

MEETING OF THE PARLIAMENT

Thursday 22 June 2006

Session 2

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Scottish Parliament

Thursday 22 June 2006

[The PRESIDING OFFICER *opened the meeting at 09:15*]

Business Motion

The Presiding Officer (Mr George Reid): Good morning. The first item of business is consideration of business motion S2M-4589, in the name of Margaret Curran, on behalf of the Parliamentary Bureau, setting out a timetable for stage 3 consideration of the Local Electoral Administration and Registration Services (Scotland) Bill.

Motion moved,

That the Parliament agrees that, during Stage 3 of the Local Electoral Administration and Registration Services (Scotland) Bill, debate on groups of amendments shall, subject to Rule 9.8.4A, be brought to a conclusion by the time limit indicated, that time limit being calculated from when the Stage begins and excluding any periods when other business is under consideration or when the meeting of the Parliament is suspended (other than a suspension following the first division in the Stage being called) or otherwise not in progress:

Groups 1 and 2: 1 hour

Groups 3 to 5: 1 hour 50 minutes—[Ms Margaret Curran.]

Motion agreed to.

Legislative Programme

The Presiding Officer (Mr George Reid): The next item of business is a statement by Margaret Curran on the legislative programme. The minister will take questions after the statement, so there should be no interventions.

09:16

The Minister for Parliamentary Business (Ms Margaret Curran): Last September, the First Minister outlined to the chamber a legislative programme to take us through to the end of this parliamentary session, in the spring of 2007. As we approach the summer recess, I am grateful to have an opportunity to note the bills that have been passed and those that are in progress, and to advise members of adjustments and additions that we propose to make to the programme.

In the nine months since the First Minister's statement, a whole suite of bills has been passed in the chamber to make Scotland a better place. The Management of Offenders etc (Scotland) Act 2005, the Police, Public Order and Criminal Justice (Scotland) Bill and the Joint Inspection of Children's Services and Inspection of Social Work Services (Scotland) Act 2006 build a safer Scotland and protect the most vulnerable. The Family Law (Scotland) Act 2006 and the Licensing (Scotland) Act 2005 modernise laws for a modern Scotland. The Human Tissue (Scotland) Act 2006 gives reassurance to those who lose loved ones in tragic circumstances. The Housing (Scotland) Act 2006 encourages the private rented sector and protects tenants within it. The Scottish Schools (Parental Involvement) Act 2006 gives more parents the flexibility to decide their involvement in their children's schools. The Environmental Assessment (Scotland) Act 2005 puts us at the leading edge of sustainable government in Europe and the Animal Health and Welfare (Scotland) Bill gives stronger protection to animals from cruelty and harm. Furthermore, we should not forget the implementation of the Smoking, Health and Social Care (Scotland) Act 2005, which has been recognised as the most significant public health measure in a generation.

The legislation that we have dealt with has involved significant work for the Parliament, and members and particularly the committees have played a full role in that work. I record my thanks to the committees for their contributions in the past year and for the contributions that they will make in the coming year.

The Executive is keeping its promises, is in touch with the real needs of the people of Scotland and is delivering on health, crime, education and the environment. However, we want to go further.

An ambitious programme is already before us that is based on a vision of a strong and ambitious Scotland in which opportunities are not only available to some, but are accessible to all Scots, whatever their background and culture. The Adoption and Children (Scotland) Bill will strengthen families and allow more children to have a family of their own. The Adult Support and Protection (Scotland) Bill will protect adults who are at risk of abuse. The Bankruptcy and Diligence etc (Scotland) Bill will strike a balance between debtors and creditors and allow people to get on with their lives. The Criminal Proceedings etc (Reform) (Scotland) Bill will make justice quicker and better, particularly by toughening up on bail. The Legal Profession and Legal Aid (Scotland) Bill will improve the services that are provided by the legal profession and address public concerns about how complaints against lawyers are handled. The Local Electoral Administration and Registration Services (Scotland) Bill, which we will deal with today, will modernise elections. The Planning etc (Scotland) Bill will introduce a quicker and more efficient planning system that has community involvement at its heart. The Crofting Reform etc Bill will expand and safeguard crofting for the 21st century. There is also the Scottish Commissioner for Human Rights Bill. The programme is certainly ambitious, but the Executive still has more to do.

I want to make a number of announcements and intimate to the Parliament a number of adjustments to the legislative programme, many of which aim to make Scotland safer by tackling crime and protecting those in our society who are vulnerable. I will also say something about children, our rural communities and improving the way in which the Parliament deals with transport developments.

I am pleased to say that the Executive will introduce a sentencing bill as a key priority. That bill will be tightly drawn and will focus on two central issues that I know are of keen concern to hard-working families and communities throughout Scotland. First, the bill will introduce measures to end automatic unconditional early release and achieve greater clarity in sentencing so that the public—especially victims—will know exactly what a sentence means. The bill will ensure that offenders will be in no doubt about what will happen to them. Offenders will no longer be automatically released unsupervised into our communities. Secondly, the bill will introduce new measures to restrict the sale of non-domestic knives and swords, about which the Minister for Justice will give fuller details in the near future.

I want to spell out how we will take forward our commitment to replace the existing soliciting offence with an offence that criminalises nuisance or offensive behaviour, whether that is caused by

those involved in prostitution or their clients, as announced in our response to the report by the expert group on prostitution. In other words, the men who use prostitutes will also face prosecution. A short bill will be introduced in this session, provided that committee time can be secured to consider it.

We have considered carefully the issue of aggravated sentences for hate crime and we will issue a formal response in due course to the proposals that have been made by the working group on hate crime. We want to deal with the matter in the wider context of on-going work on consistency in sentencing. A report will be forthcoming from the Sentencing Commission in August.

I am pleased to confirm that, following the Bichard report, there will be a protection of vulnerable groups bill. There is perhaps no greater responsibility than protecting our children, and taking action on the Bichard recommendations therefore demands priority from the Executive and the Parliament. The bill will form part of our commitment to protect the most vulnerable in our society and will complement our wider child protection reforms. Giving priority to the bill has had an impact on our plans to progress proposals to reform children's hearings services, but I will return to that matter later.

The protection of vulnerable groups bill will include provisions to improve protection by preventing those who are unsuitable to work with vulnerable groups from doing so. It will put in place the legislative framework that is required to deliver the new vetting and barring scheme that Bichard recommended and will make other necessary changes to procedures to tighten protection measures further. The provisions will relate not only to those who work with children, but to those who work with adults at risk, in a paid or unpaid capacity. We will seek to make provision about information sharing to protect children at risk, as the First Minister announced earlier this year.

The Executive is committed to a comprehensive package of reforming legislation, but we must also be able to respond quickly and effectively to the needs of our citizens. Members of all parties will have been moved by the plight of those who suffer from asbestos-related disease and their families, and concerned by obstacles that lie in the way of fair damages being awarded. Des McNulty has built on his long record of campaigning on the issue by moving quickly to propose legislation, but time is against him in this session. The Executive will therefore publish an asbestos damages bill to address the issue of relatives' claims so that a choice does not have to be made between claiming while a person is alive and waiting for

them to die tragically, and so that families do not suffer disadvantage as a result.

We are concerned about the implications of the recent Barker judgment in the House of Lords, which might reduce some compensation payments. I am sure that members are aware that the United Kingdom Government has announced its intention of legislating to overturn the ruling, and we remain in close contact with it. We will seek to reverse the ruling by the quickest possible means to ensure that all Scots are advantaged where that is possible, whether through our own bill or possibly by means of a legislative consent motion before the end of this parliamentary session. We will move as swiftly and efficiently as we can.

Following last week's emergency legislation, the Parliament is aware of the unfortunate illness of the Lord President, which has delayed the judges' response to our judicial reform proposals. Moreover, given the Lord President's central role in the plans that were outlined in the consultation paper, it would not be right to proceed without his response. However, I will be crystal clear. We are still firmly committed to placing the Judicial Appointments Board for Scotland on a statutory footing and to carrying out the other proposed reforms. We will publish a bill before the end of the year that will allow an incoming Administration to expedite the process, should it wish to do so. Indeed, the fact that emergency legislation was needed shows that there is a need for appropriate reform.

I am sure that I am not the only person who was pleased to hear Jamie Oliver's praise for school meals in Scotland, but we want to build on that success and we will do so. Accordingly, I can confirm that the schools nutrition and health promotion bill will be introduced as planned. We are determined to turn around Scotland's poor health profile and we want to establish healthy lifestyles in children as early as possible. Our bill will ensure that all food and drink in schools is healthy and nutritious, which will make it easier for children to stick to the healthy options and to enjoy the long-term health benefits that come with that. The bill will ensure that all schools put health promotion at the heart of their activities and will improve take-up of free school meals.

I return to the issue of children's hearings. Last year, we consulted on a programme of reform that will improve children's services and support those who work with children and young people to deliver improved outcomes. The "getting it right for every child" proposals properly place the child at the heart of children's services. We have set out a unified approach, with less bureaucracy and more freedom to get on and respond to children's needs, in line with the Scottish Executive's vision

for children. That means earlier help, with the child getting the right help at the right time for their particular needs. The proposals have received wide support. We want to implement key proposals as quickly as we can, which means bringing about changes in practice and developing the tools and material to support change. Pathfinder projects are developing and refining the approaches, which we will roll out across Scotland without the need for legislation.

However, legislation will be necessary to bring about some changes. I have made clear our intention to legislate on information sharing to protect children at risk and we are seeking to make provision for that in the protection of vulnerable groups bill. Having given priority to a bill to enact the Bichard recommendations, we have decided to consult on a draft bill this autumn with a view to early introduction of legislation on the "getting it right for every child" proposals early in the next parliamentary session, should the incoming Administration wish to do so. In the draft bill, we intend to include provisions to ensure that a robust, modern framework for children's services is put in place and to strengthen and modernise the children's hearings system. Peter Peacock will announce more details later today.

Many members can testify to the demands that have been placed upon the Parliament by the existing private bills procedure, particularly in respect of transport developments. *[Interruption.]* We can hear some of that now. We have made progress in opening new rail lines and there have been record levels of investment, but we know that there is now a need to speed up the parliamentary process to ensure that future transport investment can be implemented more quickly. I am sure that members will be relieved to hear that we will, as planned, introduce the transport and works bill—

Members: Hear, hear.

Ms Curran: I will not be tempted to respond to that. The transport and works bill is intended to bring greater consistency with existing processes for handling development applications, such as those that are applicable to trunk road developments, and to enable the detailed scrutiny of development proposals via a public inquiry or local hearing, to be carried out by persons appointed, on the basis of their qualifications and experience, as independent reporters.

I am pleased to confirm that an aquaculture and fisheries bill will be introduced as planned. The bill will strike a balance for the fish farming industry between prosperity and employment for rural communities and protection of the environment, by providing a backstop for the industry's voluntary code. It will also improve a number of matters for Scotland's many anglers, while protecting freshwater biodiversity.

Finally, I shall mention a bill that has been in development for some time. The Environment and Rural Development Committee is considering its stage 1 report on the Crofting Reform etc Bill, but I wish to record that the Executive has followed with interest and care the evidence on all sides. We await the committee's report and will respond constructively to what it has to say.

This parliamentary session is entering its final stages. Before too long, every member here will need to submit themselves—as they should do in a parliamentary democracy—to the judgment of the people in an election. I have laid out today some of the legislative detail, but I close by emphasising the Executive's aspirations for Scotland and Scots. The Scottish economy is growing. We said that it was our top priority, and the economy has grown above its average rate every year since the previous election. Some people do not like to hear this, but I will say it anyway: gross domestic product grew by more than 1.8 per cent in 2005 and the private sector has grown for 33 months in a row. Since devolution, 170,000 more people are in jobs.

We are tackling crime and overall crime rates are falling. We have been honest about the challenges that we face. Violent crime is coming down and we have created new laws to tackle Scotland's booze and blade culture. Through the Antisocial Behaviour etc (Scotland) Act 2004 and the Licensing (Scotland) Act 2005, we have taken tough action to tackle antisocial behaviour in communities. Through, for example, the Vulnerable Witnesses (Scotland) Act 2004 and the Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005, we have put ourselves on the side of the victim.

Schools in Scotland are going from strength to strength. The attainment of Scottish pupils is improving and standards are being driven up. Our 15-year-olds are among the best performers in the world. Since devolution, attainment has improved. Test scores are up an average of nine points at primary and by 20 percentage points in secondary 2 reading.

Waiting times for hospital treatment are at their lowest levels and survival rates from Scotland's key killer diseases are increasing. We are working to improve Scotland's national health: by banning smoking, through the Smoking, Health and Social Care (Scotland) Act 2005; by providing free fruit in primary schools; and by delivering exemplary standards of nutrition in our schools.

There have been dramatic increases in rates of recycling and renewable energy and there is free travel throughout Scotland for older people. There are new and refurbished schools throughout Scotland and there has been housing investment at unprecedented levels. Child poverty has been

reduced by a quarter as promised and we are on track to end it.

When the election comes, we will be proud to stand on our record of promises kept and trust repaid for hard-working families, and of using the powers of devolution to make Scotland better. We have focused on the needs and priorities of the people of Scotland.

Alasdair Morgan (South of Scotland) (SNP): I thank the minister for the advance copy of her statement, although I had taken the precaution of buying a copy of *The Herald*, which I found to be presciently accurate.

I welcome the sentencing bill, the asbestos damages bill and, as someone who has served on a private bill committee, the transport and works bill. On the Barker judgment and the problems arising from that, the Scottish National Party will seek to assist the Government in getting a solution as quickly as possible. The minister was on weaker ground in the latter part of her speech when she moved from legislation to Government performance overall, but I am sure that we will debate that at length over the next nine months.

In relation to bills promised or required that have not been delivered, I wish to make two points. First, Governments should not announce bills that they cannot deliver. Last September, the First Minister committed to the judicial appointments bill, as did the Government in the partnership agreement in 2003, so it is really not good enough to blame the non-appearance of that bill on the recent judicial illness. That will not wash. Secondly—as the minister would expect of me, I mention this in a consensual manner—there are delays in getting bills to Parliament. The Executive must carry the can for that and be held accountable for it. However, if the minister, who mentioned this twice in her statement, perceives that there is a potential problem once a bill gets to Parliament—we know that both justice committees are overloaded, while other committees are relatively lightly worked—will she undertake to liaise with the business managers to see how the committee structure could better address both the Government's task of getting its legislation through and Parliament's task of scrutinising the Government's performance?

Ms Curran: Like Alasdair Morgan, I shall start on a consensual note. I welcome his approach on the asbestos damages bill. The Executive will look to work with members of all parties to improve the lives of those Scots who are deeply affected by asbestos. We will continue to discuss that.

It is well known—in the Parliamentary Bureau, throughout the parliamentary system and on the coalition benches—that we are attempting to engage constructively with the parliamentary

process so that we can manage the bills that are there. There is no doubt that we are sent by our constituents to work hard in the Parliament—they expect us to do that. I make no apology to my colleagues, a number of whom have had many onerous requests made of them, but that is our parliamentary duty. We, as MSPs, are here to scrutinise legislation; when important legislation is passed, it is important that we do that. I shall take any opportunity I can and liaise with whoever I can to ensure that we improve that process. We all believe in the committee process. We know that it is effective. We know that it produces good results and we would want to do whatever we could to support it. We will happily talk to the SNP about that.

I turn to the less consensual part of Alasdair Morgan's question. It is astonishing that such a nice man as him can stand there and say that what we have done with the proposed judicial appointments bill is shocking, given that he called last week for the bill to be delayed. However, never mind that. Responding to events and recognising the issues that we face is a fundamental part of Government and the key to that is ensuring that we remain focused, that we deliver our programme and that we deliver on the priority needs of the people who elect us. We have laid out exactly that: a coherent programme on which we are still delivering.

Of course we should acknowledge the Lord President's situation and the knock-on effect that it has had. That is why we have taken proper action. It is not as if there is now a vacancy in the legislative programme; we are using the time to introduce the damages bill, so that is not an issue of concern to us. However, in case anyone misses the point, I re-emphasise that we are committed to the policy that lies behind the proposed judicial appointments bill. We will publish a draft bill and move forward with that policy.

Bill Aitken (Glasgow) (Con): I, too, thank the minister for her courtesy in providing an early copy of her statement. Like Alasdair Morgan, I congratulate the press and the media in general on their unerring ability to anticipate the contents of Executive statements.

In the run-up to next year's election, it is accepted that time is at a premium and we will certainly do everything possible to assist in the passage of legislation that we consider beneficial. The proposed transport and works bill will make the committee process more efficient, and we are all acutely aware of the suffering of those who have mesothelioma and a limited life expectancy. We look forward to scrutinising the Criminal Proceedings etc (Reform) (Scotland) Bill very carefully to see that its content will achieve what is suggested.

We are pleased that the judicial reform proposals are not to proceed in the meantime. That might allow wiser counsel to prevail in respect of legislation that has the potential to damage the independence of the judiciary. We note, however, that the proposed sentencing bill will proceed. Perhaps the minister will confirm that, irrespective of so-called supervision, it will still be possible for someone who is sentenced to four years to be released after two years and, indeed, that the measures would enable someone who is serving six years to be released after three years, as opposed to the existing four years. That demonstrates that the purpose of the proposed legislation is to empty prisons and is nothing to do with public safety.

The First Minister (Mr Jack McConnell): What did the Tories do in 1993?

Bill Aitken: The First Minister highlights the fact that the more often a lie is told, the more readily it will be believed. He knows that the Conservative Government introduced legislation in 1993 and then corrected it to revert to the previous position, which remained until his Government scrapped it. That is the fact of the matter, of which the First Minister is well aware.

The Executive says that it is proud to stand on its record. Does the minister accept that we in the Conservative party look forward to the election with much greater confidence and prospects of success than she has? On every recent test of public opinion, Scottish voters have made their judgment very clear. They want an Executive that will put reality before hype, and achievement before the smoke and mirrors of the present bunch. In one year, when Annabel Goldie is sitting in that man's seat, we will have an Executive that Scotland can be proud of and which can claim very real achievements.

Ms Curran: Who could say that legislation is dry when Bill Aitken is talking? He could not even keep his own face straight. I thank him for a good laugh; it is a good way to start the morning. The prospect of the Tories returning to power in Scotland, apart from being fantasy, does not bear thinking about. We remember 1993 and what the Tories did in relation to automatic early release; that is the problem.

I will be absolutely clear. The reform of sentencing that Cathy Jamieson, the Minister for Justice, has proposed, is one of the most comprehensive packages of reform, which will deliver safety and solutions. The Tories do not appreciate that we are trying to solve the problem of crime in Scotland. We are not trying to deal with one part of it without worrying about the consequences—that is what a Tory Administration did to Scotland and how it blighted communities through automatic early release. The Tories do not

seem to appreciate that it is now possible for prisoners to be kept in, whereas a Tory model would allow them out of prison and into communities unsupervised. Now, for the first time, there will be a robust system that will give communities the safety and protection that they need. Sentences and their conditions will be clear and communities will understand them. Judges will have many more powers to deal with sentencing.

I appreciate Bill Aitken's remarks about supporting us on the damages bill and the transport and works bill. However, that is all that he could say about our raft of reforms on criminal justice, health and education. The Tories' lack of vision and policy in this area is striking.

If we wait long enough, bizarre things happen in Scottish politics. I heard Kenny MacAskill quoting Tony Blair positively the other night because he recognises what the sentencing bill will do and that the Executive is trying to tackle crime and its causes. That is exactly what the bill will do. I expect that we will never persuade the Tories to adopt that policy, but at least Kenny MacAskill is persuaded.

Chris Ballance (South of Scotland) (Green): I welcome several of the proposals, particularly on the improvement of nutritional standards in school meals and the transport and works bill.

However, there is agreement that climate change is the most important challenge that we face today, and yet there has been nothing in the Executive's legislative programme to address the issue despite strong public concern and cross-party support for back-bench legislation on climate change, home energy efficiency and microrenewables. Does the minister agree that it is high time that the Government took a clear political lead on climate change? Why has there been nothing in this Government's legislative programme to improve Scotland's awful record on energy efficiency? Will the Executive now support green proposals for legislation on climate change, microrenewables and home energy efficiency?

Ms Curran: I disagree with Chris Ballance. He asked whether the Executive would give a clear political lead on issues associated with climate change and that is exactly what we are doing. The answer is not to produce one piece of legislation; change has to be actioned across a raft of policy areas. Whether it be the work that we have done in housing with the warm deal, energy efficiency and the home efficiency packs—I think that I have that name right—or the work that has been done on recycling, or the variety of work that is being done by Rhona Brankin and Ross Finnie, we are taking Scotland forward. We have delivered on our far-reaching recycling targets and we are committed to renewables targets; we have a comprehensive package of policies.

There is now much greater awareness of the challenge of climate change. We have gone to enormous lengths to ensure that the general populace are much more aware of it. We have worked with local authorities to ensure that they can meet our targets. We have a far-reaching waste strategy. That is what needs to be done to tackle climate change. We do not produce one bill and just tick it off on a list when it is done. Action is required on all fronts and that is what the Executive is doing.

Tommy Sheridan (Glasgow) (SSP): I hope that the whole Parliament will get behind the proposed damages bill and that it will right the wrong that has been done to asbestos victims. I welcome that proposal.

I will, however, challenge the minister on three other matters. Does she accept that the Executive has made very little progress on tackling the scourge that is child poverty in Scotland? Will the minister state for the record when the Executive intends to end child poverty?

Does the minister admit that most people in Scotland realise that the Executive has failed to provide high-quality social rented housing and will she commit the Executive to increasing the number of homes in the social rented sector that will be available to the hundreds of thousands of Scots who cannot gain access to decent housing?

The council tax keeps many pensioners and ordinary workers in poverty. The minister has said nothing about whether there will be a revaluation as part of the Executive's scheme to keep on the council-tax bandwagon. Will she rule in or rule out a revaluation as part of the maintenance of the unfair council tax, or will she do what the majority of Scots want her to do, which is to announce that the council tax will be scrapped and replaced with a fairer income-based alternative?

Ms Curran: I am pleased to see that Tommy Sheridan is back on form in the chamber, although I do not know whether that pleasure is shared by all his colleagues. I genuinely welcome his comments on the damages bill and again pay tribute to the work that Des McNulty has done, which I am sure is acknowledged by members of all parties. Des McNulty has championed that cause and has ensured that the Executive has responded to, and is in touch with, many asbestos victims. That is a credit to Parliament.

I will deal in reverse order with the other substantive issues that Tommy Sheridan raised. He knows fine well that a finance review is under way and that we will respond appropriately when it has been concluded. It is clear that the arguments that he has advanced on abolition of the council tax do not have much support, are not robust and have not been thought through. When the Local

Government and Transport Committee considered Mr Sheridan's Council Tax Abolition and Service Tax Introduction (Scotland) Bill, it did a thorough job and came to firm conclusions.

On housing, I find Tommy Sheridan's audacity staggering. He has opposed every measure that we have taken to improve investment and standards in social rented housing and to provide new housing throughout Scotland. Mr Sheridan and I are both representatives of Glasgow, where the programme that has been undertaken will result in £4 billion of investment. He has opposed us at every step of the way, so he must forgive me if I accept no lectures on social housing from him.

There are organisations of repute throughout Scotland and the United Kingdom that acknowledge what we have achieved on child poverty and recognise that we are making steady progress on meeting our target of ending it within a generation. We have worked in partnership with the UK Government and we have been honest about what we have achieved. In the world of the Scottish Socialist Party, Tommy Sheridan might think that it is possible to abolish poverty overnight simply by agreeing to a motion or passing legislation, but the rest of us know that the situation is not quite like that.

We will deliver genuine and sustained change for the people of Scotland. Through our actions, we will reduce health inequality, and through our investment in public services we will improve standards for people who are at the lower end of the educational opportunity ladder. Day by day, we are making improvements. Poorer people suffer disproportionately from crime and antisocial behaviour, so we are taking action in those areas. If one asks all the organisations that work in the field what they think we should do to tackle poverty, they invariably come up with a list of the things that we are doing. Child poverty is addressed not through slogans and ultra-left politics, but by real and sustained action that meets the needs of the people concerned.

John Swinburne (Central Scotland) (SSCUP): I thank the minister for providing an advance copy of her statement and I congratulate her on the many meaningful advances that have been made in Scotland for which the Executive has been responsible, not least of which is the progress that has been made on compensation for asbestos victims, thanks to Des McNulty's efforts. As a 17-year-old apprentice, I worked in the shipyards. Inside the ships, asbestos fell like snow—workers went home white with asbestos, looking like snowmen. I thank Des McNulty for campaigning on the issue and I thank the minister for taking action.

Sadly, no specific mention was made of new measures being taken in the remainder of the

present parliamentary session to improve the situation of the 20 per cent of pensioners who live below the Government's poverty level. Surely it is time to explore the possibility of Parliament's obtaining fiscal autonomy for Scotland, especially as we read that Gordon Brown has promised to spend billions on upgrading Trident at a time when pensioner poverty—for which he is responsible—is still a reality in the United Kingdom, which is one of the richest economies in the world.

Ms Curran: I thank John Swinburne for his reference to the proposed damages bill and for articulating what it was like to work in the shipyards, where asbestos was commonly used. We will work with him closely as we progress the bill.

I emphasise that a great part of our work has resulted in significant change in the lives of pensioners throughout Scotland. It is right that we pay attention to our older citizens and ensure that they are a priority. Our free travel scheme is one of the most noteworthy measures that we have taken for pensioners, but our work on housing and the central heating programme has also benefited them greatly. It is through systematic change that we can improve people's quality of life.

Statistics show that the gap between the poorest pensioners and the richest pensioners is decreasing and that we are getting more pensioners out of poverty. The UK Government has said that improving the lives of the poorest pensioners is its key priority, but the Executive wants to improve the lives of all pensioners, which is why we have taken the action that we have taken.

Scott Barrie (Dunfermline West) (Lab): I am sure that all members will welcome the plans to legislate following the Bichard report. As the minister said, there is no greater responsibility than that of protecting our children and other vulnerable people, so it is perhaps understandable that the proposed reforms of the children's hearings system have had to be postponed. Is the Executive still fully committed to establishing a system that is fit for the 21st century? Does the minister expect that a bill that will achieve that aim will be introduced soon after the May 2007 elections?

Ms Curran: I can confirm that the Executive is fully committed to carrying out the modernisation and reform that are wrapped in with the proposals on children's hearings—Peter Peacock will talk about the detail of that. As I said in my statement, we will go ahead with the underlying work and the non-legislative changes that will be required to ensure that when legislation is introduced, its impact can be felt swiftly.

Margaret Smith (Edinburgh West) (LD): I thank the minister for her statement and echo many of her sentiments on the Executive's achievements to date. I welcome the proposals to introduce a damages bill, a sentencing bill, a protection of vulnerable groups bill and a schools nutrition and health promotion bill. However, I ask the minister to take back to her colleagues the issue of nutrition. Although our work in schools has been a success, we should consider such matters in the context of the whole public sector. Our work in schools should be the first stage in a process of improving nutrition in all the buildings over which we have control, including hospitals and prisons.

Another achievement has been our investment in public transport, which has been a record both in absolute terms and as a percentage of transport spending. I spent 34 months serving as a member of the Waverley Railway (Scotland) Bill Committee and I share the frustration of many people that the proposed investment has been delayed as a result of Parliament's private bills process, so I warmly welcome the proposed transport and works bill.

However, I have concerns about the delays that were mentioned in the statement. I know that the minister has a personal commitment to protecting the most vulnerable members of our society, so I am slightly disappointed that we do not have a cast-iron guarantee that action will be taken on sentences for aggravated hate crimes and that there will be another consultation on the children's hearings system. I seek an assurance from the minister that we will move quickly to bring to fruition the work on those two extremely important issues for the most vulnerable people in society.

Ms Curran: Margaret Smith raised a substantial number of issues. Her initial point was about widening our consideration of nutrition—I understand that Andy Kerr is consulting on that at the moment. There is certainly a commitment to addressing Margaret Smith's underlying point and we are considering how that can be done. I would be happy to give the member more details on our plans, if she wishes them.

Every member of the Waverley Railway (Scotland) Bill Committee talks about the 34 months that they spent on the committee—I am now so familiar with the figure that it is embedded in my consciousness. I record our appreciation of the committee's efforts; its experience has led us to try to improve the entire public works bill process. Again, I am grateful to members in all parts of the chamber for their comments on how we should progress the transport and works act.

Margaret Smith's comments on hate crime perhaps portray the Executive in a more critical light. She was involved in many such issues in the previous session of Parliament. I genuinely

understand the issue of hate crime and why it became significant to Parliament, and I understand the underlying impulse to tackle forms of violence that are completely unacceptable in our society. However, in producing new categories of aggravated offences, we must be careful that we do not at the same time undermine the system. We could create a range of offences that would lead to inconsistency in sentencing; for example, there is the possibility of being unable to find the right category of offence. If the category of aggravated offences is to be used, sentencing needs to be comparable. We need to ensure that the matter is sent to the Sentencing Commission for Scotland when it considers consistency in sentencing.

I reassure Margaret Smith that the recommendations of the working group on hate crime are being responded to. That work is under way in the victim information and advice service, through a variety of different means that we are using to support vulnerable adult witnesses and through a variety of other issues that came out of the working group on hate crime report. I also reassure her that the work that we are taking forward will ensure that we get the result that all of us want to get. There is no lessening of our appreciation of the reality of hate crime, the dreadful impact that it can have on people's lives and what it tells us about the kind of society in which we live. We want to challenge that.

The Presiding Officer: I ask for shorter questions and answers from now on.

Stewart Stevenson (Banff and Buchan) (SNP): I invite the minister to agree that we should try to work more cleverly as well as harder. In that context, will the minister look again at the current position of the Scottish Commissioner for Human Rights Bill? The bill supports an objective that is shared by almost all in Parliament, but it will deliver only the spending of money but nothing for individuals. The Executive could spend the money and we could deliver human rights by other ways. Will the minister consider whether it is appropriate to retain the bill in a legislative programme that already has 10 bills, all of which are approximately at stage 1?

Ms Curran: The Executive said that it would bring forward the Scottish Commissioner for Human Rights Bill and that is what it has done. We will continue to take forward that bill. The approach that we have taken has been constructive; we listened to the issues that the Justice 1 Committee raised. We have also broadly listened to the evidence that the Finance Committee is taking on the governance of commissioners more generally and we will listen when Parliament responds to that committee's recommendations.

We have some sympathy with some of the issues that have been raised, but we want to ensure that we have a sensible governance structure and that we are sensible in the approaches that we take. We are looking to lodge amendments at stage 2 of the Scottish Commissioner for Human Rights Bill that will address the issues that Parliament raised in the stage 1 debate. That is the constructive approach that the Executive is taking.

We have been clear about the policy commitments that we want to introduce and we will legislate on them where we are required to do so. However, when Parliament has criticisms and offers alternative ways forward, we will listen and take action appropriately. When we get to stage 2 of the bill, Stewart Stevenson will see some of the responses that we have made.

Pauline McNeill (Glasgow Kelvin) (Lab): From the statement that the Minister for Parliamentary Business has made, it is clear that we have done a lot, but still have much to do.

I declare an interest as a member of the Routes Out of Prostitution board. Does the minister agree that it is right that we should examine prostitution closely, particularly as it affects women? Many of the women who turn to prostitution are discriminated against in the law, whereas men are not. Given that Parliament has not had a debate on the report of the expert group on prostitution and that some of the issues the minister addressed have not yet come before us, can she assure me that issues will come before the chamber for parliamentary debate before they go straight to committee?

The minister quite rightly told some of us in the chamber this morning that she expects us to work hard; we expect nothing less of Margaret Curran. Will she further assure me that in the closing months of the parliamentary session the important bills that we will have before us—the damages bill and other bills, which all of us welcome—will have the highest quality of scrutiny? As parliamentarians, we need to ensure that we continue, as we have done before, to pass a high number of bills of the highest quality.

Ms Curran: Pauline McNeill makes substantial points; in fact, she has raised them with me before. I know that Pauline McNeill wants, as convener of the Justice 1 Committee, to ensure that the committees properly undertake their scrutiny role and their role of holding the Executive to account. I know that that view is supported by other conveners. Committees need the time and support to do that and the Executive needs to ensure that we get the balance right. I will continue to engage with conveners and parliamentary officials to ensure that we try to achieve that. I do not need to exhort members such as Pauline

McNeill to work hard; they do that without any encouragement.

However, as I said, Pauline McNeill raised substantial points. I know the work of the Routes Out of Prostitution project. The point that she made on prostitution is a reasonable one; the report has not come to the chamber for debate. We need to give some attention to that. There are many significant and complex issues around the bill that we hope to introduce. We want to engage with people on the best way of finding the appropriate time for the parliamentary debate and scrutiny that will ensure that the issues are tackled properly.

I return to the point that Pauline McNeill made on the emphasis that we need to give to the committees in their scrutiny role. We will work very hard to ensure that that happens. We will engage with committees to do that.

Mr David Davidson (North East Scotland) (Con): I remind the minister that we on the Conservative benches welcome some bills. However, before we come to a final opinion on a bill, we like to see the quality of the drafting and the influence that it will have on our people.

The minister will recall that the stage 3 debate on the Licensing (Scotland) Bill was a bit of a pantomime, to put it lightly. I am very surprised that the legislative programme does not include a revisiting of that legislation, given that that was suggested at the time. We need to get that legislation finished off properly—as everyone remembers, the bill's passage was a bit of a shambles at the end.

I turn to committee time, on which I welcome the minister's words. In taking constructively what Alasdair Morgan said, and given the fair old build up and logjam of bills in the last months of this session of Parliament, should not we do away with non-essential debates? That would allow more committee time and give more clerking support to committees to enable them to do the job that the minister has set before them.

Ms Curran: I would never dismiss out of hand any proposal that would allow the committees to do their work and due parliamentary process to be undertaken. However, I balk immediately at the idea that we should not have proper debates in the chamber. A strong principle of parliamentary democracy is that we take debates to the chamber, which is the primary arena of parliamentary democracy.

I accept David Davidson's point about committees. We want to ensure that they have the full time that they need to do their work, so we have brought forward and refined the legislative programme with exactly that principle in mind. We knew that it was important not to say that we

would introduce bills that we could not deliver through the parliamentary process, either because the committees did not have time to scrutinise them or we could not find the appropriate time in the chamber. We refined the process for that reason; that was the genesis of the programme that we have brought to the chamber today.

We have to be honest about the fact that we are not doing the children's hearings bill; other priorities have overtaken it. We cannot cut corners in terms of the appropriate parliamentary time that we need for legislation. I hope that I have given David Davidson some reassurance.

David Davidson is also the convener of a hard-pressed committee. More generally, I would be happy to talk to him about how we will manage the process throughout the coming year. The legislative programme is demanding and members will be very hard pressed to fulfil their responsibilities, but they have risen to that challenge before and it is possible for them to do it again.

On the passage of the Licensing (Scotland) Bill, we know the procedures that will help us to examine the matter. Again, we need to ensure that Parliament gets the wee bit of extra time that it needs, if extra time is required. The issue is more about that than it is about what David Davidson described. That said, we need to ensure that procedures are used appropriately to empower members to discharge their duties. I will continue to work with members in that regard.

I do not doubt that the Conservatives scrutinise the quality of bills or that that is how they arrive at their judgments of support. I reassure David Davidson that if quality is the main criterion for judgment, we will not disappoint.

Susan Deacon (Edinburgh East and Musselburgh) (Lab): I am sure that the minister would be the first to agree that, in and of itself, legislation is not a panacea. In the particularly important area of child protection, I seek reassurance from the minister that every effort will be made to ensure that regulation and legislation do not inadvertently discourage or obstruct good work in our communities. Will the Executive ensure that there is a proportionate approach to risk in that context? In the vital area of information sharing, will the Executive take steps across ministerial portfolios and departments to ensure that in addition to changes to statute there will be changes in culture, systems and practice? Will the management and leadership be put in place in our public services so that those changes can be made?

Ms Curran: I agree strongly with Susan Deacon that legislation is not a panacea, but I am sure that she appreciates that the changes in culture and

practice for which she calls cannot easily or quickly be made. However, there is a desire throughout the Executive, led by the First Minister, to achieve such changes and to ensure that governance in Scotland is sensitive to people's experience—especially vulnerable people's experience—and to the challenges that people face. There is also a desire to ensure that our regulatory regimes are fit for purpose and that they are empowering rather than limiting. The devil can be in the detail in such an approach, so it is important to ensure that we do not inadvertently cause difficulty. However, I reassure the member that in day-to-day work throughout the Executive the sensitivity to which I referred is being applied to decision-making structures and to approaches to design and implementation of policy. We take the matter seriously and are working on it.

Mr Stewart Maxwell (West of Scotland) (SNP): On the proposed schools nutrition and health promotion bill, the minister said that the Executive would ensure that all food and drink in schools is healthy and nutritious. How will the Executive deal with the contracts that local authorities have signed with companies that sell soft drinks or provide vending machines that supply unhealthy food, about which members are concerned? How can we get round the tendering process, particularly given European rules and regulations, so that schools can be allowed to source healthy and fresh produce locally for the children who attend them?

Ms Curran: I am sure that Stewart Maxwell noticed that in my statement I cleverly said that Peter Peacock would deal with certain issues, although I grant that I was not referring particularly to the detail of issues that Mr Maxwell raised. In all honesty, it would be more appropriate for Peter Peacock to address such matters and we will ensure that the member receives detailed answers to his questions.

As far as I am aware, Scotland is one of the few countries—if not the only country—in which there is no direct advertising for Coca-Cola in schools, which demonstrates our commitment.

Des McNulty (Clydebank and Milngavie) (Lab): The reputation of Parliament is enhanced when we do the right thing: the Executive is doing the right thing in introducing an asbestos damages bill and reversing the House of Lords judgment. On behalf of asbestos victims and their families, I congratulate the Executive on the announcement that injustices will be remedied. In particular, I thank the Deputy Minister for Justice, Hugh Henry, for listening so carefully to what campaigners said about damages. *[Applause.]*

Can the minister give us more information on how quickly she will move on the two issues? I acknowledge that the issues are complex, but now

that we have said that we will deal with those injustices, it is important that we do so as quickly as possible.

Ms Curran: I thank Des McNulty for his remarks. As I said, I hope to receive an indication of cross-party support and to be able to brief party representatives on how we will proceed. We can move forward on proposals on one aspect of the proposed asbestosis damages bill and I will be happy to meet Des McNulty to take that work forward.

On the slightly trickier issue of the possible legislative consent motion—the timescales make it tricky—we must ensure that Parliament's interests are protected and that we maximise the opportunity that is presented by the UK Government's apparent determination to legislate. It is not appropriate to give Des McNulty more specific details at this stage, but I reassure him and other members that I am working hard to ensure that Scots have the opportunity to benefit from legislation as quickly as possible. We will attempt to create the means for that to happen within days rather than months, if we can. If I can win cross-party support for our proposal, I hope to come back to Parliament before the end of the session with an indication of how we will take the proposal forward.

Local Electoral Administration and Registration Services (Scotland) Bill: Stage 3

10:10

The Deputy Presiding Officer (Murray Tosh): The next item of business is stage 3 proceedings on the Local Electoral Administration and Registration Services (Scotland) Bill. Members should have the bill as amended at stage 2—SP bill 52A—the marshalled list, which contains all the amendments that have been selected for debate, and the agreed groupings of amendments.

The division bell will sound and proceedings will be suspended for five minutes before the first division. The period of voting for that division will be 30 seconds. Thereafter, the voting period will be one minute for the first division after a debate, and all other divisions will be 30 seconds.

The Deputy Minister for Finance, Public Service Reform and Parliamentary Business has taken his seat, so we will begin.

Section 6—Access to election documents: supplementary

The Deputy Presiding Officer: Group 1 is minor amendments. Amendment 1, in the name of the minister, is grouped with amendments 4 and 9 to 11.

The Deputy Minister for Finance, Public Service Reform and Parliamentary Business (George Lyon): Amendments 1, 4 and 9 to 11 are technical amendments. Section 26(2) applies the definitions of terms in the Representation of the People Act 1983 to the same terms when they are used in part 1 of the bill. Section 50(2) applies definitions of terms in the Registration of Births, Deaths and Marriages (Scotland) Act 1965 to the same terms when they are used in part 2 of the bill. We took that approach to achieve consistency. In light of that approach, however, two definitions in the bill are unnecessary and a reliance on the definition of some terms would not produce the right result. The amendments will therefore make the necessary adjustments.

I move amendment 1.

Amendment 1 agreed to.

Section 24—Translations etc of certain documents

The Deputy Presiding Officer: We move to group 2. Amendment 12, in the name of Maureen Watt, is grouped with amendments 13 to 15.

Ms Maureen Watt (North East Scotland) (SNP): Amendments 12 to 15 would add consistency to the bill's provisions on the supply of explanatory documents. Although the bill provides for sufficient information in different formats to be available to people who vote in person in polling stations, it does not extend the provision of such information to postal voters.

As politicians know, there has been a marked increase in postal voting in recent years as political parties have realised that voters do not just dash to the polling station every time an election takes place. Many more people work away from home than used to and they understand the benefits of postal voting. All members should want to include as many people as possible in the democratic process but, currently, many of the most vulnerable and marginalised people feel excluded from the process to such an extent that they do not go to polling stations to vote.

My amendments would extend the provision of documents that assist in voting to people who opt to vote by post. I am sure that members agree that if more relevant supporting information were provided with ballot papers—which people could peruse at home, in their own time and at their own pace—the democratic process would be enhanced. Such an outcome could be achieved simply by adding to the application for a postal vote a box that people could tick if they want extra assistance. By enshrining such an approach in the bill, we would enhance the credibility of politicians and the political process.

I am pleased that the Electoral Commission has given its full backing to amendments 12 to 15. In the light of that, I hope that the minister will be encouraged to agree to them.

I move amendment 12.

George Lyon: Section 24(2) of the LEARS bill replicates provisions in the United Kingdom Electoral Administration Bill and provides for returning officers and their staff to display or give to voters election documents that are required by legislation. Documents may be provided in Braille, in languages other than English, through graphical or audio representations, or by other means.

The United Kingdom bill also amends parliamentary election rules to allow returning officers to issue, on request, alternative formats of the directions and guidance that are currently sent to postal voters with their ballot papers. The alternative formats are translations into languages other than English or versions in Braille, graphical or audio formats, and other formats. We propose to make equivalent changes to the Scottish local government election rules. As with other changes to the rules, they will be dealt with in secondary

legislation rather than in the bill, to allow for flexibility in fine-tuning procedures.

10:15

Amendment 12 would not alter the fact that sections 24(2) and 24(2A) apply only to documents that are required or authorised under the 1983 act. Amendment 12 is an unnecessary clarification, as it would not apply to documents that are not already covered by those provisions. I therefore ask Maureen Watt, with the assurance that I have given her, to withdraw amendment 12.

We understand the purpose behind amendments 13 to 15 and we support ways of making the voting process easier and more accessible to a wider range of voters. However, in practice, amendment 13 would mean that all guidance that was given to postal voters—not just the direction and guidance that are required by statute—would have to be provided in alternative formats where necessary. That potentially would place a burden on individuals and groups that do not have the means to comply with such a requirement. In addition, it would mean inconsistent practice at elections in Scotland, as the requirement would apply only to local government elections.

The bill is concerned with the provision of information for voters that is required by statute rather than a wider range of information about local government elections, which may be provided to voters by a number of sources. We are already committed to providing the information that is required by statute in different formats for both postal voters and voters who cast their votes at polling stations. I hope that, with that reassurance, Maureen Watt will not move amendments 13 to 15.

Ms Watt: I thank the minister for his remarks. Given that he has made it quite clear that the information will be in the supporting documentation, I seek to withdraw amendment 12.

Amendment 12, by agreement, withdrawn.

Amendments 13 to 15 not moved.

After section 24A

The Deputy Presiding Officer: Group 3 is on the power to make regulations as to the preparation of special lists and records and so on. Amendment 2, in the name of the minister, is the only amendment in the group.

George Lyon: The proposed new section provides a power to make regulations on the procedures for drawing up special lists and records in connection with the conduct of local government elections. The purpose of the amendment is to ensure that ministers have a

power to make provisions for the procedure to be followed in preparing special lists relating to absent voting. Regulations that are made under the power will be dealt with under the negative resolution procedure.

I move amendment 2.

Amendment 2 agreed to.

Section 25—Miscellaneous amendments

The Deputy Presiding Officer: Group 4 is on the content of orders under section 3(1) of the Local Governance (Scotland) Act 2004. Amendment 3, in the name of the minister, is the only amendment in the group.

George Lyon: Amendment 3 is a technical amendment that has been lodged as a consequence of comments that were made by the Subordinate Legislation Committee. Its purpose is to make it clear that not every order that is made under section 3(1) of the Local Governance (Scotland) Act 2004 must include provisions of the kind that are set out in section 3(2) of the act, which deals with the calculation of votes using the single transferable vote system. If an order that is made under section 3(1) of the 2004 act does not include provisions for the calculation of votes, it will be subject to the negative procedure; if it does, it will be subject to the affirmative procedure.

I move amendment 3.

Amendment 3 agreed to.

Section 26—Interpretation of Part 1

Amendment 4 moved—[George Lyon]—and agreed to.

Section 34—Indexing of registers and provision of registration information

The Deputy Presiding Officer: Group 5 is on the notice of registration events to third parties. Amendment 5, in the name of David McLetchie, is grouped with amendments 6 to 8.

David McLetchie (Edinburgh Pentlands) (Con): The purpose of amendment 5 is to remove the provision dealing with the notification of registration events to third parties. Amendments 6 to 8 are consequential to amendment 5.

In its stage 1 report, the Local Government and Transport Committee stated that it was

“not persuaded that the private sector notification provisions in the Bill would add value for the customer using the service.”

It invited further explanation from the minister in advance of stage 2. At that stage, it was suggested that the rationale for the provision was that it would provide a means for secure

notification of an event, such as a death, by a registrar to a bank or insurance company, thereby reducing the possibilities of fraud and forgery. The Executive was asked to provide evidence as to the level of fraud or forgery arising from the falsification of death certificates and other certificates, but it conspicuously failed to do so.

This is another classic example of the Executive proposing a solution to a problem that does not exist. It is a bit like the ban on fur farming. Why does the Executive insist on solving problems that do not exist? Because it is a heck of a lot easier than solving problems that do exist.

We were told that the service would be of value in facilitating the administration of estates, especially in relation to bank accounts with relatively small credit balances and insurance policies from which the policy proceeds are relatively small, but that is simply not true. As I said in the debate on the same amendments at stage 2, that view arises from a confusion on the part of the Executive between, on the one hand, the process of notification of a death and, on the other hand, the establishment of entitlement on the part of the executors or beneficiaries of a deceased person's estate. The two are not one and the same.

Conventionally, an executor or next of kin—with or without the assistance of a solicitor—will notify a bank or insurance company of the deceased's death by providing an extract death certificate. At the same time, they will obtain from the bank or insurance company the appropriate claim forms for completion by those who are entitled—legally or beneficially—to the assets. In the case of very small estates, it may be possible to dispense with a grant of confirmation in favour of an executor; in the case of large estates, however, that will always be necessary. All of that requires direct correspondence and contact between the bank or insurance company and the executor or beneficiary. That will be required whether the bank or insurance company is notified of a death directly by the registrar or, as at present, by conventional means.

The proposed service will save nothing in time or administrative expense. It will be of little or no value for the simple reason that notification of itself establishes nothing. I speak from 30 years' experience of administering the estates of deceased persons in Scotland. Not all of them were Tories, although it sometimes feels like it.

Why, then, does the Executive insist on this singularly useless service being provided to members of the public at the expense of the public? The answer lies in another provision in the bill, which requires registrars to provide a free abbreviated death certificate to an applicant. At the moment, full extract death certificates are not

provided free of charge: they cost £8.50 each. The provision of a free abbreviated version that can fulfil many of the same purposes will result in a loss of revenue to registrars—a concern that was expressed by several councils in their written submissions on the bill. However, the proposed third-party notification service is one for which a fee will be charged, which has yet to be specified. Accordingly, it is one means by which registrars could recoup the revenue that they will otherwise lose.

We should be mindful that members of the public who are not familiar with the processes that are required to establish entitlement to funds on a death will buy into the service believing that it will achieve far more than it will. In other words, the public will be conned into buying a service of dubious benefit to replace the loss of revenue to registrar services that councils run. We should not pass laws on that basis.

Nothing that the Executive said at stages 1 and 2 made a convincing case for the provision. I will be surprised if the minister's comments are any more enlightening or persuasive than they were at those earlier stages, but I await them with interest.

I move amendment 5.

George Lyon: I am delighted that Mr McLetchie declared his interest of many years in the matter.

Amendments 5 to 8 revisit an issue that was discussed in detail at stages 1 and 2; it comes as no surprise that it should re-emerge at stage 3. The amendments seek to remove the provisions that would allow third parties to be notified of events electronically at the customer's request as an alternative to the use of paper extracts.

David McLetchie: Will the minister please tell me where in the bill it says that it is mandatory for that notification to be made by electronic means?

George Lyon: I said that it was an alternative that the customer could use. I was clarifying that.

David McLetchie: No, no. Where does it say in the bill that the registrar must provide the service electronically?

George Lyon: I am saying that the service—

David McLetchie: It does not.

The Deputy Presiding Officer: Order. Members must speak through the chair.

George Lyon: I am saying that the service will be an alternative that the customer will have to request. That is clear. At stage 2, Mr McLetchie sought to make a similar amendment, for which there was no support. Indeed, when we consulted on the matter, the Law Society of Scotland agreed that the proposal would be useful. On the other hand, Mr McLetchie takes the view that the new

optional service would serve no purpose in dealing with insurance companies because executors would still have to correspond with the deceased's insurance company. However, as I explained during the debate at stage 2, the executor is not always the family solicitor and the provision does not apply only to the insured.

We should remember that the less well-off who have to deal with family bereavement and the winding up of small estates are likely to benefit from the provisions. The proposals provide for a new, optional service that is expected to be convenient for the customer, significantly cheaper for the customer than acquiring the paper extract and beneficial for businesses that want to move away from expensive, labour-intensive paper-based systems. It will be for the customer to decide whether the service is of use to them, and we should not deny them that choice. It seems strange that Mr McLetchie and his party say that we should seek to deny customers the choice of what type of system to use and how they correspond on the matter, so I ask that Mr McLetchie withdraw amendment 5 and not move amendments 6 to 8.

David McLetchie: I asked the minister twice where in the bill it states that notification that a registrar gives must be made by electronic means but, on both occasions, he declined to answer. The reason for that is that the bill does not require the registrar to provide the service by electronic means, as there is nothing to do with electronic communication in the bill.

Bruce Crawford (Mid Scotland and Fife) (SNP): Proposed new section 39A(6) of the Registration of Births, Deaths and Marriages (Scotland) Act 1965 states:

"For the purpose of subsection (1) above",

which is the provision with which we are concerned,

"notice shall be given—

(a) in such form as may be prescribed".

Is it not entirely possible that the Executive might prescribe on the issue of the electronic format?

David McLetchie: Of course it is, but the minister makes great play of the idea that the bill will, of itself, provide for electronic communication of the information. I am simply pointing out that that is not mandatory but a possibility. That goes to the heart of the matter.

The minister said in his reply that the provisions will benefit the less well-off. That is complete and utter nonsense that betrays a total lack of understanding of the administration of estates. It also ignores the fact that, as has been said many times in the Parliament on debates on new

technology, the less well-off have the least access to modern means of electronic communication. It is a curious inversion that that is now called upon in aid of the bill's provisions.

10:30

We are not debating whether we are for or against electronic communication. We are not debating the less well-off and the better-off. Nor are we debating whether people should administer estates by going to the bank or insurance company themselves or by consulting a solicitor and using their services to do so. We are debating whether there is utility in a single, tiny aspect of the administration process being communicated directly by the registrar for a fee as opposed to being done as part of a package of administrative measures by the applicant, a family member or the solicitor whom they have engaged.

We must bear in mind the fact that, if somebody is to establish entitlement to funds or assets, not only will they have to certify that a person is dead, but they will have to complete a claim form to establish beneficial or legal entitlement and, for larger estates, that will have to be accompanied by a certificate of confirmation. At present, none of those claim forms or confirmation documents can be transmitted electronically from one place to the other. That is the fact of the matter. We are introducing a step that will be of no avail to people who administer estates and will save them no money at all because it is only a tiny part of a process that the Scottish Executive clearly fails to understand.

We are told that the provision will lead to efficiency gains for insurance companies and banks. It will not, because, before an insurance company that is told electronically that Mr X is dead will pay out the policy proceeds, it will still have to get the claim forms and confirmation certificates from the deceased person's executors and relatives. Those documents have to be matched up before a bank or insurance company makes any payment to the person who is entitled to it, so there will be no efficiency gain at all.

I have no doubt in predicting that, when people in a distressed state go to a registrar's office to register the death of a family member, they will be told that the registrar can notify the banks and advise the insurance companies and that it will save them time and money, but they will be sadly disappointed. Those people will not understand the processes of ingathering and administering an estate—not unnaturally, because of the emotional situation in which they find themselves—and they will be conned into buying something that they do not need. If the whole process—applying for and exhibiting confirmation, completing claim forms and paying proceeds directly to bank accounts—

could be conducted electronically and that was feasible for the commissary service, the insurance companies and all the banks, the proposal would make sense. However, standing on its own, it certainly does not.

Ms Watt: I do not want to take on Mr McLetchie on all the legal aspects that he is going into, but does he accept that the first certificate allows the body to be released so that relatives can bury the person? All the other things that he is talking about to do with winding up estates can be done later. There are situations in which people do not have any money to hand to get the death certificate in the first place.

David McLetchie: Maureen Watt is rather confusing the situation. The process of obtaining a death certificate for the purposes of conducting a funeral service is completely different from the measure that is under discussion. The process for dealing with a funeral is that, having registered a death, the relative gets a medical certificate from the registrar, obtains a doctor's certificate and takes those to the undertaker. There is no suggestion in any of the measures that the minister has proposed that there will be electronic communication of that, so we are talking about two completely different processes.

Today, we heard from the minister no more sensible explanation of the justification for the provision than we heard at stages 1 and 2. The Executive has been scratching around to find a justification for the measure but, one by one, its justifications have been knocked down at stages 1, 2 and 3.

I commend my amendment 5 to the Parliament.

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

Members: No.

The Deputy Presiding Officer: There will be a division. As I intimated earlier, there will be a five-minute suspension while the division bell is sounded.

10:35

Meeting suspended.

10:40

On resuming—

The Deputy Presiding Officer: We will now proceed with the division.

For

Aitken, Bill (Glasgow) (Con)
Baird, Shiona (North East Scotland) (Green)
Ballance, Chris (South of Scotland) (Green)
Ballard, Mark (Lothians) (Green)

Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)
 Brownlee, Derek (South of Scotland) (Con)
 Byrne, Ms Rosemary (South of Scotland) (SSP)
 Curran, Frances (West of Scotland) (SSP)
 Davidson, Mr David (North East Scotland) (Con)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Fergusson, Alex (Galloway and Upper Nithsdale) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Johnstone, Alex (North East Scotland) (Con)
 McLetchie, David (Edinburgh Pentlands) (Con)
 Milne, Mrs Nanette (North East Scotland) (Con)
 Petrie, Dave (Highlands and Islands) (Con)
 Scott, Eleanor (Highlands and Islands) (Green)
 Scott, John (Ayr) (Con)
 Sheridan, Tommy (Glasgow) (SSP)

AGAINST

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)
 Canavan, Dennis (Falkirk West) (Ind)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marilyn (North East Scotland) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Gordon, Mr Charlie (Glasgow Cathcart) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Lyon, George (Argyll and Bute) (LD)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 Maclean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 May, Christine (Central Fife) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)

Radcliffe, Nora (Gordon) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Scott, Tavish (Shetland) (LD)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Swinburne, John (Central Scotland) (SSCUP)
 Wallace, Mr Jim (Orkney) (LD)
 Whitefield, Karen (Airdrie and Shotts) (Lab)

ABSTENTIONS

Adam, Brian (Aberdeen North) (SNP)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Grahame, Christine (South of Scotland) (SNP)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Mather, Jim (Highlands and Islands) (SNP)
 Maxwell, Mr Stewart (West of Scotland) (SNP)
 McFee, Mr Bruce (West of Scotland) (SNP)
 Morgan, Alasdair (South of Scotland) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 Robison, Shona (Dundee East) (SNP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Watt, Ms Maureen (North East Scotland) (SNP)
 Welsh, Mr Andrew (Angus) (SNP)

The Deputy Presiding Officer: The result of the division is: For 22, Against 62, Abstentions 18.

Amendment 5 disagreed to.

Amendments 6 and 7 not moved.

Section 42—Civil partnership procedure: miscellaneous amendments

Amendment 8 not moved.

Section 47—Keeping of central register for health and local authority purposes

Amendments 9 to 11 moved—[George Lyon]—and agreed to.

The Deputy Presiding Officer: That ends consideration of amendments.

10:42

Meeting suspended.

11:40

On resuming—

Question Time

SCOTTISH EXECUTIVE

General Questions

Flood Alleviation Schemes

1. Richard Lochhead (Moray) (SNP): To ask the Scottish Executive what average percentage contribution it makes to the cost of flood-alleviation schemes that it funds and whether the rules for grant eligibility are available in writing. (S2O-10258)

The Deputy Minister for Environment and Rural Development (Rhona Brankin): From 1 April 2004, the rate of grant was increased from 50 per cent to 80 per cent of the grant-eligible expenditure incurred by local authorities. The rules on grant-eligible expenditure are available in writing.

Richard Lochhead: I am sure that the minister will appreciate that, even when 80 per cent of the cost of a scheme is funded by central Government, local authorities still face enormous financial challenges. That is especially true in Moray. The prospect of receiving only 70 per cent—as happens in other schemes elsewhere in the country—has set alarm bells ringing. If that happened, the financial hole left in Moray would be even bigger.

Will the minister issue up-to-date guidance to Moray Council on what expenditure is eligible, and what is not eligible for central Government funding? Will she review the eligibility of many of the expenses that local authorities incur when putting flood-alleviation schemes together? Is she aware that this is just one of many issues for which her co-operation will be required to ensure that thousands of my constituents never again have to face the devastation of local flooding? I hope that she will discuss the issue with me and others.

Rhona Brankin: I want to make it clear that grants of 80 per cent are available for grant-eligible expenditure. The issue then arises of how to define grant-eligible expenditure. In some cases, it has been difficult to identify which costs are grant-eligible expenditure.

I understand that, on 12 June, officials had a useful meeting with Moray Council regarding the eligible fees for the recently completed Lhanbryde scheme. If the council can provide appropriate documentation in support of claims for grant for certain special studies, that will be allowed. This is

a complex matter. Moray Council is a relatively small council with huge challenges in terms of flood alleviation.

A summary guide is available. We are also in the process of producing more detailed guidance for local authorities. We would be happy to meet Richard Lochhead in his capacity as the new MSP for Moray, in order to go over some of these complex issues.

Euan Robson (Roxburgh and Berwickshire) (LD): I am grateful that the minister met Scottish Borders Council, which is another small council with severe flooding difficulties. Is the minister saying that it is better to find out what expenditure is eligible for grant before undertaking that expenditure, or is she saying that it is better to seek reimbursement of expenditure that has already been undertaken? Which is preferable?

Rhona Brankin: The best advice that I can give is for the council to work closely with Executive officials. This is a complex matter and we are in the process of updating guidance.

Roads (Haudagain Roundabout)

2. Richard Baker (North East Scotland) (Lab): To ask the Scottish Executive what progress it is making on the development of a strategy, in partnership with Aberdeen City Council, to address congestion at the Haudagain roundabout. (S2O-10284)

The Minister for Transport (Tavish Scott): The Haudagain roundabout traffic study, which was completed in August 2005, is now subject to the Scottish transport appraisal guidance process. The work is closely linked to the regeneration of Middlefield and local consultation will take place later in the summer. We will continue to work closely with the north-east Scotland transport partnership and Aberdeen City Council to complete this work.

Richard Baker: Does the minister agree that an integrated approach is required in order to tackle congestion in Aberdeen, and that improvements are urgently required at the Haudagain roundabout? The roundabout is a key pinchpoint for congestion. Will the minister assure me that the plans for improvement that he has outlined will be put in place expeditiously?

Tavish Scott: I accept Richard Baker's point that this particular roundabout is causing congestion in Aberdeen. I understand that it runs at about 25 per cent over capacity at peak times. That clearly creates difficulties for the movement of traffic around the city.

Working with NESTRANS and Aberdeen City Council, I will ensure that we make speedy progress on the study and on the next stage of the

STAG process—which I am sure that Mr Baker would expect us to undertake in relation to the expenditure of public money.

Mr David Davidson (North East Scotland) (Con): The Haudagain roundabout is on a trunk road. We appreciate that we will have the Aberdeen western peripheral route, which will be funded mostly by the Executive, but the roundabout is still an Executive responsibility. Will the minister give an assurance that the Scottish Executive will fund the major part of the works on the roundabout once a decision has been made?

Tavish Scott: As I said in response to Richard Baker, we will consider the matter closely with Aberdeen City Council and NESTRANS, which is chaired by Councillor Alison McInnes from Aberdeenshire Council. We will ensure that, once we have completed the STAG process, those issues are addressed properly. I assure Mr Davidson and Parliament that the matters are under active consideration.

Vandalism (Glasgow Springburn)

3. Paul Martin (Glasgow Springburn) (Lab): To ask the Scottish Executive how many acts of vandalism have been detected in the Glasgow Springburn constituency in the last three years. (S2O-10300)

The Deputy Minister for Justice (Hugh Henry): The Scottish Executive does not collect information centrally on incidents of vandalism at constituency level. In the city of Glasgow as a whole, in the three-year period 2002-03 to 2004-05, there were 45,790 recorded incidents of vandalism, reckless damage and malicious mischief.

Paul Martin: Perhaps the Executive could consider collecting statistics at a constituency level. Does the minister agree that it is appalling that vandalism costs Glasgow more than £10 million a year and that we need a more creative approach to detecting and successfully prosecuting vandalism through the use of closed-circuit television systems and covert operations? Does he agree that vandalism is as important as crimes such as drugs incidents and that the police should treat it seriously?

Hugh Henry: It is not for me to tell chief constables how they should deploy staff operationally—the chief constable in an area decides on relative priorities. I know that Paul Martin is not trying to do this, but I do not want to minimise the significance of the damage that is caused by drug dealing. However, Paul Martin is right to highlight the insidious way in which vandalism affects a community's morale, brings down the look of a place and destroys the fabric of

life in a local area. He is therefore right that vandalism needs to be tackled.

We have increased fixed CCTV capacity in Glasgow, with contributions from Glasgow City Council and the Executive, and we have increased the number of mobile units. I have seen such units in operation, so I know that they are successful and can contribute to tackling vandalism. Glasgow City Council has rapid response units to tackle the consequences of vandalism in certain areas. If we can maintain the fabric in an area, we can keep up morale and, I hope, deter further vandalism. Paul Martin is right that everybody must take seriously the need to tackle vandalism head-on and to ensure that the perpetrators are caught and that they pay a relevant price, including being made to reverse some of the damage that they have caused.

The Presiding Officer (Mr George Reid): Duncan McNeil is not present to ask question 4.

Broadband (Access)

5. Mr John Swinney (North Tayside) (SNP): To ask the Scottish Executive what plans it has to extend access to broadband. (S2O-10262)

The Deputy Minister for Enterprise and Lifelong Learning (Allan Wilson): We have already supported a £16.5 million contract that has extended broadband access to 378 remote and rural telephone exchange areas. In doing so, we have fulfilled our commitment to bring broadband coverage to every Scottish community. We are currently working with independent technical advisers to examine remaining broadband access problems and any possible solutions. We will define our approach to that later this year.

Mr Swinney: The minister will be aware that I have raised on several occasions with the Minister for Enterprise and Lifelong Learning the difficulties that are faced by residents in my constituency who live significant distances from exchanges that have been enabled for broadband. To ensure that all households have reasonable access to broadband, will the minister agree to investigate the schemes in Northern Ireland and some remote areas of England through which the Government supports the installation of satellite equipment as a joint venture with local communities? We should ensure that that technology is used appropriately to expand access in geographically challenging locations.

Allan Wilson: I give John Swinney the commitment that we will continue to work with those communities and with our technical advisers to extend the reach of broadband. As the member knows, we have been enormously successful in fulfilling our commitments on the matter. It is important to consider developments elsewhere.

The member mentioned a project in Northern Ireland, which we would be pleased to consider. However, it is important to differentiate the problems that exist here from those in Northern Ireland. We have 378 non-commercial broadband exchanges, while Northern Ireland has only two. Provision has been made for local enterprise companies to facilitate access to broadband through satellite for businesses that have difficulty with that. It would be an important extension of that if we could do the same for the households that are currently beyond reach. As I said, we will define our propositions on that later this year, in accordance with our timetable.

Maureen Macmillan (Highlands and Islands) (Lab): The minister may be aware that in some areas in the Highlands that are not considered to be remote, such as the Black Isle, Strathpeffer and Ardross, people have difficulty accessing broadband. I believe that Executive civil servants have been considering that issue with a view to providing broadband. We expected to have word on that this spring but, so far, nothing has happened and I am once again receiving letters from constituents asking what progress has been made.

Allan Wilson: As I explained to Mr Swinney, we will define our approach shortly. As promised, a technical report has been produced and we are actively discussing its findings. However, the issue is complex and technical and we must take into account all the relevant considerations, including the scope for BT to resolve a few of the network issues that currently inhibit broadband access. Those technical issues are under consideration. As I said, we will define our proposals later this year.

Primary Care Services (Linlithgow)

6. Mrs Mary Mulligan (Linlithgow) (Lab): To ask the Scottish Executive what investment has been made in primary care services in the Linlithgow constituency. (S2O-10310)

The Minister for Health and Community Care (Mr Andy Kerr): In Linlithgow, NHS Lothian provides funding in support of two general practitioner practices—one single-handed GP and an eight-doctor practice—three high street opticians, four dental practices and two community pharmacies. Those services received funding in excess of £4 million in 2005-06. Between 2004-05 and 2005-06, the funding increased by 36 per cent for the GP practices and, for dental and ophthalmic services, by 6 per cent and 25 per cent respectively. Funding for the community pharmacy dispensing services remained stable at approximately £2 million each year.

Mrs Mulligan: I thank the minister for those figures. I know that he shares my interest in the

delivery of primary care services. Yesterday, I met several community psychiatric nurses in my constituency who deliver invaluable services to people with dementia. Those nurses have concerns about the age profile of their profession. How is the Executive addressing the recruitment and retention of primary care staff, be they health visitors, district nurses, physiotherapists, occupational therapists or CPNs, so that people can receive the services that they need when appropriate in the community?

Mr Kerr: In addition to the services that I outlined, I am sure that the member is aware that the local community health partnership has a team of six district nurses, three health visitors, three treatment room nurses, a nursing auxiliary, a phlebotomist and two administrative and clerical staff, all of whom are dedicated to the Linlithgow area. That shows the physical emphasis on the localisation of care. It is also my understanding that services that are currently provided at St John's hospital, such as physiotherapy, fall prevention, speech and language therapy and dentistry, are being considered actively with the aim of driving them closer to communities.

On the question of staff, I can reassure Mary Mulligan that we are now much more engaged in workforce planning in our national health service. Regional and local plans have been received that allow us to envisage the service of the future, as we have done through "Delivering for Health", and to align resources, not just for nurses and doctors but for all health care professionals, at university and in training. In that way, we can ensure that we support those in training and those qualifying for the jobs that will be needed. The workforce plan includes taking account of the age profile of the current workforce, so that we can predict the future workforce requirements of the health service.

Community Health

7. Mark Ballard (Lothians) (Green): To ask the Scottish Executive how it supports community health projects and community health initiatives across Scotland. (S2O-10278)

The Deputy Minister for Health and Community Care (Lewis Macdonald): We provide core funding to NHS boards, which includes support for health promotion and health improvement initiatives, and their health improvement targets are scrutinised as part of the boards' annual reviews. Funding for community health projects is made available by NHS boards, along with local authorities and other partners, in the context of community joint health improvement plans, allowing local community partnerships to agree on local priorities and on the delivery of appropriate services.

Mark Ballard: Is the minister aware of the situation on the ground for community health projects? The six Glasgow projects in the west of Scotland community health network are currently experiencing cuts in funding to the extent that they are facing closure, and funding to support voluntary sector participation in the health improvement initiative in Fife will disappear in six months' time. Does he recognise the growing crisis faced by community health initiatives in the whole of Scotland, and will he consider examining the financial situation of those organisations in his discussions with NHS boards?

Lewis Macdonald: I do not recognise Mr Ballard's description of a national crisis, but I do recognise that it is appropriate for local authorities, local health boards and other local partners to make decisions about priorities, about where they make investment and about where that investment can make the greatest difference. If Mr Ballard takes a different view from that taken by the organisations that are responsible for those decisions in his community, it is to those organisations that he should make his views known.

Mr Charlie Gordon (Glasgow Cathcart) (Lab): Is the minister aware that I have written to Greater Glasgow and Clyde NHS Board asking it to emulate Glasgow City Council by grant funding Castlemilk health project, which does excellent health promotion work in the community, especially among children? Will he encourage a positive response from that health board?

Lewis Macdonald: I am aware of the good work that is done in Castlemilk in promoting better health in the community. Mr Gordon has taken the right course in raising his views with NHS Greater Glasgow and Clyde, and I encourage him to continue to do that. All health boards have to make decisions on the basis of the evidence that is before them, and I would expect them to take into account evidence of a successful and effective project.

Tommy Sheridan (Glasgow) (SSP): Does the minister agree that, given the differing views on the crisis in community health partnership funding, he should, at the very least, order a review? Like Charlie Gordon, I have written to NHS Greater Glasgow and Clyde about the withdrawal of funds for such things as the community hospital transport project in Castlemilk. It is clear that such projects make a real and tangible difference to people on the ground, but it is also clear that there is a crisis in the funding of those projects. Will the minister agree to order a review?

Lewis Macdonald: I do not accept the characterisation of crisis put forward by Mr Sheridan and Mr Ballard, although I recognise that there are issues to be addressed. As Charlie

Gordon has said, some community health projects have made an enormous difference over the years and will no doubt make their bids for future funding on that basis. It is right that those decisions are taken at local level. That is the nature of the arrangements that we have in place, and I think that that is the right way for such decisions to be made.

Roads (A82)

8. Dave Petrie (Highlands and Islands) (Con): To ask the Scottish Executive whether it will provide a progress report on the commitment to upgrade the A82 Tarbet to Inverness trunk road. (S2O-10259)

The Minister for Transport (Tavish Scott): Since I announced a number of initiatives on the A82 following the completion of the A82 route action plan review, progress has been made on the more immediate schemes. Consultants have been commissioned to take forward the design of a new western bypass for Crianlarich. We are also in the process of appointing consultants for the pulpit rock improvement on Loch Lomondside. Orders have been issued to Scotland TranServ to review the sites identified by the route action plan relating to accident-prevention sites, the lay-by and picnic areas and local carriageway restrictions. A detailed report on the issues that implementation raises for each site should be submitted to Transport Scotland at the end of July.

Dave Petrie: The minister will be fully aware of my particular concern about the section of the road from Tarbet to Inverarnan. Bearing in mind the extensive consultation over the past 20-odd years, does the minister agree that an early start—within the next two years—is perfectly feasible? Does he further agree that, in the spirit of fitness for all, cycleways should be included?

Tavish Scott: I agree on the latter point. We endeavour to invest in cycleways, which is why this week we announced additional funding for Sustrans, the cycling promotion body, in relation to Loch Lomondside and other areas of Scotland. In relation to the process of the schemes themselves, we will certainly develop them as quickly as we can, given the road orders and other measures that have to be taken into account, as with all projects of this scale.

First Minister's Question Time

12:00

Cabinet (Meetings)

1. Nicola Sturgeon (Glasgow) (SNP): To ask the First Minister what issues will be discussed at the next meeting of the Scottish Executive's Cabinet. (S2F-2373)

The First Minister (Mr Jack McConnell): This is a welcoming country, in which violent crime has been reducing and in which our football fans are a source of pride rather than embarrassment. It is entirely unacceptable for any individual, of any nationality, to be attacked in this country because of the football shirt that they are wearing. The Parliament sends out that clear message today.

The next meeting of the Cabinet will of course discuss issues that are important to Scotland.

Nicola Sturgeon: I join the First Minister in condemning the despicable actions of a minority in this country. Their behaviour should not be allowed to reflect on the reputation of the vast majority of decent people in Scotland.

I draw the First Minister's attention to the concordat agreed between Scottish ministers and the Secretary of State for Defence, which requires Scottish ministers

"to consider any proposals for ... the exercise of powers by the UK Government that may have an impact on ... Scotland."

I am sure that we would all agree that a decision to site a new generation of Trident nuclear weapons on the River Clyde would have an impact on Scotland. Is the First Minister for or against replacing Trident?

The First Minister: The easy answer in these situations would, as ever, be yes or no, but the issue requires a considered opinion. It is no secret to the chamber that in the late 1970s and early 1980s, I enthusiastically supported unilateral action by the United Kingdom to reduce its nuclear deterrent, in order to bring about improvements in an international situation that was at best worrying and at worst terrifying, as the cold war continued. As the Reagan and Gorbachev years took effect and as the international movement for nuclear disarmament had an impact, we saw a reduction in the nuclear stockpile internationally. I believe that that was the right time to change and to take the approach that it was right to take part in international negotiations.

I see a very important decision facing the United Kingdom in the year or two ahead. I agree absolutely that people in Scotland should have an opinion on that issue and I welcome the UK

Government's commitment to a debate on the issue. I hope that that debate is informed and sensible—on the one hand, without committing ourselves automatically to a new generation of nuclear weapons but, on the other, without taking unilateral actions, in advance of the international situation and our analysis of it, that would remove the UK from international negotiations and reduce our influence at a time of potentially increasing tension on the nuclear issue worldwide.

Nicola Sturgeon: Sometimes it is right, on issues of great moral importance, for a leader to say yes or no—to say which side he is on. I remind the First Minister that last night Gordon Brown made it clear which side he is on. He supports the replacement of Trident nuclear weapons on the Clyde. We know that a decision will be taken over the next few months about whether to spend up to £25 billion of taxpayers' money on a new generation of nuclear weapons. There should and will be a massive public debate about this issue. I ask the First Minister which side of that debate he starts from. Does he agree with Gordon Brown that we need new nuclear weapons or, like many in his party, will he oppose new weapons of mass destruction on the Clyde?

The First Minister: I am on the side of the people of Scotland and good security for our country. If we are exchanging views on policies here, I am happy to point out that that is not the side taken by the Scottish National Party, whose policy of withdrawing from NATO and from the United Kingdom armed forces and reducing the number of bases and support for the armed forces in Scotland would have a devastating impact on our country's security. The people of Scotland are well aware of that.

On the specific issue of nuclear weapons, I agree that there should be a debate—that is the UK Government's official position. I will certainly take part in that debate.

We do not know whether it will be confirmed during the next six months that the Iranian Government is preparing to move towards having its own nuclear weapons or deterrent. We also do not know whether the North Korean Government will test nuclear missiles during the months ahead. However, we know that the UK faces a decision on replacing its nuclear deterrent. That decision must be made in view of the international circumstances at the time. I do not have a preconceived view of what that decision should be, but it should be made in the interests of the security of the UK and Scotland and to give us the maximum impact that we can have in international negotiations to reduce the worldwide stockpile of nuclear weapons and their proliferation in new or emerging states.

Nicola Sturgeon: Would we not be much more credible in preaching non-proliferation to Iran and North Korea if we were not deciding to upgrade our own nuclear weapons? Has the First Minister not dodged the question again? I remind him of the recent newspaper interview where he said that the First Minister of Scotland must speak up on issues for which the Scottish Parliament is not responsible but which have implications for Scotland. He said:

"I will ... not hold back."

Will the First Minister live up to his promises? Will he come off the fence and tell us where he stands on this very important issue? Does he think that Trident mark II will be a good use of £25 billion of taxpayers' money or does he, like me, think that that money would be much better spent on schools, hospitals and pensions?

The First Minister: I stand for the security of Scotland within the United Kingdom, and for a proper response from and the participation of the United Kingdom in international negotiations to reduce the proliferation and stockpiling of nuclear weapons. Ms Sturgeon might take the easy route of withdrawing from having any influence or participation in those discussions, but Scotland, through the United Kingdom, has an important role to play in those international negotiations. The way in which the decision is made might just have an impact on nuclear proliferation and on our ability to control it and to ensure that the world is in a better situation rather than a worse one. That is why we should make a considered judgment.

I will speak out on this issue, but I will do so with the full facts at my disposal, in view of the international situation and the analysis of how it might develop. I have mentioned two uncertainties that exist in the world right now, and Ms Sturgeon should take account of them. The SNP's policy of withdrawing from NATO and ensuring that Scotland is no longer part of the British armed forces and loses personnel, bases, power and influence would threaten the security of Scotland. That policy should be under examination here, just as the right decision should be properly examined by politicians in this Parliament, by the people of Scotland and the rest of the UK and by the British Government.

Nicola Sturgeon: I will take no lectures from a party that has axed more than 2,000 Ministry of Defence jobs in Scotland since it came to power. Is it not the reality that while the First Minister waits and prevaricates, Gordon Brown and the debate are moving on? Is it not also the case that most people in Scotland, including many of his own Labour colleagues, believe that there is no moral, economic, military or legal case to be made in the modern world for putting new Trident missiles on the Clyde? Is it not a shame that we

do not have a First Minister who has the courage to stand up and say that? Is it not a shame that we do not have a First Minister who is prepared to speak out for Scotland and Scotland's interests?

The First Minister: I hope that the people of Scotland are reassured that they have a First Minister who takes the issue seriously, who is prepared to examine the evidence, who wants to influence international negotiations and who wants to make the right decision rather than one who gets a cheap headline on day one of the debate. I intend to take the issue seriously. If Ms Sturgeon thinks that putting under threat MOD jobs in Scotland—6,000 jobs are dependent on MOD contracts and 25,000 people in Scotland are directly employed by the MOD—and the £1.5 billion that is spent on defence in this country is the right thing to do for the security of Scotland, she is wrong and the Scottish National Party is wrong, as has been proved time after time by the people of Scotland in elections.

Let me be clear on the specific issue that Ms Sturgeon raises: I do not believe that the conclusion to the issue that is under debate is clear at this stage. I believe strongly that it is important to assess the international situation, to examine the threats that are posed to that situation and to make a decision on whether to proceed with a new generation of British nuclear weapons on the basis of an analysis of how it would be best to reduce the proliferation of nuclear weapons and the size of the nuclear stockpile. The decision should be made on that basis and, in my view, on that basis alone. That is my sole criterion. When I express a view on the matter, I will so with only that objective in mind.

Prime Minister (Meetings)

2. Miss Annabel Goldie (West of Scotland) (Con): To ask the First Minister when he will next meet the Prime Minister and what issues they will discuss. (S2F-2374)

The First Minister (Mr Jack McConnell): I have no plans to talk to the Prime Minister over the next week, but if I do, one of the issues that we will discuss will be the United Kingdom's positive attempts to deal with the impact of the Barker judgment, which was discussed in this morning's statement on the legislative programme. I take the opportunity to thank both main Opposition parties and others for indicating that they will help us to take action on behalf of people in Scotland who are suffering from the impact of exposure to asbestos.

Miss Goldie: I hope that when the First Minister meets the Prime Minister, he will pass on to Mr Blair Scotland's condemnation of the shameful, mindless and brutish acts of thuggery that were committed when two vulnerable individuals were

attacked simply for supporting the England football team. I hope that the First Minister will tell the Prime Minister that the overwhelming majority of Scots are tolerant, kindly and open-minded people who are horrified and nauseated by such appalling incidents. Will the First Minister update us on what is being done to track down the perpetrators of those crimes to ensure that they are properly dealt with through the criminal justice system?

The First Minister: As ever, it is difficult for me to talk about individual cases, but I can be clear about a number of things. First, I will certainly pass on Annabel Goldie's view—which I am sure is the unanimous view of everyone in the Parliament—that the acts to which she refers are disgraceful and should be condemned and that they should be acted on by our forces of law and order. I believe that if it can be proved that the acts were racially motivated, that should be the basis on which any charge is applied, but it would be wrong of me to comment on the specific circumstances until they have been properly investigated and the culprits have been identified and—we hope—eventually charged.

We would all want to back the police force and ultimately—I hope—the procurators fiscal in the areas concerned to ensure that they send out a clear signal in Scotland and elsewhere that those individual acts run against the trend of a reduction in violent crime in Scotland, the positive atmosphere that surrounds our football supporters and the enjoyment that everyone is taking in the world cup, regardless of their perspective. We want it to be emphasised that over recent years Scotland has been a welcoming country, not just to people from elsewhere in the world but to people from England in particular. Today we send out a clear message that many more English people will be welcomed. The increase in our population is largely due to the fact that people have come here from elsewhere in the UK. They are welcome here and they will be for years to come.

Miss Goldie: I thank the First Minister for his response and was glad to hear it.

The attacks in question bring shame on Scotland, create a negative image and are a sad illustration of the attitude of a minority of the population. The fact that a grown man was able to attack a seven-year-old boy in a park in the middle of the afternoon without fear of apprehension is a sad indictment of our justice system. Does the First Minister accept that that is another indication of the crisis in our justice system, in which only 145 police are on the beat at any one time and three out of four crimes are not even reported to the police? Will he say what action he is taking to increase the police presence on our streets and in our parks and communities?

The First Minister: First, I express regret that Annabel Goldie's subsequent question may have divided the unity in the chamber on the issue. That said, I am happy to join the debate.

Of course, the figures that Annabel Goldie quotes are largely wrong and there are far more police officers on the beat in Scotland than she says there are. As everybody knows, there are also increasing numbers of police officers in the community in Scotland and, in many areas, those officers are backed up by community wardens. There are officers who are working very creatively to maximise their presence in their local community. They are doing so not only by being on the beat and by having the support of community wardens but by using new transport methods such as bicycles. Following her activities of yesterday, I understand that Miss Goldie may have an interest in bicycles.

In taking the actions that we have taken over the past three years to reform our criminal justice system, the Government has done more than almost any Government before us to ensure that more police officers in Scotland are focused on tackling crime and that our justice and prosecution service is more able to ensure that those who are caught are properly dealt with. There has been a huge improvement in the efficiency of our courts. That can be seen in the reduction in the time that is wasted not only by witnesses and victims but by individual police officers; the time wasted by police officers has reduced massively. They used to have to sit around courtrooms waiting for cases to be heard when they could have been out on the beat—that is where they are now. There has been a huge increase in the number of support staff, who were put in place to take away from police officers all the bureaucracy and administration that they had to do. Officers are now available to go out and do the job that they signed up to do, and to be effective with it.

Those are significant measures and they are making a difference. The strongest message that we can send out is not that we will put an individual police officer in every individual park in Scotland on the off-chance that one day an individual might attack a seven-year-old boy, however despicable that act might be. The real action that we need to take is to ensure that we change the culture of our society. That is why the Antisocial Behaviour etc (Scotland) Act 2004 is so important. At its core, it tackles that culture of disrespect and intolerance. The Tories should be ashamed of having fought it all the way.

David McLetchie (Edinburgh Pentlands) (Con): That is a downright lie.

Miss Goldie: Not for the first time, I have to bring the First Minister to book, because my party

supported the Antisocial Behaviour etc (Scotland) Bill in the Parliament.

In fact, the figure of 145 police on the beat to which I referred is extracted from an Executive document, "Narrowing The Gap—Police visibility and public reassurance—Managing public expectation and demand". Although, as the First Minister said, there may be more recruited police officers in Scotland, wherever they are, they are not walking the streets.

As the First Minister knows, operational policing matters are decisions for chief constables and politicians should not interfere in them. However, does he accept that the current policing policies that are favoured by chief constables are in conflict with the public's demand for more police on our streets and on the beat? Does he further accept that it is only by making the police more accountable to the public, regularly publishing community crime statistics and directly electing the conveners of police boards that policing will begin to reflect the needs and demands of the public?

The First Minister: Even if Miss Goldie does not remember it, all members on the Executive benches remember the opposition that she, Mr McLetchie and others put up to our drive to tackle antisocial behaviour in Scotland. I remember Conservative members queuing up to say that I was exaggerating the problem and that not only were the measures that we were proposing not required but they were over the top and inappropriate. The Conservatives said that all we required was more police on the beat. The reality is that we have delivered more police on the beat and delivered the laws that allow them to do their job in tackling antisocial behaviour and crime in our local communities.

Alongside the raft of measures to modernise and change our criminal justice system, in which reform in the High Court has been followed by reform in the sheriff court, and many other changes, we have the new laws to tackle antisocial behaviour and a record number of police officers—no longer just a record 15,500 but now more than 16,000 police officers. If Miss Goldie's alternative is simply to turn the conveners of local police boards in the eight police authorities in Scotland into political footballs, by creating elections for their positions, she is kidding herself, her party and the people of Scotland.

Scottish National Minimum Wage Helpline

3. Colin Fox (Lothians) (SSP): To ask the First Minister what representations the Scottish Executive has made to the Department of Trade and Industry about the impact on low-paid workers of the withdrawal of funding for the Scottish national minimum wage helpline. (S2F-2386)

The First Minister (Mr Jack McConnell): The decision on the helpline's funding is a matter for the United Kingdom Government, but the Scottish Government continues to engage with and support organisations such as Citizens Advice Scotland to ensure that money advice is available to people in Scotland.

Colin Fox: The First Minister is aware that Scotland's dedicated national minimum wage helpline faces the axe, although there are no plans to close the helplines in Northern Ireland or England. Every year, the Scottish helpline sends 80,000 pieces of literature to some of the most exploited workers in the country, who depend on that lifeline. The helpline has helped some 3,500 people since its launch in 2003.

Does the First Minister accept that there is a continuing need to combat the scourge of low pay in Scotland? If he does, given that the helpline's running costs are just £36,000, will he act to ensure that that vital service can continue?

The First Minister: How the service is provided is entirely a matter for the UK Government, which provided a clear and persuasive explanation for its decision and questioned the statistics that Colin Fox has just given.

The Scottish Parliament has a proud record of supporting money advice services for citizens in Scotland, primarily through local authorities, through which our initiatives and legislation are making a big difference to families by ensuring that they receive the advice that they need and are led away from debt problems—in a world in which debt is an increasing problem for poor families.

We also support national projects. I mention just two such projects: the Scotland-wide young Scot moneyline initiative, which makes a big difference to young people who might find themselves in financial difficulty; and the Citizens Advice Scotland financial education project, which is trialling approaches to financial education, to ensure that the next generation of young Scots will be less in debt than were their mothers and fathers.

Colin Fox: The Scottish helpline operates as a partnership between the Scottish Low Pay Unit, Citizens Advice Scotland and HM Revenue and Customs. The Scottish Executive has been asked to help, too.

I am disappointed by the First Minister's reply because, according to the Scottish Low Pay Unit, more than 10,000 workers in Scotland are being paid less than the national minimum wage. The First Minister appears to be abandoning those workers to their fate. Is he saying that we cannot afford to spend £36,000 to ensure that workers who are exploited by unscrupulous employers are informed of their rights and afforded the full

protection of the law? Are not the Executive's priorities all to pot if £36,000 cannot be found to fund a successful lifeline, when £50 million was recently doled out willy-nilly to Scottish Enterprise—a company worth £450 million? Does the First Minister accept that if he does not act to save the helpline, people will conclude that the Executive is not doing enough to protect vulnerable low-paid workers, who have a right to be paid the national minimum wage?

The First Minister: It is not the job of the Executive or the Parliament to move in every time the UK Government makes a decision about a project's funding and to replace withdrawn UK funding with Scottish funding. Nor is it my job to defend the UK Government.

Of the Scots who contacted various helplines because they had difficulties in relation to the national minimum wage, more Scots were helped by the UK helpline than were helped by the Scottish helpline. Such statistics led the UK Government to make its decision. As I said, the decision was entirely a matter for the UK Government.

Our job in Scotland is to use our powers to ensure that through education and money advice that is provided by local authorities and the voluntary sector we help to deal with debt in communities. We have been doing that increasingly successfully as a result of the Parliament's many initiatives—many of which were cross-party initiatives—and I hope that we will continue to do that.

Transport Infrastructure Projects (VAT)

4. Brian Adam (Aberdeen North) (SNP): To ask the First Minister whether the Scottish Executive has any concerns about the imposition of VAT on Scotland's transport infrastructure projects, such as the Aberdeen western peripheral route. (S2F-2377)

The First Minister (Mr Jack McConnell): We are aware of the issue and are working closely with the local authorities that are affected to reach a solution.

Brian Adam: I am a committed supporter of the Aberdeen western peripheral route. The Minister for Transport, Mr Scott, has been quoted as saying that the project has no VAT liability. However, on the basis of advice from the Treasury, Aberdeen MPs are certain not only that VAT is due but that ministers should have known that. Which of them has got it right—the Minister for Transport or the Labour MPs? If the Labour MPs are right, who will pay the VAT—the Executive or council tax payers?

The First Minister: I do not recognise the comments that Brian Adam quotes. In dealing with

this important, if technical, issue, it is important that we deal in facts rather than misrepresentations.

I believe that the issue requires to be addressed. The correct way to address it is for us to work with the local authorities and for them to appeal the ruling that has led to this situation. The previous practice of ensuring that VAT was recoverable on local authority-led projects was one on which we based our current transport programme. That has been changed, over the past few months, by rulings at a United Kingdom level that are either being challenged or going to be challenged by the local authorities that are affected. We hope that those challenges are successful.

BAA (Takeover)

5. John Scott (Ayr) (Con): To ask the First Minister what impact the takeover of BAA is likely to have on the development of the Glasgow and Edinburgh airport rail links. (S2F-2385)

The First Minister (Mr Jack McConnell): Our Government is working closely with airport operators and scheme promoters to ensure the successful delivery of those projects, and we will work with any new partners should that be necessary.

John Scott: The First Minister will accept that the takeover of BAA by Ferrovial may put at risk the private sector airport infrastructure investment in Glasgow, Edinburgh and Aberdeen airports. Will he guarantee that the public sector investments relating to the development of the Glasgow airport rail link will go ahead—in particular, the investment in increasing the track capacity between Glasgow Central station and Paisley Gilmour Street station, which is vital to the economic growth of Ayrshire?

The First Minister: I welcome the vote that was taken in Parliament yesterday afternoon to make further progress on the Glasgow airport rail link. As I have said before, it is a national disgrace that we do not have a rail link between our two major cities and the two airports that are closest to them. It is time for us to rectify that situation. The investment is very important and I am certain that we will be able to work with whoever owns the airports to secure their participation and partnership in the delivery of those projects.

Margaret Smith (Edinburgh West) (LD): The First Minister will be aware that the Royal Highland show, which opens today in my constituency, is a Scottish success story. However, the Royal Highland Agricultural Society has now waited for more than two and a half years for the publication of BAA's master plan. Delays have resulted from the recent takeover talks and we await clarification of exactly why BAA needs the 300-acre site. Will the First Minister give us an assurance that the

Executive will push for early publication of the master plan following the show and that ministers will meet the new owners of BAA to discuss the way forward for the master plan, in order to end the uncertainty, as well as the whole issue of the rail link to Edinburgh airport?

The First Minister: The importance of investment in Scotland's airports must not be underestimated. There has been considerable growth and expansion in our airports over recent years, which has been good for Scotland. We want that to continue, although we recognise that the environmental impacts of air traffic need to be addressed.

Passenger traffic at both Glasgow airport and Edinburgh airport is likely to increase. At Glasgow airport, it is likely to rise from 7.2 million passengers in 2001 to, potentially, more than 17 million passengers in 2030; at Edinburgh airport, it is likely to rise from 6 million passengers in 2001 to, potentially, 24 million passengers in 2030. Those are huge increases, so continued investment in our airports is vital to make them as effective and efficient as possible. I have no doubt that the Minister for Transport will seek an urgent meeting with any new owners of Scotland's airports should the takeover take place and that, if these issues remain unresolved, he will want to raise them at that meeting.

Tourism Green Tax

6. Mr Alasdair Morrison (Western Isles) (Lab): To ask the First Minister what plans are being considered to introduce a tourism green tax in Scotland. (S2F-2381)

The First Minister (Mr Jack McConnell): There are no plans to introduce a tourism green tax in Scotland.

Mr Morrison: I thank the First Minister for that straightforward and unambiguous response, which will be welcomed by all who are involved in tourism. I know that he is aware of the phenomenal success of the air discount scheme, which entitles residents of Scottish islands to a 40 per cent reduction in the cost of travelling by air to the Scottish mainland. Given the success of that scheme, I urge the First Minister and the Executive to consider a ferry discount scheme, which would allow islanders such as the pupils from Loch's school in Lewis who are in the gallery today to travel by sea to the mainland at a reduced cost.

The First Minister: I join Alasdair Morrison in welcoming the pupils from Loch's school, which I opened a few years ago and which sets very high standards. The pupils have been working hard all year and deserve their visit to the Scottish Parliament. They are welcome here.

We have no current plans for a ferry discount scheme similar to the air discount scheme, but I am sure that we will listen to any representations that Alasdair Morrison makes on the issue.

Points of Order

12:31

Karen Gillon (Clydesdale) (Lab): On a point of order, Presiding Officer. We moved to question 4 at 12.25 and 2 seconds this afternoon. Will you reflect on the powers that are available to you to ensure a fair and equitable distribution of question time among all members of the Parliament?

The Presiding Officer (Mr George Reid): Yes, I reflect on that all the time. In some weeks, there is a wider distribution than in others, but I take your remarks to heart.

There is a further point of order from Susan Deacon.

Susan Deacon (Edinburgh East and Musselburgh) (Lab): This morning, the convener of the Enterprise and Culture Committee was interviewed on national radio regarding the committee's report on Scottish Enterprise, which was published today. Many of his comments did not reflect the report's tone or aspects of its content. Indeed, throughout the committee's deliberations on the matter, the convener has regularly and publicly expressed strong personal opinions, many of which have not found their way into the conclusions and recommendations of the report that was published today but which the press and public have often perceived as the Enterprise and Culture Committee's view.

Although I recognise that every member of the Parliament has a right to express personal opinions, do you agree that committee conveners have a special responsibility to work to promote and convey their committees' collective views? Will you reflect on what steps might be taken to assist conveners in that task, perhaps by drawing on the good practice of most of the members who have performed such roles over the years? Do you also agree that such matters of practice and conduct are important if we are to build and maintain the reputation of the Parliament and its members' work?

The Presiding Officer: For the record, I say that I had advance notice of that point of order. All I have to say is that we work away in the Parliament and in committee through debate and divergent views to reach agreed majority conclusions. All members have a right to personal opinions, but we should exercise care and discretion in diverging from the collective view of committees on which we sit.

Fergus Ewing (Inverness East, Nairn and Lochaber) (SNP): On a point of order, Presiding Officer. Would it not show respect to other members if complaints of that nature were also

notified in advance to the member who is the subject of the complaint?

The Presiding Officer: Ms Deacon was making a general point of relevance to all committees.

12:34

Meeting suspended until 14:15.

14:15

On resuming—

Question Time

SCOTTISH EXECUTIVE

Finance and Public Services and Communities

Common Good Funds

1. Donald Gorrie (Central Scotland) (LD): To ask the Scottish Executive what plans it has to ensure that local authorities operate their common good funds in accordance with the law and that the community benefits from such funds. (S2O-10265)

The Minister for Finance and Public Service Reform (Mr Tom McCabe): Councils already have a duty to administer property held as part of the common good fund for the benefit of those in the area to which the common good relates. It is, of course, for councils themselves, as independent corporate bodies, to ensure that they act lawfully in their day-to-day business.

Donald Gorrie: The minister is doubtless aware of the recent research that paints a horrifying picture of how some councils have been ignoring the legal restraints on the common good fund and have merely appropriated the fund into their ordinary accounts. Will he consider ways of making councils use the common good fund better, for the benefit of the community that the fund was set up to serve, rather than rolling it all into the council accounts?

Mr McCabe: As I have said, councils are obliged, as independent corporate bodies, to act lawfully in their business. They are also fairly well audited annually, and there is a considerable amount of scrutiny of the work that they do. In the final analysis, however, the real arbiters of how a council is conducting itself, in relation to common good or to other matters, are the electors who put the council there in the first place. It is obviously inappropriate for me to comment on individual aspects of a specific report, but I believe that most councils would be prepared to put forward an alternative view. Most councils operate on the basis that they are there to serve the best interests of their communities. If any do not do so, there is a variety of mechanisms for picking that up.

Alasdair Morgan (South of Scotland) (SNP): Moving away from sheer money to the other assets that councils have inherited from their predecessor bodies, such as chains of office from former royal burghs, how can we hope to monitor

whether councils are actually following the law by keeping an inventory of all their property and looking after it properly? Does the minister accept that it is quite difficult for the electorate, who should be passing judgment on councils, to know whether or not such things are being done in accordance with the law?

Mr McCabe: The electorate clearly have their lives to live, and I do not think that too many people are obsessed with the minutiae of which chain is where. Although it is an important matter—it is something to which people in local communities attach importance—it must be kept in its proper perspective. We employ a number of highly paid professional officers, and it is their duty to ensure that councils act appropriately and preserve the heritage of local communities across Scotland.

Jeremy Purvis (Tweeddale, Ettrick and Lauderdale) (LD): I hope that the minister will be aware of the response of the communities that I represent to the proposal by the Conservative convener of Scottish Borders Council to take an element of the chains away from the honorary provosts. That should be a salutary lesson to anyone who wishes to touch the chains.

Does the minister accept that a case could be made for some assets that are currently held by common good funds to be passed to community development trusts? Not only would that be an excellent way of allowing accountability and transparency in the operation of common good funds, but it would mean that assets could be used more creatively in work in local communities.

Mr McCabe: I was well aware that the Conservatives had a reputation for selling the family silver, but I was not aware that they are now selling the gold as well.

My mind is open to the suggestions that have been made. We should always keep the arrangements under review, and if people apply their minds to the matter they might well find better ways in which to use those funds.

The Deputy Presiding Officer (Trish Godman): Question 2 has been withdrawn.

Affordable Housing (Edinburgh)

3. Sarah Boyack (Edinburgh Central) (Lab): To ask the Scottish Executive what plans it has to support new affordable housing in Edinburgh. (S2O-10285)

The Minister for Communities (Malcolm Chisholm): Edinburgh is sharing in the substantial overall increase in the funding that we are making available for affordable housing investment across Scotland. In the current year we plan to invest £36 million to support affordable housing

developments in the city. That represents a doubling of the budget compared with 2004-05. Working in partnership with the City of Edinburgh Council, we are committed to making substantial and lasting inroads into dealing with affordable housing issues in the city.

Sarah Boyack: I welcome the commitment that the minister has made, but although we need 11,000 affordable houses over the next decade, the council has plans to provide 3,500 houses. Will the minister accept that that gap of 7,500 houses represents a huge problem in relation to social disadvantage and access to the housing market? Given that, on average, there are 50 applications for every house that becomes available through the council's letting system—in popular areas such as my own, there are up to 300 applications for vacant properties—will he acknowledge that there is a crisis? Will he address the issue through the strategic housing investment framework and ensure that it reflects the massive demand that exists in Edinburgh, which we must meet to enable people to live and work here?

Malcolm Chisholm: There is no doubt that there are substantial supply shortages in social rented housing in Edinburgh. We will certainly take that into account when we come to make our conclusions on the strategic housing investment framework.

The issue is also being covered by Professor Bramley's work. Professor Bramley carried out an analysis of supply shortages for the previous spending review and is updating it for this spending review. His analysis for the previous spending review indicated that Edinburgh was by far the largest contributor in respect of supply shortages in Scotland. Based on his preliminary findings this time, I have no reason to believe that the situation will have changed. Edinburgh clearly has a great need in relation to the supply of houses and we will take account of that when we make future investment decisions.

The Deputy Presiding Officer: Question 4 was to be asked by Mr Andrew Arbuckle, but he is not in the chamber.

Funding Initiatives (Deprived Communities)

5. Kate Maclean (Dundee West) (Lab): To ask the Scottish Executive what plans are in place to ensure that services currently funded through its temporary funding initiatives, and which are beginning to have a positive impact in the most deprived communities, continue to receive its financial support. (S2O-10298)

The Minister for Communities (Malcolm Chisholm): The impact of, and future support for, existing funding initiatives in the most deprived communities will be considered as part of the

spending review process. The community regeneration fund is the principal funding programme for the most deprived communities. Funding from the community regeneration fund is provided to community planning partnerships for a three-year period to support their approved regeneration outcome agreements, but in many cases that involves the funding of good projects that were previously supported by other funding programmes.

Kate Maclean: Is the minister aware that, in Dundee, funding that amounts to more than £15 million for—among others—quality of life funding, community regeneration funding and the cities growth fund will all end on 31 March 2008? Does he recognise the need to move away from temporary funding of that nature? What assurances can the Scottish Executive give on the longer-term sustainability of crucial services that currently rely on temporary funding?

Malcolm Chisholm: Some of the amounts are even more than Kate Maclean suggested. The figure for the community regeneration fund, which I referred to in my initial answer, is £17.3 million. In a sense, the situation is unavoidable because spending reviews are for three-year periods but, as I indicated in my initial answer, the community regeneration fund picks up many excellent projects that were funded in previous spending review periods. We have no reason to believe that there will not be a similar carryover this time round.

It is clear that the best projects must be identified. The Scottish Executive cannot keep funding for ever the same local projects; otherwise, it will not be possible to bring new projects on stream. In many cases it is up to local agencies, particularly the community planning partnerships, to ensure that they prioritise and continue to support good local projects.

Shona Robison (Dundee East) (SNP): Is the minister aware that unmet needs funding for a number of projects, including the excellent Dundee mental health and well-being counselling service, is about to end next week? I am told that that is due to the Scottish Executive's priorities changing to prevention 2010. I am sure that, along with the Minister for Health and Community Care, the Minister for Communities has a great interest in tackling health inequalities. Will he therefore agree to review, along with the Minister for Health and Community Care, the decision to withdraw funding from the service? Surely what matters is what works in reducing health inequalities, which should not be dependent on the Scottish Executive constantly chopping and changing funding streams.

Malcolm Chisholm: That is properly a question for the Minister for Health and Community Care,

so I better not tread too far into the territory—although the Minister for Finance and Public Service Reform and I have a great interest in the subject because of our previous involvement with the portfolio.

In general, in the Health Department and across the Executive, there is a strong commitment to funding work in deprived areas. The new programme to which Shona Robison referred came out of the David Kerr report and is an excellent initiative. I hope that she welcomes the emphasis on anticipatory care, which is ground-breaking work for the United Kingdom and probably further afield.

Donald Gorrie (Central Scotland) (LD): The minister must be aware of the Executive's habit of funding things for three years. Only one year of decent work ever comes out of that approach, so it is very poor value for money. It leaves the community worse off than it was before good activities started in a deprived area—just when everyone is getting up to speed, they are told that they have to stop and go away because there is no more money. Does the minister accept that the Executive must continue to fund such things? He argues that if the Executive continues to fund them, it would not be able to find money for new things, but it is much more important to keep good existing things going than to invent something new.

Malcolm Chisholm: In my previous answers, I certainly supported keeping good existing things—as Donald Gorrie calls them—going. However, there is something unavoidable about spending review periods, and it is quite right that we should evaluate projects rather than keep them going automatically. The system of three-year funding is significant progress on the system that used to pertain. Indeed, the commitment to three-year funding was part of the strategic funding review that was done in partnership with the voluntary sector. We have made progress. Obviously, there is an issue about keeping good projects going. As I said, I certainly support doing so, but I do not think that there is any simple answer. At the end of the day, we have finite, albeit increasing, sums of money and we have to make decisions about continuing to fund the best strategic projects.

Free Personal Care (Funding)

6. Shona Robison (Dundee East) (SNP): To ask the Scottish Executive what plans it has to review the funding structure for local authorities to meet its commitment on free personal care, in light of the Health Committee's care inquiry report. (S2O-10245)

The Minister for Finance and Public Service Reform (Mr Tom McCabe): Funding for those services is in line with the recommendations of the

joint Scottish local authorities management centre and Convention of Scottish Local Authorities report, which the Scottish Executive accepted and fully funded. A review is currently taking place of the mechanism for funding local authorities to support people who live in care homes and receive free personal and nursing care. In line with that, the examination of current expenditure practices will be extensive.

Shona Robison: The minister will be aware of the Health Committee's disappointment that he did not appear before it, given the nature of the financial questions that were in front of the committee. Can he give us a commitment today that he will very much involve himself in the committee's recommendations? I refer in particular to the lack of inflationary increase—such an increase was not built into the legislation—which should be addressed and to the review of funding, which should take account of the collective and individual finance that is provided to local authorities for free personal care.

Mr McCabe: First of all, I am aware of the opinions expressed by some committee members, who ignored the practices that we employ to ensure that a single minister gives a comprehensive answer on behalf of the Scottish Executive within their own policy remit.

Clearly, the issue is of some concern; the Scottish Executive is equally concerned. The general public would expect us to be concerned when we receive an independent report, which we fully funded, and then we hear different authorities in some parts of Scotland saying that they do not have enough money.

I repeat what I said at the end of my first answer: the examination of current expenditure practices will be extensive.

Local Government Finance Review Committee (Report)

7. Michael McMahon (Hamilton North and Bellshill) (Lab): To ask the Scottish Executive when it expects to receive and publish the report of the independent local government finance review committee. (S2O-10304)

The Minister for Finance and Public Service Reform (Mr Tom McCabe): The local government finance review committee expects to report by the end of October 2006. We expect to receive the report shortly before it is published by the committee.

Michael McMahon: Does the minister welcome, as I do, the fact that the drive towards introducing a local income tax has been put into reverse gear by the Liberal Democrats? Has there been an updated assessment of the level at which local

income tax would have to be levied by our local authorities if it were to be introduced?

Mr McCabe: My Liberal Democrat colleagues in the coalition update me on many matters but we have not yet found time to discuss this matter in great detail. I accept absolutely the point that, irrespective of where we are on the political spectrum, such matters need to be approached with considerable care. I am sure that no party—whether mine or any other—would want to put across the message that they are interested in increasing the tax burden on people in Scotland. Now, although I think that that applies to most parties, I have looked closely at some of the statements that the Scottish National Party has made, which cast a bit of doubt over my optimism, but I will try my best to remain an optimist.

Mr John Swinney (North Tayside) (SNP): Without wishing in any way to undermine the minister's optimism, I say to him that if the Liberal Democrat members do not take the opportunity to argue in favour of a local income tax today in Parliament, perhaps I will do so on their behalf—although they are welcome to make their contribution.

Does the minister accept that one of the reasons why many people are concerned about the council tax—and why we hope that the independent review of local government finance will determine that the council tax is unfair, unjust and an excessive burden on people on fixed and low incomes in our country—is the fact that 44 per cent of pensioners in Scotland who are eligible for council tax benefit do not claim it? Is that not an indictment of the failed council tax and does it not show why the minister must support enthusiastically a fair local income tax?

Mr McCabe: Mr Swinney has dented my optimism before and, sadly, he has done so again with his question; however, I think that I will manage to struggle on. How people should consider the council tax will be reflected in the outcome of the independent committee's work. It is important that we allow an independent committee to come to its own conclusions and that we allow its recommendations to shape the debate and policy options that different parties adopt thereafter.

It is worth putting in perspective the statistics on pensioners and benefits in Scotland. Anyone who has dealt with these matters—which I did in a previous life—knows that there are a complex range of reasons why people apply or do not apply for benefits.

Mike Rumbles (West Aberdeenshire and Kincardine) (LD): As the Scottish Liberal Democrat spokesman on local government, I will update the minister on our position: we are in

favour of axing the unfair council tax and replacing it with a local income tax. Does the minister agree that it is important that political parties' views on these matters are not misrepresented in this Parliament?

Mr McCabe: That is important—it applies to everyone who speaks in this Parliament; however, perhaps that is a matter for my other colleagues in the coalition. Some people might have decided to pre-determine their views on local taxation in advance of being informed by the studious work of the independent committee. I would rather await the outcomes of that work and allow my future judgments to be guided by it.

Des McNulty (Clydebank and Milngavie) (Lab): Will the minister visit the Milngavie and Bearsden part of my constituency to ensure that the Liberal Democrat proposals are not misrepresented and that the Executive's position is depicted accurately, which does not always happen?

Mr McCabe: I would be delighted to visit that part of the member's constituency to address those matters and any others to convince people that there should be a reasonable way forward in local taxation and to allow them to form their own opinions about which party is most likely to deliver that.

Missives (Residential Property)

8. Helen Eadie (Dunfermline East) (Lab): To ask the Scottish Executive what progress has been made in reaching agreement with the Law Society of Scotland on the issue of standard missives in relation to the purchase of residential property. (S2O-10289)

The Deputy Minister for Communities (Johann Lamont): In line with the recommendations of the housing improvement task force, the Law Society of Scotland convened a working party with the Scottish Consumer Council and Homes for Scotland to consider the preparation of a voluntary code of practice to address a range of issues around the purchase of new-build housing and to develop a standard missive for use in such purchases. I understand that talks are suspended while Homes for Scotland undertakes wider consultation with its members. Justice Department officials have asked the Law Society for a full report on progress to date. We will consider that carefully before deciding on next steps.

Helen Eadie: Is the minister aware that the issue has been on-going for some four years and yet each time that we seem to make progress, we find that it is only a false dawn. Is she further aware of the particular concern across Scotland that some purchasers of new-build homes are

experiencing delays with entry dates, with delays lasting anything from one to 18 months? When entry dates are misrepresented by developers, people experience horrendous costs, which they have to bear. Does she agree that there has been nothing but prevarication, procrastination and delay on the part of the Law Society of Scotland and many of the developers and that further delay can be caused by the public utility companies?

Johann Lamont: First, I recognise the work that Helen Eadie has done in highlighting the issue over a long period of time, including during the passage of the Housing (Scotland) Bill. We need to reflect on the difficulties of the issue and the importance of getting it resolved correctly. I cannot therefore concur with the comments that she made that the delays relate to wilful procrastination or whatever. Difficult issues are involved and the Executive is keen to address them in a way that enables people to unite around the actions that are taken.

That does not mean that it is not necessary for us to address over time the substance of the issue in the same way that we have addressed the critical issues of home ownership, the responsibilities of homeowners, the rights of people in making a home purchase and the broader issues of the quality of the homes that are built and the way in which they are built. Some of those issues will, of course, be addressed through the Planning etc (Scotland) Bill. I do not accept that there have been false dawns, although I hope that what Helen Eadie said concentrates minds and encourages people to come to a conclusion in order to take the matter forward.

Education and Young People, Tourism, Culture and Sport

Cultural Rights and Entitlements (Young People)

1. Cathy Peattie (Falkirk East) (Lab): To ask the Scottish Executive what action it is taking to extend and promote cultural rights and to establish and deliver cultural entitlements for young people. (S2O-10313)

The Minister for Tourism, Culture and Sport (Patricia Ferguson): As I announced to Parliament in January, we are preparing legislation to promote planning for cultural provision across the local authority sector. Together with the Convention of Scottish Local Authorities, we have also established a working group that includes local authority bodies and cultural agencies. The group will consider the best ways for local cultural entitlements to be delivered, including, importantly, their delivery to young people.

Cathy Peattie: I welcome the minister's answer and the commitment to cultural rights. How can young people learn about and participate in Scotland's traditional arts, including music, song, dance, storytelling and, indeed, the language?

Patricia Ferguson: Already, under proposals and projects that we are funding through the Scottish Arts Council, a number of initiatives allow young people to do that. The youth music initiative has an important traditional music role. It has been particularly important in the Highland Council area, where the Fèisean nan Gàidheal movement has been very much involved in delivering quality experiences of traditional music to young people. The traditional musicians in schools scheme has also given children all over Scotland the chance to join in with performances from some of Fèis Rois's best tutors. I understand that, in 2005 alone, its musicians delivered a staggering 210 traditional music workshops to more than 9,000 children. Projects and organisations such as those could play a key role in delivering our agenda for entitlements.

Mr Jamie McGrigor (Highlands and Islands) (Con): Will the new cultural entitlements legislation include a statutory duty on local authorities to deliver those entitlements? Can the minister confirm that the proposal will be cost neutral to local authorities?

Patricia Ferguson: There is already a statutory duty on local authorities to provide adequate provision for such matters in their area. We believe that these matters can best be dealt with by local authorities working with local community groups through cultural planning and the community planning process. We will not make the entitlements a statutory requirement for local government; we will instead issue authorities with what we believe and hope will be helpful guidelines and examples of projects that they may wish to pursue.

Homophobic Bullying

2. Iain Smith (North East Fife) (LD): To ask the Scottish Executive what plans it has to implement the recommendations contained in "Promoting Equal Opportunities in Education—Project Two: Guidance on Dealing with Homophobic Incidents". (S2O-10275)

The Deputy Minister for Education and Young People (Robert Brown): Any form of bullying in schools is completely unacceptable. That includes bullying on the basis of a pupil's sexual orientation or perceived sexual orientation. We welcome the work of the research report to which Iain Smith referred. We will consult key stakeholders before deciding how to take matters forward.

Iain Smith: All bullying is wrong, but I am sure that the minister agrees that bullying that is based on prejudice is particularly destructive. Homophobic bullying can take many forms. It can be verbal, psychological and physical and the phrase "That's so gay" can be used as a general insult. Homophobic bullying can blight the school environment and be terrifying for victims.

The report states:

"The Scottish Executive Education Department (SEED), Education Authorities (EAs) and schools should explicitly make mention and mainstream homophobia into their Anti-Bullying ... policies."

Does the minister agree with that recommendation? Does he also agree that it is vital that teachers know how to recognise and deal with homophobic bullying? Will he give an assurance that the Scottish Executive will continue to work with LGBT Youth Scotland to develop phase 2 of the project?

Robert Brown: I give Iain Smith the strongest assurance that ministers take homophobic bullying seriously—and any form of bullying. As he says, such bullying can and does blight young people's quality of life and educational progress.

We want to consult appropriate interest groups before we take forward the report's recommendations. A principal message that emerged from the research is that although more homophobic bullying is taking place in schools than comes to the attention of the authorities—partly because of pupils' lack of confidence in reporting incidents—teachers are reasonably confident about confronting and tackling such behaviour. However, teachers said that training and support through continuous professional development would be useful.

I assure Iain Smith that we want to address such matters in the context of not just the report but our broader policies for tackling bullying across the spectrum in schools.

Patrick Harvie (Glasgow) (Green): We seem to have reached a point at which most people in Scotland's public services think that doing homophobic things is not acceptable. However, there remains a widespread attitude that saying homophobic things—in schools or in public life—is just expressing an opinion. In light of that, I press the minister on the recommendation that anti-bullying policies should make specific reference to homophobic bullying. Does the Executive agree that it is unacceptable that, as the research found, the anti-bullying policies of 65 per cent of the schools—and all the denominational schools—that were surveyed made no reference to homophobia?

Robert Brown: I accept Patrick Harvie's central point about the unacceptability of homophobic

attitudes, whether they are expressed verbally or physically. We must tackle that central issue. Much good work is being done in schools on bullying in general and on homophobic bullying but, as Patrick Harvie says, the report suggests that a distance remains to be travelled. We want to consult all interest groups—not least parents, who have an important part to play—on the way in which we will take the matter forward.

Swimming Pool (North-East Scotland)

3. Mike Rumbles (West Aberdeenshire and Kincardine) (LD): To ask the Scottish Executive whether it is willing to provide financial support for any bid for a 50-metre swimming pool for the north-east. (S2O-10271)

The Minister for Tourism, Culture and Sport (Patricia Ferguson): The First Minister and I are on record as saying that the Executive will support proposals for a 50-metre swimming pool in Aberdeen. However, until sportscotland, as the national body for sport development, receives a formal costed proposal, we cannot be specific about the level or timing of financial support.

Mike Rumbles: A yes would have been good.

The pool should cost between £12 million and £20 million, depending on the facilities that are provided. Is the minister willing to back up her support in principle for a new 50-metre pool in the north-east in a practical way by saying that the Scottish Executive will at least provide match funding for the project?

Patricia Ferguson: In the past, the Executive has applied a clear formula to such facilities. Unfortunately, the facility to which the pool is intended to be an adjunct still has a £2 million funding gap, which Aberdeen City Council is trying to plug.

Mr Rumbles said that the pool could cost between £12 million and £20 million. That is a considerable range. In such a context, and given the range of options that are on the table, it would not be sensible for the Executive or any other body to agree to provide match funding. However, we are committed to working with the council and its partners at the University of Aberdeen, which is also involved in the project, to try to make progress as quickly as we can.

The Deputy Presiding Officer: Question 4 has been withdrawn.

Tourism (Milngavie and Bearsden)

5. Des McNulty (Clydebank and Milngavie) (Lab): To ask the Scottish Executive what action local authorities and VisitScotland are taking to promote tourism in East Dunbartonshire and, in particular, Milngavie and Bearsden. (S2O-10307)

The Minister for Tourism, Culture and Sport (Patricia Ferguson): Local authorities know the benefits that a strong tourism industry brings to their areas. I understand that the council in East Dunbartonshire does not have a partnership agreement with VisitScotland this year, although it contributed funding last year to strengthen local tourism and it is working with VisitScotland on a tourism action plan for the area.

Des McNulty: The minister was with me in Milngavie last year at the celebration of the anniversary of the west Highland way walk, so she will know that Milngavie is the jumping-off point for the west Highland way. This has been a record season for the west Highland way. Does she not agree that it is outrageous that East Dunbartonshire Council is not making resources available to support tourism development in that part of the world, which draws huge numbers of people to Scotland and contributes to the development of the tourism industry not just in East Dunbartonshire but right up the west coast?

Patricia Ferguson: That is for East Dunbartonshire Council to consider when it addresses its priorities. I am well aware of the promotional opportunities that exist in that area. In addition to visiting the west Highland way last year, on Tuesday I visited Bearsden to launch the bid for world heritage status for the Antonine wall. That is another great opportunity for that area to be marketed. Regardless of whether the local authority is willing to provide finance to VisitScotland, VisitScotland will continue to market the area as it has been doing. I understand that the west Highland way is included in several of the guides that it produces on where to stay in Scotland.

After-school Care (Dumfries and Galloway)

6. Dr Elaine Murray (Dumfries) (Lab): To ask the Scottish Executive what funding has been made available to Dumfries and Galloway Council this financial year for the provision of after-school care and when the council was made aware of its allocation. (S2O-10311)

The Minister for Education and Young People (Peter Peacock): Councils receive a block grant for core services including after-school care. Dumfries and Galloway Council's revenue grant for core services in 2006-07 is £251 million. That amount was confirmed in February, in the Local Government Finance (Scotland) Order 2006, although the council was first given provisional notification of it in December 2004.

Dr Murray: Does the minister share my concern that after-school clubs in my constituency were not made aware of their grant allocation until the middle of this month, which made it necessary for some to take out loans to pay their staff? Will the

Executive encourage the council to ensure that those voluntary sector organisations, which provide a vital service for children and young people and their families, are not subjected to such financial insecurity in future years?

Peter Peacock: It goes without saying that it is regrettable that voluntary sector organisations, which do not generally have the security of funding that other organisations have, have had to resort to taking out loans to finance their activities, especially given the fact that councils nowadays are given three-year budget allocations. One of the specific reasons why ministers moved to that position was not just to give the councils certainty of funding, but to enable them to pass on that certainty of funding to the organisations that they routinely fund. I hope that all councils are paying attention to the needs of the voluntary sector in that regard. As Malcolm Chisholm said in an earlier answer, the strategic funding review of the voluntary sector addressed such issues and encouraged that kind of approach at the local level. I hope that Dumfries and Galloway Council will consider the benefits of that kind of approach.

T in the Park

7. Murdo Fraser (Mid Scotland and Fife) (Con): To ask the Scottish Executive how it values the contribution of T in the park to Scotland and its economy. (S2O-10261)

The Minister for Tourism, Culture and Sport (Patricia Ferguson): Events such as T in the park make a strong contribution to Scotland's economy by not only boosting tourism revenues but helping to promote the appeal of this country to younger visitors at home and abroad. The sustained commercial success of T in the park is especially encouraging for its future.

Murdo Fraser: The minister will be aware of the fact that T in the park brings £18 million a year to the country's economy. She should also be aware that the venue for T in the park—Balado activity centre at Kinross—is used throughout the year for other activities that generate income for the economy, and that the integrity of the site is essential to that. Given all that, will the minister explain why the Scottish Executive did not support Perth and Kinross councillors' unanimous view that the site at Balado should be exempted from the access rights provisions of the Land Reform (Scotland) Act 2003 for the entire year and why the Scottish ministers are instead restricting the exemption to a mere 28 days? Does she appreciate that that decision will cause problems for the site's owners and may jeopardise future investment in it?

Patricia Ferguson: Such decisions have to be taken on balance. The right of access is warmly welcomed throughout Scotland by visitors and

Scots. I appreciate the importance of an event such as T in the park but, as long as it is commercially successful—which it certainly is, as Mr Fraser has indicated—its success is assured. I am particularly looking forward to visiting the event in July. Perhaps I can pursue those issues more seriously on the ground.

Pauline McNeill (Glasgow Kelvin) (Lab): As the minister has already acknowledged the importance of T in the park, will she also acknowledge the probable success of rock Ness, which will take place this Saturday and demonstrates that Scotland has a positive environment for music? Will she also acknowledge the recent report that demonstrates that the creative industries, including the music industry, are worth £6 billion to the United Kingdom economy and that 8 per cent of that belongs to the Scottish economy? In view of that, does the minister agree that it is important to have not only an events strategy but a music strategy to go along with it?

The Deputy Presiding Officer: That was a very long question and it had nothing to do with T in the park.

Patricia Ferguson: It is important to say that T in the park and other such events are vital not only because of the revenue that they generate but because of how they allow Scotland to be portrayed. On that basis alone, they are valuable to us.

As Pauline McNeill rightly says, the music industry is of great value to the UK and Scotland. The cross-party group on the Scottish contemporary music industry has developed a music strategy, which I was extremely interested to read, but I cannot personally commit to implementing it, as most of the issues that it raises are matters for my colleague the Minister for Enterprise and Lifelong Learning. However, I know that he takes the issue seriously and I am sure that the cross-party group will be able to raise it at a forthcoming meeting that I understand he will attend.

Bruce Crawford (Mid Scotland and Fife) (SNP): I have a particular interest in the T in the park site, as I was the council leader when the event was given permission and I was the councillor for the area when it was first set up. I hope that the minister accepts that, as far as I am concerned, the right of access in Scotland is primary and that we must ensure that people get access where they can. However, the site at Balado is about so much more than just T in the park; it is an all-year events site and has great potential for that part of the world. I heard the minister's answer to Murdo Fraser, but I ask her to consider reviewing the decision that has been made. The site has the potential to be an

economic generator way beyond T in the park, but it needs space to be able to achieve that.

Patricia Ferguson: I congratulate Mr Crawford on his foresight in backing T in the park in those early days and I hope that he has many more such inspirational moments. Some of my colleagues in the Labour Party might dispute his chronology, but never mind.

It is important to point out that our economy benefits from the right of access that we now have. Many walkers come to Scotland and, this year, VisitScotland has produced a special walking guide to encourage them to do so. Access to Balado is not in my portfolio, but if Bruce Crawford and Murdo Fraser are particularly concerned about it they might like to write to the Minister for Communities, who has responsibility for planning. I am sure that he will discuss the matter with Bruce Crawford in more detail.

Modern Studies

8. Jim Mather (Highlands and Islands) (SNP): To ask the Scottish Executive what importance it attaches to the teaching of modern studies in secondary schools. (S2O-10246)

The Minister for Education and Young People (Peter Peacock): Modern studies has a positive contribution to make to the purposes of education, therefore it will continue to play an important part in the school curriculum.

Jim Mather: The minister may recall that, in 2002, a group of secondary 2 modern studies students from Plockton high school were invited to the Parliament to celebrate the launch of the Parliament's educational video "Let's Do Democracy". I now understand that modern studies, which was hugely popular at Plockton, is to be axed at that school. Can the minister reconcile that with his earlier comments and tell us how the proposed move is likely to boost civic engagement and political awareness among the Plockton pupils?

Peter Peacock: I do recall the visit that Jim Mather mentioned. However, as I would say on all such matters, these are ultimately issues for the council and the school to decide. We give the council finance and it decides, with the school, how to deploy it in the light of its particular needs. However, it is difficult to understand why the decision is necessary. It might simply be a local recruitment matter, although I cannot imagine any better school to teach in than Plockton high school, which is a very good school. It is our national centre of excellence in traditional music and it is in a beautiful community and a lovely part of the world. Anyone who is thinking about applying should certainly do so.

Last year, there were only five vacancies for modern studies teachers in Scotland. During the past year, we have recruited and trained an extra 45 modern studies teachers. That is a 60 per cent increase on the previous year. This year, we have given Highland Council not only an exemption from any efficiency savings against its teacher costs, which means that there should not be any reduction in teacher numbers, but £760,000 of additional cash specifically to employ extra teachers. That should allow the council to employ 20-plus extra teachers in its area. In addition, it is receiving more than 100 new probationer teachers. A financial reason does not, therefore, lie behind the decision.

Depending on their student numbers, small schools sometimes have difficulty in maintaining courses, but that requires those schools to be more innovative and to deploy visiting teachers where necessary. Last week, I was at a school in Shetland that was teaching its pupils—live—with a class in South Africa. If schools can create connections between Lerwick and South Africa, I do not see why they cannot create connections between Plockton and Portree.

Lord James Douglas-Hamilton (Lothians) (Con): Does the minister share my view that it is incumbent on the Scottish Executive to explore all avenues for supporting schools in providing the broadest range of subjects to stimulate the broad range of our children's aptitudes and interests? Does he agree that limiting the choice of subjects would limit schools' autonomy and therefore limit young people's scope to realise their full potential?

Peter Peacock: Unusually, perhaps, I broadly agree with Lord James. Our curriculum review, which is under way, is a huge piece of work that will change the way in which the curriculum is delivered in Scotland's schools. It is specifically designed to open up more choice for young people and to ensure that they have a breadth of education, particularly in their first three years at secondary school, as well as at primary school. Young people will gradually select more specialisms if they stay on at school. Alternatively, they will be able to choose the new skills for work courses that are being piloted and are proving to be a huge success, or they will have new choices to move to college earlier. We are opening up new vocational choices for young people.

The thrust of our policy is about wider choices in our schools and in learning. We are investing heavily in new teachers to help to bring about those choices.

Local Electoral Administration and Registration Services (Scotland) Bill

The Deputy Presiding Officer (Trish Godman): The next item of business is a debate on motion S2M-4368, in the name of George Lyon, that the Parliament agrees that the Local Electoral Administration and Registration Services (Scotland) Bill be passed.

14:58

The Deputy Minister for Finance, Public Service Reform and Parliamentary Business (George Lyon): I am sure that this debate will be reasonably concise as I believe that decision time will be brought forward this afternoon.

The Local Electoral Administration and Registration Services (Scotland) Bill is an important piece of legislation that modernises and improves two important functions of local authorities. Since its introduction in December, we have debated its key points and I think that we have made a number of important improvements as we have proceeded. I put on the record my thanks to the Local Government and Transport Committee for its contribution to the process and its broad support for the overall principles of the bill. We had productive discussions about the provisions in the bill and those discussions highlighted the importance of both of the subject areas.

The key principles of the bill remain. Part 1 is about electoral administration. It aims to enhance the security and improve the efficiency of the administration of elections. It also aims to improve the accessibility of the electoral process to make it easier for people to vote. Part 2 is about modernising and improving the registration of births, deaths and marriages by taking advantage of advances in information technology to offer new and more efficient services.

In part 1, we will make several important changes to electoral law that will help to ensure clarity and consistency. Many of the changes that we are making are technical, but they are vital in helping to ensure that combined Scottish Parliament and local government elections run smoothly.

We are introducing several important provisions that reflect the changes to electoral law that will be made by the United Kingdom Electoral Administration Bill. Those measures include the introduction of performance standards, which will be an important aid in sharing best practice among returning officers and in ensuring consistency in the administration of elections.

We are also introducing provisions that will allow accredited observers access to key stages in the electoral process, which will improve the transparency of elections. We will improve the security of elections by introducing a specific offence of fraudulently applying for a postal or proxy vote and by introducing personal identifiers for absent votes.

Part 1 also includes several provisions that will help to improve the accessibility of elections by, for example, clarifying the election documents that should be provided in other languages or formats. All such provisions should be seen in the context of the wider changes that are taking place for May 2007, when the introduction of the single transferable vote system will herald a significant transformation in the exercise of local democracy.

The new multimember wards are being put in place. The Local Government Boundary Commission for Scotland has published final proposals for 22 local authorities. Ministers have said that they have decided on 13 and the first order was made on 19 June. A further 12 orders will follow in the next week and we still aim to have the whole process completed by the autumn.

Bruce Crawford (Mid Scotland and Fife) (SNP): The minister will be aware that I lodged at stage 2 an amendment to guarantee that electoral boundaries would be in place by a given date. If I remember correctly, the minister said that he aimed to have them in place by October or November. Will he categorically guarantee that the deadline of October or November for the formation of boundaries will be met? If it is not met, what is plan B?

George Lyon: As I said just a minute ago, we have decided on 13 areas and the first order has been made. A further 12 orders will follow in the next week. We are on track to meet our target of completing the process by October or November this year.

Our recent announcement that e-counting will go ahead at the parliamentary and local government elections next year is an important step in modernising our electoral processes and the move is broadly welcomed among all the political parties. It will change the way in which counts are conducted but I restate that the level of information that is available to candidates, parties and agents will not reduce.

The Secretary of State for Scotland announced that the Scottish Parliament count will continue to be held overnight. E-counting will make it possible to announce the local government results on the Friday after the Thursday poll.

Mr John Swinney (North Tayside) (SNP): I appreciate the minister's confirmation of his point in the stage 1 debate that the amount of

information that is available will not diminish through e-counting. Will he set out in more detail what information we will be likely to receive? For example, will political parties or registered candidates be able to obtain a vote total for every ballot box through the e-counting system, or do ministers still await a decision on that?

George Lyon: I cannot give Mr Swinney that detailed information at present, but I assure him that once we have the detailed regulations that will implement e-counting, consultation and discussions will be widespread and we will listen to views from political parties. This is an important cross-party issue in the Parliament, in which we share an interest. Access to information is important in providing confidence in how the new system will work. I give the assurance that consultation will take place and that we will try to seek agreement on the issue.

Mr David Davidson (North East Scotland) (Con): The Electoral Commission circulated to all of us information about the bill introducing personal identifiers for absent voters. It also raised the issue of all voters using identifiers. Does the Executive have a response to that for the Electoral Commission?

George Lyon: Our position is that we will adopt what is happening down south, where personal identifiers are being adopted for postal voting. It is important to remember that registration is a reserved issue and is for the UK Government to deal with.

The bulk of the provisions in part 2 of the bill have been universally welcomed because they are customer focused and are about enhancing local service delivery for the public. The only dissenting voice has been that of Mr McLetchie, but even he, I am sure, welcomes almost all the provisions in part 2.

During this morning's debate, he again raised the difficulty that he has with the provision that will allow third parties to be notified of events electronically. I did not get a chance to respond with a factual point when he observed that the bill does not mention electronic notification. The fact is that section 34(4), by inserting new section 39A(6) into the Registration of Births, Deaths and Marriages (Scotland) Act 1965, will allow the registrar general to determine the means by which notifications will be given. That power will enable the registrar general to introduce electronic notification.

David McLetchie (Edinburgh Pentlands) (Con): By way of correction, I point out that I asked this morning why electronic notification will not be made mandatory under the provisions of the bill. I did not dispute—indeed, in response to a point made by Mr Crawford, I acknowledged—that

electronic notification would be an option under the system that the minister is introducing.

George Lyon: It is important to put on record that the power is included in the bill. It will be for the registrar general to introduce electronic notification and it is his intention to do so.

David McLetchie's substantive argument is that electronic notification is pointless because businesses such as insurance companies do not currently handle electronically the other aspects of winding up a deceased person's estate. As that still needs to be done in writing, Mr McLetchie has argued that it will be of little, if any, help to provide the proof of death electronically. However, Mr McLetchie is wrong to assume that that will never change and that the paper-based systems that insurance companies currently operate will never be superseded. Indeed, many insurance companies currently do business with their customers online.

The new provision will give the registration service the flexibility to play its part. I make no apology for ensuring that the public sector leads the way in offering services electronically. It is bizarre to argue that, because the whole process is currently not available electronically, we should refuse to allow the registrar general to modernise the system to meet the challenges of the future.

I turn now to the other proposals, to which I think no one takes exception. The bill will adjust registration boundaries and opening times to make them more convenient for customers. It will permit the registration of births and deaths at any registration office in Scotland. It will allow online registration and the electronic notification of registered events to Government departments and local authorities. It will also open up opportunities for local authorities to provide family history search centres by providing electronic access to the whole public genealogical database of Scotland's people. That will be important in helping to develop that strand of our tourism industry.

Mr Swinney: On registration offices, what is the Government's attitude to maintaining the network of registration offices, especially in some of the more isolated rural areas, where convenience of access can be an issue for members of the public, or does it seek to encourage local authorities and other parties to concentrate registration on a more limited number of sites? Does the Government have a view in principle on that point?

George Lyon: Clearly, local authorities are the independent bodies that will take the decisions on those matters. However, I can give Mr Swinney the assurance that some of the measures in the bill will open up opportunities for local registration offices. For instance, once offices have access to the public genealogical database, local people and

individuals who are over here on holiday who want to find out more information about their family history will not need to travel to Edinburgh but will be able to conduct searches from their local registration office. The bill will provide some exciting opportunities that might help to sustain some of the more fragile registration offices. I hope that that is indeed what happens.

Finally, the bill will make it more convenient for couples to have their marriage or civil partnership on a vessel in Scottish territorial waters. Registrars will not be compelled to travel on a particular vessel; it will be open to them to turn down that opportunity, if it is not suitable. However, other registrars will be able to meet the couple's request.

We are also establishing a book of Scottish connections, which the committee welcomed and which has the potential to generate tourism and economic growth.

All those measures combine to make a worthwhile set of improvements to these two important local authority functions.

I move,

That the Parliament agrees that the Local Electoral Administration and Registration Services (Scotland) Bill be passed.

15:10

Ms Maureen Watt (North East Scotland) (SNP): I am pleased to open the debate on behalf of the Scottish National Party. Members who were privileged enough to be elected to the Parliament in 1999 may recall that the first debate following devolution, on 2 July that year, was on the report submitted by the McIntosh commission on the relationship between local government and the new Scottish Parliament. I was a member of the commission and was pleased with what we presented to the Parliament, which included a proposal that we move to proportional representation for local government elections.

I sat in the gallery listening to the debate and was pleased that the Executive and the Parliament subsequently decided to ask Richard Kerley and his committee, of which I was also a member, to recommend a system of proportional representation. I am pleased that Parliament adopted many of the recommendations of the Kerley committee, including the adoption of STV for local council elections. I am amazed again to find myself heavily involved in the process. That is probably why the Scottish National Party has asked me to open on its behalf today.

The bill that we are about to pass effectively dots the i's and crosses the t's of a long seven-year process, but it is important that we give the

green light to local authority returning officers as soon as possible, as the elections are looming ever closer.

Tricia Marwick (Mid Scotland and Fife) (SNP): Does the member think that it is a great pity that, although the Executive has accepted many proposals, it did not accept the proposal that local government and Scottish Parliament elections should not take place on the same day?

Ms Watt: I certainly do. I intend to say something about that later in my speech.

I am glad that the minister has again given Bruce Crawford the assurance that the boundaries for multimember wards will be finalised by the end of October.

Before the debate, I read the *Official Reports* of proceedings on the bill, so I know that many aspects of it have been given a thorough airing—presumably, because they are close to politicians' hearts. There is no one touchier than a politician at a polling station or, even worse, at the count. I hope that the new, clear policy and guidelines that are contained in the bill will allow electoral returning officers and their staff to say when we query them at polling stations or at the count that we made the rules and that Westminster cannot be blamed.

Of course, as usual, we are not free from Westminster's influence. A similar bill is going through that place at the moment, and we have had to watch it closely at all stages of this bill. I am pleased that Westminster has given the go-ahead to e-counting and, I hope, has simplified the ballot papers for the Scottish Parliament elections. As my colleague Tricia Marwick said, we are committed to the principle of separating Scottish Parliament and local government elections. They should be on separate days, and the issues surrounding them and the personalities involved should be considered separately. However, we will have to wait until after May next year to do that job.

We welcome measures to encourage participation in the voting process, to tighten up on electoral fraud, to pilot the use of personal identifiers and, at the same time, to help people with particular needs by providing supporting documentation in a form that meets those needs. SNP members will keep a close watch to ensure that the introduction of performance standards leads to standardisation of the way in which elections and counting are run and that the current wide variation across the country disappears. We also hope that part 2 of the bill will achieve what it says on the tin and will improve and update the registration service in Scotland.

I offer my thanks to the clerks of the Local Government and Transport Committee. As a new

member, I have probably leaned on them more heavily than other members have. I also thank other members of the committee for their work. The Scottish National Party welcomes the bill, as far as it goes, and will support it at decision time.

15:15

David McLetchie (Edinburgh Pentlands) (Con): This bill was the first bill I saw from start to finish as a member of the Local Government and Transport Committee, of which I have thoroughly enjoyed being a member. It was a pleasure to work with the members and the minister during the bill's passage. I make no apologies for—I hope—enlivening and somewhat extending this morning's debate, given the ample time that is available. I hope that, as a result of my modest contribution, members are now better informed about the process of the administration of estates in Scotland.

As the minister rightly said, this is a bill that—despite my amendment—we support. Indeed, I would say that we support around 99 per cent of its provisions, which is why we voted for it after the stage 1 debate and will vote for it after this stage 3 debate.

Voting for Executive bills at stage 1 and stage 3 is not an unusual thing for the Conservative party to do. Indeed, contrary to what the First Minister said this morning in a classic piece of distortion and misrepresentation in relation to the Antisocial Behaviour etc (Scotland) Bill, the Conservatives, the SNP, Labour and the Liberal Democrats all voted for the bill at the end of stage 1 on 10 March 2004. Further, on 17 June 2004, at the end of stage 3, the Conservatives, the SNP, Labour and the Liberal Democrats all voted for the bill again. The only parties that voted against the measure were the Greens and the Scottish Socialist Party.

Mike Rumbles (West Aberdeenshire and Kincardine) (LD): Will the member give way?

David McLetchie: No, sorry.

I would like to think that the First Minister misled Parliament on that point inadvertently this morning, but we all know that he has perpetrated that falsehood on a number of occasions, so I am delighted to take this opportunity to set the record straight. I would like to think that the First Minister would come to the Parliament and apologise for misleading it, but I will not hold my breath.

George Lyon: I would be happy to hear Mr McLetchie explain how he links that piece of rhetoric to the Local Electoral Administration and Registration Services (Scotland) Bill. It seemed to have more to do with First Minister's question time than it did with the piece of legislation that is before us.

David McLetchie: It relates to honesty in debate, putting the record straight and ensuring that the record of the Parliament reflects the decisions that we take. As the minister heard me say, I was observing that the Conservatives supported the Executive at stage 1 of this bill and will do so at stage 3, just as we did at stage 1 and stage 3 of the Antisocial Behaviour etc (Scotland) Bill, which we were discussing this morning.

Mr Swinney: I hope that Mr McLetchie will not leave the matter there. He has corrected the parliamentary record, but I hope that he will maintain an insistence that the First Minister gets on his feet at some stage and apologises for misleading Parliament, which is something that his code of conduct prevents him from doing.

David McLetchie: I would like to think that the First Minister will do the honourable thing. I will certainly encourage him to do so.

It is somewhat ironic that we are discussing a bill about the efficient conduct of local elections when next year we will be doing our damndest to ensure that impediments are placed in the way of that efficient conduct by the absurdity of having the elections for the Scottish Parliament and our local councils on the same day, a point to which Maureen Watt quite correctly alluded.

Of course, that assumes that we will have any councils left to elect after Mr McCabe has finished with them. If we are to believe the reports in *The Scotsman* this morning, that might not be the case. I suspect that, like Baldrick, Mr McCabe has a cunning plan on behalf of Labour members to sabotage the single transferable vote by the expedient of abolishing the councils of Scotland.

Introducing a new voting system for local government elections on the same day as the Scottish Parliament elections take place is a sure-fire recipe for confusion.

Now that the Liberal Democrats have fulfilled the aspiration of anoraks throughout the ages, why are they not proudly displaying the holy grail of STV in public by giving council elections in Scotland their day in the sun? Instead, those elections will be hidden in the shadows cast by elections to this Parliament. Are they so ashamed of the measure that it must be introduced surreptitiously and with as little fanfare as possible? More important, it will leave the poor voting public so bemused and confused that they will, I suspect, stay at home in even greater numbers.

If we seek the efficient administration of elections in Scotland, the elections must be held on different days. Indeed, local democracy deserves as much. I hope that we will have an opportunity to correct that matter in future but, in the meantime—as with the Antisocial Behaviour

etc (Scotland) Bill—I have much pleasure in intimating our support for the bill at stage 3.

15:21

Bristow Muldoon (Livingston) (Lab): I find it disappointing that Mr McLetchie spent so much of his time making cheap attacks on the First Minister in his absence. If he had wanted to make such points, he would have been far better following the usual procedure and raising a point of order when the First Minister was present.

In making clear my support for the Local Electoral Administration and Registration Services (Scotland) Bill, I want to thank Martin Verity and the clerks and members of the Local Government and Transport Committee. I thank the clerks in particular for their usual helpful and professional support to members in their consideration of the bill.

I believe that so far the debate reflects the consensus on the bill. Indeed, only a small number of amendments were lodged at stage 3, and only one issue was taken to a vote. However, that does not mean that the measures in the bill are unimportant. First and foremost, the bill goes to the heart of our democracy by updating the legislation governing the administration of local government elections in Scotland. However, as other members have pointed out, it must be seen together with the UK Electoral Administration Bill, which seeks to modernise electoral administration rules for parliamentary elections, including the Scottish Parliament elections.

The Local Electoral Administration and Registration Services (Scotland) Bill also sets out powers to introduce performance standards for returning officers that mirror the Electoral Commission's proposals for the UK bill and provides greater clarity and certainty on access to election documents. I rarely agree with Mr Swinney but, on that latter point, he was right to say that once electronic counting is introduced, we should have no less access to election documents than we have at the moment. Although we must respect the privacy and secrecy of the ballot box, we must ensure that political parties receive information on general voting behaviour similar to that achieved by sampling.

Other provisions in the bill include the introduction of observers at elections, which brings the UK into line with international practice; new electoral offences and the strengthening of existing offences to deter electoral fraud; the introduction of personal identifiers to improve security of absent voting; and the piloting of candidates' photographs on ballot papers. I will leave it to individual candidates to judge whether that will be a factor in their success; however, it is

a worthy way of finding out whether we can make the electoral system even more accessible.

Members have suggested that local government elections should not be held on the same day as Scottish Parliament elections. However, in the stage 1 debate, I cited examples of voters' ability to differentiate between political parties and issues in local and parliamentary elections held in the same area on the same day. Members who believe that the voters of Scotland are unable to do so simply underestimate them.

Ms Watt: Does the member agree that, in elections, council issues are submerged in the national issues that are covered in the media and in the literature that goes out to voters? Because of that, the two elections should be held on separate days.

Bristow Muldoon: I do not agree. Experience shows that council elections have often been used as a means of protesting against whoever happens to be the party of Government, if that party is unpopular. During the 1980s, when the Conservative Government was deeply unpopular in Scotland, the party lost councillor after councillor. That was a protest against the actions of central Government. If local government elections were switched to a different day from parliamentary elections, there would still be the danger of national politics dominating local elections.

At the most recent Scottish elections, there were examples of people voting for one party in the parliamentary elections and for another party in the local authority elections. I can think of a couple of examples in which the results were different.

The bill's provisions on registration services include modernising the registration of births, deaths and marriages—by introducing information technology, for example. People will have greater flexibility to register births and deaths at the registration office most convenient for them. There is also a provision that allows the registration service to inform third parties of deaths directly. That is perhaps the one remaining area of contention, as indicated by Mr McLetchie's amendments earlier today.

There will also be the introduction of a book of Scottish connections. That is a positive measure, which will allow people around the world who have connections with Scotland to register or record births, deaths and marriages in Scotland. That will help people to trace their family or to get in touch with family members they have lost touch with.

The bill usefully modernises electoral administration rules and registration services and it has the broad backing of Parliament. Therefore, I commend the bill to Parliament and urge members to support it at decision time.

15:27

Mike Rumbles (West Aberdeenshire and Kincardine) (LD): As we have heard, the bill aims to modernise the administration of local elections, improve access for everyone and enhance the security of the ballot. Those are good aims. The bill will improve and modernise the whole electoral process. It contains a number of very welcome provisions.

I listened carefully this morning to David McLetchie's arguments in favour of his amendments to part 2 of the bill. I was not a member of the committee that dealt with the bill, but I was unconvinced by his arguments. Registrars being able to inform third parties by electronic mail must be a helpful innovation. That issue was addressed this morning.

I want to turn to some of the comments that were made by the minister, Mr Lyon, and to focus on the recommendations of the Boundary Commission for Scotland. I wrote to Tom McCabe yesterday on this very issue, although he has probably not yet received the letter. As the local MSP, I have been approached by the Birse Community Trust. I must bring to members' attention the declaration in the register of members' interests: I am currently the patron of the Birse Community Trust. The trust is in Aberdeenshire and it represents only 625 people in what is a tremendous area. Representations have been made to the minister by the Finzean community council, the Finzean community association, the Birse and Ballogie community council, the Ballogie community association, the Birse area community association and the Birse Community Trust—those are six public organisations representing 625 people—to review the recommendation of the Boundary Commission for Scotland on this one small area.

Scottish ministers have been to the Birse community on a number of occasions to examine it as an example of community involvement. They have acknowledged the exceptional level of community development and engagement. All six of the public bodies feel that that engagement could be put at risk by decoupling the community from its local focus on the village of Aboyne. I am a resident of the area, but I did not raise the issue until the community itself had raised it with me and asked for my assistance in raising it in Parliament. I therefore take this opportunity to ask whether the minister will consider changing the boundaries so that the community is in ward 15 instead of ward 16. That would solve the problem.

I am afraid that there has been little or no consultation by the Electoral Commission or Aberdeenshire Council on the proposal. As far as I know, the proposal is not supported by anybody in the Birse community. I hope that the minister will

consider the representations that the six bodies that I mentioned have made. As I said, they represent just over 600 people, so their suggestion would not alter the overall levels in wards, given the parameters of other wards. I have taken the opportunity to raise that important local issue. It would be a poor show if we could not bring issues to the attention of the minister when something has gone wrong. I hope that the minister will consider the matter carefully.

To return to the bill, the partnership agreement for the coalition Government contained a commitment to reform of our voting arrangements to make it easier for people to participate in the democratic process. The bill is all about connecting with people. We do not want to do anything that disconnects us from people. For that reason, the Liberal Democrats support the bill.

15:31

Bruce Crawford (Mid Scotland and Fife) (SNP): Bristow Muldoon, in response to my colleague who raised the question whether local government elections should be decoupled from the Scottish Parliament elections, suggested for some reason that we should not do that because the Tories suffered many defeats in local government elections. Perhaps Bristow Muldoon should reflect on the fact that, in the 19 local authority by-elections in Scotland in the past 12 months, there have been nine Scottish National Party victories. In a recent by-election in West Dunbartonshire, the SNP achieved a 20 per cent swing from Labour. The average swing from Labour to the SNP in those by-elections was more than 9 per cent, which would give us the 20 extra seats that we require in the Scottish Parliament elections next year. To follow through Bristow Muldoon's rationale, perhaps he should consider postponing the local government elections.

Bristow Muldoon: The point that I made was not simply about the Conservatives in the 1980s; it was that local authority elections are often dominated by national issues. However, I remind Mr Crawford that, in the most recent by-election in my neck of the woods, in Livingston, the SNP was thrashed resoundingly.

Bruce Crawford: The SNP got the percentage swing that it requires to take power in the Parliament, so I do not worry too much about that.

I will return to the matter at hand. During stage 1 and through amendments at stage 2, I raised the matter of the formatting of the register of electors. The serious point that I was making was about inconsistency in the formatting of the register, not only between electoral registration officers—EROs—but in individual systems. During stage 2, the minister stated:

"The electoral register, and its format and appearance, are reserved matters that we cannot deal with in the Scottish Parliament."

That is a pity, but never mind—that is the situation. The minister continued:

"However, the Scotland Office has advised that, as part of the consultation on the co-ordinated online record of electors ... the UK Government has asked for opinions on the format of the registers".—[*Official Report, Local Government and Transport Committee*, 30 May 2006; c 3788.]

I accept that point and I must obviously accept that the issue is reserved; it might be plain daft, but the situation that we are in is that the Scottish Parliament does not have powers over technical matters that relate to the electoral register. I see that the minister is moving his head in an affirmative manner. I am glad that I have his support on that.

I will provide the minister with some specific examples that he might find useful in dealing with the issue. I have tried to find out about the sort of difficulties that are created. In a recent by-election in Kilmarnock, the ERO spelled the word "Kilmarnock" in three different ways—sometimes with a zero instead of an "o"; and sometimes with the "i" and "r" missing. Members might not think that that is important, but it is when information technology is involved. Computer systems cannot pick up such errors, which can make things difficult for political parties. In South Lanarkshire, the ERO provided the 2006 register using the Scottish Parliament boundaries and then proceeded to send monthly updates using Westminster boundaries. As we might imagine, such inconsistencies can create difficulties for local authorities.

Even missing punctuation marks or punctuation marks that should not be there can cause problems for IT systems. Perhaps most seriously, some EROs have provided data in comma-separated variables format and some have provided it in XML format. All EROs were supposed to provide the files in XML format by 1 December 2005, but they have not managed to achieve that target. On the face of it, those might seem to be small matters, but in terms of oiling the wheels of democracy they are important for political parties.

The matter of personal identifiers has been raised by the minister. I note from the briefing that we have received that the Electoral Commission welcomes, as we do, the provisions to introduce personal identifiers for new absent voters, but we must also pick up on the Electoral Commission's point about personal identifiers for all voters. That is a position that the Scottish National Party supports. Such a provision would bring surety, assurance and confidence to the system.

In that regard, I would like the minister to deal specifically with the amendments that were tabled on Tuesday by the House of Lords to introduce personal identifiers for all as part of the UK Electoral Administration Bill. The UK bill is due to get royal assent at the end of June. If the House of Commons continues to obstruct the aims of the House of Lords, we may find that the Government will need to decide to accept the position of the Lords if it is to achieve its target date. In those circumstances, if the Lords were to prevail and if the bill were to be changed in that way, how would the Scottish Executive deal with the matter here? That is an important issue in the overall process. I do not usually use the House of Lords as an example of good practice, but on this occasion the Lords have got it right.

Presiding Officer, do I have any more time? There are so many things that I would like to say, but I do not know how much time I have left.

The Presiding Officer (Mr George Reid): You have another five minutes if you want, Mr Crawford.

Members: Oh no!

Bruce Crawford: I am sorry, but I will chunter on in that case.

The issue of new ward boundaries has already been raised with the minister. That is an important matter that requires the guarantee that I asked for. I heard what the minister said about hoping to achieve the targets, but he did not tell us what his contingency plan will be if he does not manage to meet them. People will inevitably question whether or not the local authority elections could proceed successfully on that day.

I would like to conclude on the issue of observers at election counts. At stage 2, I lodged an amendment that sought to ensure that any code of practice for observers must contain specific proposals on the degree of access that individuals would have at the counts. I welcomed the minister's response at stage 2, when he said:

"One approach to trying to ensure consistency across the piece is to use the performance standards. We will ensure that guidance on the matter is included in the guide for returning officers that will be produced before the election. That is another mechanism for trying to address the point that Mr Crawford makes. It is a fair point and I am sure that it has support across the committee."—[*Official Report, Local Government and Transport Committee*, 30 May 2006; c 3792.]

To follow on from John Swinney's intervention, I would like the minister to tell us what further assurances he can give that returning officers will in the future provide, to registered political parties and to individuals who stand at elections, data on the number of votes cast in each ballot box and the votes for each political party. I cannot for the

life of me understand why we need to consult further on that. If there is an information technology system that can do it, that will avoid the political parties having to count using five-bar gates on election nights to work out what their share of the vote was in a given ballot box. There is no reason why a returning officer cannot now, at the end of the night, produce that information on paper and save everybody a lot of hassle. That might take some of the enjoyment away for those of us who are anoraks about the process, but it would nevertheless make matters a lot clearer. Importantly, it would allow political parties to know where their vote is, so that they can try to maximise turnout the next time. Maximisation of turnout at elections and ensuring that we are fully engaged in the democratic process are partly what the exercise should be about. That would put some oil on the wheels.

15:40

Patrick Harvie (Glasgow) (Green): I thank the committee members and the clerks for their work on the bill. I am not a member of the committee and I did not experience the pleasure of speaking in the stage 1 debate, so I come late to the debate on the bill. Members might ask, "Why?" Am I just lucky? Am I seized with a sudden and passionate interest in the fine details of electoral administration? Do I perhaps have a desperate urge to declare my desire for a civil partnership at sea? Or is it the case that somewhere in the building there is a Green party colleague who now owes me a favour? I will leave members to speculate on the matter.

The bill is one among several that we have passed since civil partnership came in that make additional changes that will ensure that civil partnership is dealt with on the same basis as marriage. We should take the opportunity to welcome the figures that have been published today on the Executive's website, which show the strong uptake of civil partnership since it became a possibility for same-sex couples in Scotland. Civil partnership and marriage are dealt with equally in law. We should respect the equal value of both to society. I hope that members join me in that sentiment.

On the electoral administration part of the bill, I am sure that I am not the only member who has experienced errors in the local electoral system. An election was held a few months after I had moved home. I had written to confirm my new address and had phoned to check that I was on the electoral register, but I turned up at the ballot station only to find that I had to take two bus rides to the other side of the city to vote in my old polling area. It is welcome that under the bill we will be able to correct such errors nearer elections.

Many people would be surprised that there are not already performance standards, as there seem to be such standards for everything else in life—I was certainly surprised that no such standards existed. However, I hope that electoral registration officers do not find themselves dominated—as so many people are—by the need continually to monitor and assess their work against standards. In some parts of public life that has become almost an obsession to the point of damaging the effectiveness of the work itself. Clearly, we want a decent level of service in all parts of the country. I am sure that that is what we will get.

I listened with interest to the debate on David McLetchie's amendments this morning. As I have come so late to the debate I do not want to express a view on the precise detail, but I was surprised by George Lyon's repeated use during the discussion of the word "customer" in relation to what I think are voters or citizens. It sounds a little strange and, perhaps, almost Orwellian to think of ourselves as customers in relation to the democratic process.

George Lyon: I clarify that I was talking about individuals who contact the registrar to request information to allow them to deal with a death. That part of the bill has nothing to do with the voting process.

Patrick Harvie: I am grateful to George Lyon for intervening, if only to help me use up some of the time in my speech.

My final point is a little more serious. It follows points that George Lyon made about the introduction of the STV system. There has been a bit of banter between the parties in the debate about the merits of STV and the details of the multimember wards. I will make a general point about the multimember wards that will be introduced. I cannot be the only member who has had comment from many people about the impact that they expect STV to have on local government next year. Whether we expect a huge, dramatic and immediate impact at next year's election—there might be a dramatic impact in some parts of the country, but not all—the major change that it will introduce for us all is multimember wards. That will be a new experience for local politicians. The big challenge for us, as active senior members of our political parties, is to ensure that while competition and vigorous debates on the arguments continue, we encourage the party members who have a role in those multimember wards to co-operate with their neighbours in the wards on constituency activities.

The introduction of STV gives us an opportunity to overturn some of the scepticism about local politicians who will compete opportunistically on every issue. We have an opportunity to change that perception of local politics for the better.

I hope that I have not strayed too wildly from the subject of the debate. I know that I have not strayed as far as David McLetchie, so I say to him that I am quite sure that as we pass the bill today, we will not come to regret doing so, as might members of his party when they see another election being dominated by antisocial behaviour and another raft of proposals that are as authoritarian as they are ineffective. At that point, Mr McLetchie might decide to reconsider his support for the Antisocial Behaviour etc (Scotland) Bill that he mentioned in his speech.

15:46

Mr Andrew Arbuckle (Mid Scotland and Fife) (LD): I must admit that I have never really seen Bruce Crawford as an anorak. I have always considered him to be more of a hoodie.

Having endured hours peering over shoulders and arguing over whether voting papers should be counted face up or face down, I am quite prepared to give way to a magic machine that reads faster than the human eye and which should bring accuracy and speed to what has always been a lengthy and labour-intensive process. A couple of months ago, as a member of the Local Government and Transport Committee, I attended a working demonstration of how electronic voting can operate. Having seen that, I firmly believe that I have seen the future of electoral counts.

As everyone here is painfully aware, the next round of elections is little more than 10 months away. Apart from any other consideration, that is why the bill that is before us today is important. It brings into the 21st century issues that surround elections in this country.

Sadly, one issue that has been more prominent than everyone here would like is electoral fraud, particularly through misuse of postal votes. As everyone knows, encouragement for postal votes came from a desire to involve more people in the process. People who were unwilling to go to a polling station, who were away at work or on holiday, and people who just preferred voting by post were added to the voting population by that system. Nowadays, about 10 per cent of the electorate uses postal votes. However, scandals involving postal-vote fraud that have resulted in comments comparing the United Kingdom's election process to that of a banana republic are extremely damaging to our democratic process. I support personal identifiers being used nationally for postal votes. Only if we secure the electoral system with that type of safeguard will people have more confidence in the process.

Something that is missing from the bill—and something that I believe is vital to democracy—is the quality of the registers. Many members will

know that the registers are not as good as they should or could be, despite the introduction of rolling registers. The failings that are related to not keeping up with people because they are more mobile than they used to be are down to resources. The only hope of improving the quality of the registers is by committing more money and manpower. If I had one wish, it would be for a section in the bill to that effect.

Another part of the bill deals with accessibility to polling stations. I have had to help people into polling stations, so I believe that the move towards easier access is not only to be welcomed but has to be given a mighty shove to ensure that their being disabled does not prevent anyone from taking part in the democratic process. At an earlier stage of the bill, Capability Scotland expressed its concerns about that. Its evidence suggested that Scotland lags behind other countries in ensuring that aids such as large-print ballot papers and easy tactile voting are available; we are not up to speed on that.

The breaking down of barriers in registration is welcome, as is the decision to move towards coterminous boundaries of local authorities. I hope that the minister does not change the boundaries before the bill becomes law. I recall having to go through a rather tortuous process in recording the births of my daughters. Any action that would make birth registration more accessible has to be welcomed. Although there are merits in the face-to-face registration system, we must acknowledge the shift in technology and welcome the proposal that will allow online registration, especially if it does not remove local links.

One or two members mentioned the proposed book of Scottish connections. Apart from the Irish and the Jews, few nationalities have travelled as widely or as enthusiastically as the Scots. Although they did not realise it at the time, perhaps the Scots have provided the world with two centuries of fresh talent. I believe that the book of Scottish connections is a good idea and it will be used by many Scots throughout the world who hanker after the homeland. Economic and tourism benefits will arise. I look forward to it.

Local authorities have expressed concerns about loss of income. The paramount feature of the bill is that it will make registration and electoral administration more accessible and user friendly. I welcome it.

15:51

Mr David Davidson (North East Scotland) (Con): As a former member of the Local Government and Transport Committee, I congratulate it on its thoroughness in dealing with the bill. It is no fault of the committee if there are

issues that the bill does not cover or provide for, because that is the responsibility of the ministers.

Although many of the speeches have been light-hearted, everyone has made serious contributions on the potential failings and risks, partly in the systems, of which we all have to be aware. Many members have raised the issues of voter fraud and identifiers. It is vital that we have a fool-proof, squeaky-clean system that is accessible, user-friendly, understandable and inclusive, and that we have fallbacks. I am not sure whether the minister is paying attention, but that is up to him. I am not sure that we have heard enough from the ministers in this short time today to justify their claims that everything will be wonderful on the day. I hope that the minister will come back to the chamber and refresh us with the updates on progress in consultation, for example, for which many have called.

We accept that the bill is a great move forward in many ways. The registration services have to be user-friendly. We have all been through the agonies of registration. I am still not sure that the Executive fully understands the technical points that my colleague David McLetchie made, but I am sure that the ministers will go away and read his words and feel a little more updated in their thinking.

I remember that Maureen Watt was involved with the McIntosh commission, to which I gave evidence, and the Kerley report. I thank her for her nice neat warm-up to the presentation of my bill proposal, to which I will come in a minute.

As David McLetchie said, we have been trying to seek to improve the bill. Even if we agree with the broad principles of it, the purpose of the Parliament is to ensure that we produce good legislation, that all the loopholes are closed and that all the details are managed.

Bristow Muldoon made the classic comment, with which I agree, that elections are at the heart of democracy. He also mentioned the book of Scottish connections, as did other members. I was still on the Local Government and Transport Committee when that proposal was discussed. Of course, the book offers tourism opportunities in addition to those connected to genealogy, our heritage and so on. Such a proposal must be a good thing.

The Presiding Officer: One minute.

Mr Davidson: What Mr Rumbles said about communities that get divided by odd boundaries was right, but it is not only rural communities that get divided in that way. I echo the comments of Bruce Crawford and John Swinney about the need for transparency in each ballot box vote; we want to hear more on the subject.

I return to my proposal for a local government elections (Scotland) bill to separate local government and national elections. In addressing that proposal, Bristow Muldoon said that local government gets clouded with national issues. He failed to understand that, if the elections were to stand alone, the issues involved would be made clear. We are talking about the billions of pounds that are spent by our local councillors; they have to be seen to be accountable.

Bristow Muldoon: Will the member give way?

Mr Davidson: Am I in my last minute, Presiding Officer?

The Presiding Officer: Yes.

Mr Davidson: I am sorry, but I cannot.

Local government has a vital place in our communities and we need to see what happens on the ground. The public deserve that, but the only way in which they will get any guarantee is if members support my bill when the opportunity arises. I look forward to attending the Local Government and Transport Committee next week to help move on the process. That said, if we are to have transparency, the bit that is missing is the separation between elections. When STV and the additional member system are run on the same day, the result is voter confusion—we need think only of Belfast and London. There is enough evidence out there for us to want to do this properly.

15:56

Mr John Swinney (North Tayside) (SNP): It is a pleasure to close for the Scottish National Party in a debate on a bill that we support.

My colleague Maureen Watt referred to her long journey on some of these issues, through her work on the McIntosh commission and the Kerley committee, which examined many of the practical issues for the local electoral arrangements that we will have in 2007. The Parliament is all the better for Maureen Watt having brought into its debates her wisdom on the way in which we can develop and strengthen the work of the local authorities.

During the debate some issues have been resolved, but others remain unresolved. The first of those unresolved issues is the practice of ballot-box sampling, which I raised with the minister earlier. The minister said in reply that there would be no diminution of the information that is made available to political parties and candidates and that there would be further consultation on the issues. I hope that the Government is keeping an open mind on the matter.

E-counting offers the opportunity for the quality of information that political parties have at their

disposal as the result of elections to be significantly enhanced. For example, the proposal to ensure that a tally is published, by the vote for individual candidates, of the contents of each ballot box does not infringe the democratic process in any way. In fact, it would enhance the quality of information that is made available.

Another unresolved issue is the timescale for the conclusion of the ward boundary process. If we are to guarantee that political parties and other individual candidates have adequate time to prepare for the new electoral geography that will come into being in 2007, there is a need for some urgency on the matter. We need to ensure that the electoral arrangements are in place to do that.

I have considerable sympathy with the point that Mike Rumbles made. A relocation in boundary terms can mean that communities find themselves moved from one end of a county to another on the redrawn map—obviously, their physical location changes not at all. I have had experience of that in my constituency; the changes in the areas of Luncarty and Stanley caused enormous concern to local residents.

Maureen Watt agreed with the advantages of split elections; David Davidson and other members also addressed that point. David Davidson's proposal, which I have signed, would ensure that our election campaign took place at a different time from that of our local authority colleagues. Progress needs to be made on the proposal.

Adequate and distinctive opportunities should be given for the issues to do with the Scottish Parliament and those to do with local government to be discussed with the public. I do not doubt that members of the public can come to different decisions; of course an individual can fill in different ballot papers, depending on the election in which they are voting. The question is whether adequate air time is given to the discussion of the issues that are of importance in local authority and national election campaigns.

Part 2 of the bill provides for constructive measures that will modernise registration services. I reiterate my concern about accessibility to registration services and I hope that the Government will take a positive attitude to maximising opportunities for access. Information technology can make registration services accessible to the public in a much broader range of locations and I hope that such opportunities will be included in future arrangements. The book of Scottish connections will be a helpful addition to the notion of joined-up government and could support the development of genealogical tourism, which is significant in many communities, not least the one that I represent.

When I read this morning's edition of *The Herald*, I thought that the Government might rush to lodge an amendment to section 16 that would amend the ceiling on candidates' election expenses. I was shocked to read that the Conservatives spent £91,132.09 to deliver a massive 0.2 per cent increase in their vote in Moray. Was there ever a more spectacular waste of money to secure 0.2 per cent of the vote? At the end of that revealing article, the reporter simply noted:

"The Scottish Conservative Party declined to comment."

The Government missed an opportunity this afternoon to come to the rescue of the Conservative Party. It could have saved the Conservatives from wasting more money for so little gain in election campaigns and enabled the party to offset the calamitous impact on its finances of a campaign that did not prevent the election of the fine member of the Scottish Parliament for Moray, Richard Lochhead.

I support the bill.

16:02

George Lyon: If it costs £91,000 to buy 0.2 per cent of the vote, members should just think what it might cost to achieve a majority in the Parliament at the next election—[*Interruption.*] Answers on a postcard, please.

Bill Aitken (Glasgow) (Con): If Mr Lyon waits for a year, he will be able to calculate the figure, because there will be a Conservative majority in the Parliament.

George Lyon: Bill Aitken needs medical help; he is hallucinating.

I will address more serious issues that were raised in the debate. Mr McLetchie argued that local council elections should be decoupled from Scottish Parliament elections. He claimed that voters stay at home in great numbers when elections are held on the same day. That might be true of supporters of Mr McLetchie's party, but there is no evidence that the situation would change if elections were decoupled. Indeed, the evidence from the first two Scottish Parliament elections is that voters turned out in record numbers and voted in the local government elections. There is evidence that voters can clearly differentiate between elections that take place on the same day. I refute Mr McLetchie's suggestion that participation in local authority elections would increase if elections were decoupled.

Maureen Watt made an interesting point in a similar vein when she said that local elections risk being dominated by national issues. However, national issues clearly dominated the stand-alone English council elections that were held recently.

We would not have had to witness the bizarre sight of David Cameron hugging huskies in the Arctic if local election campaigns had been dominated by issues of relevance to voters in Barnsley, for example.

Mike Rumbles expressed important constituency concerns, which I acknowledge, but it would be inappropriate for me to respond to his concerns in this debate. There is an appropriate way in which to respond and an appropriate time at which ministers will respond to boundary reviews, and I assure Mr Rumbles that his representations will be considered in that process.

Bruce Crawford and John Swinney raised an issue that has dominated the debate: e-counting and ballot-box information. As I said earlier, the view is shared across the Parliament that we must ensure that political parties have access to the appropriate information. The one point that I make in that regard concerns the amount of information that might be available from each area. We must ensure that we get the balance right, as there are some places—for example, small communities—where the release of the full information might compromise the integrity of the vote. Once we produce regulations on that, there must be proper consultation and feedback.

Mr Swinney: Does the minister accept the constructive suggestion that there might be a requirement for a ballot box to be of a minimum size before that level of information could be released? There is a willingness to agree some protocol in that respect, to allow more information to be released that would not compromise the integrity of the ballot.

George Lyon: I am happy to give the assurance that that suggestion will be considered.

As I said in my opening speech, I believe that the bill will enhance the security and improve the efficiency of the administration of elections. It is also about modernising and improving the registration service in Scotland. Scotland's electoral administrators already provide a high-quality service to the electorate and to candidates. The bill will make it easier for them consistently and efficiently to run local government elections that are transparent, accessible and secure. It will also ensure that the procedures for the elections are aligned with those for the Scottish Parliament elections, with which they are combined.

The bill contains the most significant package of improvements to the Scottish registration service for more than 40 years, and it will provide the registration service with the flexibility that it needs to continue to offer a first-class service to its customers. In particular, our genealogy service is the envy of many countries worldwide, which helps to boost genealogy tourism, and the book of Scottish connections will do much to enhance it.

The bill might not have attracted a great deal of attention or interest in its passage through Parliament, yet it is a vital piece of legislation because it introduces a substantial number of measures that will strengthen local democracy and modernise the General Register Office for Scotland to make it fit for the 21st century. I hope that Parliament will pass the bill at decision time.

Motion without Notice

16:08

The Presiding Officer (Mr George Reid): Members will notice that we have finished our business early. I am minded to take a motion without notice to bring forward decision time to now.

Motion moved,

That the Parliament agrees under Rule 11.2.4 of the Standing Orders that Decision Time on Thursday 22 June 2006 be taken at 4.08 pm.—[*Ms Margaret Curran.*]

Motion agreed to.

Decision Time

16:08

The Presiding Officer (Mr George Reid): There is only one question to be put as a result of today's business. The question is, that motion S2M-4368, in the name of George Lyon, on the Local Electoral Administration and Registration Services (Scotland) Bill, be agreed to.

Motion agreed to.

That the Parliament agrees that the Local Electoral Administration and Registration Services (Scotland) Bill be passed.

Royal Victoria Hospital

The Deputy Presiding Officer (Murray Tosh):

The final item of business today is a members' business debate on motion S2M-4530, in the name of Margaret Smith, on the Royal Victoria hospital site.

Motion debated,

That the Parliament welcomes NHS Lothian's decision to relocate the majority of its geriatric in-patient beds to the Western General Hospital in Edinburgh, as part of its Improving Care: Investing in Change programme, where modern facilities are better placed to provide quality care for older people; seeks the best possible provision of care for the elderly services in Lothian; acknowledges the current range of measures being put in place to ease parking and congestion problems for visitors and residents in the vicinity of the Western General; believes that the current site of the Royal Victoria Hospital remains ideally located for the provision of a range of care for the elderly services, including adapted housing, clinics, a care home and day-hospital facilities for the benefit of older people in north-west Edinburgh, and believes that NHS Lothian should consult fully and effectively with Edinburgh residents and key local groups such as Queensferry Churches Care in the Community Project, Pilton Elderly Project and the Almond Mains Initiative to determine their priorities and the perceived needs of older people in the capital and how the Royal Victoria site might be used to meet these needs.

16:10

Margaret Smith (Edinburgh West) (LD): I thank members who have signed the motion. I am sure that my next motion will get even more signatories now that members know that my members' business debates mean that they get an hour off. I also thank members who will take part in the debate and the people from the Queensferry Churches Care in the Community Project and the Almond Mains Initiative who have joined us in the public gallery to hear the debate about the Royal Victoria hospital.

The debate is topical. As a result of the decision to close the Royal Victoria hospital, NHS Lothian is about to consult local MSPs, residents and groups on services for older people with a view to proposing costed options for the site in September. Right now, a variety of services are provided on site, but I make it clear at the outset that the debate is not about preserving what the *Edinburgh Evening News* described on Tuesday as "a crumbling OAP hospital". I do not seek a debate about bricks and mortar, or one that panders to narrow nimbyism; I seek a debate about the best way to provide a range of care of the elderly services in and out of hospital and how to use the Royal Victoria site to do that in the best way possible.

All members who represent Lothian seats are aware of the important issues about care of the elderly services that were raised in Ann Jarvie's

recent report, which followed incidents of serious lack of appropriate care for frail elderly patients at Edinburgh royal infirmary and Liberton hospital. Therefore, in discussing care of the elderly services in Lothian, I acknowledge the work that the health board and staff have done to learn some of the lessons that had to be learned from those incidents and to improve care of the elderly services and I ground the debate in the fundamental desire that we all share for NHS Lothian and its partners in the local authorities to deliver care that respects the dignity of each elderly patient.

The need to consider older people's needs holistically is clear. Although we may say with some justification that the Executive, supported by the Parliament, has delivered many benefits for older people, there remains a need for vigilance and continual improvement in the care that older members of our community receive as in-patients and out-patients, in care homes or in their own homes. There is clearly a great deal to be done, and the demographic situation means that the issue must be addressed.

Most of us would agree with the Kerr report and the general philosophy that, where possible, national health service care for older people should be provided in the community. However, there are times when it is necessary to access services in hospital and, for many years, a range of in-patient and out-patient services, including day hospitals and clinics, has been available at the Royal Victoria hospital.

In 2004, NHS Lothian published "Improving Care, Investing in Change 2004", which contains its plans for the redesign of key services in the Lothians. A number of issues are covered in that document, but one of the most important proposals was the plan to move 200 patients from the in-patient wards at the Royal Victoria. The hospital's age and design meant that it was no longer fit for purpose. I have had a number of critical reports from constituents, many of whom had been greatly inconvenienced by having to travel to other sites, particularly the Western general hospital, while they were in-patients at the Royal Victoria.

The board's decision—which the Minister for Health and Community Care has now ratified—to move 112 assessment and rehabilitation beds and 45 orthopaedic rehab beds to the Western and 40 assessment beds in psychiatry of old age to the Royal Edinburgh hospital was correct. It represents an opportunity to improve the in-patient care for elderly patients. However, it also means a drop in the number of care of the elderly beds that are available, and I trust that the community services and necessary funding that are needed to replace those beds in the community will be

available. I refer not only to community services that allow NHS Lothian to continue its good work on tackling delayed discharge but to the types of service that we must provide to keep people out of hospital in the first place.

Funding needs to be expanded for the excellent community services that are provided not only by community groups such as the Queensferry Churches Care in the Community Project and the Almond Mains Initiative but by general practitioners and local clinics.

Now that the decision has been taken to close the hospital, it is essential that we address the consequences of that decision. My motion seeks to do that. First, we must ensure that there is enough space on the Western general hospital site to accommodate the new services while allowing that hospital to retain its position as a tertiary centre of excellence for a range of other services. Making the best use of space will also involve tackling the continuing parking problems. I am sure that we all applaud NHS Lothian for its innovative scheme to introduce valet parking for cancer patients, but there is a need to build new, possibly tiered parking facilities for the many thousands of patients, visitors and staff who journey to the Western general.

Secondly, and crucially, decisions must be taken about the use of the Royal Victoria site. The minister has signed off NHS Lothian's plans, which include selling off the site, but with the caveat that the board will consider the possibility of retaining some services on site and might make that case to the minister in due course. I argue that the board should make that case. We must achieve a balance. I would strongly resist any attempt by the board to sell off the entire site for housing. The site has a long association with the care of the elderly and we have an ideal opportunity to use the site to take forward such care in an innovative, modern way as part of the older persons strategy in Lothian.

This is not the time to be prescriptive. The board is undertaking work to consider a range of options for the site. However, today's debate gives us an early public opportunity to examine some of those options. NHS Lothian will have to consider the possibilities of the site, local needs and the needs of the health care system, and then decide what services might remain on—or be introduced to—the Craighleith site.

We have been told that the cost of relocating the in-patient beds from the site will be about £10 million. I accept that there will be a need to pay for new, improved in-patient care at the Western general and that the most likely way to raise money for that is from housing receipts, but it is important that the board considers the opportunity costs and considers using the Royal Victoria site

for the provision of health care services such as a day hospital and local clinics. The board has a duty to achieve best value for the site, but I urge it and the minister to make sure that best value is not seen simply in financial terms. If it was, there would be a total sell-off, which would represent a lost opportunity to tackle wider health and social care needs.

It is important to articulate not only the needs of elderly patients, but those of NHS Lothian and the City of Edinburgh Council. There must be a community planning approach that works alongside the need to build capacity in health and social care for older people. That will involve consideration of a broad range of service requirements. The needs and priorities have not yet been articulated clearly.

Clearly, as we are taking away a medical day hospital and a psychiatric day hospital, it is reasonable to think that there will be a need for a day hospital for north-west Edinburgh on site, with access to clinics and therapy. That means, for example, NHS Lothian taking on board the council's affordable housing policy but working within that to deliver affordable housing for NHS staff, or the technological advances in smart housing that have been in operation in West Lothian for many years. Such housing allows older people to live independently in their homes for as long as possible.

There is also a pressing need for care home places in north-west Edinburgh. Having walked the site with officials recently, I can say that there is scope for a 60-bed care home on the site. There is also a possibility that the Napier University building on Crewe Road could be adapted for that purpose. More scoping work is required on that, and there is a real need for on-going work on which parts of the site are most useful for retention in terms of access and so on.

I hope that the board will genuinely listen to local people's views in the coming weeks during its consultation on the matter. I look forward to presenting the case for continued health care services on the site at Craighleith. I have known the site for many years because I used to attend Flora Stevenson primary school, which is just beside it, and I used to walk past the site on my way home. Also, my mother used to work at the Royal Victoria, so my knowledge of the hospital goes back many years, although not quite to the days when it was a tuberculosis hospital.

The Royal Victoria site has a long tradition as a health care site. I hope that the board will listen creatively and sympathetically to those of us who want that tradition to continue. I hope that the board will make changes to the site that help to deliver modern, innovative and effective care for the elderly people of north-west Edinburgh.

16:19

Mr Kenny MacAskill (Lothians) (SNP): I thank Margaret Smith for lodging her motion. The Royal Victoria hospital site is an important issue not simply because of the services that are provided there but because of the site itself. The member was right to say that it is appropriate not to be too prescriptive. It is fair to say that, although we are not dealing with a moving situation, matters have still to be resolved. To an extent, all that we can do is lay down parameters.

The latter part of the motion causes the Scottish National Party no concern and we fully support it. However, we think that much of the first part concerns changes that we wish to see or is perhaps a simple wish list. We hope that parking issues and other arrangements will be resolved; only time will tell whether that works out. Similarly, we require to be assured that the Western general hospital can cope with the changes.

I will make two points at the outset about the Royal Victoria hospital. As Margaret Smith said, it is to an extent an institution in Edinburgh. I do not recollect the time when it was a TB hospital, either, but I have visited relatives who were in-patients at the hospital. Whatever the problems with bricks and mortar—to which Margaret Smith was correct to testify—which mean that the buildings are rather dilapidated and lack fitness for purpose, the hospital has served the community well. The hospital's staff have given great support and sterling service to many elderly people in Edinburgh.

The hospital's location in Edinburgh is helpful for many who go there. It is in an area that has been easy to access by bus, which is important when we are dealing with elderly patients whose spouses want to visit them or whose friends want to maintain contact. Edinburgh royal infirmary was relocated to a site for which transport is a significant problem, but the Royal Victoria site does not suffer that problem, as it is slap-bang in the heart of not only the north, but the west of Edinburgh. It is exceedingly central; that must be maintained.

The Royal Victoria site is extremely sensitive. Great pressures exist for housing in Edinburgh and great pressures are on the health board. It is not rocket science to join the dots and realise that some sites can be viewed as cash assets. However, the site should be used first and foremost for the benefit of patients and not simply as a way to obtain ready cash.

As I said, the situation is developing. Margaret Smith was correct to lay down parameters on where we wish the health board to go. The matter will have to be debated in the city of Edinburgh and its environs and not simply in the pages of the

Edinburgh Evening News. We must make some clear commitments. The first is that the site should be maintained as a hospital site because of the sterling service that has been given, its location and the fact that other options are not necessarily beneficial. However, we accept that some change is required and that the bricks and mortar are unfit. Secondly, the site and its facilities should remain pivotal to the city. Changes that would move away from that would be detrimental to the area.

I pay tribute to Margaret Smith for lodging her motion. The situation will require to be monitored. We must give those in the health board and elsewhere some parameters, but we should remember that the site has served us well in years gone by—patients and staff will testify to that. We must ensure that it will continue to serve Edinburgh and its citizens in years to come.

16:24

Lord James Douglas-Hamilton (Lothians) (Con): I warmly congratulate Margaret Smith on her success in securing the debate on the Royal Victoria hospital site, on her thorough treatment of the subject and on her call for good forward planning. Kenny MacAskill has just made some valid points, too.

In some respects, it is remarkable that the debate is needed, as much of the Royal Victoria hospital was built in the 1980s. For some months, the health board did not have sufficient revenue resources to open the hospital while the Bruntsfield hospital remained in existence, which was a shaky beginning for a centre of excellence that should have had a high-profile opening.

We now learn that, relatively few years after its opening, the hospital is scheduled for closure with plans to move services elsewhere. I accept that priorities in the national health service change very rapidly indeed, but the Royal Victoria hospital building's opening and closure has not exactly been a case study in how to obtain best value for the electorate. With some humility, I suggest that lessons need to be learned from the experience.

For the future, frankly, I have every sympathy for Josie Sawyer of the Almond Mains Initiative. She made a very appropriate point when she said:

"We don't want more luxury housing around here and I think it's more important to retain this site for the care of the elderly. There's a growing number of older people here and we have the highest number in north-west Edinburgh and we don't have nearly as many services as in other areas of the city. What I would like to see is a resource centre for older people which concentrates on preventative work and can provide information to older people about their health."

Similarly, Liz McIntosh, who is general manager of the Queensferry Churches Care in the Community Project, is concerned about the future

of older people's services. Her project concentrates on those who are in danger of becoming isolated in their homes. She is, if I may say so, absolutely right to express concern about what will happen if services are broken up, as it could lead to major problems for older people and their carers.

By the same token, I believe that Margaret Smith is right to bring forward this timely motion today, because the pressing need for care for the elderly is now greater than it was in the 1980s. There is a vital need for care for the elderly provision to ensure that we have a sufficiency of beds in the area.

It is no wonder that sections of the community are extremely uneasy with Lothian NHS Board's decision to close the Royal Victoria hospital and are especially worried about a decline in service for old-age pensioners. Our position is that there must be a sufficiency of all necessary services and a continuity of quality provision for the elderly in north-west Edinburgh. Retaining more care in the community services would be in the spirit of the recent Kerr report and in the public interest.

The Royal Victoria site is ideal for retaining some provision for care for the elderly. We must retain enough spaces so that the elderly are not left waiting for care packages and places. We earnestly hope that such provision for the elderly at the current site will be urgently considered alongside other options, such as a resource and day centre, which would allow the elderly to get out and about and carers to access support and advice, or even a day care hospital.

We are pleased that the health board has given assurances that it will consult widely. It is essential that that happens in the best interests of our elderly who have served their country so well.

16:28

Robin Harper (Lothians) (Green): I, too, congratulate Margaret Smith on securing this evening's debate. In the near future, between a quarter and a third of the country's population will be elderly. I draw members' attention to my entry in the register of interests, as I am treasurer of the cross-party group on older people, age and aging.

I want to make two important points. First, the central point in Margaret Smith's motion is that there is a need for proper consultation with the community and with older people and those who are involved in their care. Secondly—the motion is strengthened by the fact that it is careful to avoid being prescriptive—the motion points out that there are clear advantages, as Lord James Douglas-Hamilton has explained, to keeping at least some services for older people on the Royal Victoria site.

The advantage of having a proper consultation is that we will not end up with the kind of mistakes that were made at the ERI. If we had had consultation, the Women's Royal Voluntary Service might still be serving teas and coffees at the ERI at a quarter of the price that is currently being charged. In addition, huge sums of money would not be extorted from people for parking at the hospital. Proper community consultation on any health service development is absolutely essential.

My other, more general point is a personal gripe. Often public bodies such as the NHS and education departments that for some reason notionally own land—I think that it should be thought of as common land that belongs to the community—are forced to sell it not in the best interests of the community but in their best interests, because that is the only way in which they can find the money to do the things that they would like to do. For example, the Astley Ainslie hospital site in Edinburgh would be ideal for a school, but it is highly unlikely that a school will be built on it. It will probably be sold for housing.

I close by congratulating Margaret Smith and saying that I strongly support the tone and content of her motion. I hope that the NHS and the minister will give very careful consideration to what she has said.

16:30

Sarah Boyack (Edinburgh Central) (Lab): I join colleagues in congratulating Margaret Smith on getting her motion before us this evening. This is not a new debate for anyone in the chamber. Over the past couple of years, we have had several discussions with Lothian NHS Board about the future of this site. It is entirely appropriate that one of our last debates before the summer recess should be on this topic. The debate gives us the chance to air some of the choices and issues that all of us have discussed with Lothian NHS Board over the past couple of years.

It is appropriate that we debate the issue in Parliament because, as local MSPs, Margaret Smith and I are very conscious of the concerns that have been expressed, especially by older people's groups, about the future of the site. Older people are nervous about what will happen to the site, so the reassurance that Lothian NHS Board has given us that it will think about how the site might meet the needs of older people is helpful. Margaret Smith's motion concentrates our minds on what the options might be.

We all know that the hospital was not of the physical quality that older people deserve. In years gone by, issues were raised with me about the quality of equipment and the quality of care that

my constituents received at the hospital. Like Margaret Smith, I welcome the fact that there has been a range of discussions about the future of the site. My concern is that the site should be used in a way that makes the most of this opportunity.

I am conscious that in Edinburgh precious few sites come up for redevelopment. Given the property pressures and the huge range of social needs that exist in the city, every one of those major sites is of huge importance. I suspect that in other communities in Scotland there is not the same range of pressures. That issue comes to the fore when we consider what Lothian NHS Board will do when it sells the site and the pressure on the board to get the maximum capital receipt for it. We must be cautious about that approach, which I have questioned with Lothian NHS Board and the previous health board structures in Edinburgh and the Lothians. The difficulty with going for the maximum amount is that it could mean that some very worthwhile services are ruled out of the equation.

Lothian NHS Board wants to reinvest capital receipts in other services. We have seen and welcome the recent investment that has been made in the Western general hospital and new cancer services. However, we have a chance to pause for thought to think about the maximum opportunities that the Royal Victoria hospital site offers. Margaret Smith has outlined some of those in her motion. I would like to place greater emphasis on the issue of accommodation for older people and linking that to research and future services for that group. Provision of affordable housing is an issue in Edinburgh. It would be a pity if the site went for the maximum receipt and was used for housing at the highest possible cost. That will not serve our constituents as well as an alternative approach might. We should think about how safe, secure accommodation that would give older people maximum independence, but as part of a wider community that would offer them support, possibly with co-location of other older people's services, might be developed on the site.

We may want to consider whether we have a chance to do more. Over the past couple of years, I have talked to Brian Cavanagh about the issue of research for older people. We have a population that is growing older. How do we ensure the maximum quality of life for older people? The opportunity of conducting research alongside the provision of older people's services is something that should be considered by the health board.

How do we maximise the opportunity that is provided by the site? I want to raise the issue of affordable housing generally. From talking to nurses and key members of the NHS team in Edinburgh, I know that they find it incredibly difficult to find affordable housing. We know that

property prices are racing ahead in the city. The Executive has created some opportunities, such as those that are available through the homestake project and shared equity. However, I think that the matter that we are discussing might provide an excellent opportunity for NHS Lothian to look at providing housing for its own staff, which has been mentioned by others this afternoon. That is worth considering as it would deliver not only the maximum capital receipt but also the maximum social and economic benefit for the city. It cannot be good that NHS workers in the Lothians have to travel long distances to get to work in our city-centre hospitals and facilities. It would be much better if people had an alternative choice.

From statistics that I have been given by the City of Edinburgh Council, I know that, under the choice-based letting system, there are on average 50 applications for each unit of affordable housing and that, in popular areas such as the one that I represent, there can be 300 or more applications for some units. There is a huge unmet demand that will not be met by the current funding for affordable housing. We will have a gap of 7,500 houses over the next decade. That demand could not possibly be met by the site that we are discussing, but I think that there is an opportunity for NHS Lothian to engage in the debate and consider whether part of the solution might come through creative thinking about the site.

My main points are about the need to provide some affordable accommodation for NHS Lothian staff and affordable accommodation for older people that is linked to services; and the need to take advantage of the opportunity to expand research into older people's services in order to secure the excellence that we urgently need. As Margaret Smith said, the Jarvie report, which relates to research into the quality of older people's experience of hospitals, needs to be slotted into this discussion as well.

I congratulate Margaret Smith on raising this issue. The debate will need to continue. We need to ensure that NHS Lothian keeps its promise to consult and that our discussion this afternoon can be part of that consultation process and will have some influence on the board.

16:37

Colin Fox (Lothians) (SSP): I congratulate Margaret Smith on securing this debate on the best way in which to provide a range of quality health facilities for elderly people in the Lothians. We would all agree that the provision of those services in the Lothians is an increasingly important matter, given the rise in the population of the city, the greater longevity of the population and the general health challenges that follow from that.

This debate dovetails with the Parliament's ongoing consideration of our services for the care of the elderly. I am sure that all members would agree that one of the most popular achievements of the Parliament remains the introduction of free care for the elderly, regardless of the pressures that that commitment has come under in recent times, which have left it compromised somewhat by waiting lists and charges being made for various aspects of that care by various local authorities. Nonetheless, the support for that commitment demonstrates the strength of feeling behind the idea that there is a need for dignity in retirement and in the health care that is provided for people who have worked their whole lives for this country.

I am struck by a remarkable theme that has been evident in the speeches that we have heard this afternoon. As Lord James Douglas-Hamilton said, when the Royal Victoria hospital was built in the 1980s, the NHS did not have the money to open it at first. Sarah Boyack is right to say that this debate is about choices that must be made about the future use of the site. There is a choice between the needs of the elderly population in the Lothians and, quite frankly, money and profiteering. There is a danger that the latter option might be more attractive to the health board.

Margaret Smith knows that I opposed the closure of the Royal Victoria hospital. To me, the decision was based not on what was in the best interest of patients but on financial concerns. I campaigned with many other people to keep the hospital open on the basis that it was popular—it was clearly a hospital that patients liked. More important, I felt that the closure plans would mark a decline in the quality of service provision to people in the Lothians. It remains to be seen whether the Western general can provide quality care and whether it earns the same reputation.

Margaret Smith: I respect the member's position on the closure of the Royal Victoria hospital, but my views on it are tempered by constituents' comments on its services. I have to say that I received far more complaints about the provision of care and facilities at that hospital than I received about any other hospital. A recent survey by, I think, Dr Foster Intelligence concluded that the elderly were receiving poor care at many hospitals in Scotland, but the Western general came out of the survey very well. I believe that moving services to that hospital will prove to be good for in-patients, as it will allow the link with diagnostics to be made. I have heard horrible stories of older patients having to wait many hours at the Western general for a diagnosis before being taken back to the Royal Victoria hospital.

Colin Fox: I thank Margaret Smith for her intervention. I hope that in due course the Western general's reputation for patient care matches the reputation that the Royal Victoria earned—deservedly, I think—across Edinburgh.

Of course the petition that I supported wanted the Royal Victoria hospital to be upgraded with the right amount of investment. Although no one would be happy to hear the horror stories that Margaret Smith, I and others heard, the question was whether the closure plan would improve services or whether it would be a retrograde step for the city. According to the health board, the closure was nothing to do with money; instead, it argued that the Royal Victoria was simply no longer fit for purpose and that the building was inappropriate for the intended range of services.

As a result, I imagine that all members who received NHS Lothian's briefing will be concerned by its statement that money is indeed an issue and that a significant capital receipt from the sale of the RVH site will be essential to ensure that there is new upgraded accommodation of geriatric services at the Western general and other hospitals. There is an immutable connection between money and care for the elderly and, all too often, one clashes with the other.

I am sure that we all accept the point in the motion that we need "modern facilities" that "provide quality care" for older in-patients and out-patients. After all, for far too long and in far too many parts of the country, care for the elderly has been a Cinderella service. Earlier, Margaret Smith expressed the hope that the health board will genuinely listen to the population in the on-going consultation. I hope so, too; I felt that, in its consultation a year ago on services in the city's general hospitals, the health board did not take on board either the results of the consultation exercise or the public's views and simply did what it was going to do anyway.

I share the view expressed in the motion that this site must retain a connection with the provision of quality care for the elderly, either through day hospitals or through some other facility. I would be loth to see the site developed for housing or to see the health board simply make money by selling it to the private sector. Instead, it should continue to provide quality NHS services and facilities for the care of the elderly. That would be the best way of remembering the Royal Victoria hospital.

16:44

Susan Deacon (Edinburgh East and Musselburgh) (Lab): I, too, congratulate Margaret Smith on securing the debate. Like other members who represent various parts of Edinburgh and the

Lothians, I am familiar not only with many of the concerns that she has expressed about the Royal Victoria hospital site but with the many wider issues that she has raised about the provision of health services in Lothian, particularly with regard to the elderly. In that respect, the debate is very welcome and timely.

As the member who represents the east side of the city, I hope that the member who represents the west side of the city will forgive me for using my remaining time to focus on one or two related and parallel issues in other parts of the NHS Lothian area. I think that my points will be germane to the debate.

The overarching issue in this debate, and many others like it, is how we can embrace change and manage it effectively in a way that goes with the grain of local communities. We have to take the major national and local policy statements on what the national health service should look like—statements that we have heard year on year—and translate the rhetoric and aspiration into practice.

I have listened to Margaret Smith and others and have reflected on the debates that surrounded the closure of the Eastern general some years ago. Many of the concerns that arose then have not come to fruition, I am pleased to say. On the site, we now have a modern 60-bed unit for the elderly—Findlay House—which is a welcome asset to the area. Other developments are also taking place. However, progress has been slow and many lessons can be learned about the way in which the NHS, planning authorities and others handle such projects.

In other parts of my constituency—I am now moving across the city boundary—progress has been even slower. Periodically, I raise my concerns with NHS chiefs and ministers, and I will not miss the opportunity to do so again tonight.

Musselburgh, which is the biggest population centre in East Lothian, is still waiting for the primary care centre and 60-bed unit for the elderly that were supposed to have become operational around four years ago. Not a brick is in place. The NHS has made a huge effort and has continually restated its commitment to the development, but complex land and planning issues are holding up progress. However, that is small comfort to the people who need services or to those who have to provide services in crumbling buildings or in crowded general practices. Anything that can be done to accelerate progress would be enthusiastically welcomed by this MSP and the people who she represents in the Musselburgh area.

I end by highlighting four lessons. First, we have to accelerate the pace of change. It is in nobody's interests for decision-making processes to go on

for as long as they often do, and for uncertainty to hang over facilities, staff, patients and local communities. I am convinced that the decision-making processes could end more quickly than they do at present.

Secondly, we have to ensure that, during those decision-making processes, old facilities are not allowed to fall into disrepair because of uncertainty over their future. I am thinking, for example, of Edenhall hospital in Musselburgh, which, as is widely recognised, provides wonderful care. Because of uncertainty about a move to a new facility, there are concerns over whether the building has been maintained to an appropriate standard.

Thirdly, and as many others have said, we must involve staff and communities effectively in the design of new facilities and the use of old sites.

Last but not least, I echo my colleague Sarah Boyack: we must be creative in our future thinking about what can go into new health centre facilities. I often think that the limitations on what goes into community-based health facilities are not financial or practical limitations but limitations on ambition and aspiration. So much more could and should be provided close to people in their communities. That is especially true for elderly people, but is also true for the general population. I hope that we can all work together to make greater progress in that regard.

16:49

The Deputy Minister for Health and Community Care (Lewis Macdonald): I begin by congratulating Margaret Smith on securing this debate on a matter of such obvious local interest. I also acknowledge the positive contributions that other members have made.

I am aware of the extensive discussions between NHS Lothian and local elected representatives on the board's plans for the Royal Victoria hospital site. I expect that approach to continue. As has been said, the context is set by the Kerr report and our response to it, "Delivering for Health". Our approach of setting a national framework for service change throughout the NHS over the next 20 years has attracted broad support. We expect any proposal for change in the provision of services that NHS boards develop to be in line with the principles that underlie the Kerr report and "Delivering for Health". Those are that services should be delivered as locally as possible and should be as specialised as necessary; that sustainable and safe local services should be delivered; and that, where possible, those with long-term conditions should have their conditions managed at home or in the community.

Our aim is to ensure that health services for older people are delivered in ways that improve the lives of older people throughout Scotland, including the Lothians. As has been mentioned, the proportion of older people in the population will continue to increase in the coming 25 years. The proportion of those who are over 65 will increase to one person in four and the proportion of those who are over 80 will increase to one person in 12. Despite the continuing improvements in health care, older people are more likely to have a long-term illness or a combination of such illnesses; to be admitted to hospital; and to stay there following admission.

Those demographic changes mean that we must change the way in which health services are provided. Compared with the past, we are now better at preventing people from becoming unwell, we can treat them faster and better and we can treat more people in their homes or closer to their homes rather than in hospitals. The document "Improving Care, Investing in Change 2004", which has been mentioned, was the subject of a rigorous consultation process by NHS Lothian. The major service changes that were proposed affected older people's services, acute services and mental health services throughout the area. I have listened with interest to the broad support for the plans to relocate the majority of geriatric in-patient beds from the Royal Victoria site to a modern, fit-for-purpose facility at the Western general hospital, which has the added advantage of reducing the need for patients to travel between sites for diagnostic tests.

It is important that NHS Lothian and other boards should provide the best possible care for elderly people, in accommodation that is fit for purpose, whether in Edinburgh, Musselburgh or elsewhere. NHS Lothian acknowledges the difficulties to which Susan Deacon referred and is doing its best to resolve them as quickly as possible. Since Andy Kerr approved NHS Lothian's proposals, further planning work has been undertaken on the reorganisation and relocation of the various services that are based at the Royal Victoria hospital. Preliminary discussions have been held with a range of interested people, including local elected representatives.

Members will be interested to know that a programme of structured meetings with groups and representatives from a wide range of stakeholders groups is being planned and will take place in the coming two months. Among the groups that will be contacted in the first tranche of consultation are the Pilton Elderly Project and the Almond Mains Initiative, both of which have been mentioned. I have no doubt that the Queensferry Churches Care in the Community Project will also be consulted, along with similar groups. When their views have been canvassed, more detailed

site and service planning will be undertaken and a business case will be prepared for consideration by the board early next year.

It is acknowledged that the hospital is no longer fit for its current purpose and is inappropriate for the range of services that are required for the care of the elderly in the 21st century. It has been said, correctly, that the board intends to use the capital receipts that it acquires from the outcome of its determinations to invest in patient services throughout Lothian. The board has given an assurance that, when the planning work to identify possible options begins, consideration will be given to the future provision of services for older people. Margaret Smith and other members have mentioned some of the options that have been considered, which include the development of a care home, jointly with the City of Edinburgh Council; an older people's resource centre to integrate social day care and day hospital provision; and a housing with care project for older people, perhaps provided by a voluntary organisation or a housing association with expertise in the matter. A further option is the development of affordable housing for key workers such as essential NHS staff.

The board is clearly considering a range of options. Mention has also been made of the measures relating to car parking at and travel to the Western general, which will be helpful. I hope that members will agree that the board's continuing engagement with them and with others in the community will allow proper consideration to be given to all those options, so that the board can make a decision about the proposals that it wishes to develop to provide a solid basis for meeting long-term elderly care needs in this part of Scotland.

Meeting closed at 16:55.

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