to give new rights to breastfeed in public. As other members have said, that right is allowed under Scots law at the moment; we are talking about changing attitudes. Everyone must realise that we cannot have people being removed from a public place simply because they are feeding a youngster.

As I said, the bill moves the onus from civil to criminal law, which is a point that, unfortunately, the Conservatives have missed. The bill sends a

clear message to everyone that, if they prevent a person from feeding milk to a youngster in a public place, their offence in so doing is so bad that it needs to be a criminal offence.

Once again, I congratulate Elaine Smith on introducing the bill. I am sure that all my Liberal Democrats colleagues will vote for it at decision time.

16:14

Dr Jean Turner (Strathkelvin and Bearsden)

(Ind): I congratulate Elaine Smith on the bill. My experience over many years has taught me the difficulty of persuading people to breastfeed. Although rates have been going up, too many people fail. One of the most important parts of the bill is section 4, on the promotion and support of breastfeeding—

The Deputy Presiding Officer: I am sorry, Dr Turner, but I will have to stop you. Although two microphones are turned on in front of you, I understand that some members are having difficulty in picking you up.

Dr Turner: I am sorry, what is the problem?

The Deputy Presiding Officer: Could you position yourself closer to one of the microphones, Dr Turner?

Dr Turner: Can you hear me now?

The Deputy Presiding Officer: I can. Please start again.

I congratulate Elaine Smith. The bill is wonderful and makes a great statement. All my working life, I have found it extremely difficult to persuade people to breastfeed. Fiona Hyslop, who has been close to the subject recently, raised the most important points, which relate to section 4. I hope that that section, on the promotion and support of breastfeeding, will result in a great deal of effort being put into those activities in the antenatal and postnatal periods, in particular in hospital, in the special 48 hours after the birth, which is when some people find it difficult to breastfeed. Support requires time and staff, which are expensive. We need to put in a lot of effort in the few hours after birth. Nowadays, people are more frequently discharged early from hospital and go home to all their responsibilities—perhaps they have other children. When the child is a first one, people need home support, which takes time and people, and that requires money. I hope that section 4 will have an effect.

When people go home after giving birth, they often find that they have many well-intentioned relatives and friends who all want a wee share of the baby. They often persuade the mum that it would be much better if she bottle fed, because

that would give them a bigger share of the child. A young mother in that situation who is not very assertive needs a lot of home support with breastfeeding.

At first, I had difficulty with the bill's introduction of a criminal offence, but I have been persuaded about that. The culture in Scotland means that people do not talk about such matters and do not like to allow breastfeeding in public. Few people would ever make it difficult for a woman to breastfeed in public because, most of the time, we are not aware that people are breastfeeding, as it is done surreptitiously. It is odd that the Health Committee heard so much evidence about people having a bad time breastfeeding in public.

One good feature of the bill is that it raises awareness of the issue. In conversations, people have been telling me about their experiences 30, 20 and 10 years ago. It is about time that people in this country accepted breastfeeding as something physiological that is good for everybody. We all accept the benefits, which have been highlighted. Breastfeeding is good for the baby's and the mother's health and it should be promoted.

I thank Elaine Smith for all her hard work. I took on board her evidence and the other evidence that the committee took. I fully support her and I wish the bill well. I hope that ministers read section 4 and provide support for the promotion of breastfeeding at the crucial time, which is just before and just after the baby is born. Too many people give up too easily.

16:18

Janis Hughes (Glasgow Rutherglen) (Lab): I, too, thank Elaine Smith for introducing the bill and for the dedication that she has shown during the process. I also thank the Health Committee clerks for their hard work and support as we worked through the bill.

In scrutinising the bill, the committee sought to address several issues. The principal ones were whether evidence exists that mothers are likely to encounter adverse reactions to breastfeeding their child; whether such reactions are likely to inhibit the take-up and duration of breastfeeding; and whether introducing a criminal offence of deliberately preventing a person from breastfeeding would increase the take-up and duration of breastfeeding. It was difficult for the committee to access definitive research that details how common it is for women to be asked to leave a public place when breastfeeding. However, witnesses from the National Childbirth Trust and the Breastfeeding Network said that, in the course of their work, they were regularly in contact with women who have encountered such problems. While that evidence is clearly anecdotal,

the committee accepted that there is evidence to support the view that mothers often experience adverse reactions to breastfeeding in public. There was also a clear consensus among witnesses that such reactions—or, at least, the fear of provoking them—inhibited mothers from breastfeeding in public. Therefore, the committee accepted that such attitudes could have a negative impact on breastfeeding rates.

We have heard a lot today about the fact that the bill seeks to make it a criminal offence to prevent or stop a child being fed milk. The issues surrounding that criminalisation were more complex. Some witnesses were strongly of the view that criminalisation would make more women confident and assured about feeding in public, but others were not so sure. The committee heard from the Association of Chief Police Officers in Scotland that, rather than make the prevention of breastfeeding a criminal offence, it might be preferable to include a statutory provision on breastfeeding in the licences and charters of public establishments. However, we heard evidence from Elaine Smith and from Mike Dailly of the Govan Law Centre that that would mean that some public places would be missed out.

It can certainly be argued that the principal reason for the bill is not punitive and that the possibility of legal action should simply act as a deterrent. Elaine Smith is keen that the bill should not lead to a large number of prosecutions and intends the purpose to be to change attitudes and to make women feel more comfortable about breastfeeding in public. David Davidson commented that, in other places in the world where it is an offence to prevent breastfeeding, the law has not been invoked, but it is not a good argument to say that, because the law would never be used, the prevention of breastfeeding should not be made a criminal offence. The fact is that we seek to make it a criminal offence as a deterrent to those who seek to prevent or stop women breastfeeding in public places. There was little doubt in the committee that legislation can have a positive impact on changing attitudes and behaviour.

On the duty on Scottish ministers to support and encourage breastfeeding, Malcolm Chisholm, when he was Minister for Health and Community Care, told the committee that the Executive's general commitment to promote health improvement in the National Health Service Reform (Scotland) Bill might render it unnecessary to include a specific duty on the promotion of breastfeeding. However, the committee fully supported the measures in the bill to promote the take-up and duration of breastfeeding and did not accept that the continuing discussions on the issue should hinder the bill's progress.

The bill is not about making it illegal to breastfeed babies over a certain age; it is about ensuring that breastfeeding and bottle-feeding mothers and babies are given equal and unimpeded access to public services and spaces. It will also have a key role to play in changing attitudes and ensuring that mothers no longer feel inhibited about breastfeeding in public. Therefore, I am happy to give it my full support today and to recommend that the Parliament pass the bill.

16:23

Carolyn Leckie (Central Scotland) (SSP): Members need not be nervous, because I will not be using any provocative language.

I reiterate that I feel positive about the bill. It is a tremendous achievement and the Scottish Socialist Party will support it despite our amendments not being agreed to. It was important to press the arguments in those amendments, because it is clear that prejudice and stigma continue to exist and need to be addressed.

Elaine Smith knows that, as she has argued in the past, the bill is not a panacea that will ensure the promotion of breastfeeding; nor is it the only way to increase breastfeeding rates and the length of time for which babies are breastfed. I will concentrate some remarks on those issues.

Contrary to allegations made earlier, the last thing that the SSP needs this week is publicity. I have an extremely long record—since 1986—of promoting and supporting breastfeeding. In 1986, when my first daughter was born, I lived in Castlemilk in Glasgow, which is just the sort of community where breastfeeding rates are extremely low—even lower than they are now. I was 21 and just as bolshie as I am now, but perhaps in a different way. It took a lot of determination for a young, working-class woman in Castlemilk to breastfeed, surrounded as I was by bottle-feeding friends, families that all bottle fed and society's attitudes towards breastfeeding.

I am immensely proud of doing that. It was the start of my promotion of and support for breastfeeding. I challenged my relatives, my friends and my community. In 1986 I established the first ever breastfeeding support group in Castlemilk with the help of the National Childbirth Trust and my local health visitor, who was excellent. It shames me that I cannot remember her name, but she is out there somewhere and she was very helpful. That started a long period of promoting breastfeeding and challenging stigma and it was mainly that experience that influenced my decision in 1992 to become a midwife. I was particularly interested in promoting choice for women in childbirth and an increase in support and resources for breastfeeding women.

Unfortunately, problems remain. I had many positive experiences as a midwife in the health service but I also had many negative experiences. I had to challenge the attitudes of fellow professionals and the medical establishment and I had to work in an under-resourced environment in which people are forced to make impossible choices, such as the choice between staying with a distraught early-breastfeeding mother who needs support and going to attend to an emergency. No midwife should have to make such choices, and that is my continuing challenge to the Executive. All those things need to be tackled if there is to be a real difference in the incidence and continuance of breastfeeding. Baby-friendly initiatives need to be backed up with resources and staff. Otherwise, they are just bits of paper.

I finish by again congratulating Elaine Smith. I want to make sure that no one makes the mistake of thinking that we do not support the bill—we absolutely do, but it is also normal and natural to breastfeed beyond the age of two.

16:27

Mr Kenneth Macintosh (Eastwood) (Lab): I too congratulate Elaine Smith on her determination and application in steering the bill through Parliament. Turning a member's bill into statute is not an easy matter and even with the support that she has been given both inside and outside the Parliament most of the burden must have fallen on her shoulders. I congratulate her on the commitment and effort that she has shown.

There have been many obstacles in the way of the bill, not least the negative and hostile attitudes that the proposal to encourage breastfeeding—or even just to normalise it—has provoked. It never ceases to amaze me, even in these relatively liberal and liberated times, how much work we have to do to overcome the dark forces of reaction, ignorance, antipathy and inertia—or the Tories, as we more affectionately call them. It is clear from the way in which David Davidson and his colleagues are voting this afternoon that we still have some way to go.

Of course, there are some behaviours that we cannot change. When I spoke during the stage 1 debate on the bill, I said that my interest was more than academic because my wife, Claire, was heavily pregnant. The good news is that she gave birth two weeks ago to a baby girl, Annie. As we speak, Claire is either breastfeeding, between feeds or, if she is incredibly lucky, catching up on some sleep while the baby rests. I was tempted to move an amendment at stage 2 to make it illegal for babies to feed between midnight and 6 o'clock in the morning. I have no doubt that that would do wonders for exhausted new mums and dads, but I recognise that babies are only doing what comes

naturally. The same cannot be said of the prejudice, hostility and discrimination that are too often shown to breastfeeding mothers; those are entirely social attitudes and learned behaviours.

Before I get too sanctimonious, I should admit that I still have a distance to travel in challenging my own attitudes. The speeches at stage 1 were excellent—they were more personal than we are used to but all the more illuminating for that. As usual, a passionate contribution came from Carolyn Leckie, who spoke of her first militant breastfeed against her father-in-law from her hospital bed. Unfortunately, my first reaction was to feel sorry for her father-in-law but perhaps, as I said, I have some way to travel.

The bill creates new criminal sanctions, but it is not its intention or my wish to criminalise otherwise law-abiding members of society. The aim is to change behaviour and to challenge negative attitudes. More than anything, the bill is about normalising and accepting absolutely natural behaviour.

I will conclude with another personal experience that is up to date. Last week, my wife, Claire, was in our local library with the kids at a storytelling event for children. Members can imagine that, after having four children, Claire is comfortable with breastfeeding. She asked the librarian, who is a lovely woman, whether it was all right to feed the new baby. The librarian said that she was fine with the idea, but that others might object, so she asked whether Claire would mind using the back room. The only things that should be put in the back room are old-fashioned and outdated attitudes. The bill will help to make that happen and I commend it to the Parliament.

16:30

Eleanor Scott (Highlands and Islands) (Green): I add my voice to those that have supported Elaine Smith and commended her for her work. When I had a word with her in the canteen queue the other day, she said that the culmination of three years' work had been reached. She has done an amazing amount of work on the bill, which will be a tremendous piece of legislation. I am happy to support it and to congratulate her on it.

In earlier debates, we heard upsetting stories of problems that mothers who feed their children in public places have faced in the recent past. I hope that the bill consigns such incidents to the past.

The health effects of breastfeeding are well-known and have been widely aired and discussed in the debate and at earlier stages. We all want the Scottish rate of 36 per cent breastfeeding at six weeks to increase. In some areas, the figure is better. The highest rate in Scotland is in Orkney,

where it is nearly 70 per cent. That can be partly attributed to the excellent support that mothers there receive. The same team of midwives and general practitioners looks after mothers antenatally as looks after mothers and children in hospital and postnatally. That is quality care that is different from that which is received in a large specialist unit. As the figures show, breastfeeding can have a lasting effect on all children's health by conferring on children positive benefits. Specialist units cannot always match such figures.

I hope that the bill will help us to improve Scotland's breastfeeding rates and that the national health service will be properly resourced to support mothers. That should include help for peer support groups at which breastfeeding mothers support one another. As others have said, professional time to help is limited and peer support can be extremely useful.

Attitudes do not change overnight, but by stopping negative attitudes from impacting directly on mothers and babies, I hope that we can start to move to the point at which a mother has a genuine choice about how to feed her child, rather than a choice that is constrained by fear, embarrassment or the fear of being publicly embarrassed. If the Parliament agrees to pass the bill, today will be one of the days when I go off in the train and think that we all did a really good thing. I am happy to be part of that and to add my support and that of my colleagues for the bill. I thank Elaine Smith.

16:33

Donald Gorrie (Central Scotland) (LD): It is clear that I can add no expert knowledge on the subject, but I am happy to support Elaine Smith's bill and to congratulate her on her success in taking it through the Parliament. My similar efforts resulted only in the addition of one section to somebody else's bill, so she has done much better than I did.

It is important to recognise that legislation can help to change attitudes only if it is part of a package—the bill is intended to be part of a package. If the bill is agreed to and it results in an increase in the number of Scottish mothers who breastfeed and in no prosecutions, it will have succeeded. That is the objective. It is a question of changing attitudes, which is difficult, as we all know. Prejudices exist and an anti-woman prejudice remains in our society.

Recently I came across an amusing example of that prejudice. I thought that I would try to help the cause, so I inquired of two august Scottish establishments why they had no women members. When I asked whether their rules prohibited women members, I was told that the rules said nothing of the sort. However, the rules said that all

members had to be proposed, seconded and voted on by members. No woman had ever been proposed. Prejudice can be relatively subtle, but it is still strongly present. It is important that we send out the message that it is good for women to feed their babies and that we should accept and recognise that as a natural process. Feeding babies in public is a perfectly normal part of human behaviour.

In addition to the bill, there must be education in schools and education of old fogies such as me so that we accept that feeding of babies in public is normal. There is a long history of anti-feminism, of which opposition to breastfeeding is part. The bill is very welcome, but we must all help to address this problem. The Executive must put effort into teaching people to have more sensible, sensitive attitudes to such issues, so that in due course, long after I am dead, women can be remotely equal with men. Unfortunately, there is still a long way to go before that is achieved.

16:36

Mrs Nanette Milne (North East Scotland)

(Con): I, too, congratulate Elaine Smith on the way in which she has piloted the bill through the parliamentary process and has kept members regularly informed about the detail as the bill has gone through its consultation and committee stages. I admire the member's tenacity in reintroducing the bill so soon after it fell at the end of the previous parliamentary session.

I am sorry that Conservative members cannot support the bill, but we believe that to make a potential criminal out of a proprietor who does not wish to allow breastfeeding to take place in public on his or her premises is a draconian measure and that what is needed to change attitudes is persuasion, not the threat of prosecution. We know from the police that there are likely to be very few prosecutions under the bill. Because the evidence shows that there will be enforcement difficulties, we think that it will not be particularly effective. Those are the reasons why we opposed the bill at stage 1 and the reasons why we will vote against it today.

However, we have no disagreement about the merits of breastfeeding. It is undoubtedly good for babies and for the long-term health of mothers. Every encouragement should be given to mums to start and to persevere with breastfeeding. As the minister said, national campaigns to promote breastfeeding, coupled with local support strategies, have resulted in a significant rise in breastfeeding rates during the past 10 years. An audit of health board strategies has concluded that significant progress has been made in developing and implementing those strategies and policies.

Campaigns to promote breastfeeding should continue and should be coupled with personal support and encouragement for mums to breastfeed in the early months of their children's lives. However, I cannot see that legislation of the kind that is proposed will do anything to win over the bigoted people who tut-tut and criticise mums who breastfeed in public. Thankfully, those people are increasingly in the minority. Gradually but steadily, we are seeing a change in culture away from their Victorian attitudes, and breastfeeding is again becoming accepted as normal and unremarkable, wherever it takes place.

Many mums do not want to feed their babies either breast milk or bottled milk in public, but neither do they want to be relegated to a toilet or baby changing room to do that. Proprietors should be actively encouraged to provide comfortable facilities for those mums who wish to feed their babies on the premises but out of the public eye. I fully support Fiona Hyslop's suggestion that there should be breastfeeding facilities in the crèche in this building, which would set a good example to other establishments.

Fiona Hyslop: There are breastfeeding facilities in this building. I encourage Conservative members to inspect them as part of their research. The point that I was making is that a workplace nursery is much more conducive than a visitors crèche to continuing breastfeeding.

Mrs Milne: I take the member's point and am sorry for misunderstanding it.

I will be surprised if the bill makes a significant difference to the number of mums who decide to breastfeed, because the reasons why women decide not to breastfeed are many and varied. They are much more complex than the fear of being embarrassed by narrow-minded onlookers.

Public attitudes are changing. A recent survey showed that the majority of people find discreet breastfeeding in public perfectly acceptable. That positive change has come about without Government intervention. I am convinced that, with encouragement, more and more establishments will welcome breastfeeding mums, until it becomes unthinkable for them not to do so.

I reiterate what I said in the stage 1 debate. My colleagues and I fully support the promotion and encouragement of breastfeeding throughout Scotland, have absolutely no bias against breastfeeding or bottle feeding in public and welcome the positive and on-going change in public attitudes. However, we do not see the need for a criminal law to move the position on, and we do not think that the bill will influence most mothers' decisions on how to feed their babies.

Mike Rumbles: Will the member give way?

Mrs Milne: I am sorry, but I am closing.

We fully understand why Elaine Smith has brought the bill to the Parliament, and we applaud her intentions and hard work. However, we remain of the opinion that the on-going evolutionary change in public attitudes will be more effective in the long run than the threat of prosecution. We will therefore be maintaining our opposition to the bill.

16:41

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

Like every speaker so far, I pay tribute to Elaine Smith and the work that she has done on the bill over a number of years. I sympathise with her over the brickbats that she had to endure when she launched the bill. Similar comments were directed at me 18 months ago when I launched the idea of banning smoking in public places in Scotland. She had a worse time over a longer period, as Susan Deacon ably outlined in her opening remarks. It is difficult for a back bencher to introduce a bill. To get all the way to stage 3 and have the bill passed—which I hope it will be tonight—is an amazing achievement.

I also congratulate all the groups and individuals who helped Elaine Smith along the way by supporting both the bill and Elaine in her endeavours. I also put on the record my support for and recognition of the NCT and, in particular, its volunteer breastfeeding counsellors, who do an amazing job for many women throughout the country. My daughter and wife received the benefits of their work a number of years ago.

As we have heard, Scotland has a national target that, by 2005, more than 50 per cent of women will be breastfeeding at six weeks. It is good that we have that target. I wish that the target was higher and covered a longer period, but we are where we are. It is important that we stride ever forward on that target. Data from the child health surveillance programme show that in 2003 only 36.5 per cent of mothers in Scotland were breastfeeding at six to eight weeks. However, the figures are not the same throughout the country. As others have said, 70 per cent of mothers in Orkney breastfeed, whereas in other areas, the rate is much lower. The lowest rates of breastfeeding are in Lanarkshire NHS Board area, with a figure of 26 per cent, and Ayrshire and Arran NHS Board area, with a figure of just over 27 per cent. There are higher rates in the Borders NHS Board and Lothian NHS Board areas, where the rate is 48 per cent.

Breastfeeding is a health equality issue, and it is important that we do not lose sight of that fact. There are enormous benefits for babies that have been outlined by many members, but they are worth repeating. Breastfed babies have better

neurological development, fewer respiratory and gastrointestinal infections, less allergic disease such as eczema and asthma and lower rates of diabetes and childhood obesity. Perhaps it can be seen as an example of joined-up thinking if we think of the bill as part of an anti-obesity strategy in its widest sense. Such a strategy is not just about exercise for older children and what they eat; it is about caring for their health from the day they are born and ensuring that they grow up as healthy young people.

There are also benefits for mothers. We have heard about less breast cancer, a lower risk of ovarian cancer and fewer hip fractures and bone density problems. Bone-density problems are on the increase in Scotland. They are often overlooked and we should pay them particular attention, because as our population gets older we will have to deal with the difficulties that they bring. It is important to use breastfeeding as part of a strategy to defeat bone density problems.

In July 2004 UNICEF revealed that new mothers in Scotland are more likely to receive effective breastfeeding help in maternity units than are mothers in maternity units elsewhere in the UK. We should be proud of that, but we must ask why Scotland has a lower breastfeeding rate than most of Europe. The answer is clear and relates to society's attitude once a woman leaves the maternity unit and moves back home and into wider society.

The NCT has said that there is public hostility and has put on record many instances of negative comments and even aggression towards breastfeeding mothers in public places. Public hostility to mothers is likely to affect young and disadvantaged women, who are the least likely to start or to continue breastfeeding. That exacerbates the health inequalities that already exist in Scotland. It is critical that the bill changes public attitudes.

When my daughter was being fed as a young baby, we did not experience abuse or aggression and we were never thrown out of anywhere or asked to go into a toilet. However, when we sat in public places, whether a park or restaurant, the problem was the sideways glances and the strange looks that we got from other members of the public, who obviously felt that it was not acceptable to breastfeed in a public place, even though we were being extremely discreet—I was amazed that anyone even noticed that my daughter was being breastfed. We have to effect an attitude change.

On the criminality issue, I hope that we never see anyone charged with an offence under the bill because I want the outcome to be attitudinal change in our society, not a list of criminal offences for people who own certain licensed premises.

There will be a free vote on the bill for members of the SNP group, as there will be for Liberal Democrats members. I encourage all SNP members to accept the recommendation of the Health Committee and to vote to support the bill at 5 o'clock.

I quote the policy memorandum, as it sums up my view of what the bill is all about. On page 5 it states:

"The message promoted is 'Don't think of it as a woman's right to breastfeed. Think of it as a baby's right to eat'."

That is the critical message that we have to get across.

16:48

Mr Kerr: The debate has been good, informed and emotional and key points have been made. The bill is another plank in our public health strategy; it will contribute to the well-being of babies and their mothers. It is about giving children the best possible start in life and protecting mothers in that process.

Government has a role to play and I fully accept the responsibilities and duties that the bill would place on us. We are happy to meet the duties. We should acknowledge that we are doing a good job at the moment. Although members quite rightly want us to do better, key campaigners throughout the UK rate the Executive highly in their perception and understanding of the work that we are doing. Nevertheless, I absolutely accept our responsibility and we can, should and will better support mothers whether they choose to breastfeed or bottle feed. We need to acknowledge the difficult issues that mothers face and ensure that we provide as much support as we can.

It is also about empowerment. As Stewart Maxwell said, it is about empowering the baby to receive the best possible feed and empowering women to not feel uncomfortable about what is a natural process. The debate that we are having in society about this will help constructively to change attitudes towards breastfeeding.

Our breastfeeding strategy will focus on breastfeeding in the early stages. It will cover antenatal education and support and ensure that parental education supports breastfeeding and that information contained in our policies and strategies gets across to all mothers, particularly those in less well-off areas.

We recognise the role that breastfeeding can play in the health inequalities debate. I have mentioned NHS Tayside's video, which has been circulated to all health boards in Scotland. It is about the prenatal decisions that a mother will take, and it aims to help family and friends buy into supporting the mother. We support that.

Fiona Hyslop mentioned her event on 2 December. I am not sure what my diary looks like for that day, but I would be happy to receive an invitation, if that is possible. She mentioned the need for us to be supportive of mothers at all stages, particularly the prenatal stage.

The decision about when mothers should leave hospital is largely made at the local level, with different policies in different places. There is an increasing demand for mothers to leave hospital to get back to their home environment as quickly as possible. Our strategies reflect that, ensuring that community midwives and health visitors, as well as the army of volunteers involved with breastfeeding, many of whom I have met, are there to support mothers at what can be a difficult and challenging time.

Fiona Hyslop: I realise that we need flexibility but, in my recent experience, many young women have problems with the latching-on process. That might not be possible until the milk comes in, which might happen several days after a mother has been discharged, if she has been discharged within a few hours. There is an issue about early discharge, which Jean Turner also raised.

Mr Kerr: I genuinely believe that our strategies address and understand that situation, and the work that we do in the community—involving a number of the organisations that we support and various voluntary organisations—supports that. We offer mothers 24-hour helplines to help them deal with that sort of problem. I accept the point that Fiona Hyslop makes. My officials and I will review the debate in its entirety to ensure that the good ideas that have come from all round the chamber will be reflected in our breastfeeding strategy, on which we will report to the Parliament.

I reiterate my admiration and support for Elaine Smith, who introduced the bill. We have heard some very good contributions from across the chamber. This is another health improvement measure that the Executive and the Parliament are supporting, which will give young people the best possible start in life. On the bigger issue of changing attitudes, what we have done today and throughout the bill process is attempt to present society with what is a very normal situation. Hopefully, attitudes will change, and more mothers will feel confident about their right to breastfeed.

16:52

Elaine Smith (Coatbridge and Chryston) (Lab): I have registered interests in relation to the Breastfeeding etc (Scotland) Bill.

I thank everyone who has contributed to this afternoon's debate. It has been very positive, which I am pleased about. I thank the visitors who have attended this final stage of consideration of

the bill, including my son, Vann, who played an important role in inspiring this bill. He and I experienced at first hand some of the negative attitudes to breastfeeding that exist in Scotland. As has been the case with previous breastfeeding debates, many parents and children have joined us—most of them are watching from committee room 1.

I find it difficult to believe that we have now reached the final stage of the Breastfeeding etc (Scotland) Bill, the fate of which will be sealed at decision time. I have been working on the bill for the past three years, but certainly not alone, and I take this opportunity to thank everyone who has helped get the bill to this stage. When I first had the idea, I sought legal help for drafting a proposal from Mike Dailly of the Govan Law Centre, and he kindly agreed to assist. My thanks go to Mike for his hard work and commitment in turning my idea into a workable piece of legislation. I set up a steering group to advise me and to inform the process, and I invited a wide range of organisations to participate in it. In eliciting that support, I merely scratched the surface of the total number of people who work in the sector. That was enough, however, for me to witness the vast amounts of enthusiasm, dedication and commitment that Andy Kerr has spoken about. Those people deserve our support, and I hope that, if it is passed, the bill will go some way towards providing that. Unfortunately, time does not allow me to name all the individual members of the steering group. Suffice to say their help has been invaluable throughout the process.

Thanks are due to Unison for funding a piece of research and to Kay Sillars for producing it. I thank Boots and the Royal College of Nursing for sponsoring a reception tonight. I also thank the committees that considered the bill—particularly the Health Committee—and their clerks. The Health Committee's scrutiny of the legislation and its robust stage 1 report evidenced an excellent understanding of the issues.

In his previous brief as Minister for Health and Community Care, Malcolm Chisholm scrutinised my proposal and my thanks go to him and the Scottish Executive for their support. I also thank my MSP colleagues and Jenny Warren, the national breastfeeding adviser.

My staff also deserve recognition. In the early days, Margaret McGregor, John Rowan and Frances Wright gave me important assistance and my current staff, Lesley Dobbin and Catherine Murphy, have provided invaluable help on the bill. Last, but far from least, my thanks go to Susan Deacon MSP and her researcher Ann Henderson. As Susan Deacon has pointed out, I first approached her with the idea when she was Minister for Health and Community Care, and in

that role, although naturally wary of how the legislation might work, she supported the principle. Over the years since that first conversation, Susan has been a source of help and advice, culminating in her agreeing to close for me in the stage 1 debate and to open in this debate. I am extremely grateful to her for that.

As the final hurdle approaches, I must address a few issues. On the whole, the bill has attracted positive support, but a minority has tried to undermine it by saying that it is a politically correct and trivial issue. In fact, this small, but important bill is a good example of how the members' bills system can work under devolution and how it can allow members to take forward important constituency-led issues to effect legislative change for the benefit of Scotland as a whole, and to lead the way in the UK.

It was the discovery that Coatbridge had one of the lowest rates of breastfeeding in Scotland that provided me with the impetus to pursue the bill, so it arose directly from my constituency work. If the bill helps to encourage more women to breastfeed, it will have a significant effect on the future health of children and women in Coatbridge and Chryston and right across Scotland. I was also motivated by the Executive's response that it had no powers to do anything about the incident of the woman who was put off the bus. Perhaps it will have those powers shortly.

The most controversial part of the bill seems to be that it provides legal protection only for children up to the age of two. It is regrettable that an age had to be included at all, but because it is criminal legislation, it must be clear and unambiguous and it must define what "child" means. We heard all the arguments during the discussion of amendments so I will only reiterate the point that the status quo prevails for children beyond the age of two, and it is not illegal to feed one's child.

The bill is important in underpinning the sterling work of health professionals in the NHS and in providing encouragement to the Scottish Executive to focus on the way in which breastfeeding is promoted and supported by the Executive. Further, given the low breastfeeding rates in more deprived communities, the bill could also be regarded as another tool to help tackle the social exclusion and poor health that is linked to poverty and deprivation. Indeed, last week when Professor Stewart Forsyth was referring to follow-up data from the Dundee infant feeding study, he commented on breastfed babies from poorer backgrounds by saying:

"babies who were from poorer communities actually do better in terms of health outcomes than many of the children from the more affluent areas who were bottle-fed."

I have never promoted the bill as a panacea. It is part of a wide-ranging approach that

encompasses many different health departments, voluntary sector initiatives and Scottish Executive policies and programmes. If the bill is supported this evening, it will show that Scottish parliamentarians are prepared to play their part in helping to underpin the work being done elsewhere and send a clear message that breastfeeding is normal, nurturing and maternal behaviour and it ought to be supported.

I asked Susan Deacon to open the debate so that I could have the final word. If passed, the bill is not an end, but the beginning of the Parliament pursuing practical ways to support and encourage breastfeeding. Although I am having the final word in this debate, I assure Parliament, the minister and all those with an interest in breastfeeding that I will have much more to say on the subject during the rest of this parliamentary term and I am sure that many of my colleagues will too.

I am pleased to acknowledge the Executive's commitment to breastfeeding and its current plan to produce a Scottish strategy. However, it falls upon us all to ensure scrutiny of the Executive; given the interest in the bill, I am sure that we will rise to that challenge during the coming months and years.

The leader in *The Herald* in August 2002 was about the bill and it carried the headline

"Natural act is overdue official respectability".

The article concluded:

"Signalling to society that breastfeeding is an acceptable part of modern life is a message that is long overdue in its delivery."

Colleagues, at decision time, let us deliver that message.

Business Motion

17:00

The Deputy Presiding Officer (Murray Tosh):

The next item of business is consideration of business motion S2M-2014, in the name of Margaret Curran, on behalf of the Parliamentary Bureau, setting out a timetable for legislation.

Motion moved,

That the Parliament agrees—

(a) that the timetable for completion of consideration of the Transport (Scotland) Bill at Stage 1 be extended to 4 March 2005;

(b) that the Justice 1 Committee reports to the Justice 2 Committee by 26 November 2004 on the Land Registration (Scotland) Amendment Rules 2004 (SSI 2004/476), the Title Conditions (Scotland) Act 2003 (Rural Housing Bodies) Order 2004 (SSI 2004/477), the Abolition of Feudal Tenure etc. (Scotland) Act 2000 (Prescribed Periods) Order 2004 (SSI 2004/478) and the Lands Tribunal for Scotland (Title Conditions Certificates) (Fees) Rules 2004 (SSI 2004/479); and

(c) that the Justice 1 Committee reports to the Justice 2 Committee by 3 December 2004 on the draft Tenements (Scotland) Act 2004 (Consequential Provisions) Order 2004 and the Tenements (Scotland) Act 2004 (Notice of Potential Liability for Costs) Amendment Order 2004 (SSI 2004/490).—[*Ms Margaret Curran.*]

Motion agreed to.

Fire (Scotland) Bill: Financial Resolution

17:00

The Deputy Presiding Officer (Murray Tosh):

The next item of business is consideration of motion S2M-1623, in the name of Andy Kerr, on the financial resolution in respect of the Fire (Scotland) Bill.

Motion moved,

That the Parliament, for the purposes of any Act of the Scottish Parliament resulting from the Fire (Scotland) Bill, agrees to any expenditure payable out of the Scottish Consolidated Fund in consequence of the Act.—[*Ms Margaret Curran.*]

The Deputy Presiding Officer: The question on the motion will be put at decision time, to which we now come.

Decision Time

17:01

The Deputy Presiding Officer (Murray Tosh):

There are five questions to be put. The first question is, that amendment S2M-1960.2, in the name of Kenny MacAskill, which seeks to amend motion S2M-1960, in the name of Cathy Jamieson, on the general principles of the Fire (Scotland) Bill, be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

FOR

Adam, Brian (Aberdeen North) (SNP)
 Baird, Shiona (North East Scotland) (Green)
 Ballance, Chris (South of Scotland) (Green)
 Ballard, Mark (Lothians) (Green)
 Byrne, Ms Rosemary (South of Scotland) (SSP)
 Canavan, Dennis (Falkirk West) (Ind)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Curran, Frances (West of Scotland) (SSP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Ewing, Mrs Margaret (Moray) (SNP)
 Fox, Colin (Lothians) (SSP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Grahame, Christine (South of Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Kane, Rosie (Glasgow) (SSP)
 Leckie, Carolyn (Central Scotland) (SSP)
 Lochhead, Richard (North East Scotland) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 Martin, Campbell (West of Scotland) (Ind)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Mather, Jim (Highlands and Islands) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 Maxwell, Mr Stewart (West of Scotland) (SNP)
 McFee, Mr Bruce (West of Scotland) (SNP)
 Morgan, Alasdair (South of Scotland) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 Robison, Shona (Dundee East) (SNP)
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)
 Scott, Eleanor (Highlands and Islands) (Green)
 Sheridan, Tommy (Glasgow) (SSP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinburne, John (Central Scotland) (SSCUP)
 Swinney, Mr John (North Tayside) (SNP)
 Turner, Dr Jean (Strathkelvin and Bearsden) (Ind)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)

AGAINST

Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)

Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marilyn (North East Scotland) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lyon, George (Argyll and Bute) (LD)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 Maclean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 May, Christine (Central Fife) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 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)
 Smith, Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Wallace, Mr Jim (Orkney) (LD)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

ABSTENTIONS

Aitken, Bill (Glasgow) (Con)
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)
 Davidson, Mr David (North East Scotland) (Con)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Johnstone, Alex (North East Scotland) (Con)
 McLetchie, David (Edinburgh Pentlands) (Con)
 Milne, Mrs Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)

The Deputy Presiding Officer: The result of the division is: For 40, Against 64, Abstentions 12.

Amendment disagreed to.

The Deputy Presiding Officer: The second question is, that amendment S2M-1960.1, in the name of Annabel Goldie, which seeks to amend motion S2M-1960, in the name of Cathy Jamieson, on the general principles of the Fire (Scotland) Bill, be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

FOR

Adam, Brian (Aberdeen North) (SNP)
 Aitken, Bill (Glasgow) (Con)
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)
 Canavan, Dennis (Falkirk West) (Ind)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (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)
 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)
 Grahame, Christine (South of Scotland) (SNP)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Johnstone, Alex (North East Scotland) (Con)
 Lochhead, Richard (North East Scotland) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Mather, Jim (Highlands and Islands) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 Maxwell, Mr Stewart (West of Scotland) (SNP)
 McFee, Mr Bruce (West of Scotland) (SNP)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McLetchie, David (Edinburgh Pentlands) (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)
 Neil, Alex (Central Scotland) (SNP)
 Robison, Shona (Dundee East) (SNP)
 Scott, John (Ayr) (Con)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinburne, John (Central Scotland) (SSCUP)
 Swinney, Mr John (North Tayside) (SNP)
 Turner, Dr Jean (Strathkelvin and Bearsden) (Ind)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)

AGAINST

Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Baird, Shiona (North East Scotland) (Green)
 Baker, Richard (North East Scotland) (Lab)
 Ballance, Chris (South of Scotland) (Green)
 Ballard, Mark (Lothians) (Green)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Byrne, Ms Rosemary (South of Scotland) (SSP)

Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Frances (West of Scotland) (SSP)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Fox, Colin (Lothians) (SSP)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marlyn (North East Scotland) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Harvie, Patrick (Glasgow) (Green)
 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)
 Kane, Rosie (Glasgow) (SSP)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Leckie, Carolyn (Central Scotland) (SSP)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lyon, George (Argyll and Bute) (LD)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 Maclean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Campbell (West of Scotland) (Ind)
 Martin, Paul (Glasgow Springburn) (Lab)
 May, Christine (Central Fife) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 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)
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)
 Scott, Eleanor (Highlands and Islands) (Green)
 Scott, Tavish (Shetland) (LD)
 Sheridan, Tommy (Glasgow) (SSP)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Wallace, Mr Jim (Orkney) (LD)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

The Deputy Presiding Officer: The result of the division is: For 41, Against 76, Abstentions 0.

Amendment disagreed to.

The Deputy Presiding Officer: The third question is, that motion S2M-1960, in the name of Cathy Jamieson, on the general principles of the Fire (Scotland) Bill, be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

FOR

Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Baird, Shiona (North East Scotland) (Green)
 Baker, Richard (North East Scotland) (Lab)
 Ballance, Chris (South of Scotland) (Green)
 Ballard, Mark (Lothians) (Green)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Byrne, Ms Rosemary (South of Scotland) (SSP)
 Canavan, Dennis (Falkirk West) (Ind)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Frances (West of Scotland) (SSP)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Fox, Colin (Lothians) (SSP)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marlyn (North East Scotland) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Harvie, Patrick (Glasgow) (Green)
 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)
 Kane, Rosie (Glasgow) (SSP)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Leckie, Carolyn (Central Scotland) (SSP)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lyon, George (Argyll and Bute) (LD)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 Maclean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Campbell (West of Scotland) (Ind)
 Martin, Paul (Glasgow Springburn) (Lab)
 May, Christine (Central Fife) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)

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)
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)
 Scott, Eleanor (Highlands and Islands) (Green)
 Scott, Tavish (Shetland) (LD)
 Sheridan, Tommy (Glasgow) (SSP)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Wallace, Mr Jim (Orkney) (LD)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

AGAINST

Aitken, Bill (Glasgow) (Con)
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)
 Davidson, Mr David (North East Scotland) (Con)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Johnstone, Alex (North East Scotland) (Con)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McLetchie, David (Edinburgh Pentlands) (Con)
 Milne, Mrs Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Scott, John (Ayr) (Con)

ABSTENTIONS

Adam, Brian (Aberdeen North) (SNP)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Ewing, Mrs Margaret (Moray) (SNP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Grahame, Christine (South of Scotland) (SNP)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Lochhead, Richard (North East Scotland) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Mather, Jim (Highlands and Islands) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 Maxwell, Mr Stewart (West of Scotland) (SNP)
 McFee, Mr Bruce (West of Scotland) (SNP)
 Morgan, Alasdair (South of Scotland) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 Robison, Shona (Dundee East) (SNP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinburne, John (Central Scotland) (SSCUP)
 Swinney, Mr John (North Tayside) (SNP)
 Turner, Dr Jean (Strathkelvin and Bearsden) (Ind)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)

The Deputy Presiding Officer: The result of the division is: For 77, Against 14, Abstentions 26.

Motion agreed to.

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

The Deputy Presiding Officer: The fourth question is, that motion S2M-1968, in the name of Elaine Smith, that the Breastfeeding etc (Scotland) Bill be passed, be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division. Members should press their voting buttons now.

Mr Stewart Maxwell (West of Scotland) (SNP): Presiding Officer, my display shows that the vote is on the financial resolution for the Fire (Scotland) Bill. *[Interruption.]*

The Deputy Presiding Officer: I hope that we can now vote on motion S2M-1968, in the name of Elaine Smith.

FOR

Adam, Brian (Aberdeen North) (SNP)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Baird, Shiona (North East Scotland) (Green)
 Baker, Richard (North East Scotland) (Lab)
 Ballance, Chris (South of Scotland) (Green)
 Ballard, Mark (Lothians) (Green)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Byrne, Ms Rosemary (South of Scotland) (SSP)
 Canavan, Dennis (Falkirk West) (Ind)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Curran, Frances (West of Scotland) (SSP)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Ewing, Mrs Margaret (Moray) (SNP)
 Finnie, Ross (West of Scotland) (LD)
 Fox, Colin (Lothians) (SSP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marlyn (North East Scotland) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Grahame, Christine (South of Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Kane, Rosie (Glasgow) (SSP)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Leckie, Carolyn (Central Scotland) (SSP)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lochhead, Richard (North East Scotland) (SNP)
 Lyon, George (Argyll and Bute) (LD)
 MacAskill, Mr Kenny (Lothians) (SNP)
 Macdonald, Lewis (Aberdeen Central) (Lab)

Macintosh, Mr Kenneth (Eastwood) (Lab)
 Maclean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Campbell (West of Scotland) (Ind)
 Martin, Paul (Glasgow Springburn) (Lab)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Mather, Jim (Highlands and Islands) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 Maxwell, Mr Stewart (West of Scotland) (SNP)
 May, Christine (Central Fife) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McFee, Mr Bruce (West of Scotland) (SNP)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Morgan, Alasdair (South of Scotland) (SNP)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Dr Elaine (Dumfries) (Lab)
 Neil, Alex (Central Scotland) (SNP)
 Oldfather, Irene (Cunninghame South) (Lab)
 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)
 Robison, Shona (Dundee East) (SNP)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)
 Scott, Eleanor (Highlands and Islands) (Green)
 Scott, Tavish (Shetland) (LD)
 Sheridan, Tommy (Glasgow) (SSP)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinburne, John (Central Scotland) (SSCUP)
 Swinney, Mr John (North Tayside) (SNP)
 Turner, Dr Jean (Strathkelvin and Bearsden) (Ind)
 Wallace, Mr Jim (Orkney) (LD)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

AGAINST

Aitken, Bill (Glasgow) (Con)
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)
 Davidson, Mr David (North East Scotland) (Con)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Johnstone, Alex (North East Scotland) (Con)
 McGregor, Mr Jamie (Highlands and Islands) (Con)
 McLetchie, David (Edinburgh Pentlands) (Con)
 Milne, Mrs Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)

The Deputy Presiding Officer: There was some excitement with the software there, but we have a result. The result of the division is: For 103, Against 13, Abstentions 0.

Motion agreed to.

That the Parliament agrees that the Breastfeeding etc. (Scotland) Bill be passed.

The Deputy Presiding Officer: The final question is, that motion S2M-1623, in the name of Andy Kerr, on the financial resolution in respect of the Fire (Scotland) Bill, be agreed to.

Motion agreed to.

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

The Deputy Presiding Officer: That concludes decision time.

Diabetes

The Deputy Presiding Officer (Trish Godman): The final item of business is a members' business debate on motion S2M-1837, in the name of Karen Whitefield, on diabetes in Scotland. The debate will be concluded without any question being put.

Motion debated,

That the Parliament notes the rising numbers of people with diabetes in Scotland as evidenced in the recent report from Diabetes UK Scotland, *Diabetes in Scotland and the UK 2004*, which shows that there are 148,000 people in Scotland diagnosed with diabetes, a rise of 28,000 since 1996; is concerned that at least 65,000 people in Scotland are undiagnosed, as highlighted in the report, and that this number is rising year-on-year; recognises that diabetes is associated with chronic ill-health, disability and premature mortality and that long-term complications, including heart disease, strokes, blindness, kidney disease and amputations, make the greatest contribution to the costs of diabetes care, and believes that many of these long-term effects could be avoided with earlier identification and more effective treatment.

17:09

Karen Whitefield (Airdrie and Shotts) (Lab): As members may be aware, it was world diabetes day a few days ago. I am pleased to have secured this debate to highlight the emerging epidemic of diabetes in Scotland, and indeed across the world. I want to thank all those who signed my motion and those members who have come along to take part in the debate.

This is our first debate on diabetes since the Parliament was reconvened in 1999. Since that time, it is estimated that more than 70,000 people have developed the condition, including some members of this Parliament. The figures for Scotland are alarming. According to Diabetes UK Scotland, there are more than 200,000 people in Scotland with diabetes, at least 65,000 of whom people are undiagnosed. The University of Edinburgh recently published a study that suggests that possibly half of those with diabetes are undiagnosed. That means that in my constituency of Airdrie and Shotts there could be about 1,700 people who have diabetes but do not know it yet. The impact of undiagnosed diabetes can be seen in the people who present to the health service with complications such as heart disease, kidney problems, foot problems and eye problems.

People from poorer communities are more likely to develop diabetes and they have a mortality rate that is more than twice the national average. By the time that people are diagnosed with type 2 diabetes, more than 50 per cent of them will have evidence of cardiovascular disease. In addition, diabetes is the leading cause of end-stage renal

failure and of blindness in the working population. Diabetes is among the five leading causes of death in this country and the situation is worsening. The number of people with diabetes is doubling with each generation.

What can we do to tackle the problem effectively? Prevention is, of course, vital and the Executive's commitment to improving the health of people in Scotland through, for example, the physical activity strategy and the eating for health strategy is to be commended. An improved diet and increased physical activity can reduce the risk of type 2 diabetes by as much as 60 per cent. However, the number of people with the condition will continue to rise in the foreseeable future and it is equally important that we look to ways of identifying people with the condition, especially those who are most at risk. According to Diabetes UK, targeted screening is not only appropriate but imperative. Diabetes UK is convinced that a targeted screening programme for people who are at high risk could go a long way towards preventing complications.

My motion focuses on what can be done to identify people with diabetes at the earliest stage in order to ensure that they can live full lives with the condition. Once diabetes has been diagnosed, it can be controlled and the dividends for people with diabetes are very persuasive. For example, effective control of type 2 diabetes can reduce the risk of heart disease and stroke by almost a half and that of kidney and eye disease by a third. Targeted screening of high-risk groups will happen. The review of the "Scottish Diabetes Framework" was published last Friday at a joint conference between the Scottish Executive and Diabetes UK and calls for a report on options for the future. However, there continues to be a need to improve diabetic retinopathy screening services.

In the meantime, there is nothing to hinder that other mainstay of early identification—raising awareness among the public. Today's debate is part of that process and I look forward to listening to the speeches that colleagues will make. Diabetes is an illness that has affected many of us, either as sufferers or as a friend or a relative of a sufferer.

Earlier in the year I met health professionals to discuss the effects of diabetes in Lanarkshire. They raised with me their desire to have procedures for early identification, the demands that that will place on the health service and the need to give diabetes a higher profile. What I had not expected was their number 1 demand: that we ban smoking in public places. Every professional, whether they were a nurse, a consultant or a health service planner, believed that that was vital in the fight to improve health and reduce levels of diabetes. I have agonised over that issue and had

some real reservations, probably because as a daughter of a publican I know better than many the implications that the ban will have for the licensed trade. However, those professionals made me think: what would my dad have thought? I know that he would have argued against a ban and fought against it, but the point is that he died at 55 of heart disease—a complication of late-onset type 2 diabetes. I am sorry for the tears and the emotion, but that illustrates how important the debate is. I am convinced that his death was in part related to years of working in a smoky environment. The Executive's move to ban smoking in all enclosed places is absolutely the right thing for us to do. *[Applause.]*

Diabetes UK has played a vital role in raising awareness of diabetes. I congratulate the organisation on the excellent work that it does on behalf of those who are affected by diabetes. In particular, I thank Alan McGinlay for his assistance in developing the themes for this debate and for providing invaluable assistance to those of us who are members of the new cross-party group on diabetes.

For some years, Diabetes UK's missing million campaign was an important step forward in raising awareness of the numbers of undiagnosed diabetes sufferers. The challenge for us now is to respond to a developing epidemic, but we are not starting from scratch. The "Scottish Diabetes Framework" has helped to make progress in diabetes care over the past few years and we should and must acknowledge the hard work and professionalism of our health care professionals who respond to the needs of diabetes patients every day.

People with diabetes and their carers are organised at a local level through voluntary groups. They contribute to local health planning, they raise funds for research and they support people locally. There is huge support on which to build progress. I look forward to working as a member of the cross-party group on diabetes to ensure that Scotland has effective systems in place to prevent, diagnose and treat diabetes.

The Deputy Presiding Officer: A considerable number of back benchers wish to speak, so I ask for three-minute speeches.

17:16

Christine Grahame (South of Scotland) (SNP): I congratulate Karen Whitefield and advise her that she should never apologise for emotion that propels political argument. It is one of the best propellers in life.

Karen Whitefield and I are both to be vice-conveners of the cross-party group on diabetes—

we were dragooned into it by David Davidson, who will be the group's convener.

I, too, became involved with diabetes for personal reasons. If someone had asked me 20 years ago whether anyone of my near acquaintance had type 1 or type 2 diabetes, I would have thought it a strange question. Today, however, two of my close friends have type 1 diabetes and two people in my direct family have type 2 diabetes—that is just in my tight circle of friends and family.

As Karen Whitefield said, the number of diabetes sufferers who are as yet undiagnosed is 65,000 and that is probably just the tip of the iceberg, with the real figure being much higher.

I will focus my comments on early diagnosis and screening. There is much to say about the condition but, as with all illnesses, we know that the sooner it is detected, the better for the individual and society and the cheaper for the national health service. By the time that people are diagnosed with type 2 diabetes, 50 per cent of them have complications. Those complications—they were referred to by Karen Whitefield and will no doubt be listed by David Davidson and others—are distressing. Diabetes has no cure, although it can be managed in different ways; type 2 is sometimes managed by controlling diet and type 1 is managed by insulin.

Apart from the importance of screening, I will focus on the reaction to the Executive's consultative review of the "Scottish Diabetes Framework". That document says that the Executive is

"setting out current practice in Scotland and options for the future".

However, according to Alan McGinlay's background briefing paper, on which I compliment him,

"Diabetes Scotland is concerned about the lack of urgency in that approach."

The Minister for Health and Community Care is the man who looks after the purse, so the sooner that we get on to screening and early diagnosis the better it will be for the finances of the NHS as well as for individuals.

In my final seconds, I mention the young people who are being diagnosed—the figures are quite upsetting. The total number of cases of type 2 diabetes diagnosed in children under the age of 15 has risen from two in 1997 to 21 in 2004. That increase can be linked directly to obesity and lack of exercise by our young people. When we look at screening and early diagnosis, let us also look at the diet of our young people and the exercise that they take. Let us educate them about the fact that they are not immortal, as none of us is. When we

are 15, and even when we are 30, we think that we are immortal. However, young people might be laying the foundations for shortening their lives through the contraction of diabetes.

17:19

Mr David Davidson (North East Scotland)

(Con): I congratulate Karen Whitefield on securing the debate. As she said, she is one of my vice-conveners in the new cross-party group on diabetes. I recommend the group to any member who has an interest in the subject; they might want to join us. I am grateful for all the industry and charity support that we received to start the group.

Karen Whitefield talked about the personal experience of her family, which brought the matter home to us. In my family, as far as I am aware, I am the only diabetic in my generation. I was diagnosed with type 1 diabetes 30 years ago. We think that we are invincible until we suddenly find out that we are not and that our lives are as long as the period for which the next injection will control the diabetes—it is as simple as that, but that is a brutal thing to have to tell a child.

One of my children, who is an international sportsman, became diabetic at 23. His diabetes is well controlled. However, the difference between the time when I became diabetic and now is that there are screening programmes and facilities. We need the will to implement the screening programmes. For example, the Men's Health Forum Scotland uses the programmes when it goes to factories—it gets invited to all sorts of places to check for all sorts of things. It is important to consider diabetes, which is not just something that happens to children. I suppose that I was flattered to be told that I had juvenile-onset diabetes, but although people tend to think that diabetes is a childhood problem, it is not; it can happen at any stage of life. I echo comments that members have made about the delay to the rolling out of the "Scottish Diabetes Framework".

We must address stigma, by explaining to children that diabetes is not a bad thing and that many people have diabetes. Teachers should not tell children that they cannot bring needles to school. People should be open about the condition. I have always been open about my diabetes; given the simplistic treatments that were available 30 years ago, I had to rely on the fact that my friends knew what my symptoms would be if I became hypoglycaemic, for example if I was slurring but had not had a drink—I added that before the minister could say anything. We rely on little things. I am lucky in that I have never been in a diabetic coma, but I have come close and a passer-by recognised my symptoms. Children and parents should be made aware of the symptoms that they should look out for.

We can all mention statistics, but it is amazing that apparently 6 million working days might be lost through illness from the side effects of diabetes and other diseases that develop. Audrey Burke gave a presentation to the cross-party group about the numbers. I should feel quite privileged, because allegedly I should last only 10 years less than anyone else. Given the length of time that has passed since I became diabetic, I must be running on borrowed time.

Spectacular advances have been made in the treatment of diabetes in my short life. We must ensure that general practitioners and specialist nurses are up to speed. We must introduce decent programmes and child health screening in schools. We must ensure that teachers understand what is involved—whether the pupil is asthmatic or has diabetes and must look after themselves. Society has a collective responsibility to do that.

I look forward to hearing members' comments. I will have to leave to catch a train at about 6 o'clock and I apologise for that.

17:23

Colin Boyd (The Lord Advocate): I congratulate Karen Whitefield on securing the debate. I know how hard the debate has been for her.

It is nearly two years since I was diagnosed with type 2 diabetes. My reaction was one of first shock, then devastation, then—frankly—a feeling of shame that this had happened to me. Although I read a book that reassured me that it was not my fault, it is a fact that type 2 diabetes is closely linked with lifestyle and obesity. In my case, ministerial cars, airport lounges, fast food, official dinners and long hours all contributed to an unhealthy lifestyle. I was overweight and, at times, highly stressed. I did not take enough exercise. However, I proved to myself that I did not need to be like that. I am lucky in that I am one of the 20 per cent of type 2 diabetes sufferers who control the condition through diet and exercise. I have lost weight, I take better care of myself and I take exercise. Although I have not entirely shunned the car, I walk far more than I did before. In the summer I set myself the goal of walking the west highland way and in doing so I enjoyed the splendour of Scotland and one of the finest walks in Europe—I have not felt so fit for 10 years.

Both types of diabetes are complex conditions that involve both genes and environmental factors. However, it is the large increase in type 2 diabetes that is especially worrying. The evidence shows a clear link between the onset of type 2 diabetes and obesity, which is a major health problem that has been described by clinicians as an epidemic.

Britain has the fastest-growing rate of obesity in the developed world.

Karen Whitefield and others have outlined the major risks and complications of diabetes. Eighty per cent of people with diabetes die from cardiovascular problems. Diabetes is the leading cause of blindness among people of working age in the United Kingdom. It is the leading cause of end-stage renal failure. The risk of lower-limb amputation among people with diabetes is 15 times that of people without diabetes.

I believe and hope that I can manage my condition in such a way that I can avoid such complications—certainly in the near future. However, I know that for the rest of my life I will live with the increased probability of developing any of those conditions. It is not just me who will have to deal with that; it is my family too. That I could probably have avoided this is one of the hardest things to face.

I thought long and hard about speaking in the debate. I do not suppose it is often that a Lord Advocate speaks in Parliament on matters that are not his direct concerns. I have not hidden the fact that I am diabetic, but I have not talked about it in public. I know too that my situation is far from unique and that I am lucky to have been diagnosed fairly early and thus to have a better chance of avoiding complications. However, I got inspiration from reading about and listening to others who had diabetes, and from learning about how they had managed their condition. Listening to David Davidson today was inspirational. If this debate, and my modest contribution to it, can help others who may be at risk of developing diabetes to take preventive measures, or can give heart to those who have recently been diagnosed that the condition can be managed effectively, it will have been worth it.

Once again, I commend Karen Whitefield for her initiative. I look forward to the rest of the debate.

17:27

Mike Pringle (Edinburgh South) (LD): I, too, congratulate Karen Whitefield on securing this debate on a topic that is very important and, for me, very personal—as it is for Colin Boyd. I fully support the motion today but want to speak on a personal note about the need for early diagnosis. As many members might know, I was diagnosed with type 2 diabetes shortly after being elected last year. I want to share with the chamber my example of what early testing can do.

A while ago, I was invited to visit Lloyds Pharmacy in Ferniehill in my constituency to see its new, free, diabetic testing service. Lloyds should be given huge praise for that service; it offers it still and should be given praise still. Lloyds

has made a significant contribution, along with other pharmacies and Diabetes UK.

I went along all innocent. To my horror, I discovered that I was well over the glucose limit. I then had to fast before going for another test, which was even worse. I was referred immediately to my GP. He told me that, from blood tests, it could be estimated that my diabetes had started possibly six months earlier. That was about the time of the 2003 election, so perhaps that had something to do with it.

On average, people who have type 2 diabetes have it for between five and 10 years before diagnosis. Life expectancy is reduced by an average of 10 years by then.

Karen's motion says that 65,000 people in Scotland remain undiagnosed with diabetes. However, research by the University of Edinburgh has hinted that that might be an underestimate. The figure could be as high as the number who are known to have diabetes, which is 148,000 in Scotland.

Like many people in Scotland today, I could have lived with the condition unknowingly for five or six years, or perhaps more, before I developed complications. By that time, it would have been too late. I would have needed medication and would probably have had eye problems, feet problems—which, for me, would have been particularly serious—and an increased chance of heart and kidney disease. Early intervention has saved me my health.

I have had to go through a bit of a lifestyle change. I lost a stone under the instructions of the doctors. As members can imagine, taking exercise is a little difficult for me. However, losing weight has brought my diabetes under control. In the long run, that will save the NHS time and money as I do not need expensive medication and frequent doctor's visits. Of course, that might change in future.

Although the Executive is to be commended for the "Scottish Diabetes Framework", which has just been published, I am concerned about the lack of urgency in the consultative review. It may be good to target those who are at greatest risk, but the focus should be on early diagnosis for everyone—even people who are not thought to be at risk, as I was not. That requires funding now, but it will save time and money in the long term. Early diagnosis for all is a classic case of spend to save.

I also want to raise the issue of self-testing. One of my constituents contacted me today with a query. He had been told by his GP that people on medication do not need to self-test any more. However, many sufferers feel that the rigours of testing stand them in good stead for the time when they must use insulin. Could the minister

investigate the thinking behind the removal of frequent self-testing from patients? I would be happy to pass on the correspondence to my constituent.

I want everyone in the chamber—those of us on the floor of the chamber and members of the public in the gallery—to promise that, after today's debate, they will have a diabetes test and then go on to spread the word. It is only by increased publicity about the need for early diagnosis that the increase in diabetes will be controlled. Keith Raffan will be the first to go and get himself tested.

17:31

Shiona Baird (North East Scotland) (Green):

My Highlands and Islands colleague, Eleanor Scott, wanted to speak in the debate tonight, but she has had to leave early. She had to catch a train up north this evening because of an early appointment tomorrow morning. The Green group wanted one of its members to be at the debate, given that it is on a subject of such importance and seriousness. We also wanted to congratulate Karen Whitefield on securing the debate.

Although I have not prepared a speech, I said that I would come to the debate and say a few words on behalf of our group. Quite honestly, I think that the only family connection that I have with diabetes is a niece, once removed. I do not have immediate knowledge of the subject.

The speeches that we have heard so far have been sobering. I was most alarmed by what Mike Pringle said and I will take up his instruction to go and get tested. I will also spread the word.

The most telling part of Karen Whitefield's motion is the part that says that

"at least 65,000 people in Scotland are undiagnosed".

That figure is a ticking time bomb of people who are going about their daily lives not knowing what they might have to face in future. Today's debate and the work of the proposed cross-party group on diabetes will continue to highlight the seriousness of the issue.

When I was quickly putting together some background notes for the debate, I read coverage of

"a poll of more than 100 nurses"

which

"found that 60% felt that there was a lack of understanding in patients with the condition that it was not only long-term but also potentially fatal."

That is also a sobering thought. Until today, my understanding of diabetes was that it is not such a major problem and that it is easily controlled. Until I started looking at the information, I had no idea

of the seriousness of the complications. Debates such as this are important, as they give us time to reflect on the issues.

We need to ensure that our diet in Scotland is better and to start by encouraging children to eat more healthily while they are at school. We also need to ensure that all of the campaigns that the NHS is rolling out are fully supported and fully funded. Surely prevention is better than cure. We must do absolutely everything that we can to prevent the ticking time bomb from going off.

17:34

Stewart Stevenson (Banff and Buchan) (SNP): I add my congratulations to Karen Whitefield on securing the debate on this important topic.

As far as I am aware, I am not related to anyone who has diabetes. One of my nephews-in-law, who is a professor of immunology, works in the field of type 1 diabetes. He hopes soon to bring forward for human trials a vaccine that will prevent the development of certain types of type 1 diabetes. Although his contribution is of great value, it is unfortunate that it will be of value only to a proportion of the 10 to 15 per cent of our population who suffer from type 1 diabetes. I am sure that it will be welcome, nonetheless.

We have heard a little about the role of targeted screening in early detection of diabetes, which is universally acknowledged as being important. It was interesting to hear of Mike Pringle's experience at Lloyds Pharmacy. Because I fly, I have to have a medical every year, which includes a test for diabetes—so far, so good. However, many people do not have that opportunity. Because of the Executive's munificence, free dental checks for people over 60 will start in 2006, which by coincidence is the year that I will become 60, so I thank the Minister for Health and Community Care very much. However, it is curious that we do not test universally for diabetes, although it is simple to do so with a urine test. I am slightly surprised that that has not yet appeared on the agenda, so I encourage the minister to include it.

David Davidson mentioned that 6 million days at work are lost every year as a result of diabetes, which means, when that is added to the £320 million that it costs the national health service to deal with diagnosed diabetics, that the total cost in Scotland of diabetes may be £1 billion a year. Undoubtedly, it is worth investing in the problem. With the potential that more than one in four adults will be obese by 2010, we can see that the problem will grow.

I want to touch on an aspect that no one has yet mentioned: mental health, which is an issue about

which I speak from time to time. Long-term illness has mental health implications. The association with early erectile dysfunction and the relative paucity of services in the health service for addressing it means that we end up with men of advancing years who have significant problems that the present system does not really address.

I will end with a message from the "Scottish Diabetes Framework", which states:

"You shouldn't have to tell your history over and over again."

It is time that we did something about patient records to ensure that every part of the health service has access to basic information about patients who present.

17:37

Mrs Nanette Milne (North East Scotland) (Con): I, too, congratulate Karen Whitefield on securing the debate, which is well timed, given that it comes just after the inauguration of the cross-party group on diabetes.

The rapid rise in the incidence of diabetes, particularly type 2 diabetes, is reaching almost epidemic proportions in the United Kingdom. If unchecked, it will put enormous strain on the NHS, which will struggle to cope with the long-term complications. Diabetes is a serious medical condition—it is more serious than many people realise. It is the fourth leading cause of death in most developed countries, and the life expectancy of people who have type 2 diabetes is reduced by an average of 10 years. Even when it is controlled, the condition can result in long-term cardiovascular problems and premature death.

The incidence of type 1, or insulin-dependent, diabetes is fairly constant in the population and usually has early onset in childhood or adolescence. However, the increasing incidence of insulin-resistant, or type 2, diabetes causes most concern at present. The condition is usually late in developing and is commonly diagnosed in people who are over 50. However, it is worrying that it now appears much earlier and that increasing numbers of teenagers are testing positive for it.

Stewart Stevenson: I refer the member to "Diabetes in Scotland: Current Challenges and Future Opportunities", which suggests that in the past 10 years the incidence of type 1 diabetes in children has risen dramatically.

Mrs Milne: I was not aware of that. I thank Stewart Stevenson for informing me.

Even more worryingly, it is certain that, as we have heard, many people in Scotland have diabetes that remains undiagnosed. About half of those who have the condition already have

complications at the time of diagnosis. Research data from Tayside suggests that the prevalence of diabetes is increasing by about 8 per cent per annum. We are facing a serious problem. If complications are to be prevented or delayed, it is crucial that diabetes is diagnosed early and that blood sugar levels are brought to, and kept within, normal levels. People must be encouraged to have their blood sugar checked at regular intervals, even if they are symptom free. I point out to Stewart Stevenson that the urine test is not as accurate as the blood test—it produces many false negatives.

I, too, have been impressed by the Lloyds group of community pharmacies, to which Mike Pringle referred. About six months ago, I visited a Lloyds Pharmacy project in Aberdeen as an MSP and found—somewhat to my surprise, even though I have family history of type 2 diabetes—that my fasting blood sugar was marginally raised. It was fortunate for me that a subsequent glucose-tolerance test ruled out overt diabetes, but I now know that I must watch my weight and lifestyle and have my blood sugar checked annually as a precautionary measure. The blood test is painless and takes only a couple of minutes of one's time. I take my hat off to Lloyds for instigating the service and, like Mike Pringle, encourage everyone to take advantage of it. It could save their lives.

Predisposing factors for type 2 diabetes include family history, gender, ethnic background, age and obesity. The last of those is the one factor on which we can act and it is also the main reason for the increasing numbers of young people who are developing the disease, as more and more of them become overweight and obese. One of the biggest public health challenges in Scotland today is to make people aware of the risks that are associated with excessive weight gain and to persuade them to adopt a healthier lifestyle, to eat sensibly, to control their alcohol consumption and to exercise regularly. If we could succeed in that, the incidence of type 2 diabetes would fall dramatically. Until then, we must ensure that it is picked up early and we must treat it before complications arise. It is vital that we raise awareness; as MSPs, we have a great role to play in that. The public health challenge is enormous, but we must rise to it.

17:41

John Swinburne (Central Scotland) (SSCUP):

I thank Karen Whitefield for initiating the debate. I have type 2 diabetes, which I self-diagnosed in 2002. I went to my doctor and he asked, "What are you in for?" I said, "I've got diabetes," and he said, "I'm the doctor; I'll tell ye whit ye've got." However, his tests proved quickly that I had type 2 diabetes.

I was 15 stone at that time, but I am now 12 stone. My wife is a nurse and, with her diet and

persuasion, I brought my weight down to 12 stone inside three months. By maintaining a strict diet and becoming a bit more athletic—it is not possible to be athletic at 15 stone—I have managed to keep the symptoms at a manageable level for the past two and a half years. I check my blood sugar every morning; my wife can tell by my blood sugar count whether I have stepped out of line in my dietary programme for the previous day. Heaven help me if I do so.

Losing weight has other advantages. When I was overweight, I also had a problem in that I needed to have both hips replaced. Three months after I lost the weight, I went to see about having my hips replaced and the doctor said, "You're so fit, I'll do the two at the same time." Had I been 15 stone, I would have had the second done six or nine months after the first. Since my hips were replaced, I have done a Munro, so I am fit in every sense of the word—touch wood. Long may it continue.

My problem, like that of one of the earlier speakers, was obesity. I was overweight and my job lent itself to my going out and junketing, which I miss, although I prefer life to greed. I am happy to toe the line and follow the stringent diet that is put before me. I eat well; I eat more food now than I used to but I eat the right type of food.

Hairmyres hospital must be complimented for the manner in which it deals with diabetes. It has a diabetes clinic that is second to none, but the staff there know that diabetes patients should be called in more often—every six months—for check-ups. I regularly go 15 months between appointments at Hairmyres, although I am fortunate that I have a nurse who can keep a close eye on what I am and am not doing. That is the only complaint that I have about Hairmyres. It has every possible facility and our health service is to be complimented for the manner in which it treats people with diabetes.

17:44

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

I join other members in congratulating Karen Whitefield on securing this important debate, which has shown the Parliament at its best, particularly in the speeches by members who spoke from personal experience, such as David Davidson and Mike Pringle. I am glad that the Lord Advocate also took the opportunity to speak in the debate, which is important in raising awareness.

My interest in the subject stems from my period as health spokesman for my party and I am well aware of the epidemic of diabetes. It is interesting that the issue of hepatitis C is also coming before the minister at present, because it, too, is at epidemic proportions, although on a smaller

scale—Christine Grahame will know that because she attended the cross-party group meeting that I chaired last night, which included people who are involved with hepatitis C. That disease has serious implications for the health service and the three headings that we have talked about today—raising awareness, targeted screening and early diagnosis and treatment—are the same issues as we discussed last night in relation to hepatitis C.

The point that I wish to make in this debate is on treatment. One of the most valuable constituency days that I have spent in the past five years was at the Bellyeoman surgery in Dunfermline in my regional constituency. I was fortunate to be invited to the practice by a specialist nurse, Nicky Credland, who is distinguished in her profession. I was shown the valuable work that our specialist nurses do and I am grateful to her and particularly to her patients, who allowed me to sit in while she spoke to them. As a specialist diabetes nurse, she can spend much more time with patients than a GP can. She can spend 30 to 40 minutes going through diet—my mother was a consultant on diabetes in the latter part of her medical career and I know how important diet is in the control of diabetes.

Specialist nurses do terrific work. I spent the evening with 12 of Nicky Credland's colleagues from throughout Fife—they are the most formidable women I have met since I spoke to Mrs Thatcher on her own. The GPs pay tribute to the amount of work that those staff do and say openly that, because the specialist nurses see diabetic patients all the time, they are, in some ways, more knowledgeable than the GPs are. That is of tremendous importance to the minister, not just in his present incarnation, but in his previous one. There is the sheer humanity of making sure that people are diagnosed early and treated effectively, but there are also long-term financial consequences for the health service, as Nanette Milne said.

Nicky Credland showed me a graph of the sharp reduction in the number of hospital admissions of diabetic patients from her practice. Because the patients are monitored so closely and given such good advice on diet and related issues, they do not have to go to hospital, which reduces the pressure on the acute sector. That shows that the Executive's policy is absolutely right. We need more specialist nurses, who do a tremendous job, particularly in the management of chronic diseases such as hepatitis. I hope that the minister will take that on board. We must increase the number of specialist nurses because that will help diabetic patients and reduce pressure on the acute sector, which is something that we all want.

17:48

The Minister for Health and Community Care (Mr Andy Kerr): I commend all the members who have spoken for the content of their speeches. It is vital that we share our personal experiences on these occasions, because that provides an example to the rest of the community and demystifies the issues. I welcome many of the contributions that have been made and will refer to some of them in my closing remarks.

The debate highlighted the serious nature of the challenges that individuals and the Executive face in relation to diabetes. We heard about the life changes that are involved and the shock that people feel in their personal lives when they develop diabetes. We also heard about the high social cost to individuals and the fact that we need to change lifestyles, with the complications that that brings. It was inspiring to listen to many of tonight's contributions, which set an example for others about how to deal with diabetes.

Of course, as members have said, diabetes also has a high public cost. When I became Minister for Health and Community Care, I was taken aback by the statistic that 160,000 people in Scotland have been diagnosed with diabetes, by the warnings about the prevalence of diabetes and by the cost, which is reckoned to account for about 5 per cent of NHS costs.

I will reflect on two aspects of the issue: improving the care of people with diabetes and improving the health of the general population in order to minimise the number of people who develop diabetes in the future. Tackling those issues will require a long-term commitment, which the Executive has made.

As we have heard, many cases of type 2 diabetes are the consequence of being overweight or obese. The best long-term approach to that is prevention, particularly in childhood. Critical to that is improving diet and increasing physical activity levels. We have discussed that throughout the day—at question time and in this debate.

Dealing with obesity is a priority in Scotland's action plan to tackle health improvement, entitled "Improving Health in Scotland—The Challenge". Key to that is creating the climate for change and stimulating enthusiasm and demand among the population for healthy food and active lifestyles. Research shows that we are making an impact on that.

Working through local joint health improvement plans and local planning processes, communities can mobilise action that involves patients in lifestyle changes. As for bigger quality-of-life issues, we must promote walking, cycling, the right food choices, physical activity in schools and a plethora of other measures that the Executive is

happy to support and will continue to support. Such measures will make a significant difference to obesity, which is a determining factor in the matters that we are discussing. We are making the right moves in the general strategy, but we can always do more and we will seek to do more in partnership with all the interested parties.

As for improving care for people with diabetes, we have outlined a national strategy—a framework—and set in train several initiatives to improve services. We must recognise some of the successes. People have rightly said that we could do more and do it better, but we must reflect on some of the good work that has been achieved with patients, the voluntary sector, clinicians, the Health Department and industry. That has been a productive collaboration, as I saw at first hand at the Diabetes UK event last Friday to which Karen Whitefield referred.

That is an encouraging start. I have heard about the managed clinical networks in every health board area, which bring together clinicians from the primary, secondary and tertiary sectors. Good progress is being made towards single-system working. NHS Quality Improvement Scotland has set out and reviewed the standards for diabetes and diabetes services have been local and national leaders in giving patients a voice.

At the Diabetes UK event in Glasgow, I was taken by discussions about the involvement of patients in the management of diabetes and about some of the great voluntary work in the diabetes community, especially on reducing the stigma for young children, making them feel confident and helping them with a difficult part of their lives—self-medication and other matters. I saw much good practice at that event.

People have mentioned investment in information technology. We are working towards creating a fully electronic diabetes patient record that will be available at all stages of diabetes management. We are taking on that challenge, because it is essential and rests at the heart of how we redesign our services to meet needs.

Good progress is being made towards providing comprehensive retinopathy screening for all people with diabetes by March 2006. That is an ambitious target. We will probably be the first country to employ such a mechanism.

We recognise that more must be done. The framework, which set out the first stage of a 10-year programme, is being refreshed and we are undertaking that work with the involvement of all interested parties. Initial conclusions were set out at the conference last week. The framework review sets demanding targets for the Executive and suggests interesting work that we need to undertake. It suggests that we put a stronger focus

on type 1 diabetes, that psychological support for patients needs to be improved—Stewart Stevenson referred to that—and that the role of community pharmacists should be enhanced. Lloyds Pharmacy has emerged well from the debate. It is to be commended for the absolute impact of its involvement in testing hundreds of thousands of people. We want to ensure that our priorities are met.

The review also highlights the challenges that lie ahead, some of which I have touched on. They include the need to help individuals to improve their health to avoid diabetes; identifying people with diabetes early; and redesigning services. The document is an attempt to open up some of those matters.

The thorny issue of national screening has been mentioned. It is only right to say that the UK national screening committee has rejected universal screening for diabetes at the moment. However, our review document says:

"It is proposed that the Scottish Diabetes Group should commission a report on screening people at high risk of developing diabetes, setting out current practice in Scotland and options for the future."

We are trying to deal with some of the issues.

I will run briefly through members' speeches. I thank Karen Whitefield again for introducing the debate by speaking powerfully to her motion. I also thank Christine Grahame for raising relevant issues related to diagnosis and prevention. We will try to deal with some of the health improvement issues that have been raised and the perceived lack of urgency in the Executive's work.

David Davidson raised the issue of support for children. I have referred to some of the charitable work that the Executive supports. Men's health is another important issue in this context. Colin Boyd offered a powerful reflection on his personal circumstances, allowing people to see that many people in public life are affected by diabetes. That allows us to demystify some of the issues, as I said.

Mike Pringle was right to praise Lloyds Pharmacy. The self-testing work that it is doing is to be commended and I recognise the impact that that work is having on a large number of people. Stewart Stevenson raised the issue of mental health, which has been considered in the review of the strategy. Nanette Milne spoke about the development of the continuous strategy, which we are seeking to pursue in partnership. I hope that we are responding to the needs of the diabetes community.

John Swinburne offered impressive figures for diet and weight loss. It sounds as if it would not be a bad idea for his wife to act as personal trainer to us all. However, that is John Reid's territory—I will

not go there. Keith Raffan spoke about patient involvement in treatment. The message that I received at the Diabetes UK event last week was that we are involving patients at the front line of service redesign and delivery. I am confident that we are doing that, but I accept the principle that we can always do more.

With the speeches that members have made tonight, we have set a good example. We have recognised the extent of diabetes in Scotland and some of the problems that exist. I hope that, in my response, I have gone some way towards indicating what the Executive is doing.

In my reading on the issue, I found out that world diabetes day is the birthday of Frederick Banting, who along with Charles Best discovered insulin. Perhaps we should also celebrate that birthday on such a day.

Meeting closed at 17:56.

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