

# **MEETING OF THE PARLIAMENT**

Wednesday 15 March 2006

Session 2

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## Scottish Parliament

*Wednesday 15 March 2006*

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

### Time for Reflection

**The Presiding Officer (Mr George Reid):** The first item of business, as is usual on Wednesdays, is time for reflection, which is led today by Father Douglas Macmillan of St Mirin's Cathedral, Paisley.

**Father Douglas Macmillan (St Mirin's Cathedral, Paisley):** Presiding Officer and members of the Scottish Parliament, I thank you for this opportunity to lead your time for reflection. I would like to read part of psalm 95 from the sacred scriptures, because it gives a Christian perspective of God's creation and the praise that is his due:

"Come ring out our joy to the Lord;  
hail the God who saves us.  
Let us come before him giving thanks,  
with songs let us hail the Lord.

A mighty God is the Lord,  
a great king above all gods.  
In his hand are the depths of the earth;  
the heights of the mountains are his.  
To him belongs the sea for he made it,  
and the dry land shaped by his hands.

Come in; let us bow and bend low;  
Let us kneel before the God who made us  
For he is our God and we  
the people who belong to his pasture,  
the flock that is led by his hand."

God has given the world to the human race to be used for the good of all. God always wanted us to be happy in the world, and we are stewards given the world to use—not to abuse—for our own good and for the good of all people. Human beings are the high point of God's material creation and they should be neither used nor abused for the gain of others. We remember that we are members of his flock and are therefore precious to him.

All of you who are the elected representatives of our nation have taken on a great responsibility. Your duties are onerous as you decide the use of resources and make decisions that affect Scotland and its people, and which also have implications and effects beyond our borders. I realise that our country has people of many different cultures and faiths, and people who have no religious faith whatsoever, and that not everyone will share my point of view. Whatever our persuasion may be, when we are placed in a position of trust, we are required to stand up for what is right. We look after

the welfare of all, being just to the poor and also to the rich.

I ask God to bless all of you in your work. May he give you the strength and health to lead Scotland well, and may your work ensure that our country is a land that is known for being a just, safe and good place to live.

Amen.

## Legislative Process

**The Presiding Officer (Mr George Reid):** The next item of business is a debate on improving the legislative process. Members who wish to contribute to the debate should press their request-to-speak buttons now. I call Margaret Curran to open the debate.

14:33

**The Minister for Parliamentary Business (Ms Margaret Curran):** We are now approaching the final year of this, the second session of the Scottish Parliament since devolution. In that time, the Parliament has passed 95 acts of the Scottish Parliament. Of course, that is no virtue in itself, but I argue that those acts have contributed materially to improving the lives of the people of Scotland.

The legislation has covered a huge range of subjects. It includes: legislation on housing and homelessness, which has been independently described as being the most progressive in western Europe; legislation on antisocial behaviour, which is protecting decent families from the unacceptable behaviour of a small minority; the smoking ban, which is the most significant measure in a generation or more to improve public health in Scotland; and the long-overdue legislation to reform land law in Scotland, which will sweep away feudalism and guarantee access and the right of communities to own the land that they live on.

Furthermore, there has been legislation to protect children and adults, and there have been wholesale changes to the law on mental health. Those are laws that I am sure most of us would agree would never have found proper space at Westminster. There are now laws to provide protection for victims of sex offenders, and we have passed the Freedom of Information (Scotland) Act 2002, which is part of a system that offers unparalleled openness and transparency between people and their Government.

That represents a significant achievement by Parliament in the seven short years of its existence—whatever we say in today's debate, I hope that we remember the context of our achievements.

**Mr John Swinney (North Tayside) (SNP):** The minister mentioned a number of acts, many of which have been supported by the Scottish National Party. I am concerned, in terms of the legislation that we pass, about our ability to guarantee that the aims of the legislation are delivered at local authority level effectively and in line with our aspirations. Has the minister—as I have—had concerns raised with her by constituents about the Education (Additional

Support for Learning) (Scotland) Act 2004? The concern is that local authorities have not delivered on the aspiration to provide the support for children with special needs for which we in Parliament legislated. Will the Government reflect on how it allocates resources in order that it can ensure that its legislative priorities are delivered by local authorities?

**Ms Curran:** Mr Swinney raises a range of issues. I have not had specific constituency representations on the matter that he mentioned; I would refer those issues to the portfolio minister. The Executive always monitors the use of resources, the impact that they have and the effectiveness of their use. It is fair to say that there is on-going dialogue between local government and the Executive about how effective use of resources is achieved.

On the more general issue of post-legislative scrutiny, it is important that we all pay attention to the legislation that we pass, that we investigate whether it has the desired impact and that we consider any changes that we might want to make. That is one of the strands that I want this debate to address. Parliament has a reputation for carrying out such scrutiny, in particular through its very robust committee system. However, that does not mean that our minds are closed as to how we can ensure that the legislation that we pass has the desired impact. The conversation with Parliament will continue; I may refer to the matter later in my speech.

As I said, we are coming to the end of this session of Parliament, which is an apposite time for the Executive and Parliament to consider what improvements might be made for the next session so that we can empower new members and those of us who wish to return—

**Mr Swinney:** Surely not everybody. [*Laughter.*]

**Ms Curran:** Can we please strike from the record Alasdair Morgan's laughter at that comment?

We should consider what improvements might be made so that we empower members to make proper use of the legislative systems in Parliament.

Members now have considerable experience as ministers, former ministers, committee members and sponsors of member's bills. Members from other institutions have also visited their wisdom upon us as we have developed our processes—in particular, we are familiar with the Westminster system. I look forward to learning from the experience that can be brought to bear in the debate.

In the course of carrying out my ministerial responsibilities as the Minister for Parliamentary

Business, many members approach me—formally and informally—with a range of suggestions and with issues that they want the parliamentary processes to address. I know that my colleagues have the same experience. I appreciate the spirit in which such exchanges are conducted, which is largely constructive. There is a genuine desire among all members to make Parliament work and to ensure that we carry out robust and effective scrutiny.

It is now time to take soundings more formally from Parliament about how we want to take matters forward. Today, I will set out some of the issues that the Executive has identified as being part of the conversation and I will indicate how we want to take the matter forward. I hope that we can consider some of the matters that might be examined.

At the outset, I pay tribute to the work of the Procedures Committee in the current session and in the previous session. Its work has been significant in developing the procedures of Parliament and in allowing us to have settled procedures that work effectively. I have regular conversations with members of the Procedures Committee, most notably the convener. We want to record his assiduous commitment to ensuring that we have appropriate committee procedures. I obviously would not want our work to substitute for the Procedures Committee's work; it will continue to do its work in its own way, but the Executive is interested in any proposals that that committee makes.

In autumn 2004, the Procedures Committee produced a well-researched and invaluable report and many of its recommendations have already been implemented. I know that the Procedures Committee is currently considering the use of parliamentary time more generally and will report on the matter in due course. The Executive will be interested in that work because an effective system of parliamentary scrutiny is at the heart of effective legislation.

Our system should seek to perform two related but distinct functions.

**Dr Sylvia Jackson (Stirling) (Lab):** On parliamentary scrutiny, the minister will know that the Subordinate Legislation Committee is finishing its inquiry into secondary legislation, from which I am sure there will be many recommendations. One will probably be on the time between stage 2 and stage 3 consideration of a bill. When subordinate legislation powers are inserted into a bill at stage 2, the Subordinate Legislation Committee must consider those powers. The current timescale allows the committee one or possibly two meetings at which to consider them, one of which will usually be in the week of the stage 3 debate, which means that the committee

is limited to lodging manuscript amendments if it has concerns about any provisions. The timescale is increasingly becoming a problem.

**Ms Curran:** I suppose I should take this opportunity formally to pay tribute to another assiduous convener, who certainly makes strong representations to me on interests that arise from her role as convener of the Subordinate Legislation Committee.

I look forward to the detailed report that the committee will produce—Sylvia Jackson will know that we have been heavily engaged in the committee's discussions. Obviously, I will want to read the eventual report and to see what the Subordinate Legislation Committee recommends. I always want to give members in plenary meetings and committee the maximum time that they need in which to undertake their duties. Sylvia Jackson will, however, appreciate that that has to be balanced with ensuring that we get through the legislative programme and that different interests are represented proportionately. However, I assure her that we will consider in detail the question that she has asked and that we will do what we can to give the assurance that the Subordinate Legislation Committee needs to undertake its duties.

**Margo MacDonald (Lothians) (Ind):** Will the minister give way?

**Ms Curran:** Yes—but this might have to be the last time I give way.

**Margo MacDonald:** On the same point that my successor as convener of the Subordinate Legislation Committee raised, although I warmly welcome the minister's endorsement of Sylvia Jackson's concern and interest in the subject, can I say that we made the same request as her of one of the minister's predecessors. I do not know that all that much has changed. Warm words are great, but can the Subordinate Legislation Committee have two or three extra days instead?

**Ms Curran:** I assure Margo MacDonald that we will not look more favourably on the request just because Sylvia Jackson is making it, influential though she is. I will want to go as far as I can in making practical and real improvements in the process. However, before I do that, I want to see the committee's report and ensure that we can properly take into account and address all the different needs that must be balanced.

**Margo MacDonald:** Will that be before stage 3 of the Bankruptcy and Diligence (Scotland) Bill?

**Ms Curran:** I must move on. We obviously want to ensure that all interests are properly addressed.

As I said, our system must perform two related but distinct functions. First, it must subject legislation to detailed scrutiny and amendment. As

a legislature, we have a duty to ensure that the laws that we pass will be effective and coherent. Parliament has a track record of doing that. I have taken bills through Parliament as a minister and I can confirm that we are put to the test, as is quite proper. We must inquire into the bills that are brought before us and we must propose changes, should they be necessary. Again, we have a significant track record in that area.

Secondly, we must give democratic approval to legislation to ensure that it has the legitimacy to bind the people of Scotland. The Smoking, Health and Social Care (Scotland) Act 2005 is a good example of that. We took the bill through Parliament and the measures have gained widespread support because of the process that was undertaken. The approval of the majority of the people's elected representatives expressed through a vote is what gives legitimacy to laws in a parliamentary democracy. Our process is significant in that respect.

Our parliamentary system has a number of strengths that allow it effectively to carry out its legislative roles. The committee system has rightly been the subject of much praise—I make no apology for repeating that praise. Parliament is sometimes the focus of questioning—that has been the case in the past few weeks—but we should never allow possibly justified reflection to prevent us from noting the international regard in which this Parliament is held. Our committee process is the focus of part of that regard. The committees play a central role in legislation and are regarded as being effective and robust; indeed, they gain widespread praise for being so.

The stage 1 procedure allows committees to investigate subjects in depth, which they do. It also allows stakeholders to express their views in writing and in person. The consultation that we undertake as part of the legislative process is thorough. Again, that has gained recognition. Further scrutiny of bills by the Finance Committee and the Subordinate Legislation Committee ensures that a full picture is given to Parliament before it considers the general principles of bills.

Issues have arisen over how long stage 1 should take and over the assumptions that we should make about that length of time when we are planning parliamentary business. I have received representations on those time issues from many members from all parties in the chamber and I am trying to grapple with those issues.

I am interested in hearing views on what the length of the cycle for a whole bill process should be. I have to consider everything, from the introduction of a bill all the way through to the end of stage 3. I have to consider what factors should be taken into account—the length of a bill, its

complexity, its subject matter and the interest in it, all of which could affect that cycle. As the Minister for Parliamentary Business, representing the Executive, I would of course always consult committees on timetables.

Stage 2 is the main scrutiny and revising stage of a bill. The role of the lead committee ensures that that crucial task is carried out with experience and expertise. Other members of Parliament can and do get involved in meetings and in lodging amendments at stage 2—although perhaps not as many members as we would wish. I understand the pressures on members' time, but the wider involvement of members beyond the membership of the lead committee is important to the proper functioning of stage 2. We want to encourage such wider involvement. That also applies to stage 3.

In points of order if not in debates, it has been suggested that stage 3 debates tend to involve mainly committee members rather than a wider range of members. Sometimes, members have felt that they have not had the opportunity to participate properly. There might therefore be an issue about how we can involve members more thoroughly between stage 2 and stage 3. We must consider how members are given information—whether that should be done by means of a formal report or perhaps an oral statement. I would be interested in hearing members' views on that.

A related issue is the level of information that Parliament receives from the Executive before and after the introduction of bills. It may be that other forms of pre-introduction information would be helpful in involving members in the widest possible way. Again, I would welcome views on whether such procedures would allow members to participate more fully in bills, especially at stage 3. Obviously, such involvement would have to be balanced against the already significant responsibilities of members.

So far, our committee system has been very effective in scrutinising the principles and enactment of bills and our system allows the detailed examination that is required. However, there are areas where we can improve—particularly at stage 3—in order to broaden the involvement of members.

In my closing speech, once I have heard members' speeches, I will discuss points that have been made about post-legislative scrutiny. We will have to think about that. Good work has been undertaken, although I do not know how well known that work is. I will want to talk to committees about it.

Many of the issues that I want to make progress on are actually internal issues for the Executive. For example, we have to consider how the legislative programme as a whole is managed and



how individual bills go through. We also have to consider collective ministerial decision making; I am seeking to tighten that and have taken action within the Executive—often in response to issues that committees have raised.

However, many of the issues that are at the forefront of my mind are issues for Parliament. Before I move forward, it is important that I hear the broadest possible range of views from members. To date, the discussion across the parties has been constructive; I hope that that can continue. I have to be realistic about the things that we have not managed to achieve in the past, and I have to be pragmatic about what we can seek to do in the future; but we must remain focused on the achievements of devolution and on what has been an effective and robust legislative process.

14:49

**Alasdair Morgan (South of Scotland) (SNP):** I thank the minister for bringing the debate to the chamber; I am not sure what we would have been doing this afternoon had she not done so, although I had better not go down that route.

I am speaking for myself and am not taking a party position, and I suspect that other members will bring their individual—or even idiosyncratic—views to the chamber this afternoon.

I suspect that we are going to debate suggestions rather than solutions—that is the nature of this particular beast. I shall talk first about the adequacy of scrutiny—a point that the minister made in respect of stage 3—and particularly the question of how we can get more members involved in what can be complex and challenging issues. If we did manage to get more members involved, how would we balance what I see as being the potential dangers? On the one hand, a small number of members may be well informed but out of synch with the views of Parliament as a whole. On the other hand, there are members who come in at stage 3 who fly in the face of much—or even the majority—of the evidence that is received during stage 1 and stage 2, of which they may be unaware or have not made themselves aware.

We then have the problem of how we rectify any technical or political mistakes that are made at stage 3, which is a real concern. Let us consider the Licensing (Scotland) Bill. This is not a party political point—I will hold my hands up to this one as well. There were passionate speeches at stage 3 by Frank McAveety and others about the dangers of alcoholism. We addressed those dangers by closing off-licences between 9 and 10 in the morning—hardly our most shining hour.

On consultation, it has been argued—and

mentioned in a 2004 Procedures Committee report—that there is too much consultation in the earlier stages of legislation. There is Executive consultation before a bill is even introduced and there is stage 1 consultation in committee. However, during the later stages of bills, when quite significant changes can be made, there is often little or no real consultation.

**Mike Rumbles (West Aberdeenshire and Kincardine) (LD):** I would like to concentrate on the solution. At stage 1 the lead committee produces a report to everybody on the general principles, which is useful. As Alasdair Morgan has outlined, by the time we get to stage 2 people do not know what the issues are. Would a simple solution be for the committee to produce a short report for MSPs at the end of stage 2, before the stage 3 debate?

**Alasdair Morgan:** There might be something in that. Part of the problem is that the issues that are addressed at stage 2—on how the principles that have been debated at stage 1 can be turned into legislative practice—can be rather technical. There is often a gulf between the two stages and totally different arguments can be introduced. Mike Rumbles is right that members have to be informed.

On the possibility of undoing damage that has been done at stage 3, I share the view of the late MEP Allan McCartney that there is a case for our having a second chamber. Given the history of the Parliament over the past few years, however, I would not be straying far from the truth if I was to say that the people of Scotland are not yet up for a second chamber, even if it was to share the same building, which means that it is important that we get things right first time.

On post-legislative scrutiny, Parliament has now passed so many bills—95, I think—that we need to consider what has worked and what has not, but we also have to ask how we could accommodate that post-legislative scrutiny. How would we implement the results of the post-legislative scrutiny? How could it be guaranteed that the results of committees' investigations were translated into Executive action? We pass a lot of bills, but, as John Swinney asked, how do we ensure that the will of Parliament is being obeyed? The Finance Committee has often expressed concerns about financial memoranda—particularly about what the committee sees as the undercosting of Executive proposals. We have a task in examining after the event whether that concern was well-founded, whether the funding was adequate and, if it was not adequate, whether the functions of the bill were fulfilled.

Another issue I want to touch on, given my former membership—which I greatly miss—of the Subordinate Legislation Committee—

**Gordon Jackson (Glasgow Govan) (Lab):** We miss you.

**Alasdair Morgan:** Absolutely. Tuesday mornings have never been so empty.

I wish to touch on the balance between statutory instruments and guidance on the one hand, and primary legislation on the other. We are not necessarily getting the balance right. Clearly, there is a difference: the bill decides the principle and the politics, and statutory instruments or guidance decide the changeable details.

However, there is significant and growing criticism here and at Westminster that too much is being left to statutory instruments and guidance and that those are not available early enough in the process to inform debate on bills. If a substantial matter of detail will be in guidance or statutory instruments, those should be available at the same time as the bill. The Legislative and Regulatory Reform Bill that is going through Westminster is a case par excellence of that situation. We all sign up to regulatory reform, but to what extent should it be left to a stroke of the Minister for Parliamentary Business's pen?

**Mr Swinney:** It would be Jim Murphy's pen.

**Alasdair Morgan:** Whoever the minister might be—Mr Murphy or otherwise.

The pressure on committees is also significant. Some are heavily overburdened before they take on any post-legislative scrutiny but some have light workloads—non-mandatory workloads at that. Therefore, we need to consider questions such as whether we need a separate Procedures Committee and Standards Committee and whether the Equal Opportunities Committee is necessary or equal opportunities should be mainstreamed. We must remember that the debate is about the legislative process, but much of our work in Parliament is not about that process. In our scrutiny of legislation, we must leave time for our scrutiny of the Executive and we must ensure that that is not squeezed out when we overburden committees with piles of legislation.

We need to prepare the ground for the time when Parliament is a true national and independent Parliament. The overwhelming body of opinion in Scotland realises that we need more powers. In many areas, such as defence and foreign affairs, that would not add to our legislative burdens, but in some areas—particularly the powers that we are more likely to get earlier, such as finance and fiscal powers and perhaps even power over pensions—a considerable amount of law making will be involved. We need to ensure that we are ready to take on those new burdens willingly and capably when they arrive on our doorstep.

The question is not how good the process is, but how good its results are. Others will pass judgment on that, perhaps as soon as next May.

14:57

**Bill Aitken (Glasgow) (Con):** At a time when the Parliament finds itself being criticised—extremely unfairly on this occasion—it is worth while underlining some of the achievements to which the minister referred. Since 1999, 95 pieces of legislation have been passed. That was not achieved without a great deal of hard work and commitment on the part of all concerned. I am not saying that I necessarily agree with all the legislation, but I cannot question the commitment. It is also worth while recalling that the first piece of legislation that we passed related to mental health and followed on from the Ruddle case. On that occasion, the Parliament acted swiftly and greatly in the interest of the security of the people of Scotland.

It is right that we should consider what has succeeded, what has failed and what can be improved. Some aspects of the legislative procedure have certainly been successful, but I will run through the stages of a bill and discuss how they can be improved.

The stage 1 debates have, in many respects, been the most interesting of all debates on legislation. On those occasions, the Executive is setting out its stall and is open to attack and question. However, I worry at times about consultation and I must ask whether the present consultation process truly represents the views of the people of Scotland. It is inevitable that, when an issue arises, those who have a particular interest in or an axe to grind on the subject will respond to a consultation, but it appears that the usual suspects respond in many instances. Those vested interests do not give the correct impression. I am not saying that anybody should be precluded from making appropriate representations, but their representations sometimes need to be weighed against the consensus. That could be considered.

The role that is played by the committees at stage 2 has been largely positive. I am not sold on the idea that our committee process is absolutely inviolate or superb, but in general terms it has been a success.

**Mr Swinney:** Before Mr Aitken leaves the subject of stage 1 and the point about hearing evidence only from the usual suspects—a point with which I completely agree—does he accept that, in effect, the power rests with committees to act on that issue now? The committees have it within their remit, scope and responsibilities to say that they are fed up hearing from the usual

suspects and that they want to hear evidence from a broader canvas of individuals.

**Bill Aitken:** The balance is difficult. We would not wish anyone to be excluded from the consultation process. My suggestion is that the appropriate weight should be applied and that the representations of the usual suspects should not carry any extra strength compared with those of the average member of the public.

The committee process has worked. There have been times when the whip has been used ruthlessly to force through legislation that the Executive wishes to pass but with which a committee might not agree. I recall a very interesting exchange at the Justice 2 Committee several years ago, when Hugh Henry made it quite clear that a certain Gorrie amendment to the Criminal Justice (Scotland) Bill would be brought back, despite the real reservations of the majority of committee members. That was an instance of the ruthless application of the whip—it was perhaps a little bit unfortunate.

The real problems have arisen at stage 3. I do not think that the Minister for Parliamentary Business is unsympathetic about this. Sometimes, we rush things through. The First Minister shares that view. One of the Parliament's least glorious moments was during a debate on the Mental Health (Scotland) Bill, when a plethora of last-minute amendments were rushed through, with no time for scrutiny and a basic lack of understanding on the part of the vast majority of members. There simply was not time.

As Alasdair Morgan pointed out, this is a unicameral Parliament—if something goes wrong, the only way that we can put it right is by re-legislating. I do not know what the solution is, but we cannot go on in the same manner because, one day, something horrible will happen and we will not be in a position to put it right.

**Mr Stewart Maxwell (West of Scotland) (SNP):** Does the member agree that one of the problems with stage 3 is that there is a limit to the amount of time by which we can extend the period for discussion? I have been involved in stage 3 debates in which a number of members who wanted to contribute were blocked—correctly—by the Presiding Officer, because we had run out of time. The time extensions had been used up and we had no further opportunity. Why is there any block on the length of time by which debates may be extended?

**Bill Aitken:** I agree absolutely with Mr Maxwell's point. We must look into that. We must ensure that stage 3 is conducted in a manner that is professional but much more leisurely, to ensure that we do not experience the problems that I have outlined.

The committees should do more under the post-legislative process. Having acknowledged that getting through 95 pieces of primary legislation is no mean achievement, I suggest to Ms Curran that there is perhaps no need to legislate to the same extent in the future. There was clearly a backlog from the Westminster situation, which should be getting overtaken now. Legislation should be passed as a last resort, not a first resort.

I do not disagree with all the legislation that has been passed. Some of it has been very good. However, an awful lot of it has been unnecessary and has been conditioned by the fact that the Executive is keen to be seen to do something, rather than simply to utilise the existing law. I sometimes wonder who is advising the Executive. In many instances, the law has been in existence and has needed only to be enforced. We have much still to learn, but progress has genuinely been quite good so far.

15:04

**Donald Gorrie (Central Scotland) (LD):** I welcome the debate, which gives members the opportunity to set out their views on how the Parliament could be run better. The Procedures Committee has no position on these matters because we are still holding an inquiry, but we have on the agenda for our next meeting a discussion of our response to the points raised today—those points will go into the Procedures Committee machine. I am speaking today merely as me, so nobody else will take the blame for anything that I say.

My starting point is this problem: I do not think that the Parliament really exists in a sense—although it obviously exists in one sense. The Executive exists; it does good things and bad things. Each party exists; everyone understands that and fights for their corner. Even the committees exist to some extent; they have their personality and process their legislation. However, the Parliament as a whole does not seem to me to have a persona. The timetabling reflects that, because it is determined entirely by the Executive and the Parliamentary Bureau, which is a sort of trade union gathering of whips, which, by definition, is non-democratic—whips have no connection whatever with democracy. We have to address that.

The Procedures Committee is considering parliamentary time, which has a bearing on the legislative process. Some members have mentioned scrutiny, in relation to which I think that we are failing in our duty. The specific point has been raised with us that after ministerial statements there is often a queue of members waiting to speak when the stumps are drawn, which means that five or six members are

deprived of a chance to speak. There follows a debate on a motion such as, "That the Executive is pleased that the sun has risen today", for which the whips drive in members to speak because nobody wants to.

We should have more time for ministerial statements and less time for Executive motions, many of which are extremely vacuous and pointless. They would be less pointless if motions were lodged earlier and there could be more discussion about amendments that might reflect areas in which there is agreement and disagreement between parties. We should not hide the fact that we have disagreements, but the way in which we conduct a lot of debates conceals areas of agreement and disagreement. The timetable for such debates should be extended.

We should have more scope for members to make a serious contribution other than just at 5 o'clock. If members say anything interesting in their motion, it is not allowed to be discussed.

The Procedures Committee has been visiting other Parliaments. I visited Catalonia and Norway, which have a procedure called interpellations, which is not a word that comes to us readily. We need not have exactly the same system, but the idea behind it is that a member can pursue a general policy issue. He or she gets half an hour for an interchange of speeches with the relevant minister. If other members think that the issue is good, he or she can lodge a motion, which is voted on. We could have motions saying that the Executive should do X; if they were agreed to, the Executive would have to do X. That would provide real power.

**Mike Rumbles:** That sounds dangerous.

**Donald Gorrie:** Yes.

We need more time to consider legislation at stage 2 and stage 3. I am a great believer in negotiation, discussion, studying amendments to try to make them more sensible and finding out where the weight of opinion lies. At the moment, both the preliminaries and the debate are far too rushed. There must be more time for lodging amendments, which would give us time to adjust them through negotiation to make them more acceptable.

Ministers are too defensive about the details of bills. Obviously the main thrust is important, but ministers could have much more sensible dialogue on the details. I hope that we can get more co-operation between the parties and between committees and ministers. Everyone who wishes to speak at stage 3—either on an amendment or in the full debate—should be called. That would be a step towards our having a bit more democracy.

It is important that we try to involve more non-committee members in such matters. The minister referred to that. We could have seminars. A colleague on the Procedures Committee suggested that, at the end of stage 2, the committee convener could make a statement in the chamber to set out the state of play. There have been a lot of good ideas about ways in which we could involve people more. We do not involve ourselves enough in matters to do with other committees. Post-legislative scrutiny is extremely important, but the time for it must be ring fenced so that the committee cannot be bullied by the minister into not doing such scrutiny properly. At the moment, the committees are bullied by ministers and are too spineless adequately to resist them.

15:10

**Gordon Jackson (Glasgow Govan) (Lab):** The fact that we are having this debate implies that there is room for improvement and that the system could be better. That is true and it is what we will focus on today.

Without being sycophantic to the minister, however, it is important to say that there are some good features about what we do. The early stage of the process is good. The detailed consideration that the subject committees give to proposals at stage 1 is extremely useful. I take Bill Aitken's point that, sometimes, we talk only to the usual suspects. However, the process gives an opportunity for those who are outside Parliament but who have an interest in the legislation to present evidence. At the very least, that means that members of the committee come to the bill with a much greater understanding of the issue than would otherwise be the case. I think that that results in better legislation. My view is that, through that process, we have avoided to some extent a situation in which we identify problems only after the legislation has come into force. Any lawyer has experience of such a situation with regard to other legislation. We front load our consideration in a useful way.

However, there is genuine disquiet about the process thereafter. Having spoken to members, I am aware that there is a widespread feeling that there is insufficient time before the stage 2 amendment phase and that members do not get sufficient opportunity fully to consider the issues involved. I am not sure how far I go along with that general view. My experience is that, no matter how much time people are given, they leave things until the last minute anyway. However, sometimes the time between lodging amendments, having the minister consider them and having them debated is too compressed. Similarly, at stage 3, members often have too little time to consider amendments

before they are debated. As has often been suggested, by Donald Gorrie in particular, the actual time for debate at stage 3 can often appear less than adequate.

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

Does the member agree that one of the other problems that we have at stage 2 and stage 3 is that the Executive tends to lodge substantive amendments that have not been consulted on at stage 1 and which can radically change the bill?

**Gordon Jackson:** I do not have the expertise to say how often that happens. The minister will no doubt deal with that point. I agree, however, that the timescale can be too compressed sometimes and that members do not have sufficient time.

Of course, none of that would matter if, as Donald Gorrie suggested, we were all just lobby fodder for the Executive or our whips. However, we do not want to be that. It is in everyone's interest for us to produce the best possible legislation. Members need ample opportunity to consider and deal with amendments.

As Sylvia Jackson noted, we do not deal only with Executive-led primary legislation. A huge amount of our law making is done via subordinate legislation. Here, again, there is room for improvement. As Sylvia Jackson mentioned that issue, I will not go into it in detail. The Subordinate Legislation Committee has been conducting a full inquiry on that matter and will soon finalise its report, which will include proposals. Already, the committee is in discussion with the minister and her officials.

I am conscious that, to most members, the Subordinate Legislation Committee is a twilight world staffed by parliamentary anoraks, but it is the sort of committee that members realise how good it is only once they have left it. However, most of us cannot get off it. Having said that, subordinate legislation is extremely important. With more hope than anything else, I urge members to take an interest in the Subordinate Legislation Committee's report and proposals when they are published. There is room for improvement and I hope that, with the minister, we will be able to make changes without adversely affecting the Executive's work. I do not want to go into detail on that—the Deputy Presiding Officer, Murray Tosh, knows the detail and he will be more than happy that I do not propose to go into it—but I flag up the issue because members should be aware of it. Subordinate legislation is an important part of our legislative process and a little interest in it would be no bad thing.

We also have private bills, as Tricia Marwick knows. I suspect that she will talk about that, but my experience on the Waverley Railway (Scotland) Bill Committee suggests that we need

to reform the private bills procedure. I think that we took the current procedure from Westminster; I do not know how well the procedure worked there, but in our context it is extremely lengthy and cumbersome and it places a huge burden on the members involved. If members ever see their whip approaching them to suggest that they should get involved in a private bill committee, they should dive under the table.

The burden on members is not that important—although I think that, as members of private bill committees, we spend a huge amount of time on things that we have no real expertise on and for which we are unsuitable—but members of the public are affected terribly by the cumbersome procedure. In relation to the Waverley railway proposal, some people's lives have been blighted because they have been put into limbo for much longer than is necessary. For them, that is not a trivial matter. I do not know whether we need private bills for such projects—we might have them only because of an historical anomaly—but we need to do something to improve the system. If I wanted to be cynical, I would say that there would be a huge clamour for change if all members were involved in the private bills procedure from time to time.

Having said that, I applaud the Executive for holding a debate on the issue. On questions of reform, there is a healthy lack of complacency in the Parliament. I sincerely believe that there is a genuine desire to improve the ways in which we do things.

15:17

**Carolyn Leckie (Central Scotland) (SSP):**

I agree with almost everything that Donald Gorrie said. He seems to have been liberated from his whip. However, as a member of the Parliamentary Bureau, I want to stick up for myself. I am not a whip but a representative on the bureau because the Scottish Socialist Party does things democratically. Perhaps we can share some lessons with the other parties.

Today's debate needs to be placed in the context of the definition of democracy. It is supposed to mean government by the people for the people. When we talk about the legislative process, we should test it against that definition and ask ourselves how much influence the people have. The consultation phase and stage 1 consideration at least allow the usual suspects to have an input, but things get worse as we get to stage 3 because by then it is only the usual suspects who can influence the process. Only the keen, the vigilant and the motivated are in a position to influence the outcome of stage 3 debates. People's ability to participate at that stage of the legislative process is extremely

limited. Given members' comments so far, I think that everyone would agree with that.

The Parliament could do better in areas where it has power. There is a big issue about areas where it does not have power, but I will not revisit that in detail today. I will concentrate on members' bills. People will know that Scottish Socialist Party members have taken a number of members' bills through the legislative process—or have sought to do that, if we can get them past stage 1. We have conducted a number of consultations on a number of issues. Again, that needs to be tested against the principle of democracy. For example, it is clear that there was overwhelming civic support for the Abolition of NHS Prescription Charges (Scotland) Bill, but did the legislative process match the test of government by the people for the people? It did not.

**Mike Rumbles:** The Health Committee agreed to the general principles of that bill at stage 1, but it would not have been entitled to produce a report at stage 2. This morning, an ad hoc committee—the Interests of Members of the Scottish Parliament Bill Committee—finished its work. We on that committee disagreed on several points with the Standards and Public Appointments Committee, but as the ad hoc committee no longer exists, we have no way to inform other members of what we thought. A report at stage 2 would help.

**Carolyn Leckie:** I agree absolutely. Resources are also involved—I will talk about that later.

I hope that everybody has sympathy with the interests of small parties, which are a democratic matter. We are not represented on all the committees and it is very difficult to keep track of the detail of what is happening when we do not have somebody who is close to a subject to advise us of what has happened. At stage 3, amendments can be quite controversial and we rely on our researchers to identify the issues and form an opinion at short notice. If resources permitted, everybody would benefit from summary briefings on stage 3 amendments. That might produce more informed stage 3 debates on the detail of amendments.

I agree absolutely that time should not be guillotined and that nobody should be prevented from participating in a debate. Stage 3 appears to be hurried. Stage 3 of the Licensing (Scotland) Bill, which has been mentioned, is the epitome of how not to do it. Politically, that debate ended up as a race to take the most holier-than-thou attitude to licensing—it was almost as if the Band of Hope had appeared in the Parliament that day. Bruce Crawford has not been mentioned, but he must take the blame, alongside members such as Frank McAveety and—what is his name?—Paul Martin.

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

**Carolyn Leckie:** On you go.

**The Deputy Presiding Officer (Murray Tosh):** Stewart Maxwell had better be very quick.

**Mr Maxwell:** Bruce Crawford is not here to defend himself, but surely it is unfair to castigate members who hold serious opinions about, and who take a firm stand on, alcohol abuse in our society. Whether Carolyn Leckie agrees or disagrees with those points, those members are entitled to make them.

**The Deputy Presiding Officer:** Okay—point made. Ms Leckie has one minute.

**Carolyn Leckie:** Bruce Crawford is absolutely entitled to his view, but he took the whole SNP with him in the vote. The result was a licensing debacle. Yes—others disagreed, but that is democracy. Someone who expresses such views does not have to take their whole party with them. However, we are in danger of revisiting the licensing debate.

More time to consider the consequences of decisions that could be taken at stage 3 of the Licensing (Scotland) Bill might have avoided the situation in which we find ourselves. In such situations, procedure can very much influence policy and the Parliament's reputation. I strongly suggest that stage 3 should be re-examined; I know that there is sympathy for that view.

To wind up on members' bills—

**The Deputy Presiding Officer:** Very quickly.

**Carolyn Leckie:** Equality of access to resources is needed to develop members' bills, to research them and to obtain help with drafting.

**The Deputy Presiding Officer:** You must close.

**Carolyn Leckie:** The Parliament was based on power sharing. Equality of resources is needed to achieve that.

15:23

**Christine Grahame (South of Scotland) (SNP):** I agree with various points by various members. I share Bill Aitken's view that too much legislation has been introduced. I did not know that 95 acts had been passed—it feels like more. That has had an impact on our scrutiny of bills. Another issue is whether we needed legislation in the first place or whether aims could have been achieved under the existing law or through policy changes.

Members are right that, in general, stage 1 has been reasonable. I say that as a member of committees and as a former convener of the Justice 1 Committee and the Health Committee. However, stage 2 and stage 3 need to be

revisited. Committees have very little time to consider some stage 2 amendments. The number of substantive stage 3 amendments to the Mental Health (Care and Treatment) (Scotland) Bill, on which no evidence could be taken and which could not even be discussed, brought the Parliament into disrepute.

However, there have been high moments at stage 3. I remember stage 3 of the Adults with Incapacity (Scotland) Bill when we debated the proposed section on hydration and artificial nutrition. That was a serious moral debate in which—Carolyn Leckie will be glad to know—whips were not in operation and parties allowed members to vote according to their personal view. That was one of the high moments in the Parliament's debates.

Post-legislative scrutiny must be carried out, but I will come to that issue when I deal with the role of regulations.

Other good measures that the Parliament has introduced include free personal care, the issue of consent in the Adults with Incapacity (Scotland) Act 2000 and the important asset of the Freedom of Information (Scotland) Act 2002. Although some members might wish that freedom of information legislation had not been used by the press, many of us make use of the act. Another important measure is the Planning etc (Scotland) Bill, which might not be the sexiest or most interesting bill but is terribly worthy.

However, a problem with the Planning etc (Scotland) Bill is that the bill amends existing legislation rather than provide for things in its own right. That just makes a mess of things. The bill is cumbersome and has been approached in the wrong way. I think that ministers and their legislative staff could have found a better way to draft that legislation.

The real issue, as I mentioned previously, is the impact of regulations. The meat of the legislation is often to be found in regulations, yet substantive draft regulations have frequently not been available at stage 2. As every lawyer knows—and as everyone who has been on the end of the law will be aware—the devil is in the detail. That is what lead committees want most of all.

I will move on to other issues because I want to pick up on points that have been made. Ministers could extend our freedom of information regime by using the provision in the act that enables them to extend the legislation to other agreed agencies. Freedom of information should be extended to housing associations, which are currently exempt despite the substantial role that they play in housing. An interesting point is that, under the equivalent legislation in South Africa, any private company that has a contract for services that are

wholly publicly funded is subject to freedom of information legislation, which extends to the terms of the contract. In Scotland, information on public-private partnership/private finance initiative deals is denied to MSPs because we are told that commercially sensitive information belongs to the private company. That makes something of a farce of openness and scrutiny.

At the moment, the Communities Committee is like a sausage machine for legislation. It is not good for the well-being of committee members to be continually given legislation. They need to be kept flexible by having the opportunity to conduct inquiries and have a balance in their work. Some inquiries could even relate to the legislation that comes before the committee. There is a danger that some committees will become standing committees and lose the scrutiny function that they perform in inquiries. That is certainly what has happened to the Communities Committee.

Another issue is that members' bills seem to get hijacked these days. Very few members' bills have been passed. For example, Stewart Maxwell's Prohibition of Smoking in Regulated Areas (Scotland) Bill was taken over by the Executive. The Executive also took over my proposed member's bill, which was taken into regulations. Members wonder whether there is any point in introducing a member's bill because any good idea will get nicked and the member will usually not get the credit.

Presiding Officer, I am not sure how much time I have remaining because of the funny clock.

**The Deputy Presiding Officer:** I usually call "One minute" when a member has one minute left. I promise to do so.

**Christine Grahame:** Let me make my final point. Many members of different parties are frustrated that the Parliament can deal only with devolved issues but the reserved issues impact greatly on what we are trying to do. I know that the minister sincerely wants to eradicate fuel poverty, child poverty and poverty amongst our pensioners—

**The Deputy Presiding Officer:** One minute.

**Christine Grahame:** However, until we can deal with housing benefit, pensions and macro-economics, the Executive's hands are tied. If the SNP came into Government under the same rules—although they will not remain the same—our hands would be tied. A huge issue is how we can turn Scotland round in things that matter while this Parliament does not have powers over those major issues.

I remind the minister, in addition to all the procedural points that I have made, that devolution is a process rather than an end in itself.

15:29

**Susan Deacon (Edinburgh East and Musselburgh) (Lab):** Less than a decade ago, we could not have had this debate. At that point, the desire to have legislative powers was only an aspiration, whereas today it is a reality. Picking up from where Christine Grahame left off, I suggest that it is worth reminding ourselves that our ability to have this debate is a product of the fact that people worked long and hard for decades on end to get us a legislature in Scotland. Many other members have started off by highlighting the Parliament's achievements, but it is perhaps worth reminding ourselves of the big-ticket achievement that got us here.

That said, some issues demand immediate attention to improve the way in which we do business. As the minister said, this point towards the end of the second session feels as good a point as any to get serious about doing that work. A comment was made about the usual suspects going to committees: some members feel like the usual suspects in debates such as this one in the Parliament.

The major point that I will emphasise is not about what changes should take place; it is about how we can make progress with some of the ideas that we have. Many of the themes that have emerged in the debate have, to be frank, been aired in many other places. There is a serious question mark about how we make progress with those ideas. The Executive or the Parliament, or even a part of the Parliament, cannot in isolation make improvements. The different bits of the institutions work on some aspects, but there is no mechanism to bring together a programme of work, action and improvement.

I am doubly burdened. As well as being a usual suspect on process and a self-confessed anorak—like many members who are here—I used to work in management consultancy. Any self-respecting professional organisation, whether in the public or private sector, whether a business or a charity and including institutions of government and governance, needs to have in place ways of reviewing how the organisation functions, considering how improvements can be made and providing opportunities for people to feed in ideas and reflect on their experiences. We do not have such opportunities in any systematic way. The one idea or plea that I leave on the table is that we put in place a mechanism to provide that.

Members may say that we have a Procedures Committee, or they may take from what I have said that I advocate another committee. I do not. The committee process will not achieve what is needed. That process has and must have a place, for example, in taking formal decisions about changing the Parliament's rules, procedures or

standing orders, but a different form of discussion, dialogue and work needs to take place if we are to make progress. For example, how do we draw on the research that external people have done on the devolution project? Just last week, the minister and I attended a conference in which there were presentations on six years of work by the Economic and Social Research Council on how devolution has functioned. How do we draw on that work coherently and collectively in reflecting on how we can improve in the future?

I will not prescriptively suggest what the mechanisms may look like, but I feel passionately that the gap needs to be filled and that if we do not do so, we will continually return to debates such as this one, float lots of ideas and make progress on bits of them—when people feel clear in their roles and responsibilities—but we will not get a grip on a meaningful programme of improvement. As we have heard this afternoon, members would be happy to engage in such a programme.

I have a wider point about time. The First Minister once famously said—he perhaps regretted it afterwards—that we need to do less, better. While we can debate the wisdom of that comment or how it might be applied, in the present terrain it is as good a guiding principle as any. Serious issues arise about the amount of legislation that the Parliament passes and about how individual members spread themselves thinly over a range of activities.

Alasdair Morgan pointed out that, as the Parliament does not simply produce legislation, we need to consider how to give due time and attention to our other areas of work in the Parliament. I will widen that out and say that we need to give due time and attention to all the other work that members do in their constituencies, with local communities and on the wider national stage, where we engage in all sorts of debate and discussion on public policy and other aspects of Scottish public life.

I worry that the Parliament's publication on what MSPs do describes in great detail the legislative process, but barely mentions the range of other work that we do and try to do well. We all want to feel that we do what we do well but, sadly, no matter how hard we try, achieving that is all too often a real uphill struggle—it is hard to put our hand on our heart and say that we have achieved it.

If we go from here and put in place a means of continuing not just this conversation, but taking forward action from it, not only will we feel better about the job we do, we will be able to point to the fact that this institution is fulfilling its potential and delivering real and positive change for the people of Scotland.



15:35

**Chris Ballance (South of Scotland) (Green):**

As has been said, because ours is a unicameral Parliament, the scrutiny that goes on outside takes the place of a second chamber. Civic Scotland is the second chamber of this Parliament. I therefore suggest that not just pre-legislative scrutiny is important; it is also vital that we enable civic Scotland to get involved throughout stages 2 and 3. That means that we need greater notice of stage 2 and 3 debates and longer to lodge amendments.

We need to have enough notice, so that not only professional lobbyists, who are paid to look at and respond to the *Business Bulletin* every day, but voluntary organisations with no paid lobbyists—the people who work on the ground—have a schedule that enables them to get involved with legislation and its processes.

We need longer to discuss bills at stage 3 and we need longer to look at stage 2 amendments. There is a particular concern about amendments that do not arise from the evidence that is heard at stage 1. At the moment, we have no mechanism for assessing properly amendments that have not been covered in evidence heard at stage 1. Such amendments are frequently lodged.

In its 2004 report, the Procedures Committee said, at paragraph 3,

“that enough time should be allocated for Stage 1 and Stage 3 debates to allow all those who wish to contribute to do so”.

That has not yet happened. Although I am keen that we keep to the 9 am to 6 pm, family-friendly working hours of this Parliament, there is a strong case for allowing an extension into the evening for stage 3 debates, to allow more people to contribute.

**Carolyn Leckie:** As I said in my speech, I agree that there should not be a guillotine in stage 3 debates. It does not necessarily follow that the working day is extended because the debate is extended.

**Chris Ballance:** That is true to an extent, although it becomes complicated when we do not know until we get into the chamber exactly how many members want to get involved with a particular amendment. There are logistical difficulties.

My final point relates to resources, particularly to the way in which the resources of the non-Executive bills unit are divided up. There will always be limited resources: the question is how we divide them up. The decision that the Scottish Parliamentary Corporate Body—on which my party is not represented—took last year was that bills should not receive drafting support unless

they are simple, narrow in scope and short. That decision was fundamentally unsound. We ought to put resources into legislation that has the cross-party support of most members of Parliament and from outside in Scotland—in other words, legislation that is important to Scotland and stands a good chance of being passed. It is important that the legislative process is not the Executive's process and that it belongs to back benchers.

15:39

**Richard Baker (North East Scotland) (Lab):**

Although discussions on our legislative processes are not always great crowd-pullers, nothing can be more important than how we make law in this chamber and this afternoon's very constructive debate has highlighted many good ideas.

This debate and, indeed, previous discussions, have been marked by a general recognition of key areas where we must improve our legislative process. Some contentious debates have highlighted the current pinchpoints. Although the process has been improved, we will no doubt have to make further improvements, which is why this debate is so useful.

The Executive has worked hard on measures that have already improved the process, particularly with regard to pre-legislative scrutiny, which some members have referred to. Chris Ballance touched on how we consult wider Scotland, not just those whom other people have referred to as “the usual suspects”. I have to say that I think those usual suspects feel that they suffer from consultation overload. We can address that problem by trying to reach beyond the usual consultees, to those who traditionally have not been consulted enough. John Swinney was right to say that committees could concentrate more on that.

Our consultation on the Smoking, Health and Social Care (Scotland) Bill and on the Antisocial Behaviour etc (Scotland) Bill, which involved communities throughout the country, showed that we can secure views from a far wider section of the population.

Another area of progress with regard to pre-legislative scrutiny is the publication of draft bills. At first, people, particularly those outside the chamber, feared that by choosing to publish a draft bill the Executive would limit the frame of debate on proposed legislation. That has not happened. Indeed, it has improved legislation. For example, the draft Further and Higher Education (Scotland) Bill attracted a great deal of debate. That interest helped to inform the overall debate and, because ministers were prepared to listen to comments about the draft, it resulted in better

legislation. The Executive should expand and build on that practice.

It has been suggested to the Procedures Committee that members who are not directly involved with bills should receive more information on their progress after stage 1. That would be useful, as indeed would some kind of ministerial or committee report after stage 2, to outline the progress of legislation and how it has changed.

The debate has tended to centre on stage 3. When I first took part in a stage 3 debate, I was, like other members, hugely surprised by the brevity of the debates on crucial issues. I had assumed that, as it was the last chance to amend the bill, there would be adequate time to do so. The Procedures Committee has already proposed to give the Presiding Officers greater flexibility in, for example, allocating time for discussing amendments and stipulating an hour for the open debate.

As members have said, this is not just a matter of the Parliament's procedures; it is a political issue about the allocation of chamber time. We need further progress in this area. I realise that, more often than not, a full day is allocated to stage 3 debates, but I hope that the Parliamentary Bureau and the parties will consider how further time can be allocated to ensure that vital debates at stage 3 are given the necessary time.

On post-legislative scrutiny, I hope that committees can be afforded time to examine the impacts of legislation once it has been passed and that the Executive can report to them on such matters. We all know that committees are already under huge work and time pressure. Perhaps the Procedures Committee will examine this issue in its inquiry on the structure of the parliamentary week, which will, after all, impact on stage 3 debates. However, I take Carolyn Leckie's point that any extension of stage 3 need not go into our family-friendly hours, but could be carried over into the next day.

The situation is evolving, and this kind of debate shows how well chamber time can be used. I hope that, as the legislative process evolves, we can have further such debates to give all members the opportunity to inform the process and reach the stage that we all want to get to.

**The Deputy Presiding Officer:** I express my regrets to Ms Marwick, but we have to move now to the closing speeches. I call Iain Smith, who will have six minutes.

15:45

**Iain Smith (North East Fife) (LD):** On a cold—and now, I think, wet—afternoon such as this, only those of us who have anoraks have come up to

the Hub for the debate. Nevertheless, it is a useful debate to have.

One of the advantages of being a young Parliament is that we are not set in our ways and are willing to consider revising our procedures so that we can make improvements. Before we start doing that, however, we should remember that it is not all bad. This Parliament has quite a good, robust legislative process that is the envy of many other Parliaments, particularly because of our stage 1 procedures which, by and large, work extremely well.

Our stage 1 process has improved significantly since the Parliament began, particularly as the Executive has become more comfortable with it, has engaged positively with committees and has come back with recommendations on how to proceed based on the evidence that committees have taken. That is extremely useful.

Stage 1 allows the wider community to get involved in the legislative process in a way that does not happen in some other Parliaments—particularly Westminster. It allows for proper engagement with civic Scotland and others who may be directly affected, to ensure that we get it right. It is important that we do that, because we do not have a revising chamber. We have to get it right first time. We do not have the opportunity of batting bills on to another place to correct our errors; we have to get the bill—or at least the general direction of the bill—right at stage 1.

We have to be clear about defining what is meant by the general principles of a bill. Stage 1 is supposed to be consideration of the general principles, yet nobody has ever quite defined what is meant by that phrase. Committees consider much wider issues than the general principles of bills; they examine the details and suggest amendments that may be needed. We have never had a clear definition of what is meant by the general principles, which has an impact on what can be amended at stages 2 and 3.

Carolyn Leckie spoke about democracy and the democratic process. We must bear in mind that this is a legislative Parliament. We are all legislators and we have an important role to play, but the driver for the legislative programme will always be the democratically elected Executive. We have a democratic mandate from the public to put forward a programme for government, and that will always drive the legislative programme. For all Carolyn Leckie's complaints about members' bills, the reality is that hers is a small, minority party that does not have the support of the general public, and it is trying to force through a separate programme for government that is not the one the Parliament has agreed.

Some changes could still be made to the way in which members' bills are handled. We made some improvements to the members' bills process while I was convener of the Procedures Committee, but we need to look further at the matter. We might be able to resolve some of the resource issues if we have a pre-legislative stage that allows the Parliament to determine whether it supports the proposal and the need for legislation before a bill is drafted and assigned to a committee, as happens with committee bills. There is a stage missing in the process. Perhaps the process for members' bills should be a bit more like the process for committee bills.

We have talked quite a bit about stages 2 and 3. We can always ask for more time for amendments between stages and at the stages, but Gordon Jackson was right to remark that, whatever guideline is set, people will always run up to those buffers and there will always be complaints that there is not enough time to meet deadlines. When I was convener of the Procedures Committee, a report by that committee introduced some improvements to that system, particularly to try to ensure that there is at least a full weekend between the deadline for amendments and the discussion by the committee, so that members have at least that much time. Previously, amendments could appear on a Monday for debate on a Wednesday, which was most unsatisfactory.

I do not think that we have got stage 3 right yet. We need to look at it again. There is nothing new under the sun, as they say. I have been looking again at the consultative steering group's report. Being an anorak, I have one of the few remaining copies. The section on the legislative stages of bills states:

"The third stage of the Bill should be a debate and final vote on the Bill, as amended in Committee. The Bill returned to the Plenary from the subject Committee should be accompanied by a report explaining the Committee's reasons for the amendments made. Plenary should then consider the Committee report. Further amendments should be allowed at this stage. Standing Orders should specify tight criteria for what sorts of amendments might be moved."

If we had introduced that CSG recommendation into our standing orders at the start, we might not have had some of the problems that we have had at stage 3.

There is a tendency to rehearse at stage 3 the debates that should have taken place at stage 1 and stage 2. Stage 3 should be about revising the bill to ensure that it is consistent throughout; we should not go over previous debates.

We must consider the pressure that the legislative process places on committees. A heavy burden is placed on some committees, which

limits their ability to perform their other significant functions such as scrutiny of the Executive and, perhaps more important, scrutiny of outside bodies. We do not carry out enough scrutiny of bodies such as the Scottish Qualifications Authority and Scottish Water. Committees should have more time to conduct inquiries. Most important, committees need to be able to carry out post-legislative scrutiny. Many committees are not able to do that to a significant extent because they do not have the time to do so.

The parliamentary session lasts for four years, but we still have a mad annual rush to get bills through in a year. We should consider how we can plan the legislative timetable more wisely. Perhaps the Procedures Committee can address that when it examines the programme of the Parliament. Significant improvements could be made without throwing the baby out with the bath water.

15:51

**Alex Johnstone (North East Scotland) (Con):**

It has become something of a cliché for members who wind-up for their parties to say that the debate has been useful. I will not change that: this has been a very useful debate.

The debate has been particularly useful for me because I learned something of value. The Minister for Parliamentary Business made it clear that she has indulged in conversation on this subject with business managers and others in the Parliament. I was involved in one of those conversations. I can tell members that my role tended to be to listen. The debate has been particularly useful because the formality of Parliament has allowed a true exchange of views. Nevertheless, parliamentary procedure will—as ever—deliver the last word to the Minister for Parliamentary Business.

It became obvious during some of the opening speeches that there has been a glut of legislation since the Scottish Parliament came into being. I once heard it said that there are those in Scotland—not only in the Parliament—who believe that we have been catching up on a 300-year backlog. Anyone who has sat on any of the major committees in the Parliament could well believe that 300 years' worth of legislation has been passed during the past seven years.

The minister said that the Parliament has passed some 95 bills. I agree with Jack McConnell and Susan Deacon: it is perhaps time the Parliament learned to do less, better.

Timescales seem to tax most minds, particularly that of Donald Gorrie. Now that he has become the convener of the Procedures Committee, the issue will go up the parliamentary agenda accordingly.

It is particularly concerning that so many members have expressed worries about whether the parliamentary process permits proper scrutiny. There are issues about the adequacy of scrutiny during the pre-legislative stage 1 process. Many members have also made a good case for the introduction of a report at stage 2 to inform Parliament about what happened during that stage. That would sit well with the excellent stage 1 reports that are already produced and which we debate at length in Parliament. However, the matter that has caused most concern—and has done for some time—is how the stage 3 process operates.

Stage 3 provides us with an excellent opportunity to consider amendments at length, but one or two things that have crept into the process cause grave concern. The first, which has been discussed in the past and which Tricia Marwick raised today, is the fact that, occasionally, amendments appear at stage 3 that have not figured in the consultation process. If Parliament is asked, on the final day of debate before the bill is passed, to pass judgment on matters that were not part of the bill at any previous stage, there is a grave danger that we will pass law that is inappropriate, inadequate or bad.

The second issue, which has become Donald Gorrie's hobby-horse and on which I increasingly agree with him, is the fact that we do not give adequate time to stage 3. I know what Donald Gorrie has said about that, but I also know that during the two years when I was a business manager in the Parliament there was never at any stage an attempt to prevent time being allocated to discussion.

If the Parliament's ideals are to be adhered to, and if we are to keep the family-friendly notion, it must be possible to predict when business will finish. Consequently, timetabling motions become a kind of necessary evil. However, I increasingly take the view that we are in danger of passing bad legislation by pursuing that particular practice.

I will not offer members a solution, but I will say that Donald Gorrie has ensured that we will consider timetabling in the Procedures Committee's inquiry report. I will take my place in the process to ensure that we take radical decisions on recommendations about how we might best achieve some kind of expansion of time. I must say that Carolyn Leckie's suggestion that we could have more time without using up any more of the parliamentary day takes us into the theory of relativity a bit further than I was previously prepared to go, but if we are going to warp time perhaps we could not do it for a better reason.

The debate has been interesting and a number of issues that the Parliament must address have

been raised. If we are to make legislating a sound process, we must do less, better. We must spend more time on bills, particularly at stage 3. We must have more time to consider amendments at the latter stages. I believe that there have been one or two embarrassing pieces of legislation, but there has not been a disaster. The legislative roof has not fallen in quite yet.

**Members:** Ooh!

**Alex Johnstone:** I believe that this debate is the start of a process that might help us avoid that.

15:57

**Mr John Swinney (North Tayside) (SNP):** It is my pleasure to close this debate for the SNP, particularly as the minister started the debate by making a helpful contribution when she said that there was now a well-established consensus that we were all here to make the Parliament work. That, of course, is a view that I have always taken about the Parliament. However, I do not remember that featuring in much of what the minister and her party said during the 1999 Scottish parliamentary election campaign, when some of us in the SNP were accused of being, dare I say it, likely wreckers of the Parliament. Nothing could be further from the truth, as can be seen from the way in which we have deployed our skills and energies over the past seven years. There will be no change in our approach over the next 12 months and beyond. The consensus that we are here to make the Parliament work—that we are determined to do so—is important.

The consensus in the debate is that we need to consider the Parliament's procedures and how we handle much of our business, and we have an opportunity to undertake that work. However, I caution members that we should avoid an endless review of the issue. What was said in the debate sounded a bit like we were preparing for another Scottish Executive consultation on process.

I have every sympathy with Susan Deacon's point that as there is consensus among members that certain issues must be addressed, we should just get on with doing that speedily and consensually. I certainly do not detect among members a great deal of dispute about the issues that we could undertake to address to make a quantum difference to how we all feel about the process in which we are involved.

There are a number of technical points that we can take forward as legislators to improve the process, and members articulated them well. There is the possibility of producing a report at the end of stage 2, and Iain Smith quoted from the consultative steering group report—all of that is eminently sensible. There is also consensus about the importance of ensuring that stage 3 is

undertaken more effectively than happens at present. We could make progress in that respect.

I joined the Finance Committee a number of months ago, and I have been horrified to see the way in which the financial provisions in bills are dealt with. I recognise that the Finance Committee has expressed for a long time its concerns about sparse and threadbare information on the financial consequences of bills and about financial memorandums not being particularly well drafted or crafted before the Finance Committee considers them.

Those are some of the technical points that we can undoubtedly address, and I hope that we can do so swiftly and speedily—whether through the Procedures Committee or through consensus in the Parliament. I think that that consensus exists.

Not all the issues that concern us will be addressed by means of technical changes; some of them will require the political atmosphere and culture of this Parliament to change. A number of members have spoken of their frustration at the way in which the whips operate. Here I am—poacher turned gamekeeper, former party leader—now thinking that whips have to be treated with care and respect rather than just being those who enforce everything that party leaders dictate. However, other members and I are frustrated, and members of the public cannot believe it, when we hear a sound argument made in Parliament—one that expresses a view that we know is widely shared across the political spectrum, often on points of detail in legislation—and see that the argument has been convincingly won, but then find that it is lost in the vote because the whipping structure of Parliament has so decreed. I am not talking about the big strategic flashpoints of debate on which we all have our set opinions—

**Susan Deacon:** Will the member take an intervention?

**Mr Swinney:** I will, in just a moment.

Donald Gorrie said that he felt that ministers were too defensive of the detail of legislation, and I support his view. There should be a relaxation of the political culture to allow us to accept points that are made by members who do not sit on the Government benches and which would enhance legislation. That would enhance the reputation of the Parliament.

**Susan Deacon:** In the spirit of consensus that has peppered this debate, and for the avoidance of doubt, will the member confirm that the political culture to which he refers applies equally to all the parties in this Parliament and not only to the Executive parties?

**Mr Swinney:** Absolutely. However, points of view expressing all sorts of shades of opinion in

the Parliament in the shape of amendments to bills—even when they are lodged by members of the Government parties—are invariably defeated at stage 3 because the whips have so decreed.

Iain Smith said—and I do not dispute this at all—that the Parliament is driven by the Executive's agenda. However, it would enhance the process if a more reasonable and relaxed attitude were taken to points of detail that are of infinitely better quality than the Executive's points but which come from other sources.

I will end by talking about where we go from here. I have spoken about the mechanics and the technical changes, and I wish Donald Gorrie and the Procedures Committee well when they reflect on the issues in a week's time. However, the minister and others have accepted that, at the end of the second session of the Scottish Parliament, we have to consider where the institution is going.

There is now a much broader consensus within Scotland, reinforced by the contribution of the Steel commission last week, that the powers of the Parliament are in need of urgent review and strengthening. The Parliament has to be able to do much more in order to deliver on the aspirations and hopes of the people of Scotland. A broad cross-section of opinion feels that the Parliament must have a broader and more decisive range of financial powers so that we can make a difference to the lives of ordinary citizens. I hope that, as well as looking into the nitty-gritty of parliamentary life, the debate will look at the strategic position of our Parliament. We are on a journey towards ensuring that our Parliament can deliver on the aspirations of the people.

No one will be surprised to hear that I believe that the logical destination of the process is for this Parliament to be an independent Parliament; equally, no one should be surprised that many on the SNP side of the chamber want to engage in a debate about extending and expanding the powers and responsibilities of the Parliament to ensure that we can deliver. I know that a broad consensus—even among people with different shades of opinion from mine—supports that proposition.

16:05

**Ms Curran:** As I often say—I hope that Alex Johnstone is listening—this has been an interesting and useful debate. I do not want to say that I genuinely mean that this afternoon, because that would imply that I have not meant it at any other time—that could never be the case.

For a moment, I thought that I could cling to the heady status of anorak on legislative matters, but when I looked around me at the people who were due to speak in the debate—Sylvia Jackson and

Donald Gorrie, with all their knowledge, and Mr Jackson, who regularly informs me about the legislative process—I became nervous that I could not quite claim that status. Iain Smith's quotation from the consultative steering group's report has completely humiliated me, because I could not recall that part of the report. That shows that I am not an anorak quite yet. In case I get too carried away with myself, the ritual abuse of the whips is always there to temper me and keep me humble. I appreciate that when one is stuck for anyone else to blame, one should just have a go at the whips. I am amused by Donald Gorrie's description of the bureau as a trade union for whips. I am delighted to show the Tories the benefit of trade unions and a good trade union experience, and I will continue to do that. Perhaps I represent the Transport and General Workers Union on that particular trade union collective.

John Swinney made some interesting points about the process of whipping in Parliament. He was not quite as sweeping or as disingenuous as others have been about the role of party politics in that process. Iain Smith's perspective was that we are elected on a platform: I have been elected on a platform; I am here to implement that platform; and there is no point in my pretending that I will trade that platform away, which I think would be essentially undemocratic. Whipping is about collective organisation, and there is nothing wrong with collective organisation or with operating in solidarity with other people.

I feel as though I cannot win. As a minister, I have taken bills through the process, and I have listened to rational argument, in which reasonable points that do not come from the platform that I stand for or from Executive policy have been made and which I have conceded. However, it seems that one never gets any credit for that when a bill comes to the chamber. Indeed, I have taken that approach to today's discussion. In discharging my ministerial duties and in exercising my responsibilities, I want to hear the views of members of the Parliament and the varied discussions that take place. I think that I have some credibility when I reassure members that I listen and that, as I try to improve the parliamentary process, I will not necessarily do so from a dogmatic position that takes account of only my party's interests.

**Mr Swinney:** I do not doubt that the minister would have an open mind about parliamentary procedure. My point relates to what are, in the greater scheme of things, relatively minor points of detail in legislation. There seems to be an unwillingness to accept arguments for change because they have not come from the right place in Parliament—in which I include the Government's back benches as well as the Opposition benches. Is the minister able to say a

bit more about the attitude that might prevail in the Executive for the remaining 12 months that it has in office before it is replaced by a better Administration, and how the culture might be enhanced?

**Ms Curran:** I do not know what is in the bottle that John Swinney is drinking from, but it is obviously going to his head and affecting his judgment. I do not accept the premise that ministers are not willing to negotiate with back benchers or listen to reasonable arguments. I can point to my own experience of accepting members' amendments—although, obviously, I do not know about every time that that has happened.

Just because we do not accept the arguments that are made does not mean that our reasons for dismissing them are inappropriate or unfair. Sometimes I might not be persuaded of an argument, and I have the holistic programme to think about. However, that is not the substance of what we are here to address. On the culture that John Swinney spoke about, we have a culture in the Parliament of sharing challenges and problems and coming together to consider ways of addressing them. Susan Deacon made a significant point about that.

As a minister, I have made considerable changes to internal procedures to ensure that our approach is more robust and that we pay proper attention to the will, spirit and feel of Parliament on certain issues. It is appropriate that we respond to Parliament, and I have made some efforts to do so. Our partnership with Parliament is essential to the implementation of our programme, but perhaps we do not have the proper mechanisms in place.

**Christine Grahame:** Would it be appropriate, as part of the partnership with Parliament, to publish with a substantive stage 3 amendment a reason for that amendment so that members can consider it before going into the debate? Would the minister consider doing that?

**Ms Curran:** Christine Grahame's question takes me on to the points made by members during the debate, which I was going to go through, category by category. We will give reasonable attention to the points that were made in the debate and will respond as appropriate. If I do not cover everything, I will happily pursue points with individual members.

I take the points that Alasdair Morgan and Bill Aitken made about the timing and nature of consultations. It is vital that we reach beyond the usual suspects and actively try to get to the hard-to-reach groups. There are certain groups in the population that are not easily engaged and will not easily contribute to our process, but others have easy access—Chris Ballance made that point—

and we want to change that. We also need to think about the timing of legislation, and the Executive is about to reconsider that. It could be argued that the consultations that were undertaken for various bills—particularly the Antisocial Behaviour etc (Scotland) Bill—took varied and innovative approaches. We have considered different methods of consulting on bills and will continue to do so.

Most members have acknowledged that the committee process works well. The committees discharge their responsibilities well and, to date, the work that they have to do is fairly balanced, but I take on board the time pressures that members have signalled.

Indeed, if one theme emerges from the debate, it is, understandably, that of time. However, I am sure that members appreciate that we are anxious and eager to implement the programme on which we were elected. We want to push full ahead with implementing our programme, but we must give the Parliament the proper amount of time to consider it. I am giving serious attention to that point.

I think that it was Alasdair Morgan who asked us not to become so focused on the process that we lose focus on the result of legislation. Obviously, the two are intertwined, in that a good process leads to a better result. That is where the balance has to be. I accept that we cannot focus on one at the expense of the other, but thorough, robust processes lead to much better legislation.

I wish that I could say to Stewart Maxwell that members could have as much time as they wanted, but we need to ensure that a parliamentary session is balanced overall. There would have been no point in spending two years considering the Protection of Wild Mammals (Scotland) Bill and not enough time on housing or health legislation. I am sure that he accepts that we have to engage in reasonable time management. Of course, the whips, the business managers and I in particular are always regarded as bad people because we come along and say, "Sorry, you've had long enough. Time is up." Somebody has to do that, but that does not mean that we cannot think about time and try to be a bit more creative in empowering members from all parties to get through the business that they want to get through.

Bill Aitken said that stage 3 should be conducted more professionally. However, it was appropriate that he acknowledged some of the achievements of the legislative process, and I appreciate that he spoke about it in those terms. He used the phrase "a more leisurely pace"; leisure does not fit well with such a discussion—I do not recognise it—and perhaps "measured" is a more appropriate term. We will try to address that. That is where most

focus needs to be in the discussion at the moment.

The Parliament has recognised that a range of issues needs to be discussed, but not all of those issues can be addressed in the short term. The focus must be on managing time, particularly at stages 2 and 3, and I want to work on that with the Procedures Committee and the parliamentary authorities. I acknowledge that there are certain parties in the Parliament that—no matter how often we say, "Gosh, aren't they constructive and consensual?"—will look for the one non-consensual point that they can make and rush at it. That is life. I have to live with that kind of approach.

Irrespective of where members stand on other issues—I am always one for a good, healthy debate about political difference—the big prize for us is making devolution work. That is by far the most important point to the people who elected us. It is about effective legislation with good results and improving Scots' living standards. Those should be our focus and we should never lose sight of the fact that the people who elect us send us here to do effective business, not to spend all our time talking about ourselves and dreaming about another world. We have done well in the first seven years, but there is far more that we can do.

## Play Strategy

**The Deputy Presiding Officer (Trish Godman):** The next item of business is a members' business debate on motion S2M-3890, in the name of Ken Macintosh, on the importance of play. The debate will be concluded without any question being put.

### *Motion debated,*

That the Parliament welcomes calls from Play Scotland and Barnardo's for a play strategy that recognises the right of all children in East Renfrewshire and across Scotland to a safe, challenging and accessible play environment; is aware of the public and political concerns over levels of obesity, mental health problems and anti-social behaviour amongst children and young people; notes that lack of opportunity to play is a contributing factor to these problems; is concerned that traffic growth, loss of open space and fears over safety are further restricting play opportunities, and therefore believes that play should be supported with a vigour that reflects its importance.

16:15

**Mr Kenneth Macintosh (Eastwood) (Lab):** I begin by thanking colleagues and all the organisations that have shown their support for this debate, which is an opportunity for the Scottish Parliament to discuss the importance of play. The subject is rarely debated at a political level, but play is increasingly recognised as essential for our children's development—not just for their physical well-being but for their mental health.

We must be careful as adults, as parents and as a society that we do not restrict the freedom, opportunity and room for children to play. There is a real danger that that is exactly what is happening, inadvertently or otherwise. I believe that the right way to counter that is by pushing play up the political agenda and developing a national play strategy. Given the concerns that we now face over the rising level of obesity and the particular importance that we give to tackling antisocial behaviour, a clear statement of national policy is required.

The physical benefits of play have long been recognised. Indeed, unstructured play is second only to physical education in relation to young people burning off calories. It is important to make the distinction between play and PE. PE and sport are vital contributors to our children's health and well-being, but the benefits of play go well beyond the physical. Play is an essential part of children's emotional, social, intellectual and creative development. It is through play that children express their impulse to explore, experiment and understand. As one of the children who was quoted by Barnardo's in its play strategy for Scotland put it,

"play is what I do when nobody is bossing me around".

It has recently been suggested that play can help children to learn foreign languages. That certainly rings true from the experience of my son, who has been learning French in primary 2. The school has set up a French cafe, where children may have whatever they like, as long as they order it in French. As members can imagine, it did not take the pupils long to learn "un gâteau", "une glace", "des bonbons" and "de la limonade"—although not the French for "healthy eating initiative". I have another local example. The family link, or family learning, co-ordinator at our local school has demonstrated through example the importance of families coming together through play and having fun, engaging parents with their children and their children's education.

There are too many restrictions limiting our children's freedom to play, including the television and video game culture, public fears over safety and the threat to young people from traffic. One thing that we can directly influence is the demands that are placed on children by an overbearing curriculum. Schools often measure achievement and attainment in terms of exam results, and they always find time to test our children at all ages. They can also restrict the amount of free time that young people enjoy.

In East Renfrewshire, schools are learning the advantages of allowing children, certainly in primary 1 and 2, room to engage in activities through play. Instead of there simply being a transition for children from the freedom of nursery school to sitting at a desk all day, pencil at the ready, schools are being encouraged to adopt a continental approach and to allow time within the school day for play. As colleagues on the Education Committee heard during our pupil motivation inquiry, it is not just about fun and—heaven forbid—allowing children to enjoy themselves; it is also about learning to focus, concentrate and think.

Away from school, there is reason to be concerned that play spaces are becoming less accessible. Roads are increasingly off limits, and play areas, instead of being havens for young people, can be dangerous places, frequented by older youths who leave behind the debris associated with alcohol and drug abuse. Perhaps one of the most important reasons to push play up the political agenda is the huge importance that we place on tackling antisocial behaviour. Antisocial behaviour does not affect just young people, but there is no doubt that the flip side of demanding more respect from our young people is giving them the necessary freedoms and opportunities to grow and develop.

Just as there are clear benefits to developing resilience and self-confidence among children through play, the opposite can also be true. We



need to recognise the increasing evidence that depriving children of play opportunities has severe consequences. Members who read the excellent briefing entitled “Best Play”, which was produced by the main play organisations, might have seen the reference by researchers to “battery children”, as they are described.

The briefing states that battery children, who are perhaps denied play opportunities because of traffic or parental fears, are

“often aggressive and whine a lot ... are emotionally and socially repressed, find it difficult to mix, fall behind with their school work and are at a much greater risk of obesity.”

It should be of particular concern to us that it is often in our most deprived communities that children lack a safe, challenging and accessible play environment. A national play strategy would challenge those shortcomings.

Where local play strategies have been adopted, the improvements have been dramatic. My colleague Janis Hughes has previously highlighted the tremendous achievements in Toryglen. The whole community—adults and children—has been involved in upgrading successfully three local parks and in developing a whole new play provision between two sets of high flats. That development has in turn spurred on the development of a community garden club. I am sure that the minister is aware of that initiative, given that he has an interest in the area. The project has put play at the centre of regeneration. It is also notable that the project, which was led by Barnardo's Scotland, involved all the community groups in the social inclusion partnership—local nurseries, Glasgow City Council, the police, primary schools and the health service.

There is no shortage of good practice. It is certainly worth noting that the National Assembly for Wales published its play strategy only last month. We can learn from its example. The Assembly's strategy places a statutory duty on local authorities to provide for children's play needs. We can also promote the use of traffic calming measures and home zones within existing and new developments.

I believe that, to start with, our focus should be on providing small-scale local play areas, prioritising the most deprived communities and supporting projects that have been developed in consultation with local people and which address local needs.

Barnardo's Scotland and Play Scotland have shown us the way to develop a play strategy. I was struck by how many organisations, including Skills Active, Capability Scotland, Save the Children and the Scottish Pre-school Play Association, have taken the time in recent weeks to contact members on the subject of play. I pay

tribute to a Glasgow-based organisation, to play or not to play, which has petitioned the Parliament in the past few weeks. The overwhelming support that members have given the motion suggests to me that this is an idea whose time has come. It is time for play.

16:22

**Mr Adam Ingram (South of Scotland) (SNP):** I congratulate Ken Macintosh on securing the debate and on his excellent exposition of the case for a play strategy for Scotland. It is clear that our policy development in this area is lagging behind that of other comparable nations, most notably Wales, where the Assembly has produced an action plan to implement its policies, which we would do well to emulate.

The core aim of the Assembly's plan is to ensure that all children and young people have access to a range of play, leisure, sporting and cultural activities, regardless of their home background and family circumstances. In so doing, it fulfils article 31 of the United Nations Convention on the Rights of the Child.

It is to our shame that we are far from meeting that obligation. One of the main reasons for that has been our failure to listen to what our children have been telling us. Kathleen Marshall, Scotland's commissioner for children and young people, last month sent us all the results of a consultation that she had conducted with 16,000 young people. Top of their list of priorities for action was a plea for more things to do and for activities that are affordable and accessible to all, including those with disabilities, and which are designed by young people themselves in co-operation with trusted adults. Young people said that they wanted to be recognised as an integral part of their communities and to have access to community facilities. Surely that is not too much to ask. Save the Children, in one of the many excellent briefings that we received for this debate, points to successful projects of that kind, which have met expressed needs.

Other issues need to be addressed as well. Ken Macintosh said that opportunities for unstructured play had been reducing because of a combination of factors. Parental fears about child safety have been growing and the availability of local open space has been shrinking.

When no less an authority than Walter Smith, our national football team's manager, visited the Parliament last year, he bemoaned the loss of traditional means of developing football skills and talent, such as kickabouts in the streets and parks.

Children living in poverty are particularly disadvantaged by the shrinking of free, locally available play spaces. The negative impact on

children's development cannot be overstated. I believe that play deprivation is a key factor in the rising number of children who arrive at primary school with social, emotional and behavioural problems. They are the battery children to whom Ken Macintosh referred.

There is an overwhelming case for early intervention strategies and the provision of universal services in the pre-school years, from birth onwards. The Scandinavian model of comprehensive pre-school play, care and education services provides a suitable template for consideration. Unfortunately, after an encouraging start with the extension of pre-school provision, the Executive's early years strategies appear now to have stalled. I hope that the minister will address that concern, as it relates to the motion, when he sums up at the end of this important debate.

16:26

**Eleanor Scott (Highlands and Islands) (Green):** I am pleased to speak in the debate as the subject is dear to my heart and I wholeheartedly endorse the motion. I concur with everything that Ken Macintosh said in his opening speech.

When I started jotting down ideas for the debate, I concentrated, at first, on physical activity and the need to plan our communities so that there is space for children to play spontaneously, so that they can be active not only in an organised setting but in their everyday life. However, as I was writing, I realised that my speech was starting to resemble a rerun of that I gave during the recent childhood obesity debate, which I did not want. The briefing from Play Scotland, which all members received, lists other side effects of a lack of play opportunities, which include not only issues relating to physical health and fitness, but poor motor skills, an inability to deal with stress and trauma and an inability to manage and assess risk.

Then I thought of a story about a friend of mine who lives with her partner in a croft on the west coast. Last summer, her two nephews from the central belt visited for the holidays, for the first time without their parents. They are active boys who are involved in lots of sporting activities and whose parents spend a lot of time ferrying them between sports centres, football pitches and so on in the urban area in which they live. My friend was confident that they would have a good holiday, although she was a bit worried about safety, because at one side of the croft there is the sea and at the other there are the mountains. She thought that she would spend the holiday pinning them down and stopping them running off. However, it was not like that. They had a great,

active holiday but they always had an adult with them because, although they are not couch potatoes by any means, all the activities that they have engaged in have been facilitated by adults. I was struck by what my friend said to me: "When I went to look for them, they were always where I last saw them."

The boys are well adjusted, healthy, nice and physically fit. They are definitely not the battery children that Ken Macintosh mentioned. Yet, something that was once a part of childhood is missing from them. I think that that is quite serious because what is missing or being stifled is a sense of adventure and exploration. If we want people to grow up to be adventurous, inquisitive and curious in the way that leads to scientific discovery and entrepreneurial and enterprising activities, we must not inadvertently stifle that sense of adventure in our children, which is where such things start.

That is why the debate is important. We are not talking only about physical fitness and stopping people getting fat and unhealthy, although that is important, but about the other skills that a child once learned spontaneously as part of the life of a child in Scotland, without any adult direction or input. We have to consider some sort of redesign of the life of a child in Scotland and a redesign of the communities in which that life is lived. At the moment, something that should be nurtured is being stifled. That bodes ill for future generations.

16:30

**Ms Rosemary Byrne (South of Scotland) (SSP):** I welcome the debate and congratulate Ken Macintosh on securing it. I am particularly pleased that his motion

"welcomes calls from Play Scotland and Barnardo's for a play strategy"

for Scotland. We need a play strategy if we are to move on and allow children the facilities that they require in today's society. Eleanor Scott gave a good description of the ways in which we hold our children back because we are afraid to allow them to stretch their wings, move away from the home and the local area and do things for themselves. They do not get the opportunities that we had as children—opportunities to explore and to do other things—so we have to make those opportunities. A play strategy is an important factor in that.

I want to say a little about children's health. I might go over the ground that we covered in the recent debate on obesity, but health is important. Figures published by the British Heart Foundation show that a third of Scottish 12-year-olds are overweight and that more than 1 in 10 are severely obese. The national child health surveillance programme predicts that, by 2020, 50

per cent of Scottish children will be obese. That is a stark figure. A play strategy will go some way towards solving that problem. I will not go into the other issues that we covered in the debate on obesity, but we should note them.

Children need access to a range of facilities for play and for sport. Play and sport are not the same, but one goes with the other. Research shows that, if children get a sense of achievement from what they do, they will be confident children with good self-esteem. If we give our children a sense of achievement in play and in sport, we do them a great service. At the moment, deprivation means that some children do not get the access that they should get. We ought to do something about that and ensure that children have access and choices. Children can play in a swimming pool as well as swim. They can play on a football pitch. When they are playing about with a ball, they are still learning skills.

A play strategy for Scotland could lead to improvements, not only in our children's physical health but in their mental health and their social and personal development, because those things are enhanced by play. The Mental Health Foundation has reported that the increasingly limited amount of time that children spend playing outside or attending supervised play projects is one cause of the increase in mental ill health in young people. Our couch potato culture is not good for children's mental or physical well-being.

Play is about allowing children to express themselves freely, to interact with others and to develop their own ideas and interests. They need to be able to explore, to experiment and to solve problems. It is particularly important for children to have opportunities to solve problems because that helps prepare them for the world outside and the lives that they will live.

There is lots more that I wanted to say, but I am running out of time. Barriers to children's play are mainly related to safety. Road safety is one issue, but there are other concerns about safety. We know that children do not get abducted every day, but parents still worry about such things. I worry when I allow my granddaughter out to play. If we have safe areas where they can play, we will all feel better. I hope that we will get a play strategy.

16:34

**Donald Gorrie (Central Scotland) (LD):** I am happy to take part in the debate and I congratulate Ken Macintosh on securing it. I am glad that the Parliament rescheduled the debate; despite the sky falling in, we are still in favour of play. That is good.

Normally, my heart sinks when I see the word "strategy". I am not a strategy person. However, it may be the right word in this case. We certainly

need a play policy, priority or whatever word people like to use, because play is important.

In addition to some of the good points that other members have made and the fact that play gives people physical exercise and so on, I will emphasise two aspects, the first of which is interaction with other people. In imaginative games, people relate to one another. In a playground, children must take their turn on the swings or the chute. Educating children—in my case grandchildren—to do that is an important social aspect that they will miss out on if they do not go in for play.

Play is a vital part of life but, at least in this country, its importance has been recognised only relatively recently. As some of the papers that we have been sent say, play does not involve just very small children. Some of the concrete blocks outside the Parliament's normal home bear clear marks that—the local police tell me—show how much they are used for skateboarding, because Edinburgh has no proper skateboarding facilities. I am sure that the situation is the same in other places. More scope should be available for such informal play activities.

I will plug the Nancy Ovens Trust. I declare an interest as a member of the trust, but none of the trustees makes any money from the trust, so I think that I am allowed to plug it. Nancy Ovens taught at what is now Moray House school of education and was a pioneer of play going back 30 years or so. She was a voice in the wilderness for quite a while until a gradual movement towards play started. Even when I met her on the Lothian association of youth clubs committee, which involved a group of people who were motivated to help youth clubs, she was slightly laughed at for her enthusiasm for play, but she gradually won us over.

The Nancy Ovens Trust gives awards annually to play schemes and playgrounds that specially reflect children's input in their design and management. Several awards are given for imaginative layout and all that. Members should encourage their local playgrounds to apply. In the past two years, people all the way from Caithness down to East Lothian and from Coatbridge, Edinburgh, Lochaber and all over have won awards. The awards are a way to recognise that children should be involved as much as possible in the creation of play areas that stimulate their imagination, managerial activity and social interaction, rather than our telling them to go out and play somewhere.

Play is an important subject and I am glad that it has been raised. I hope that we can have a strategy or something else; whatever it is, we should get stuck into it.

16:38

**Lord James Douglas-Hamilton (Lothians)**

**(Con):** I welcome the comments of Mr Donald Gorrie and particularly those of Mr Ken Macintosh on lodging this extremely important motion on behalf of Barnardo's about the importance of play. I also congratulate Mr Macintosh on an excellent speech. He is right to highlight play as a subject to which the Executive should give priority, especially given the threat to the integrity of not only playing fields, but recreational sites and areas for leisure, from planning development that could encroach on them.

Recently, Stirling councillors were presented with a 700-signature petition by local campaigners who oppose the Labour regime's plans to axe the £150,000 play projects budget. I am certain that Mr Macintosh would wish to dissociate himself from that policy of Stirling Council's Labour regime.

We will not have to vote on the motion's wording. That may be just as well, as the motion might inadvertently have greater public expenditure implications than expected. That is because it calls for new statutory rights with corresponding duties on local authorities. We wish to know not only how practicable the proposals are, but what their full consequences would be. However, that in no way detracts from Mr Macintosh's public-spirited contribution in focusing on an issue that, in the interests of our nation's children, must be given increased priority. In principle, he is absolutely right about that. After all, article 31 of the United Nations Convention on the Rights of the Child provides that states must

"recognize the right of the child to rest and leisure, to engage in play and recreational activities appropriate to the age of the child and to participate freely in cultural life and the arts."

It has been found that play accounts for the greatest proportion of the physical activity of children and young people. Given the increasing concern for the health of Scotland's population, play—particularly outdoor play—offers a vital opportunity to establish healthy lifestyles. The cost to the Scottish health service of dealing with obesity is currently some £171 million. That figure is likely to rise if levels of physical activity are not addressed urgently. If good practices are established early in life, they are likely to be retained well into adulthood.

Executive initiatives such as the physical activity strategy and health-promoting schools are to be commended, but a more flexible and creative approach is required to secure informal outdoor play. For example, voluntary groups could be encouraged to help to clean up and supervise play areas. Play spaces could also be created in areas of urban derelict land. Furthermore, a pilot project

on outdoor play in Falkirk in 2005 found that active school co-ordinators had reconsidered their remits because they had realised that play was an increasingly forgotten element. Training, guidance and support are definitely important.

It appears that the Executive does not as yet have any plans to develop a strategy, so I join Mr Macintosh in asking why that is the case. After all, the Executive has innumerable strategies on countless subjects. Why does it not have a strategy on an issue that is so important to our country's future?

I congratulate Mr Macintosh on having had the moral courage to raise an issue that for too long has been swept under the carpet. When the minister responds, I hope that he will genuinely go as far as he can within the bounds of what is reasonable and possible.

16:42

**Christine Grahame (South of Scotland)**

**(SNP):** I am not quite sure why it takes moral courage to raise the issue of play, but I will take Lord James's word for it.

I find myself agreeing with Donald Gorrie—today must be my agree-with-Donald-Gorrie day—as I, too, do not like the word "strategy". The word is cumbersome and strategies tend not to go anywhere. I ask that we find another word.

I also agree with Ken Macintosh—I congratulate him on securing the debate—that there is a clear distinction between PE and play. I loathed PE and would not go near it, but I loved play and could not be taken away from it. Play is spontaneous exercise of both mind and body. It involves imagination. Regrettably, children nowadays do not have the fun that we had at that age. When there were no parked cars, the street was our playground.

I do not believe that parks provide a cure-all. Children tend not to like parks, not just because they can be the province of thugs, but because they offer more structured play. Children want to play, there and then, outside the door. Perhaps we should start by getting the parked cars off the road.

I recognise that we must protect our children, but I agree with Rosemary Byrne that our society must have a more balanced approach to stranger danger. The main danger to children comes from the kent family friend, the stepfather or other member of the family rather than from the stranger. That needs to be addressed.

Another issue that needs to be examined is litigation. I find it extraordinary that children in some primary schools are not allowed to play on the playground tarmac for fear that they will fall

and hurt themselves and the school will be sued. What crazy world are we in? When I was a child, it was a badge of honour to have a skint knee, a grazed arm or a bloody nose. Once indoors, one got a cuddle and a cup of tea—or milk or lemonade or something—but such injuries were part of life. It seems that we do not let our children have minor injuries any more.

However, perhaps my biggest bugbear is the commercialisation of play. Why is so much money pitched at making people think that their child can be happy only if it has the most expensive toy or play frame in the garden? The best play is usually free and shared with other people spontaneously on the street.

I am interested in the list that Play Scotland kindly provided to us. One consequence of the increase in childhood obesity is that type II diabetes is becoming an epidemic among children.

Play can teach children to socialise and negotiate. As I said earlier to Adam Ingram, the children on my street always used to have a fight with the children in a nearby avenue about who would have a bonfire on 5 November. It was nearly war, but we knew that the issue would have to be resolved at the end of the day, a bit like the United Nations. After a bit of posturing, we used to put the two bonfires together and have a big combined one. Those were important lessons for children to learn. Lessons about bullying can also be learned when children play.

I draw attention to the confidence that children get from play, particularly if it is dangerous play. I point out to Ken Macintosh that there must sometimes be an element of danger for children in play. I remember walking along beams on rooftops—if my mother had known about it she would have gone white. That was daredevil stuff, but it was about challenging ourselves physically and mentally. Of course there are limits, but an element of danger is needed in unstructured play. Another element is imagination. Children do not need expensive toys—they can invent it all for themselves. If they have enough imagination, they might end up being politicians—goodness help the world.

16:46

**Robin Harper (Lothians) (Green):** I thank Ken Macintosh for bringing the debate to the Parliament. The importance of play has always been central in educational thinking, particularly in the early years and in primary. Sadly, it is all too easy for opportunities for play to be designed out of school buildings, school grounds and the local community. In the light of recent developments, the debate is timely, as it gives us an opportunity to highlight the fundamental necessity of

incorporating opportunities to play in the curriculum, the design of schools and the way in which we plan space in communities.

The research to which Adam Ingram referred suggests that we do not provide fully for the basic needs of most young people in Scotland. Only recently have Scotland's councils started to audit their green spaces; so far, only just over half have started their audits and few have completed them. It is clear that far too many public-private partnership projects result in a diminution of important informal community green spaces in which children can simply run around between home and school. We need to turn round the post-industrial legacy of wasted spaces that blight too many of our communities. There should be no such thing as a brownfield site: all land should be used permanently in the service of the community in one way or another.

We must ensure that quality green, informal and wild spaces are key features of all new developments, not just residential and business developments. The Executive must give a strong message that we want not only quantity but quality, functionality, accessibility and spaces that meet the needs of the whole community, with, of course, a particular emphasis on children's play. Local councils should pay close attention to the report from Greenspace Scotland and the Project for Public Spaces entitled "Reconnecting People and Place", which was produced slightly more than a year ago, particularly the conclusion that good management is essential to the success of a play space and green space policy.

Eleanor Scott referred eloquently to what children can miss out on and argued that we should develop a children's play policy. There is no better way of doing that than what happened two years ago in Dumbiedykes, just round the corner from the Parliament, when children from the area produced an eco-city report with the help of, among others, the Scottish Youth Parliament and Gaia Planning. They wanted managed play areas that are overlooked; more places for teenagers; better lighting; and the conversion of brownfield sites. Those are not unrealistic demands.

There is no lack of expertise in making quality play space for young people. In December, at a conference in Edinburgh entitled "Making Space: Architecture and Design for Young Children", which was chaired by Kirsty Wark, we heard of the enormous wealth of expertise throughout Europe in designing for play, on which we can draw. The report from Rebecca Hodgson and Graham Leicester entitled "Designing schools for the future: a practical guide" provides in a condensed form an excellent guide for school design that recognises the importance, to which several

members have referred, of having a mix of work and play in schools.

In 2000—which is a while ago, admittedly—Capability Scotland conducted research that found that disabled children in Scotland have fewer than half the opportunities that non-disabled pupils have for structured and unstructured play. That is an important point. If—as I think and hope we will learn—the Executive is going to set up a group to consider this problem, I urge it to make that matter a central part of its considerations. A play policy must strive to address such an imbalance.

Members have talked about what play does. It leads to cultural, artistic, physical, mental, emotional, social, creative and intellectual development; it develops resilience, self-confidence, motor skills and an ability to address risks; it helps people to cope with trauma; and it develops entrepreneurial skills and—perhaps above all—spontaneity. It leads to an ability to develop ideas, to explore and to solve problems and it leads to courage and imagination. If play space is not designed into our schools and communities, we will deprive our children of an essential part of their development.

16:51

**The Deputy Minister for Education and Young People (Robert Brown):** Like other members, I congratulate Ken Macintosh on securing such an important debate, in which there have been good speeches.

There is no doubt that play is a key topic and is central to our approach to nurturing and developing young and not-so-young children. All of us recall with joy a range of play activities in our own childhoods or in the childhoods of our children. Indeed, after the recent heavy snow fall, I was struck by a somewhat strong and nostalgic desire to go sledging; unfortunately, several generations of sledges had bitten the dust in the garage and I had to put the desire to one side for the moment. I do not altogether agree with what Christine Grahame said about the pleasures of falling down in playgrounds because I bear a scar on my knee to this day as a result of having had such a fall.

Play is an integral part of childhood and it plays a crucial role in children's emotional and physical development, as many members have said. It has an inherent value in bringing enjoyment to children, but it also allows them to use their imagination, to make choices and to build the skills that are necessary to form relationships and grow friendships. Those are important factors in promoting good mental health and positive outcomes later in life.

Eleanor Scott rightly mentioned the need for space to grow and the opportunity for a sense of

adventure, which is linked to play. We know that there are some children who do not get the chance to play—the “battery children” to whom Ken Macintosh referred—whose parents may not have experienced proper play activities and whose development may be held back by the lack of suitable play opportunities and experiences.

I want to say something about the Scottish Executive's actions to support play. In the earliest years, through funding a development worker to promote the play@home scheme—which quite a number of local authorities have taken up—we give the practical assistance that is needed to help parents to ensure that play forms a part of children's development from the day on which they are born until they are five years old. The Executive has also published guidance that stresses the central role that play opportunities should have in young children's experience of early education and child care.

The strength of that approach is widely recognised. The curriculum review will introduce a less formal approach to the initial primary stage—Ken Macintosh touched on that. That was a partnership agreement commitment based on a recognition of the importance of play and more informal education. Many opportunities exist during the curriculum review process to consider that issue.

The national care standards for early education and child care up to the age of 16 require that activities that are provided by staff allow children and young people to enjoy both organised and free play, both of which are important, as members have said. Those standards are inspected annually by the Scottish Commission for the Regulation of Care.

I accept the caveat that has been given about physical education, but play is linked to physical activity. A reminder of that is provided to us when we watch children playing together in the playground of the Royal Mile primary school beside the Parliament.

With the development of active schools coordinators, the active schools programme has done a good deal to deliver an extensive programme of recreational activities, including active play, in Scotland's schools. The expansion of out-of-school care provision in recent years has also allowed increased opportunities for safe and rewarding play and activities for school-age children.

As the motion points out, play can also benefit mental health. Indeed, play therapists use a variety of play and creative arts techniques to improve chronic, mild and moderate psychological and emotional conditions that cause behavioural problems. Again, the holistic approach is

important. On visits to schools and units that specialise in physically handicapped and emotionally disturbed children, I have noticed how linking physical sensations of touch, sound and vision to positive play experiences is central to the approaches that are taken.

Ken Macintosh and other members have rightly highlighted a number of barriers to children accessing play opportunities and space to play in. Although local provision is a matter for the elected local authority in an area—in that respect, Mr Macintosh mentioned the project in Toryglen—in the spring the Executive will issue for consultation draft Scottish planning policy 11, which will include national minimum standards within certain types of new development.

**Dr Sylvia Jackson (Stirling) (Lab):** The minister referred to local authority provision. I gather that, when I was not in the chamber, Lord James Douglas-Hamilton referred to cuts in Stirling Council's budget. I want to put on record the fact that those cuts will not harm the high standard of play facilities that the council provides.

**Robert Brown:** I am grateful for that intervention, which provides clarification to balance the debate on that more local issue.

We should bear in mind certain road safety issues and concerns about funding. Donald Gorrie mentioned the advantages of the approach taken by the Nancy Ovens Trust, which is important in involving young people. I should also point out that the Big Lottery Fund has named play as one of its priorities in Scotland for 2006 to 2009, which means that projects that support and promote play will have access to significant funding that is likely to be around £35 million. I hope that communities across Scotland will take up that opportunity to develop new and improved play facilities. As for safety, members have already touched on the various issues.

On calls for a play strategy, I am aware of the Welsh play strategy and of the English report on the review of children's play. Although both documents highlight various useful points, most of the suggestions parallel approaches that have already been introduced in Scotland.

The debate has been balanced in its recognition of the limitations of merely producing another strategy on top of other strategies. Strategies on play or indeed on other activities are only of use if they act as a driver of public policy and administrative action that make a difference. I am keeping an open mind on whether a play strategy would add value to the existing initiatives in Scotland. Ministers will want to reflect both on members' useful speeches in the debate and on views about the petition on the matter that has been considered by the Public Petitions

Committee and forwarded to ministers for comment. I am sure that today's debate has taken forward thinking on the matter.

Members should bear in mind that a policy statement on play might be more influential with stakeholders beyond the play community if it is located within the wider context of child development, rather than produced as a stand-alone strategy. After all, the issue straddles many policy areas and organisations. The Executive will continue to engage with Play Scotland and others as we consider the options for taking matters forward and supporting such an important area. I hope to report back to Parliament on this in the fairly near future.

I thank all members for their comments on what I think has been an exemplary subject for a members' business debate.

## Business Motions

16:58

**The Presiding Officer (Mr George Reid):** The next item of business is consideration of business motion S2M-4115, in the name of Margaret Curran, on behalf of the Parliamentary Bureau, setting out a business programme.

*Motion moved,*

That the Parliament agrees the following programme of business—

Wednesday 22 March 2006

2.30 pm Time for Reflection  
*followed by* Parliamentary Bureau Motions  
*followed by* Ministerial Statement: Scotland's Species  
*followed by* Final Stage Proceedings: Edinburgh Tram (Line Two) Bill  
*followed by* Legislative Consent Motion: Legislative and Regulatory Reform Bill – UK Legislation  
*followed by* Business Motion  
*followed by* Parliamentary Bureau Motions  
 5.00 pm Decision Time  
*followed by* Members' Business

Thursday 23 March 2006

9.15 am Parliamentary Bureau Motions  
*followed by* Executive Debate: Growing a Knowledge Economy  
 11.40 am General Question Time  
 12 noon First Minister's Question Time  
 2.15 pm Themed Question Time—Health and Community Care; Environment and Rural Development  
 2.55 pm Executive Debate: Strategy for an Ageing Population  
*followed by* Parliamentary Bureau Motions  
 5.00 pm Decision Time  
*followed by* Members' Business

Wednesday 29 March 2006

2.30 pm Time for Reflection  
*followed by* Parliamentary Bureau Motions  
*followed by* Final Stage Proceedings: Edinburgh Tram (Line One) Bill  
*followed by* Business Motion  
*followed by* Parliamentary Bureau Motions  
 5.00 pm Decision Time  
*followed by* Members' Business

Thursday 30 March 2006

9.15 am Parliamentary Bureau Motions  
*followed by* Scottish National Party Business  
 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 Executive Business  
*followed by* Parliamentary Bureau Motions  
 5.00 pm Decision Time  
*followed by* Members' Business.—[*Ms Margaret Curran.*]

*Motion agreed to.*

**The Presiding Officer:** The next item of business is consideration of business motions S2M-4105, S2M-4106 and S2M-4107, in the name of Margaret Curran, on behalf of the Parliamentary Bureau, setting out timetables for legislation.

*Motions moved,*

That the Parliament agrees that the timetable for consideration of the Police, Public Order and Criminal Justice (Scotland) Bill at Stage 2 be extended to 5 May 2006.

That the Parliament agrees that consideration of the Crofting Reform etc. Bill at Stage 1 be completed by 30 June 2006.

That the Parliament agrees that consideration of the Legal Profession and Legal Aid (Scotland) Bill at Stage 1 be completed by 8 September 2006.—[*Ms Margaret Curran.*]

*Motions agreed to.*



## Parliamentary Bureau Motion

**The Presiding Officer (Mr George Reid):** The next item of business is consideration of Parliamentary Bureau motion S2M-4108, on approval of a Scottish statutory instrument.

*Motion moved,*

That the Parliament agrees that the draft Renewable Obligations (Scotland) Order 2006 be approved.—[*Ms Margaret Curran.*]

17:00

**Shiona Baird (North East Scotland) (Green):** Although there is a great deal in the draft Renewable Obligations (Scotland) Order 2006 that the Green group commends, we regret that there is an article in it that we cannot support because it has no place in a renewables obligation order. Although we whole-heartedly support renewable sources of energy, the use of renewables obligation funding for waste incineration is wrong. Waste can never be defined as a renewable resource and I am surprised that Mr Wilson and others who love to appear to be green are going along with it. Such a move undermines the good work that is taking place throughout Scotland to find sustainable answers to our waste problem. I urge members to reject the motion and at least give the Scottish Executive time to reconsider its untenable position.

17:01

**The Deputy First Minister and Minister for Enterprise and Lifelong Learning (Nicol Stephen):** I am grateful for the opportunity to explain a little more of the background to the proposed amendments to the order in response to Shiona Baird. The background to the order is the proposal to reduce the current purity threshold for biomass fuel from 98 per cent to 90 per cent. The reason for doing that is to expand the range of eligible fuels and maximise the potential contribution to the renewables obligation from waste woods. An obvious example of the type of material in question would be discarded wooden kitchen units, which might contain small amounts of other materials that would prevent them from qualifying as a fuel under the current definition. It makes perfect sense to me that such material should be put to use to produce renewable electricity rather than going to landfill. It also made sense to our consultees, a clear majority of whom supported the change.

I hope that what I have said addresses Shiona Baird's concerns. It should also be remembered that all the generating stations involved would remain subject to the same stringent controls regarding emissions as their conventional counterparts.

I am happy to provide a little more detail on the eligibility of the output from the biomass element of the waste consumed by energy-from-waste plants that use good-quality combined heat and power. In this instance, our amendment to the order will offer a real incentive to the developers of energy-from-waste plants to incorporate good-quality combined heat and power as part of their design. The obligation change will apply only to the biomass element of the waste consumed, but it will encourage the whole of the heat output to be captured and put to good use. That is a very sustainable outcome and I am sure that Shiona Baird and her colleagues will applaud it.

Last week, at the Enterprise and Culture Committee, Allan Wilson helpfully provided an example of the type of project that will benefit from the amendment: the Lerwick district heating scheme, which is run by Shetland Islands Council. The plant is powered by waste and provides heat for homes, schools, a hospital and a range of other users. Our amendment will provide the means and potential to support more of that sort of scheme in other areas in future.

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

## Decision Time

17:03

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

There is one question to be put as a result of today's business. The question is, that motion S2M-4108, in the name of Margaret Curran, on approval of a Scottish statutory instrument, 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)  
 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)  
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)  
 Cunningham, Roseanna (Perth) (SNP)  
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)  
 Davidson, Mr David (North East Scotland) (Con)  
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)  
 Douglas-Hamilton, Lord James (Lothians) (Con)  
 Eadie, Helen (Dunfermline East) (Lab)  
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)  
 Finnie, Ross (West of Scotland) (LD)  
 Gibson, Rob (Highlands and Islands) (SNP)  
 Glen, Marilyn (North East Scotland) (Lab)  
 Godman, Trish (West Renfrewshire) (Lab)  
 Gordon, Mr Charlie (Glasgow Cathcart) (Lab)  
 Gorrie, Donald (Central Scotland) (LD)  
 Grahame, Christine (South of Scotland) (SNP)  
 Henry, Hugh (Paisley South) (Lab)  
 Home Robertson, John (East Lothian) (Lab)  
 Hughes, Janis (Glasgow Rutherglen) (Lab)  
 Ingram, Mr Adam (South of Scotland) (SNP)  
 Jackson, Dr Sylvia (Stirling) (Lab)  
 Jackson, Gordon (Glasgow Govan) (Lab)  
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)  
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)  
 Johnstone, Alex (North East Scotland) (Con)  
 Kerr, Mr Andy (East Kilbride) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Lochhead, Richard (North East Scotland) (SNP)  
 Lyon, George (Argyll and Bute) (LD)  
 MacAskill, Mr Kenny (Lothians) (SNP)  
 Macintosh, Mr Kenneth (Eastwood) (Lab)  
 Maclean, Kate (Dundee West) (Lab)  
 Macmillan, Maureen (Highlands and Islands) (Lab)  
 Martin, Paul (Glasgow Springburn) (Lab)  
 Mather, Jim (Highlands and Islands) (SNP)  
 Matheson, Michael (Central Scotland) (SNP)  
 Maxwell, Mr Stewart (West of Scotland) (SNP)  
 May, Christine (Central Fife) (Lab)  
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)  
 McCabe, Mr Tom (Hamilton South) (Lab)  
 McFee, Mr Bruce (West of Scotland) (SNP)  
 McMahon, Michael (Hamilton North and Bellshill) (Lab)  
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)  
 McNeill, Pauline (Glasgow Kelvin) (Lab)

McNulty, Des (Clydebank and Milngavie) (Lab)  
 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)  
 Robson, Euan (Roxburgh and Berwickshire) (LD)  
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)  
 Scott, Tavish (Shetland) (LD)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Smith, Iain (North East Fife) (LD)  
 Smith, Margaret (Edinburgh West) (LD)  
 Stephen, Nicol (Aberdeen South) (LD)  
 Stevenson, Stewart (Banff and Buchan) (SNP)  
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)  
 Swinburne, John (Central Scotland) (SSCUP)  
 Swinney, Mr John (North Tayside) (SNP)  
 Tosh, Murray (West of Scotland) (Con)  
 Wallace, Mr Jim (Orkney) (LD)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)

### **AGAINST**

Baird, Shiona (North East Scotland) (Green)  
 Ballance, Chris (South of Scotland) (Green)  
 Byrne, Ms Rosemary (South of Scotland) (SSP)  
 Harper, Robin (Lothians) (Green)  
 Harvie, Patrick (Glasgow) (Green)  
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)  
 Scott, Eleanor (Highlands and Islands) (Green)

**The Presiding Officer:** The result of the division is: For 80, Against 7, Abstentions 0.

*Motion agreed to.*

That the Parliament agrees that the draft Renewable Obligations (Scotland) Order 2006 be approved.

## Community Transport (Banff and Buchan)

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

The final item is a members' business debate on motion S2M-3882, in the name of Stewart Stevenson, on the Banffshire Partnership Ltd and Buchan Dial-a-Community Bus. The debate will be concluded without any question being put.

#### *Motion debated,*

That the Parliament congratulates the Banffshire Partnership and the Buchan Dial-a-Community Bus, who provide an essential transport service in areas with virtually no public transport; notes that transport problems faced by many people in rural communities lead to many forms of exclusion; further notes that at present the national concessionary travel scheme does not encompass transport outwith conventional services, and hopes that the formation of Transport Scotland will enable new ideas to be implemented to tackle the problem of rural transport.

17:07

### **Stewart Stevenson (Banff and Buchan)**

**(SNP):** This is my first members' business debate in this session of Parliament. I do not make extensive use of the facility, so when I do so it is because there is a subject about which I feel passionately and which I think it is important for us to discuss. Some aspects of community transport have perhaps been subsumed by other issues, so I thank colleagues who have added their names in support of my motion.

As we all know, community transport plays a vital role in our constituencies throughout Scotland. In Banff and Buchan, which I represent, people's transport needs are particularly acute. My constituency may soon be the only one in Scotland without either a railway or an airport—that possibility is contingent upon the Borders rail link proceeding. The land area of my constituency is approximately 455 square miles. In common with the rest of Scotland, it is—because of rising fuel costs—now substantially more expensive there than it used to be to get from A to B.

The 2005 edition of the "Scottish Transport Statistics" publication states that in a constituency such as mine—Aberdeenshire is the most rural council area in Scotland—44 per cent of passengers have to wait more than 64 minutes for a bus, while another 15 per cent of passengers have to walk for more than 14 minutes to get to the nearest bus stop. It can be impossible for elderly or disabled people to walk such a distance.

In rural Scotland generally, the number of key facilities—shops, post offices, schools and so on—has fallen by about a third in the past 25 years. The shrinking of the numbers of such facilities makes it even more difficult for people to reach their ever more distant facilities.

Despite Banff and Buchan's rural character, we have the greatest proportion of households—a quarter—in Aberdeenshire with no car. Even when people own a car, they have to share it with other drivers and do not necessarily have ready access to it. That illustrates the need for a coherent community transport programme. I congratulate the Banffshire Partnership and Buchan Dial-a-Community Bus, which offer a lifeline to people in my constituency who do not have access to other forms of transport. There are many similar examples in other parts of Scotland, under the umbrella of the Community Transport Association.

Over the years, the Executive has supported the services in my constituency morally—by appearing for photo shoots—and financially. People such as Clare Mather and Rachel Milne, who work in the two services to which I have referred, have the determination and spirit to fight for the people who need transport most. They now need our continued support.

The dial-a-bus service runs five days a week and takes customers from all over rural Buchan to shopping centres and back to their homes. The service supports disabled and frail people with wheelchairs, walking aids and volunteer escorts so that they can have a little independence rather than their having to rely on family or friends for help. The buses are fully adapted, everyone in the local community can access them and their services are reasonably priced because of the support that they are given. In November 2001, the service achieved investors-in-people status and was successfully reassessed for that three years later. Four thousand people a year use the service.

Banffshire Partnership Ltd has been going as long as the Parliament has and it runs a bus service from 6 am until sometimes almost midnight. It supports 1,000 rurally isolated individuals and perhaps as many as 66 community groups. It got a grant from the Big Lottery Fund to purchase a minibus and to cover salary costs. The partnership also operates a community car scheme in which volunteers drive their own cars and are compensated for that. However, like many such organisations, it is running out of money because it is a victim of its own success. Perhaps it is also a victim of the Executive's recent focus on prioritising the free national bus scheme.

Two issues in particular have been highlighted, but I want first to welcome the national concessionary bus scheme, not simply because I will qualify for it later this year but because a focus on rural needs is embedded at its heart. However, the scheme should be extended to include community transport. If a bus service gets a service operator's grant, surely it should be possible to incorporate the service in the national

concessionary scheme. Currently, the scheme is open only to scheduled bus services, which hurts people whom conventional transport currently does not support. We in Parliament must not fail those people.

Commercial services quite properly cherry-pick routes on which they can make money and, where routes are sub-economic, commercial services are often given support. Community transport, by contrast, makes the most difficult journeys and may get only 40 per cent of what commercial companies receive. Charities have to come in to fill that funding gap, but that involves a lot of paperwork. It can be heartbreaking, when there is not enough money, to turn down people who want trips.

The previous Minister for Transport and Telecommunications, who has been elevated to greater heights, got it right when he said:

"Good, affordable transport services are vital to the quality of life of everyone in rural Scotland".

However, that sentiment has received a lukewarm response because of recent developments.

Let us be fair: the rural community transport initiative has funding of £2.8 million, which is welcome. That is on top of the £18 million that has been provided since 1998. However, that funding takes place in the context of a transport budget of £3 billion, so we are not talking about a big share of the money. We are left in a position in which local authorities essentially pick up the tab. They have the discretion to do that, which is fair. The situation is so far, so good in Aberdeenshire and in other places across Scotland, but that is an uncertain foundation for enabling such services to flourish in the future. We need a new and redefined partnership between the Executive, councils and various community transport organisations. We want to grant to many disadvantaged people in our society the independence and freedom that we who are able-bodied take for granted. When we support community transport, we do that.

I inform the minister that I looked at the Transport Scotland website today before coming to this debate and it states—in relation to the free bus service—that

"People aged sixty or over and disabled people will be able to travel free on ANY local bus".

The word "ANY" is in capitals, but that statement is not true when the local bus is a community transport bus.

The minister can correct that oversight. It would take merely a bit of time, a bit of money and a willingness to respond flexibly. Tavish Scott should get his civil servants on the case tomorrow. If he does, he will earn the gratitude of many people

throughout Scotland in town and country. My focus has been on rural services, but important community transport initiatives exist in urban areas as well.

A nationwide bus scheme means little if the disabled or older rural dweller cannot gain any benefit from it. No benefit can be gained if there is no bus.

17:15

**Mr David Davidson (North East Scotland)**  
(Con): I congratulate Stewart Stevenson on the timeousness of his pertinent motion. Just the other week, the minister suffered a bit of pressure—as I am sure he will agree—from the Local Government and Transport Committee because, although everybody welcomes the concessionary fares scheme, it does not go far enough. A large number of people in Scotland who qualify for the pass do not have reasonable access to buses.

Over the years, I have visited the two organisations that Mr Stevenson mentioned; in fact, I visited when they got their most recent fully adapted buses. They have volunteers who give their time and they have people who work for very little money. A great amount of paperwork has to be done and people's safety has rightly to be ensured, but that is not fully recognised by the systems of support. The situation is the same wherever we go in Scotland.

I remember trying, as a councillor in the Trossachs, to get support from the council for community transport to villages that could not access a brand new recreational centre in Callander. The support went only so far, but pensioners and people with young families needed access. The problem is still with us.

The national health service used to give grants to groups such as Buchan Dial-a-Community Bus in order that they could provide patient transport. Patient transport is not user-friendly if a person lives a long way from a hospital. Some people, particularly disabled people, may not be able to be ready by half past 7 in the morning to get to an out-patient appointment in a clinic. There has to be flexibility, but Grampian NHS Board said that it could no longer afford to support the transport schemes in any meaningful way. The local council does its best.

The onus is on the minister to explain what he intends to do. There are huge gaps in services. As Stewart Stevenson rightly said, Transport Scotland's website contains the phrase "ANY local bus". People do not care whether it is a Stagecoach bus, a FirstBus bus or a community bus—it is just their transport.

Even in towns—there is a problem in the Deputy First Minister's constituency in Aberdeen—young people often cannot easily access recreational facilities. They may not live near public transport, the facilities may be a long way away, or it may be unsafe to get from where they live to a bus route. The same applies to elderly people. Access is an issue for many people.

The main bus operators have done a lot of work on disabled access, but that is a speciality of community bus services across Scotland—because of the flexibility of their set-ups, they cater for disabled people particularly well. It is important that the services be given the resources that will allow them to do that. Those resources have to be sustained because short-term, one-off grants to buy or run something are simply not enough. Once capital costs have been met, which often happens through the voluntary sector, we have to guarantee that running costs are reasonably supported—not necessarily paid for completely, but reasonably supported. Community bus services have to know that they will receive resources for the times ahead.

In another community in which I lived, people relied on the post bus. The Post Office drivers were very good, but that service has diminished across Scotland although it provided essential community links that allowed people to get to the post office or the bank, and to get their pensions, pick up things, do their shopping or whatever. No normal bus operator would find that provision of such a service is viable.

I presume that I am coming towards the end of my time, but I cannot properly see the clock in the corner.

**The Deputy Presiding Officer:** Your time is up.

**Mr Davidson:** This is a timeous debate. I would like the minister to promise to investigate the issues more fully and to come back to the Local Government and Transport Committee with some ideas that show his grasp of the problem, and perhaps with some options and solutions for debate.

17:20

**Fergus Ewing (Inverness East, Nairn and Lochaber) (SNP):** I congratulate Stewart Stevenson on raising this issue. I wish to highlight in my comments the section of his motion that points out that, welcome though the concessionary travel scheme is, it fails to cater for many people in Scotland. The people for whom it does not cater fall into two categories: first, those who have a mobility impairment and cannot access a bus service, either because they cannot walk to the bus stop or because they cannot get on the bus; and secondly, those who live in—largely, but not

exclusively—rural areas, where there is no bus service. That point was put to Tavish Scott at the recent meeting of the Local Government and Transport Committee to which David Davidson referred. It is fair to say that the minister was sympathetic, but his response was that Rome was not built in a day and that another worthy measure was being approved that day. We all agreed with that, but I hope that we can also agree—and that the minister will acknowledge in winding up—that the worthy scheme, welcome though it is, does not deal with those two categories of people.

What can be done? Much is being done. In my constituency, the Badenoch and Strathspey Transport Company, which is run largely by the redoubtable Maggie Lawson, has been in charge of a successful scheme that has operated for a number of years. It is a community car scheme that fills gaps in public transport. It does not seek free car transport, but it wishes continuance of its subsidy so that the maximum fare is, say, £5. At the moment, the maximum fare is £7, which is for medical journeys, but people find that too expensive.

Maggie Lawson has pointed out to me—I hope that the minister will cover this—that such schemes rely on local authority funding. Only four local authorities—Aberdeenshire Council, Moray Council, Western Isles Council and Dumfries and Galloway Council—allow concession-card holders free travel on community transport. Maggie Lawson understands that those four local authorities have agreed to continue funding the schemes using money that the minister has allocated for discretionary concessionary travel, but the discretionary travel budget has not been ring fenced and can therefore be used to provide any council service. That problem is not unique to concessionary travel—it occurs in road maintenance, too—but it is a problem that leaves concessionary transport entirely to chance.

I also point out the growing tendency of people who would formerly have been transported by the ambulance service to be transported by other means which, again, are being provided through other funding arrangements. I understand that a patient transport service—PTS—is seeking efficient government funding to run pilot schemes in which it would arrange patients' transport. The voluntary sector, which would deliver the transport, is concerned that the scheme would be operated by the PTS but funded by others. That seems to be unnecessarily and unduly complicated and I hope that the minister will address that.

Finally, nothing comes for free. The Executive may well ask where the funding will come from. As the minister knows, in my opinion the funding scheme is overgenerous in that the rate of return that the Confederation of Passenger Transport

negotiated in the deal of the century thus far is at the rate of 74p in the pound, whereas previously the subsidy varied from 44p to 60p—a steal, I think the minister will agree. I hope that there will be money left over from that to fund the measures that I have described today. I wait in suspense for the minister's response.

17:24

**Shiona Baird (North East Scotland) (Green):**

Stewart Stevenson is to be congratulated on lodging a motion that resonates with many people who are not often considered. Community transport schemes are the Cinderellas of transport provision. With car culture so ingrained in our lives, it is often not recognised that about a third of the population in Scotland does not have access to a car. Rural areas rarely receive the comprehensive service that suits the needs of everyone in the community, including those who are too young to drive, the elderly and—of course—mentally and physically disabled people of all ages. All are left excluded from local services and access to work and some, in extreme cases, feel imprisoned in their own homes.

Even if the Executive acknowledges the need to invest in greater improvements in public transport in order to address the serious issue of rising CO<sub>2</sub> emissions, many people will still be unable to access the local bus service, however good it is. There is a real need for the Executive to realise that, however welcome the concessionary travel scheme is, it goes only part of the way. I read in an article in *Third Force News* today that the Community Transport Association is urging the Executive to ensure that all eligible passengers have access to an equal level of service provision. The work that Buchan Dial-a-Community Bus does in addressing those issues is invaluable. It provides the sort of individually tailored service that is essential to people who are simply not able to walk to a bus stop even if a service is available. Funding for such services is a constant problem and it concerns me that sufficient recognition is not given to the hidden benefits to the users in their improved quality of life. Being taken out shopping, to the doctor or even just to visit friends can make all the difference for people in respect of their being able to continue to live at home. Getting out of the house is often tonic enough in itself and can relieve the monotony and depression for which medication is often presented as the only solution. All those alternatives relieve pressure on and cost to the national health service.

There is also growing concern about the Scottish Ambulance Service's decision to categorise the medical need for ambulance transport and to leave up to 30 per cent of the non-emergency transport to the community

transport sector. That has meant a considerable saving to the Scottish Ambulance Service, but no thought has been given to the funding of the schemes that now have to pick up the tab for that extra vital work. As Rachel Milne, co-ordinator of Buchan Dial-a-Community Bus, said in an article in the Community Transport Association magazine:

"We have a problem saying no. Our clients wanting trips to hospitals are often the most helpless and needy. I feel the NHS is really taking advantage of us."

Although I appreciate the financial burden that the NHS is under, I would like greater recognition of the preventive work that is the unintended benefit of Buchan Dial-a-Community Bus to people whose mobility is restricted for whatever reason. It would be a useful project for Transport Scotland to investigate fully the valuable role that community transport services such as the Buchan service and the equally long-running innovative service in Angus play in the transport arena. Its starting point should be the Mobility and Access Committee for Scotland and individual groups such as Dundee accessible transport action group—DATAG—that have worked tirelessly to improve access for people who are less mobile.

I am glad to have the opportunity to highlight and thank all those who play parts in such vital projects.

17:28

**Richard Baker (North East Scotland) (Lab):**

I congratulate Stewart Stevenson on securing the debate. I apologise for having to leave early, but I want to take part in the debate because I agree with the sentiments of Stewart Stevenson's motion, particularly that we should congratulate the Banffshire Partnership and the Buchan Dial-a-Community Bus scheme. Their importance has been well highlighted. They are another example of innovative action being taken in Banff and Buchan to address the particular needs of rural communities.

Access to transport is a key concern in rural communities and very important for people who have problems accessing public transport due to mobility problems or age. The Dial-a-Community Bus scheme tackles precisely those problems, which makes it invaluable. Such schemes show the real benefits that have already been reaped over the past years from the Executive's rural transport fund, which should be welcomed, although I acknowledge some of the wider funding issues that should be considered in future.

I also highlight, as Shiona Baird did, the immense contribution that is made by all those who are involved in running the schemes—from the volunteers who started the Dial-a-Community

Bus scheme to those who make the scheme so successful today and contributed to Aberdeenshire Council's A2B dial-a-bus service winning the rural transport award at the Scottish transport awards last year. The value that local communities place in such services is evident from the great fundraising efforts that they make to support them. We should reciprocate and equal those efforts by providing support centrally.

As I worked for Help the Aged, I am keenly aware that lack of access to transport is a significant cause of exclusion in rural communities, particularly for older people. The Executive is trying to address the issue through the rural transport fund. I argue that it is succeeding. We would all like to have more services in rural areas, but the concessionary travel scheme is a great boost for those who use existing services. I hope that we can investigate how to give further support to community bus services through that scheme, which has evolved into a nationwide scheme. I am sure that there is room for further evolution. Because dial-a-bus services are responsive, they are invaluable in addressing issues around people's ability to access the usual bus routes.

I entirely agree that Transport Scotland should examine new ideas to increase access to public transport in rural areas, to ensure that current services are both well used and correctly directed, and to ensure that schemes such as the Dial-a-Community Bus scheme and the Banffshire Partnership continue to be supported. We should be thinking innovatively about these issues.

I recently met representatives of the north-east Scotland transport partnership, which is gearing up for the new structure. I am very confident that NESTRANS is well placed to meet the challenge. The Dial-a-Community Bus scheme shows what can be achieved. It is a success that we should learn from and build on. I am sure that we all agree on those issues across the parties.

17:31

**Christine Grahame (South of Scotland) (SNP):** I am pleased to tell the minister that I have already applied for my nationwide concessionary bus pass. I do not know whether I will get it on time. A parliamentary question about that is on the way to the minister, not on my personal behalf but on that of all the other people who have applied.

**The Minister for Transport and Telecommunications (Tavish Scott):** I can confirm that.

**Christine Grahame:** That is a personal assurance, is it?

I will speak to the second part of the motion, which focuses on rural transport problems—which,

obviously, arise in the Scottish Borders as they do in the Highlands and elsewhere. There might be no bus services after 5 o'clock in the evening, and there are certainly no buses in certain places on Sundays. The connections between bus services will sometimes not be available. I would like the minister to consider, in particular, the possibility of buses that have low-rise access being starred on the timetables—if the minister would listen—so that travellers know that they can transfer between low-rise buses. That is relatively important for people in wheelchairs.

I have asked several times whether the concessionary fares scheme will be extended to the carers of entitled people. There is not much point in a disabled person having a concessionary bus pass if the person who is helping them on to buses with their wheelchair does not have one. The present minister's predecessor was sympathetic on that point. I hope that there will be some movement on it.

I occasionally eavesdrop on the Local Government and Transport Committee—not very often, but sometimes, when its discussions are relevant to my portfolio. I listened to the evidence that was given on this issue. It spawned a series of written questions, which the minister answered last week. We need to make progress, so I will perhaps ask the minister the supplementary questions now, to save me lodging any more. I asked about demand-responsive travel schemes. According to the minister's answer, they are part of the concessionary fares scheme only if they are

“registered as a local bus service”.

I would like that situation to move forward.

The minister does not hold information centrally on figures

“detailing demand responsive transport services available in each local authority.”—[*Official Report, Written Answers*, 6 March 2006; S2W-23391.]

We are now in the computer age. I think that the minister could get his hands on that information.

We learn that community transport schemes are not available under the concessionary fares scheme unless they are “local registered services.” I would like the minister to address that, too.

I asked the minister about

“the numbers and location of people entitled to the national concessionary fares scheme who will be unable to access transport.”

His answer was that

“the Partnership Agreement commitment to assess improved concessions for people with disabilities ... aims to identify the latent demand for transport”.

He continues:

"This research ... is now nearing conclusion and we aim to publish in April 2006."—[*Official Report, Written Answers*, 6 March 2006; S2W-23380.]

We have been talking about a national concessionary fares scheme for five or six years. I am not in a churlish mood tonight, but the minister is dragging his heels, trying to find out now who will be excluded. I hope that we will have that information by April at the very latest.

I am delighted to have the minister's assurance that all of us who have applied for our national concessionary pass will get it in time.

17:35

**The Minister for Transport and Telecommunications (Tavish Scott):** I met officials of the concessionary scheme today, so I can assure Christine Grahame that as long as the application for her card has been received, she should receive the card by the end of next week. I will personally look into where her card is and ensure that it is taken care of.

I thank Mr Stevenson for lodging the motion and for the spirit in which he presented his arguments, which were, as usual, fair and to the point. I join him in acknowledging the role of the Banffshire Partnership and Buchan Dial-a-Community Bus scheme. It is probably one of the most innovative local schemes of its type and one of the best in Scotland.

I ask colleagues to reflect on the thought that, from Edinburgh, we do not know the best way to operate such schemes. I would always argue that local bus or ferry operators or transport users have a better idea than would people working at the centre of what sort of scheme suits Mr Stevenson's constituents or mine, and how to put it together and ensure that it has a sustainable future.

Richard Baker was right to mention the Scottish transport awards. It is fair to reflect that Aberdeenshire Council, and its infrastructure and services convener in particular, received the rural transport award for its A2B scheme, which now operates in Alford, Strathdon, Peterhead and Fraserburgh—and which the council is looking to extend right across the shire, as we now call it. That is no mean achievement for the council and the officials who are no doubt doing the bread-and-butter work to make it to happen.

These successful projects are funded by the rural community transport initiative, which a number of colleagues have mentioned. The initiative is of particular help in more remote areas of Scotland, particularly those where there are no scheduled bus services or where services are

limited. I understand the point that members have made about the nature of providing rural transport. I live on an island where there is no such thing as a bus service and I am acutely aware that we have to consider how to think through policy solutions. I genuinely suspect that such solutions must come from the ground, from those areas themselves, rather than from above.

Some £15 million has been awarded to projects throughout rural Scotland since the scheme was introduced. The projects have played a significant role in reducing the social exclusion that people in those areas face.

The partnership agreement recognised the importance of demand-responsive transport, which a number of members have mentioned, and committed us to supporting enhanced rural demand-responsive transport pilots. During the past three years, we have funded a series of pilots in rural settings. There have been challenges to our ability to meet the need for flexible services. We currently have £3 million funding 13 rural pilots, in partnership with Aberdeenshire Council—which Mr Stevenson highlighted—with Angus Council, with Argyll and Bute Council, with Fife Council and with Highland Council, and there are pilots in urban areas, which Mr Ewing mentioned.

We have commissioned independent research into how those pilots have worked. I will consider that research and how we can expand demand-responsive transport provision and improve accessibility throughout Scotland.

**Euan Robson (Roxburgh and Berwickshire) (LD):** If the minister is looking for ways to extend the concessionary travel scheme to incorporate community buses, could he consider where they link, or could link, to other forms of public transport? That might be a way of beginning an extension of community bus services. It would certainly help areas in my constituency, which are covered by Berwickshire Wheels and Teviot Wheels.

**Tavish Scott:** I understand Mr Robson's point about schemes such as Berwickshire Wheels. We need to encourage such schemes and think about how we can expand them. We must look to the methods and mechanisms that have worked in particular parts of Scotland, such as Mr Robson's constituency, to determine the best way in which to do so.

There has been some discussion of the national concessionary scheme. Every member proclaims that it is the best thing to do and then sets out lots of things about it that should be better, increased, added to or changed. A couple of weeks ago, in the Local Government and Transport Committee, Mr Ewing and I used a colourful phrase that I have forgotten for the moment—it was something about



Rome being built in a day. However, a scheme is in place. I accept that it would be good to do more, but I think that the scheme is an important achievement. By 1 April, when the scheme is up and running, more than 1 million older and disabled people—including Ms Grahame—will travel free on buses throughout Scotland, even during the morning rush hour.

There has not been a steal; there has been a commercial negotiation. I can say to Mr Ewing that, from my previous life, long before I entered politics, I know that, in such a negotiation, both sides do not always get what they want. A commercial negotiation involves coming to a deal that achieves the objective that both parties share. That is what we had to do, as I outlined at some length in the Local Government and Transport Committee meeting a couple of weeks ago.

The motion highlights the inclusion in the scheme of conventional services, which Mr Stevenson talked about. That means that local registered bus services and scheduled coach services throughout Scotland are included in the scheme, including those demand-responsive transport services that are registered local services.

While introducing the new Scotland-wide free bus scheme, we have been sensitive to the need to reach a financial agreement with the Convention of Scottish Local Authorities that ensures that we meet our aim of protecting concessionary travel on other modes of transport, including ferries and rail, and accessible transport schemes such as taxicard, dial-a-ride and shopmobility. As I have said to the Local Government and Transport Committee, we reached a settlement with COSLA—and, therefore, with local government across Scotland—that will protect the grant-aided expenditure that is outwith the normal national concessionary schemes. In that regard, I would like to thank in particular Alison Magee, the convener of Highland Council, who led for COSLA on that issue. It is important to recognise what was achieved in that settlement.

**Stewart Stevenson:** Does the minister accept that, while money is an issue in relation to community transport, it is perhaps more important that the minister and his civil servants find a way of bringing the concessionary travel scheme to the community transport sector so that there is uniformity of access for people who hold the card? That is probably more important than money, although, of course, we will not cease to talk about money as well.

**Tavish Scott:** I recognise the point that Mr Stevenson is making and, in a moment, I will deal with what we can do in the future. However, no minister or taxpayer can ignore the financial

consequences of the national concessionary travel scheme. In the next financial year, this Government is putting £159 million into the scheme. I do not think that anyone should underestimate the financial commitment that we are making.

Shiona Baird mentioned the Buchan community dial-a-bus in relation to patients and others who wish to access health services. There is an agreement with Grampian Health Board and the Scottish Ambulance Service to deliver patient transport. It is not correct to say that they are not funded to do so. The Buchan scheme needs only to provide patient transport service information to ensure that it is funded appropriately.

On the point that Mr Ewing made about community transport, it is not right to say that community transport is dependent on local authority funding alone. Rural community transport initiative funding of up to 75 per cent of project costs applies, so there is considerable help in that regard.

The first two years of operation of the scheme will be critical in building up the evidence base for future reflections on the scheme. I will certainly consider the points that have been made this evening and those that have been made by the Local Government and Transport Committee in recent weeks when I reflect on how we can improve and scope the future shape of the national concessionary scheme.

**Christine Grahame:** Will the minister give way?

**Tavish Scott:** I am just finishing.

This evening's contributions will be extremely helpful in that regard.

*Meeting closed at 17:45.*



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