

MEETING OF THE PARLIAMENT

Wednesday 29 June 2005

Session 2

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Scottish Parliament

Wednesday 29 June 2005

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

Time for Reflection

The Presiding Officer (Mr George Reid): Good morning. As always on Wednesdays, the first item of business is time for reflection. Our time for reflection leader today is the Rev Dr Paul McKeown, minister of Belhelvie Parish Church, Aberdeenshire.

The Rev Dr Paul McKeown (Belhelvie Parish Church, Aberdeenshire): There is an old adage that religion and politics do not mix and I must confess that that used to be my viewpoint. I grew up in Northern Ireland and left the province at 18 with a rather jaded view of single-issue politics and some of Ulster's more single-minded clergymen. It has taken nearly 20 years to rehabilitate me, 15 of them in Scotland and five of those working as a minister in inner-city Glasgow. In that time, my views have changed.

As you begin today's business, I want to offer you a phrase to hold on to, which brings together the seemingly disparate worlds of religion and politics. The words come from Irenaeus, a second century bishop, but I first read them on the letterhead of a church in Possilpark, one of Scotland's poorest communities. The phrase is, "Gloria Dei, vivens homo," which means, "God is glorified when people are made fully alive."

Is not that the core business that we are in, whether we are talking about politics or faith—enabling people to become fully alive socially, economically, physically, culturally and, for those in my profession, spiritually? Is not the desire to help people become fully alive what is at the heart of all your policy making and much of my work as a parish minister?

Whatever our religious affiliation, all of us believe in life before death. An amazing potential for good is unlocked when people of different convictions are able to unite around a common cause. I saw that in action last year when I was involved in caring for the families whose loved ones were caught up in the explosion at the Stockline Plastics factory. We waited with them for four days and nights in Maryhill Community Central Hall, during which time professionals and volunteers of all persuasions worked together seamlessly to ensure that the families were given the best possible support. It was an extraordinary and exemplary effort by everyone concerned.

On a much larger scale, in a few days' time hundreds of thousands of people will be taking to the streets of Edinburgh to try to make poverty history. People from all walks of life—religious and non-religious—are pulling together because they all want the same thing: for the world's poor to have the chance of a decent life.

We may or may not care about God's glory but, when we help to make life better for others, I believe that we are about God's work. So may God bless you in all the responsibilities that you carry in the great on-going work of helping people to become fully alive. Thank you.

Housing (Scotland) Bill: Stage 1

The Presiding Officer (Mr George Reid): The next item of business is a debate on motion S2M-2986, in the name of Malcolm Chisholm, on the general principles of the Housing (Scotland) Bill.

09:34

The Minister for Communities (Malcolm Chisholm): I begin by thanking the Communities Committee for its hard work in considering the Housing (Scotland) Bill and I acknowledge its vast knowledge of the issues, which I discovered when I attended the stage 1 evidence sessions. I also welcome the committee's general endorsement of the bill's principles. Its scrutiny of the bill has been extremely useful and we will consider its recommendations carefully ahead of stage 2. I am pleased that the committee recommends that the Parliament should agree the bill's general principles. I do not intend to discuss all the committee's recommendations today, but I will set out the Executive's position on key issues in the bill and the committee's report.

It is important to place the bill in the wider housing context. The housing picture in Scotland has changed dramatically over the past 25 years. More than 70 per cent of Scotland's housing is now in the owner-occupied or private rented sector and owner occupation is the tenure of choice or aspiration for the majority of Scotland's people. Only around 20,000 houses fail the tolerable standard—that figure is down from 120,000 houses in 1979, which is a significant achievement.

However, we still face a huge disrepair problem in private sector housing. According to the Scottish house condition survey 2002, around £5 billion-worth of urgent and pending repairs need to be addressed. With that in mind, I was pleased that the committee welcomed the bill as a means of improving the condition and quality of private sector housing in Scotland.

It is worth remembering that the bill has benefited from a detailed policy development process. The bill's provisions are based on the work of the housing improvement task force, which was made up of a range of experts. The task force's final report, "Stewardship and Responsibility: A Policy Framework for Private Housing in Scotland", was well received by the Parliament when it was debated last year.

The bill is underpinned by the principle that individuals should have responsibility for maintaining their homes. There is a strong public interest element. People have a right to be protected from the impact of poor-quality and badly maintained houses, as poorly maintained

private houses can impact not only on occupiers, but on neighbours, the wider community and, ultimately, the public purse.

I was pleased to note that the committee supported the principle of individual responsibility and I agree with its views that we must change attitudes to home repair and that owners should take more account of the need to maintain their property. That issue was highlighted in press reports last week stating that the cost of renting a home is, over time, more than the cost of buying a home; maintenance received only the most passing of mentions. Owners must see the costs of ownership as more than just their mortgages—that is the culture change that the bill aims to promote.

The bill has three main strands in aiming to balance the rights of individual owners with the responsibilities that arise from owner occupation. First, it aims to modernise the powers that are available to local authorities to deal with housing of poor quality and in poor condition. Secondly, it aims to improve the information that is available to house buyers. Thirdly, it aims to enhance the rights of private sector tenants.

The powers that are currently available to local authorities to address poor housing conditions have served us well, but some of those powers have run their course. I was pleased to note that the committee was positive about the powers in the bill, which it believes will allow local authorities to address disrepair in private sector housing. I will not dwell on what the committee reported on that matter, but I note its support for the housing renewal area approach, the changes to the tolerable standard, the repairing standard, the single work notice and maintenance orders. The committee also made important points about the thermal insulation element of the tolerable standard, energy efficiency targets, the role of mediation in resolving disputes between landlords and tenants and the potential for expanding the role of the private rented housing panel. We will carefully consider those issues.

It is important that local authorities should have the right powers, but how work is funded is also an important question. Our view is that individuals should have responsibility for maintaining their houses and that support should be targeted to where it is needed. The proposals around the scheme of assistance are therefore a central part of the bill, so I was reassured that the committee welcomed the scheme of assistance provisions and particularly the broader range of forms of assistance that local authorities will be able to offer. The committee is keen to balance local flexibility with national consistency. I share its view and believe that the bill allows for that balance.

There has been discussion in the evidence that was given to the committee and in the stage 1 report about the resources that are required for implementing the bill. I am talking about expenditure that is required to gear up to implementation rather than the costs of direct assistance to owners, which are a different matter—the Executive supports those costs through the private sector housing grant, which was introduced in 2003-04. The Executive has committed £72 million to the private sector housing grant this year, which means that spending this year will be over 40 per cent more than it was in the year before the private sector housing grant was introduced. That clearly demonstrates our commitment in the area. I am keen that resources should be available for the implementation phase of the bill and have asked officials to investigate how best to provide support.

The committee has made some strong recommendations about the measures in the bill that affect disabled people, which I will gladly look at in more detail in considering whether to lodge amendments at stage 2. The provisions for assisting disabled people who need to adapt their houses aim to improve the existing body of housing legislation for Scotland by delivering assistance more effectively to that whole group, giving help that is necessary and appropriate to as many people as possible.

The bill represents part of a package of measures that are intended to achieve that. It gives local authorities the flexibility to ensure that housing assistance fits with the joint future approach to co-ordinating assessment and resources and it makes councils' use of that flexibility transparent by requiring them to publish criteria. I am seeking ways in which to reinforce that package. First, we intend to review the means test relating to disability in the light of experience. Secondly, I am inclined to ring fence money in the private sector housing grant that we give to local authorities to ensure that an appropriate level of support is given for adaptations in each area.

The committee calls for disabled people to be given a right to grant. I agree that that has the advantage of simplicity, but I am not sure that simplicity would necessarily mean effective, fair delivery. We must be realistic and accept that resources—notwithstanding the 40 per cent increase that I mentioned—are finite. It would be unfortunate to exchange careful assessment of priorities for queueing. The committee also calls for rights that are on a par with those that exist in England, where grant is means tested and subject to capping. Our proposals remove the statutory cap in Scotland, while the disabled facilities grant in England is currently being reviewed because of question marks over its efficiency and fairness. I

shall, however, carefully and seriously consider the committee's suggestions.

In particular, I will consider how the proposals in the bill compare with the merits of, first, a right to means-tested grant and, secondly, a right to grant in various circumstances over and above that for the provision of standard amenities. I suggest that, if we are to go down that second route, it should be through powers to make regulations by affirmative procedure, so that the Parliament has the opportunity for scrutiny. We will consider that issue further in the run-up to stage 2.

On the tenant's right to carry out adaptations, I am surprised that the committee feels that the bill is discriminatory in not providing for support from the Disability Rights Commission. The bill does not provide for the commission to give support for the simple reason that the commission is a reserved body and the Scotland Act 1998 prevents the Scottish Parliament from giving it any functions. We are, however, working with colleagues at Whitehall to ensure that support from the commission is available to people in Scotland. I hope that those efforts will be successful. The committee makes other comments on the differences between the tenant's right to carry out adaptations in Scotland and the equivalent right in England and Wales. We will consider each of those issues in the light of the different legislative framework that exists in Scotland and take a view on whether to lodge amendments.

I will now say a few words about the bill's proposals for the private rented sector. That varied sector plays a valuable role in meeting housing needs. Providers range from large, established organisations to individuals who may let one house for a short period. Against that background, we have sought to strike a balance between the long-term strength of the sector and the need for standards and quality. It is interesting that, given its detailed consideration of the issue, the committee has concluded that none of the evidence that it heard indicated that the bill would impact on the supply of housing. That reinforces my view that the bill has got the balance right.

I am pleased that the committee welcomed our proposals on the repairing standard, including the establishment of the private sector housing panel, along with the provisions on houses of multiple occupation and the powers to allow the introduction of a letting code. When I gave evidence in May, committee members raised the issue of a rent deposit scheme, which the committee now recommends be considered as an option. I am keen to ensure that there is action on the matter and I have asked officials to look at the whole area of the protection of tenancy deposits.

The committee also refers to the Housing (Scotland) Act 2001, which contains a specific

provision on equal opportunities. I am sympathetic to the committee's recommendation that there should be a similar provision in the bill, so I have asked officials to work on that as well.

On the information that is available to house buyers, I was interested to read that most committee members share my view that market-led solutions alone would not address the problems that were identified by the housing improvement task force. I am also pleased that the committee supports the principles behind the proposals to reform part of the house-buying process in Scotland. In 2003, the task force recommended that the Executive should organise a voluntary, market-led test of the single survey concept. The task force also recommended that the option of legislation to introduce the single survey, should that be required, be held in reserve.

The task force identified three potential benefits of the single survey. First, better information about the condition of property would be made available to house buyers. Secondly, the need for multiple surveys and valuations, especially in buoyant markets, would be removed. Thirdly, the inclusion of a valuation would provide a disincentive to artificially low upset prices. Those benefits underpin the single survey approach.

Under the current system, there is a huge disincentive for house buyers to have a more thorough condition survey carried out. Every buyer faces the risk of being unsuccessful in buying a property or series of properties after having commissioned multiple surveys and wasted their money. Even offers that are made subject to survey—an approach that has been adopted in some areas but that is not favoured by all property professionals—tend to employ scheme 1 valuation reports, perhaps because of the risks that are involved in that approach. Therefore, at present, the vast majority of buyers rely on the cheapest form of survey—the scheme 1 valuation report—which provides relatively little information on property condition. That cannot be right.

Christine Grahame (South of Scotland) (SNP): Does the minister agree that it is not the buyers but the lenders—the banks and building societies—that rely on the scheme 1 valuation? We must bear that in mind and consider whether lenders will have to rely on single seller surveys that may be three or four months old.

Malcolm Chisholm: There will be more detailed information in the single survey than there is in the scheme 1 valuation report. As Christine Grahame knows, we are considering the whole issue of the timing of the survey—the valuation is the key issue in relation to that. The stakeholders group is examining the issue, but I do not think that that argument overrides the main reasons for our

introducing the single survey, which I have outlined.

Under the present home-buying process, the buyer obtains certain information about the property only after an offer has been accepted. That can delay the conclusion of missives and, in some cases, sales can fall through altogether. With that in mind, the task force has also recommended the introduction of a purchasers information pack, which would be provided by sellers of property at the start of the transaction process to make the process faster, more transparent and more consumer friendly.

In recent months, there has been much discussion of those recommendations. That is hardly surprising, given that they propose a radical change to the process of house buying and selling. The issue appears not to be that house buyers need more information; it is how that information is provided and what should be covered. A great deal of work was done to develop the single survey pilot scheme across a number of participating professions, including surveyors, lawyers, estate agents and lenders. I am grateful to all those who were involved in the design and implementation of what is a radical shift from the normal way of doing things.

Given the disappointing uptake during the single survey pilot scheme, I have reached the conclusion that the only way of ensuring that the information that the task force recommends is made available to buyers is to make the provision of that information mandatory. I know that some of those who are involved in the house-buying and selling process have concerns about that. As the committee recognises, the proposals represent a major change to the house-buying and selling process, so it is important that we get it right. It is also important that the new system is understood and accepted by consumers and professionals and that we strike the right balance between the provision of information and the cost of providing that information. The committee has identified several important issues that need to be addressed as we develop the scheme. I give an assurance that we will address them and that key stakeholders will be central to the development of the scheme.

Work with stakeholders has already started on the details of the mandatory single survey scheme and the purchasers information pack. Preliminary work is also under way to develop a test of the purchasers information pack, which will take full account of the helpful and detailed points that have been raised by the committee. I will be happy to provide the committee with the information that it has requested about how the Executive expects the scheme to operate. I note that the committee has recommended that the regulations should be

subject to the affirmative procedure; I am minded to accept that recommendation.

The bill contains provisions relating to the specific issues that right-to-buy purchasers and their landlords face. Those provisions are based on the experience of problems arising from right-to-buy sales when owners could not afford to maintain their house because they did not understand all the costs associated with ownership. Moreover, landlords have reported that improvement programmes are held up because owners cannot afford to pay their share. Under the bill, prospective right-to-buy owners will be given a clear steer as to what ownership, including maintenance and wider obligations, will actually cost. I note that the committee considers that additional information similar to that contained in a single survey and purchasers information pack should be available to right-to-buy purchasers. I am happy to consider that, but I caution against replicating the single survey provisions, as they might not address the specific issues around right-to-buy sales.

When we talk about housing issues, it is easy to lose sight of the fact that we are talking about people's homes. Whether they be rural cottages, suburban semis or inner-city tenements, all houses should be fit to be homes. If homes are to meet people's needs, they have to be safe, secure and fit for purpose. In the past five years, the Scottish Executive has gone a long way in addressing Scotland's housing needs; I believe that the Housing (Scotland) Bill represents a major step forward in securing the house conditions that Scottish people deserve.

I move,

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

09:51

Linda Fabiani (Central Scotland) (SNP): Of course the Scottish National Party welcomes the bill as one of many pieces of housing legislation that have been passed since the Parliament began in 1999. The housing improvement task force must be praised for the amount of detailed evidence that it considered in forming its view on how we should proceed with Scotland's housing.

As is reflected in the committee's report, one of the most important things about the bill is the significance of the culture change that will be required of owners to allow the legislation to be used in the intended spirit and to make a real difference in Scotland's private sector housing. It is important to have information campaigns and monitoring processes in place so that we can ensure that the legislation is acted on.

We also have to consider this country's view of the private landlord. Not all private landlords are bad; there some very good examples of private renting in this country. Of course, we always hear about the bad private landlords—indeed, in my career, I have had experience of extremely bad ones. There is a problem that must be addressed.

The citizens advice bureaux said in evidence to the committee that, in the past year, one in every 10 issues brought to their network was about housing. That amounted to 43,000 housing cases, of which 4,600 related to problems with housing conditions. I do not have the figures, but I can almost guarantee that most of those problems would have been with private sector housing.

As the minister said, it is estimated that there is £5 billion-worth of disrepair in the private sector. That problem must be addressed. We have made progress since the late 1970s and 1980s, when housing action areas and housing associations came on to the scene to address the major problems in tenemental housing—at the time, some people were living in real slums. We have moved on from then, but we still have slums, albeit of a different type. We have to deal with problems such as dampness in houses that were built by the public sector in our inner cities and peripheral estates.

A new issue has arisen in the private rented sector since the introduction of the right to buy. We all know that, as the minister said, some people who exercise their right to buy either do not take on board or do not receive the information that will enable them to recognise that they have obligations towards their properties. That is also the case when such houses are privately let. Where I live in the East Kilbride constituency, there is a big issue around the private rented sector in ex-right-to-buy houses.

That leads me on to local authorities, how they have to deal with the problems, their powers and the implementation of this far-sighted legislation. One of the worries expressed by the Convention of Scottish Local Authorities and by Edinburgh, Glasgow and other councils concerned the financial and human resources that are available to them to deal with the new legislation. In the past few years, the Parliament and the Executive have placed an awful lot of new obligations on local authorities, under the Homelessness etc (Scotland) Act 2003 and the Housing (Scotland) Act 2001, for example. I am concerned that we are not providing sufficient resources to ensure that all that well-intentioned legislation is properly implemented.

One strategic housing function relates to the change from housing action areas to housing renewal areas, which is to be welcomed. However, there are issues about resourcing. Local

authorities will have to be fairly proactive if the bill is to be properly implemented. That is the only way in which big strides can be made in improving our housing stock.

The tolerable standard will be slightly upgraded. I will not talk much about that, except to say that the committee heard a lot of evidence that, as part of the tolerable standard, it would be better to consider a satisfactory level of thermal performance rather than thermal insulation. I will leave my colleague Rob Gibson to talk about that.

Rob Gibson will also discuss remote and rural areas, where the private rented sector is a huge issue. There is a problem with getting tradesmen to carry out the work identified and required by local authorities. We also need to consider whether it is possible to carry out such work in some of the building forms and styles in rural areas. The committee was reminded of some of the constraints that agencies such as Historic Scotland put on owners who wish to do up historic properties.

We generally welcome the revisions to the repairing standard. However, the committee and others recognised the need to strike the right balance and to achieve improvements in the private rented sector without that having a detrimental effect on the supply of houses in that sector. We do not want to say to landlords, "This is going to be so difficult for you that it is not worth your while, so just sell your property and move on." The private rented sector is a necessary part of the overall housing picture in this country.

I was heartened by the minister's response to what the committee said about disability issues, about which Sandra White will speak in greater detail. I am interested in the intention to consider ring fencing funding. The committee did a good job on that issue and I am glad that the Executive has taken on board what we said. It is obvious that rights for disabled people in social or private rented sector housing have not been properly addressed in relation to the operation of adaptation grants, for example. This is our chance to get the system right and to move forward towards having equal access to housing for everyone in our society.

I know that I am running out of time, but I want to mention the single survey. Of course, my party welcomes the proposal—it was our policy—but the issue must be explored in more detail. As I listened to evidence, I became more sceptical, although I have not changed my view that the survey is the only way forward. However, there is a bit more work to do. The pilot scheme did not work very well—there is no point in going into all the possible reasons for that now—so the issue has to be considered again. There are also issues to be investigated about costs.

On right-to-buy properties, I am still of the view that they should not be exempt from the bill's provisions, especially if we are seeking to standardise procedures. We have all heard horror stories from our areas of people buying their property under the right to buy only to find out later that the property is defective. Similarly, two or three owners down the line, people who have paid market value for their property sometimes find out that their property is defective. If we are seeking to effect a true culture change in the way in which houses are purchased and sold in this country, everyone should be on a level playing field.

I conclude by noting the committee's recommendation on national guidance and local flexibility, which was an issue that came through at various points of our stage 1 consideration. It was important that the minister echoed our recommendation in his opening remarks. Local authorities need to be able to look to national guidance to help them to implement strategies for their areas, but we need local flexibility, because it is clear that our country's communities are varied and that there are different housing needs in different places. That brings me back to where I started. If national guidance is to be adapted for local communities, resources—finance and workers—will be necessary. I ask the minister to take on board the issue of funding.

10:01

Mary Scanlon (Highlands and Islands) (Con):

First, I thank the minister for the manner in which he addressed the main points in the Communities Committee's stage 1 report. It was good to hear him acknowledge the principle of individual responsibility; at least we have one small principle in common.

The Scottish Conservatives welcome measures in the Housing (Scotland) Bill to tackle the amount of disrepair in the private sector, the cost of which—as others have said—is estimated at £5 billion. As in many bills that Parliament considers, there are measures that we fully support, measures about which we have concerns and measures on which—as Linda Fabiani said—there is not enough evidence to allow us to feel confident that we can be successful in tackling the problems that are faced. Then there is the single survey.

In its written evidence, the Convention of Scottish Local Authorities stated:

"The Housing Bill is one of the longest and most technically detailed Bills considered by the Parliament."

When I was preparing my speech, I soon found myself immersed in the detail of the bill. The purpose of the debate is not to go into such detail,

so I scrapped my original speech and moved on to mark 2.

The process that we have gone through to get to this stage has been thorough; the bill has been considered carefully. I hope that the concerns that were expressed in written and oral evidence, which are well documented in the report, will be addressed by stage 2 amendments. I believe that the report that is before Parliament is very good. The committee has reflected the views of disability groups and has acknowledged that there is a great deal more to do on energy efficiency and other issues at stage 2.

Like other members, I support the proposed investment in the fabric and structure of buildings and hope that the bill will raise standards and improve the quality of Scotland's private sector housing. There is no doubt that that is needed.

Several concerns were raised about the costs—financial and in terms of human resources—of implementing the bill's provisions. More work is necessary on local authorities' grant and loan schemes and on repayment. As the Convention of Scottish Local Authorities said, further clarification should be provided in conjunction with mortgage lenders.

The committee is right to ask that it be provided with draft regulations. Too often, Parliament passes bills in blind faith that the accompanying regulations—which provide so many answers and deal with implementation—will fit the bill's original intentions.

My colleague David Davidson will highlight the condition of housing in rural areas; I note that the Scottish National Party has allocated a speaker for that purpose. The issue is huge and needs to be addressed separately. In rural areas, maintaining and repairing the many older traditional properties is costly and difficult.

As other members of the Communities Committee will know, my main concern has been the single seller survey. As the minister and Linda Fabiani said, the results of the pilot single survey scheme were disappointing. The target was that 2,000 such surveys would be completed. Although that target was reduced to 1,200 only 74 single seller surveys were carried out. A single seller survey steering group—the members of which included the Council of Mortgage Lenders and the Law Society of Scotland—was set up to consider the pilot, which ran from 14 July 2004 until March 2005, when the steering group heard on the news that the new survey was to be made compulsory. The Law Society expressed its disappointment that the Executive had decided to announce and press ahead with enabling legislation prior to the pilot's being closed and data from it analysed, and other organisations on the steering group made

comments about having been ignored. We must acknowledge not only that the Executive's decision was discourteous and demoralising for the organisations involved, it also sent out the wrong signal on engagement with and participation in the political process in Scotland.

Scott Barrie (Dunfermline West) (Lab): Will the member take an intervention?

Mary Scanlon: No, thank you.

The financial memorandum states that provision of better information could mean that, in the first year, house prices will be £120 million lower than they would have been, but it does not mention the projected fall in prices in future years. We need more clarity on how such figures have been arrived at.

Although most stakeholders are mentioned in the financial memorandum, tenants are not. Any additional costs to landlords will, however, be passed on to tenants. Alternatively—as Linda Fabiani said—some landlords may feel that it is time to leave the house rental market, which would have the knock-on effect of leading to a shortage of rented accommodation.

The fact that the single survey will be paid for by the seller means that buyers cannot ask questions about the survey or query it, so many buyers will have to pay for their own surveys if they want a surveyor's advice on work that they would have to do to protect their investment. I am not convinced that the single survey will mean that multiple surveys will not be carried out; many witnesses backed up that view.

Some of the people who gave evidence mentioned the shelf life of a survey. On every committee, members learn something new; I now know that dry rot spreads at a rate of a metre a month, which raises the question of how long a survey will be valid for, which may not be a problem in a hot market in which properties sell quickly, but could be a serious issue if it is taking months or years to sell a property—especially when the property is old.

A purchasers information pack will need to be produced, which will include copies of documents that relate to planning, listed building status, building regulation consents and approvals, guarantees for work carried out, land certificates, summaries of common repair and maintenance obligations. Further research is being done, so I assume that more documents will be added to that list. I am delighted to hear that lawyers in Scotland have agreed to provide all that for a legal fee of £100 and I am sure that many buyers will be similarly delighted.

Before the seller puts a house on the market, they will need a single seller survey, a purchasers

information pack, a valuation, a hidden defects guarantee and—as of January next year—a European Union energy certificate. In a fast-selling market, large firms of solicitors, surveyors and estate agents might be prepared to make such an outlay and be reimbursed when the house sells, but that is not likely to be the case with small firms or in a slow market, when businesses could wait months or years to be paid for their outlay. I imagine that the seller will be expected to make significant expenditure prior to putting a house on the market. For many sellers, that will not be a problem, but it could be a serious issue for sellers of older properties in slow markets.

The bill is extensive, technical and complex. On behalf of my party, I look forward to discussing positively and constructively the amendments that will be lodged at stage 2, which I hope will reflect the concerns that have been expressed at stage 1.

10:09

Donald Gorrie (Central Scotland) (LD): I am happy to intimate the support of the Liberal Democrats for the bill, which is the result of a great deal of work over the years by a good many people and by various groups, committees and so on—most recently the Communities Committee, which reached considerable agreement on it. Certainly, I find myself in agreement with just about everything that Linda Fabiani said and with a fair amount of what Mary Scanlon said. I welcome the minister's speech, in which he said that he would take on board a number of the points that the committee raised.

The objective of the bill seems to be twofold: first, to improve the standard of our houses, whether they are owned or rented; and secondly, to improve people's knowledge and understanding of their obligations with regard to housing, whether they are owners, landlords or tenants.

There is a buildings aspect and a people aspect to the bill. My view of life is that people are the problem and the solution. People are far more important than things: things can always be sorted out one way or another, but the people aspect has got to be right. There are some good points in the bill in that respect and we can build on them.

The committee was unanimous in saying that the bill is weak in two respects, both of which the minister alluded to in his speech. The bill is weak in terms of energy—thermal performance and all that sort of thing—and disability issues. Various witnesses told the committee that our disabled people were getting a worse deal than English disabled people, which instantly raises the hackles of MSPs. We will have to explore those two issues carefully; more attention will need to be given to them.

The panel for dealing with problems is an example of a provision that could relate both to the buildings side and to the people side. The panel will sort out disputes about the fabric of buildings—their quality, repairs and all that—but the committee took a lot of evidence that suggested that the panel's duties could be widened to include disputes between tenants and landlords, mediation, building standards and so on. We can build constructively on the panel's duties.

I turn to the single survey. Like other committee members, I started out feeling that the survey was the way forward, but we took a great deal of evidence in which concern was expressed about how the single survey would work. Before we get going on amendments at stage 2, the minister must produce more material that explains exactly how the single survey will work. People need to have confidence in the survey. First, we have to ensure that it is neutral and that people believe that that is the case. Not all my colleagues on the committee agree with my view, which is that we have to separate the structural survey from valuation. The structural survey should be a dispassionate and informed account of the state of a house, whereas valuation is an art rather than a science. If the two were separated, we would get away from the shelf-life issue. Obviously, creeping dry rot affects a few houses, but the condition of many houses will not alter greatly over a few months. It would be interesting to get research on how rapidly most houses are sold. I think that many sell quite quickly.

Among the attractive suggestions that were put to the committee was the suggestion that the single survey should be offered with a hidden-defects guarantee. That suggestion is worth working up, possibly with such a guarantee being offered voluntarily rather than compulsorily. If a company were to offer a hidden-defects guarantee, it could earn so many brownie points that people would use that company over others that did not produce guarantees. We must produce a system in which people have faith and which is genuinely neutral in its dealings between buyers and sellers.

Three interesting financial aspects were raised in evidence taking, the first of which is the idea of a rent deposit scheme, about which the minister has made encouraging noises. The idea greatly attracted the committee because deposits seem to be one of the main bones of contention between tenants and landlords.

Another idea was that there should be a sinking fund, which tenants and owner-residents in a block would put together to ensure that money was available for future repairs. It was suggested that such a fund should not be compulsory but—

again—could be made such an attractive proposition that most people would buy into it. In the absence of my friend and colleague Robert Brown, who has always been a great advocate of sinking funds but who has been elevated to higher things and is not now allowed to talk about housing, I want to make it clear that I, too, believe in such a fund. I wish Robert luck in his new responsibilities.

The other idea is that of councils getting together to provide loans, along with not-for-profit lenders. Again, perhaps without asking the minister to enforce a duty on councils, the way could be made easier for councils to co-operate and to use funds from not-for-profit lenders in order that they could produce the considerable resources that will be needed to improve the quality of buildings.

I return to the issue of people as opposed to bricks and mortar. We need to inform people better about their duties and opportunities; people need to know about the assistance that is to be made available. That has to be done nationally and locally so that everyone who is concerned with the subject knows about it. We are all short-term animals—politicians, possibly, more than most—and for all of us, putting money aside for a future eventuality that may befall our house comes low down our order of priorities. We have to educate people to be much more far-sighted in looking after their property, and we need to encourage tenants and landlords to get on better with one another.

The bill has great potential, but it will require more resources to enable councils to support the bricks-and-mortar aspect and to educate people better. Councils always say that they need more money and ministers always say that they do not. We have to resolve that aspect of the bill.

I look forward to the lodging of many constructive amendments at stage 2. The bill is a big bill and a good bill but—that said—the detail can be improved quite a lot. The minister has indicated his willingness to consider improvements, so I hope that members will support the bill and help us all to improve it at stage 2.

10:17

Karen Whitefield (Airdrie and Shotts) (Lab): The Housing (Scotland) Bill is part of the Scottish Executive's on-going commitment to improving housing conditions for all. It follows significant legislation and spending initiatives that include the Housing (Scotland) Act 2001, the Homelessness etc (Scotland) Act 2003, the warm deal and the central heating programme. All that legislation and all those initiatives are based on the simple

premise that everyone in Scotland, regardless of their financial status, deserves to live in good quality, warm and dry homes.

The Housing (Scotland) Act 2001 took significant steps towards improvement of housing conditions for people who live in socially rented housing. The bill that is before us today seeks to provide the same level of protection, security and support for people who live in the private sector, whether as private tenants or as owner-occupiers.

Although some important issues require to be addressed during later stages, it is important that we recognise the broad support that exists for the general principles of the bill. Like many of the key agencies that were involved in the housing improvement task force, the Communities Committee welcomes many of the important elements of the bill. I am thinking of initiatives such as the much-needed changes to the tolerable standard, the broadening of the range of assistance that local authorities may provide to support improved levels of repair to private-sector properties, and the setting up of the private rented housing panel. Those measures have been welcomed by organisations such as Shelter Scotland and the Chartered Institute of Housing in Scotland.

The committee recognises the view of some agencies that the remit of the private rented housing panel should be extended to include adjudication between tenants and landlords in disputes over disability adaptations and wider management issues. I welcome the minister's commitment to examining further the need for amendments at stage 2 to enable the setting up of a rent deposit scheme; a measure that is strongly supported by Shelter and by Citizens Advice Scotland.

Unlike some members, I believe that the purchasers information pack—the so-called single seller survey—has the potential to make a significant difference. The present market-led approach is not addressing the problems that were identified by the housing improvement task force. However, it would be wrong to neglect the committee's strong concerns that there remains a need to put meat on the bones of the purchasers information pack. Issues such as the shelf life of the survey, the contents of the information pack and the inclusion of a valuation must be properly addressed if we are to introduce a system that is workable and which will gain the confidence of purchasers and sellers.

Although people who were involved in the housing improvement task force felt that the consultation had been thorough, the key organisations representing energy efficiency interests and people with disabilities felt that more could have been done to include them in the

process at an earlier stage—the Executive should reflect on that. As a result, it is no surprise that a number of the committee's recommendations relate to those organisations' evidence. I listened carefully to the minister's comments on the evidence that was given to the committee by the disability lobby. Although I accept that the issues need to be explored thoroughly, it is important, because of the lack of consultation, that any shortcomings in the bill be followed through at stages 2 and 3, in particular because we should take this legislative opportunity to ensure that Scottish disabled people are no worse off than their English and Welsh counterparts as a result of the bill.

The committee also recognised the potential impact of the bill on Scottish local authorities. As our report points out, it is vital that the Executive provide a commitment to monitoring the effect of the bill at local authority level to ensure that its provisions do not hinder improvements in repair levels in private sector housing in Scotland either through lack of finances or lack of resources. Linda Fabiani also made that point.

I conclude by thanking everyone who was involved in supporting the Communities Committee in preparing our stage 1 report. First, I thank all those who gave written and oral evidence. Their input ensured that the committee was able to tease out many of the complex issues that have arisen from the bill and, I hope, to improve the quality of our final report. In addition, a number of organisations provided evidence that highlighted possible shortcomings, particularly in relation to disability issues and energy efficiency. The committee is grateful to them.

I also thank the City of Edinburgh Council, Glasgow City Council and Perth and Kinross Council for facilitating fact-finding visits that provided invaluable insight into the variety of housing issues that are faced by local authorities, and how some of those issues might be addressed by the bill.

I thank Kate Berry from the Scottish Parliament information centre for her excellent briefings on the bill and for the assistance that she provided to committee members. Thanks should also go to members of the bill team for their input, support and information provision. Finally, on behalf of the committee, I thank our clerks for their continued support during a rather frenetic stage 1. In particular, I thank Katy Orr, who worked diligently to ensure that the committee produced a comprehensive and detailed stage 1 report.

I am pleased to support the general principles of the Housing (Scotland) Bill, and look forward to stage 2.

10:24

Patrick Harvie (Glasgow) (Green): As my party's speaker on justice and communities issues, I do not often get the chance to address the slightly narrower range of topics that are often mislabelled "green issues". Climate change, recycling and the protection of small fluffy animals do not often fall within my remit, even though I am happy to admit that I am one of the smallest and fluffiest members of my party.

The bill offers an opportunity to address a theme—waste of resources—that is familiar to people who mistake the Greens for a single-issue pressure group. I will talk first about energy efficiency, which is the most obvious aspect of waste of resources that is addressed in the bill. Through walls, windows, doors and roofs, Scotland's homes are leaking energy that costs householders money and which has costs for environment both locally and globally. Overconsumption of energy does not get enough press and when we talk about the so-called energy gap we often talk only about generation of energy. Scotland is by no means the only country that is guilty of overconsumption and waste of energy, but we must address the problem rationally.

Some provisions in the bill relate to energy efficiency, but the committee heard evidence from some witnesses that, for example, the national home energy rating of 2 represents for most homes no great hurdle to overcome, so surely we can be more ambitious. The committee thinks so and calls not only for a national target for improved energy efficiency by a specified date, but for the tolerable standard to address more than just insulation and to address overall energy performance. That would take account of environmental concerns, but would also address the hugely important problem of fuel poverty, which is of real concern to the Executive. I hope that ministers will use the warm summer months to consider carefully what more can be done.

The second wasted resource is homes themselves. I refer members to the briefing from Shelter Scotland on empty and derelict homes. We need to build more affordable homes in many parts of the country. The Executive's target is 5,000 homes a year throughout Scotland, but many thousands of homes are left un-lived in—some because of physical condition and some, I am sorry to say, out of little more than selfishness on the part of owners who have no intention of letting or selling them. By following the lead that has been taken in England and Wales, we could make those homes available for social rent, which would not only meet immediate need, but would bring resources back into use that would otherwise continue to rot over the coming years.

We all know of the serious problems that local authorities often have with planning issues when we seek to build new homes. We will bear those issues in mind later today when we hear the Executive's proposals on the planning system. Especially in urban areas such as Glasgow, where space is at a premium—particularly open space—we have difficulties in building homes because people feel that such building is an intrusion that results in their having no control over what happens in their communities.

In Edinburgh, Glasgow, Aberdeen and elsewhere, as well as in some rural areas, the number of empty homes is almost as high as the number of people who are waiting for a place for social renting. A small proportion of those empty homes being brought back into use would help to meet need. A compulsory leasing order, as proposed by Shelter and which would be similar to the scheme that has been brought in south of the border, would enable local authorities to bring a home into use, to recoup renovation costs and management costs from rent, and to help to provide good quality, affordable, socially rented housing for all those who need it.

There are one or two other opportunities in the bill that we should not waste. The tenancy deposit scheme has been mentioned and the minister's words on that in committee and in the chamber are welcome. Citizens Advice Scotland estimates that somewhere between £52 million and £75 million is being held in Scotland as tenancy deposits. Let us not forget that that is tenants' money, not landlords' money. Not only should that large sum of money be held independently, with only reasonable deductions being taken off, but the interest from it should be put to use for the good of tenants, not landlords.

Beyond that, there is an opportunity to address wider management standards. The minister is right to speak of the balance between supporting the private rented sector and ensuring high standards. However, we should not imagine that high standards are a purely physical matter. Management standards also impact heavily on tenants' quality of life, so we should take the opportunity to address them. Members know that I supported Cathie Craigie's amendments to the Antisocial Behaviour etc (Scotland) Bill on registration of private landlords—one of the few parts of that bill I really liked. We should take the opportunity that is presented by the bill to build on that system so that we can address issues such as rights of access and the rights and obligations of tenants as well as those of landlords. We must ensure that tenants and landlords have information about their rights and obligations and that we give them a clear and simple route for making complaints and seeking redress. The bill

presents an opportunity to drive up management standards.

Other members have mentioned disability. We heard compelling evidence from Ownership Options in Scotland. I do not have time to address such matters, except to say that I share the concerns that were expressed. I welcome other provisions in the bill and will endorse its general principles. I thank my fellow committee members, colleagues on the clerking team and the researchers for making this a relatively pain-free process. I apologise for having to skip part of the debate later.

10:31

Ms Sandra White (Glasgow) (SNP): I congratulate the committee on all the work that it has done. I was a committee member during consideration of the previous Housing (Scotland) Bill and I know how much work is put in, not only by members but by the clerks. It is very much appreciated.

I will concentrate on two areas: disability, which Linda Fabiani mentioned, and houses in multiple occupation. I am concerned about the exemption from licensing of certain HMOs. The memorandum on delegated powers says:

"Subsection (1) gives Scottish Ministers power by order to designate types of HMOs which may be exempted from licensing by a local authority."

It goes on to say:

"In particular, the Antisocial Behaviour etc (Scotland) Act 2004 provides for all private landlords to be registered with the local authority, having been passed as fit and proper persons to let property. It is thought that registration, and other developments, may provide sufficient control over some categories of HMO, without the need for licensing. This power would enable the Scottish Ministers to indicate that in general such HMOs need no longer be licensed."

I would like some clarification on that. Legislation on care homes was introduced in the Civic Government (Scotland) Act 1982, but I am concerned that if landlords are registering under the Antisocial Behaviour etc (Scotland) Act 2004 they no longer need to be licensed. Perhaps the minister could address that when she sums up.

I support ministers having the power to regulate the fees that are charged in relation to HMOs. For too long, fees in the Glasgow area have been extortionate compared with those in other areas. Regulation will provide uniformity and is a welcome addition to the bill.

I welcome the minister's commitment to consider the introduction of amendments at stage 2 on disability adaptations and grants, particularly if that involves reviewing the means testing and ring fencing of moneys in the private sector. I look forward to considering those amendments. The

minister said that he believes that it is not discriminatory for disabled people in Scotland not to have the same rights as disabled people elsewhere, but I disagree; I echo Karen Whitefield's comment that people in Scotland should not be disadvantaged compared with people in the rest of the United Kingdom. The fact that the Disability Rights Commission is a reserved body is being used as an excuse for denying disabled people in Scotland the same rights as disabled people have in the rest of the UK. The minister said that he will speak to his Westminster colleagues, and I look forward to hearing any response that he receives. Perhaps we could come up with our own legislation to protect disabled people.

From past evidence and from speaking to the disabled community, we know that the disabled are among the poorest in our society and that they pay more money for heating. It is essential that disabled people are treated more fairly, and more equally with everyone else in society. The moneys that disabled people receive are not nearly enough to cover their living expenses, let alone the adaptations that they need to live a normal life. The minister said that moneys were important. That is true—funding is crucial. The minister mentioned postcode prescribing, as we used to refer to it in the health service. However, in this case we are talking about postcode prescribing of adaptations and moneys for those adaptations. We must put a stop to that, and I welcome the minister's commitment to doing that. It is ridiculous that some local authorities provide more money for adaptations than others do.

The minister mentioned the removal of capping, which would be a positive step forward. However, I seek clarification because, although the minister said that he does not want capping, he also said that he may have to introduce means testing. He said that moneys and funding are important. Will there be an upper limit of grant before means testing is introduced?

The bill, and in particular the commitments to disabled people in Scotland, are overdue. I welcome the bill and look forward to stage 2 and any response from the minister to the questions that I have asked.

10:36

Mr John Home Robertson (East Lothian) (Lab): I refer colleagues to my entry in the register of members' interests. I am a sleeping partner in a family farming business that includes some let houses.

I have been on the Communities Committee for nearly a year and in all my years as a parliamentarian I have never had to deal with as

much legislation. The fact that the committee has a big workload is fair enough—that is what we are there for—but we should be concerned about the impact of that volume of legislative change on the people who have to live and work with all the new laws and regulations. Linda Fabiani was right to make that point in relation to local authorities. Until 1999, the big problem in Scotland was that it was well-nigh impossible to get parliamentary time at Westminster for urgently needed improvements to the law of Scotland. There must be sheds full of well-intentioned—or perhaps less well-intentioned—draft legislation, dating back to the days of George Younger and Michael Forsyth, lying around in St Andrew's House, still waiting for the legislative slot that never came along.

This Parliament was established to achieve Scottish solutions to Scottish problems. Obviously, we need to identify the highest priorities and to address urgent problems first. The committee has considered the bill carefully. It has taken a lot of evidence and has concluded that the Executive proposes a useful batch of reforms to address problems in private sector housing. That includes owner-occupied housing, private rented housing, houses in multiple occupation and even mobile homes. There are important provisions to enable local authorities to redevelop bad housing areas as housing renewal areas; there are useful extensions to the statutory tolerable standard and repairing standard; there are valuable measures on adaptations for disabled people; and there is provision for assistance to owner-occupiers to repair their homes. I strongly support all of that.

Also—slightly controversially—the bill includes provision for single surveys, with the intention of encouraging people to think about roofs, wiring, drains and unattractive things like that, and not just to consider kitchen units, conservatories and patios when they are buying and selling houses. Not surprisingly, surveyors and lawyers are alarmed by that sort of logic. The committee's view is that that is a good idea, but that perhaps it has not been worked through properly. This could be an example of premature legislation, so we urge caution and further consideration. I welcome the fact that the minister has picked up that point.

What would I do in the unlikely event of my having an opportunity to introduce a new housing bill for Scotland? In relation to this bill, in more than 20 years in Parliament I have come across three cases of significant problems with getting essential repairs done to older flatted accommodation in the private sector in East Lothian; I have dealt with a case of one aggrieved tenant of a stance for a mobile home; and last month I met the owner of multiple-occupation property in Edinburgh, who complained about the city council's charges and inspections. That

constituent will at least be happy with section 147 of the bill.

The bill is useful and I support it. It deals with a number of important issues that affect a proportion of the people in my constituency. It contains the sort of stuff that I might include after part 1 of my housing bill. I must not be offensive, but some of the bill is the sort of material that I might expect from a Liberal Democrat minister; however, I shall not develop that theme. The point is that there are some serious housing problems in many parts of Scotland. I took part in an interesting discussion on that subject at the annual general meeting of the East Lothian Housing Association on Monday this week. Incidentally, there was consensus at that meeting that Communities Scotland is part of the problem, which is a bit worrying.

The problem is that we have a housing crisis. There is a critical shortage of affordable rented housing in constituencies such as mine. People who are on lower incomes cannot afford the rents and mortgages for private housing in the area and those who are on the waiting lists for council and housing association houses are likely to be stuck on those lists for many years. Every day in life, I hear about more and more desperate cases and, to be frank, I am not impressed by the excuses that I have to give to the people who are involved, so I do not expect them to be impressed. I encountered another batch of such cases at my constituency surgery in Tranent last night. They involved large extended families, including people with young children, who are living in ridiculously and outrageously overcrowded accommodation. Their only hope of getting housing is for somebody to be put out on the street so that they can be treated as if they are homeless.

The Housing (Scotland) Bill is useful as far as it goes, but it does not address the big issue. What is missing is the serious housing crisis in areas such as my constituency. We have two good Labour ministers in the communities portfolio and I look to those Labour colleagues to address the most important social problem that faces hard-working families who cannot get decent, secure, affordable accommodation in towns and villages in East Lothian.

I am very happy to support the bill. It is constructive, useful and addresses a number of genuine problems, but my problem is that it does not address the big issue. The ministers might have noticed that more than 40 members have signed the motion that I lodged on affordable rented housing, and I hope that the Executive will be able to develop some initiatives on that shortly. Who knows, I might be able to have a members' business debate on that motion when we return in September. I look forward to some Labour initiatives to deliver affordable rented homes to

people who need them desperately in my constituency and similar constituencies throughout Scotland.

10:42

Mr David Davidson (North East Scotland) (Con): I suppose that I should declare that I used to rent out houses in a rural area. I certainly suffered the pains of having to bring some old houses up to standard. As John Home Robertson said, there is a critical shortage of affordable houses in rural areas. Many people want to live and work in rural areas. They might have jobs but, if they marry, they have to move away because they cannot achieve homes in which to start their married lives.

Rural housing is connected to the sustainability of rural communities. I mentioned the age of properties. Many farms have redundant farmhouses, cottar houses and old-style barns that are no longer fit for agricultural use because big tractors cannot be fitted into them. The problems with renovation often relate to access to utilities. Scottish Water is the biggest blocker of planning applications for new or renovated housing in Aberdeenshire. That is a matter for the Government to pay heed to, so what is being done about it? Another issue is the cost of bringing electrical power to, for example, a row of six cottar houses. There is such a row in my community. The farmer wants to do up the houses, which are in fairly good order, but they need to have electric power and he does not earn enough from his farm to be able to deliver that.

Many members have talked about thermal efficiency. We must live in the real world and accept that, if renovated houses are to be affordable, some of them will never be as thermally efficient as we would want them to be if they were new-build houses. We must talk realistically about what can be done to such properties and consider the rate of return that a landlord will get on major investment in renovation. In the last farmhouse that I renovated, we ended up with two and a half walls and no roof. Having started with what we thought was a reasonable building, we virtually built a house within the stone walls. The old stone walls were built on a foundation of big boulders, so we had to put in chemical damp-proof courses and all sorts of things. That problem exists throughout Scotland. The cost of renovation is huge, which is fine for somebody who has the money but, if they are going to rent out the house, the cost makes the decision to invest difficult. I hope that, as the bill progresses, there will be far more clarity in relation to grant aid to realistic schemes to put houses back into the affordable rented sector in agricultural and rural communities.

Aberdeenshire Council, which is run by the Liberal Democrats, has a bizarre planning policy: no matter how large a farm steading is, there can be only one home on it. Many people have come to my surgeries saying that they have feasible plans for four or even six low-cost houses, but the council has told them that there can be only one house. Because of the cost, that house will be sold to some oil magnate and their family. When there are opportunities on our doorsteps, such a policy is nonsensical. The ministers ought to give guidance on planning to get councils to consider the feasibility of some of their policies. We have many brownfield sites that are capable of taking steading conversions. Old farmhouses can be converted, but what else can we build for rental that would fit the style and will there be any assistance for that?

Yesterday, campaigners from throughout Scotland came to the Parliament to worry MSPs about the closure of rural schools. If we do not have the housing that we need, some rural schools will suffer because insufficient numbers of pupils will go to them. However, it is not only schools that will suffer: rural shops and post offices will close. Where in those communities are the skills that are necessary to do the required renovations? Anybody who drives round a rural constituency will soon pick up the fact that hundreds of properties are capable of being renovated and would make good homes. They fit the rural style but are costly to do up and I hope that the minister, in her closing speech, will address support and aid for people who are willing to take on that challenge.

The Scottish Rural Property and Business Association gave evidence to the committee. The association is heartened that the committee took heed of its concerns, but states that the bill has not been rural proofed. From what I have read of the bill, that comment is applicable. We might have to vary certain standards to deal with the housing shortages, because we cannot expect a renovated house to have the same standards as a brand new build that has been built to Scandinavian thermal standards.

The SRPBA also raised the issue, which people in Aberdeen have brought to my attention, that changes are needed to the remit and procedure of private rented housing panels to include, at the very least, a requirement for tenants to give landlords prompt and adequate notice of repair requirements under the repairing standard. That is imperative not only in view of the draconian penalties with which landlords could be faced, but to ensure that repairs do not escalate and their cost become prohibitive, as that would mean that the property could no longer be leased out and we would lose yet another house.

There is a lot in the bill—which, as John Home Robertson said, is a large piece of work—so I hope that the Executive will not rush the committee into and through stage 2, which must be considered carefully. I beg that due account be taken of the difference between rural housing and high-rises in cities.

10:48

Maureen Macmillan (Highlands and Islands (Lab): I support the general principles of the bill. I endorse what John Home Robertson said about the lack of affordable housing, as well as David Davidson's remarks on the problems of traditional buildings in rural areas. However, I will address a particular aspect of the bill: the proposal that the minimum tolerable standard for housing should be enhanced by including a degree of thermal insulation.

The committee suggested that the emphasis in the amendment to the tolerable standard should not be on the use on insulation alone but should encompass the efficiency of heating systems and that "satisfactory thermal performance" might be a more appropriate term than "satisfactory thermal insulation". I am anxious that the definition of satisfactory thermal performance should include insulation and not compromise energy efficiency. The committee also suggested that the bill should contain a target for energy efficiency improvement by a specified date for residential property; I agree with that proposal.

The Communities Committee, naturally, considers those provisions from the point of view of occupiers of homes, because homes need to be warm, dry and fit for purpose. That is inextricably linked with our need to address the problem of climate change, which is driven by carbon emissions. We must be able to provide homes that are both warm and energy efficient. Twenty-eight per cent of carbon emissions come from domestic energy. As Patrick Harvie said, we leak heat through our walls and roofs. More efficient heating without improved insulation will not necessarily cut emissions. It could mean that people will simply have warmer homes without paying more, while using the same amount of energy, some of which might still be leaking from the roof.

We must address seriously the question of how to cut emissions without compromising warmth. How do we get to where we want to be? If we confine our efforts to improving the energy efficiency of new build only, we could take 100 years to achieve acceptable energy efficiency standards overall, because of the very slow rate of replacement of old stock by new.

Although the new regulations give us better energy efficiency requirements than those that

apply in the rest of the UK, they are nowhere near the standard that applies in Scandinavia, which lies on the same latitude as Scotland and where warm, well-insulated homes have been prioritised for many years. We have no tradition in Scotland of valuing energy efficiency. The public seldom demand it, and builders often do not provide it. A typical home buyer would rather have an en suite bathroom than a heat pump.

Mortgage lenders and surveyors have a role to play. I have been made aware of a whole street in a Highland town where foam insulation was put into the houses about 20 years ago. There is no problem with that insulation: the houses are warm and dry. However, because, on one occasion many years ago, surveyors came across some dampness that had been caused by such insulation, they insist, when one of those houses comes on the market, that its insulation must be removed. That is the sort of daft, tick-box attitude that means that people cannot have the warm homes that they ought to have. I have written to mortgage lenders, to surveyors and to the Executive, but the matter does not seem to be getting addressed.

Recently, there has been a joint development by a housing association and a private builder in the Highlands. The private builder would not join the housing association in a biomass heating scheme in case that put off prospective purchasers. We must change such attitudes. We need to educate both builders and purchasers. We need to address the shortcomings of our present housing stock, difficult and expensive though that might seem, through grants and loans to enable homes to be brought up to as high a standard of energy efficiency as possible. It is obvious that not all homes can be brought up to the same standard. The warm deal and the central heating programme for older people have achieved much, however, and grants for installing renewable energy systems in homes and communities also help.

I note the concern that was expressed in the Communities Committee's report that a requirement for the standard of energy efficiency in the private rented sector to be raised might have a severe impact on the number of private lets available. We must treat that as a challenge to be overcome, rather than as an insurmountable obstacle. In evidence to the Environment and Rural Development Committee during its inquiry into climate change, the Minister for Environment and Rural Development noted that, with respect to existing stock as regards energy efficiency,

"We do not have many levers that allow us to act".—
[*Official Report, Environment and Rural Development Committee*, 22 February 2005; c 1681.]

Regulation and support for change in the private rented sector, as far as it is possible in older

buildings, could be such a lever, as could placing an obligation on the seller to furnish an energy efficiency report when a house comes on to the market. We must ensure that we have levers in place to deal with the woeful lack of energy efficiency in much of our housing stock.

While we improve the energy efficiency of our homes as we are living in them, we must consider the overall carbon cost of the materials that we use in building or renovating our homes, and we must begin to factor into our building regulations the need to use more energy efficient materials. Every tonne of cement that is replaced by timber saves 2 to 3 tonnes of carbon dioxide; replacing 1m³ of brick with timber saves 4 tonnes of CO₂. We have huge potential to substitute timber for other materials, if we can only get the planners and the public to accept timber-clad buildings, such as those that we see in Scandinavia and Canada, and indeed in Shetland. We must ensure that buildings are sufficiently resilient to cope with the increased storminess that is brought by climate change.

I hope that the minister and members of the committee will forgive me for straying from the scope of the bill, but I believe that addressing climate change across ministries is of the utmost importance and must be done as soon as possible. That is why I urge the Executive and the Communities Committee to explore how far they can move on the energy efficiency agenda, in both the Housing (Scotland) Bill and the forthcoming planning legislation. We must reduce energy demand if we are to achieve our emissions reduction target of 60 per cent by 2050. We could achieve half that target through energy efficiency, but we must make a strong start now.

10:55

Nora Radcliffe (Gordon) (LD): I totally agree with everything that Maureen Macmillan has just said. I say to John Home Robertson that one does not have to be a Labour MSP to recognise the underlying problem of the lack of housing. We have great expectations of the forthcoming planning bill, which we hope can take away some of the reasons for a long-term problem. I commend Patrick Harvie for zeroing in on the waste of housing; houses are standing empty when they could be brought into occupation. David Davidson mentioned rural proofing, which is very important.

I want to discuss the part of the bill that relates to mobile homes and the extension of protection for people who occupy them and lease a stance from a site operator. The bill makes provision on issues around tenancy conditions, security of occupation and the sale of mobile homes. Legislation on mobile homes and residences is

complex. There are particular problems for people who live on unlicensed sites; they have “no protection at all” according to Shelter, which points out that the bill does not address the problems that are faced by that group. Shelter calls for the bill to be amended to give people who rent mobile homes similar rights to those that are enjoyed by people who rent permanent structures.

I have homed in on that area of the bill because of the evidence that was given to the Equal Opportunities Committee by Gypsy Travellers. Their caravans are not classed as houses, which means that they are excluded from the protection that is afforded to people in fixed houses, whose homes must meet certain standards and who have certain rights. Gypsy Travellers are also excluded from any assistance with the provision of aids and adaptations for elderly or disabled people, which would be available to them if their caravans were brought under the definition of a house.

The permanent structure amenity blocks on Gypsy Traveller sites are not permanent living accommodation. They generally provide only toilet, washing and laundry facilities, so they do not need to meet tolerable standards in the same way that a permanent house would have to. Even chalet-type properties in which people live are not classed as permanent houses, so there is no tolerable standard, no help with aids and adaptations and no protection or rights for them. We were told of one Gypsy Traveller who had lived in an amenity chalet and had paid rent since 1987. Theirs is not a permanent house, however, therefore it does not need to be brought up to modern standards, it is not eligible for improvement or adaptation aids and it does not even have an inside toilet or electricity. It was suggested to the Equal Opportunities Committee that the Housing (Scotland) Bill presented an ideal legislative opportunity with which to redress some of those inequalities. I hope that the Executive and the Communities Committee will take that opportunity.

If members lodge amendments at stage 2 to address the issues that face mobile home owners on licensed sites, I ask them to be aware of the specific needs of Gypsy Travellers, whose mobile homes are indeed mobile, rather than being located on a site permanently. I note that the Minister for Communities made a commitment to conduct research on the nature of mobile home accommodation as a first step, and that the accommodation needs of Gypsy Travellers were raised with the minister. We should ensure that their particular circumstances are included in the research that is done.

I have mentioned adaptations for people with disability. There have been calls from various disability rights groups and from Citizens Advice

Scotland to introduce mandatory grants for adaptations that are required as a result of disability. The Communities Committee suggested that the Equality Bill, which is being considered at Westminster, might be an appropriate legislative vehicle to ensure that disabled people in Scotland have equal rights with those in the rest of the United Kingdom. The Equal Opportunities Committee has asked ministers to discuss amendments to the UK Equality Bill on other matters relating to Gypsy Travellers. Some cross-border co-operation would be to the benefit of us all.

I welcome the recommendation that there should be a mandatory single survey scheme and the committee's constructive suggestions about the issues that the Executive needs to resolve to make the surveys credible, acceptable and effective. I welcome the comments that the minister made on that today.

I welcome the Communities Committee's encouragement to the Executive to consider including energy efficiency targets in the bill and remind members and the people who work on the bill that at least half the effort that is required to meet the challenge of climate change will have to come from reducing energy demand. Increasing energy efficiency in housing would contribute significantly to reducing greenhouse gas emissions and every opportunity to promote and encourage that should be taken.

Finally, I suggest that the purchasers information pack could include a thermal photograph of the property. A picture is worth a thousand words and such a graphic illustration of wasted heat might be a strong incentive to people to take action to avoid that.

11:00

Colin Fox (Lothians) (SSP): This is one of those rare debates when we have ample time for speeches. It was interesting to listen to representatives of the landlord class—if I can say that—in John Home Robertson and David Davidson. John Home Robertson is correct to say that the most serious housing problem that faces Scotland is the chronic shortage of high-quality and affordable publicly owned accommodation for rent. That is clear to anybody who has eyes. However, our attention today lies elsewhere, as the bill deals principally with the private rented sector and the private housing sector.

When we think of the private housing sector in Scotland, what springs to mind? It is the fact that private sector tenants enjoy far poorer protection than do their public sector counterparts. When I think of the private rented housing sector, I think of high rents and bad landlords, by and large. As

other members and the SPICe briefing have said, the figures show that more people live in and are being forced into the private rented sector because of a lethal combination of fewer local authority and housing association dwellings and the exorbitant cost of buying even a modest property. Linda Fabiani was right to highlight the Citizens Advice Scotland figures that show that one in 10 of the issues that were brought to it throughout Scotland last year concerned housing. That amounts to nearly 43,000 cases, many of which were complaints about private landlords' behaviour.

I welcome the bill's efforts to improve the quality of housing, which remains a major scandal. I am sure that other members, too, believe that that scandal is often paid insufficient attention and is the subject of insufficient force for change. I also welcome the bill's efforts to redress the balance in favour of private tenants and to insist that private landlords' responsibilities must be fulfilled. The Scottish Socialist Party will support the bill at stage 1, but it feels that several amendments will be needed, because the bill does not go far enough to protect private tenants' rights.

First, I will discuss the parts of the bill that I welcome. The single survey idea is good. I was heartened when the Minister for Communities described it as a radical change; it is always good to hear of radical change from the Executive. For each prospective purchaser in the housing market to collect the same expensive information is nonsense. I welcome the idea that the information should be shared. The idea is popular with every section of society, with the probable exception of estate agents and surveyors. Perhaps that is why the Tory party objects; it is the party of estate agents and surveyors.

I understand that the pilot scheme had problems, but it is right and proper to persevere and to ensure that the seller provides each prospective buyer with information about the property that they are about to purchase or are inquiring about purchasing. I have some sympathy with Donald Gorrie's idea about a hidden defects guarantee scheme, so that people could have greater confidence about embarking on a substantial purchase even if they found out later that the property had flaws.

Similarly, I welcome the bill's provisions on the private rented housing panel, which will afford people greater protection in pursuing landlords to undertake repairs. However, that should go further than repairs alone.

The bill has welcome proposals for tenants of mobile homes—I think that there are currently 1,200 mobile homes. Unfortunately, staying in mobile homes might become a growing phenomenon because of the severe lack of

affordable permanent homes; that is often the case in rural areas. Like the bill, I recognise the plight in which people find themselves. Shelter welcomes the attempt to provide people in mobile homes with protection that is equivalent to that for people in permanent structures, but it is anxious to decrease the number of people who live in temporary mobile homes and, while doing that, to ensure that existing sites are licensed and that standards are improved.

I move on to the parts of the bill that cause me concern. I have written to the Minister for Communities about my anxieties about the adaptations scheme. A diminution is proposed in the rights of disabled people, who will go from a system that provides grants to one that provides loans. I am struck by the parallel with Labour's plans to replace grants with loans in education. The proposed scheme will be a backwards step. I am not reassured by the minister's reference to an "appropriate level of support", which seems to be a euphemism. He stressed that resources are finite, which is usually a prelude to budget cuts.

Karen Whitefield: Will the member give way?

Colin Fox: I am sorry; I am in my last minute.

I would like more rights for local authorities. They should be given powers to make compulsory the lease of empty properties—some 87,000 properties lie empty throughout Scotland. That could go a long way towards alleviating Scotland's chronic housing shortage.

The Scottish Socialist Party will support the bill at stage 1, but we intend to lodge and support a series of amendments later.

11:07

Cathie Craigie (Cumbernauld and Kilsyth) (Lab): Like other members, I am pleased that the Parliament is closer to implementing legislation to deal with our private housing stock. The Parliament and the Scottish Executive can be proud of the housing legislation that we have passed but, in debates on previous housing legislation and in committee evidence and discussion, we have been constantly reminded of the need for legislation to deal with the private housing sector.

Measures have been called for to assist local authorities in dealing with disrepair, day-to-day maintenance, the lottery of buying and selling houses and the problems that can be encountered in the private rented sector. The bill will go some way towards tackling the problems in the private sector, and its principles have been broadly welcomed. However, in its report, the Communities Committee highlighted several matters on which more work and stage 2

amendments will be required if we are to have a bill that tackles the problems in the private housing sector.

I very much support the introduction of housing renewal areas. The existing housing action area status is outdated and bureaucratic. It can take years to complete projects. Providing the scope to tackle not only housing but regeneration of a wider area in a community is a sensible approach that I support. I am sure that the public will support that process.

The bill must give councils the power to do the job properly, to assess their communities' needs and to use a mixture of grants and loans to match residents' needs and circumstances. The scheme of assistance will allow that to happen. It must be understood throughout Scotland, and local authorities must be allowed to reflect their local situations in determining how the scheme of assistance will operate.

For example, the average owner-occupier in North Lanarkshire is a member of a low-income household in a relatively low-value property. That diminishes the ability to encourage investment in housing through loans. Therefore, the need to provide extensive grant assistance might continue to a greater extent in such areas than in many other parts of Scotland. The Executive must recognise that when it determines what resources will be made available to local authorities to provide assistance to private owners.

On that point, the Executive should also give serious consideration to the evidence that the committee received on establishing a national loan scheme, whereby local authorities could use the expertise that such a scheme might make available.

Tricia Marwick (Mid Scotland and Fife) (SNP): Does the member recognise that a problem with the previous housing repair grants scheme was that the moneys that it provided were siphoned off by many local authorities into other capital projects? The reason why many local authorities had practically no grant scheme was not that the money was not available but that housing repair grants were not a priority for some local authorities.

Cathie Craigie: I have no personal experience of that. Although moneys for private sector housing grants were not ring fenced, my understanding is that my local authority—which is the authority that I know in greatest detail—did not siphon off moneys. Such siphoning off was not the practice in the North Lanarkshire area. Nevertheless, I do not believe that the Parliament should dictate to local authorities what their local priorities should be. Legislation that the Parliament has already passed requires local authorities to

publish a housing strategy, which must be provided to the general public and to the Scottish Executive. It is up to each local authority to determine what is in greatest need of investment in their area.

Disrepair is a big problem in a majority of tenement properties. Indeed, the Chartered Institute of Housing in Scotland briefing paper for today's debate advises that more than £377 million will be needed to deal with such problems in the owner-occupied sector.

The Deputy Presiding Officer (Murray Tosh): You have one minute.

Cathie Craigie: We must try to find ways of encouraging owner-occupiers to plan for future repairs and investment. I know that the matter has been considered at length by the Executive and by parliamentary committees. I do not have an answer—nor, it appears, does the Executive—and the committee struggled to find a solution. Although voluntary schemes for such investment operate in some parts of the country—such as the scheme that was set up by owner-occupiers in Cumbernauld and Kilsyth—such schemes face difficulties if some owner-occupiers will not get involved. I call on the Executive to reconsider the issue. Although the matter has been considered before without a solution being found, unless we find a way forward that involves all owner-occupiers, we will have serious problems.

I would love to make many more points—I had thought that the Presiding Officer might allow me injury time for taking one of the few interventions in the debate—but I will pick up only on the interesting point that John Home Robertson raised, which is the big issue of the availability of housing. Housing is a commodity for which, unfortunately, demand far outstrips supply. I take John Home Robertson back some years, when we had really serious housing problems and local authorities were crying out for housing to be raised up the political agenda. I believe that we have done that. The Scottish Parliament and Scottish Executive have given local authorities the power to build houses if they need them, working with housing associations where necessary. We should encourage local authorities to use the full powers that the Parliament has given them to provide better-quality housing for the people of Scotland.

I support the principles of the bill.

11:15

Rob Gibson (Highlands and Islands) (SNP): The aims of the bill are progressive and are welcomed by SNP members, but the proposals must be measured against the housing challenges that Scotland faces. Does the bill meet some of the following tests?

As the Chancellor of the Exchequer, Gordon Brown, has proposed that people with personal pension plans should be encouraged to include house purchases within their portfolios, what do Scottish ministers think will happen to desirable housing stock in attractive areas of Scotland? Although we have yet to witness the situation in which there is a £1 million house in every Highland village—whether that be Evanton or Erbusaig or Lochport—every croft and former council house with a view that comes on the market will mean that house buying is denied, both now and in future, to the resident population. Those who have been alerted to the situation can already see that their children have little or no hope of competing in such a market. Young, able and willing people who want to work in the Highlands and rural areas of Scotland face a very harsh future indeed.

Like my colleague Jim Mather, who lodged questions earlier this month to probe the Government in Scotland on the matter, I want to ask what consideration the Government has given to the future availability of affordable housing in Scotland when the changes in the rules that allow self-invested pensions to invest in residential property come into force. What will be the impact on the future availability of affordable housing in Scotland? We must have answers to those questions, because the issue is fundamental to the provision of sufficient homes for people in every part of this country. Naturally, the bill does not address an issue that has arisen only since its introduction, but the chancellor's proposals will create a context in which it will be much more difficult for us to meet need.

We on the SNP benches agree that the repairing standard is a key part of the bill but, as is identified in the Environment and Rural Development Committee's climate change inquiry report—which is currently in the hands of ministers for comment—Scotland has around 700,000 homes that need to be climate proofed. The task of tackling disrepair could be a major economic driver that could create many jobs. It could cost a huge sum, which the minister suggested might be around £5 billion, but does his figure include the 700,000 houses that, based on a Benfield hazard research centre estimate, the Environment and Rural Development Committee report suggested will need to be climate proofed? We need clear figures on the size and scale of the problem.

All new houses will need to be eco-friendly. Part of the reason why achieving that could be a problem was summed up in last Sunday's edition of *The Observer*. It points out:

"Less than five per cent of the 170,000 to 200,000 new houses built in the UK every year, meet the 'very good' independently audited EcoHome grading, set up by the Building Research Establishment."

That means that the proportion of eco-friendly houses that have been built in Scotland is very small indeed. However, now all repairs and new build will need to contribute to tackling climate change.

Climate change and sustainable economic imperatives are set to dominate policy development, so houses that are built in Scotland will need to meet the highest possible standards. As Maureen Macmillan correctly pointed out, our standards might be the highest in Britain, but they are not as high as standards in Scandinavia and are by no measure the best in Europe. Higher standards will be good for tenants and owners and for the able and disabled, so it is essential that we put in place the measures on which a sustainable economy is based.

Increased funding must be targeted at larger-scale eco-housing demonstration projects that would showcase 50 or 100 such houses in one place. We have yet to see efforts—not directly related to the bill, but forced along by it—that would allow that to happen. That is why, whenever a house is built, current storm proofing and the storm-proofing designs of the future will have to be reflected in the housing logbook, which will have to show repairs, insulation and improvements that have been made to the house throughout its life. It is necessary that the housing logbook becomes a central document that shows not only surveys but all the developments that have taken place. The bill could achieve that.

In the north, we are experiencing a sea change in attitudes. Highland Council is enthusiastic about sustainable development and has listed examples of eco-friendly buildings, to aid general understanding of the types of homes, offices and workspaces that we can expect to see in the future. To build those in remote and rural areas, the ministers with responsibility for housing and for transport will have to get together to ensure that costs for materials are slashed. We know that wooden materials are available on the mainland and that they are more highly thermally insulatable than bricks and mortar. Perhaps post-and-beam construction, rather than bricks and mortar, is the future. However, at the moment the cost of transporting such materials adds to the cost of new housing and repairs, so ministers will have to get together to try to solve those problems for people in many parts of the region that I represent.

11:21

Scott Barrie (Dunfermline West) (Lab): I endorse firmly the principles of the Housing (Scotland) Bill. One difficulty of being at the coo's tail in a debate such as this is that other people have made many of the points that one wants to make. The fact that I may be repeating what other

members have said in no way diminishes the importance of the comments.

The three issues that I want to consider are disabled adaptations, a rent deposit scheme and the vexed question of the single seller survey.

On a rent deposit scheme, all members of the committee were delighted to find when the Minister for Communities gave evidence on the bill that we were pushing at an open door—in fact, the door had already been well and truly opened. In his responses to questions from the committee, he indicated that he was committed to examining such a scheme. He endorsed the committee's view, based on evidence that it had taken, that a rent deposit scheme was a long-overdue development in Scotland and would guarantee protection for a vulnerable part of the electorate. The vexed question of deposits being withheld at the end of private tenancies was the biggest housing issue that Citizens Advice Scotland raised in its evidence on the bill. I am glad that the minister reiterated that point in his opening speech this morning.

A number of members have covered disabled adaptations and I do not want to go over the points that they made. However, I re-emphasise to ministers what the committee said in paragraph 39 of the executive summary of its report. We said not only that there should be consultation between Scottish Executive ministers and the Westminster Government but that the Scottish Executive should

“liaise with the Department of Trade and Industry as a matter of urgency to establish whether the Equality Bill would be an appropriate legislative vehicle to introduce similar powers for the Disability Rights Commission, or its successor body, to issue such guidance in Scotland.”

We understand the legislative competences of our two Parliaments, but we want to ensure that, where we can, we work together to extend to Scotland the protection that others in the United Kingdom currently enjoy. If consideration could be given to doing that through the Equality Bill that is going through the Westminster Parliament, we could go a long way towards providing the coverage that the committee wants to see.

In the remaining time that is available to me, I will concentrate on the single seller survey. As has been said, currently most house buyers rely solely on a basic valuation survey, which provides only a limited assessment of the condition of a property. As we all know, the aim of the single seller survey—to improve the information about a house that is available to potential purchasers—is simple, worthy and long overdue. It would also address the problem of multiple surveys being commissioned on the same property.

In expressing opposition to the proposal, both in committee and during today's debate, Mary

Scanlon often quoted the low take-up of single seller surveys. I am sure that she goes to sleep at night reciting the mantra of the 74 single seller surveys that took place, because at every opportunity she reminded both the committee and witnesses of that fact. She is absolutely right to highlight the fact that uptake in the pilot was disappointingly poor. However, sometimes in politics one has to take a leap of faith and to go with what one knows is the right thing to do. In principle, it is right for us to introduce the single seller survey, notwithstanding difficulties relating to the practicalities and to some of the finer details of the scheme that members have outlined today and that the committee outlined in its report.

It would have been easy for the committee to take a great deal of evidence on why it is right to introduce the single seller survey, if it had chosen to do so. We could have cited the countless thousands of people who find the current system totally unsatisfactory. Although we took evidence from the professional groups that are involved in conducting surveys, which gave us their take on why the single seller survey might not be a good idea, we never took formal evidence on the current reality for many people. However, we all know from direct experience and the experience of our constituents that the situation is poor and that the system is not delivering what people need. We must bear that in mind.

Donald Gorrie suggested that it might be a good idea for us to separate the valuation from the structural aspects of the single seller survey. Although I have some sympathy for that view, I wonder how such an approach might work in practice. Donald Gorrie was right to say that, at the end of the day, valuing a property is not an exact science, but a matter of opinion. After all, a property is worth only what someone else will pay for it. However, purchasers need to know what the local market is and to have people who work in the area tell them roughly what a house is worth. Houses are not worth only as much as their bricks and mortar—much more goes into a house price. I am not sure that Donald Gorrie's proposal is quite as simple as he suggested, but the committee could consider and debate the matter at stage 2, which will be an interesting process for members of the committee and for others who want to lodge amendments. There are a number of issues that need to be teased out.

I warmly endorse the general principles of the bill and think that the Executive has almost achieved what it is seeking. With a few worthy amendments at stage 2, we will have a worthwhile piece of legislation.

11:28

Donald Gorrie: I apologise to members, but they will have to listen to me again. My colleagues

are busy being reorganised, which is a fate that affects all of us in different organisations now and then. I am a fixed pillar and am not being reorganised, I hope.

This has been a good debate. As I expected, my colleagues on the Communities Committee have all made well-informed and useful contributions. Several other members, with different points of view, have made constructive suggestions, and almost all the issues have been well covered by one member or another.

I want to stick to two points. More than most bills, the Housing (Scotland) Bill will have to have built into it a facility for keeping it continually under review, to see whether it is working. The philosophy behind the bill is more or less agreed—at issue are the mechanics of delivering that philosophy. We must have monitoring systems and a facility for the minister and the Parliament to make rapid adjustments, without our having to consider yet another complete housing bill.

Consideration of how bills work out is an important part of the system that, on the whole, we neglect. By the time that the Communities Committee has dealt with bills such as the Charities and Trustee Investment (Scotland) Bill, the Housing (Scotland) Bill and the planning bill, which will come in due course, we have almost no time to revisit bills that were passed in the first session.

To ensure that we are able to do that, we must build into the bill provision for monitoring and making adjustments to things that do not work. Whether in relation to housing renewal areas, single seller surveys, houses in multiple occupation or mobile homes, which Nora Radcliffe dealt with thoroughly, we want to ensure that we can adjust the system so that it works.

We must create a society in which there is the proverbial level playing field, so that people can make a choice that suits them and their resources between buying and renting a house. A stigma has developed that suggests that if someone rents a house, they are inferior in some way. That is contrary to the way in which many continental countries are going, where renting is the norm and although one can buy if one wants to, that is not the normal thing to do.

The reason for the situation in this country is partly that the private rental sector has not been satisfactory and partly that—to be truthful—some of the council house rental sector has not been well managed. We must improve the management and physical condition of rented houses so that people can be happy in a rented house if that is what suits them. We should think about that aim when developing the bill.

All the points have been well covered in the debate and I look forward to some entertaining

arguments at stage 2. Many of the briefing papers that we have from various organisations are good mines of amendments and during recess I will use my pickaxe to turn some of those good ideas into amendments, using the curious language that must be used. We invent our own amendments then the officials who think that they understand such matters change them all into some language that none of us understands. There is much scope for good amendments and I look forward to working with the committee to produce them.

11:32

Bill Aitken (Glasgow) (Con): This interesting debate has been a clear indication of how the housing debate in Scotland has advanced over the past 30 years. When I entered politics, I recall that Scotland had an owner-occupation level of 38 per cent, which was the lowest in Europe with the exception of the former East Germany. The fact that that has risen to 70 per cent today reflects the change in thinking and is something in which the Conservatives take great pride.

That is not to say that the current situation has come without problems. We cannot relax when the Scottish house condition survey demonstrates that something like 27 per cent of houses and 40 per cent of flats have a major defect that requires early remedy. Equally, the estimate that £5 billion of repairs are outstanding must give us some cause for unease. It is on that basis that we applaud the Executive for introducing the Housing (Scotland) Bill.

As every other bill, this one has good, bad and unnecessary parts. The committee, which has done an excellent job, will require to re-examine in much greater detail a number of issues at stage 2.

There is a tremendous unanimity of purpose that we must do what is necessary to combat bad landlords. As Linda Fabiani correctly said, the vast majority of landlords are good, but it is the bad ones who get the publicity. Although that is true, we must be unrelenting in our efforts to ensure that those who own houses for private letting make sure that those houses meet not just a tolerable standard, but one that is regarded as generally acceptable. That is why we fully approve of a number of measures in the bill, although we draw attention to the fact that the frequency of inspection could result in a more bureaucratic approach, which will have an on-cost. We must not arrive at the stage where, in a genuine effort to improve the situation, we make it uneconomical for people to let out houses.

Other parts of the bill are a little unnecessary and the provision for councils to be lenders of last resort is one of those. We now have a plethora of financial providers and it is difficult to see how the

councils have any role to play in this regard, but that is an open argument.

A number of members, including Rob Gibson and John Home Robertson, talked about rural housing. If we apply the proposed procedures to rural housing—which has genuine problems—we require to give them time. In rural areas there are by definition logistical difficulties, and a lack of skills that will take time to overcome; although I am sure that they can be overcome.

The bill contains a number of genuine attempts to improve Scotland's housing and we look forward to the legislation being enacted, provided that there are one or two amendments at stage 2. The main issue that divides us is that of the single seller survey. I rush to reassure Colin Fox that David Davidson, Mary Scanlon and I are not moonlighting by selling houses and doing surveys in our spare time. However, we have the right to raise the matter.

As Scott Barrie pointed out, while adhering to his firm view that the single seller survey is the way forward, the scheme is not without some difficulty. We recognise the genuine problems and the superficial attractions of the proposal. We have all heard the horror stories about multiple surveys, if indeed we have not been involved in them. There can be nothing more discouraging to a young person attempting to get a foothold on the property ladder than to have to pay through the nose for a survey time and again in an unsuccessful effort to obtain a property.

The committee received some interesting evidence. If we leave aside the general acceptance that the plug was pulled on consideration of the single seller survey pilot project far too early, other issues still require to be addressed and I was encouraged by what the minister said about that.

We must look at the evidence submitted by the Glasgow Solicitors Property Centre, which highlighted that in the halcyon days of high house turnover up to a third of buyers were affected, but that that number is now much smaller. We also have to look at the potential adverse effects of the proposal. The fact that someone who attempts to obtain their first home could be faced in certain instances with an additional cost of £400 for a purchasers information pack must be looked at. The evidence is clear that the majority of people who purchase houses prefer to have their own survey done, and that is proper and correct. Anyone would be ill-advised to go down the single seller survey route, bearing in mind the possible difficulties of to whom a surveyor owes a duty of care and of the surveyor's professional indemnity insurance not coming into play.

In general, we will enthusiastically sign up to the bill today, but we point out that a number of issues require further attention.

11:39

Christine Grahame (South of Scotland) (SNP): I welcome what the minister has said about progress following evidence taking by the committee. That shows the value of a committee that takes its task to heart.

I will deal first with the single seller survey. I have always had reservations about the proposal, but that does not mean that I do not think that there is a place for it. However, as the evidence unfurled, many colleagues who do not have a legal background began to see some flaws in the proposal, including problems with shelf-life and the reasons for such a survey, that I think I was aware of from the beginning. It is fine to have something that is equivalent to a scheme 2 survey, but attaching a valuation to it can cause difficulties.

We also need to think about the cost of the survey. As Colin Fox pointed out, introducing the survey will impact on people who do not have much money. The survey will probably have to be paid for up front, it will certainly cost more than £400, and sellers might simply not have that money to spare. As no small or medium-sized firm will carry outlays for the single seller survey and the other documents that are required for the purchasers information pack, the survey will put a severe burden on a house seller who has no capital whatever. On the other hand, rich people will be fine. Such a problem might stop people moving on.

In that respect, I commend to the chamber the evidence submitted by the Glasgow Solicitors Property Centre, which seems to offer remedies for the timing of the single seller survey. I know that the minister has taken cognisance of the evidence that we received. In any case, I am not convinced that such a measure will end multiple surveys. I suspect that, notwithstanding the introduction of such a survey, building societies, banks and other lenders will demand that prospective purchasers obtain their own valuations.

Karen Whitefield, Donald Gorrie and other members mentioned the private rented housing panel. The committee wanted the panel's remit to be extended; as Donald rightly pointed out, housing matters centre mostly on people versus property, not on one or the other aspect, and I am glad that we recommended that the panel's remit should cover mediation and the separate function of adjudication. I note from Citizens Advice Scotland's evidence that, according to the mediation service at Edinburgh sheriff court, 20

per cent of cases dealt with between November 2004 and April 2005 related to disputes between landlords and tenants. Moreover, as Linda Fabiani pointed out, one in 10 issues that are dealt with in citizens advice bureaux concern housing. As we know, the sooner intervention happens, the happier people are and the less expense everyone incurs.

At this point, I should say that the rent deposit scheme is an excellent idea that was endorsed by almost all, if not all, committee members. I also commend Citizens Advice Scotland's submission, which suggests that, in any such scheme, "all deposits" should be

"held by an independent third party";

that any dispute should be referred to

"an independent alternative dispute resolution service",

which is what we have suggested with regard to the private rented housing panel; and that there should be a

"sanction for landlords who charge deposits but fail to pay them into the scheme".

Many of us have anecdotal or other evidence of students and others in houses in multiple occupation who, when they try to get back their deposit of, say, £350, find that repairs to the property such as wallpapering and carpet cleaning magically appear from nowhere. They do not get that deposit back and most of them give up trying to do so. The current system is very unfair.

Patrick Harvie, Maureen Macmillan and Nora Radcliffe dealt with energy efficiency very well. I like Nora's suggestion that a thermal photograph should be taken of a property, although I should point out that the thermal photograph that was taken of this building got us into trouble. I suspect that, given the heat in the building, very interesting thermal photographs could be taken of some members. The issue is certainly important. Maureen Macmillan made the very good point that there is no tradition of valuing energy efficiency in Scotland. I hope that, given the Scandinavian example, the issue becomes much more essential to new build in Scotland.

John Home Robertson focused on the housing shortage in Scotland and David Davidson mentioned rural proofing. I should say to Rob Gibson that the issues that he highlighted also arise in the Borders. I assure members that we received comprehensive evidence from the Scottish Estates Business Group and the Scottish Rural Property and Business Association and listened carefully to what they said. Some committee members know about the special costs of repairing, bringing up to standard or even adapting properties in rural areas. They cannot even be insulated because they have solid stone

walls or special roofs or because Historic Scotland will not allow the windows to be changed. The committee understood all that, which is why we recommended that there must be local flexibility within the national framework. Moreover, other members have mentioned the cost to rural and remote communities, such as those on the islands, of bringing across materials and tradesmen in order to repair properties. The committee was well aware of all those matters.

On disability issues, which Sandra White, Donald Gorrie and others highlighted, I welcome the review of means testing. Having ring-fenced funding would be excellent; I am not always in favour of such a measure, but it has its place here. I also look forward to the minister's answer to the question whether there will be an upper limit to grants.

Members have not really touched on resources. The committee raised concerns about whether the financial resources and the personnel were available to allow, in particular, local authorities to carry out repairs, to monitor the schemes and to do everything that they are required to do. As always, it will cost more than the Finance Committee's report suggests. I have to say that I was a bit disappointed in that report, which concluded that the financial aspects were okay.

I see you twitching, Presiding Officer, so I know that I have a minute—

The Deputy Presiding Officer: You have one minute.

Christine Grahame: I was ahead of you.

The SNP supports the bill's principles, subject to the caveats that are set out in the committee's report and to an assurance that consideration of amendments at stage 2 will be paced sensibly and that we will have fewer amendments at stage 3, which will allow us more time to consider and debate them and the substance of associated regulations. I share Donald Gorrie's concerns on that last point. I realise that that is quite a list of caveats, but the Parliament has a habit of passing legislation in haste. In that respect, the lesson for the minister is, "Legislate in haste, sue at leisure."

The Deputy Presiding Officer (Trish Godman): I call Johann Lamont to wind up. Minister, you have 10 minutes.

11:46

The Deputy Minister for Communities (Johann Lamont): I hesitate to take the advice of a lawyer about when I should or should not sue and will simply leave Christine Grahame's last comment where it is.

I thank the members who have spoken in today's debate and, once again, the Communities Committee for all its hard work in considering the bill. To begin with, I should address some members' general points about making legislation. We must recognise that there is a high demand for legislation, no matter whether it relates to charities, planning or housing, which this bill covers. Given the Parliament's commitment to fill certain legislative gaps, it would be hard to decide which of those matters should not be given priority.

Our friend at the back of the chamber, Colin Fox, made a sweeping statement about the major scandal of housing. However, we make legislation in the Parliament by recognising that certain problems exist and then drilling down into how they manifest themselves. We have seen that from members' speeches this morning. The work of organisations and groups such as the housing improvement task force has given a hard reality to some of the difficulties that have been seen at a local level. Those groups must be commended on their very detailed work. Although such work might in some respects have produced an anoraky bill, the legislation will, if it is effective, address many of the serious concerns that people have.

Linda Fabiani said that the legislation was far-sighted and that it would require a culture change. Such a change has two elements, the first of which relates to our own irrational approach to buying homes. We tend to give less attention to such a significant investment than we do to the colour of our next car; indeed, someone mentioned patio doors in that respect. It is difficult to use legislation to give people a row for being irrational about how they spend their own money, but there is no doubt that our housing market reflects that irrational behaviour.

I acknowledge Linda Fabiani's comments about good landlords and the role of the private sector. However, some private landlords see their property not as a business but as an investment and expect to get money out of it without putting anything into repairs, how they treat their tenants or how they deal with tenants who are causing difficulties for people round about them. That is why we should welcome the bill's important commitment to the registration of landlords. Moreover, the level of disrepair currently amounts to about £5 billion and there is a consensus in the chamber that we need to change attitudes in that respect.

Some members mentioned energy labelling, but I am concerned about investing too much hope in that. After all, we have only to look at the car market to realise that even though people know that something is incredibly energy inefficient they will still buy it—or aspire to buying it. Simply

describing a house's energy condition will not change people's attitudes when it comes to buying it, because a determining factor in buying a house is not even its current condition but its location.

On the question of resources for local authorities, I should point out that they have already been increased significantly. For example, there has been a 40 per cent increase in funding and the Minister for Communities has reflected on the question whether funding should be ring fenced, which we need to discuss with COSLA. We must, however, recognise that there has been massive investment in housing. We are also considering how resources can be used better and addressing the issue of individual owners' responsibilities to maintain their homes.

Karen Whitefield: I welcome the minister's comments about her discussions with COSLA. Does she agree that Colin Fox was wrong to suggest that every council tax payer should pick up the tab for the disrepair in private housing in Scotland? Does she agree that a clawback is required from owner-occupiers who use local authority resources to repair their properties?

Johann Lamont: This bill is about people taking responsibility for their own property. In the 1980s, there were examples of people receiving 90 per cent grants to improve their properties and then walking away with a huge benefit. There was an infrastructure benefit to the local community, but it was certainly not the same as the benefit to the owners.

Disability issues are very important. The Executive has committed itself to discussing those issues further with the Communities Committee, with members more broadly, and with disability groups as the bill progresses. We are always delighted to have the opportunity to work in partnership with Westminster. I assure members that detailed and positive discussions are taking place on the points raised by Scott Barrie.

I would be concerned if any organisation felt that it had not been appropriately consulted. Karen Whitefield raised that issue. However, significant consultation took place with disability groups, including the Disability Rights Commission. Ownership Options was given early insight into the bill through a reference group. Despite that, I acknowledge that some people felt that they were not consulted appropriately. Nevertheless, the processes of the Parliament ensured that issues of key concern to those groups were highlighted.

I want to clarify a number of points to do with capping and means testing. I do not want people with disabilities in Scotland to be treated unfairly in comparison with people with disabilities in England. In England, there is an absolute cap of £25,000 for the cost of works that will be

supported by grant; in Scotland, the proposed grant when costs are more than £20,000 has to be referred to the Executive. The bill will now remove that control, although I stress that the grant is normally approved.

Means testing is a separate issue. There is means testing for any grant in England or Scotland. In Scotland, the grant is more generous, with a minimum level of 50 per cent. As the Minister for Communities has said, we intend to review the means test and change it as necessary through secondary legislation.

We have retained the right for grant for standard amenities. There is currently a right for grant for other adaptations; that is entirely at local authorities' discretion. We believe in working with the Communities Committee and with members more broadly so that we can address some of the anxieties over this issue. We do not want a postcode lottery. There will not be a diminution of rights.

I do not think that it is news to anybody that the pilot scheme for single seller surveys was not successful. I said that it was not successful, so for others to say that it was not successful was not a very strong line of attack. We have to acknowledge what the single seller survey was about. Listening to Mary Scanlon, one might imagine that the market was operating perfectly as it is. However, we know perfectly well that there are irrationalities and frustrations. We also know that the stakeholders group that was involved at an earlier stage is still working with the Executive, wrestling with the issues and looking for solutions.

For many people, the current system is frustrating and expensive, with multiple surveys, deliberately low upset prices, and a lack of reality about what people are buying. The Scottish Consumer Council has said that people are virtually blind in the purchase of a huge asset. Those issues remain compelling in relation to single surveys. The devil is in the detail and we will have to get things right. It has been clear from discussions with stakeholders that some people feel that the market itself will manage some of the practical problems. However, we are happy for the concerns raised to be pursued further.

Mary Scanlon spoke about people not having early notice of our decision to move to a mandatory scheme. The announcement on that was made in response to a parliamentary question from Mary Scanlon. I am sure that she would not have thought it appropriate if advance warning of that answer had been given to people who are not in the Parliament. However, stakeholders were contacted as soon as the question was answered.

I understand some of the concerns that have been expressed about the right to buy and the

single seller survey. However, we should acknowledge that right-to-buy purchases from first base are not being sold on the open market. It is really important that people have the right information, but that information will not necessarily be provided by the single seller survey in that situation. However, later, when houses are sold on again, it would be a different matter.

Interesting suggestions have been made on energy efficiency and fuel poverty. Those suggestions go far beyond the scope of this bill; it will be important that they are fed into the appropriate places.

In the Housing (Scotland) Bill, the tolerable standard is a condemnatory standard. We should not necessarily put other standards into the bill, because that would then involve statute in relation to repairs to a property that has gone below the condemnatory standard. I hope that people will recognise that point.

On the issue of the private rented housing panel, we want to build on what we have. We first want to ensure that the measures in the bill bed in. We acknowledge the role of the panel; at a later stage, we might be able to consider some of the points that have been made. Work is being done on housing dispute resolution. Once that work is complete, we will be able to look further at other points.

John Home Robertson spoke about housing problems, which are different in different places. The issue is not just about private sector repair schemes and so on; it is about planning, it is about the release of land, it is about the planning advice to do with 25 per cent of housing being affordable, it is about re-establishing the credibility of the rented sector, it is about addressing homelessness, and it is about considering how the market can operate in all its exotic ways.

It is easy to say that many problems have come from the right to buy. Colin Fox again talks about publicly owned housing but we know that the housing association movement and the housing co-operative movement have been central in re-establishing the credibility of high-quality social rented housing in some places.

I acknowledge that issues to do with rural housing have been raised often and, again, they are different in different parts of Scotland. My own family history is one of movement because of a lack not just of affordable housing but of any housing at all in a rural setting. I understand the problems. A significant amount of funding has gone into rural housing. It is important to work with local people to find out how housing needs can be addressed. Those needs are linked to economic activity in rural communities and to the way in

which the planning and economic development systems operate across Scotland.

Nora Radcliffe raised the issue of Gypsy Travellers. Significant issues arise to do with the housing needs of Gypsy Travellers. Some issues to do with mobile homes are being addressed. However, because of the cultural and ethnic background of Gypsy Travellers, this is not just about our definition of what a house or a home is. From the work of the Equal Opportunities Committee, we know that some of the really difficult issues to do with Gypsy Travellers will not be solved using such definitions. The Executive has expressed a commitment to addressing those deeper problems.

Nora Radcliffe: Will the minister take an intervention?

Johann Lamont: I do not know how much longer I have.

The Deputy Presiding Officer: You have enough time.

Johann Lamont: So it was not 10 minutes then.

The Deputy Presiding Officer: You can go on till 12 o'clock.

Nora Radcliffe: I fully accept what the minister says about the wider issues that affect Gypsy Travellers. However, we are talking about one small, practical thing that can be dealt with in the bill. I recommend that it should be and I hope that it will be.

Johann Lamont: There would be huge implications for housing legislation in general if we redefined a house as a home. However, I make a clear commitment. We recognise that issues of housing need and homelessness are very particular for people from Gypsy Traveller communities.

Rob Gibson asked about eco-housing standards. As I have said already, the bill is firmly committed to driving up standards in private sector housing. The eco-standard is interesting but, as I have suggested, it is not necessarily in this bill that the standard should be addressed for statutory intervention.

On the cost of disrepair, the figure of £5 billion comes from work that was done by the Scottish house condition survey.

Rob Gibson raised a very technical point about self-invested pension funds and the potential impact on rural communities. Self-invested pension funds are a very small part of the market. The vast majority of pension funds are already able to invest in private housing. The changes that the Chancellor has made are intended to simplify pension rules and not to encourage investment in any particular sector. The assessment published

by HM Revenue and Customs makes it clear that changes are not expected to have any major impact on the housing market.

Bill Aitken spoke about the council being the lender of last resort. There is a plethora of lenders and yet the people who need the most help with the cost of putting their houses right still find it impossible to get a commercial loan other than from a loan shark. Therefore, the power for local authorities to lend is a sound policy that reflects our commitment to social and financial inclusion.

The Deputy Presiding Officer: You could finish now, minister.

Johann Lamont: The debate has been interesting. We will reflect on the headline issues that members have addressed in relation to disability and the single seller survey, but also on the more detailed points that have been highlighted. I look forward to working with members in the interesting process during stages 2 and 3.

Housing (Scotland) Bill: Financial Resolution

12:00

The Deputy Presiding Officer (Trish Godman): The next item of business is consideration of a financial resolution. I ask Johann Lamont to move motion S2M-2617, on the financial resolution in respect of the Housing (Scotland) Bill.

Motion moved,

That the Parliament, for the purposes of any Act of the Scottish Parliament resulting from the Housing (Scotland) Bill, agrees to any expenditure of a kind referred to in paragraph 3(b)(iii) of Rule 9.12 of the Parliament's Standing Orders arising in consequence of the Act.—[*Johann Lamont.*]

The Deputy Presiding Officer: The question on the motion will be put at decision time.

Planning

The Deputy Presiding Officer (Trish Godman): The next item of business is a statement by Malcolm Chisholm on the white paper "modernising the planning system". The minister will take questions at the end of his statement, so there should be no interventions.

12:01

The Minister for Communities (Malcolm Chisholm): I am pleased to announce the publication today of the Executive's white paper "modernising the planning system", which follows a series of consultations and policy statements on planning and which will be the final publication on the issue before the introduction of a planning bill later in this parliamentary session. The proposals that are set out in the white paper fulfil the Executive's commitment to reform the planning system

"to strengthen involvement of communities, speed up decisions, reflect local views better, and allow quicker investment decisions."

I believe that we will achieve that and more through the exciting, ambitious and wide-ranging set of reforms that we are unveiling today. The reforms will deliver a planning system that is fit for the 21st century and one that is better, fairer and more balanced.

Most members accept that planning matters. The way in which the planning system balances the various interests of development, the environment and social justice will determine how Scotland looks in the future. Planning is a critical tool for creating the dynamic, forward-looking and confident nation to which we all aspire. The planning system also provides a framework and process for local people to have their say in how their communities evolve, which is an essential part of the challenge that faces the Executive. Too many people who are affected by development feel that the planning system is inaccessible and that their views are often ignored. I am determined to put that right and to ensure that environmental concerns are put at the heart of the planning system.

Too often in the past, planning has been regarded in crude terms as either a bureaucratic and negative process, a brake on growth and a block to investment; or, alternatively, a tool for selfish developers to use to ride roughshod over local people's views. I want to reform the planning system, not tinker with it. I want a system that delivers the right kind of growth, which is smart and sustainable growth; a system for investment in jobs, essential infrastructure and housing, schools and hospitals; a system that regenerates

communities; and a system that listens to what local people say about the impact on their lives and environment. However, that cannot happen without a modernised planning system that is reformed from top to bottom. The current system does not meet our ambitions for a prosperous and sustainable Scotland, nor does it command the confidence of the public. That must change and I propose to ensure that it does.

Although development plans have been at the heart of the current system for more than a decade, many of them are out of date. In fact, more than 75 per cent of local plans are more than five years old and more than half are at least 10 years old. That cannot continue. Local authority performance on processing applications also tends to be below published targets. Further, there is anecdotal evidence that far too much time and resource is taken up with small, minor applications, rather than with consideration of the major applications that deliver jobs, homes or public services. Let me be clear: I do not blame local authorities for the ills of the planning system. Many planning authorities do a good job under difficult circumstances and there are many examples throughout Scotland of high-quality, sustainable development that enhances the local environment. Our challenge is to ensure that the system that we introduce builds on the best practice throughout Scotland.

One major problem is that the planning system is too complex and does not have a clear sense of how it should respond to the different demands that are placed on it. Our white paper proposes new procedures for dealing differently with developments depending on whether they are of national, major, local or minor significance. That will ensure that there is a clearer sense of what the planning system is for; that decision making takes place at the appropriate level; and that we can introduce specific measures to consider people's views at each level in the new system and to assess the environmental impacts.

Our proposals to deal effectively with developments of national significance have been comprehensively misrepresented. We propose a sensible measure to ensure that the national planning framework plays a greater role in mapping out the key policies, strategies and developments that Scotland needs. Environmental groups and others have advocated such a proposal. The national planning framework will be drawn up through extensive consultation with stakeholders, subject to a strategic environmental assessment and decided on at the national level by the Executive, with the full involvement of the Parliament. However, giving the national planning framework an enhanced status will not automatically mean that developments will occur in specific locations. Development plans will

continue to be the main vehicle for debating the location, design and impact of specific proposals, with—as now—an important role for public examination and extensive environmental impact assessments.

The white paper also makes sensible provision to distinguish between developments of major, local and minor significance. A small proportion of applications each year will be treated as major applications and, for the first time, special procedures will be put in place to ensure that they are processed with the efficiency that their potential impact on local economic opportunities and job creation merits. Many local applications will be devolved to the local level. Planning officers will be able to take decisions on relatively straightforward cases. Appeals against refusals by officers should be decided locally by the elected members, rather than by reporters. That radical and innovative reform will mean that, where decisions have been delegated to planning officers, elected members will rightly have the final say, bar any recourse to the courts. Those reforms, along with our intended examination of the scope for removing many householder applications from the planning system altogether, will rationalise and simplify a system that has become too complex and unwieldy. Our proposals will enable local authorities to allocate resources in a more focused way to the applications that need them most and to other matters such as enforcement.

The bedrock of our reforms will be the revitalisation of development plans. The development plan process is still the best way in which to reflect local people's views and provide opportunities for them to shape and contribute to the vision for their area while proposals are still on the drawing board. Moreover, all development plans will be subject to strategic environmental assessment to ensure that the environmental impact of development is central to the vision of an area. We will require development plans to be updated every five years and responsibilities will be identified for the timing of the plans and implementation of their policies. We will also reduce the complexity of the system by requiring only one tier of development plan for most of Scotland, with strategic development plans only for the four largest city regions.

Plans should be simpler and more accessible with clearly identified commitments to listen to local people, which will ensure that their views are taken into account fairly, fully and properly. When our new system is in place, it will be easier for all applications to be assessed on their fit with the development plan, which will ensure that the system is more predictable and transparent. That will also make the planning system more efficient, as decisions will be taken quickly on the basis of

their compatibility with the development plan. We will also increase the use of e-planning, improve the way in which planning agreements are concluded and introduce standard planning application forms.

A planning system that is fit for purpose and more efficient is only half the picture. I strongly believe that our reforms will have failed if we do not make the system fairer, more inclusive and more transparent. I am therefore announcing today a raft of reforms to make the planning system more inclusive and better able to respond to environmental concerns.

As I said, the revitalisation of development plans is the best way in which local people can feed in their views about the way in which their community should develop. For individual development plans, key proposals should be communicated directly to the local people whom the plans potentially affect. That reform will ensure that local people are aware of the plans at the earliest possible stage. Subsequently, during the development plan process, people will be able to make their views on the proposals known and then participate in a transparent and predictable decision-making process. The white paper also proposes that local plan inquiries should be made more accessible for local people, so that they feel better able to participate in that critical stage of the plan adoption process. Finally, to ensure that the measures are fully implemented, the quality of public engagement with development plans will be assessed and reported to ministers. That will enable ministers to ensure that all the procedures are followed properly and that local people have every opportunity to feed their views into the drafting of development plans.

The measures will be greatly assisted by improved communication. The white paper proposes a new planning advice note to share best practice on how planning authorities in Scotland should involve local people in the system. That will be supported by a new information campaign to inform people about changes to the planning system and tell them how they will be more involved.

The white paper sets out measures to guarantee local people more rights in statute to express their views on individual applications. For the first time, there will be statutory obligations on applicants to conduct pre-application discussions where applications significantly depart from the development plan or where an environmental impact assessment is required. The white paper proposes more frequent use of hearings before planning authorities take their decisions so that local people can put across their views directly, and it proposes that planning authorities should be required to give reasons for all their decisions and

to notify all individuals who have expressed an interest. I intend to extend the requirement to notify ministers of cases that are significantly contrary to the development plan. The fact that ministers are not satisfied with the level of engagement will be a reason for applications being called in for determination by ministers. That will ensure for the first time that developments will not happen if the views of local people have not been properly listened to.

The white paper sets out reforms to bring new fairness to the planning system by ensuring that ill-founded appeals do not clog up the system and by restricting the grounds for all appeals. Those reforms will address the concern that applicants have an unfettered right of appeal whereas local people have no right of appeal.

The white paper also proposes reforms to enhance the powers that are available to local authorities to enforce planning decisions. Those powers are an essential part of the planning system and ensure that people can have confidence in decisions that are reached fairly, openly and with maximum levels of public participation. I want planning authorities to adopt a more proactive approach to enforcement, to discourage unauthorised development and breaches of planning control, and to deal quickly, efficiently and rigorously with breaches that occur.

Among the measures that I am announcing today to enhance planning enforcement provisions is the proposal that developers should notify local authorities when they are about to start development work so that local authorities can monitor on-going progress more closely. I also propose that local authorities should be able to impose temporary stop notices to allow them to stop development immediately where there has been a breach of planning control. Furthermore, I propose that all local authorities should produce enforcement charters to allow members of the public to know what powers local authorities have and how they intend to use them.

I recognise that enforcement is a matter of great concern to local people. We will therefore keep the effectiveness of the measures under review. I call on all planning authorities to prioritise future resources for enforcement as part of reallocation exercises linked to the implementation of the package of reforms, and I do not rule out even bolder measures in the future if we are unable to make significant headway on enforcing planning decisions in the coming months and years.

In the light of our proposals to ensure more fairness and balance and greater involvement in the new planning system, our white paper does not propose a third-party right of appeal. Our aim is to strengthen the participation of local people from the outset of the process in order to make the

system fairer and more balanced; to avoid building new delays and unpredictability into the system, which could add costs to development and act as a deterrent to investment in sustainable growth; and to strengthen rather than undermine local authority decision making. I hope that everyone in the chamber and throughout Scotland will consider the package of reforms as a whole and consider their views on issues such as rights of appeal in the light of the proposals.

In conclusion, the reforms will promote the Executive's top priority of delivering the sustainable growth that Scotland needs. They will bring investment in jobs, housing, schools and hospitals and will regenerate communities. They will devolve decisions and appeals to local authorities wherever that is possible and will ensure that there is a planning system that is based on up-to-date, relevant and accessible development plans that have been drawn up with the full participation of local people and with full assessment of their environmental impacts. The reforms will, for the first time, guarantee local people their right to make their voices heard while proposals are still on the drawing board. The reforms will encourage debate, engagement and dialogue rather than confrontation and frustration and will ensure for the first time that listening to the views of local people is central to the development process. Above all, the package of reforms will deliver a fairer and more balanced system that is fit for purpose in 21st century Scotland and a system that Scotland urgently needs. I commend it to the Parliament.

The Deputy Presiding Officer: The minister will now take questions on the issues that he has raised in his statement. I will allow around 20 minutes for questions before lunch time. However, I can say now that a considerable number of members will not be called to ask questions. It would be helpful if members whom I call to ask a question do not start with a preamble. Members may press their request-to-speak buttons now, but I can say from looking at my screen that half of those who wish to ask questions will not be called to do so.

Christine Grahame (South of Scotland) (SNP): I thank the minister for the advance copies of his statement and the white paper. The difficulty in reading the white paper during the debate on the Housing (Scotland) Bill was mine, not his. I welcome the requirement for local development plans—which are held in disrepute and disregard because they are so outdated—to be reviewed, whether quinquennially or otherwise.

I refer the minister to section 5.1.1 of the white paper, which is headed “A New Hierarchy for Planning”. In particular, I refer to the paragraph on national developments—an issue on which he has

been quizzed before. The proposed tiered planning system is of interest. However, in the examples that are given, why has he not included nuclear power stations and major wind farm developments? Are those not national developments? In addition, what is meant by

“the full involvement of Parliament”

in those decisions, given that the decisions are to be made by Scottish ministers? Will that involvement be through committee scrutiny, bill procedure or vote? Will there be an appeal process for the public at large when decisions are made to categorise those developments, and will there be an appeal process within the procedures of the Parliament?

Malcolm Chisholm: I welcome Christine Grahame's acknowledgement of the progress that we have made on development plans.

In my statement, I emphasised that national developments will involve full consultation with all the relevant stakeholders, as well as the wider public, and the full involvement of the Parliament. More detailed information will be available once further work has been done on that. It is a complex question. The important thing that I am stating today is that there will be the full involvement of the Parliament in that process. That is a major issue and I have been keen to ensure that the Parliament is fully involved in discussing, debating and having input into it.

National developments are one of the issues that people have been concerned about, and our views on the proposal have been misrepresented. The environmental interests have asked that the national planning framework be given an enhanced status, and we are ensuring that it will have a central status in matters with major strategic implications.

Nuclear power stations will not be in the national planning framework. I have made it clear on more than one occasion in the Parliament that the arrangements for nuclear power stations are not affected by the proposals in the white paper. That they are is one of the misrepresentations that was put about following the leak of a certain document.

Mary Scanlon (Highlands and Islands) (Con): On behalf of the Conservative party, I welcome the Executive's rejection of the third-party right of appeal. The minister has said that local people will have more rights in statute to express their views, as well as up-to-date development plans. What commitment can he give to local communities that are objecting to the huge wind farm developments that are proposed for the Highlands and Islands? Those communities do not feel that they are being listened to. Will land be designated for wind farm development in the future, and will that land designation be included in the development plans,

so that people are consulted in advance rather than having to respond to the developments?

Malcolm Chisholm: The white paper is not the only document that is relevant to planning. A revised national renewable energy planning policy statement will be issued soon, which will deal with wind farms as well as renewable energy more generally.

In general terms, for major developments, local communities will have the new rights that I have talked about. They will have the right to pre-application consultation in the case of a major development and, as I have said, in the case of developments that are against the development plan, there will be new rights for hearings and enhanced scrutiny. Those rights will be guaranteed in relation to any developments of major significance.

Donald Gorrie (Central Scotland) (LD): I ask the minister to help members in their study of the white paper by answering two questions. First, which aspects of the white paper does he consider will strengthen local community involvement in planning decisions? Secondly, might further changes be possible if they are thought necessary following the consultation on the white paper?

Malcolm Chisholm: As I have said, I believe that revitalising development plans will be the best way in which to maximise local people's opportunities to feed in their views about how their community will develop. The white paper sets out a range of proposals that will greatly increase local people's opportunities to participate in making those plans. I also propose a series of far-reaching new measures to guarantee local people more rights to express their views on individual applications. I touched on some of those a moment ago, in replying to Mary Scanlon's question. I do not doubt that, when the bill is introduced, people will debate the extent to which those rights can be adjusted and I am open-minded about that. The key principle that is being enunciated today is that, for the first time, the public will be involved at an early stage in relation to development planning and a wide range of planning applications.

Of course, I acknowledge that the option of introducing a third-party right of appeal will continue to be the subject of debate as people take a view on the effectiveness of the proposals that are set out in the white paper. I assure Donald Gorrie that the Executive is committed to engaging in that debate as Parliament reaches conclusions on the provisions to be included in a planning bill.

Sarah Boyack (Edinburgh Central) (Lab): I welcome the minister's commitments on the national planning framework being subject to consultation and strategic environmental

assessment, and on the statutory requirement to have up-to-date local plans in order to increase accountability and effectiveness. Will he clarify how he intends to take into consideration community planning rights at the application stage? Will he commit in principle to parliamentary debate on the whole package of reforms? Many of us have not been able to absorb the entirety of the proposals. Will he also clarify who will have the right to notify the Scottish Executive of controversial major planning applications? His remarks today indicate that he is reserving that right to local authorities and that he is not widening it out to communities that are unhappy at certain decisions. If he does not do that, we will have to review the situation over the summer.

Malcolm Chisholm: I thank Sarah Boyack for her comments. I am pleased by her support for the requirement for up-to-date development plans. I will certainly be pleased to debate the wide range of issues that we are discussing today. I am sure that planning rights at the application stage will be discussed during that debate and I have already indicated that I am happy to enter into discussions about the details of that.

Sarah Boyack's third point related to notification to the Scottish Executive. It is a new feature that any proposal that is significantly contrary to the development plan will be automatically notified to the Executive by the local authority. That ought to answer her concern. She raised the issue of wider rights of notification, but there are some problems with that proposal and what we propose will have the same effect that she seeks.

Ms Sandra White (Glasgow) (SNP): The minister mentioned a series of consultations, said that he wants to reform and not tinker, and said that he wants to listen to what local people have to say through a fairer, more inclusive and more transparent planning system. However, he has ruled out the third-party right of appeal even though his consultation document shows that 86 per cent of respondents are in favour of it. Does he not agree that he does a great disservice to the majority of the public who support some form of third-party right of appeal? Does he not agree that confidence in the planning system will be eroded and that the third-party right of appeal should be included in the white paper?

Malcolm Chisholm: There are different views on the third-party right of appeal among the public, in the Scottish National Party and, I do not doubt, in other parties. I have given great attention to the matter. The call for a third-party right of appeal indicates that the current system is not working well, and I agree with that view. However, is bolting on something at the end of an unreformed process the right way to deal with a malfunctioning system, or do we need to take a more radical

approach that modernises the system from top to bottom and from beginning to end? My emphasis is on involving communities at an early stage and that is the emphasis of the white paper. As I said in my reply to Donald Gorrie, I know that the debate will continue.

Karen Whitefield (Airdrie and Shotts) (Lab): If the success of the reforms is to rest on regularly updated development plans, what reassurances will the minister give to my constituents that action will be taken if those plans are not updated? Will he also address his points about bolder and more radical enforcement measures being more appropriate? If he thinks that such measures will be necessary, I urge him to reassure the communities of Scotland that enforcement action will be taken, instead of relying on a charter that might not be enforced.

Finally, there is no mention of the cumulative effect of particular types of activity. It is essential that, when a community buys into a development plan, it is recognised that it would be unacceptable for that community to shoulder the burden of all the opencast activity or all the landfill activity in Scotland. That should be considered.

Malcolm Chisholm: I will deal with those points in reverse order. I agree with what Karen Whitefield said about cumulative effect, which she has talked to me about before. The matter will be taken on board in various Scottish planning policies.

We are determined to deal with breaches quickly, efficiently and rigorously. The white paper outlines a series of measures, of which I mentioned only three in my statement. I left things open because we are determined to make progress on enforcement. We think that we have a series of bold, new initiatives, but we will assess how effective they are. We are certainly prepared to be open-minded if more needs to be done.

It will be a statutory requirement that development plans must be updated every five years. That is a big change. In addition, the nature of the plans will be reformed so that the public can be more involved in the planning process. The plans will become simpler and will offer a clear vision of how areas should evolve. That the plans must be updated will be required by legislation.

Mr Jim Wallace (Orkney) (LD): I welcome the minister's statement. Taken as a whole, although the package goes a long way to creating a more efficient planning system and ensuring more effective public engagement in it, it does not put unnecessary barriers in the way of sustainable growth.

The minister mentioned the importance of parliamentary buy-in to the national planning framework. Can he give us an indication of the

options that he is considering and how he proposes to engage Parliament during the coming weeks and months to ensure that we secure parliamentary buy-in in the best way possible?

Malcolm Chisholm: I have a sense of déjà vu. I have not had a question from the back benches from Jim Wallace since 1997. I welcome him to his new position and thank him for the welcome that he has given to the emphasis that we are putting on more effective public engagement.

Jim Wallace asked an important question about the national planning framework, to which I referred in my answer to the first question, which was from Christine Grahame. The issue is complex. We are talking about a new procedure—there has never been parliamentary involvement before, but we are determined to introduce it. Of course we must involve the Parliament in consideration of what is the most effective way to do that. Christine Grahame and others would criticise me if I were to dictate every detail of how the new procedure will work. The relationship between the Parliament and the framework—the creation of which will involve the use of many existing policy documents—will be a complex matter. A group will be set up to examine the issue and will report to the Parliament before the planning bill is published, so there will be many opportunities to debate the detail of how interaction with the Parliament will operate. What is important is that I am making clear today that the national planning framework will have the full involvement of the Parliament.

Cathie Craigie (Cumbernauld and Kilsyth) (Lab): Unfortunately, as a back bencher, I did not get sight of the white paper before the minister's statement to Parliament, but it appears from the statement that the minister is introducing a raft of reforms. I am sure that he will agree that the outdated planning system has meant that, for years, local authorities and communities have been working with their hands tied behind their backs. Like many other members, I am interested in the proposals on public engagement.

The Deputy Presiding Officer: Will you ask a question, please?

Cathie Craigie: I do not believe that it would be right to add a third-party right of appeal on to the existing system. How will the minister ensure that communities can engage in the process? I am talking not just about consultation but about proper participation in the development of a planning system that works for them.

Malcolm Chisholm: I am pleased to be untying local authorities' hands, which I am sure they will welcome.

I welcome the fact that Cathie Craigie has again homed in on public engagement, because it is

central to what we are proposing. In the time available, I have not been able to go through the raft of proposals that we have produced. There will be a planning advice note to ensure greater consistency and the application of the best techniques. I will go into a bit more detail about what will be required for the development plans. Every development plan scheme will involve the production of a consultation statement, which will be tested at the examination stage. All development plans will have an examination stage—that is not the case at the moment. As I have said, ministers will be interested in that.

On specific planning applications, pre-application consultation will take place for a range of major developments and also wherever there is an environmental impact assessment. That is an important part of the action that we are taking to ensure that the environment and sustainable development are at the heart of these reforms. Wherever there is an environmental impact assessment, there will be pre-application consultation. The greater use of hearings and enhanced scrutiny procedures will apply to other developments, particularly those major and local applications that go against the development plan in a significant way.

Other measures that will be taken include improved neighbour notifications and a requirement to give the reason for all decisions. There will also be good neighbour agreements. Again, it is important that we ensure that, whenever there is an environmental impact assessment, a good neighbour agreement is put in place, so far as that is possible. Furthermore, we are modernising local inquiries. There is a raft of detailed proposals on greater involvement, which is at the heart of what is proposed today.

Murdo Fraser (Mid Scotland and Fife) (Con): From an economic perspective, the Executive's proposals for widespread reform rather than tinkering with the current system are very welcome as is the rejection of the third-party right of appeal.

The minister said that the impact of major applications on local economic opportunities and job creation would be a relevant factor in the way in which those applications were dealt with. Will he confirm that, in effect, he is signalling that developments that bring major economic opportunities and large numbers of jobs will be fast tracked? If that is the case, it will be very welcome.

Malcolm Chisholm: One of the problems that I described at the beginning of my statement is the way in which all applications tend to be dealt with in a similar way at the moment. The purpose of the hierarchy for planning is to ensure that the more important an application is, the more attention it will get and the greater urgency it will be dealt

with. Part of the procedure for major applications will be an agreement between the local authority and the developer about how long the authority should take to deal with the application. If the local authority is lax in processing the application, it will have to return the fee that the developer has paid. Measures will be built into the system to ensure that it operates more efficiently.

Alex Neil (Central Scotland) (SNP): I seek more detail from the minister about the proposals. First, how will they relate to a community such as Greengairs? After the implementation of the reforms, will it be impossible for one community to have nine opencast and landfill sites within a small, confined area? At the moment, the sites at Greengairs are destroying the local environment there. Secondly, the minister said that one of his intentions was to speed up the process. Will he tell the chamber what the average time from the submission of a planning application to approval is at the moment and what it will be after the implementation of his proposals? Thirdly, will the Enterprise and Culture Committee recommendation that national guidelines should be introduced for wind farms be incorporated into the new national planning framework?

Malcolm Chisholm: There will certainly be the piece of work on wind farms that I have described. Although that will be a separate Scottish planning policy, some of it will find its way into the national planning framework. Indeed, many important environmental initiatives will be part of that.

At the moment, 64 per cent of planning applications are dealt with within two months and 81 per cent are dealt with within three months. As yet, we have not set new targets as part of the reforms. Obviously, a whole new procedure is to be put in place—indeed, many new procedures are to be put in place. We will have to see how it all beds in and then set new targets for the new situation.

Many parts of what I have proposed today are relevant to Greengairs, including the involvement of the public in development planning and in major planning applications. Cumulative impact is indeed an issue, but I have indicated that that will tend to be dealt with in individual Scottish planning policies.

Patrick Harvie (Glasgow) (Green): The minister complains that his proposals have been misrepresented, but the description of the proposals as a power grab to the centre seems pretty accurate. If it is not, will he tell the chamber whether, once the national planning framework is approved at national level, a local authority will be able to challenge specific proposals such as a new road or landfill site on grounds of need when considering its own development plans? At a time when—

The Deputy Presiding Officer: Was that your question, Mr Harvie?

Patrick Harvie: At a time when a certain party is considering the prospect of losing control of some local authorities in 2007, those reassurances are extremely important.

Malcolm Chisholm: The description of the proposals as a

“power grab to the centre”

is one of the most ridiculous travesties of the truth that I have heard in all the six years of this Parliament. I am astonished that someone from the Green party is so negative about the national planning framework. Indeed, the Green party and other environmental groups have called for an increased role and status for the national planning framework, in which national environmental priorities will be highlighted.

Patrick Harvie should think carefully. There have been discussions on this recently in the Procedures Committee. Obviously, he can pick something that is not environmentally friendly, but a large number of things will be. Is he suggesting that the democratic decision of the Scottish Parliament on the Borders railway, which the whole Parliament decided should go ahead, should be overturned by a local planning inquiry? If he is, he should reflect on that again.

Perhaps Patrick Harvie should also reflect on other environmental issues, because I am asking everyone to look at the measures as a whole. Development plans will have statutory consultees, including the Scottish Environment Protection Agency and Scottish Natural Heritage. There will be strategic environmental assessment for the national planning framework and for all development plans. There will be various other things that were called for in the Scottish Environment LINK manifesto for a planning bill, such as the use of good neighbour agreements. I have already highlighted the special procedures wherever there is an environmental impact assessment, which go beyond what was asked for by Scottish Environment LINK.

I do not have time to mention new provisions on tree preservation orders, the updating of legislation on the historic environment and various other environmentally friendly measures. Patrick Harvie should look at the whole package and reflect on the language about a “power grab”.

12:36

Meeting suspended until 14:00.

14:00

On resuming—

Business Motions

The Presiding Officer (Mr George Reid): The first item of business this afternoon is consideration of business motion S2M-3060, in the name of Margaret Curran, on behalf of the Parliamentary Bureau, setting out a revision to the business programme.

Motion moved,

That the Parliament agrees, as a revision to the business programme for Thursday 30 June 2005—

leave out,

12.30 pm Members' Business

and insert,

12.30 pm Election to the Scottish
Parliamentary Corporate Body

followed by Members' Business—[*Ms Margaret Curran.*]

Motion agreed to.

The Presiding Officer: The next item of business is consideration of business motion S2M-3059, in the name of Margaret Curran, on behalf of the Parliamentary Bureau, setting out a timetable for stage 3 consideration of the Transport (Scotland) Bill.

Motion moved,

That the Parliament agrees that, during Stage 3 of the Transport (Scotland) Bill, debate on groups of amendments shall, subject to Rule 9.8.4A, 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):

Groups 1 to 3 – 40 minutes

Groups 4 to 6 – 1 hour and 10 minutes

Groups 7 to 11 – 1 hour and 40 minutes

Groups 12 to 17 – 2 hours and 25 minutes—[*Ms Margaret Curran.*]

Motion agreed to.

Minister

The Presiding Officer (Mr George Reid): The next item of business is a debate on motion S2M-3041, in the name of Jack McConnell, on the appointment of a minister. I ask members who wish to contribute to the debate to press their request-to-speak buttons, but I remind them that we are tight for time.

14:01

The First Minister (Mr Jack McConnell): Because I did not have the opportunity to do so last week, I start by formally wishing Jim Wallace well as he enjoys the unfamiliar territory of the back benches. He seemed comfortable this morning and he looks even more comfortable this afternoon, but he is a sad loss to our ministerial team. I wish him all the best wherever his career now takes him. *[Applause.]*

Jim knows how highly I regard the efforts that he made in the constitutional convention and then, after devolution in 1999, to ensure that the Parliament worked and worked in the interests of the people of Scotland. However, his most remarkable achievement was to be able to disagree on a regular basis, usually behind the scenes, within the coalition and even during the convention, without ever being disagreeable. That is the mark of Jim Wallace and it is a trait that many others in the chamber might want to develop in years to come.

I congratulate Nicol Stephen on his election as leader of the Scottish Liberal Democrats and on what is therefore his automatic appointment as Deputy First Minister. Nicol and I worked closely together four years ago to make what I hope was a real difference throughout our education system. In particular, he played a central role in resolving the biggest crisis that the Parliament and Scotland have faced in the past six years—the collapse of our examination system. We worked together closely then and I am looking forward to working just as closely with him again. He will be a robust leader of the other coalition partner and I hope that, as we work together, we will always ensure that we work in the interests of Scotland.

I have great pleasure in nominating Tavish Scott to be appointed as Minister for Transport and Telecommunications in our Cabinet. Tavish has now played a significant role in the Parliament in two different deputy ministerial positions, most recently in piloting through the Parliament the Licensing (Scotland) Bill. He has been central to our work in finance and public service reform, working with Tom McCabe to deliver greater efficiencies in our budget and therefore more resources to spend on the services that people in

Scotland want. He was also involved in the bill to introduce something that I am sure was dear to his heart, if not to the hearts of everybody in the chamber—proportional representation for local authorities. I am sure that the passing of that bill was a proud moment for him and that his work on it has given him great credit not only inside his party, but elsewhere.

The position of Minister for Transport and Telecommunications in the Executive is important, especially because investment in transport in Scotland is greater than it has been for a long time. We have significant numbers of new direct air routes in and out of our country, we see improvements in our roads and railways the length and breadth of Scotland and the Parliament has new powers, for which we take real responsibility. In all those areas, and in others, Tavish Scott will take on a challenging portfolio at an exciting time for transport in Scotland. I hope that he will take on the job with the support of the Parliament after today and with the vigour and determination that I know he wants to bring to it.

I am sure that one of the achievements that we will see in Tavish Scott's time as Minister for Transport and Telecommunications will be something that is particularly dear to my heart—a national free bus concessionary fares scheme for the elderly in Scotland. We are determined to introduce the scheme next spring for the whole of Scotland. Tavish will have that as a key objective in the next 12 months. I am sure that he will remember throughout that time that the Tories attempted to vote the measure down at stage 1 of the Transport (Scotland) Bill; I hope that they will have more sense later this afternoon.

This is a great summer for Scotland. Many things are happening—I am thinking not only of the improvements in our economy and our public services, but of the many exciting things that are increasing the profile of our country internationally. When people come to Scotland as a result, I hope that they enjoy better transport systems because of Tavish Scott's appointment as Minister for Transport and Telecommunications.

I move,

That the Parliament agrees that Tavish Scott be appointed as a Minister.

14:06

Nicola Sturgeon (Glasgow) (SNP): I assure the First Minister that I will be very agreeable in disagreeing with some of what he has just said.

The purpose of the motion is to appoint Tavish Scott as a minister. I take the opportunity to congratulate Mr Scott on his elevation and to wish him well in the post. I also take the opportunity to congratulate warmly Nicol Stephen on his election

as the leader of the Liberal Democrats. Nevertheless, his appointment as Minister for Enterprise and Lifelong Learning raises the most questions for the Parliament today, probably the biggest of which is whether he has the political bottle to demand from Labour the changes that he knows are necessary in Scotland.

Nicol Stephen's manifesto for the leadership of his party makes interesting reading. He said:

"Scotland needs new ideas and fresh thinking."

If I can paraphrase, I think that what he means is that the Government is stale and has run out of ideas. I will certainly second that, but I am afraid that Nicol Stephen, who has been a member of that Government as a minister for the past six years, must take his share of the responsibility. What has he done over those years to bring forward all those new ideas and all that fresh thinking?

Now that Nicol Stephen has a new lease of life, perhaps he will make some amends. I suppose that that is what we want to know today. I hope that he will take the opportunity to answer some questions when he sums up the debate. For example, he says in his manifesto that we need to cut business rates to boost economic growth. The question for him is whether, now that he is in charge of enterprise, he will deliver. He also says that back-door tuition fees should be abolished to help to tackle student debt. We know that student debt now stands at £11,000 on average. Now that he is in charge of lifelong learning, will he deliver and get rid of back-door tuition fees? He says that the Parliament can do more only if it has greater powers. Will he use his influence as Deputy First Minister to demand and secure those extra powers not at some distant point in the future, but here and now, so that the Parliament can get on with delivering for the people whom we serve?

If the answer to those questions is yes, I assure Nicol Stephen that he will find willing, co-operative and very agreeable allies in the Scottish National Party. However, until we know the answer, the jury must remain out on his appointment and, by extension, on that of Tavish Scott.

14:08

David McLetchie (Edinburgh Pentlands)
(Con): I echo the sentiments expressed by the First Minister about Jim Wallace, as I did not have the opportunity to do so in the way that I would have liked at First Minister's question time last week. On behalf of all the Tory members, I thank Jim for his contribution to the Parliament and to the Scottish Executive over the past six years as a member and a minister. His commitment and hard work are beyond question, as are his courtesy and good humour to all. I thank him very much indeed.

Frequent ministerial reshuffles are a feature of the Parliament. I am sure that members would be disappointed if I did not comment, as the Conservatives always do on such occasions, on the bloated size of the Scottish Executive. During the recent general election campaign, Charles Kennedy said that the Liberal Democrats at United Kingdom level favoured a Cabinet of Gladstonian size and that we should streamline the administration of government and reduce the scale and scope of its functions. He was quite right, but sadly that exposition of classical liberalism has fallen on deaf ears among his colleagues in the Scottish Parliament.

Six years after the establishment of the Scottish Parliament, 18 Scottish Executive ministers are carrying out the functions that before devolution were exercised by five Scottish Office ministers—we now have nearly four times as many ministers. Moreover, instead of cutting the Government down to size, the Liberal Democrats are gagging for jobs—none more so than Mr Lyon, whose promotion is an overdue reward for six long years of persistent sycophancy. Given the poor example that has been set at the top, is it any wonder that there has been an explosion in the size of the bureaucracy underneath?

Gladstone's great rival, our very own Benjamin Disraeli, described attaining the leadership of a political party as climbing to

"the top of the greasy pole".

Mr Stephen may find that the top of a greasy pole makes for an uncomfortable perch, although it affords the opportunity of a clear view. The issue for Mr Stephen, Mr Scott and the other new ministers is whether they have not just a view, but a vision to take Scotland forward.

Until now, the Liberal Democrats have successfully managed to present themselves as being simultaneously in government and in opposition. They will not enjoy such a luxury in the run-up to the Scottish Parliament elections in 2007. The acid test, particularly in relation to Mr Stephen's enterprise portfolio, will be whether they decide to make an immediate difference to Scottish Executive policy or seek to duck responsibility and delay decisions for tactical advantage.

For example, as Ms Sturgeon correctly pointed out, Mr Stephen made great play in his leadership campaign of his desire for a reduction in business rates in Scotland. The Conservatives in the Parliament have long advocated such a measure, because the abolition of the uniform business rate by the Executive has cost Scottish businesses £839 million during the past five years. If Mr Stephen, Mr Scott and their fellow Liberal Democrats are serious about reducing the

burdens on business, Mr Stephen should take the initiative and do so now, as opposed to simply making a manifesto pledge on the matter in 2007. There is no better time than now to give a welcome boost to the Scottish economy. The opportunity should not be wasted and, if Mr Stephen, Mr Scott and their colleagues seize that opportunity, however belatedly, I will be the first to compliment them on doing so.

14:13

The Deputy First Minister and Minister for Transport (Nicol Stephen): I thank everyone for their kind words. I also record my thanks for the work and support of Jim Wallace. Members of all parties have been warm in their tributes to him. To spend 22 years as a parliamentarian for such a distant constituency requires a special commitment to political work, which he has demonstrated. He made his first intervention from the back benches during today's statement and he deserves to be thanked for his leadership of the Liberal Democrats in Scotland during the past 13 years and for his huge contribution to the Scottish Parliament in his role as Scotland's first Deputy First Minister.

When I consider previous debates on the appointment of ministers, I think that, back in 2002, John Swinney got it right.

Mr John Swinney (North Tayside) (SNP): Not for the first time.

Nicol Stephen: I also thank John Swinney for the words of advice on leadership that he gave me the other day. He said in 2002:

"The appointment of ministers to Cabinet office should largely be about who can focus the Government's priorities in order to achieve the Government's objectives."—[*Official Report*, 8 May 2002; c 11621.]

I have absolutely no doubt that my colleague Tavish Scott will bring that focus and commitment when he joins the Scottish Cabinet. Members of all parties have recognised his recent successful work on relocation policy and licensing and they know that he will bring to the Cabinet drive, determination and energy.

The position of Minister for Transport and Telecommunications is an important one to hold in the Executive. Thanks to our policies, we have seen a switch in spending to public transport on an unprecedented scale and we are building new railways in different parts of Scotland, whereas the history during the Conservative years was one of closure and cuts.

It is always interesting to hear from Mr McLetchie on these occasions. Jim Wallace reminded us last week that, around the Parliament, leaders may come and go but David

McLetchie remains the constant. He always has a weary tone when he talks about changes among ministers and spokespeople. He is on less sure ground on this occasion. We might remember James Gray, but how many of us do? I remember his six days in office in May as shadow Secretary of State for Scotland. He was famous mainly for recommending that Mr McLetchie and all his colleagues should be axed. I point out to Mr McLetchie that there were more shadow Secretaries of State for Scotland in one week than there have been Scottish Conservative MPs in each of the past eight years.

Nicola Sturgeon was kind enough to endorse much of my personal manifesto for the Liberal Democrat leadership campaign, for which I thank her. Of course the SNP has made some play of cutting business rates. SNP members often talk about taxation; they have proposed cutting corporation tax, cutting income tax for low earners, cutting whisky duty, cutting fuel duty and cutting council tax. Does that sound familiar? However, the other half of the SNP shadow Cabinet, consistent as ever, summed the position up nicely back in January. After three years when the Liberal Democrats and Labour have reduced business rates in real terms, Christine Grahame told us:

"We need to raise taxes".—[*Official Report*, 19 January 2005; c 13601.]

The Opposition parties have a lot of work to do. The Parliament should not support their objections to the motion. Tavish Scott will be an excellent minister in the Executive and he deserves the support of the Parliament.

The Presiding Officer: The question is, that motion S2M-3041, in the name of Jack McConnell, on the appointment of a minister, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Alexander, Ms Wendy (Paisley North) (Lab)
 Arbuckle, Mr Andrew (Mid Scotland and Fife) (LD)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marlyn (North East Scotland) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)

Gorrie, Donald (Central Scotland) (LD)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, 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)
 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)
 Murray, Dr Elaine (Dumfries) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Radcliffe, Nora (Gordon) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Scott, Tavish (Shetland) (LD)
 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

Adam, Brian (Aberdeen North) (SNP)
 Aitken, Bill (Glasgow) (Con)
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)
 Brownlee, Derek (South of Scotland) (Con)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Davidson, Mr David (North East Scotland) (Con)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Ewing, Mrs Margaret (Moray) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallie, Phil (South of Scotland) (Con)
 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)
 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)
 Maxwell, Mr Stewart (West of Scotland) (SNP)
 McFee, Mr Bruce (West of Scotland) (SNP)
 McLetchie, David (Edinburgh Pentlands) (Con)

Mitchell, Margaret (Central Scotland) (Con)
 Morgan, Alasdair (South of Scotland) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 Robison, Shona (Dundee East) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, Eleanor (Highlands and Islands) (Green)
 Scott, John (Ayr) (Con)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Tosh, Murray (West of Scotland) (Con)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)

The Presiding Officer: The result of the division is: For 62, Against 38, Abstentions 0.

Motion agreed to.

That the Parliament agrees that Tavish Scott be appointed as a Minister.

Junior Ministers

The Presiding Officer (Mr George Reid): The next item of business is a debate on motion S2M-3042, in the name of Jack McConnell, on the appointment of junior Scottish ministers, and one amendment to the motion. I ask those who wish to contribute to press their request-to-speak buttons, but we must be done by 2.35 pm.

14:19

The First Minister (Mr Jack McConnell): I put on record my thanks to Euan Robson for his contribution to the ministerial team both as Deputy Minister for Parliament and, recently, as Deputy Minister for Education and Young People. *[Applause.]* He has been a pleasure to work with. He admirably represents his area as well as having an interest in areas throughout Scotland. In the past two years in particular, he has driven forward changes in social work, child protection and other areas that I am sure will save lives in years to come, which is no mean feat to achieve in a short time in a ministerial portfolio. I wish him all the best.

I know that one of the achievements of which Euan Robson is most proud is the Marriage (Scotland) Act 2002, work on which he was involved in as a back bencher and completed when he was a minister. The act gave people in Scotland more choice about their marriage plans, which means that Euan Robson has probably caused a lot of arguments among couples. I hope that he will effectively take part in the arguments that we will have in the Parliament in the years to come.

Today, I nominate George Lyon and Robert Brown to join the ministerial team as junior ministers. They are two of the most formidable and effective back benchers that the Parliament has seen in the past six years. Robert Brown has brought a passion and an intellect to the debates in the chamber in a way that I think is extremely creditable. I am certain that his interest in education and young people, which we have seen in his work as the convener of the Parliament's Education Committee, will be shown in his ministerial work as he supports Peter Peacock in bringing about the changes that will deliver real opportunities for young people across Scotland.

One of my relatives once said of George Lyon that he was more of a politician than a farmer. He is, of course, both things and I know that he will take particular pleasure in achieving ministerial office, having spent so many years in the farming country of Buteshire. On the back benches, George Lyon has been a fiery representative of his constituency and his party. On many occasions,

he has successfully exposed the absolutely paltry positions of the Opposition parties and he has been a passionate advocate of real change for Scotland. He recognises the need to celebrate the successes of this country and to ensure that, across Scotland, our young people become more and more confident as a result. I know that he will bring to the finance and public service reform portfolio the same commitment that he has given to his work on the Audit Committee and as the Liberal Democrats' chief whip. I am sure that he will be an excellent minister. With the Parliament's support, I look forward to welcoming George Lyon and Robert Brown to the team.

Although it will be noted elsewhere, I should say for the record that Rhona Brankin is now the Deputy Minister for Environment and Rural Development. She has a long track record of hard work, both as an MSP and before joining the Parliament. I think that she will bring renewed vigour to our policies in an area that is about to become a real priority following the G8 summit next week, which will address climate change.

I also note that Lewis Macdonald will join Andy Kerr in working on the health and community care portfolio to ensure that we improve not only dentistry and the health services of Scotland, but public health, ensuring that more Scots live longer and have happier and more successful lives.

I move,

That the Parliament agrees that George Lyon and Robert Brown be appointed as junior Scottish Ministers.

14:23

Fiona Hyslop (Lothians) (SNP): I am opposing Robert Brown's appointment not on personal grounds—having served on the Education Committee under his stewardship, I can testify to his hard work and dedication to the subject—but because I want to protect him from the possibility that he will be held responsible for Government education policies that are failing to make the grade.

I note with interest that the last parliamentary questions that Robert Brown lodged as a back bencher were on allotments. I do not know where his sudden interest in allotments came from on Monday. Was he cheekily preparing the ground for Jim Wallace and his new-found spare time or was he perhaps putting the knife into Euan Robson, whom he is replacing?

On the subject of knives, I come to bury Caesar, not to praise him. I always thought that Robert Brown—who, like me, is a Latin scholar—had the air of a Roman senator. I am sure that he will be missed by the other members of the Scottish Parliamentary Corporate Body, which is the

nearest that this place gets to a senate of the great and good.

I am worried about the welfare of Mr Brown and his potential fall from grace. Only today, two stark facts emerged that demonstrate the creaking nature of the Government's education policies. We are told that 30,000 out of 50,000-odd teachers are not teaching for a variety of reasons, whether it is because of the demands of their families, stress, retirement, better opportunities becoming available elsewhere or whatever. The bottom line is that we know that, at the chalkface, there is a shortage of teachers and that our pupils are losing out.

It is four years since the McCrone report, which was intended to make the teaching profession more attractive. After almost £1 billion of investment, however, more than 50 per cent of registered teachers are choosing not to teach and we have shortages in the classroom. The number of teachers who are in front of pupils is what matters, not the number of teachers who are registered.

The move throughout the country to faculty curriculum management is undermining morale. We have indiscipline and stress in schools, yet as recently as last year the First Minister said that teachers had exaggerated the problems of indiscipline. The Executive's refusal to adopt a policy of presumption against closure of rural schools is causing concerned parents to seek to save their local rural schools. I note that the Liberal Democrats were the only party that did not provide a speaker at yesterday's rally by parents on the subject.

Only today, we heard that 50 per cent of schools are in a shocking state of repair. The Government has moved too slowly and with an expensive scheme of financing that does not provide the value, or indeed the value for money, that is required. The Executive started to invest heavily in schools too late—not only that, but it did so via expensive public-private partnership schemes that provide less but cost more. No wonder the pace of investment is so poor.

I cannot help thinking that Robert Brown is letting himself down by allowing himself to be put forward today as the Deputy Minister for Education and Young People. Perhaps it is a case of the appointment of a fall guy as political cover for previous education ministers whose failures are coming to light. Who might they be? They are a certain Nicol Stephen, who is a former Deputy Minister for Education and Young People; Cathy Jamieson; and, of course, the First Minister himself. However, I say to Robert Brown that he should not worry. They are not the type who would leave him out to dry when education policies start to unravel.

I supported Robert Brown during his tenure as convener of the Education Committee, but I cannot support his demotion to Deputy Minister for Education and Young People. I hope that he will reconsider but, should he not do so, the Parliament should save him from himself.

I move amendment S2M-3042.1, to leave out "and Robert Brown".

14:27

Bill Aitken (Glasgow) (Con): It is, of course, necessary in such debates immediately to put down a marker that there is absolutely no personal animus in what one is about to say. Robert Brown and I have known each other for many years. Indeed, as someone unkindly pointed out last night, we have known each other for some 30 years, back to the days when we both had hair. I first met him when he was elected to Glasgow District Council. There, he was an earnest and committed councillor. I recall that I greatly offended him one day when I accused him of political duplicity. Little did I think that, some years down the road, he and his colleagues would demonstrate to me that they had made political duplicity into an art form.

Having departed from the senatorial and patrician Brown, let us turn to the plebeian Lyon. I have a terrible confession to make. I know that I will be condemned resolutely by Conservative members for what I am about to say, but I will be condemned even more by members on the Liberal benches. I actually quite like George Lyon. I have always found him to be quite witty and intelligent; he has a degree of self-confidence that, in someone else, one might find quite admirable. However, he, too, has now joined the ministerial gravy train.

I oppose the two appointments with a degree of concern for the individuals involved. It could not be said that they are anything other than hard-working and committed members. Having been a chief whip and a busy committee convener, they now enter the ministerial tower. I know that Parkinson's law declares that the level of work and input will expand to fill the time available, but I cannot see what they will be doing up there. Is Fiona Hyslop perhaps right to say that poor old Robert Brown will be there as the fall guy? Could George Lyon become the hate figure of the Parliament generally rather than just of members on the Liberal benches? Is there something sinister in the appointments? I urge the gentlemen, even at this late stage, to work out what Nicol Stephen and Tavish Scott are thinking in placing them in their invidious position.

To deal with the serious point, we have too many ministers, so perhaps we should save the

two men from themselves by voting against the appointments.

14:30

The Deputy First Minister and Minister for Transport (Nicol Stephen): Looking back at previous debates on motions such as this, as I do regularly, I have noticed two things. First, members always explain that they have absolutely nothing against the individual who is being proposed. Indeed, that was the case when I was first proposed as a minister. At that time, Phil Gallie objected on behalf of the Conservatives because of the lack of progress on abolishing charges for eye and dental checks. I look forward to the debate on the Smoking, Health and Social Care (Scotland) Bill tomorrow, when Phil Gallie and every other Conservative member will have the chance to vote to abolish those charges—we look forward to Phil Gallie and the rest of his team voting in favour of the bill. The second thing that I have noticed is that ambitious and aspiring members have tended to treat such debates a bit like junior question time—they tend to think that they will do better on the attack than their party leader who has spoken before them.

Fiona Hyslop is on shaky territory in speaking about education. As far as I can remember, her main policy is to bring to a halt our school replacement and refurbishment programme, while she goes off with Mr MacAskill to work out whether private companies should be allowed to build new schools in Scotland. If they had their way, 300 new and refurbished schools in Scotland would be blocked by the Scottish National Party.

I had planned to make a lengthy diatribe against the Conservatives, but I will cut that bit, because, in contrast, Bill Aitken made an admirable contribution, the spirit of which was much appreciated throughout the chamber. I say to his leader and to the Conservative back benchers that, on that basis, Bill Aitken is perhaps deserving of consideration for promotion in the future days and weeks.

I thank Euan Robson for the work that he has done for Scotland as Deputy Minister for Education and Young People and previously as Deputy Minister for Parliament. I echo the sincere tribute that the First Minister paid to him. Euan Robson's work, especially on social work and young people, has made Scotland a better place.

Robert Brown brings an exceptional commitment to education from his convenership of the Education Committee. He also brings a wealth of experience from his work in the Parliament on social justice and on housing and, just as important, as a key member of the team that prepared the Executive's partnership agreement.

George Lyon brings a wide range of experience to the Executive, both from inside and outside politics. Members know that he was president of the National Farmers Union Scotland before joining the Parliament. He has contributed with distinction to the work of the Enterprise and Lifelong Learning Committee and to the Audit Committee. Members will know that he is always a strong performer in the chamber. With Tavish Scott, Robert Brown and George Lyon as part of the ministerial team, the Parliament can be assured that determined delivery and the radical reforms will continue.

The Presiding Officer: The question is, that amendment S2M-3042.1, in the name of Fiona Hyslop, which seeks to amend motion S2M-3042, in the name of Jack McConnell, on the appointment of junior Scottish ministers, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Adam, Brian (Aberdeen North) (SNP)
 Aitken, Bill (Glasgow) (Con)
 Baird, Shiona (North East Scotland) (Green)
 Ballard, Mark (Lothians) (Green)
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)
 Brownlee, Derek (South of Scotland) (Con)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Curran, Frances (West of Scotland) (SSP)
 Davidson, Mr David (North East Scotland) (Con)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Ewing, Mrs Margaret (Moray) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Fergusson, Alex (Galloway and Upper Nithsdale) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 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)
 Johnstone, Alex (North East Scotland) (Con)
 Leckie, Carolyn (Central Scotland) (SSP)
 Lochhead, Richard (North East Scotland) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Mather, Jim (Highlands and Islands) (SNP)
 Maxwell, Mr Stewart (West of Scotland) (SNP)
 McFee, Mr Bruce (West of Scotland) (SNP)
 McLetchie, David (Edinburgh Pentlands) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Morgan, Alasdair (South of Scotland) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 Robison, Shona (Dundee East) (SNP)
 Scott, Eleanor (Highlands and Islands) (Green)
 Scott, John (Ayr) (Con)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Tosh, Murray (West of Scotland) (Con)
 Welsh, Mr Andrew (Angus) (SNP)

AGAINST

Alexander, Ms Wendy (Paisley North) (Lab)

Arbuckle, Mr Andrew (Mid Scotland and Fife) (LD)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Gallie, Phil (South of Scotland) (Con)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marlyn (North East Scotland) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, 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)
 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)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Scott, Tavish (Shetland) (LD)
 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)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

The Presiding Officer: The result of the division is: For 41, Against 65, Abstentions 0.

Amendment disagreed to.

The Presiding Officer: The next question is, that motion S2M-3042, in the name of Jack McConnell, on the appointment of junior Scottish ministers, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division

FOR

Alexander, Ms Wendy (Paisley North) (Lab)
 Arbuckle, Mr Andrew (Mid Scotland and Fife) (LD)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marlyn (North East Scotland) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, 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)
 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)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Scott, Tavish (Shetland) (LD)
 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)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

AGAINST

Aitken, Bill (Glasgow) (Con)
 Baird, Shiona (North East Scotland) (Green)
 Ballard, Mark (Lothians) (Green)
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)
 Brownlee, Derek (South of Scotland) (Con)
 Davidson, Mr David (North East Scotland) (Con)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Fergusson, Alex (Galloway and Upper Nithsdale) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Harvie, Patrick (Glasgow) (Green)
 Johnstone, Alex (North East Scotland) (Con)
 McLetchie, David (Edinburgh Pentlands) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Scott, Eleanor (Highlands and Islands) (Green)
 Scott, John (Ayr) (Con)
 Tosh, Murray (West of Scotland) (Con)

ABSTENTIONS

Adam, Brian (Aberdeen North) (SNP)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Curran, Frances (West of Scotland) (SSP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Ewing, Mrs Margaret (Moray) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Leckie, Carolyn (Central Scotland) (SSP)
 Lochhead, Richard (North East Scotland) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Mather, Jim (Highlands and Islands) (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)
 Swinney, Mr John (North Tayside) (SNP)
 Welsh, Mr Andrew (Angus) (SNP)

The Presiding Officer: The result of the division is: For 64, Against 17, Abstentions 23.

Motion agreed to.

That the Parliament agrees that George Lyon and Robert Brown be appointed as junior Scottish Ministers.

Transport (Scotland) Bill: Stage 3

14:36

The Presiding Officer (Mr George Reid): The next item of business is stage 3 of the Transport (Scotland) Bill. I make the usual announcement about the procedures that will be followed. We will first debate amendments to the bill and thereafter debate the motion to pass the bill.

For stage 3, members should have a copy of the bill—that is, SP bill 28, as amended at stage 2—the marshalled list, which contains all the amendments that I have selected for debate, and the groupings, which I have agreed. An extended voting period of two minutes will be allowed for the first division. Thereafter, a voting period of one minute will be allowed for the first division after debate on a group. All other divisions will last 30 seconds.

Section 1—Establishment of regional Transport Partnerships

The Presiding Officer: Group 1 concerns non-establishment of regional transport partnerships and retention of transport functions. Amendment 65, in the name of David Davidson, is grouped with amendments 66, 67, 70 to 76, 82 and 83.

Mr David Davidson (North East Scotland) (Con): I apologise to members who cannot hear me because of my bad throat.

Amendment 65 would make the power to establish regional transport partnerships permissive rather than obligatory. More important, it would allow existing models to remain intact if they are delivering. It is entirely wrong to force local authorities to form statutory partnerships: they are sick and tired of being told what to do by the Executive, so rather than tell them that they shall join regional transport partnerships and that is that, we should give councils the option of joining RTPs if they wish to do so and we should allow them to choose which one to join.

Some councils might prefer to stick with the existing voluntary arrangements—the north-east Scotland transport partnership in my region, which is also Nicol Stephen's region, works extremely well—but others might decide to form a unitary RTP. Therefore, I ask the minister to confirm that he will allow any council that requests unitary RTP status to be granted it, as was sensibly done for Dumfries and Galloway Council. Other local authorities might decide that they would rather do without the increased bureaucracy that will be involved in setting up an RTP, and prefer to sit it out.

If existing voluntary or statutory arrangements work, it is also wrong for the Executive to impose a top-down model in a bid to create a uniform structure throughout Scotland. The case of Strathclyde Passenger Transport deserves particular mention. As my Conservative colleagues argued at stage 1, we do not need major structural changes to transport delivery in the west of Scotland because SPT functions perfectly well as it is. As SPT's chair Alistair Watson asked, why commit time and resources to reinventing the wheel? Amendment 71 would specifically allow Strathclyde Passenger Transport to continue operations in its current form without the disruption of being morphed into an RTP. If the Executive refuses to acknowledge the logic of my argument, I seek an assurance from the minister that the well-recognised SPT name and branding—replacement of which would be hugely expensive and a retrograde step—will be retained for the new partnership.

Arguably, the most disturbing section of the bill is section 12, which seeks to strip SPT of its rail powers, which have proved to be an unprecedented success. Amendments 72 to 76, plus amendments 82 and 83, seek to address that by removing section 12 altogether.

During stage 2, the Minister for Transport was at pains to emphasise that, as amended, section 12 would apply only to the rail powers of SPT, but those rail powers are the subject of much concern. The minister should remember that SPT provides almost 70 per cent of ScotRail services with just 55 per cent of the ScotRail subsidy, and that residents of the west of Scotland make more use of rail journeys per head than do people in any other part of the United Kingdom apart from London. Clearly, the system is doing its job, but the minister has been less than clear about what will happen to SPT's rail powers. At stage 2, he said that SPT's successor will have

"a continuing role in the development, management and monitoring of rail services".—[*Official Report, Local Government and Transport Committee*, 10 May 2005; c 2486-87.]

The bill will strip away those powers, but also appears to give them back so that they can be administered on behalf of the new national transport agency. That sounds like a recipe for confusion, and we are none the wiser as to exactly what will happen in practice.

At best, the changes are unnecessary and disruptive. At worst, they threaten to undo entirely SPT's hard-won gains for rail commuters in the Strathclyde area in recent years. It is not Parliament's job to pick apart a successful model of delivery merely in the interests of administrative uniformity. I urge members, particularly those who

represent constituencies in the west of Scotland, to support my amendments.

I move amendment 65.

Bristow Muldoon (Livingston) (Lab): David Davidson's amendments seek to undermine the bill completely. The establishment of regional transport partnerships has come before Parliament from the Labour manifesto of 2003. The issue was debated fully in Parliament months ago and David Mundell and his colleagues were roundly defeated in that debate. When the Local Government and Transport Committee was considering the establishment of regional transport partnerships, Mr Mundell—Mr Davidson's predecessor—was the sole member of the committee to dissent completely from the intention to introduce RTPs. The other members of the committee, including SNP members who had expressed reservations, argued that if we are to have regional transport partnerships, they should be strong partnerships.

Mr Davidson's argument becomes incoherent. He praises SPT—quite rightly—for its successes over the years in delivering transport improvements in the west of Scotland, but he still wants weak partnerships for other parts of Scotland, instead of sharing the strengths and record of SPT throughout the country. On that basis, I encourage members to reject every single one of Mr Davidson's amendments, so that we can build on the success that SPT has had in the west of Scotland through delivery of strong regional partnerships throughout Scotland.

Bruce Crawford (Mid Scotland and Fife) (SNP): I agree with some of what Bristow Muldoon said. I think that David Davidson described the bill as a recipe for disaster. If I have ever seen a recipe for disaster, it is some of the amendments that Mr Davidson has lodged, which would result in a disjointed and unintegrated patchwork hotch-potch of different authorities acting in different ways across Scotland.

Mr Davidson: Does the SNP support the Executive in the view that it knows best and that we must have a centralised system in Scotland, which the Executive will decide on?

Bruce Crawford: I will come to the Executive's position when we talk about the powers of RTPs. There can be improvements in that area, as have been proposed by Fergus Ewing.

On David Davidson's amendments, there was in respect of Dumfries and Galloway a well-argued case that rested on geographical circumstances and which suggested that that authority should have its own powers. However, no other part of Scotland emerged in that light, as the Conservatives suggest might happen in the future.

In effect, the Conservatives' proposals would deliver a situation in which there was no continuity throughout Scotland in any way, shape or form. Major projects would not be deliverable and there would be a disjointed and unintegrated system. That would be madness and would reflect much of what we have heard from the Conservatives today.

14:45

Margaret Smith (Edinburgh West) (LD): There is no doubt that a major strength of the Scottish Parliament is the co-operative and constructive way in which its committees tend to work. The bill reflects that, in that we now have a better bill than we had at the beginning of the process. The amendments in David Davidson's name are therefore disappointing—they are essentially wrecking amendments.

The bill seeks to establish throughout the country a consistent and coherent system of regional transport partnerships, under arrangements that are similar to those for which Mr Davidson praises SPT. The RTPs are intended to address issues that we want to deal with, such as integration of transport systems, but David Davidson's amendments would prevent that from happening. For that reason, the Liberal Democrats will oppose them.

Paul Martin (Glasgow Springburn) (Lab): I will oppose the amendments for reasons that are similar to those which Bristow Muldoon gave. It is all well and good for David Davidson to support Strathclyde Passenger Transport, but it is a pity that such support was not given in the mid-1990s to Strathclyde Regional Council.

I make the serious point, which Bristow Muldoon made well, that we must replicate SPT's success throughout Scotland. The bill gives us the opportunity to do that.

I seek assurances from the minister that while we follow the process of examining the new model of regional transport partnerships, solutions that organisations such as SPT produce will be considered seriously.

I make it clear that the Dumfries and Galloway model is specific to Dumfries and Galloway. Elsewhere in Scotland, we will look for a uniform approach to regional transport partnerships.

The Deputy First Minister and Minister for Transport (Nicol Stephen): We have seen it all now—the Tories as the champions of local government, of Strathclyde Passenger Transport and of the west of Scotland. I remind David Davidson that the Convention of Scottish Local Authorities supports the changes and the introduction of regional transport partnerships and

is very supportive of the significant extra resources that we are putting into transport and into public transport, in particular.

The amendments from David Davidson were a surprise. The Executive and the Local Government and Transport Committee worked well and hard together on the bill through stages 1 and 2. Difficult issues were identified, and resolved in virtually every case, and the bill that is now before Parliament commands the broad support of the committee and the Executive.

Amendments are to be worked through this afternoon, but they will largely make refinements or respond to points that were made at stage 2. None of David Davidson's amendments was lodged or suggested at stage 2 and none has had the benefit of analysis or consideration by the committee. His amendments have two main objectives. The first is to remove the requirement on ministers to create regional transport partnerships and instead to allow them to establish in some areas hybrid public bodies. The second objective is to remove the provision that will enable Scottish ministers to transfer SPT's rail powers to ministers.

Now is not the time to shrink from a bold step forward in delivery of better transport. I urge David Davidson to withdraw amendment 65 and not to move his other amendments.

Mr Davidson: We have heard all that time and again. To be fair, I was not involved in the committee at the beginning of stage 2; I came in late to replace my colleague David Mundell. However, I had long conversations with him and what he was concerned about at stage 1 is manifesting itself again this afternoon: everything is about central control and a one-size-fits-all prescriptive approach to running Scotland, although organisations such as NESTRANS in the minister's and my region were formed voluntarily. If it is not broken, why fix it?

The Executive constantly drives for a one-size-fits-all approach. We have seen that in the health service, where it is patently not appropriate, and we see it again today. I intend to press amendment 65.

The Presiding Officer: The question is, that amendment 65 be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

Aitken, Bill (Glasgow) (Con)
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)
 Brownlee, Derek (South of Scotland) (Con)
 Davidson, Mr David (North East Scotland) (Con)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Fergusson, Alex (Galloway and Upper Nithsdale) (Con)

Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallie, Phil (South 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)
 Tosh, Murray (West of Scotland) (Con)

AGAINST

Adam, Brian (Aberdeen North) (SNP)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Arbuckle, Mr Andrew (Mid Scotland and Fife) (LD)
 Baillie, Jackie (Dumbarton) (Lab)
 Baird, Shiona (North East Scotland) (Green)
 Baker, Richard (North East Scotland) (Lab)
 Ballance, Chris (South of Scotland) (Green)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 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)
 Fabiani, Linda (Central Scotland) (SNP)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Fox, Colin (Lothians) (SSP)
 Gibson, Rob (Highlands and Islands) (SNP)
 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, 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, Paul (Glasgow Springburn) (Lab)
 Mather, Jim (Highlands and Islands) (SNP)
 Maxwell, Mr Stewart (West of Scotland) (SNP)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (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)
 Morgan, Alasdair (South of Scotland) (SNP)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 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)
 Robison, Shona (Dundee East) (SNP)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Scott, Eleanor (Highlands and Islands) (Green)
 Scott, Tavish (Shetland) (LD)
 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)
 Swinney, Mr John (North Tayside) (SNP)
 Wallace, Mr Jim (Orkney) (LD)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Welsh, Mr Andrew (Angus) (SNP)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

The Presiding Officer: The result of the division is: For 14, Against 89, Abstentions 0.

Amendment 65 disagreed to.

Amendments 66 and 67 not moved.

The Presiding Officer: Group 2 is headed “RTPs: membership, administration, and remuneration, etc”. Amendment 68 is grouped with amendments 69, 10 to 12, 15 and 60.

Pauline McNeill (Glasgow Kelvin) (Lab): I will speak first to amendment 69 because it is the reason for amendment 68.

Given the need for fair representation of all local authorities on the new regional transport partnerships, there might be a case for larger local authorities to have five seats rather than the four that the bill currently provides for. Amendment 69 would not change the levels of representation but would simply allow a debate on such issues to take place.

Having previously expressed concerns about the position of SPT in the west of Scotland, I want to ensure that the bill as it will be enacted will work. Therefore, I want to ensure that my local authority—Glasgow City Council—has appropriate representation on the new RTP. Local authorities will have their representation on SPT reduced because of the requirement for fewer members on the new transport bodies, but the reduction needs to be proportionate. Agreement to amendment 69 would not per se change the current weighting of local authorities, but if the maximum number of council members is kept at four, it will never be able to be increased without primary legislation.

Amendment 69 would simply delete “four” and insert “five”.

Amendment 68 is designed to ensure that, although the representation of individual local authorities might be increased, the maximum number of local authority members would never go above 20. That would be in keeping with the desire to keep the regional transport partnerships small.

I will support amendment 10 in the name of Nicol Stephen. Although I strongly support the committee's decision at stage 2 to remove full voting rights from private sector representatives, I believe that amendment 10 will achieve the right balance by allowing partnership authorities to decide on which matters non-elected members should be able to vote.

I believe that SPT is an organisation that has worked well and that it is broadly the right model to be followed. I do not want to see a huge departure from its structure, so I support the amendments that the minister has lodged because they will make the transition much easier.

I move amendment 68.

Nicol Stephen: I start by speaking to Executive amendments 10 and 15. At stage 2, the Local Government and Transport Committee voted to remove voting rights from external members of RTPs. I acknowledge the concerns of committee members about the role of non-councillor members, which were shared by a number of witnesses who gave evidence at stage 1. Some balancing arguments were made by others—I know that in some parts of the country councils and existing voluntary partnerships very much want outside, non-councillor members to continue to be able to vote on issues.

I do not expect many issues to go to a vote in the RTPs. They will work well only if there is a partnership approach and broad consensus. However, having considered the issue further and having reflected on the committee's concerns, I believe that amendments 10 and 15 are appropriate. The intention behind the amendments is that regional transport partnerships will be permitted to allow outside representatives serving on the partnerships to be full and equal voting members when councillor members want that. There is one exception, which reflects a concern of all members—I refer to situations in which a regional transport partnership is deciding on requisition of funds from local councils and on requests for transfer of new functions to RTPs from councils, which is covered by Executive amendment 10.

I will support Pauline McNeill's amendment 68, which would limit the number of councillor members of any RTP to a manageable figure. I

agree that partnerships should be effective and focused on decision making and that they should have a relatively small number of members to help them to achieve that. The intention that was set out in the draft order that was submitted to the committee ahead of stage 2 was that the largest partnership—for the west of Scotland—should have 17 councillor members. In broad terms, that number is consistent with amendment 68, which would cap the number of councillor members of any RTP at a maximum of 20.

Amendment 69 would increase from four to five the maximum number of councillor members that would be appointed by each council. As Pauline McNeill correctly said, the amendment would not change the allocation that has already been suggested. I had some reservations about making the change. Discussions have already taken place between councils on the structure of the new regional transport partnerships in their regions, so I did not want to cause uncertainty or delay in the creation of RTPs and shadow RTPs, which I encourage. However, the prospect of one council having five votes rather than four—which will not be universally popular, especially with some of the smaller councils—offers a bit more flexibility in the allocation of councillor members and votes. On balance, the Executive supports amendment 69.

Amendment 11 responds to an amendment that Paul Martin lodged at stage 2. I was grateful to Paul Martin for not moving the amendment and thereby allowing the Executive time to consider issues further. First, he wanted the order that will establish RTPs to empower the partnerships to establish committees. I assure him today that they will be able to do so without provision for that having to be made in primary legislation. That provision will be included in the order on regional transport partnerships, which will be laid before Parliament in due course.

Secondly, Paul Martin wanted regional transport partnerships to be able to devolve certain decisions to committees or their convener. Amendment 11 provides for decisions to be devolved to committees. The provision does not extend to committee conveners or chairs, because I do not regard delegation to one individual as being good practice. I accept that there may be occasions when a decision needs to be taken quickly—[*Interruption.*] However, I think that we can put in place pragmatic arrangements that will avoid one RTP member's being made responsible for a decision that would bind the rest.

Amendment 12 is a response to another amendment that Paul Martin lodged at stage 2. I am grateful to Paul Martin not only for raising the issue of remuneration of RTP members, but for giving the Executive the chance to come up with a solution. As I explained at stage 2, the review of

councillor remuneration post 2007 is on-going. As none of us can predict its outcome, I am keen that we have flexibility to ensure that the RTPs have the necessary powers when the need arises. For the sake of simplicity, I have added the provisions on expenses that were agreed to at stage 2. Amendment 60 is consequential and will delete that provision from its position in schedule 1.

15:00

Fergus Ewing (Inverness East, Nairn and Lochaber) (SNP): I point out to the minister that, in the last line of amendment 10, the word "section" appears to have been omitted.

Paul Martin: On amendment 10, the minister knows that I successfully raised concerns at stage 2 in the form of an amendment about voting rights of non-elected members of RTPs. I felt strongly that such members should have the same voting capacity because I did not see why they should be prevented from voting on financial matters, but could take part in other aspects of the regional transport partnership. My colleague Richard Baker made a powerful case that the partnership with non-elected members works successfully in the regional transport partnership in his area.

I am satisfied that it will be up to the elected members whether they want that power to be exerted. I will support amendment 10 on that basis.

Mr Davidson: I raised the subject that is now in Nicol Stephen's amendment 10 several times in committee. All of us in the north-east have received deputations, e-mails and letters from NESTRANS, which is concerned that its basis as a transport partnership would be lost and that some people in the proposed new RTPs would be more equal than others. The current partnership of four organisations works extremely well and rarely goes to a vote on anything because it is a proper partnership.

I was asked by NESTRANS to have available an amendment to lodge should the minister not lodge his late and welcome amendment 10. I am surprised that he did not lodge the amendment earlier because as far as we are concerned, it is absolutely correct that transport partnerships should decide on their own voting arrangements.

I understand where Pauline McNeill is coming from with amendments 68 and 69. However, her concerns are covered by the idea that if a transport partnership were left to its own devices, it would come to a suitable arrangement that would match needs in its locality. I would be worried if some partnerships had as many as 20 councillor members because that would lead inevitably to a whole new bureaucratic system of sub-committees that tried to examine different

matters at the same time, which would be a problem. However, I am content to accept Pauline McNeill's arguments. The minister obviously accepts them, too.

Bruce Crawford: First, I apologise to the minister for kicking over my glass as he was speaking. I am just glad that we are not discussing the Licensing (Scotland) Bill or people might have thought that I had been somewhere else previously.

I am glad that the minister accepts amendment 69 in the name of Pauline McNeill. If we look forward to the 2007 local government elections under the single transferable vote system that was announced by the new Minister for Transport, judging by the circumstances that have been outlined by Professor Curtice, it is likely that five councils in Scotland will remain under overall Labour control. In those circumstances, it is likely that councils will take much more of a rainbow approach to ruling councils and to membership make-up. An increase in the number of members of an RTP to five will begin to take cognisance of that inevitable change from 2007. The amendment is worth while in that respect alone.

On amendment 10, the committee thought at stage 1 that it would be inappropriate for non-council members of RTPs to vote. However, given the check mechanism that will be included by the minister's party in amendment 10, and the argument that has been made in other parts of Scotland that that might be a positive way forward, we are prepared to accept the amendment.

Bristow Muldoon: Amendments 68 and 69 sensibly seek to give the Executive greater flexibility by acknowledging that some larger local authorities will not only be responsible for bringing to the table much of the funds for regional transport partnerships but, as in Glasgow, will act as a focal point for much of the region's transport network. I welcome the proposal to give such authorities more recognition in the RTPs' voting structure. In amendment 68, Pauline McNeill has included the backstop of stipulating the maximum number of councillors on RTPs to ensure that we do not end up with so many people on them that they become unworkable. I welcome that proposal, and the fact that the minister supports those amendments.

On whether non-councillor members should be able to vote, councillor members are different from non-councillor members because they are elected by the people in the area and come from the appropriate local authorities. Moreover, they are responsible for public resources. The bill already contains a protection in that only councillors will be able to vote on the requisition of local authority funds. However, amendment 10, which seeks to allow each partnership to decide whether to

extend the voting powers of non-councillor members, is acceptable because it comes with the proviso that such powers will not apply to requisition of local authority resources. I feel that it would be inappropriate for a non-elected person to exercise such a power.

Brian Adam (Aberdeen North) (SNP): Over the past few weeks the existing voluntary partnership NESTRANS has lobbied members strenuously to give non-councillor members voting rights. I understand the committee's concerns about that and feel that amendment 10, in the name of the minister, meets the general concern that people who are not elected should not have the right to disburse public money, which is, after all, appropriately the function of elected members. I am sure that other members will have received representations from the private sector members of the north-east voluntary partnership to the effect that, although they value the opportunity to serve, they feel that their role would be devalued if their position in the new partnership were different from their current one. They are content—in fact, delighted—with amendment 10. I commend the minister for lodging it, and committee members for taking the view that it should be accepted.

Nicol Stephen: I have very little to add, except to say that officials have assured me that the drafting error that has been drawn to my attention can be tidied up. I thank Fergus Ewing for pointing out the error.

Pauline McNeill: I have nothing further to say, other than to welcome the minister's acceptance of amendments 68 and 69.

Amendment 68 agreed to.

Amendment 69 moved—[Pauline McNeill]—and agreed to.

Amendments 10 to 12 moved—[Nicol Stephen]—and agreed to.

Amendment 70 not moved.

Section 2—Dissolution of RTPs

The Deputy Presiding Officer (Trish Godman): Group 3 concerns consultation on the dissolution of RTPs. Amendment 13, in the name of the minister, is grouped with amendment 14.

The Deputy Minister for Finance and Public Service Reform (Tavish Scott): As Mr Crawford has already caused some tidying up to be done in the chamber this afternoon, amendments 13 and 14 will, largely, tidy up certain matters.

Section 2 already provides for dissolution of RTPs, but amendment 14 seeks to extend the duty on ministers to consult before dissolving an RTP or RTPs to cover

“such other persons as the Scottish Ministers think fit”.

That provision will ensure that, in the future, ministers who wish to dissolve one or more partnerships will not be restricted in who they can consult. The repositioning of the material on the duty to consult is proposed to make it clearer to the reader that the duty applies to orders that will be made under section 2(2A) as well as to those that will be made under section 2(1).

I move amendment 13.

Amendment 13 agreed to.

Amendment 14 moved—[Tavish Scott]—and agreed to.

Section 3—HRA action plans

Amendment 15 moved—[Tavish Scott]—and agreed to.

The Deputy Presiding Officer: We move now to the fourth group of amendments, on regional transport strategies. Amendment 16, in the name of the minister, is grouped with amendments 17, 17A, 17B, 17C, 17D, 17E, 17F, 17G, 18, 19, 22, 23, 24, 26, 29 and 30. The amendments to amendment 17 will be disposed of before the question on amendment 17 itself is put.

Nicol Stephen: I will be pleased to move amendment 16 and to speak on this important issue. As members can see from the complexity of this group of amendments, there has been much debate on the issue. Much hard work has been done since stage 2.

At stage 2, the Local Government and Transport Committee agreed to a number of amendments to section 5 from Sylvia Jackson, Paul Martin and Michael McMahon that sought to give greater clarity on the matters that a regional transport strategy should address. I welcomed the intention behind the amendments and agreed to come back with proposals for Executive amendments. As a consequence, we are having to reverse out the amendments that were agreed at stage 2 and to bring back in Executive amendments. I hope that the Executive amendments reflect the wishes and intentions of the committee.

In response to an amendment from Fergus Ewing, I said that I thought that RTPs should be given a general power to give grants. That is now proposed in amendment 16, which will give a power to make loans.

Executive amendment 17 is a revision of section 5(2) that seeks to capture the intent of the amendments that the committee agreed to. It takes the opportunity also to revise the Executive's proposals and to present the section in what I hope is a clearer and more coherent way. A lot of hard work has gone into drafting amendment 17 and I thank the bill team, Executive transport officials, the lawyers and the legal draftsmen.

Proposed new section 5(2)(d)(v) will introduce a specific requirement for regional transport strategies to encourage equal opportunities. That captures the intention of a stage 2 amendment from Paul Martin. Two consequential amendments flow from that: amendment 18 will ensure that equal opportunities are defined; and amendment 30 will delete the existing provision in section 11.

Proposed new section 5(2)(d)(vi) will introduce a specific requirement for regional transport strategies to make provision for improved access to health care facilities. During the debate in committee, everyone was struck by the strong feelings on that subject, which led to the adoption of an amendment that now appears in the bill as section 9A. I have considered carefully the implications of section 9A and have discussed the issues with the Minister for Health and Community Care. We have identified a number of existing and proposed legislative and non-legislative measures that should achieve the committee's objectives.

Participation in community planning applies to health boards and will apply to RTPs. National health service boards are under a statutory duty to consult on proposals for service change. The recently established Scottish Health Council is responsible for quality assuring and monitoring such consultation. The Scottish Executive requires health boards to co-operate with local authorities to draw up travel strategies to ensure that NHS facilities are accessible by public transport, by walking or by cycling.

Executive guidance is being amended to ensure that health boards undertake a full transport impact assessment in developing new buildings or major service changes. That will include clarification. If a health board is considering operational changes that will impact on other parts of the public sector—in this instance, transport authorities—it must discuss them with the relevant authorities and operators in advance of a decision being taken.

15:15

The Executive's statutory guidance to the RTPs on drawing up the regional transport strategies will include a section on how the partnerships should address the issue of serving health facilities in their regions. We have also decided to strengthen the relationship between transport and health through three further changes that will improve on and replace the provisions in section 9A, which amendment 26 will delete. As I said, amendment 17 will require the regional transport strategies to cover access to health care facilities. Amendment 19 will make health boards statutory consultees in the preparation of regional transport strategies. Amendments 22, 23 and 24 will oblige health boards, when exercising any of their functions that

impact on or relate to transport, to act, as far as possible, consistently with the regional transport strategy.

Those are all important developments since stage 2. Taken together, those existing and proposed statutory and non-statutory measures represent a substantial package of policy levers that will require RTPs and health boards to work together to address issues of access to health care. Amendment 29 is consequential and is needed as a result of the revision of section 5(2).

I will comment briefly on Fergus Ewing's and David Davidson's amendments, although I have longer notes on them. I am happy to take on board the intention behind the amendments and to capture that in the guidance, but it would not be appropriate to have the amendments in the bill. Therefore, I oppose the amendments—I hope that Fergus Ewing and David Davidson will accept that approach in the spirit in which it is offered.

I move amendment 16.

Fergus Ewing: My colleague Bruce Crawford will deal with the substance of amendments 17B and 17C and I will address the remaining topics. We all agree that the voluntary partnerships throughout Scotland have done excellent work. In my area, the Highlands and Islands transport partnership has shown that it can work cohesively and well while covering the largest geographical territory in Scotland. However, the SNP believes that we need to go a step further—if we are to have regional transport partnerships, they should have strong powers. I was pleased to work with other members of the Local Government and Transport Committee on the issue and I support the recommendation in paragraph 9 of the committee's report.

We broadly welcome the minister's amendment 17, which is the most important amendment with which we will deal today. The purpose of giving the RTPs a duty to come up with a strategy is to give them not simply power and influence, but responsibility. If the RTPs are to take the politics out of transport, they will have to take some rather hard decisions. That might be why proposed new section 5(2)(a)(ii) states that the RTPs must have regard to

"what can be done, taking account of cost, funding and practicability".

We support amendment 17, although it is unfortunate that the provisions were not in the bill originally. If they had been, we would have had a coherent debate on the provisions now. However, as someone who always looks on the brighter side, I welcome the late arrival of amendment 17 and will offer suggested improvements to it, which will add to it. There is one fundamental issue that I will come to last.

Under amendment 17E, the regional transport partnerships would have to have regard to promoting

“wider public access to all forms of public transport provided within the region”.

I am surprised that there is no specific reference to public transport in amendment 17. Of course, there is a reference to

“the safety of users of public transport”,

but that is only one aspect of public transport. Given that there is a lack of bus services, particularly in rural areas, I would like the RTPs to have a duty under the bill to promote wider public access to public transport.

I know that members of the committee will be with me in spirit; I hope that they are also with me in substance. I cannot see what the objection would be to including amendment 17E in the bill. The minister says that he has longer speaking notes—no doubt we will hear from them later. However, in the absence of any reason why we should not have a specific reference to wider access to public transport, it seems very surprising indeed that the provisions that amendment 17E would introduce were not included in amendment 17.

On amendment 17G, it is important that the regional transport partnerships make specific provision for each mode of transport. Amendment 17G is a rewording of an amendment that I lodged at stage 2. The regional transport partnerships’ work needs to be comprehensive and must cover all modes of transport. I did not list the modes of transport on this occasion, because I think that I might have omitted some rather obscure ones in my stage 2 amendment—unicycle, hansom cab, that sort of thing—but I hope that the RTPs will have that specific duty.

The main argument that I will advance today is that, for the RTPs to work, they should not just provide a strategy as specified in section 5, as it will be amended by amendment 17. To fulfil the provisions of proposed new subsection (2)(e), they must work out a scheme of priorities. They cannot just produce a wish list of transport schemes that they might want to see in place. In the Highlands, the list might include dualling the A96, A9, A82 and A85, and having three times as many air flights to all the islands, but that would be no use at all. What the RTPs need is a list of priorities—a top 10 or a top 20. That will involve difficult decisions and consultation by the RTPs with the electorate, the people and everyone who has an interest. Unless the RTPs come forward with such a list of priorities, the danger is that we will simply end up with a wish list.

If the RTPs do come up with a list of priorities, that will have a number of benefits. First, instead

of having futile debates about everything being impossible when we know that it is not, the public will be asked to focus on what can be achieved. Secondly, it will be of huge benefit to central Government for each region to have a clearly stated list of priorities. An RTP would not be bound by that list, but it would be strongly persuasive. Thirdly, the regions that do their job properly and set out a comprehensive list of priorities will be in a strong position to argue their case when it comes to funding.

If the minister does not accept my amendments, as he has indicated is the case, I hope that he will tell Parliament why he feels that they are a bad idea. Proposed new subsection (2)(e) in amendment 17 will not require the RTPs to take the really tough action that Scotland needs.

Mr Davidson: My chief concern about the bill as a whole is its lack of reference to existing transport arrangements that are working well, such as the excellent work that is being done by a network of voluntary transport partnerships. My amendment 17D acknowledges the contribution of the voluntary organisations that are actively engaged in facilitating access to health services, particularly in rural communities across Scotland, such as the many dial-a-bus schemes and the St John Ambulance service. If we fail to acknowledge specifically in the bill the role of those bodies that are already engaged in aspects of transport delivery, there is a danger that they will feel threatened by its provisions. Nowhere is that more important than in the vital area of hospital transport. Therefore, I urge members to support amendment 17D.

I cite the example of the Buchan dial-a-bus service, which is based in Mintlaw. It is run by a voluntary sector organisation and provides hospital transport, not just for out-patient clinics, at times when the NHS system does not deliver the transport service that people need. It used to be partly funded by the health board, but the health board no longer gives it funding, so the organisation is finding it difficult to guarantee the service’s continuation. While the minister has referred to giving grants to organisations, I would like to see the bill, in addition to what the minister has laid out in amendment 17, mention the voluntary organisations that deliver such services.

I welcome some of the minister’s comments. I have little doubt that his guidance notes will cover all that Fergus Ewing has talked about. I find some of Fergus Ewing’s amendments unnecessary and overly prescriptive, but I presume that the minister is giving us the hint that whatever is good in them will be dealt with in guidance. I ask the minister and the Parliament to put the wonderful role of the voluntary sector in the bill.

The Deputy Presiding Officer: A considerable number of back benchers want to speak on this group. I give them each a minute and a half at the most.

Paul Martin: All too often a committee can be accused of being critical of a bill that is put before it. On this occasion we were critical, but I welcome the fact that the minister has come back with what I think is a very constructive and comprehensive amendment to the bill to deal with the points that our stage 2 amendments addressed.

Amendment 17 is comprehensive and will deliver much more effective transport services to health facilities and the other facilities that are mentioned. It is important that we ensure that those strategies are enforced and are not seen as welcome additions to bookcases in RTP headquarters throughout Scotland.

Bruce Crawford: There has been a rise in car use of approximately 7 billion km over the past 10 years. If no action is taken, we are on course for a 27 per cent increase in road traffic figures between 2001 and 2021. Those are the Executive's own statistics.

If it is good enough to say in the bill that we will promote public safety, including road safety and the safety of users of public transport, I am sure that it is good enough to say that we should promote less use of the private car. That would be a good step forward. I know that that would not quite get to where Friends of the Earth wanted to get to with the amendments that it submitted, but it would at least acknowledge in the bill that there is a significant job to be done and would perhaps help us to set some milestones that others want to be established.

Nicol Stephen: Does Bruce Crawford recall, as I do, that on many occasions in the Parliament Fergus Ewing has supported the use of the private motor car, particularly in rural areas and in the Highlands of Scotland? The fact that he has lodged an amendment to ensure that the opposite happens is very encouraging.

Bruce Crawford: I am not surprised. He has a very nice Honda that he drives himself, so I am sure that he does support the use of the private car.

On cycling, John Thurso, the MP for somewhere north of Caithness, said:

"The Government have failed to tackle congestion in our towns and cities and it is no wonder that people have been giving up cycling. Labour have broken promise after promise they made to cyclists, and done little to improve conditions for those who actually do choose to cycle."

Sarah Boyack (Edinburgh Central) (Lab): Bruce Crawford might be interested to know that cycle use has been going up in Edinburgh through

the council's policies. Had we been able to employ congestion charging, we might have been able to tackle the issue with even more vigour, as they have done in London.

Bruce Crawford: The quote is not from me; it is from John Thurso, the Liberal member for Caithness. Perhaps we should think about what he says. Tavish Scott, in his new position, should take on board the Liberals' five point plan for cycling. Perhaps we can also see a provision in the bill, given that 45 per cent of children want more use of the cycle to be made to get to school and 75 per cent of all our journeys are of less than 5 miles. It seems sensible to put the provisions in Fergus Ewing's amendments in the bill.

15:30

Margaret Smith: I welcome amendment 17. It is comprehensive and puts much meat on the bones of the bill. One of the key points about the bill is that more meat has been put on the bones as it has progressed. We started off with quite a sketchy piece of legislation. The Local Government and Transport Committee and the minister should be thanked for their amendments to the bill, so that we know exactly what it will mean for the people of Scotland.

Amendment 17 contains key provisions. I will not take up time by going through many of them, but I pick up on two matters. First, it is crucial that the bill should provide that transport strategies must prioritise different elements of transport provision. Fergus Ewing mentioned the matter, but the amendments that he lodged are unnecessary because amendment 17 covers the issue well. Secondly, it is important that health care and transport should be integrated. Lothian NHS Board has done much work recently on acute services, as have many health boards in Scotland. Time and again, transport is one of the biggest issues to do with health care. By including the matter in the bill, we will ensure that in future situations do not arise such as the one that is presented by the proposed tramline, which will go close to but not to the door of the Western general hospital in my constituency. That is irresponsible and unacceptable.

Bristow Muldoon: I do not disagree with the amendments that Fergus Ewing lodged but I think that they are unnecessary. Amendment 17 builds on the amendment to which the committee agreed at stage 2 and clearly refers to

"the principle of sustainable development".

It seems clear that the promotion of public transport will be a major aspect of strategies that have regard to that principle. Amendment 17 also refers to the promotion of social inclusion, a major aspect of which must surely be the promotion of

opportunities to travel for people who have no access to a private car. The requirement to

“facilitate access to hospitals, clinics, surgeries and other places where a health service is provided”

again appears to relate to people who have no access to a private car and rely on public transport. The provisions in amendment 17 clearly indicate that public transport will be central to the concerns to which regional transport partnerships must respond.

Fergus Ewing mentioned prioritisation. The matter is covered by amendment 17, which will require strategies to include provision about

“what can be done, taking account of cost, funding and practicability”.

Moreover, proposed new section 5(2)(e) will require strategies to include provision on

“the order of priority in which different elements of the provision, development and improvement of transport should be undertaken”.

Fergus Ewing: Proposed new section 5(2)(e) does not refer to schemes; it refers only to “elements”. Without prioritisation of schemes, there is nothing.

The Deputy Presiding Officer: Please sum up, Mr Muldoon.

Bristow Muldoon: We seem to be debating semantics, although there is broad agreement about what we are trying to achieve.

The Local Government and Transport Committee did much to improve the bill at stage 2 and I commend the minister for the co-operative way in which he worked with the committee to achieve that end. I encourage members to support the amendments in the minister’s name and I ask Fergus Ewing not to move his amendments, not because they are wrong but because they are unnecessary, given that amendment 17 will achieve all the objectives that he wants his amendments to achieve.

Euan Robson (Roxburgh and Berwickshire) (LD): I welcome the Executive amendments, particularly the provision on close links between transport and NHS facilities. However, the minister will expect me to have noticed that proposed new section 5(2)(d) omits to mention education facilities, which are an important component. I ask him to ponder the matter. Perhaps educational establishments are covered by the more general requirement

“to enhance social and economic well-being”,

or the requirement

“to promote social inclusion”.

Alternatively, the matter might be dealt with in guidance. However, if we are serious about

pursuing such initiatives as out-of-hours education, the linking of transport arrangements and educational establishments has obvious merit.

Michael McMahon (Hamilton North and Bellshill) (Lab): I support the amendments in the minister’s name, but I am not content with the amendments that David Davidson and Fergus Ewing have lodged. However, I agree with Fergus Ewing that the scope of the amendments that the minister has lodged demonstrates how much was missing from the bill when it was drafted. That is a lesson for the Enterprise, Transport and Lifelong Learning Department, which should not have introduced a bill that was so weak that Sylvia Jackson, Paul Martin and I had to lodge amendments to it.

Given the scale and universality of amendment 17, the problem that Fergus Ewing has is that his amendments become examples of tautology—the issues are already covered in the bill. All the issues that we wanted to have addressed are covered. Anything that Fergus Ewing wants to add is unnecessary and his amendments just complicate the bill. I do not think that it is necessary to go down that road. I welcome the minister’s amendments, but a lesson has to be learned: if this stuff was in the bill, we would not have to have amendments of such size at stage 3.

The Deputy Presiding Officer: I call the minister to wind up, but ask him to be brief.

Nicol Stephen: I will be brief. Amendment 17 is a big amendment and covers a lot of ground. On the amendments from David Davidson and Fergus Ewing, how much should be in the bill is a matter of judgment. My answer to David Davidson is yes, we will include the intention of his and Fergus Ewing’s amendments in guidance and so will take on the positive aspects of them. I do not think that anybody is trying to undermine the good intentions of the amendments. The same applies to what Euan Robson said: to ensure that there is absolute clarity, we will make reference to education and educational establishments in the guidance.

Amendment 16 agreed to.

Section 5—Formulation and content of regional transport strategies

Amendment 17 moved—[Nicol Stephen].

Amendment 17A moved—[Fergus Ewing].

The Deputy Presiding Officer: The question is, that amendment 17A 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)
 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)
 Fabiani, Linda (Central Scotland) (SNP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Grahame, Christine (South of Scotland) (SNP)
 Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Lochhead, Richard (North East Scotland) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 Mather, Jim (Highlands and Islands) (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)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)

AGAINST

Aitken, Bill (Glasgow) (Con)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Arbuckle, Mr Andrew (Mid Scotland and Fife) (LD)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)
 Brown, Robert (Glasgow) (LD)
 Brownlee, Derek (South of Scotland) (Con)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Davidson, Mr David (North East Scotland) (Con)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Fergusson, Alex (Galloway and Upper Nithsdale) (Con)
 Finnie, Ross (West of Scotland) (LD)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marilyn (North East Scotland) (Lab)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Gorrie, Donald (Central Scotland) (LD)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, 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)
 Johnstone, Alex (North East Scotland) (Con)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Leckie, Carolyn (Central Scotland) (SSP)
 Livingstone, Marilyn (Kirkcaldy) (Lab)

Lyon, George (Argyll and Bute) (LD)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 Maclean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 May, Christine (Central Fife) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McLetchie, David (Edinburgh Pentlands) (Con)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Milne, Mrs Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 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)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland) (LD)
 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)
 Tosh, Murray (West of Scotland) (Con)
 Wallace, Mr Jim (Orkney) (LD)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

The Deputy Presiding Officer: The result of the division is: For 29, Against 80, Abstentions 0.

Amendment 17A disagreed to.

Amendment 17B moved—[Fergus Ewing].

The Deputy Presiding Officer: The question is, that amendment 17B, in the name of Fergus Ewing, 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)
 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)
 Fabiani, Linda (Central Scotland) (SNP)
 Fox, Colin (Lothians) (SSP)
 Gibson, Rob (Highlands and Islands) (SNP)

Grahame, Christine (South of Scotland) (SNP)
 Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Kane, Rosie (Glasgow) (SSP)
 Lochhead, Richard (North East Scotland) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 Mather, Jim (Highlands and Islands) (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)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)

AGAINST

Aitken, Bill (Glasgow) (Con)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Arbuckle, Mr Andrew (Mid Scotland and Fife) (LD)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)
 Brownlee, Derek (South of Scotland) (Con)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Canavan, Dennis (Falkirk West) (Ind)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Davidson, Mr David (North East Scotland) (Con)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Fergusson, Alex (Galloway and Upper Nithsdale) (Con)
 Finnie, Ross (West of Scotland) (LD)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marilyn (North East Scotland) (Lab)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Gorrie, Donald (Central Scotland) (LD)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, 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)
 Johnstone, Alex (North East Scotland) (Con)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 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)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McLetchie, David (Edinburgh Pentlands) (Con)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)

McNulty, Des (Clydebank and Milngavie) (Lab)
 Milne, Mrs Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 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)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland) (LD)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Tosh, Murray (West of Scotland) (Con)
 Wallace, Mr Jim (Orkney) (LD)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

The Deputy Presiding Officer: The result of the division is: For 30, Against 79, Abstentions 0.

Amendment 17B disagreed to.

Amendment 17C moved—[Fergus Ewing].

The Deputy Presiding Officer: The question is, that amendment 17C, in the name of Fergus Ewing, 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)
 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)
 Fabiani, Linda (Central Scotland) (SNP)
 Fox, Colin (Lothians) (SSP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Grahame, Christine (South of Scotland) (SNP)
 Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Kane, Rosie (Glasgow) (SSP)
 Lochhead, Richard (North East Scotland) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 Mather, Jim (Highlands and Islands) (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)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)

AGAINST

Aitken, Bill (Glasgow) (Con)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Arbuckle, Mr Andrew (Mid Scotland and Fife) (LD)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)
 Brown, Robert (Glasgow) (LD)
 Brownlee, Derek (South of Scotland) (Con)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Davidson, Mr David (North East Scotland) (Con)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Fergusson, Alex (Galloway and Upper Nithsdale) (Con)
 Finnie, Ross (West of Scotland) (LD)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marilyn (North East Scotland) (Lab)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Gorrie, Donald (Central Scotland) (LD)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, 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)
 Johnstone, Alex (North East Scotland) (Con)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lyon, George (Argyll and Bute) (LD)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 Maclean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 May, Christine (Central Fife) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McLetchie, David (Edinburgh Pentlands) (Con)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Milne, Mrs Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 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)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland) (LD)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Tosh, Murray (West of Scotland) (Con)
 Wallace, Mr Jim (Orkney) (LD)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

The Deputy Presiding Officer: The result of the division is: For 32, Against 80, Abstentions 0.

Amendment 17C disagreed to.

Amendments 17D to 17G not moved.

Amendment 17 agreed to.

Amendment 18 moved—[Nicol Stephen]—and agreed to.

Section 6—Procedure before and after the drawing up of transport strategies

Amendment 19 moved—[Nicol Stephen]—and agreed to.

The Deputy Presiding Officer: Group 5 is on procedure before and after the drawing up of transport strategies. Amendment 20, in the name of the minister, is grouped with amendment 21.

Tavish Scott: We have received representations from councils, Strathclyde Passenger Transport and the existing voluntary partnerships that the new regional transport partnerships will be hard pushed to get all their internal processes, standing orders, staff and so on in place and, at the same time, to start working on a tight timetable for the development of regional strategies. Therefore, we intend to create RTPs as quickly as the parliamentary timetable will allow us to, starting by laying the order that will establish the RTPs in time for the start of the autumn session. That will allow the RTPs to have a period of shadow running when they will exist as statutory bodies but will not be expected to perform any functions. That should not hold up the work on the regional strategies and we hope that the extra few months that that provides should enable the RTPs to complete their strategies and submit them to ministers for approval by the April 2007 deadline.

Amendment 21 is a technical amendment that is consequential on amendment 20.

I move amendment 20.

Amendment 20 agreed to.

Amendment 21 moved—[Tavish Scott] and agreed to.

Section 8—Duty of constituent councils and other public bodies as respects transport strategies

Amendments 22 to 24 moved—[Tavish Scott]—and agreed to.

Section 9—Joint transport strategies

The Deputy Presiding Officer: Group 6 is on joint transport strategies. Amendment 25, in the name of the minister, is in a group on its own.

Tavish Scott: At stage 2, the committee agreed to an amendment from Michael McMahon on improving transport links to cities and major population centres. That provision now appears in section 5(2)(c), as a result of amendment 17. Section 5(2)(c) introduces a specific duty on the RTPs to provide for efficient transport links between heavily populated places. I hope that that formulation is acceptable to Michael McMahon and that he will therefore accept the deletion of section 1A, which is proposed by amendment 25. Subsection 5(2)(c), in common with the rest of section 5, applies to joint transport strategies as much as it applies to a strategy that has been drawn up by one RTP.

I move amendment 25.

Fergus Ewing: Could the minister define a heavily populated place?

Tavish Scott: I am tempted to make a facetious remark but I will not do so. A definition will be provided in the guidance and we will ensure that Mr Ewing has access to that.

Amendment 25 agreed to.

Section 9A—RTP/Health Board transport strategies

Amendment 26 moved—[Tavish Scott]—and agreed to.

Section 10—Other transport functions of RTPs

The Deputy Presiding Officer: Group 7 is on transfer of transport functions to the RTPs. Amendment 27, in the name of the minister, is grouped with amendments 28 and 56.

15:45

Nicol Stephen: The committee made it clear at stage 1 and stage 2 that it welcomes the creation of regional transport partnerships. It is determined that they should be strong bodies that are able to make a real difference to the pace of delivery of

much-needed improvements in Scotland's transport infrastructure and services. I fully support the committee's ambitions for the RTPs.

The bill already makes provisions for transport functions to be carried out by regional transport partnerships. Section 10 allows statutory transport functions to be transferred from councils or from the Scottish ministers to the RTPs. It is important to emphasise that, under the bill, powers may be transferred from the Executive to the RTPs or from councils—where they are agreed on the issue—to the RTPs. Statutory functions may also be conferred so that the RTP carries them out concurrently with councils or with ministers. Section 12A enables the RTPs, councils and ministers to enter into agency arrangements so that they can exercise one another's transport functions. In other words, we are trying to achieve maximum flexibility to allow the best delivery mechanisms for each case to be chosen at local and regional level.

At stage 2, the committee agreed to an amendment from Michael McMahon that included an indicative list of functions that could be transferred to the RTPs. I was asked to come back with redrafting at stage 3 if I thought that it was necessary to do so and, in essence, that is what amendment 27 is about. The amendment draws heavily on the wording that was approved by the committee and takes some elements from another amendment that was lodged by Fergus Ewing.

Amendment 27 clarifies that a wide range of significant and substantial transport powers may be exercised by regional transport partnerships, including quality bus contracts, quality partnerships, integrated ticketing, bus information, installation of cross-boundary bus corridors, road user charging schemes, and subsidised bus services.

At stage 2, the committee agreed to a series of Executive amendments that will allow ministers to confer certain transport functions on regional transport partnerships before the completion of their regional transport strategies. The amendments ensured that the partnerships would have the necessary powers to do their job and, in particular, to spend the £35 million per year of new money that will be allocated to them from April 2006. The new provisions supersede sections 10(7) and 10(8) and render them unnecessary, so I propose their deletion. Amendments 28 and 56 seek to achieve that.

I move amendment 27.

Michael McMahon (Hamilton North and Bellshill) (Lab): I thank the minister for lodging amendment 27, which does what it says on the tin. The amendment seeks to improve the bill by introducing indications of the powers that the

RTPs will have. However, I ask the minister to confirm, for the record, that the list in the amendment is not exhaustive and that, as transport develops in Scotland and things change, the RTPs will be able to develop strategies that go beyond the list.

Mr Davidson: Amendment 27 somehow manages to make a bad section of the bill even worse. My fear is that the clear intention of section 10, reinforced by amendment 27, is to utilise the regional transport partnerships as Trojan horses for introducing failed Executive policies from the Transport (Scotland) Act 2001.

Most obviously, section 10 grants the RTPs powers to introduce road user charging schemes. I have some sympathy with the Chancellor of the Exchequer's idea that he will abolish high taxation on fuel, but I have a great deal less sympathy with the idea of disastrous local schemes—such as the one that was recently turned down by the people of Edinburgh—popping up throughout Scotland. There is no doubt that the City of Edinburgh Council's shambolic handling of its scheme has set back the Executive's plans by many years. Before ministers press ahead with the powers in the bill, I urge them to consider again the overwhelming public rejection of the Edinburgh scheme.

Section 10 gives the RTPs powers over another great failure of the 2001 act, namely quality contracts and quality partnerships. The fact that those bureaucratic schemes have been totally rejected by local authorities and bus operators alike is obviously embarrassing for ministers, yet they seek to impose them on the new regional transport partnerships. Instead, ministers should consider why that policy has failed. Quality contracts and quality partnerships would be expensive, bureaucratic and complicated. During the Local Government and Transport Committee's inquiry into the Transport (Scotland) Act 2001, Neil Renilson of Lothian Buses said:

"The fundamental problem of quality contracts is that they would take control of the bus network away from the people who are closest to the passengers."—[*Official Report, Local Government and Transport Committee*, 5 October 2004; c 1183.]

In contrast, voluntary bus partnerships—which are popular with councils and operators alike—work well and deliver results. The obvious lesson is that, in general, a voluntary rather than a statutory approach to transport delivery works best. That makes it all the more surprising that the Executive seems determined to press ahead with the statutory partnerships.

Bristow Muldoon: David Davidson was not a member of the Local Government and Transport Committee at the time, and it is obvious that he lost out by not coming to the sessions that we had

with bus users in places such as Stranraer and Glasgow, in which key failures were identified in the arrangements that serve many communities.

It is far from the case that local authorities have rejected the aspects of the 2001 act to which Mr Davidson referred. Some councils have made proposals on implementation to ministers but have experienced difficulties because, as individual authorities, they have found that they do not have sufficient expertise to develop such schemes thoroughly. That is why the RTPs, which will have greater economies of scale, might well be able to bring the schemes to fruition.

In contrast with what Mr Davidson said, amendment 27 makes a good committee amendment even better. I commend the minister for his approach, although I echo the comments that Michael McMahon made on amendment 17. The bill would have been far better if it had included many of the provisions in question in the first place. In general, my recommendation to the Executive would be that the Parliament would prefer bills to include more definition and to give full descriptions of how they will improve the relevant areas of policy. In that regard, section 10, as amended by amendment 27, will provide a clear definition of the powers that RTPs will have to improve transport. That represents a considerable improvement.

Fergus Ewing: At stage 2, I lodged amendment 70, much of which—happily—is reproduced in amendment 27. I welcome amendment 27 and will support it, but I ask the minister to clarify two points. What does

"entering into public service contracts"

mean? Is he concerned that there may be an imbalance between the RTP in the west of Scotland, which will have maximal powers to carry out public projects, and the RTPs elsewhere in Scotland, which will not have such powers?

Nicol Stephen: I begin by responding to Michael McMahon. I can confirm that the list is indicative rather than prescriptive; it highlights the sorts of change that we would encourage, but the decisions on such matters will rest with the RTPs. Before any changes are triggered, it is important that the relevant RTP's view is clear.

On what Fergus Ewing said, public service contracts are used by the Executive and local authorities in relation to ferry and plane services. They are contracts through which we ask a service to be provided to particular communities for social or economic reasons. Such services are often provided to improve transport links to remote rural or island communities.

Fergus Ewing: Will the RTP in the Highlands have the power to stipulate a public service obligation for flights within that area?

Nicol Stephen: I would need to check the technical detail of that, because the legislative framework for flights is somewhat complex—it includes reserved and devolved issues. There is no reason why, in future, we should not be able to allow what the member suggests, provided that the UK Government provides the right support.

There is a European dimension to such matters. The whole notion of public service contracts and public service obligations is governed by strict European rules. In some areas, there is also a reserved dimension.

The Deputy Presiding Officer: The question is, that amendment 27 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

FOR

Adam, Brian (Aberdeen North) (SNP)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Arbuckle, Mr Andrew (Mid Scotland and Fife) (LD)
 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)
 Brankin, Rhona (Midlothian) (Lab)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Canavan, Dennis (Falkirk West) (Ind)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 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)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Fox, Colin (Lothians) (SSP)
 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)
 Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Hyslop, Fiona (Lothians) (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)

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, Paul (Glasgow Springburn) (Lab)
 Mather, Jim (Highlands and Islands) (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)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Morgan, Alasdair (South of Scotland) (SNP)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Dr Elaine (Dumfries) (Lab)
 Neil, Alex (Central Scotland) (SNP)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Radcliffe, Nora (Gordon) (LD)
 Robison, Shona (Dundee East) (SNP)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)
 Scott, Eleanor (Highlands and Islands) (Green)
 Scott, Tavish (Shetland) (LD)
 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)
 Turner, Dr Jean (Strathkelvin and Bearsden) (Ind)
 Wallace, Mr Jim (Orkney) (LD)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

AGAINST

Aitken, Bill (Glasgow) (Con)
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)
 Brownlee, Derek (South of Scotland) (Con)
 Davidson, Mr David (North East Scotland) (Con)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Johnstone, Alex (North East Scotland) (Con)
 McLetchie, David (Edinburgh Pentlands) (Con)
 Milne, Mrs Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Tosh, Murray (West of Scotland) (Con)

The Deputy Presiding Officer: The result of the division is: For 93, Against 14, Abstentions 0.

Amendment 27 agreed to.

Amendment 28 moved—[Nicol Stephen]—and agreed to.

Section 11—Manner of performance of RTPs' functions

Amendments 29 and 30 moved—[Nicol Stephen]—and agreed to.

After section 11

Amendment 71 not moved.

Section 12—Transport functions of Scottish Ministers

Amendment 72 not moved.

Section 13—Transfer of staff, property, rights and liabilities

Amendments 73 to 75 not moved.

The Deputy Presiding Officer: Group 8 concerns the transfer of staff, property, rights and liabilities. Amendment 31, in the name of the minister, is in a group on its own.

Tavish Scott: We made it clear during stage 2 that staff relations are critical to the success of any organisation and that we should do everything possible to ensure that staff employment rights are protected during a period of change. That is what section 13 is all about; it ensures that the Transfer of Undertakings (Protection of Employment) Regulations will apply.

The most significant transfer of staff that we expect from the bill—in the short term, at least—will be from SPT to the new west of Scotland transport partnership. We welcome the decision that the Strathclyde Passenger Transport Authority took at its most recent meeting to authorise SPT officials to engage formally with the Scottish Executive on transition matters. The Executive is ready to work closely with SPT, the current west of Scotland transport partnership and the local authorities in the west to assist in the creation of the new regional transport partnership and forge stronger co-operation on matters of mutual interest. We welcome the fact that SPT staff will continue to manage and monitor the rail franchise in the west of Scotland on behalf of the Scottish ministers; continue to promote key projects such as the Larkhall to Milngavie railway, the Glasgow airport rail link and the Glasgow crossrail; continue to operate and develop the Glasgow subway; continue to work with operators to provide better services, such as integrated ticketing and information; and continue to serve the people of the west of Scotland with dedication and professionalism.

The Executive and SPT have worked together successfully on many transport projects. The creation of the new RTP and the location of the new national transport agency in Glasgow will bring two major delivery partners closer together. We believe that there will be benefits to both from that proximity—a better understanding of each other's business, a more regular flow of ideas and information and more opportunities than there would otherwise be for staff to increase their expertise by moving between the organisations—as well as benefits for Glasgow.

Amendment 31 seeks to give further reassurance to SPT staff. It is our intention that, once further rail powers are devolved to Scotland following the commencement of the United Kingdom Railways Act 2005, SPT's statutory rail powers—in particular, its role as a signatory to the Scottish rail franchise—should transfer to the Scottish Executive. It is equally our intention that SPT and, in time, the west of Scotland transport partnership should, on behalf of the Scottish ministers, continue to monitor and manage the franchise in their area and develop proposals for new rail infrastructure and services.

There is no intention that SPT staff would need to transfer to the Scottish Executive as they continue their work on rail. Amendment 31 seeks to clarify that, under new arrangements entered into under section 12A, which will include those between SPT and the Executive for the management of the franchise, staff can remain as SPT employees, even when the statutory function resides with the Scottish ministers.

I move amendment 31.

16:00

Bristow Muldoon: I thank the minister for his clear statement regarding the position of SPT staff and the Executive's intention to ensure a smooth transition to the new relationships, as well as his clear statement about the achievements that SPT has delivered in the west of Scotland over many years. I am sure that the minister's remarks will be welcomed by SPT, its staff and those who represent the west of Scotland.

Amendment 31 agreed to.

Amendment 76 not moved.

Section 17—The Scottish Road Works Register

The Deputy Presiding Officer: Group 9 is on the duty to enter information in the Scottish road works register. Amendment 32, in the name of the minister, is grouped with amendments 33 to 37 and 44.

Nicol Stephen: Our roads form part of our strategic transport infrastructure, along with our

rail network and ferry services. It is vital that we manage that infrastructure in the best possible way. Everyone will know of the frustrations that are caused by road works, particularly when they are poorly planned or poorly executed. The detailed provisions on road works are intended to improve the management and co-ordination of all the relevant activities, to improve the quality of the roads, to reduce the congestion that is caused by poor management and thereby to make a big contribution to Scotland's environment and economy.

I have been very pleased by the enthusiastic response to our proposals to establish the Scottish road works register on a statutory footing and to introduce detailed and comprehensive proposals on the conduct of work on our roads not only by the public utility companies but by the road works authorities. All parties—the utility companies, councils and road works authorities—recognise that the register will be an invaluable resource for the planning of works on our roads. To maximise the benefits of the register and to make it truly successful, we must ensure that all the appropriate information is entered on to it. The bill as introduced contained drafting to ensure that the utility companies and the road works authorities had to place information on the register.

At stage 2, Fergus Ewing sought additional clarification, and lodged—and had accepted—amendments that would state clearly the responsibilities of road works authorities with respect to the provision of information to the register. I fully agree with Fergus Ewing on this point. It is important that we are clear who should enter what on to the register.

My amendments—I hope that Fergus Ewing agrees that they fit in with his and other Local Government and Transport Committee members' intentions—will ensure that the road works authorities will be required, like the utility companies, to enter information on to the register. In other words, there should be a level playing field. That was of particular importance to the Local Government and Transport Committee and to the utility companies. The duty will therefore apply both to local authorities, which are responsible for local roads, and to the Scottish ministers, who, through their agents—currently BEAR Scotland and Amey—are responsible for the trunk road network.

Our amendments will require the road works authorities to enter information advising of future works, the start of works and the completion of works. The revised drafting, which replaces the wording that was introduced by Fergus Ewing, makes things clearer as well as providing more appropriate references, but it retains Fergus Ewing's original intentions. As the register is to be

the principal tool for recording and monitoring road works, it is vital that the information that is put on to it is accurate. Amendment 44 will extend the duty on roads authorities to ensure that their staff are competent to perform their duties in order to cover the matters to which I referred earlier.

I move amendment 32.

Fergus Ewing: I suppose that I could paraphrase Mrs Thatcher by saying that where there was doubt, the minister has brought clarity. [*Interruption.*] That seemed to be popular in Conservative quarters.

I welcome the minister's acceptance, albeit at stage 3, of the principle that a level playing field should exist between the private sector and the public sector. Initially, the bill would have imposed fines on private utility companies that dug up the roads and failed to meet their obligations, but if a local authority or the Scottish Executive—through BEAR Scotland, Amey and other companies—had failed to fulfil its obligations, it would not have been fined. That was not a level playing field.

The national joint utilities group and many others have lobbied hard and undertaken much work on the matter, which allowed me to discuss amendments at a meeting with the minister and civil servants. It also allowed me to withdraw about 20 amendments, which has spared Parliament the time of debating them—that was certainly popular—because the minister has come round to the principle of a level playing field. That will be of inestimable benefit. We still have doubts about whether the commissioner will, of necessity, do a better job than the existing bodies have done, but we shall support the amendments.

The Deputy Presiding Officer (Murray Tosh): I ask for brief comments, please.

Mr Davidson: I compliment the minister on listening to the Local Government and Transport Committee. It is frustrating not only for the private sector, which Fergus Ewing mentioned, but for road users and bus operators not to have clarity about what will happen. Providing the ability to plan is a welcome move, for which I thank the minister.

Margaret Smith: I welcome the establishment of the register. Many provisions in the bill will improve the management and co-ordination of road works. The committee wanted if not a level playing field, then a level road surface for utility companies and road works authorities. I thank the minister for listening to the committee's call. The amendments will provide clarity and equity on this important matter. We also welcome the clear intent to consult on the regulations and the relevant codes of practice.

Amendment 32 agreed to.

Amendments 33 to 37 moved—[Nicol Stephen]—and agreed to.

Section 18—Directions as to timing of road works

The Deputy Presiding Officer: Group 10 is on regulations and codes of practice on road works. Amendment 38, in the name of the minister, is grouped with amendments 39 to 41, 43 and 45 to 48.

Tavish Scott: The group contains several amendments and its broad thrust is to place a duty on ministers to consult relevant parties and to require ministers to produce regulations and codes of practice when we have established working groups to inform such measures.

I will explain briefly the intention behind each amendment. Amendments 38 to 40 will build on the stage 2 proposal to establish an appeals process to address disputes about the timing of road works. At stage 2, Bruce Crawford suggested that ministers should be placed under a duty to produce regulations so that the process was clear at the outset. The amendments will give effect to that proposal and will extend the duty to include the production of a code of practice. We hope that the code will provide clarity and good practice. It should circumvent the requirement to pursue appeals. However, should appeals be necessary, we will be ready with a process for them.

Amendment 41 will place a duty on the Scottish ministers to produce a code of practice that gives road works authorities practical guidance on the placement of apparatus. That is consistent with the duty to produce regulations on the matter.

Amendment 43 will enable the Scottish ministers to produce a code of practice to provide guidance on restricting utility works after road works authorities have substantially improved a road. We will return to that with a later group of amendments.

Amendment 45 will place the Scottish ministers under a duty to produce regulations on resurfacing and amendment 47 will place a similar duty on them in respect of the associated code of practice. The resurfacing provisions are detailed and we must give practitioners as much assistance as possible on how they should be implemented.

Amendments 46 and 48 accept and will improve Michael McMahon's stage 2 amendment by providing a general duty to consult undertakers and road works authorities prior to the making of any regulations or codes of practice. We have established working parties that draw on the expertise of the road authorities and utilities committee (Scotland) to inform all such regulations and codes of practice, so we are keen to draw on the expertise of others. It is appropriate that we

record our thanks to the members of the road authorities and utilities committee, both for their assistance in informing the bill's provisions and for the valuable work that their working groups are undertaking to inform those regulations and codes of practice.

I move amendment 38.

Donald Gorrie (Central Scotland) (LD): For the benefit of members such as me who are not members of the Local Government and Transport Committee, will the minister clarify how amendments 43 and 45 will deal with the problems that are caused when a council, which will remain anonymous, spends all its energies on producing ludicrous road works while failing totally to maintain the surface of the streets? Will such problems be sorted out by the Scottish ministers, by the Scottish road works commissioner or by the guidance for local authorities?

Many of the faults in the road surface stem from the gradual deterioration of defective repairs that have been done by previous undertakers. Who will deal with that issue? The problem is a curse in certain cities that we live in, which will remain anonymous.

Mr Davidson: Briefly, we welcome the improved appeals process and the publication of codes of practice for road works authorities.

The Deputy Presiding Officer: Does the minister want to respond to Donald Gorrie's point?

Tavish Scott: I will respond briefly.

Better reinstatement of roads is the intention of the amendments in the group. Such reinstatement will be done through the appropriate agencies. Ultimately, of course, the duty for such issues rests with local authorities, which is where the responsibility should lie.

Amendment 38 agreed to.

Amendments 39 and 40 moved—[Tavish Scott]—and agreed to.

Section 19—Directions as to placing of apparatus in roads

Amendment 41 moved—[Tavish Scott]—and agreed to.

Section 20—Restriction on works following substantial road works

The Deputy Presiding Officer: For group 11, amendment 42 is in a group on its own.

Tavish Scott: At stage 2, members of the Local Government and Transport Committee expressed the view that a three-year blanket ban would be inappropriate, as it would not take into account a range of potential circumstances. Amendment 42

responds to the committee's concern by removing the reference to "three years". The amendment will provide us with the flexibility to balance the need to maintain the technical integrity of the road with the need to excavate roads to provide essential services. As with previous amendments, I can assure Parliament that any regulations on the matter will be informed by deliberations on the need to balance the technical requirements of the road with the need for access to underground services. I hope that members will agree that amendment 42 represents a reasonable approach.

I move amendment 42.

Amendment 42 agreed to.

Amendment 43 moved—[Tavish Scott]—and agreed to.

Section 25—Duty of authorities, undertakers etc to ensure competence of employees etc

Amendment 44 moved—[Tavish Scott]—and agreed to.

Section 29—Resurfacing: regulations and guidance

Amendments 45 to 47 moved—[Tavish Scott]—and agreed to.

After section 36

Amendment 48 moved—[Tavish Scott]—and agreed to.

Before section 37

The Deputy Presiding Officer: Group 12 relates to the duty of the Scottish Executive transport agency to consider sustainable economic growth. Amendment 49, in the name of Fergus Ewing, is in a group on its own.

Fergus Ewing: One lacuna in the bill is that it is far from clear how the RTPs are to relate to the national transport agency and how those bodies will relate to the Scottish Executive.

Last Sunday, the Scottish Chambers of Commerce made a strong argument on the importance of ensuring that the national transport agency that will be set up has a clear focus on the need for economic growth and that sustainable economic development is at the heart of the new agency's functioning and purpose. As the SNP is supportive of that aim, I felt that it was appropriate to lodge an amendment to allow us at least to debate the issue.

I understand that the Executive has as its primary purpose the promotion of economic growth in Scotland, so I imagine that it will be sympathetic to the amendment. Of course, the phrase "sustainable economic growth" is

susceptible to interpretation. In the past, I have opined that it could be regarded as imprecise. However, I note that the Executive adopted a similar phrase in its amendments this morning, so I imagine that it will not wish to split hairs over such a minor matter—although something tells me that that may be in the minister's script. I hope that the Executive, which says that economic growth is its top priority, will vote in line with those sentiments.

I move amendment 49.

16:15

Tavish Scott: I never split hairs over Mr Ewing's arguments—I just pick large holes in them.

I thank Mr Ewing for explaining his amendment. We fully support the principle that the transport agency should consider sustainable economic growth while carrying out its functions, but we think that amendment 49 is unnecessary and inappropriate. As Mr Ewing said, the Executive is already committed to economic growth, among other national priorities. When it is up and running at the end of this year as an executive agency, the transport agency will be required to carry out its functions in line with the national priorities that the Executive has set out, including those that relate to sustainable economic growth. In addition, delivery by the agency will be shaped by a national transport strategy, which we will develop over the coming year.

Although we believe that sustainable economic growth is our top priority, it would be wholly inconsistent with the policy of developing a national transport strategy to set a single objective for the transport agency alone in the bill. The amendment would also pre-empt consultation on the national strategy. The wider stakeholder community is supportive of our efforts to develop the national transport strategy in order to give everyone a clear view of the future of Scotland's transport. I suggest that the process would be undermined by amendment 49. I ask Mr Ewing to reconsider and to seek permission to withdraw the amendment.

The Deputy Presiding Officer: Mr Ewing, do you intend to press amendment 49?

Fergus Ewing: I will press the amendment.

The Deputy Presiding Officer: The question is, that amendment 49 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Adam, Brian (Aberdeen North) (SNP)
Crawford, Bruce (Mid Scotland and Fife) (SNP)

Cunningham, Roseanna (Perth) (SNP)
 Curran, Frances (West of Scotland) (SSP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Fox, Colin (Lothians) (SSP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Grahame, Christine (South of Scotland) (SNP)
 Hyslop, Fiona (Lothians) (SNP)
 Lochhead, Richard (North East Scotland) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 Mather, Jim (Highlands and Islands) (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)
 Sturgeon, Nicola (Glasgow) (SNP)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)

AGAINST

Aitken, Bill (Glasgow) (Con)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Arbuckle, Mr Andrew (Mid Scotland and Fife) (LD)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)
 Brown, Robert (Glasgow) (LD)
 Brownlee, Derek (South of Scotland) (Con)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Canavan, Dennis (Falkirk West) (Ind)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Davidson, Mr David (North East Scotland) (Con)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marlyn (North East Scotland) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Gorrie, Donald (Central Scotland) (LD)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, 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)
 Johnstone, Alex (North East Scotland) (Con)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lyon, George (Argyll and Bute) (LD)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 Maclean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 May, Christine (Central Fife) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McLetchie, David (Edinburgh Pentlands) (Con)

McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Milne, Mrs Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 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)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland) (LD)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Wallace, Mr Jim (Orkney) (LD)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

ABSTENTIONS

Baird, Shiona (North East Scotland) (Green)
 Ballance, Chris (South of Scotland) (Green)
 Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)
 Scott, Eleanor (Highlands and Islands) (Green)
 Turner, Dr Jean (Strathkelvin and Bearsden) (Ind)

The Deputy Presiding Officer: The result of the division is: For 21, Against 79, Abstentions 7.

Amendment 49 disagreed to.

After section 37

The Deputy Presiding Officer: Group 13 is on passenger representation. Amendment 50, in the name of Fergus Ewing, is grouped with amendments 51, 3, 4, 78, 52, 52A, 53, 54, 57, 7, 8, 64 and 9. I point out to members that, owing to a technical error, the line numbering for amendment 52 is incorrect. If agreed to, amendment 52A will be inserted at the end of amendment 52 and not at the end of line 33, as shown on the marshalled list. I am sure that that has cleared up a huge amount of confusion around the chamber.

The amendment to amendment 52 will be disposed of before the question on amendment 52 is put.

Fergus Ewing: I hope that the mist remains clear.

The purpose of my amendments is to bring back the Rail Passengers Committee Scotland. All parties in the chamber have recognised that that body has done an excellent job for rail passengers

in Scotland. It is not a girning, whining, carping body, but is recognised instead by everybody as having achieved a great expertise on the Scottish railway network over a number of years.

There are 335 stations in Scotland, 2,100 trains a day and 3,000km of route, which represents up to a fifth of the UK network. The Rail Passengers Committee Scotland has been scrapped just as the Scottish Executive has received more powers over the railway. I have it on fairly good authority that one senior Lib Dem figure described that notion as "potty". It is potty that, on one hand, new powers over the railways are transferred to Scotland and, on the other, the Scottish consumer watchdog is scrapped—apparently defanged at the insistence of Network Rail. That organisation has deployed power over the UK Government, which plainly wanted to remove the teeth from the Scottish committee as an effective customer champion.

At stage 2, I lodged this amendment and Paul Martin proposed that there should be a different type of body, which would be a public transport users committee. On the basis that it is better in life to get something rather than nothing, I supported his proposal with reservations. However, the reason why I bring back my amendment today—with a twist—is that it is apparent that there will be no committee for rail passengers, no customer watchdog and no champion of the consumer interest for a considerable period.

Amendment 50 does not say that Paul Martin's model of a multimodal committee should be scrapped. If one takes all my amendments together, they say that once Paul Martin's public transport users committee model begins, the rail passengers committee for Scotland will cease. That means that Executive members can have it both ways. They can have their new public transport users multimodal committee, but they can also ensure that no gap is left where there is no effective voice for rail passengers in Scotland. My amendments would remove the dilemma that would face Labour and Liberal members about whether to vote according to their conscience or according to their voting instructions. I am sure that Lib-Lab members will be truly grateful for the removal of that dilemma. Therefore, I have great pleasure in yet again proposing absolutely constructive, sensible and workable amendments.

I move amendment 50.

Nicol Stephen: I thank Fergus Ewing for being so helpful. I said at stage 2 that we would lodge an amendment to give Scottish ministers the power to create a wide-ranging passenger representative body and that we would do that by order.

I also stated that I agreed with the principles behind Fergus Ewing's and Paul Martin's amendments and I listened carefully to the views of all the Local Government and Transport Committee members on that issue. The Executive amendments take those views into consideration and reflect our commitment and intention to establish a multimodal public transport users committee. However, it is important to consult on the details of the new body prior to creating it. The amendments that I lodged will provide enough flexibility for us to respond fully to that consultation. I am sure that many members of the committee and perhaps even Fergus Ewing would agree that we have to take into account the views of representative organisations such as the Bus User Complaints Tribunal and the Mobility and Access Committee for Scotland. Those are statutory bodies that should be asked for their views on what is an important proposal for the future.

In addition, before establishing a public transport users committee, we should seek the views of the Scottish Consumer Council as well as the non-statutory rail, bus and ferry users organisations. I feel strongly that we have to get on with the consultation, take it into account and then, having received the views of those organisations, move forward quickly to get the committee up and running through secondary legislation. Fergus Ewing is suggesting that, for six to eight months, there should be an interim rail body that has the same remit as the old body—which, as he has rightly pointed out, is being abolished. I want a new Scottish rail body that will have significant responsibilities but, for the reasons that I have stated, I believe that we should take a little time to ensure that we get it right.

Bruce Crawford: The minister just mentioned a period of six to eight months during which the new body will be established. As a member of the Local Government and Transport Committee, I can say that that is the first time that I have heard such a statement. Is he guaranteeing that the new body will be in place within the next six to eight months?

Nicol Stephen: I am suggesting that we should move as quickly as possible. I am about to set out a timetable in which, for example, the new public transport users committee will be established early next year. I want a similar rail body to be established as soon as possible, and believe that six to eight months is a credible and reasonable period in that respect. We will move forward on that matter quickly.

Moreover, later this year, a Scottish ferries committee will be established administratively—in other words, it will not be established through a bill. The ferries committee will be consulted by

ministers on ferry matters and will, in turn, consult the shipping service advisory committees. It will be able to comment to the Executive on research projects; consider unresolved local complaints; and provide a focus for shipping service advisory committees' views to ministers.

Fergus Ewing also seeks to place a statutory deadline on the creation of the public transport users committee, which brings us back to the timetable that I mentioned. Such an absolute deadline is unnecessary. However, I am committed to getting on with all this and therefore set out the following proposal. Instead of merely giving ministers the power to establish the committee, amendment 52 seeks to place a duty on ministers to establish it. As a result, the committee will be established. We will consult on the detail of the new body in the autumn and will carry out preparatory work that will allow an order to be presented to Parliament early in the new year. I expect that the public transport users committee can be approved by Parliament and constituted by 1 April 2006.

With the multimodal public transport users body working closely with all the groups that represent ferries, the rail industry, bus services and other modes of transport as well as the new representative group for rail that will be established, the passenger's role in public transport in Scotland will be strengthened. The committee's core functions will include considering and making recommendations to ministers on public transport services and, if asked to do so by ministers, on other matters. Moreover, the committee will have regard to ministers' written guidance and will comply with ministers' written direction on the discharge of its functions.

I aim for the committee to be a very influential body that effectively represents public transport service users; that engages in high-level strategic issues such as integration, accessibility and the development of the national transport strategy; and that builds a reputation as one of the key players in Scottish transport.

Having shown that commitment and made that intention clear, I encourage Fergus Ewing to withdraw amendment 50 and not to move amendments 3, 4, 7, 8, 9, 50, 51, 52A, 57 and 64. I also urge the Parliament to agree to amendments 52, 53 and 54.

Bristow Muldoon: I hope that the minister's comments will have solved Fergus Ewing's dilemma and that he will withdraw amendment 50. At stage 2, Fergus proposed the reconstitution of a rail passengers committee for Scotland, but he was upset by Paul Martin's better idea of having a users committee that would apply to all public transport. Why should we single out rail? Although it is an important element of public transport, rail

journeys form a minority of all the passenger journeys that are made in Scotland. If we are to move towards the Executive's aim of having more integrated transport systems, we should obviously establish a representative body that takes account of the different modes of public transport. Fergus has clearly been caught on the hop and did not expect the minister to proceed as quickly as he has indicated that he will. It would obviously be nonsense to establish a statutory body with a view to winding it up six or eight months from now.

I thank the minister for accepting the idea that was put forward by my colleague Paul Martin, and I call on Fergus Ewing, in a spirit of consensus, to unite with us behind the amendments in the name of the minister.

16:30

Mr Davidson: I am sorry to upset Bristow Muldoon, but the consensus that I seek is one in favour of the magnificent work that has been done by the Rail Passengers Committee Scotland. That work should continue so that there is no gap at a time when the Scottish Executive has only just achieved new rail powers.

I totally support Fergus Ewing's view although, in the long term, I am satisfied that the minister's multimodal committee may have some merit. It will involve the different types of transport.

I ask the minister whether we can have a guarantee that there will be adequate sub-committee structures to deal with the different issues facing the different types of transport. There could be a sub-committee to represent rail users; the work of that sub-committee would then feed into the larger committee.

I have great concerns about amendment 54. If the minister is to create a wonderful body that will be all things to all consumers, why does amendment 54 specify that the new committee will have to

"comply with any written direction given to it by"

ministers? That gives far too much ministerial control over what is supposed to be a representative body for users.

Paul Martin: At stage 2, the Local Government and Transport Committee passed an amendment in my name. The principle behind the amendment was to ensure that all the relevant agencies would retain their identity within the proposed new model. The minister assured the committee that he would consult those agencies to ensure that that principle was adhered to.

The Local Government and Transport Committee was impressed by evidence from the Rail Passengers Committee Scotland, which was

able to represent passengers very effectively. We wanted to ensure that that ability was shared with other modes of transport so that we could have a representative body that could take on the PLCs out there. The PLCs often do not have the capacity to deliver an effective transport service.

Now we can have a new passengers committee that will lobby effectively on behalf of passengers. Such a partnership approach towards lobbying effectively on behalf of passengers should be commended. The minister has listened to the Local Government and Transport Committee's concerns and has lodged another comprehensive amendment that will ensure that passengers—on whatever mode of transport—are represented effectively throughout Scotland.

Bruce Crawford: Obviously, I welcome Executive amendment 52 and I congratulate Paul Martin on his work in pulling things together in order to consider all the different modes of transport. However, amendment 52A, in the name of Fergus Ewing, does nothing to undermine the minister's position, and it does nothing to stop the new minister responsible for transport from being involved in consultation with the different transport groups in Scotland.

Without amendment 52A, there will be an indeterminate gap. We do not know how long it will last, but while it does the people who use the rail industry in Scotland will go unrepresented—unless we count the one person who will represent Scotland on the UK body. From Stranraer to Wick it is 442 train miles. It is ridiculous to suggest that only one member should represent Scotland on that body at the very time when the Scottish Executive is taking on new powers over rail. That is an absurd position to be in.

Nothing in amendment 52A undermines the good work that Paul Martin has put in. The Parliament should accept that amendment, which covers the gap and will help passenger representation to continue.

Nicol Stephen: I accept that Fergus Ewing now accepts the wider multimodal body. It is appropriate that that body should be established by statute. I disagree that we should include in the bill an interim arrangement for a rail passengers committee. We will establish a rail passengers committee, but not through statute; rather we will do so through our administrative powers. It would be strange to respond to the gap of six to eight months by creating a body through the bill. In this blockbuster group of amendments, I ask members to support the Executive ones.

Fergus Ewing: The Rail Passengers Committee Scotland is due formally to expire in July. I understand that some members of the committee have said that they wish and are willing to

continue. The minister has explained that, by an administrative act, he will introduce a rail passengers committee on a non-statutory basis, but he has not explained when or how that will happen or what the committee will do. Given that the committee will not have statutory powers to require Network Rail or other organisations to provide information, it will be a watchdog whose incisors are missing. For those reasons, I will press amendment 50.

The Deputy Presiding Officer: The question is, that amendment 50 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)
 Baird, Shiona (North East Scotland) (Green)
 Ballance, Chris (South of Scotland) (Green)
 Ballard, Mark (Lothians) (Green)
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)
 Brownlee, Derek (South of Scotland) (Con)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Curran, Frances (West of Scotland) (SSP)
 Davidson, Mr David (North East Scotland) (Con)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Ewing, Mrs Margaret (Moray) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Fergusson, Alex (Galloway and Upper Nithsdale) (Con)
 Fox, Colin (Lothians) (SSP)
 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)
 Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Johnstone, Alex (North East Scotland) (Con)
 Kane, Rosie (Glasgow) (SSP)
 Leckie, Carolyn (Central Scotland) (SSP)
 Lochhead, Richard (North East Scotland) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 Mather, Jim (Highlands and Islands) (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)
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, Eleanor (Highlands and Islands) (Green)
 Scott, John (Ayr) (Con)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow) (SNP)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)

AGAINST

Alexander, Ms Wendy (Paisley North) (Lab)
 Arbuckle, Mr Andrew (Mid Scotland and Fife) (LD)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marlyn (North East Scotland) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, 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)
 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)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Scott, Tavish (Shetland) (LD)
 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)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

ABSTENTIONS

Turner, Dr Jean (Strathkelvin and Bearsden) (Ind)

The Deputy Presiding Officer: The result of the division is: For 50, Against 64, Abstentions 1.

Amendment 50 disagreed to.

Section 37A—Public Transport Users' Committee for Scotland

Amendments 51, 3, 4 and 78 not moved.

Amendment 52 moved—[Nicol Stephen].

Amendment 52A not moved.

Amendment 52 agreed to.

After section 37A

Amendments 53 and 54 moved—[Nicol Stephen]—and agreed to.

Section 43—Minor amendments of Transport (Scotland) Act 2001

The Deputy Presiding Officer: Group 14 is on bus services. Amendment 80, in the name of David Davidson, is grouped with amendments 81 and 55. If amendment 81 is agreed to, it will pre-empt amendment 55.

Mr Davidson: Section 43(2) would amend the Transport (Scotland) Act 2001 to give local authorities in the existing Strathclyde Passenger Transport area powers to establish quality contracts and quality partnerships. Amendments 80 and 81, which are similar to amendments that the minister lodged at stage 2, would remove that provision.

In the light of the unique geography of the region and its transport patterns, it would be counterproductive if bus powers were to be held concurrently by both SPT—or its successor body—and the constituent local authorities. SPT has stated:

“Local councils in the west of Scotland have not exercised bus responsibilities since 1975—they have no expertise or experience in this area, and now to give them a discretionary ability to work at the margins of what will remain overwhelmingly a regional responsibility will be a recipe for confusion and potential conflict.”

Furthermore, considering the spectacular failure of the quality contract and quality partnership initiative thus far—in other words, there are no partnerships or initiatives—it is hard to escape the conclusion that those powers have more to do with undermining the position of SPT than with any serious attempt to improve bus services in the region.

I move amendment 80.

Nicol Stephen: It is true that there has been some to-ing and fro-ing since the white paper was originally launched, but I am truly astonished at David Davidson's amendments, because we have

now clearly agreed the position. When we introduced the bill, we indicated the Executive's intention to give local authorities in the SPT area concurrent powers with SPT to establish quality partnerships, quality contracts and joint ticketing schemes. The purpose was to encourage the development of high-quality services and infrastructure at local level.

Many of the constituent authorities have received funding from the Executive to improve bus infrastructure and it seems logical to give them powers to include that infrastructure in a quality partnership scheme. We have lodged amendment 55 because further scrutiny has shown that, for technical reasons, the bill as drafted would not have achieved the original intention. That further scrutiny has also persuaded us that concurrent powers would not be appropriate in relation to joint ticketing schemes. The provisions in the Transport (Scotland) Act 2001 provide for each local transport authority to determine what ticketing arrangements should be made available for their area. There can be only one determination, and we have concluded that it would not therefore be practicable to impose duties to determine on two separate bodies—SPT and the local council.

Amendment 55 therefore provides concurrent powers in relation to quality partnerships and quality contracts. The provisions on quality partnerships and quality contracts are permissive, and there is scope for different bodies to introduce schemes in the same geographical area. As members will be aware, the availability of concurrent powers is welcomed by a number of the constituent local authorities. The Strathclyde Passenger Transport Authority, as the body with responsibility for public transport in the area, originally had misgivings on the matter, but has now also accepted that the bus powers should be shared between itself—and therefore its successor regional transport partnership—and the councils in its area.

Pauline McNeill: I too had some concerns about whether it would be right to have concurrent powers for quality contracts between the new partnership authorities and local authorities. Will the minister put on record once again the fact that the provision that we are considering is one on which he would expect there to be proper partnership? Does he have any concerns, in the light of the provisions, that there might be a need to determine who was ultimately responsible for a quality contract if there were a dispute between the regional partnership authority and the local authority, and is he confident that the issue could be resolved satisfactorily?

Nicol Stephen: I am confident of that; but Pauline McNeill is absolutely right to say that there

must be the right spirit of co-operation and partnership. I am now confident that there is agreement on the way ahead. Some of the to-ing and fro-ing that I referred to happened because we had not reached that agreement, but I am now confident that, because there is agreement on the way forward, those arrangements will work and will work well.

I ask the Parliament to support amendment 55 and to oppose David Davidson's amendments; because of the agreement that I referred to, I am at a loss to understand why he lodged them.

Margaret Smith: On the holding of concurrent powers, the minister is right to say that there has been not a little confusion and not a few changes over the past months. However, the position that we have now reached is the right one. I believe that it is the right approach to delivering better services and better integration. I can think only that part of David Davidson's concern is that there might be conflict between local authorities and RTPs and that concurrent powers would make that insoluble. I do not agree with that. When disagreements occur, there is ultimately recourse to the minister for a decision. However, when it comes to joint working on transport initiatives it is not only possible for both sides to work together, it is common sense for them to do so. That is in the interests of their passengers and it is in keeping with the spirit of the bill. There has been some movement among some of the local councils in the west—and from SPT—on the issue of concurrent powers. Where we have ended up is the best way to take initiatives forward on a shared basis, in a manner that I believe will deliver better services and integration.

16:45

Mr Davidson: I am grateful to Pauline McNeill and Margaret Smith for raising an issue of some concern, because who knows who will be elected to what council in the future. West of Scotland politics are, of course, famed for their stability and non-contentiousness. In my years in local government there I came across nothing that was not argued about.

I have stated my case clearly. The minister is muddled in his thinking if he thinks that he can give powers to two sides and step back. What is the point of having to go back in and arbitrate or settle the matter by ministerial declaration? The minister is confused and I will press my amendments.

The Deputy Presiding Officer: The question is, that amendment 80 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

FOR

Aitken, Bill (Glasgow) (Con)
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)
 Brownlee, Derek (South of Scotland) (Con)
 Davidson, Mr David (North East Scotland) (Con)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Fergusson, Alex (Galloway and Upper Nithsdale) (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)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Turner, Dr Jean (Strathkelvin and Bearsden) (Ind)

AGAINST

Alexander, Ms Wendy (Paisley North) (Lab)
 Arbuckle, Mr Andrew (Mid Scotland and Fife) (LD)
 Baillie, Jackie (Dumbarton) (Lab)
 Baird, Shiona (North East Scotland) (Green)
 Baker, Richard (North East Scotland) (Lab)
 Ballance, Chris (South of Scotland) (Green)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Canavan, Dennis (Falkirk West) (Ind)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 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)
 Fabiani, Linda (Central Scotland) (SNP)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Fox, Colin (Lothians) (SSP)
 Gibson, Rob (Highlands and Islands) (SNP)
 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)
 Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, 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, Paul (Glasgow Springburn) (Lab)
 Mather, Jim (Highlands and Islands) (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)
 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)
 Robison, Shona (Dundee East) (SNP)
 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)
 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)
 Wallace, Mr Jim (Orkney) (LD)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

The Deputy Presiding Officer: The result of the division is: For 18, Against 94, Abstentions 0.

Amendment 80 disagreed to.

The Deputy Presiding Officer: I remind members that if amendment 81, in the name of David Davidson, is agreed to, amendment 55 would be pre-empted.

Amendment 81 moved—[Mr David Davidson].

The Deputy Presiding Officer: The question is, that amendment 81 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

FOR

Aitken, Bill (Glasgow) (Con)
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)

Brownlee, Derek (South of Scotland) (Con)
 Davidson, Mr David (North East Scotland) (Con)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Fergusson, Alex (Galloway and Upper Nithsdale) (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)
 Scanlon, Mary (Highlands and Islands) (Con)
 Turner, Dr Jean (Strathkelvin and Bearsden) (Ind)

AGAINST

Alexander, Ms Wendy (Paisley North) (Lab)
 Arbuckle, Mr Andrew (Mid Scotland and Fife) (LD)
 Baillie, Jackie (Dumbarton) (Lab)
 Baird, Shiona (North East Scotland) (Green)
 Baker, Richard (North East Scotland) (Lab)
 Ballance, Chris (South of Scotland) (Green)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Canavan, Dennis (Falkirk West) (Ind)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 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)
 Fabiani, Linda (Central Scotland) (SNP)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Fox, Colin (Lothians) (SSP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marilyn (North East Scotland) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Grahame, Christine (South of Scotland) (SNP)
 Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, 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, Paul (Glasgow Springburn) (Lab)

Mather, Jim (Highlands and Islands) (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)
 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)
 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)
 Robison, Shona (Dundee East) (SNP)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)
 Scott, Tavish (Shetland) (LD)
 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)
 Wallace, Mr Jim (Orkney) (LD)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

The Deputy Presiding Officer: The result of the division is: For 17, Against 92, Abstentions 0.

Amendment 81 disagreed to.

Amendment 55 moved—[Nicol Stephen].

The Deputy Presiding Officer: The question is, that amendment 55 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

FOR

Alexander, Ms Wendy (Paisley North) (Lab)
 Arbuckle, Mr Andrew (Mid Scotland and Fife) (LD)
 Baillie, Jackie (Dumbarton) (Lab)
 Baird, Shiona (North East Scotland) (Green)
 Baker, Richard (North East Scotland) (Lab)
 Ballance, Chris (South of Scotland) (Green)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Canavan, Dennis (Falkirk West) (Ind)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)

Curran, 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)
 Fabiani, Linda (Central Scotland) (SNP)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Fox, Colin (Lothians) (SSP)
 Gibson, Rob (Highlands and Islands) (SNP)
 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)
 Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, 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)
 Martin, Paul (Glasgow Springburn) (Lab)
 Mather, Jim (Highlands and Islands) (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)
 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)
 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)
 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)
 Wallace, Mr Jim (Orkney) (LD)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

AGAINST

Aitken, Bill (Glasgow) (Con)
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)
 Brownlee, Derek (South of Scotland) (Con)
 Davidson, Mr David (North East Scotland) (Con)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Fergusson, Alex (Galloway and Upper Nithsdale) (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)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Turner, Dr Jean (Strathkelvin and Bearsden) (Ind)

The Deputy Presiding Officer: The result of the division is: For 95, Against 18, Abstentions 0.

Amendment 55 agreed to.

Section 44—Orders and regulations

Amendment 56 moved—[Nicol Stephen].

The Deputy Presiding Officer: The question is, that amendment 56 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

FOR

Alexander, Ms Wendy (Paisley North) (Lab)
 Arbuckle, Mr Andrew (Mid Scotland and Fife) (LD)
 Baillie, Jackie (Dumbarton) (Lab)
 Baird, Shiona (North East Scotland) (Green)
 Baker, Richard (North East Scotland) (Lab)
 Ballance, Chris (South of Scotland) (Green)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Canavan, Dennis (Falkirk West) (Ind)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Curran, 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)
 Fabiani, Linda (Central Scotland) (SNP)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)

Finnie, Ross (West of Scotland) (LD)
 Fox, Colin (Lothians) (SSP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marilyn (North East Scotland) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Grahame, Christine (South of Scotland) (SNP)
 Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, 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, Paul (Glasgow Springburn) (Lab)
 Mather, Jim (Highlands and Islands) (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)
 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)
 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)
 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)
 Wallace, Mr Jim (Orkney) (LD)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Welsh, Mr Andrew (Angus) (SNP)

White, Ms Sandra (Glasgow) (SNP)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

AGAINST

Aitken, Bill (Glasgow) (Con)
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)
 Brownlee, Derek (South of Scotland) (Con)
 Davidson, Mr David (North East Scotland) (Con)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Fergusson, Alex (Galloway and Upper Nithsdale) (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)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)

ABSTENTIONS

Turner, Dr Jean (Strathkelvin and Bearsden) (Ind)

The Deputy Presiding Officer: The result of the division is: For 96, Against 16, Abstentions 1.

Amendment 56 agreed to.

The Deputy Presiding Officer: I call amendment 82, in the name of Davidson.

Mr Davidson: I will not move amendment 82, headmaster.

The Deputy Presiding Officer: See me later.

Amendment 82 not moved.

Section 46—Short title and commencement

Amendments 57 and 7 not moved.

Amendment 8 moved—[Fergus Ewing].

The Deputy Presiding Officer: The question is, that amendment 8 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

FOR

Aitken, Bill (Glasgow) (Con)
 Baird, Shiona (North East Scotland) (Green)
 Ballance, Chris (South of Scotland) (Green)
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)
 Brownlee, Derek (South of Scotland) (Con)
 Canavan, Dennis (Falkirk West) (Ind)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Curran, Frances (West of Scotland) (SSP)
 Davidson, Mr David (North East Scotland) (Con)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Ewing, Mrs Margaret (Moray) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Fergusson, Alex (Galloway and Upper Nithsdale) (Con)
 Fox, Colin (Lothians) (SSP)
 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)
 Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Johnstone, Alex (North East Scotland) (Con)
 Kane, Rosie (Glasgow) (SSP)
 Leckie, Carolyn (Central Scotland) (SSP)
 Lochhead, Richard (North East Scotland) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 Mather, Jim (Highlands and Islands) (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)
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, Eleanor (Highlands and Islands) (Green)
 Scott, John (Ayr) (Con)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow) (SNP)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)

AGAINST

Alexander, Ms Wendy (Paisley North) (Lab)
 Arbuckle, Mr Andrew (Mid Scotland and Fife) (LD)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 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, 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)
 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)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Scott, Tavish (Shetland) (LD)
 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)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

ABSTENTIONS

Turner, Dr Jean (Strathkelvin and Bearsden) (Ind)

The Deputy Presiding Officer: The result of the division is: For 49, Against 63, Abstentions 1.

Amendment 8 disagreed to.

Schedule 1

ADMINISTRATIVE FUNCTIONS ETC OF RTPs

The Deputy Presiding Officer: Group 15 is on the use of land by RTPs. Amendment 58, in the name of the minister, is grouped with amendment 59.

Tavish Scott: We are again indebted to the committee for identifying deficiencies in the bill as it was introduced, which in this case concerned the powers that will be given to RTPs to acquire, develop and dispose of land. Amendments 58 and 59 were inspired by amendments that Michael McMahon agreed not to press at stage 2. Amendment 58 applies to RTPs the same rules that govern the development and disposal of land that is not needed for transport purposes as currently apply to SPT. Amendment 59 applies the updated local government rules on the disposal of land that the Parliament introduced in 2003.

I move amendment 58.

Amendment 58 agreed to.

Amendment 59 moved—[Tavish Scott]—and agreed to.

Amendment 83 not moved.

Amendment 60 moved—[Tavish Scott]—and agreed to.

Schedule 2

SCOTTISH ROAD WORKS COMMISSIONER: FURTHER
PROVISION

The Deputy Presiding Officer: Group 16 relates to the Freedom of Information (Scotland) Act 2002. Amendment 61, in the name of the minister, is in a group on its own.

Tavish Scott: Amendment 61 is straightforward and will ensure that the Scottish road works commissioner will be under a duty to disclose information, as is the case with other public authorities.

I move amendment 61.

Amendment 61 agreed to.

Schedule 5

SCHEDULE 6B TO THE NEW ROADS AND STREET WORKS ACT
1991

The Deputy Presiding Officer: Group 17 is on road works: guidance on issuing fixed penalties. Amendment 62, in the name of the minister, is grouped with amendment 63.

Tavish Scott: During stage 2 Fergus Ewing lodged amendments that would have prevented a road works authority from issuing a fixed-penalty notice where the offence appeared to be inadvertent and its effect trivial. Nicol Stephen explained at that time that there should be no defence to the commission of the offence, but that there might be mitigating circumstances. We would expect road works authorities to behave reasonably in deciding whether a fixed-penalty notice should be issued. Fergus Ewing withdrew his amendments on the understanding that we would investigate the matter further. We have therefore decided that to reduce the potential for dispute and to improve clarity for all concerned a code of practice, giving guidance on the operation of the fixed penalty regime, might prove beneficial. That is the basis for our amendment, which has been supported warmly by the roads authorities users committees.

I move amendment 62.

Amendment 62 agreed to.

Schedule 7

SCHEDULE 8B TO THE ROADS (SCOTLAND) ACT 1984

Amendment 63 moved—[Tavish Scott]—and agreed to.

After schedule 7

Amendments 64 and 9 not moved.

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

Transport (Scotland) Bill

The Deputy Presiding Officer (Murray Tosh):

The next item of business is a debate on motion S2M-3039, in the name of Nicol Stephen, on the Transport (Scotland) Bill.

16:56

The Deputy Minister for Finance and Public Service Reform (Tavish Scott):

This devolved Government is committed to transforming transport delivery and transport infrastructure throughout Scotland. We believe that Scotland needs and deserves a transport infrastructure that is comparable with the best in Europe. We want a future where others look to us in Scotland as an example of good practice instead of to Sweden, Austria or Switzerland.

We are already making great strides. We have ambitious rail and road projects linking communities and growing our economy. We are creating a transport agency to harness the best transport delivery skills to support our ambitions. We are making substantial investment in transport. By 2008 our investment will be more than £1.4 billion. That investment underlines the vital role that transport has in achieving our ambition for a prosperous, sustainable, safe, healthy and socially just Scotland.

The bill plays an important role in realising that ambition. It creates transport partnerships focused on planning and delivering improvements. Working with local government and other partners throughout Scotland means that transport planning will now take place on a larger, more meaningful regional basis. As a result, transport will be more attuned to the needs of the region.

Our roads, together with our rail network and ferry services, form part of our strategic transport infrastructure. It is vital that we manage that infrastructure in the most appropriate manner so that we realise its potential. The new independent commissioner will be responsible for driving up the quality of our road works and road management. With better co-ordination of works, allied to the substantial investment that we are making in the maintenance programme, we should have a road network to support our ambitions.

For a socially just Scotland we need to be more inclusive. We are increasing opportunities through the creation of national concessionary travel schemes. Providing access to transport services is good for our nation's well-being as well as being socially responsible. This devolved Government—Liberal Democrat and Labour colleagues—will deliver that national concessionary travel scheme. We hope that others will support us in the vote tonight.

We are also modernising outdated processes that support the funding of our shipping services. We are streamlining the planning and implementation of harbour works. By creating opportunities for investment and supporting development, we grow our economy.

As I said at the outset, I am committed to transforming transport delivery and transport infrastructure. Our ambitions are for transport improvements and long-term national, regional and local transport strategies shaping delivery. Our ambitions are to create the right structures to deliver transport improvements. Our ambitions are to deliver better opportunities for older people and those with disabilities and to provide a prosperous, socially just Scotland.

If members share those ambitions, they are committed to delivering improvements. I ask them to share that commitment to transform transport delivery in Scotland by supporting the bill. I commend the bill to Parliament.

I move,

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

17:00

Fergus Ewing (Inverness East, Nairn and Lochaber) (SNP): I pay tribute to the committee clerks and the bill team, who have provided us with invaluable assistance throughout the passage of the bill.

The Scottish National Party will support the bill this evening because we believe that a modern transport policy should have a strong regional voice. Much progress has been made during the passage of the bill to transform a skeleton into something that we can support. However, much will depend on how the bill is implemented and many questions remain to be answered. For example, we do not know what the relationships will be between the Executive and the agency and the agency and the RTPs. Those relationships need to be spelled out; nevertheless, there is potential.

Every modern European Union state that has a better transport system than Scotland has a method of regional transport formulation and has had more investment over a long period than we have seen in Scotland under successive Westminster Governments of either hue. We acknowledge that the transport budget has, of late, risen and has improved, but we have substantial doubts about the way some of that investment has been made.

It is ironic that, at stage 3, no consideration was given to the concessionary travel scheme. No amendments were lodged on that subject and

details on it will be brought forward later. We support a concessionary travel scheme, but it seems to me—having had access to documents including a report from consultants MVA Ltd—that the problem with the scheme is not that it is not worthy: it is. Likewise, it is not the case that we do not want senior citizens and disabled people to have the benefit of concessionary travel, because we do. The problem is that the scheme has not been thought through. Every person who is involved with it knows that that is the case.

The smart-card technology that is supposed to be used next April will not be ready in time—at least, it will not be capable of being used with the machines on the buses—which will add extra cost. The financial memorandum states that, over two years, the cost of the concessionary travel scheme will be £196 million, but we know that the ceiling for the first year of the concessionary scheme is £155 million. The cost has risen dramatically, so one is bound to ask whether we are getting value for money from the bus companies. Have the bus companies got an exceptionally good deal? Will local authorities be able to assimilate and collate the necessary data about every senior citizen in their areas, as we anticipate they will be charged to do, and turn that information into smart cards by next April? Given that there are approximately 1.2 million senior citizens in Scotland, I doubt it.

Will the scope for fraud be exacerbated by the fact that the smart-card system will not be introduced on 1 April? It must be. Will the company that is understood to be the only company that can manufacture the smart-card machines have the Executive over a barrel in respect of delivery of tens of thousands of machines? It might. Will it be able to supply the smaller bus companies? It has been put to me that that might not be its preferred commercial practice. That said, we are pleased that the bill has been transformed and that it will provide RTPs with reasonably strong powers.

The SNP would like politics—with a capital P—to be taken out of formulation of transport policy. As I have always said, the way to do that is to use the method that has been adopted in the USA, where there are long-term transport plans that allow people to find out what road projects are due to be carried out in nine or 10 years, for example. With such a long-term plan comes realism and with realism comes an end to the unrealistic expectations that, understandably, people throughout Scotland have that every road in their area and every rail system should be improved.

I believe that long-term plans should be produced by the RTPs. The most important problem with this afternoon's deliberations, which have otherwise been productive, is that there was no decision that the RTPs will be required to

prioritise their transport schemes or projects. It is one thing to prioritise elements of a transport policy, but it is a completely different matter to say, "Here are the 10 projects that should be delivered and here's the order in which we think they should be delivered."

The Deputy Presiding Officer (Trish Godman): You must finish now, Mr Ewing.

Fergus Ewing: That is the role that Government plays. It is unfortunate that the RTPs are not being asked to play that role as well, but an SNP Government will remove that inconsistency, as members would expect. That is something to which members can all look forward.

17:05

Mr David Davidson (North East Scotland) (Con): In my short time on the Local Government and Transport Committee, I felt that the clerks and the committee members worked diligently on the passage of the Transport (Scotland) Bill. I pay tribute to those who forced the Minister for Transport to come back and turn the bill into something that contains far more detail because—as members said—it was quite thin. I also praise the work of my former colleague in Parliament David Mundell, who was a member of the committee.

Despite the fact that there is a great deal to welcome in the bill, I regret that we will oppose it today. We on the Conservative benches remain unconvinced that a network of statutory transport bodies in every region of Scotland will deliver the improvements to the transport infrastructure that we all want. On the contrary, we believe that the excess bureaucracy and additional expense that will be involved might damage delivery of tangible improvements. We agree entirely with the conclusion that the Executive reached prior to the previous Transport (Scotland) Bill in 2000:

"The Scottish Executive believes that imposing a new layer of government between the local authorities and the Scottish Executive and Parliament would generate additional bureaucracy and involve significant disruption to local government."

In the north-east, the local voluntary partnership—the north-east Scotland transport partnership—is involved in many projects including the Aberdeen crossrail project, delivery of the Aberdeen western peripheral route in co-operation with the Executive, and major traffic change systems. It does all that without additional bureaucracy.

I reiterate my concern about Strathclyde Passenger Transport. A year ago, the minister made the following promise to Parliament:

"I still expect SPT to have a direct role in the management and development of rail services in the west

of Scotland."—[*Official Report*, 16 June 2004; c 9099.]

It is now clear that even though the SPT model works and delivers, SPT is, in effect, being abolished.

Fergus Ewing mentioned concessionary fares. I state, so that the minister knows, that we support a national concessionary fares scheme, but we believe that provision of comprehensive service coverage throughout Scotland should take priority over provision of a scheme that is totally free. There are still too many parts of Scotland in which the public transport system is woefully inadequate, which means that a free travel scheme will be of little use to many pensioners, particularly in rural areas. In addition, small bus operatives have complained to me about the cost of the equipment that they will have to install in their vehicles.

It is Parliament's job to make laws that are in tune with the concerns of our constituents. To be frank, I do not believe that the time, effort and costs that are involved in setting up regional transport partnerships can be justified. There are so many glaring transport priorities that we should surely tackle before we grant ourselves the luxury of tinkering with structures.

In conclusion, I can do no better than to remind members of the remark that SPT made in its submission to the Local Government and Transport Committee's inquiry:

"it is difficult to avoid the conclusion that this part of the Bill is more about administrative change than about making a real contribution to improving transport policy delivery".

17:09

Bristow Muldoon (Livingston) (Lab): I thank the committee clerks for all their support for committee members. In particular, I send my good wishes to Eugene Windsor, who will move to another committee after the summer recess. He served the former Local Government Committee for four years and the Local Government and Transport Committee for the past two years.

In welcoming the Transport (Scotland) Bill, I refer to Labour's manifesto for the 2003 Scottish Parliament elections. Among many other commitments, that manifesto made three specific commitments on transport. First, it said that Labour would seek to ensure that

"local authority boundaries do not hinder major projects and stifle growth."

and went on to state:

"We will set up a single strategic transport authority for Scotland and strong regional transport delivery partnerships throughout the country."

Secondly, it said:

"We will introduce national bus and rail concessionary travel for young people".

and thirdly, it said that

"We will extend free ... bus travel for the elderly and disabled to cover journeys across all of Scotland".

The passage of the Transport (Scotland) Bill will result in delivery of three key Labour transport policies. I thank the new Deputy First Minister for the strong role that he has played in ensuring that we deliver on those Labour manifesto commitments.

The bill contains a new framework to govern the relationship between roads authorities and utilities to ensure that there is greater co-ordination and higher quality road works, which will reduce the impact that such works can have on road congestion.

I will now discuss each of the three aspects of the bill in more detail. It is fair to say that the regional transport partnerships part of the bill has attracted some criticism, including from the Local Government and Transport Committee. The criticism of Labour and Liberal colleagues was never about the bill's policy intentions; rather, it was about the fact that the bill said too little about the powers of the RTPs and how, in practice, they would improve co-operation between and co-ordination of transport services in their areas. I am pleased to say that considerable progress has been made in improving the bill at stages 2 and 3. In my view, it is now fully worthy of support from the whole Parliament.

If we had taken the combined advice of the Tories, who voted against the bill at stage 1, and the nationalists, who abstained at stage 1, we would have no bill to support today. I welcome the SNP's conversion to support for the bill at this stage, but I regret that the Tories will continue to vote against a bill that, among other things, will introduce concessionary travel for young people and extend the existing scheme for older people. I find David Davidson's approach to be particularly difficult to understand. Although he has repeatedly praised Strathclyde Passenger Transport and the benefits that that strong regional partnership has been able to deliver for the west of Scotland, he wishes to deny the people whom he purports to represent the opportunity to have those same benefits.

Mr Davidson: The first amendment in my name that was debated this afternoon—amendment 65—illustrates the Conservatives' position. The point is that we want a permissive system rather than a compulsory system. Does Bristow Muldoon not understand that?

The Deputy Presiding Officer: The member is going into his final minute.

Bristow Muldoon: I understand perfectly what is in the bill, and that Mr Davidson will vote against a set-up that he believes has produced benefits for the west of Scotland for the past few decades. That position is extremely difficult to understand.

During its passage, a number of amendments have been made to the bill, for which my committee colleagues deserve a great deal of credit. One of those amendments introduced the requirement that each RTP must give full consideration to, for example, equal opportunities and social exclusion issues, sustainable economic growth and sustainable transport policies. Although some of the amendments were refined by the Executive, they remain integral to the bill that we will pass.

A good balance has been struck between ensuring that road works are well-enough planned to minimise congestion and do not impose an economic handicap on Scotland. The concessionary travel scheme will be socially progressive and I hope that cheaper travel for young and old people that the bill will provide will result in increased use of public transport, which in turn will contribute to achievement of the Executive's policy targets on congestion and road use.

I encourage members to give the bill their unanimous backing.

17:14

Mr Kenny MacAskill (Lothians) (SNP): At this juncture, it is important that we recall why we have a debate after dealing with the amendments. We do not just want to record our thanks to the clerks and all the people who have been involved in a bill's consideration, appropriate though that is. The debate gives us an opportunity not to focus on the minutiae, but to consider the overarching question of why we want the legislation.

It is important that we recall the reason for the introduction of the Transport (Scotland) Bill. Transport is fundamental to our society; not only does it provide access for people who would otherwise be excluded but, as every member of every party is aware, it is vital to the economy. Union and business representatives tell us that transport is fundamental to Scotland's having a sustainable and progressive economy in the 21st century. There are difficulties and, to be fair, we are addressing them. Members might disagree with the pace at which the Executive is moving and with some of its priorities, but there is general consensus in Parliament that we must move forward. In many instances, there is less to be agin and to compete over than many members might think.

There was some chortling from Labour members when my colleague Fergus Ewing correctly said that he wishes that politics with a capital P could be taken out of transport, but the Scottish National Party considers that to be important. If members who laughed had listened to Mr Scott, they would have heard him mention how he aspired to replicating in Scotland what took place in Austria and Sweden. The point that Mr Ewing made was that the basis of success in those countries was consensus, rather than a partisan position on transport; national consensus about transport's importance is what took matters forward.

Bristow Muldoon: I was among the many members who were amused by Fergus Ewing's speech, not because I think that it is wrong to have national consensus about how we will make progress on transport, but because Mr Ewing is one of the most nakedly politically partisan members of Parliament. I would welcome consensus on transport policy.

Mr MacAskill: That is where we are coming from. In Scandinavia, transport matters are dealt with by consensus, so regional transport partnerships will allow us to concentrate on where we want to get to. Perhaps we are in difficulty here in Scotland because of the blight that we suffered under Westminster not simply because we were unable to legislate because we did not have the Scottish Parliament, but because for 25 or 40 years rail was in and then out, then buses were in and then out, depending on whether we had a Labour or Tory Government. Transport was booted around as a political football. That was the fundamental cause of considerable problems, so we must move away from that approach. I agree with the minister and with my colleague Fergus Ewing that we have to depoliticise transport policy and achieve national agreement because less divides us than many people think.

It is important that we acknowledge that our communities have changed, which is why we need the regional transport partnerships. Communities in the east of Scotland have undergone social and economic change such as—to some extent—happened in the west of Scotland 100 years ago. Edinburgh's growth—it now has a travel-to-work area that covers south Fife, the other areas of the Lothians and the Borders—cannot be dealt with by a single authority. That is the same as what happened 100 years ago when Glasgow expanded into Renfrewshire, Dunbartonshire and Lanarkshire, which needed a structure to cope. Those areas have had the benefit of SPT, which has served them well, so we need to replicate the best aspects of SPT elsewhere in Scotland.

Our communities, economic needs and society have changed and our current local authorities are far too small to be able to address that. That is

why we believe that, if we wish social and economic progress, as all members do, we need the correct structure. We have a fundamental need for a vision of what we want to do, a strategy for how to do it and, most important, structures that will allow us to deliver the vision and implement the strategy. That is what the bill is about and why we support it.

17:18

Dr Sylvia Jackson (Stirling) (Lab): The importance of transport has been mentioned; it is immense. Often, we do not see how systems can be improved until we go to other countries. In certain cases, we also realise that things are perhaps not as bad as we imagine them to be.

Transport, whether freight infrastructure or the public transport system, is critical to the economy of Scotland. Recent issues in my constituency have included consideration of making the freight infrastructure more sustainable, and improvement of the rail links between Stirling and the major centres.

The bill is a step forward in that it is an attempt to address some of the problems that were brought about by disaggregation of the local government regions into the 32 unitary authorities. Although the four voluntary regional transport partnerships, which cover 30 of the 32 authorities, have rectified the position to a certain extent, the bill provides a more strategic approach to planning and delivery of transport at all levels through the setting up of the regional transport partnerships. They represent an important part of the jigsaw of a more coherent transport strategy. The RTPs will need to take account of cross-boundary issues, as well as more local ones. Theirs will not be an easy role, but it will be crucial.

As the world gets smaller, all parts of Scotland must work towards having one voice for the economic good of the nation. There is increasing need for a coherent national strategy with strong regional input, but that strong regional input will be possible only if the RTPs have sufficient clout with their roles and responsibilities, and the necessary finance. That is why so much time was spent in committee discussing the RTPs. I am pleased that at stage 2 amendments were agreed that will put the necessary flesh on the bones of the RTPs. The committee discussed other issues around RTPs, including their boundaries, particularly in relation to Dumfries and Galloway. We also covered membership and voting arrangements.

Amendments were passed at stage 2 to ensure that environmental issues were taken into account under the wider umbrella of sustainable development. Chris Ballance came to the Local Government and Transport Committee to lodge an

amendment on that. I know that the Greens see transport as being an important issue, so I hope that they will come more regularly to the relevant committee meetings.

Service tracks is a big issue in my constituency. I welcome the parts of the bill that deal with that under the heading of road works. The bill includes provisions for the Scottish road works register, which will be a single national register for planning and co-ordinating road works. There will be a new public appointee—the Scottish road works commissioner—and there will be tighter requirements for directing the timing of works, reinstatements and so on. I welcome all those things, as well as the amendments that have taken on board the genuine concerns of the utility companies.

I welcome the way in which the Scottish Executive has worked with the Subordinate Legislation Committee—we had many constructive discussions about certain sections of the bill because it contains many delegated powers. Our dialogue worked well and we reached agreement on all the relevant points to ensure that the necessary consultation and parliamentary scrutiny were carried out.

I welcome the extension of extra powers to the Bus User Complaints Tribunal. Those powers are well earned and the tribunal has sought them for some considerable time. I also welcome the establishment of the public transport users committee for Scotland, with its different arms for rail and so on.

I welcome the extension of the present concessionary travel scheme to its becoming a national scheme, as well as its extension to young people. I was disappointed that the SNP and Conservatives declined to support that extension at stage 1. If their opposition had succeeded, the schemes would not be implemented next year.

I thank the Local Government and Transport Committee and, in particular, the committee clerks—I have worked with Eugene Windsor for some time. Let us get on and do the job. Let us vote for the bill. Scotland needs it.

17:23

Margaret Smith (Edinburgh West) (LD): I start by congratulating my colleague, Nicol Stephen, on his election to the leadership of the Scottish Liberal Democrats and his appointment as Deputy First Minister and Minister for Enterprise and Lifelong Learning. I also congratulate him on the manner in which he, as Minister for Transport, worked with the Local Government and Transport Committee on the Transport (Scotland) Bill. He has been quite open to the approaches and ideas that have come from the committee. Having

worked together in that way, we now have a more detailed bill, which has been improved by that working relationship and the committee's input in particular.

I thank my committee colleagues. I have not been on the Local Government and Transport Committee for long, but I thank them for their support during that time. I thank the clerks, particularly Eugene Windsor, as I move on to pastures new. There cannot be many things that are worse to consider than Caledonian MacBrayne ferry tendering, but becoming whip for the Liberal Democrats possibly runs it close.

The Transport (Scotland) Bill will make important legislation because transport is important to people throughout Scotland and there is much to welcome in it. Most of us—with the exception of the Conservatives, unfortunately—are happy that the arrangements that exist in our areas, such as the south-east Scotland transport partnership, or SESTRANS in my area, will move from being voluntary to statutory set-ups. That will bring powers and extra clout, as Sylvia Jackson mentioned. I hope that they will be used to deliver what we want, which is better transport services.

Many provisions are welcome, but one major reason why I support the bill is the national concessionary travel scheme. The scheme is being extended because the Executive has listened to what people have said about the scheme. They liked it, but they knew that it could be made better by being national, by operating not just in off-peak hours and by being extended to young people, which I hope will happen in the near future.

It is clear that the bill responds to the need for a more regional approach to transport. As I represent an Edinburgh constituency, I can speak about the need to consider future land use and planning. Kenny MacAskill was right to mention Edinburgh's travel-to-work area. Most people on either side of the argument about congestion charging in Edinburgh would agree that that proposal would have benefited from a much more regional approach, whereas it turned out that the City of Edinburgh Council and the Labour party in Edinburgh decided to go it alone. For such proposals to succeed, I stress that they must be developed through a regional partnership approach. Such an approach is one welcome aspect of today's amendments.

I also welcome the establishment of the public transport users committee for Scotland. It is right that it will cover all transport modes; it would be wrong to focus only on rail, bus or any other form of travel. It is right that we will focus on all the transport modes and that we will do what we can to integrate them.

The bill is also important because it focuses on road works. On the face of it, we might think that that is a trivial matter, but when we are stuck in congestion on, for example, the A8000—not for much longer, thanks to the outgoing Minister for Transport—because of road works that do not seem to have been executed in a co-ordinated fashion or been planned, it matters. Road works affect journeys that must be made in a certain time, so the bill contains important provisions to improve the situation.

In relation to amendment 17 I mentioned a fundamental reason why I support the bill, which is the legislative link that it makes between transport needs and health needs. If for no other reason, the bill should be supported for that.

17:27

Chris Ballance (South of Scotland) (Green): I echo Margaret Smith's congratulations to the outgoing Minister for Transport on his new role and I congratulate Tavish Scott on taking on the transport portfolio. I also congratulate Malcolm Reed on becoming the chief executive designate of the new national transport agency.

The important measure in the bill is the concessionary fares scheme. The Greens will support the bill at stage 3 because it is important to establish a national concessionary fares regime in Scotland. We are delighted with that and we congratulate the Executive on it.

The key to making the regional transport partnerships work and deliver the Executive's sustainable development objectives, which Sylvia Jackson called for, is to ensure that the partnerships contain representatives of sustainable transport organisations or public transport user groups and social inclusion groups. I was disappointed that Sylvia Jackson voted against my stage 2 amendment to make the inclusion of public transport user group members on RTPs a statutory requirement, as that measure is crucial to the RTPs' success.

Bristow Muldoon: Will Chris Ballance give way?

Chris Ballance: Very briefly.

The Deputy Presiding Officer: Be quick, Mr Muldoon.

Bristow Muldoon: Does Chris Ballance accept Sylvia Jackson's point that the Greens' position on transport issues would have been more credible had they engaged more with the Local Government and Transport Committee's consideration of the bill? Just turning up and moving an amendment that has not been worked through in evidence taking is not the way to do business in the Parliament.

Chris Ballance: We discussed that thoroughly and I am extremely flattered that Bristow Muldoon expects me to be in two places at once by attending at the same time meetings of the Enterprise and Culture Committee and the Local Government and Transport Committee. I thank him for that.

In fact, as I was about to say, the Enterprise and Culture Committee heard evidence to the effect that the bill's measures on road works will make little substantial difference to the speed of traffic and to transport flow in Scotland, as few transport delays are due to road works. The key for getting our transport system moving is road traffic reduction. We need to institute road traffic reduction targets and the Executive must be answerable for any failure to achieve those targets. I am pleased that, unlike the Local Government and Transport Committee, the Environment and Rural Development Committee has called on the Executive to deliver such road traffic reduction commitments.

I am equally pleased that Fergus Ewing moved towards supporting road traffic reduction by lodging an amendment to promote a reduction in the use of private motor vehicles. I was surprised that his amendment 17B concentrated solely on private sector motor vehicles; my stage 2 amendment would also have covered public sector motor vehicles. However, Fergus Ewing has taken a step in the right direction.

Bruce Crawford: Will the member take an intervention?

The Deputy Presiding Officer: No. The member is in his last minute.

Chris Ballance: I am sorry that the Local Government and Transport Committee did not support road traffic reduction measures, which will be the key to getting Scotland's transport moving. What counts is not what the Executive promises to do in 2021 but what it will do this year and next year. I would welcome a commitment from the new Minister for Transport and Telecommunications that, within his first month of tenure, he will introduce such targets for the immediate future.

17:31

Pauline McNeill (Glasgow Kelvin) (Lab): The bill will be of huge significance to transport policy, so I must confess that I am somewhat amazed at how much progress has been made on it. I know that that is due to the hard work of the Local Government and Transport Committee and its convener, Bristow Muldoon. I, too, take the opportunity formally to congratulate Nicol Stephen and Tavish Scott on their new appointments and to thank Nicol Stephen for his efforts on the bill.

At stage 1, I raised my serious concerns about the abolition of SPT in favour of a new model of regional transport partnerships that will be consistent across Scotland. I must say that I am now broadly satisfied with the bill as it stands at the conclusion of stage 3. I commend the Local Government and Transport Committee for the work that it did at stage 2. That such progress has been achieved is a strong testament to our committee system.

It goes without saying that, although we concern ourselves with structures, the key issue is the delivery of transport services. From the legislative change that the bill represents, there must come improved bus, rail and ferry services. The bill must be seen in the context of providing better incentives to use public transport and of delivering higher standards to the general public.

As others have said, transport policy is about improving the quality of life for the people whom we represent and about improving economic output, in which transport can play an important role. We must be bolder still in improving our transport network. In my constituency, the Partick interchange will be an important rail project, which will now proceed thanks to Nicol Stephen's intervention. I hope that projects such as that one, which are essential if we are to move people from road to rail, will continue to happen in that bold way.

I am pleased that the bill will place a duty on RTPs to secure public transport provision around hospital services. That is due to Paul Martin's amendment at stage 2. We should be pleased that the bill contains such a long-overdue measure. In just about every transport debate in the Parliament, I have spoken about the need to improve bus services to and from hospitals. More action is still needed, but the provision that was inserted into the bill is very important.

I commend the Executive for its bus route development fund, which is a brilliant initiative, because resources must be in place if we are to ensure better bus services. I want the quality partnerships and quality contracts to work. I would give them some time, but we should not exclude the possibility of returning to the matter if the provisions have not quite been tweaked in a way that ensures that we have got the issue right. Too many communities are ill served by bus companies that make huge profits. We need constantly to review where the balance between the regulation of bus services and the free market should be struck. We must return to the issue.

Yesterday, I learned that the document presented to ministers on the transitional arrangements for the move from SPT to the new RTP was rejected. I know that the minister is mindful of my view on the matter, but I want to

ensure that there are good working arrangements and that the transition is smooth, because generally SPT was a good body. I ask the minister merely not to close down the dialogue that is aimed at ensuring that arrangements in the west of Scotland, in particular, which have been good, are bettered. The transitional arrangements must protect staff—Tavish Scott made that point in the debate—and must ensure that the public do not notice the difference when we make the transition. I ask for that assurance.

17:36

Donald Gorrie (Central Scotland) (LD): The bill shows the Parliament working effectively. There has been interplay between the lead committee, which made constructive suggestions and filled obvious gaps in the bill, and the minister, who played ball with the committee and was co-operative. The two sides worked together in a creditable way.

The procedures of the Parliament have improved a little since we last considered a bill at stage 3. The Presiding Officer's team has kept to a slightly longer timetable. That was at the cost of certain parts of the debate being squeezed down and of some members not being called, but we are moving in the right direction. I hope that we can do better in the autumn.

I will concentrate on two points that are not entirely new. Rightly, there is much emphasis on transport problems in rural areas; I take nothing away from that issue. However, as a member representing Lanarkshire, I know that travel arrangements in west and central Scotland are Glasgow-centric. If someone wants to get to Glasgow, there is a good system of trains and buses. However, if they want to go from one substantial town in Lanarkshire to another, often the system is not good. The bill contains measures that may help to improve the situation. Often services from the suburbs of a substantial town to the centre, where activity is located, are very poor. I hope that by working together—rather than by providing unlimited subsidy and throwing money at bus companies—we can provide a reasonable structure and service.

Working together is particularly relevant to issues that have been raised with me repeatedly in recent weeks by youth organisations and groups of young people. They have two problems when seeking to take part in good social, sporting, artistic and community activities. First, in some cases, there is no public transport. Secondly, if there is, it costs quite a lot. Often young people also have to pay for their recreational activities. I hope that ministers will ensure that the system achieves the result of helping young people who are taking part in worthwhile recreational activities

through a national or local concessionary scheme. Such a scheme would not have to be unlimited—people might get a cheaper fare if they could show that they had booked in for a sporting or artistic activity.

I am sure that, when visiting schools, members will have encountered the ill feeling that exists about the fact that school students aged 16 plus do not get concessions, whereas college students of the same age do. I hope that the bill provides opportunities for developing policies that will assist our other policies, which are for young people to do things that enable them to get healthy, such as playing sport. Travel to good recreational activities should be treated in the same way as travel to hospitals and should be a high transport priority.

I hope that the points that I have made can be taken on board and that the minister will develop them on the basis of this excellent bill.

17:40

Paul Martin (Glasgow Springburn) (Lab): At stage 3, we may reflect that exchanges between members and the minister have been constructive and robust. I hope that those exchanges did not result in the minister seeking from the First Minister a transfer to his new portfolio, but I am sure that he will give his successor, Tavish Scott, much advice before he meets the Local Government and Transport Committee as the new Minister for Transport and Telecommunications.

As I said, exchanges have been robust, but I commend the minister for taking on board a number of issues that members raised forcefully in the committee. The committee wanted a multimodal system of passenger representation to be in place, so that there would be a powerful lobby to take on the Richard Bransons, FirstGroups and Stagecoaches of this world. I believe that the new, powerful lobby that the bill will create will do that.

For the first time, legislation will be passed making the consideration of health facilities throughout Scotland a legal requirement in relation to transport issues. That requirement does not apply in other parts of the United Kingdom. The measure has been delivered by the Scottish Parliament, which does not receive much credit out there for such things. The people of Scotland have recommended such a measure to us on a number of occasions—certainly, there have been representations on the issue at a number of public meetings that I have attended.

David Davidson has been disingenuous. We must recognise what is good in the Parliament and what we can build on. As Pauline McNeill said, the bill's provisions on quality contracts for bus services may require further development at some

stage in the future—I say to the minister that that is one issue that he should consider. However, we can build on the bill.

In conclusion, I ask the minister to deal with two issues as his final act. First, I ask him to confirm that he will consider the proposals that SPT has made to him about moving forward to the new regional transport partnership much more speedily and economically than it previously believed would be the case. Secondly, I ask him to confirm that the Dumfries and Galloway model, which is based on the particular circumstances of that area, will be unique and will not be replicated in other parts of Scotland.

17:42

Michael McMahon (Hamilton North and Bellshill) (Lab): I, too, thank the clerks for their hard work on a sometimes difficult bill. In particular, I thank Eugene Windsor, who is about to move off to pastures new.

I was a member of the Local Government and Transport Committee throughout the passage of the bill and I feel that I have been on something of a voyage of discovery. The journey has not always been particularly smooth and the mode of transport has more often been a kicking mule than a Rolls-Royce, but we have arrived at the point of destination and it has been worth the trip.

I thank Nicol Stephen for his efforts in piloting the bill through and I look forward to working with Tavish Scott in his new role as Minister for Transport and Telecommunications after the bill has been brought into dock. The new minister will have his work cut out, not so much because of the Local Government and Transport Committee, but because he will have to deal with the civil servants in the transport division.

Never before has a team of civil servants managed to call a spade a gardening implement with such alacrity. They even managed to tell us under which regulation under which section in the bill the gardening implement was to be considered; they simply did not want to tell us on the face of the bill. It has been said that we started out with a bill with very little meat on its bones. However, by the time the civil servants had lodged the amendments that the committee and outside bodies had dragged kicking and screaming out of them, I was convinced that at least one of them might be in the Edinburgh royal infirmary to have their head surgically removed from a certain orifice.

My first discovery was that the civil servants in the transport division need to take lessons before they draft any more bills and that they need to drop the obfuscation, prevarication and legislative gobbledegook so that members of the Local

Government and Transport Committee can have the trust in them that we need in order to work well together.

The main thing that I discovered, however, is that the bill's provisions are good and will, with the committee's amendments, promote better transport throughout Scotland. Who would not agree that new regional transport partnerships, as outlined by Kenny MacAskill and other members, should be established and that we should build on SPT's strengths and expand the system throughout Scotland? However, we discovered that the Conservatives are not happy with that proposal. They want a disjointed, weak and unresponsive batch of toothless RTPs. What we need are strong RTPs, but David Davidson has made it quite clear that he is after his own type of RTP: redundant Tory policies.

Part 2 also had to be amended to strengthen the road works provisions. That has largely been achieved and we are now closer to the level playing field that was sought at the outset. Most important, part 3, which gives powers to establish national concessionary travel schemes for pensioners and young people, was what, if nothing else, made introducing the bill really worth while.

Notwithstanding Fergus Ewing's comments and Kenny MacAskill's defence of the fact that the SNP has only latterly supported the bill, I was unprepared when, initially, the SNP said that it would not support the bill's general principles. It would not support the general principle of expanding SPT's strengths into the RTPs; of establishing a road works commissioner to allow better management of the roads network and the positive development of transport for all users; and of extending the concessionary travel scheme. At the next election, I will take great delight in going round my constituency and telling people that. Fergus Ewing said that we should take the politics out of this issue, but we should not forget that he played politics with it throughout the whole process.

Despite the fact that the nationalists have only latterly come round to the bill, I am glad that they have decided to support it. Every member in the chamber should do so, because it is a good bill that is worthy of our endorsement.

17:47

Mr Davidson: First, I congratulate the two Liberal Democrat front benchers on their elevation and sincerely wish them well in their jobs. They will now be a little more accountable to the Parliament. I invite Tavish Scott to come to the north-east at an early stage to allow me to show him some of the problems that we have there. Even though his colleague comes from the area,

he did not make many good decisions about it. That said, in the short time that I have spent on the committee, I have found Nicol Stephen to be very helpful.

Although we all agree that everyone needs economic opportunities, education and access to health and recreation, not enough is being done to ensure that Scotland's rural areas are getting their share. I agree with Sylvia Jackson that we need to ensure that there is cross-boundary working, but I point out that that already exists in some parts of Scotland.

Our philosophy is that we should reduce bureaucracy, cut costs and decentralise. We do not like the prescriptive, centralising ideology that is characteristic of the socialist tendency that all the parties in the chamber, except our own, share. *[Interruption.]* I must excuse some of my colleagues.

I very much welcome the move towards a public transport users committee and look forward to hearing more details about it from the minister as the matter evolves.

SPT already works; Dumfries and Galloway is being allowed to go it alone; and the Highlands and Islands strategic transport partnership, the north-east Scotland transport partnership and other such partnerships work extremely well. Why do we need legislation that gives ministers too much opportunity to interfere? I do not agree with the earlier comment that it is the civil servants' fault—after all, they work for the minister. In any case, I do not think that this is the place for committee members to raise their problems with civil servants; the minister should resolve the issue himself.

The bill has one or two good elements and we look forward to finding out what happens to it. However, I am sad to say that, for the reasons that I specified in committee and have set out again today, we will not support it.

17:49

Bruce Crawford (Mid Scotland and Fife) (SNP): One of the most important issues that the SNP raised at stage 1 centred on the powers that were to be given to the RTPs. The new Minister for Transport and Telecommunications will be more than aware by now that, from the beginning, we have argued that RTPs should be given the maximum possible powers. We have done so because we firmly believe that that is the only way in which we can help to transform Scotland's failing transport infrastructure. The Local Government and Transport Committee argued something similar when it said that the ability of RTPs to deliver transport improvements would

depend largely on those RTPs having strong powers and the required level of funding.

Bristow Muldoon: Will the member give way?

Bruce Crawford: No, I will not give way to Bristow on this occasion. Throughout the debate he has misrepresented the position of the SNP, as have members right across the Labour benches.

The SNP took its position and the committee pointed out firmly to the Executive that the powers of the RTPs were not strong enough. The SNP's perspective was strategic. If we had not hammered home our line, we would not have ended up with the strong powers that we have today.

The future success of RTPs will drive the Scottish economy—Kenny MacAskill was right about that. That is why we welcomed the movement from the Executive on RTP powers. However, the Executive still has some way to go.

In the west of Scotland, the new RTP will have powers comparable to those of the Strathclyde Passenger Transport Authority. It will not have more or greater powers than those that already exist. It certainly will not have the powers that exist in many authorities across the European Union—that is clear from research that was carried out by the Executive's own civil servants and consultants and included in a piece of work entitled "Transferability of Best Practice in Transport Policy Delivery". Small, independent countries such as Finland, Sweden and Switzerland are all able to make a significant difference to their transport systems because of the powers provided to their RTPs. The Executive's own research showed that that is the way forward.

Someone said of Fergus Ewing that he had shown naked partisanship. Now, he is a good friend of mine, but I never want to see him naked.

Fergus Ewing: No way.

Bruce Crawford: The Tories' position is completely unjustifiable. They argue that RTPs should not exist in the form described in the bill. I think that the RTPs should have more powers. The Tories have argued for a hotch-potch approach across Scotland with no joined-up working at all and no integration.

Mr Davidson: We are decentralisers, not centralisers. We do not want a Soviet-style economy; we want to set Scotland free to make local decisions that pull together partners who are prepared to work together.

Bruce Crawford: Today the Tories have admitted that they are happy for Scotland to lumber along for decades with a failing transport system. That cannot be constructive.

I hope that the new Minister for Transport and Telecommunications does not find in due course that he has been handed a poisoned chalice. I am thinking of the problems to do with concessionary fares. As Fergus Ewing pointed out, there are real problems there. If a person lives in rural Scotland and cannot get to a bus stop, or if a person is immobile and cannot get to a bus stop, there is no bus and so no benefit. There must be a further examination of concessionary fares to find out how they can be improved.

There have been arguments about whether there should be a road works commissioner rather than the roads authorities and utilities committee. The road works commissioner has won that particular battle. However, I implore the minister to ensure that when the road works commissioner is doing his job—at a cost to the public purse—he brings new value to the work and does not simply replicate what the roads authorities and utilities committee is already doing. That is important, because a considerable amount of new public money is going in.

We support the bill today. We are glad of the new powers that are in it—powers that were not there at the beginning. We might never have got to where we are now if the SNP had not stood up to the minister at the beginning. We make absolutely no apology for abstaining at that stage. The SNP has helped to deliver a better bill.

17:54

The Deputy First Minister and Minister for Transport (Nicol Stephen): In steering the bill right through to today's final stage, I have tried at all times to take a partnership approach, as have the members of the Local Government and Transport Committee. We have worked hard to reach consensus on some of the big issues with which the bill deals. In this era of the Scottish Parliament, it is important that devolution really means devolution, not the sort of devolution that David Davidson dreams or talks about. In this era of new politics, it is important that we find new ways to engage people, new ways of working and new ways to identify and pursue common aims. Somebody said that the bill has been transformed—in my view, that is good, because it is important that the Parliament can take initial proposals and transform them into something that has pretty broad and strong support among members.

Pauline McNeill made a point about the transitional arrangements and Paul Martin mentioned the possible impact on staff and services. I assure them that it is crucial that as a result of our deliberations we deliver something that is better for passengers. I will work hard to ensure that the bill does not have a negative

impact on passengers. I want the new arrangements to be put in place as soon as possible. If interim arrangements can be introduced to help smooth the transition, I am sure that Tavish Scott will introduce them.

In making legislation, we must consult widely, test proposals with those who know about the issues and fully engage to discover what impact the legislation will have. We have done that with the bill. It is important to recognise the contribution of the many people and organisations that have helped to shape the bill. The Convention of Scottish Local Authorities, especially Pat Watters and Alison Magee; individual local authorities; SPT, especially Alistair Watson; and the chairs of the regional transport partnerships—the Highlands and Islands strategic transport partnership, the west of Scotland transport partnership, the south-east Scotland transport partnership and the north-east Scotland transport partnership—have all played an important role. I strongly defend the efforts of the Executive officials, who have worked closely with back benchers to develop the bill. As today is my final day in my post, I thank the members of my private office for their hard work. I also thank the legal team and the draftsmen who worked on the bill.

Many people have done a lot of hard work, but none more so than Bristow Muldoon, to whom I pay special tribute for his excellent work. I also pay tribute to each and every one of his colleagues on the Local Government and Transport Committee, including the lead spokespeople from all the parties. We have expressed different opinions at various stages, but I am convinced that the bill is all the better for the robustness of the committee's work. A minister can get a bit lonely if their support is non-existent, or if only one Conservative is prepared to back their amendments. However, at the end of the day, we reached a consensus—we have incorporated the committee's well-reasoned amendments and made changes where they were warranted. We should never lose sight of the fact that we are making legislation. It is right that legislation should be challenged and that, if improvements can be made as a result of that scrutiny, they are made.

The bill reference group, which involved the voluntary transport partnerships, SPT and COSLA, worked on the proposals and provided invaluable guidance. That work further encourages me that, through a group approach, the future regional transport partnerships will be strong and successful.

The bill should be set in the context of all that is happening in transport, including the important, new national transport agency and national transport strategy. At the beginning of the 21st century, Scotland will for the first time have a

national transport strategy, which is long overdue. We are injecting more funding into transport. We are making £3 billion of capital investment over 10 years and investing £35 million extra per year to support the regional transport partnerships and regional transport strategies.

In relation to the road works provisions, I pay tribute to the roads authorities and utilities committee (Scotland)—RAUCS, as it is called. I mentioned it several times when we were discussing amendments, and its experts deserve much credit for the work that they have done. They are the experts who actually do and are responsible for the work on Scotland's roads. Their contribution has been significant.

Most important, I thank the many organisations and individuals who responded to the consultations and took time to contribute to the shaping of our proposals. We are making legislation for and on behalf of the people of Scotland. They put their trust in us and they have the right to be consulted and to be heard. Our duty is to listen, to consider seriously and to respond. I agree that, on transport, we should try hard to work together, and the bill gives us an opportunity to show that we can take a different approach to politics in Scotland. By supporting the motion, we are supporting an opportunity to make a genuine difference on transport.

As I leave my transport responsibilities, I take this final opportunity to thank members of the Local Government and Transport Committee and all members of the Parliament who have approached me, sometimes regularly, on transport issues and have pressed their case hard. I wish my successor, Tavish Scott, all the very best and I look forward to a stronger future for transport for everyone in Scotland.

Point of Order

18:01

Stewart Stevenson (Banff and Buchan) (SNP): On a point of order, Presiding Officer. It has been brought to my attention that one of the senior members of this Parliament, who is not on the Justice 1 Committee, may have received a draft copy of a report on the Family Law (Scotland) Bill, which is currently being discussed confidentially by the Justice 1 Committee.

In the light of rule 12.8.3 of the standing orders, which states that publication will be by the Parliament's clerk, will you confirm that no such report has been received by the clerk and that no such report has yet been published?

Further, in the light of paragraph 9.4.2 of the code of conduct for members, which states that

"All drafts of Committee reports should be kept confidential",

will you indicate whether it would be a prima facie breach of standing orders 12.8.3 and 14.3.1, which govern publication, for any person not being a member of the committee and not being the clerk to publish, or to appear to use in any way whatever, material derived from a committee report that is not yet published by the laid down procedure?

The Presiding Officer (Mr George Reid): I thank Mr Stevenson for giving me advance notice of his point of order. I preface my remarks by saying that I have no knowledge of the detail of the matter to which Mr Stevenson refers. I understand that the Justice 1 Committee is still in the process of agreeing a draft report, so no report has yet been published. Any leak of a draft committee report is a serious matter, but it is not one in which I can intervene directly. Therefore, Mr Stevenson should raise the matter directly with the committee in the first instance.

Business Motion

18:03

The Presiding Officer (Mr George Reid): The next item of business is consideration of business motion S2M-3058, in the name of Margaret Curran, on behalf of the Parliamentary Bureau, setting out a business programme.

Motion moved,

That the Parliament agrees—

(a) the following programme of business—

Tuesday 6 September 2005

10.30 am Time for Reflection

followed by Parliamentary Bureau Motions

followed by First Minister's Statement: Scottish Executive's Programme

2.30 pm Executive Debate: Scottish Executive's Programme

followed by Business Motion

followed by Parliamentary Bureau Motions

5.00 am Decision Time

followed by Members' Business

Wednesday 7 September 2005

9.30 am Parliamentary Bureau Motions

followed by Continuation of Executive Debate: Scottish Executive's Programme

11.40 am General Question Time

12 noon First Minister's Question Time

2.15 pm Themed Question Time—
Enterprise, Transport and Lifelong Learning;
Justice and Law Officers

2.55 pm Continuation of Executive Debate: Scottish Executive's Programme

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

followed by Members' Business

and (b) that Stage 2 of the Licensing (Scotland) Bill be completed by 8 November 2005.—[Ms Margaret Curran.]

Motion agreed to.

Parliamentary Bureau Motion

18:03

The Presiding Officer (Mr George Reid): The next item of business is consideration of one Parliamentary Bureau motion.

Motion moved,

That the Parliament agrees that the draft Dentists Act 1984 (Amendment) Order 2005 be approved.—[*Ms Margaret Curran.*]

The Presiding Officer: The question on that motion will be put at decision time.

Decision Time

18:04

The Presiding Officer (Mr George Reid): There are four questions to be put as a result of today's business. The first question is, that motion S2M-2986, in the name of Malcolm Chisholm, on the general principles of the Housing (Scotland) Bill, be agreed to.

Motion agreed to.

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

The Presiding Officer: The second question is, that motion S2M-2617, in the name of Tom McCabe, on the financial resolution in respect of the Housing (Scotland) Bill, be agreed to.

Motion agreed to.

That the Parliament, for the purposes of any Act of the Scottish Parliament resulting from the Housing (Scotland) Bill, agrees to any expenditure of a kind referred to in paragraph 3(b)(iii) of Rule 9.12 of the Parliament's Standing Orders arising in consequence of the Act.

The Presiding Officer: The third question is, that motion S2M-3039, in the name of Nicol Stephen, that the Transport (Scotland) Bill be passed, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Adam, Brian (Aberdeen North) (SNP)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Arbuckle, Mr Andrew (Mid Scotland and Fife) (LD)
 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)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Canavan, Dennis (Falkirk West) (Ind)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Curran, 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)
 Fabiani, Linda (Central Scotland) (SNP)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Fox, Colin (Lothians) (SSP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marlyn (North East Scotland) (Lab)

Godman, Trish (West Renfrewshire) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, 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)
 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, Paul (Glasgow Springburn) (Lab)
 Mather, Jim (Highlands and Islands) (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)
 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)
 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)
 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)
 Turner, Dr Jean (Strathkelvin and Bearsden) (Ind)
 Wallace, Mr Jim (Orkney) (LD)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

AGAINST

Aitken, Bill (Glasgow) (Con)
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)
 Brownlee, Derek (South of Scotland) (Con)
 Davidson, Mr David (North East Scotland) (Con)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Fergusson, Alex (Galloway and Upper Nithsdale) (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)
 Tosh, Murray (West of Scotland) (Con)

The Presiding Officer: The result of the division is: For 98, Against 17, Abstentions 0.

Motion agreed to.

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

The Presiding Officer: The fourth and final question is, that motion S2M-3047, in the name of Margaret Curran, on approval of a Scottish statutory instrument, be agreed to.

Motion agreed to.

That the Parliament agrees that the draft Dentists Act 1984 (Amendment) Order 2005 be approved.

Clydesdale Bank (Branch Closures)

The Deputy Presiding Officer (Murray Tosh):

The final item of business today is a members' business debate on motion S2M-2833, in the name of Paul Martin, on the closure of Clydesdale Bank branches. The debate will be concluded without any question being put.

Motion debated,

That the Parliament condemns the decision by National Australia Bank to close 60 Clydesdale Bank branches within Scotland over the next 18 months; notes that research has demonstrated that the closure of branches triggers an outflow of economic activity and threatens the long-term survival of communities, particularly when a bank is "the last bank in town"; believes that closures will have a devastating impact on local communities, particularly in poorer areas where alternative banking is not accessible, and will affect the most vulnerable and least able to travel, such as older people, the less able and parents with young children, and considers that the National Australia Bank should reconsider this massive programme, particularly where a closure will leave communities without any local bank.

18:07

Paul Martin (Glasgow Springburn) (Lab):

I take the opportunity to thank the 47 members of the Parliament—cross-party—who have supported the motion in my name. The Clydesdale Bank—or the National Australia Bank—might want to consider that as there are 47 signatories to the motion and as it has received cross-party support, that shows the strength of feeling in the Parliament.

I recognise the Amicus trade union representatives who are with us this evening: Mary Alexander, Hugh Scullion, David Bell and Richard Meade, of the campaign for local banking facilities, who have made a robust case on behalf of their membership. I also welcome the interest that I have received from the media throughout the world. In fact, I had inquiries from *The Australian Financial Review* magazine, which showed an interest in the issue.

My motion sets out my concerns about the closure of 60 Clydesdale Bank branches throughout Scotland and the devastating effect that those closures will have on local communities and the staff, who have so loyally served those branches over the years.

I put on record my appreciation of the staff who have served in the two Clydesdale Bank branches in my constituency: Springburn and Duke Street, where closure is proposed. The staff have established an effective relationship with the community in the Duke Street area. I thank them for the dedication that they have shown.

From time to time in the chamber we hear about companies that face economic challenges and about the need for the Parliament to assist companies during that process. I have supported the Executive in the way in which it has engaged with such companies in considering their future and the difficulties that they face.

The proposed closure programme has not been a partnership process with the Parliament. I say that because there has been no consultation with elected members. I received no correspondence on the issue until after the announcement and I know that that was the experience of other members whose constituencies will be affected. The bank's approach demonstrates contempt not only for the Parliament but for local communities, which should be consulted. It also shows disloyalty to staff.

We face a challenge, because we must stand up to a culture of greed and to the bank's disloyalty to its staff and customers. On its website, the Clydesdale Bank proudly boasts:

"People are the very heart of our business."

However, people in the deprived area of Springburn and in other deprived areas, such as Alexandria, will not be the heart of the bank's business. The hard-working families who are returning to work with the help of the Chancellor of the Exchequer and the Scottish Executive expect more from banking institutions in Scotland.

I represent a constituency that fights the regeneration battle every day with the help of partnerships, the local authority and local economic development companies. The Executive can take credit for fighting that battle in my constituency: unemployment has been reduced by 50 per cent and by 75 per cent among young people. I am proud of those achievements, but regeneration will not be assisted if there are no good local banking facilities. We do not want people to have to have recourse to local loan sharks and we do not want furniture shops that charge an annual percentage rate of more than 38 per cent; we need good banking facilities. However, the proposed closures will not deliver such facilities to us.

I welcomed the opportunity to meet representatives from the bank last week. The bank has said much about alternatives whereby people can make deposits into and withdrawals from their accounts via the local post office. It will not have escaped members' notice that the Parliament has debated proposed post office closures. The bank has not been able to say what would happen if the post office also closed. Nor has it said whether the proposed arrangements with post offices would remain in place in perpetuity. If the bank cannot guarantee that the arrangements will continue, the

Parliament should not accept the proposals. I mean no disrespect to the diversification of post office activity or to the dedication of post office staff when I say that a post office is not a substitute for a bank. Banks are financial institutions and have qualified staff who can provide effective on-site advice. We must accept that post offices cannot offer such services.

Richard Meade made a powerful point when he described the rejection of the campaign's proposals for banking facilities to be shared locally. The banks roundly rejected the proposals. A challenge faces anyone who suggests an alternative approach. Richard Meade works for Help the Aged and told us that elderly people, as well as local businesses, need local banking facilities.

I hope that the Deputy Minister for Enterprise and Lifelong Learning is aware of how strongly communities and elected members feel about the matter. I ask the minister to answer two specific points and I hope that he does not go down the road that Nicol Stephen takes and indulge in the art of evasion. First, will the Executive name and shame the public limited companies that do not contribute to regeneration? The Executive cannot preach to local companies that they must play a part in regeneration and tackling social exclusion if it does not commend the organisations that play their part and expose the ones that do not do so. I ask the minister to consider having a naming and shaming programme.

Secondly, I ask the minister to consider requesting a meeting with the chief executive of the National Australia Bank, John Stewart—an Edinburgh man I understand, who will, no doubt, be paying a visit to Edinburgh at some point; I hope that it will be soon. I ask the minister to consider meeting him in Australia at his headquarters, expressing the Scottish Executive's commitment to the regeneration battle and the key role that local financial institutions such as the Clydesdale Bank play in it and requesting that the bank reconsider its position.

The Parliament has a key role to play in the regeneration of our communities. It is time that we stood up to the banks and advised them that they need to play their part—we need to preach the need for them to do so. If they do not want to play their part, we will take these issues to the people and ensure that we work in partnership in future.

18:15

Jim Mather (Highlands and Islands) (SNP): I congratulate Paul Martin on securing the debate and bringing the economic debate in general into a more local and human focus. The motion takes issue exclusively with the Clydesdale Bank, which

is an understandable but not totally reasonable stance to take. In preparing for the debate I spoke to Amicus, the Royal Mail, voluntary groups and the Clydesdale Bank and I believe that there is scope for addressing the issues and working together to secure a better future for the bank, its employees and the communities that they serve.

Make no mistake: I understand how Paul Martin and others feel; indeed I know many people who felt the same way until they found out that the result of the Clydesdale Bank not changing would be to put the whole bank and all its jobs at risk.

The motion should also take issue with the Government. Other countries can grow their populations, have higher earnings and balance their populations by means of appropriate economic, relocation and investment policies and thereby create the conditions for growth, not contraction.

Nevertheless, I agree that the Clydesdale Bank should have kept in touch more closely with its competitors, but it has not and now it is compelled to change for survival. It needs to do so with consideration for its employees and customers to the fore. The situation requires action and careful handling that go way beyond the tokenism of much of the corporate social responsibility that we see in Scotland.

Happily, I believe that the Clydesdale Bank, in conjunction with the Royal Mail at its post offices, is doing exactly that, especially in showing a willingness to go the extra mile with long-term customers by explaining the potential of post office, internet and telephone banking.

Paul Martin: Will the member give way?

Jim Mather: No. I want to develop the point.

We should consider the facts. Efficiency in the banking industry is measured by the cost-income ratio. That means that the banks and analysts that dictate their stock market rating and long-term credibility and viability pay close attention to how much a bank spends on its overheads for every pound of income. The industry average is about 45p to 50p in the pound. For the really efficient players, such as the Royal Bank of Scotland, it is 40p in the pound. In the case of the Clydesdale Bank, it is currently about 63p in the pound. The Clydesdale Bank is increasingly between a rock and a hard place. Unless it radically alters that ratio, its business, cost base and long-term future are in jeopardy. In addition, if there is low customer utilisation of branches and a low number of customers per branch, something needs to change.

Of course we join the calls for free access to automated teller machines, which the Clydesdale is answering. It is doing its utmost to maintain the

existing ATMs. We in the Parliament should monitor and encourage even more co-operation to protect that existing inventory of ATMs. Equally, we should monitor and encourage maximum staff redeployment in the process and, we hope, a resurgence of the Clydesdale Bank and its prospects for employment.

We are dealing with a changing landscape in banking and financial services. In the past, people conducted virtually all their financial dealings with their local branch—current accounts, mortgages, personal loans and house insurance. Today they tend to go, for example, to Direct Line for their insurance and to smile for their credit card.

Although I am conscious of the situation of people in remote areas and deprived urban areas, we have to make the most of the post office deal and see it as a major move forward. The key benefit is that we will be able to see things move forward. In the Highlands and similar areas, post offices are much more plentiful than banks and give many of my constituents access to proper mainstream banking for the first time. That is what they want.

We have to look at the issue in the round and concentrate on driving towards an economy that ensures that people have more secure jobs and banks have a more secure future.

18:20

Murdo Fraser (Mid Scotland and Fife) (Con): I congratulate Paul Martin on securing the debate and on the way in which he spoke to the motion.

We are discussing the closure of up to 60 Clydesdale Bank branches across Scotland over the next 18 months. Members have already pointed out the potential impact of such a move as well as the possibility of there being wider economic consequences.

Ten years ago, the small town in which I live in rural Perthshire had three banks: a Clydesdale Bank; a Royal Bank; and a Bank of Scotland. First, the Clydesdale Bank closed, then the Bank of Scotland closed. The Royal Bank is the only bank that is left. I commend the Royal Bank for its policy of not closing down a branch that is the last branch in a particular community. Although I am not a customer of the Royal Bank, I think that that attitude is to be applauded.

The closure of branches, particularly when they are the only bank in a community, is to be regretted. As the motion acknowledges, it is a particular problem for older people, those who are less comfortable with new banking arrangements, those who are less mobile and those who are disadvantaged and cannot travel to other areas to access banks.

However, we have to recognise that society is changing and that banking is changing with it. That change has accelerated over the past few years and we must expect banks to change to accommodate the evolution of technology. We now have 24-hour telephone and online banking; we get mini-statements and cash at ATMs; we can use banking services in post offices and so on.

At the same time, bank branches have high maintenance costs as they are secure premises and are the face of globally competing banks. They also require highly trained staff. Further, because of the many different ways of banking, some of those branches have fewer than 100 transactions in a day. The argument is very much a case of use it or lose it.

Many people think of having a bank in their town as their right. However, we must remember that banks are not public institutions and must do what is best for them financially.

I have a great deal of sympathy with the last statement in Paul Martin's motion, which outlines the impact that a branch closure will have when it leaves a community without any local bank. Perhaps other banks have a policy that is similar to the Royal Bank's policy of not closing a branch if it is the last bank in the town, but it is my understanding that around a third of the Clydesdale Bank branch closures will be banks that are currently the last branch in a town.

We need to be clear about the fact that, in the end, it is not for Parliament or Government to dictate to private companies how to order their affairs. If the Clydesdale Bank is going down this road, it will lose out because its customers will go elsewhere. They will simply go to other banks that are offering a better service. The irony is that, in some communities, the post office has benefited from the closure of bank branches because it has picked up more banking business. We have often debated the importance of a post office network both in rural communities and in small urban communities.

I once heard the saying, "A good idea plus capable men cannot fail; it is better than money in the bank." I believe that the proposal of the Clydesdale Bank will turn out to be a bad idea and that its customers might turn away from it altogether. Nevertheless, the decision is commercial and the bank must face the consequences.

18:24

Cathy Peattie (Falkirk East) (Lab): I thank Paul Martin for lodging the motion and the trade unions for the work that they have done on the campaign. Last year, the pre-tax profits of the Clydesdale Bank and the Yorkshire Bank were a mere £349

million—or a paltry £188 million after tax—from a total income of £1.2 billion. That might seem healthy enough to the customers who are the source of much of that money, but the parent company, the National Australia Bank, has a different perspective.

Even though the National Australia Bank has the greatest assets of any Australian bank and announced interim cash profits of £1.62 billion, it does not think that that is nearly enough. It wants bigger profit margins than those of its rivals, Westpac and the Commonwealth Bank of Australia. It is still recovering from a trading scandal; last year, it lost £98 million on currency deals. If it had got that right, perhaps we would not be facing the closures. We can argue about whose money it lost, but there is no doubt about how it aims to recoup the losses. It will save £117 million by axing 100 branches and up to 1,700 jobs in the United Kingdom. Woe betide any worker or community that stands between the bank and its precious profits. The Clydesdale Bank was founded in 1838 and it has been built on customer loyalty, business loyalty and the hard work of its employees. However, they are second-class stakeholders when it comes to the global market.

Significantly, the situation is not something that affects National Australia Bank alone—other banks face the same pressures. They realise the damage that was done to their reputations by the mass closures of the 1990s, and during the past five years there have been only isolated branch closures. Of course, such closures are still a major blow to local communities. Bo'ness has already lost its Clydesdale Bank branch even though many customers there were customers for a number of years. If the proposed closures go ahead, it is likely that other banks will decide to follow suit and the number of communities that face the loss of the last bank in their town will multiply rapidly.

The Scottish Parliament has no control over banks as the regulation of financial services is a reserved matter, but we have to deal with the impact of what happens in the sector. The current proposals have far-reaching implications not only for the communities that are directly affected but for the Scottish economy as a whole.

I urge customers of Clydesdale Bank and the Scottish Executive, working with the UK Government, to make it clear that the proposals are counterproductive and that they will severely damage the bank's reputation. Together, we must persuade National Australia Bank to rethink its ill-begotten strategy.

18:27

Nora Radcliffe (Gordon) (LD): I, too, congratulate the member who secured the debate.

I have to say that Clydesdale Bank has always given me prior warning of branch closures in my constituency—I appreciate that. To date, the branches that have been closed have been part-time branches that were serviced from larger branches in nearby towns and were pretty moribund. In such cases, staff travelled to the branch, opened the doors, sat for the requisite number of hours, locked up and went away without having seen a customer. It is difficult to challenge the closure of a branch in those circumstances.

As Murdo Fraser said, the provision of electronic and telephone banking has changed the viability of branch networks. There is a real issue about exclusion. So much information is provided on the net—organisations say, "See our website"—that people who do not have access to the internet are increasingly excluded from services.

The main point that I want to make this evening is in praise of Clydesdale Bank, which is the only one of the main banks that has set up a relationship with the Post Office. That means that, where branches have closed, banking services are available through the post office. Given the fragile state of the post office network, anything that supports and sustains it is to be welcomed, so there is a silver lining to the cloud. Banking services are important, particularly for small businesses that need to deal in cash.

Paul Martin: I remind Nora Radcliffe of a point that I made during my speech. It is important to recognise that there is no perpetuity attached to the proposal. Even if the Post Office were not going through a closure programme, the contract that is in place is not a programme in perpetuity. At some point in the future, the Post Office might decide that it does not want to handle deposits and withdrawals.

Nora Radcliffe: That is a fair point, but in the fast-moving world of business nowadays nothing is for ever. At least Clydesdale Bank has set up the relationship with the Post Office. Other banks have not been prepared to do that. That is to its credit and I would like to nurture and support that relationship. We can regret bank closures, but we must consider commercial reality and the impact of electronic banking on networks. If we cannot save the bank branch network, we should transfer that business to the post office network and save it. That is the route that we should follow.

18:30

Des McNulty (Clydebank and Milngavie) (Lab): The banking and financial services industry has come under greater parliamentary scrutiny, especially over the past three or four years. In particular, the Treasury Committee, which is led by

my colleague John McFall, has produced a series of excellent reports highlighting issues such as consumer credit and ATM charges. As a result of recent boundary changes, I now share John with my colleague Jackie Baillie.

The present situation gives me a sense of déjà vu. Some 10 years ago, a number of the banks—Lloyds TSB, Barclays and others—went down the route of closing branches. When they reviewed that strategy, I wonder whether they felt that it had made sense financially. There is no doubt that they lost customers and did not benefit from a pure cost-cutting approach. I urge the Clydesdale Bank to consider whether a combination of better involvement with the communities that they serve at the moment and a properly business-focused strategy might not be a better approach than a lemming-like jump off the cliff, which is the option that the banks have tended to favour in the past.

There is an issue about customer service. Every bank and financial institution must look to its customers; if it alienates customers, it will lose them because people have alternatives. Branch closures can have a cathartic effect on customers—banks are likely to lose customers who feel that they are not getting a service. In the context of business planning, a strategy that simply goes down the route of closures can be wrong-headed.

I do not come to the debate as a member whose constituency stands to lose branches under the current proposals; I have an even more critical perspective because the information technology centre and the call centre that serve the Clydesdale Bank are in my constituency. I have a keen interest in ensuring that the bank adopts a strategy that will succeed in delivering sound business growth. In that sense, I echo what Jim Mather said. It is important not just for me and the people who work in my constituency but for the people of Scotland that the Clydesdale Bank and the other financial institutions in Scotland get their strategies right.

From a parliamentary point of view, we have an interest in supporting that process. We should not be uncritical of what the banks do. We must engage with their arguments and with their people, as the Amicus members who are involved are doing. I echo the points that Paul Martin made. We are talking not about a simple business decision but about a social decision, a financial inclusion decision and a decision about what kind of Scotland we want.

I am grateful that the minister who will respond to the debate is the minister who provided a framework through which rural post offices were able to survive. I hope that his decision, which lasts until 2008, will be renewed beyond that date. There is an onus on us as parliamentarians to

work together to find out how the Clydesdale Bank, its employees and its business can benefit and improve. I am in favour of a consensus approach and I am sure that Paul Martin and his Amicus colleagues would be in favour of such an approach.

18:34

Frances Curran (West of Scotland) (SSP): I thank Paul Martin for securing the debate and I apologise for the fact that I will have to leave before it ends. I welcome the chance to discuss the issue in the Parliament, because this is not the first wave of local bank closures. Bank closure has been a feature of Scottish life for several years now.

Murdo Fraser made a point about poor little rural branches that have only 100 transactions a day. My heart bleeds for them. The financial services sector in Scotland has changed dramatically in the past 10 to 15 years and that change has been for the worse for those who work in the sector. Deregulation, new technology and globalisation are the main features. We are discussing the proposal to close 60 branches of the Clydesdale Bank, but we need to consider the bigger picture. The international trend is for bank mergers—Abbey National, the Clydesdale Bank and the Yorkshire Bank have been taken over and Halifax and the Bank of Scotland have merged, as have the Royal Bank of Scotland and NatWest—and that will continue. Every time a merger takes place in the global markets, there is a huge wave of job losses and cuts in local branches.

We acknowledge the fact that a phone transaction costs a tenth of a transaction in a branch. Big business is motivated only by profit and the bottom line. Any arguments about corporate social responsibility will be accepted only if they do not affect profits and the bottom line. The Department of Trade and Industry's guidelines for companies' CSR statements say that a company is supposed to recognise that

"its activities have a wider impact on the society in which it operates".

None of the banks that have closed branches has adhered to that, because the production of such statements is voluntary.

I do not know how other members feel about their postbags, but mine is full of spin and public relations; the Royal Bank of Scotland, the Clydesdale Bank and many others have attempted to spin me on closures. If we are serious about stopping another wave of branch closures after another banking merger or takeover, we need to treat banking as a public service and regulate it. We need to ensure that if somebody wants to apply for a banking licence and provide banking

services in Scotland, there is a regulatory framework that lays down a mandatory minimum standard of service that they must provide. That is the only way that we will be able to make an impact.

My last point concerns taking jobs abroad—so-called outsourcing. The Parliament does not have the powers to regulate that—they are reserved—but it could be a springboard to and a big voice in a debate on it in Britain. The banking unions are trying to deal with the matter. Before it merged with Amicus, UNIFI produced a global charter, which was recognised in HSBC, to ensure minimum labour standards in other countries. The Scottish Parliament could do itself a favour by using the international platform that it has to back and assist the trade unions in their international campaigns. That would begin to tackle the problem.

18:38

Jackie Baillie (Dumbarton) (Lab): I congratulate Paul Martin on securing the debate and I associate myself entirely with his remarks and the sentiments that are expressed in the motion.

I am sure that members will forgive me for being parochial in my comments, as one of the Clydesdale branches that are due for closure is in Alexandria in my constituency. Members might ask themselves why it is closing. Is it because it is a quiet branch, as Nora Radcliffe suggested, and nobody ever goes in? Assumptions are made that that must be so—even Jim Mather assumed that—but members would be entirely wrong in thinking that, because it is a busy branch. Many people use the branch; the footfall—to use the jargon—is high. I know that because I have seen it and because Amicus representatives whom I met today confirmed it for me.

My understanding is that the National Australia Bank is closing the Alexandria branch because its customers are not considered to be high-value customers—although I would be delighted if the bank wanted to contradict me at some point. Put simply, my constituents do not earn enough. The National Australia Bank wants to serve better-off customers, because higher-income earners with more money represent less risk. Loyalty does not matter in all of this. What is the arbitrary income level at which the bank will cut people off? I am told that it is £18,000. Perhaps I am wrong and it is higher than that—I would love to know. The scandal is that many of the bank's own staff at its branches do not earn that much.

It is not a question of the bank failing in its corporate social responsibility—which I believe it has. It is a much more fundamental matter. I think

that the bank is in danger of failing its customers and forgetting about the people who have sustained it over the years, both as customers and as staff. No cognisance has been taken of the economic and social impact of the bank's decision. No acknowledgement has been made of the fact that it will probably have a disproportionate impact on vulnerable people and on older people in particular.

Paul Martin is right about this. I have not seen any consultation on the matter and I have not seen anybody talking to representatives of the local community in Alexandria. The unfortunate message that we must take from the Clydesdale Bank closures is that if someone does not earn £18,000 or more, the bank does not want their business. People are assured that they need not worry, however, because they can have ATMs, internet banking and call centres. Frankly, I think that those are not acceptable replacements, as they are not easily accessed by vulnerable people.

Des McNulty mentioned our good colleague John McFall MP. As chair of the Treasury Committee at Westminster, he has exposed the problems of ATMs that charge people for accessing their own money. The *Which?* report that was prepared as evidence to that committee stated:

“free ATMs in lower value areas are highly at risk of conversion to charging status”.

That means a double penalty. Bank branches will be taken away from customers, because they do not earn enough for the bank's liking. Then, they get to use an ATM, but the bank charges them for the privilege of getting their own money. Although I welcome the intention of working with post offices, I point out, as did Paul Martin, that it has not been that long since we were debating their closure here in the chamber.

The four major Scottish clearing banks have a positive history of working with the Executive to implement its financial inclusion strategy, which includes developing basic bank accounts and making financial products accessible to all. That strategy is truly welcome. The Clydesdale Bank's decision flies in the face of that good work. What matters to the National Australia Bank and the Clydesdale Bank? Is it financial inclusion or is it the size of their profit margins? I hope that they will reflect on those questions and on the signal that they wish to send to communities and, in light of that, reassess their programme of closures.

18:43

The Deputy Minister for Enterprise and Lifelong Learning (Allan Wilson): I join other members in congratulating Paul Martin on securing the debate. It is important to debate

access to financial services, particularly in the context of the speech that we have just heard. This evening, we have touched not just on the Clydesdale Bank closures, but on the wider issues of financial inclusion and rural development and on wider economic and social policy.

Our sympathy and concern go to all those employees whose jobs might be threatened by the proposals, as well as to the customers—business or personal—who are uncertain of their future. For those Clydesdale Bank employees who are or might be affected by job losses, existing public sector support mechanisms are available through local partnership action for continuing employment teams—PACE teams—to help them back into employment. We will use those support mechanisms, together with whatever the bank produces, to support the individuals concerned.

Like Cathy Peattie, I note and welcome the fact that the Clydesdale Bank has been an important part of Scotland's history since 1838—more than 160 years. It is the only bank to be headquartered in Glasgow, and it is very much part of the financial fabric of Scotland. Even after the changes that we are discussing, it will remain a significant Scottish employer. I am pleased to say that Clydesdale has assured the Executive that it remains committed to Scotland. I say that—to Frances Curran and others—as someone who is at the wrong end of a decision by the bank to close a branch in my constituency.

The Executive wants Clydesdale and other financial services firms to become as much a part of Scotland's future as they were of its past. As Murdo Fraser and others said, no Government can realistically stand in the way of private firms moving ahead with technology and occasionally taking difficult decisions. We have two jobs. First, we want to ensure that the correct business environment exists to attract, retain and grow businesses. Secondly, we want to ensure that those who are adversely affected by decisions such as Clydesdale's find the employment opportunities that the correct business environment creates. I argue that that is precisely what the Executive is doing.

It is clear that there are strongly held views, some of which I share, that actions such as those that Clydesdale Bank proposes run counter to wider economic and social policy, particularly in relation to financial inclusion and regeneration strategies. Consequently, I listened with interest to the arguments about the last bank in town. In the interest of a balanced debate, I say that I understand that all four towns that were highlighted have post offices. As Des McNulty was correct to say, in a different context, I supported and argued for accessible banking facilities at post

offices. Each of the towns also has an alternative bank branch within 5 miles.

John Swinburne (Central Scotland) (SSCUP):

Does the minister agree that, in its search for additional profit—that might be called basic greed—Clydesdale Bank has not invested in marketing the bank properly? It has saved money on that and now we face further closures. Twenty years ago it started to get rid of bank managers and now it is getting rid of branches to try to augment its profits. That is pathetic.

Allan Wilson: It is not my job to defend Clydesdale Bank in that context. However, it obviously operates in a competitive environment. The business decisions that it takes in that competitive marketplace will affect its trading position. I tend to the view, which others have expressed, that the bank may have difficulty in sustaining its trading position in localities that will be affected by decisions that it has taken, but that is a commercial matter for the bank.

Des McNulty and Jackie Baillie made an important point about the Westminster Treasury Committee's work. As ever, I argue for an evidence base for the debate. Much of the research that I have seen on the economic impact of bank branch closures was based on experiences of the 1980s and 1990s. As Nora Radcliffe and others said, those closures happened before advances in technology made internet and telephone banking as possible or—dare I say it—as popular as they are today.

One reason for closures seems to be that people already use those alternatives more and their local branches less. Given my experience of rural policy in my former post, I do not accept that rural towns and villages face the devastating impact that the motion suggests. Many initiatives and policies are in place to ameliorate the situation. However, I agree fully that we can and must ensure that businesses, communities and individuals who are in rural or urban areas and who are rich or poor—Jackie Baillie mentioned that important issue—have access to the financial services that they need.

Paul Martin: I do not want the minister to perform the same evasion as Nicol Stephen did. Will the minister confirm that he will process the request that was made about a meeting with John Stewart, who is the National Australia Bank Group's chief executive?

Allan Wilson: I am not being evasive and I will address that question at the conclusion of my speech.

Scotland's financial services community must be strong and sustainable but, as part of the wider private sector, it must also make an equitable contribution to the regeneration of communities

that are worst affected by the process of deindustrialisation. Those objectives are not mutually exclusive but mutually reinforcing. A sustainable financial services industry can indeed be formidable if it is built upon a strong domestic market; in turn, the domestic market can be strengthened by ensuring that it encompasses all parts of the community.

Financial exclusion can, in human terms, be a barrier to starting work or to setting up home and a cause of stress that can lead to poor health and relationship breakdown. We would, however, like banks and insurance firms to recognise the market opportunity that financial exclusion represents. Not all those who are financially excluded will always be poor or out of work. Those who are in that situation just now might be in a different position in one or two years' time. Such people represent a chance for Scotland's financial services firms to grow by entering new markets and providing new products. I believe that the financial institutions that recognise that fact will be those that will be ultimately successful.

We should not forget that Scotland has a strong financial services industry, which generates nearly 6 per cent of Scottish gross domestic product—some £5 billion. It also directly accounts for 108,000 jobs and remains one of the fastest-growing sectors of the Scottish economy. However, as the Scottish economy enters its 24th month of successive growth—I point that out to Jim Mather—I believe that, with that leading position, there comes a need for corporate social responsibility. I understand that the Clydesdale Bank operates in a very competitive environment and I would not take sides in that marketplace, but the sector as a whole should be expected to embrace the concept of social responsibility.

I acknowledge the worries of Clydesdale Bank's staff and business and personal customers and those of the communities that may be affected. I am conscious that we should do all that we can to assist those individuals and communities on which the bank's proposals have an adverse impact. In response to Paul Martin, I can confirm that I am willing to write to the bank as he suggested to ask that, subject to the bank's agreement, a meeting be convened at an early opportunity with John Stewart or the appropriate official at the bank's headquarters in Glasgow so that we can state directly the concerns that have been expressed by members from all sides of the chamber and discuss with the bank some of those concerns.

Meeting closed at 18:53.

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